



Ordinary Meeting of Council

AGENDA

25 January 2017

Commencing at 5.30pm

**Council Chambers
10 Majara Street, Bungendore**

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

4.00pm – DA 2016/163 – 55-59 Ellendon Street Bungendore

4.30pm – Review of Childcare Centre – 35 Trucking Yard Lane (Cnr Trucking Yard Lane and McKay Street)

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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 14 December 2016

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

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Nil

13 COUNCILLORS' QUESTIONS FOR NEXT MEETING

Nil

**14 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED
SESSION 199**

15 REPORTS FOR CLOSED SESSION

Nil

LIST OF ATTACHMENTS –

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

Open Attachments

- Item 8.1 Development Application 2016.163 - Relocation of Carpark and
Reception Building, Erection of Gazebo, Covered Walkways and
Underground Storage Tanks - 55-59 Ellendon St, Bungendore

*Attachment 1 Section 79C(1) Table DA.2016.163 - 55-59
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*Attachment 2 Council Meeting - 25 January 2017 - DA.2016.163
- Plans (Under Separate Cover)*

*Attachment 3 Council Meeting - 25 January 2017 - DA.2016.163
- Submissions - Redacted (Under Separate Cover)*

*Attachment 4 Council Meeting - 25 January 2017 - DA.2016.163
- Draft Conditions (Under Separate Cover)*

- Item 8.2 Development Application 90-2016 - Small Lot Housing and Subdivision - Googong
- Attachment 1 25 January 2017 - DA 90-2016 - Lot 63 DP
1208211 Helen Circuit - Small Lot Housing
Proposal - Section 79C Table (Under Separate
Cover)*
- Attachment 2 25 January 2017 - DA 90-2016 - Small Lot Housing
- Plans Provided in Hardcopy (Under Separate
Cover)*
- Item 8.3 Development Application 330-2016 - 29 Gilmore Place, Queanbeyan - Dual Occupancy
- Attachment 1 Council Meeting - 25 January - DA 330-2016 - 29
Gilmore Place - 79C(1) Matters of Consideration
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- Attachment 2 Council Meeting - 25 January 2017 - DA 330-2016
- 29 Gilmore Place - Plans (Under Separate
Cover)*
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- 29 Gilmore Place - Submission (Under Separate
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- Attachment 4 Council Meeting - 25 January 2017 - DA 330-2016
- 29 Gilmore Place - Draft Conditions (Under
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- Item 8.4 Review of Determination - 35 Trucking Yard Lane Bungendore - Childcare Centre - REV2016.003
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- Attachment 2 25 January 2017 - REV 2016-003 - 35 Trucking
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- Item 8.6 Proposed Alterations to Road and Laneway Specifications - Googong Township
- Attachment 1 Draft Development Design Specification D1 -
Geometric Road Design - Googong - Version 2
(Under Separate Cover)*

Item 8.7 Planning Proposals Relating to Bungendore and its Immediate Surrounds and the Review of the Structure Plan

Attachment 1 Attachment 1 Planning Proposal - Majara Street - December 2016 Revision (Under Separate Cover)

Attachment 2 Attachment 2 Draft and current Planning Proposals (Under Separate Cover)

Attachment 3 Attachment 3 South Bungendore Landuses (Under Separate Cover)

Item 8.13 Acquisition of Land Brooks Creek Road

Attachment 1 Location of Lot 8 DP245149 - Extension of Brooks Road, Bywong. (Under Separate Cover)

Item 8.15 Investment Report - December 2016

Attachment 1 Investment Report - December 2016 - Attachment 1 - 25 January 2017 (Under Separate Cover)

Item 8.19 Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy

Attachment 1 Attachment 1: QPRC Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy (Under Separate Cover)

Item 8.20 Development of a Stronger Councils Framework for QPRC

Attachment 1 Attachment 1 QPRC Stronger Councils Framework (Under Separate Cover)

Item 8.23 Planning and Strategy Committee of the Whole

Attachment 1 Submission from Queanbeyan Residents and Ratepayers re Planning and Strategy Committee (Under Separate Cover)

Attachment 2 Planning and Strategy Committee Meeting - Terms of Reference (Under Separate Cover)

Item 8.25 QPRC Asset and Financial Sustainability Review and Financial Strategy

Attachment 1 Revised Financial Strategy and Policy (Under Separate Cover)

Attachment 2 Palerang - Existing Policy (Under Separate Cover)

Attachment 3 Queanbeyan - Existing Policy (Under Separate Cover)

Attachment 4 Pre and Post Merger: Responsible Scenario (Under Separate Cover)

Attachment 5 Fit for Future Benchmarks (Under Separate Cover)

Attachment 6 GHD Asset Summary - Palerang (Under Separate Cover)

Attachment 7 GHD Asset Summary - Queanbeyan (Under Separate Cover)

Attachment 8 Services Review (Under Separate Cover)

Attachment 9 Service Delivery Models (Under Separate Cover)

Attachment 10 Sample Asset Levels (Under Separate Cover)

Item 8.26 Queanbeyan CBD Transformation Strategy

Attachment 1 Transformation Framework (Under Separate Cover)

Attachment 2 Success Factors (Under Separate Cover)

Attachment 3 Transformation Plans and Engagement (Under Separate Cover)

Attachment 4 Draft CBD Transformation Strategy (Under Separate Cover)

Item 8.27 Statutory Disclosures - Former Queanbeyan and Palerang Councils

Attachment 1 Statutory Reporting Requirements - Queanbeyan (Under Separate Cover)

Attachment 2 Statutory Reporting Requirements - Palerang (Under Separate Cover)

Item 8.30 Transition Organisation Structure

Attachment 1 Interim Executive Structure (Under Separate Cover)

Attachment 2 Service Review Schematic (Under Separate Cover)

Attachment 3 Service and Program Framework (Under Separate Cover)

Attachment 4 Service Delivery Models (Under Separate Cover)

Attachment 5 Strategic Directions - Pillars (Under Separate Cover)

Attachment 6 Accountability Hierarchy (Under Separate Cover)

Attachment 7 Draft Transition Organisation Structure (Under Separate Cover)

Attachment 8 Workplace Committees Structure (Under Separate Cover)

Closed Attachments

Item 8.8 Special Heritage Fund

Attachment 1 Special Heritage Fund Offers 2016/17 (Under Separate Cover)

Item 8.9 Vacant Community Representatives - Palerang Heritage Advisory Committee

Attachment 1 Application - John Stahel (Under Separate Cover)

Attachment 2 Application - Cherylyn Raper (Under Separate Cover)

Item 8.11 Contract 08/17 - Selective Clearing of Trees and Destruction of Termite Mounds for Ellerton Drive Extension

Attachment 1 Tender Evaluation Report - Contract 08-2017 - Selective Clearing of Trees and Destruction of Termite Mounds for Ellerton Drive Extension (Under Separate Cover)

Item 8.16 Human Resources & Payroll and Revenue & Regulatory Applications

Attachment 1 TechnologyOne OneCouncil Uplift Proposal (Under Separate Cover)

Item 8.17 03/2017 Enterprise Asset Management System - Supply, Implementation and Support Services

Attachment 1 QPRC Asset RFT_Prefered Vendor Review (Under Separate Cover)

Attachment 2 QPRC Asset RFT Preferred Vendor Post Referee Checks (Under Separate Cover)

Attachment 3 EAM RFT Final Probity Report Queanbeyan Dec 23 2016 (Under Separate Cover)

Item 8.18 Queanbeyan Indoor Sports Centre - Extension Project - Community Development Grants Programme

Attachment 1 QISC - 5 court - Financial Model - 5 year Forecast (Under Separate Cover)

Attachment 2 NSRF Application - Queanbeyan City Council - QISC Extension (Under Separate Cover)

Item 8.29 Tenders for the Supply and Delivery of Road Base

Attachment 1 Attachment 1 for Gravel tender - confidential (Under Separate Cover)

Attachment 2 Attachment 2 for Gravel tender - confidential (Under Separate Cover)

Item 8.30 Transition Organisation Structure

Attachment 9 Recruitment Proposal (Under Separate Cover)



MINUTES OF THE ORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held at the Council Chambers, 253 Crawford St, Queanbeyan on Wednesday, 14 December 2016 commencing at 5.30pm.

ATTENDANCE

Administrator: T. Overall (Chair)

Staff: P Tegart, Interim General Manager; P Bascomb, Interim Deputy General Manager; M Thompson, Acting Director Environment, Planning and Development; G Cunningham, Acting Director of Works and Utilities; P Hansen, Acting Director Assets and Projects; P Spyve, Acting Director Economic and Community; S-J Abigail, Acting Executive Manager Finance and S Taylor, Acting Executive Manager Systems.

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

1. APOLOGIES

No apologies received.

2. DISCLOSURES OF INTERESTS

304/16

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.

Nil

3. CONFIRMATION OF MINUTES

3.1 Minutes of the Ordinary Meeting of Council held on 23 November 2016

305/16

RESOLVED (Overall)

The Administrator resolved that the Minutes of the Ordinary Meeting of Council held in the Bungendore Council Chambers on Wednesday 23 November 2016 be confirmed.

306/16

RESOLVED (Overall)

The Administrator resolved to suspend standing orders to bring forward consideration of Item S.1 – Annual Financial Statements – Former Queanbeyan City Council – 1 July 2015 to 12 May 2016.

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

307/16

RESOLVED (Overall)

The Administrator resolved that all presenters be heard.

Craig Harris - Item 8.1 - DA 167-2016 – Subdivision creating 120 Residential Lots, Residue Lot, Public Roads and Earthworks – 36 Googong Road, Googong, Item 8.2 – Amendment to the Googong Development Control Plan – Neighbourhood Structure Plan for Neighbourhood 2, Item 8.5 – Googong Water Recycling Plant – Stage C Extension – Determination of Environmental Impact Statement

Katrina Willis - Item 3.1 - Minutes of the Ordinary Meeting of Council held on 23 November 2016. The Administrator advised Katrina Willis her address was out of order as the minutes had been confirmed.

Les Manning - Item 3.1 - Minutes of the Ordinary Meeting of Council held on 23 November 2016. The Administrator advised Les Manning his address was out of order as the minutes had been confirmed.

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

4.1 Presentation of Infrastructure Sustainability Certificate

Tim Geyer presented Council with an Infrastructure Sustainability Council of Australia (ISCA) Award of Excellence for the Queen Elizabeth II Park Project.

4.2 Presentation of former Queanbeyan City Council Financial Statement

Auditor Mr Gary Mottau from Hill Rogers made a presentation of the former Queanbeyan City Council Financial Statement.

S.1 Annual Financial Statements - Former Queanbeyan City Council - 1st July 2015 to 12th May 2016

308/16

RESOLVED (Overall)

The Administrator resolved that Council:

1. Adopt the 2015/2016 Financial Statements of the former Queanbeyan City Council and accept the Auditor's Reports, as submitted by Hill Rogers.
2. Note that the Internal Audit Committee have received a copy of the Financial Statement with no adjustments being advised.

5. MAYORAL MINUTES

Nil

6. NOTICES OF MOTIONS OF RESCISSION

Nil

7. NOTICES OF MOTIONS

Nil

8. DETERMINATION REPORTS**8.1 Development Application 167-2016 For Subdivision Creating 120 Residential Lots, Residue Lot, Public Roads and Earthworks – 36 Googong Road, Googong**

309/16

RESOLVED (Overall)

The Administrator resolved:

1. That approval be granted to the following variations to the Googong DCP for reasons detailed in this report and the attached Section 79C Matters for Consideration:
 - a) The non-compliance with the requirements of Part 3 – The Master Plan of the Googong DCP in relation to the street trees by allowing street trees for the half length of the Hearne Street to be 100% exotic instead of 50% exotic and 50% native.
 - b) The non-compliance with the requirements of Part 5 – Design Guidelines and Controls for Public Domain of the Googong DCP in relation to the carriageway width (less than 8m requirement) for local street Type 3.
 - c) The non-compliance with the requirements of Part 5 – Design Guidelines and Controls for Public Domain of the Googong DCP in relation to the verge width (less than 2m requirement) for laneway.
 - d) The non-compliance with the requirements of Part 8 – Environmental Management of the Googong DCP in relation to the maximum cut and fill within Googong Common which exceeds 1.5m requirements.
2. That determination of Integrated Development Application 167-2016 for subdivision of land and associated works to create 120 residential lots on Lot 101 DP 616217, Lot 5 DP 1217396 and Lot 1367 DP 1217419 No. 36 and 44 Googong Road, Googong, be delegated to the General Manager when the NSW Department of Planning has advised that the applicant has made adequate arrangements for the provision of State infrastructure.
3. That the Department of Primary Industries (Water) and Office of Environment and Heritage be forwarded a copy of Council's Notice of Determination when it has been issued.

**8.2 Amendment to Googong Development Control Plan -
Neighbourhood Structure Plans for Neighbourhood 2**

310/16

RESOLVED (Overall)

The Administrator resolved that Council adopt pursuant to the Environmental Planning and Assessment Act 1979 and Regulations 2000 the draft amendments to the Googong Development Control Plan.

8.3 North Tralee Planning Proposal

311/16

RESOLVED (Overall)

The Administrator resolved that Council endorse the amended Planning Proposal and that all necessary steps be taken to progress and finalise the Planning Proposal for the rezoning of the land at North Tralee.

8.4 Planning Proposal to Reclassify Certain Council Land from Community to Operational Status and Amendments to Existing Plans of Management to Include Newly Identified Community Land.

312/16

RESOLVED (Overall)

The Administrator resolved that Council -

1. Note the actions taken to date.
2. Finalise the planning proposal to reclassify the following Council owned land from 'community' to 'operational' status under the Local Government Act 1993.
 - Site 1 - 4 Gregg Place Crestwood (Lot 64 DP 1150423).
 - Site 2 - 17 Dunn Street Queanbeyan West (Lot 52 DP 262335).
 - Site 3 - 2 Faunce Street Queanbeyan East (Lot 24 DP 241159).
 - Site 4 - 500 Trigg Lane Carwoola (Lot 6 DP 270584).
 - Site 5 - 6655 Kings Highway Carwoola (Lot 7 DP 270584).
3. Adopt the following amended plans of management:
 - a. Plan of Management – Sportsgrounds - Amendment No.4.
 - b. Plan of Management – Parks – Amendment No. 5.
 - c. Plan of Management – General Community Use – Amendment No. 2.
 - d. Plan of Management – Ray Morton Park (including Queanbeyan Arts Society) – Amendment No. 3.
 - e. Plan of Management – Natural Areas – Addendum 1.
 - f. Plan of Management – Mount Jerrabomberra – Addendum 1, including;
 - 83 Jerrabomberra Hill Road, Jerrabomberra
 - 260 Jerrabomberra Hill Road, Jerrabomberra
 - 270 Jerrabomberra Hill Road, Jerrabomberra
4. Give public notice regarding the adoption of the amended plans of management in the local newspaper and place the amended documents on Council's website.

8.5 Googong Water Recycling Plant - Stage C Extension - Determination of Environmental Impact Statement

313/16

RESOLVED (Overall)

The Administrator resolved that Council grant approval to the Googong Integrated Water Cycle Project – Stage C WRP Lot 4 DP 1179941 and Lot 4 DP 1217396 subject to:

1. The management measures contained in the Statement of Commitments numbered SOC01 to SOC48 in the Environmental Impact Statement prepared by RPS Manidis Roberts Pty Ltd dated October 2016 being applied as conditions (as amended in the conclusion to this report); and
2. The imposition of the additional conditions numbered Add01 to Add09 as detailed in the conclusion to this report.

8.6 Proposed Road Names

314/16

RESOLVED (Overall)

The Administrator resolved that Council:

1. Adopt in principle the names detailed below as the proposed names:
 - a. 'Brittle Gum Road' for the Right of Carriageway accessed from Griffins Road approximately 1.9km from the intersection with Wyanbene Road.
 - b. 'Haughton Road' for the unnamed Council road/ Right of Carriageway approximately 4.4km south-west from the intersection with Charley's Forest Road.
 - c. 'Ribbon Gum Road' for the portion of unnamed Crown Road accessed from Kain Cross Road approximately 5km from the intersection with Hereford Hall Road.
 - d. 'Champion Lane' for the laneway running between Rutledge Street and Kings Highway east of Butmaroo Street.
 - e. 'Blue Bush Road' for the Right of Carriageway accessed from Wyanbene Road approximately 1.6km south-east from Wallaby Hill Road.
 - f. 'Webbs Fire Trail' for Right of Carriageway accessed from Charley's Forest Road approximately 4.4km South of the intersection with Killarney Road.
 - g. 'Tall Timbers Road' for the unnamed Right of Carriageway off Nerriga Road approximately 6.9km South West from the intersection with Charley's Forest Road.
2. Advertise the names for public comment in accordance with Section 162 of the Roads Act 1993.
3. Publish a notice in the NSW Government Gazette if no objections are received.

8.7 QPRC Investment Report - November 2016

315/16

RESOLVED (Overall)

The Administrator resolved that Council:

1. Note the investment income for November 2016 is \$335,981 bringing the total interest earned on Cash and Cash Equivalent Investments for the 2016/17 Financial Year to \$2,302,822 which is \$520,704 above the 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 November 2016.

8.8 Application for the QPRC Cultural Arts Assistance Scheme - Queanbeyan Pipes & Drums

316/16

RESOLVED (Overall)

The Administrator resolved that Council approve the allocation of a grant of \$1,473.40 from the Cultural Arts Assistance Scheme to the Queanbeyan Pipes & Drums Inc. to assist in the presentation of the annual 'Queanbeyan Ceilidh' event in March 2017.

8.9 Royalla Common s.355 Committee minutes 28 September 2016

317/16

RESOLVED (Overall)

The Administrator resolved that Council note the confirmed minutes of the Royalla Common s.355 Committee's meeting held on 28 September 2016.

8.10 Braidwood Showground Reserve Trust s.355 Committee minutes

318/16

RESOLVED (Overall)

The Administrator resolved that the minutes of the Committee Meeting of the Braidwood Showground Reserve Trust s.355 Committee, held on 27 September 2016, be noted.

8.11 Report on Audit, Risk and Improvement Committee

319/16

RESOLVED (Overall)

The Administrator resolved that Council:

1. note the outcomes of the 8 November 2016 meeting of the Audit, Risk and Improvement Committee
2. approve the Audit, Risk and Improvement Committee and Internal Audit Charters
3. note the 2016-17 Audit, Risk and Improvement Committee meeting plan
4. note the 2016-17 Internal Audit Program

8.12 Services Review

320/16

RESOLVED (Overall)

The Administrator resolved that Council note the services review report and endorse the Services Framework.

9. INFORMATION REPORTS**9.1 Waste and Resource Management Facility - Gilmore Road/Bowen Place - Additional Information Received -**

321/16

RESOLVED (Overall)

The Administrator resolved that the report be received for information.

9.2 Outcome of Appeal to the Land and Environment Court - Spacelab vs QPRC - 2 High Street

322/16

RESOLVED (Overall)

The Administrator resolved that the report be received for information.

10. COMMITTEE REPORTS**10.1 Queanbeyan-Palerang Regional Sports Council - 7 November 2016**

323/16

RESOLVED (Overall)

The Administrator resolved that the Report of the Queanbeyan-Palerang Regional Sports Council held on 7 November 2016 be noted.

10.2 Report of the Queanbeyan Heritage Advisory Committee – 21 November 2016

324/16

RESOLVED (Overall)

The Administrator resolved that Council:

1. Note the minutes of Queanbeyan Heritage Committee held on 21 November 2016.
2. Adopt recommendations HAC 010/17 to HAC 012/17 from the meeting held on 21 November 2016.

HAC 010/17 That the Report of the meeting of the Committee held on 17 October be confirmed.

HAC 011/17 That the Committee supports the development application subject to the inclusion of the following conditions:

1. Redesigning the roof of the existing carport so that it has a pitched roof consistent with the existing dwelling.
2. Relocating the existing carport further forward than it currently is.
3. Reducing the extent of the new concrete paving forward of Unit 1 and at the rear of the existing car ports.

HAC 012/17 Adopt the recommendations for the Local Heritage Places Grants (attached).

10.3 The Q Board Meeting - 28 November 2016

325/16

RESOLVED (Overall)

The Administrator resolved that Council:

1. Note the minutes of The Q Board held on 28 November 2016.
2. Adopt recommendations TQB18/16 o TQB26/16 from the meeting held on 28 November 2016.

TQB 18/16 That the Board Resolution Outcome Report be noted.

TQB 19/16 The Board recommend that the Chairperson's report be noted.

TQB 20/16 That the Internal Production Review be accepted.

TQB 21/16 That staff investigate further into the opportunity to bring more coach tours to the Q from Cooma.

TQB 22/16 That the External Production Review be noted.

TQB 23/16 That staff investigate potential opportunities associated with the Canberra Comedy Festival.

TQB 24/16 The Board noted the Publicist Report and Marketing Report. The Board recommended that a title be added to the publicist report to highlight that the figures shown are of 'in-kind value'.

TQB25/16 That the reports be noted and that a condition of hire be added for external hirers stipulating the use of a Council approved sound and lighting technician or provider.

TQB26/16 That a correspondence be sent to regular external hirers, such as Queanbeyan Players, notifying them of the new condition of hire.

S.2 Local Traffic Committee - 6 December 2016

326/16

RESOLVED (Overall)

The Administrator resolved that Council:

1. Note the minutes of Local Traffic Committee Meeting held on 6 December 2016
2. Adopt recommendations 030/16 to 036/16 from the meeting held on 6 December 2016.

- LTC 030/16 Under the Roads Act 1993, approve the closure of 8 car parking spaces outside the church in Rutledge Street and one additional park in Crawford St for the Queanbeyan Uniting Church Spring Fair on Saturday 22 October between 5.45am and 2pm
- LTC 031/16 Under the Roads Act 1993, from the results of community consultation implement signage and line marking on Carinya Street as per the design
- LTC 032/16 Under the Roads Transport Act 2013 relocate the 'No Stopping' sign on Donald Road to the south of the second driveway of 2 Donald Road.
- LTC 033/16 Under the Road Transport Act 2013 install on Thorpe Avenue, as per design, 'Kiss and Ride' signs at the existing 'No Parking' signs, paint the kerb blue to indicate the 'Kiss and Ride' area and install a 'No Stopping' sign on Isabella Street to close the existing 'No Stopping' Zone.
- LTC 034/16 Under the Road Transport Act 2013 on Macquoid Street, as per design, install 'No Parking' signs together with 'Kiss and Ride Area' signs, paint the kerb blue to indicate the 'Kiss and Ride' area and install 'No Stopping' signs on Macquoid and Molonglo Street
- LTC 035/16 Under the Road Transport Act 2013 approve the intersection upgrade for Atkinson St and Macquoid Street as per design
- LTC 036/16 Under the Road Transport Act 2013 implement the new pedestrian refuges and associated works as per the design plans noting additional lighting to be provided on Bicentennial Drive at the location of the proposed refuge

11. DELEGATES' REPORTS

Nil

12. RESPONSES TO COUNCILLORS' QUESTIONS

Nil

13. COUNCILLORS' QUESTIONS FOR NEXT MEETING

Nil

14. 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.

327/16

RESOLVED (Overall)

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 Quarterly Legal Update Report

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.

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

The meeting returned to Open Sessions by virtue of Resolution No. 329/2016 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.

15.1 Quarterly Legal Update Report

The Administrator resolved that the Quarterly legal update report be received and noted

At this stage in the proceedings, the time being 6.46pm 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 2016.163 - Relocation of Carpark and Reception Building, Erection of Gazebo, Covered Walkways and Underground Storage Tanks - 55-59 Ellendon St, Bungendore (Ref: C175034; Author: Thompson/Thompson)

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

This application has been referred to Council because more than six submissions were received.

Proposal:	Relocation of carpark and reception building, erection of gazebo, covered walkways and underground storage tanks.
Applicant/Owner:	Richard Graham
Subject Property:	Lots 5-10, Section 24 DP758183, 55-59 Ellendon St, Bungendore
Zoning and Permissibility:	R1 General Residential Zone and B2 Local Centre Zone under Palerang Local Environmental Plan 2014
Public Submissions:	Seven, with four of the submitters resubmitting after the second notification period
Issues Discussed:	Planning Requirements Permissibility Amenity of the neighbourhood
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

Recommendation

- 1. That development application DA.2016.163 for relocation of carpark and reception building, erection of gazebo, covered walkways and underground storage tanks on lots 5-10, Section 24 DP758183, 55-59 Ellendon St, Bungendore be granted conditional approval.**
 - 2. That those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.**
-

Background***History of the Site***

In 1983 the Carrington building received consent to operate as a restaurant (114/1983). In 1985 consent was granted for ten accommodation suites and a reception area (202/1985). This development consent also required thirty carparks on-site to accommodate the traffic generated from the accommodation.

**8.1 Development Application 2016.163 - Relocation of Carpark and Reception Building, Erection of Gazebo, Covered Walkways and Underground Storage Tanks - 55-59 Ellendon St, Bungendore (Ref: C175034; Author: Thompson/Thompson)
(Continued)**

Further consent for the site was granted in 1988 (84/1988) which added 16 additional accommodation suites, an upgrade of the carpark and refurbishment of a cottage as the new reception area. A total of 57 carparks on-site (for both visitor and staff) were required as conditions of this consent.

In 1997 consent was granted for the addition of a conference room (176/1997). There was no requirement for additional parking as part of the conditions of consent for this development.

In 2012 an application was lodged with Council over 55, 57 and 59 Ellendon Street to change their use from residential to commercial, as the owner of the Carrington had purchased these properties and wanted to include them in the grounds of the Carrington Inn Motel (DA.2012.236). At the time of lodgement of the application, the proposal was permissible under the Yarrowlumla Local Environment Plan 2002, but was not under the draft Palerang Local Environment Plan. Due to the non-compliance with the draft instrument, the application was presented to Council for determination. The application was approved, subject to conditions of consent. Subsequent to this, the Council resolved to include motel accommodation as a permissible use within the R2 zone.

A modification application was lodged in 2016 (MOD.2016.004), which requested that one of the conditions of consent for the change of use application be amended. This related to condition 6 of the development consent which required the consolidation of all the lots associated with the Carrington complex into one single allotment, to recognise that the commercial approval applied to all the lots of land. The modification requested that the allotment that the Carrington building stood on, not be included in the requirement to consolidate all lots. This was on the basis that the building did not encroach on any of the boundaries and as the other parcels of land had approved commercial uses, it would not affect the change of use application.

This modification was approved in April 2016. The consolidation of lots to recognise the commercial use over all the land (55, 57, 59 Ellendon Street Bungendore) as approved under MOD.2016.004 has been registered through the Land Titles Office. It is therefore considered that the use of the properties for commercial purposes (ie part of the Carrington complex grounds) has been established through the consent issued in 2012. To ensure that the consolidation is completed a condition is recommended.

Proposed Development

The development application is for:

- the relocation of the reception building to a cottage towards the southern end of the development.
- the relocation of the carpark and construction of a gazebo and covered walkways.
- installation of four underground water tanks.

The site will continue to gain access from Ellendon Street where there are existing driveways, with some work required within the road reserve. Whilst the application also has details relating to signage, internal pathways and lighting, and a feature low brick wall, all of these components meet the requirements of Exempt Development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*

8.1 Development Application 2016.163 - Relocation of Carpark and Reception Building, Erection of Gazebo, Covered Walkways and Underground Storage Tanks - 55-59 Ellendon St, Bungendore (Ref: C175034; Author: Thompson/Thompson)
(Continued)

Subject Property

The subject land has an area of 1.24ha and is located on Lots 5-10, Section 24 DP758183, being 55-59 Ellendon St, Bungendore. At the time of writing this report, a consolidation plan of all these lots is currently with the Land Titles Office awaiting the issuing of a new Lot and DP. The land has a frontage to Ellendon Street of approximately 122 metres. The site contains a slight slope from south to north, with the lowest point being in the norther western corner. The site includes 26 accommodation units, and a reception area, which is to be relocated as part of this application. The surrounding properties have predominantly a low density residential use.

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* (Attachment 1). The following planning instruments have been considered in the planning assessment of the subject development application:

- Palerang Local Environmental Plan 2014 (PLEP).
- Palerang Development Control Plan 2015 (PDCP)

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

- Potential amenity impacts on adjoining residential properties, namely visual impacts, noise, and light spill from the carpark
- Non-compliance with the Palerang DCP2015

(a) Compliance with LEP

The development application complies with the Palerang Local Environmental Plan 2014. For an assessment of the Palerang Local Environmental Plan 2014 see attached *Section 79C(1) Table – Matters for Consideration*.

(b) Compliance with DCP

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

(c) Other Matters

It is considered that due to the location, design, proposed materials and the proposed landscaping of the carpark and relocation of the reception building, the development will not adversely affect the natural or built environments, and social and economic impacts in the locality will be minimal.

8.1 Development Application 2016.163 - Relocation of Carpark and Reception Building, Erection of Gazebo, Covered Walkways and Underground Storage Tanks - 55-59 Ellendon St, Bungendore (Ref: C175034; Author: Thompson/Thompson)
(Continued)

Other Comments

(a) Development Engineer's Comments

The development was referred to Council's Development Engineer, who provided the following comments relating to the construction of the carpark.

The relocation of the car park to Lots 5 and 6 will place it in close proximity to additional residential dwellings in Rutledge and Ellendon Streets. The proposed cement stabilised gravel car park proposed is not suitable for its close proximity to residential dwellings for dust generation. Clear delineation and accessible parking is also not reliably possible with a gravel surface car park. Subsequently, the car park and forecourt are to be constructed with an asphalt or reinforced concrete wearing surface and associated signage and pavement marking.

These conditions have been included in the recommended conditions of consent.

Comments were also provided relating to flooding, which demonstrated that the proposal would not adversely impact adjoining properties or affect the flood levels within the area.

(b) Heritage Advisor

The application was referred to Council's Heritage Advisor due to being adjacent to a locally heritage listed item (The Carrington building), as well as 62 Ellendon St.

The Heritage Advisor provided no objection to the development.

Financial Implications

There will be no financial implications because of this development application. There is no increase in traffic movements or parking requirements as a result of this application.

Consultation

The proposal required notification under Palerang DCP 2015 and letters were sent to the owners of 21 adjoining and nearby properties. A second notification period was also undertaken due to a slight change in the site plan. Six submissions were received from individuals as well as a submission prepared on behalf of six adjoining properties. The relevant issues raised are as follows:

Issue: The proposed development will have a significant detrimental impact on immediate neighbourhood due to noise, smoking, and lighting from the carpark, as well as an increase in traffic movements.

Comment - Whilst the carpark will increase traffic movements in the vicinity of the immediate locality, the existing carpark is within the same property and proposed low brick walls will help shield the light spill. The lighting from the exempt signage is illuminated until 10.00pm at night and all internal lighting on the property is low spill. Council's Development Engineer has also provided comment on the development application and has recommended that carpark is asphalt sealed to reduce potential amenity impacts on the surrounding residences.

8.1 Development Application 2016.163 - Relocation of Carpark and Reception Building, Erection of Gazebo, Covered Walkways and Underground Storage Tanks - 55-59 Ellendon St, Bungendore (Ref: C175034; Author: Thompson/Thompson)
(Continued)

Issue: The proposed development is inconsistent with the zone objectives and many provisions of the Development Control Plan.

Comment - The development application complies with the Palerang Local Environmental Plan 2014 objectives for R1 General Residential Zone. For an assessment of the Palerang Local Environmental Plan 2014 and the Palerang Development Control Plan see attached *Section 79C(1) Table – Matters for Consideration*.

Issue: Inadequate public consultation and insufficient time to assess the proposal.

Comment - The application was notified in accordance with the Palerang Development Control Plan 2015. It was also renotified for another two week period following changes to the configuration of the carpark. It is considered that ample time was provided to lodge a submission against the proposal.

Issue: Inadequacies in the documentation provided with the application

Comment - The applicant has provided sufficient information for Council staff to assess the application against the relevant planning instruments.

Issue: The legality of existing businesses on the property, including functions, and various restaurants as well as the need for a masterplan.

Comment - A search of Council's records has determined that all activities presently being undertaken on the site have relevant Council approval. The proposed carpark numbers are in excess of what has previously been required on the property.

Issue: Not enough detail relating for the proposed lighting and signage

Comment - The proposed signage, internal lighting and low brick wall all meet the requirements of Exempt Development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Compliance or Policy Implications

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act, Regulations and Council's policies. Refer to Section 79C attachment.

Conclusion

The proposal has been assessed under Section 79C *Environmental Planning & Assessment Act* 1979 including the relevant provisions of *Palerang Local Environmental Plan 2014* and *Palerang Development Control Plan 2015*.

The development satisfies the requirements and achieves the objectives of these instruments. There are no substantive reasons for recommending refusal of this application.

8.1 Development Application 2016.163 - Relocation of Carpark and Reception Building, Erection of Gazebo, Covered Walkways and Underground Storage Tanks - 55-59 Ellendon St, Bungendore (Ref: C175034; Author: Thompson/Thompson)
(Continued)

Attachments

- Attachment 1 Section 79C(1) Table DA.2016.163 - 55-59 Ellendon St Bungendore (*Under Separate Cover*)
- Attachment 2 Council Meeting - 25 January 2017 - DA.2016.163 - Plans (*Under Separate Cover*)
- Attachment 3 Council Meeting - 25 January 2017 - DA.2016.163 - Submissions - Redacted (*Under Separate Cover*)
- Attachment 4 Council Meeting - 25 January 2017 - DA.2016.163 - Draft Conditions (*Under Separate Cover*)

DETERMINATION REPORTS

8.2 Development Application 90-2016 - Small Lot Housing and Subdivision - Googong
(Ref: C174763; Author: Thompson/Kunang)

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

This application has been referred to Council because of the proposed development's inconsistency with the relevant provisions of the Queanbeyan Local Environmental Plan 2012 and significant variations to requirements in the Googong Development Control Plan and Queanbeyan Development Control Plan 2012. The application is recommended for refusal.

Proposal:	Subdivision of land to create 13 x Torrens Title lots, 1 x Strata lot, 1 residue lot and 1 x public laneway, and erection of 13 x dwellings (including 1 x dwelling house, 7 x attached dwellings, 4 x semi-detached dwellings and 1 studio dwelling)
Applicant/Owner:	Googong Township Pty Limited
Subject Property:	Lot 1329 DP 1217419 (formerly known as Lot 63 DP 1208211) Corner of Helen Circuit and Gorman Drive, Googong
Zoning and Permissibility:	R1 General Residential under Queanbeyan Local Environmental Plan 2012 Subdivision and erection of dwellings are permitted with consent.
Public Submissions:	Nil
Issues Discussed:	Planning Requirements Non-compliance with the Queanbeyan Local Environmental Plan 2012 (QLEP 2012). Non-compliance with Parts 4, 5 and 7 of the Googong DCP, Part 2 of the Queanbeyan DCP 2012. Variations to the requirements under Parts 4, 5 and 7 of the Googong DCP
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

Recommendation

That Development Application 90-2016 for the Subdivision of land to create 13 x Torrens Title lots, 1 x Strata lot, 1 residue lot and 1 x public laneway, and the erection of 13 x dwellings (including 1 x dwelling house, 7 x attached dwellings, 4 x semi-detached dwellings and 1 studio dwelling) on Lot 1329 DP 1217419 (formerly known as Lot 63 DP 1208211) Corner of Helen Circuit and Gorman Drive, Googong be refused for the following reasons;

Reasons for Refusal:

- (1) The proposal does not comply with the *Queanbeyan Local Environmental Plan 2012 (QLEP 2012)* in the following ways:**
-

**8.2 Development Application 90-2016 - Small Lot Housing and Subdivision - Googong
(Ref: C174763; Author: Thompson/Kunang) (Continued)**

- a) The proposal does not meet the R1 General Residential zone objectives to ensure that new development provides for the housing needs and good amenity for residents as the proposed vehicular access/public laneway is unsatisfactory and is likely to generate traffic impact on the development on site and on the locality. Without a suitable footpath along the proposed narrow laneway that will connect the site to a network of footpaths in the area, the proposal does not promote a walkable neighbourhood and sense of community. The narrow public laneway is likely to cause conflict between pedestrian, vehicles, garbage vehicles and emergency services vehicles using the laneway.
 - b) The proposal does not comply with Clause 4.1 of the QLEP 2012 as the proposed development will have adverse impact on the functions and safety of main roads in the area and waste collection services. The proposal is not well designed as a suitable vehicular access with acceptable footpath and adequate bins pads in the laneway verge cannot be provided for the proposed development which will have impacts on the public domain, amenity of the residents and environment.
 - c) The proposal does not satisfy the requirements under Clause 7.9 of the QLEP to ensure the development has a suitable vehicular access. The proposed narrow public laneway without any treatments such as footpath will give rise to increased conflict between pedestrian, vehicles, garbage vehicles and emergency services vehicles using the laneway and traffic impact in the locality. It represents poor design and unsuitable development on site and in the locality.
- (2) The proposal does not comply with Clause 2.3.5 of the Queanbeyan DCP 2012 and Clause 7.12 and Clause 7.17 of the Googong DCP as adequate and suitable bins pads within the public laneway verge to cater for 5 of the dwellings cannot be provided without impacts on the public domain and compromising the amenity of the residents and environment.
- (3) The proposed development does not comply with the following parts of the Googong Development Control Plan:
- a) The proposal does not comply with Clause 4.2 of the Googong DCP as the proposed narrow public laneway without a suitable footpath that will connect the site to a network of footpaths in the area will not promote a walkable neighbourhood. It will give rise to increased conflict and risk between resident pedestrians, vehicles, garbage vehicles and emergency services vehicles using the laneway.
-

**8.2 Development Application 90-2016 - Small Lot Housing and Subdivision - Googong
(Ref: C174763; Author: Thompson/Kunang) (Continued)**

- b) The proposal does not comply with Clause 5.2, Clause 5.8 and Clause 7.3 of the Googong DCP. The public laneway component of the proposal is not considered well designed as it does not provide for suitable and safe vehicular access and vehicle maneuverability that meet the requirements under Council policies as follows:
- i. The proposed laneway exceeds the maximum length for the laneway in the DCP and does not include satisfactory treatments to reduce the gun barrel affects.
 - ii. The application is not supported by the Local Development Committee due to residents and public safety issues, unsuitable access for service vehicles and emergency service vehicles, potential traffic volumes and use of the laneway (legal intent of motorists)
 - iii. Council would have to maintain an asset that is under designed for its use and this is not in the public interest to be a public asset in its current form.
- c) The proposal does not comply with Clause 7.9 of the Googong DCP as pedestrian and vehicle access ways of all dwellings are not separated and not clearly distinguishable, and with the proposed traffic generation, external traffic inputs and geometry of the lane it delivers a design that is not in the interest of Council as a public asset.
- (4) The proposed narrow laneway without any suitable footpath is considered inappropriate for the site and scale of the development and is poorly designed. The proposal that includes a narrow public laneway without any suitable footpath is not considered compatible with the existing and future development in the locality.
- (5) The proposal is not in the Public interest as it has the potential to impact on the safety of the public and adverse impacts on adjoining land uses and will set an undesirable precedent for the future development.
-

Background***Proposed Development***

The development application is for the subdivision of super lot 1329 DP 1217419 within approved Stage 6D, Neighbourhood 1A to create:

- 13 x Torrens Title lots, 1 x Strata lot, 1 residue lot and 1 x public laneway;
- Erection of 13 x dwellings (including 1 x dwelling house, 7 x attached dwellings, 4 x semi-detached dwellings and 1 x studio dwelling);
- Ancillary landscaping, fencing and minor earthworks to accommodate the proposed development; and
- Principal private open space is proposed in front of proposed dwellings on Lots 3 – 12.

The proposed development is shown in Figure 1 below.



Figure 1 – Proposed development on site including a public laneway.

Subject Property

The subject site is shown highlighted in red in Figures 2 and 3 below. The site is part of a super lot previously approved by the Joint Regional Planning Panel (Southern Regional) on 8 August 2014 (DA 186-2013) and is located within Stage 6D of Neighbourhood 1A, being super lot 1329 with a total land area of 3393m². Lot 1329 is located within the existing Lot 63 DP 1208211.

The site has frontages to Gorman Drive and Helen Circuit. The site is accessed from a proposed public laneway off Helen Circuit (one way street). The subject site is located entirely within the mapped Additional Development Area which allow for certain land in Googong Township to be subdivided to create lots that to have a minimum size of 130m².

The site has been subject to earthworks and infrastructure provision associated with the previously approved subdivisions (DA 186-2013 and DA 233-2012), resulting in the benching of the proposed new lots.

8.2 Development Application 90-2016 - Small Lot Housing and Subdivision - Googong
(Ref: C174763; Author: Thompson/Kunang) (Continued)



Figure 2 – Location of subject site (Lot 1329) within Lot 63 DP 1208311

8.2 Development Application 90-2016 - Small Lot Housing and Subdivision - Googong (Ref: C174763; Author: Thompson/Kunang) (Continued)



Figure 3 – Location of subject site within the context of Googong NH1 Stage 6D

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 Policy No 55 – Remediation of Land
2. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
3. State Environmental Planning Policy (Infrastructure) 2007
4. Queanbeyan Local Environmental Plan 2012 (LEP).
5. Googong Development Control Plan
6. Queanbeyan Development Control Plan 2012 (DCP)

**8.2 Development Application 90-2016 - Small Lot Housing and Subdivision - Googong
(Ref: C174763; Author: Thompson/Kunang) (Continued)**

The significant issues relating to the proposal for Council's consideration relate to the proposed development's inconsistency with the relevant provisions of the *Queanbeyan Local Environmental Plan 2012*, non-compliance with Part 2 of the *Queanbeyan DCP 2012* and Part 4, 5 and 7 of the *Googong DCP*, minor variations to the requirements under Part 4, 5 and 7 of the *Googong DCP* that can be supported and inconsistency with the relevant provisions of the *Additional Planning Considerations* under Section 79C – Matters for Consideration.

(a) Non-compliance with relevant provisions of QLEP 2012**(i) Non-compliance with Clause 2.3 - Zone Objectives and Land Use Tables**

The proposal does not satisfy the following relevant objectives of zone R1 General Residential as prescribed below:

- a) *To provide for the housing needs of the community.*
- b) *To provide for a variety of housing types and densities.*
- e) *To promote walkable neighbourhoods and a sense of community.*

The proposal is for the subdivision of land to create 13 x Torrens Title lots, 1 x Strata lot, 1 residue lot and 1 x public laneway, and erection of 13 x dwellings (including 1 x dwelling house, 7 x attached dwellings, 4 x semi-detached dwellings and 1 studio dwelling). As such the development provides for a variety of housing types in the area. However, without a satisfactory vehicular access the proposal does not provide a good amenity for the residents and housing needs and is likely to generate traffic impact on the development and locality. The current design of the laneway is not a good long term design outcome for the site given the traffic generation brought by the existing and future development in the vicinity to the surrounding street network including the subject site.

The development site is located in close proximity to a future neighbourhood centre and public school. However, without a suitable footpath along the proposed narrow laneway that will connect the site to a network of footpaths in the area, the proposal does not promote a walkable neighbourhood and sense of community. The current design does not take the pedestrian safety and sustainability as a public asset into consideration. The narrow public laneway is likely to cause conflict between pedestrian, vehicles, garbage vehicles and emergency services vehicles using the laneway. Residents will be required to access their rear lane as a pedestrian with no verge treatment for a foot path and bin pads will be located opposite each garage which creates a risk for the resident. The generation of traffic within this development site has the potential to attract outside inputs. These inputs from the school and to a less extent the village centre, pose a risk to public safety where school children and or parents may use this lane if it is a public asset to travel via to and from school during peak hours which will produce a risk to Council as a public asset in its current form which would not be in the public's interest.

Given the reasons above, the proposal is not considered suitable for the site and is not supported.

**8.2 Development Application 90-2016 - Small Lot Housing and Subdivision - Googong
(Ref: C174763; Author: Thompson/Kunang) (Continued)**

(ii) Non-compliance with Clause 4.1 – Minimum subdivision lot size

The relevant objectives of Clause 4.1 are as follows:

- a) To ensure subdivision is sensitive to land, heritage and environmental characteristics (including water quality, native flora and fauna and places or items of Aboriginal and European heritage value);*
- b) To ensure subdivision does not adversely impact on the functions and safety of main roads;*
- c) To provide lots with areas and dimensions that enable the appropriate siting and construction of a building and associated works to minimise and avoid the threat of natural hazard (including bush fire, soil instability and flooding) and to protect significant vegetation and prominent or significant landscape qualities;*
- d) To ensure new lots have an adequate water supply and can be provided with an effective means of disposal of domestic waste and adequately serviced; and*
- e) To create lots that are compatible with the existing predominant lot pattern or desired future character of the locality and to minimise the likely adverse impact on the amenity of adjoining developments.*

The proposal satisfies the objectives above except objectives (b) and (d) as the proposal will have adverse impact on the functions and safety of main roads and waste disposal.

The site is consistent with the envisaged built form that surrounds the site and neighbourhood centre, within the Googong Masterplan and the Queanbeyan Local Environmental Plan which is small lot housing on lots with a minimum lot size of 130m² and accessed via a laneway to the rear loaded garages/carports. There are no physical constraints, natural hazards, heritage, threatened species, agriculture or mineral and extractive resource constraints. The design of the dwellings, the orientation and depth of the lots have resulted in the dwellings within the proposed subdivision and neighbouring lots maintaining an adequate level of solar access and privacy to the dwellings. The proposed development will also have minimal impact on the scenic quality or vistas.

However, the proposal as submitted (proposed public laneway) is not considered well designed as it does not provide for a suitable and safe vehicular access and vehicle manoeuvrability. The proposed public laneway does not achieve compliance with the Engineering Design specifications, the numerical requirements specified within the Googong Development Control Plan Part 4 or 5 or the general design requirements for public roads. Also, the proposed development on site generates 125 vpa which is greater than the maximum traffic generation of 100 vpa allowed for a public laneway and is likely to generate greater traffic impact within the development and locality which will impact on the functions and safety of the roads in the area particularly Gorman Drive.

The proposed narrow public laneway without any treatment, such as a footpath, will give rise to increased conflict between pedestrian, vehicles, garbage vehicles and emergency services vehicles using the laneway. Without a satisfactory vehicular access the proposal does not provide a good amenity for the residents and housing needs and is likely to generate traffic impact on the development and locality. The current design of the laneway is not a good long term design outcome for the site given the traffic generation brought by the existing and future development in the vicinity to the surrounding street network including the subject site.

**8.2 Development Application 90-2016 - Small Lot Housing and Subdivision - Googong
(Ref: C174763; Author: Thompson/Kunang) (Continued)**

The development site is located in close proximity to a future neighbourhood centre and public school. However, without a suitable footpath along the proposed narrow laneway that will connect the site to a network of footpaths in the area, the proposal does not promote a walkable neighbourhood and sense of community. The current design does not take the pedestrian safety and sustainability as a public asset into consideration.

Therefore, the proposed public laneway is considered inappropriate for the site and scale of the development and is poorly designed. The proposal is not considered compatible with the existing and future development in the locality.

Domestic waste collection services are available for future residents of each dwelling and adequate area is available for storing domestic waste bins within each allotment. Bins for the proposed 13 dwellings can be placed either within the laneway verge or road reserve of Helen Circuit prior to collection. Given the site layout and laneway design, 10 of 13 dwellings being dwellings on Lots 4-12 including a studio dwelling on Lot 1A must be provided with 2 bin pads each within the laneway verge for collection. Therefore a total of 20 bin pads must be provided for the development. Bins for dwellings on lots 1, 2 and 3 can be placed on the road reserve of Helen Circuit for collection.

The submitted plan shows 10 bin pads have been provided within the laneway verge which only cater for 5 of the 13 dwellings proposed for the site. Based on the submitted site plan, landscape plan and turning path, the laneway verge is not capable of accommodating any extra bin pads unless the required landscaping including small trees which act as laneway treatments (to reduce the gun barrel affect) are removed. The removal of the proposed landscaping is not supported.

It is not considered that the proposed development satisfies the requirements and objectives of this clause. A development without a satisfactory waste collection service is not supported as it will have impacts on the public domain, amenity of the residents and environment.

(iii) Non-compliance with Clause 7.9 – Essential Services

Clause 7.9 requires that development consent must not be granted to development unless Council is satisfied that the utility services including vehicular access, that are essential for the development, are available.

Council's Development Engineers have assessed the proposed development and confirm that utility services such as water supply, electricity, disposal and management of sewage and stormwater are adequate and can be made available to the site. However, the proposal does not satisfy the provisions of subclause (e) - suitable vehicular access as the proposed public laneway in its current form does not meet the intent of the Development Control Plan and does not satisfy the requirements of the Development Design Specifications D1 – Geometric Road Design, Googong or the general design requirements for public roads. The Local Development Committee and Council's Development Engineers do not support the proposed public laneway due to resident and public safety issues, unsuitable access for service vehicles and emergency service vehicles, potential traffic volumes, use of the laneway (legal intent of motorists) and public asset viability.

**8.2 Development Application 90-2016 - Small Lot Housing and Subdivision - Googong
(Ref: C174763; Author: Thompson/Kunang) (Continued)**

The proposed development generates 125 vpa which is greater than the maximum traffic generation of 100 vpa allowed for a public laneway and is likely to generate greater traffic impact within the development and locality. The proposed narrow public laneway without a suitable footpath will give rise to increased conflict between pedestrian, vehicles, garbage vehicles and emergency services vehicles using the laneway. Residents will be required to access their rear lane as a pedestrian with no verge treatment for a footpath and bin pads will be located opposite each garage which creates a risk for the residents.

Directly across the road and diagonally across the road are a public school site and the village centre development. The generation of traffic from these sites, the school being the more likely will impact on this laneway, the lane will be within the school zone, and the likelihood that children and or parents may use this lane if it is a public asset to travel via to and from school during peak hours produces a risk to Council as a public asset in its current form which would not be in the public's interest. Refer to the attached Section 79C(1) Matters for Consideration.

Therefore the proposed public laneway is considered inappropriate for the site and scale of the development and is poorly designed. The proposal is not considered compatible with the existing and future development in the locality.

(b)Non-compliance with the relevant provisions of the Queanbeyan DCP 2012***Non-compliance with Clause 2.3.5 - Waste and Recycling***

The objectives of this DCP clause include that the minimisation of waste from development can reduce impacts on the public domain, contribute to the amenity of the building and limit the potential harmful impacts to the environment. Waste management refers to all stages of development from construction and use through to demolition and the ongoing generation of waste. It also includes the way in which waste is accessed, stored and collected. The relevant objectives include:

- 1) *To minimise waste generation and disposal to landfill with careful source separation, reuse and recycling.*
- 2) *To minimise the generation of waste through design, material selection, building and best waste management practices.*
- 3) *To plan for the types, amount and disposal of waste to be generated during demolition, excavation and construction of the development as well as the ongoing generation of waste.*
- 4) *To ensure efficient storage and collection of waste and quality design of facilities.*

Domestic waste collection services are available for future residents of each dwelling and adequate area is available for storing domestic waste bins within each allotment. All bins would normally be required to be stored within each allotment.

Bins for the proposed 13 dwellings can be placed either within the laneway verge or road reserve of Helen Circuit prior to collection. Given the site layout and laneway design, 10 of 13 dwellings being dwellings on Lots 4-12 including a studio dwelling on Lot 1A must be provided with 2 bin pads each within the laneway verge for collection. Therefore a total of 20 bin pads must be provided for the development. Bins for dwellings on lots 1, 2 and 3 can be placed on the road reserve of Helen Circuit for collection.

8.2 Development Application 90-2016 - Small Lot Housing and Subdivision - Googong (Ref: C174763; Author: Thompson/Kunang) (Continued)

The submitted plan shows only 10 bin pads have been provided within the laneway verge which only cater for 5 dwellings on site. Based on the submitted site plan, landscape plan and turning path below, the laneway verge is not capable of accommodating any extra bin pads unless the required landscaping including small trees which act as laneway treatments (to reduce the gun barrel affect) are removed. The removal of the proposed landscaping is not supported.

It is not considered that the proposed development satisfies the requirements and objectives of this clause. A development without a satisfactory waste collection service is not supported as it will have impacts on the public domain, amenity of the residents and environment.

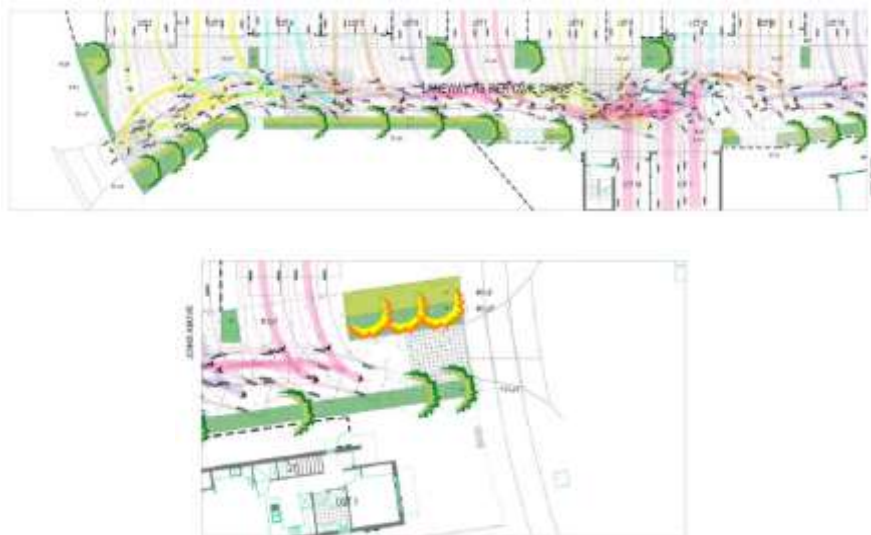


Figure 4 – Turning path, location of the bins pads in the laneway and landscaping

(c) Non-compliance with the relevant provisions of the Googong DCP i. Non-compliance with Clause 4.2 – General Objectives in Part 4 – Subdivision Controls

The objectives of this clause are as follows:

1. *Create a legible subdivision pattern that maximises the 'sense of neighbourhood' and promotes walking and cycling over private car uses;*
2. *To set up a neighbourhood pattern that utilises the residential development areas efficiently, optimises the natural attributes of the site and clearly defines and reinforces the public domain;*
3. *Optimise views and the amenity of residential allotments in regards to views, solar access and proximity to community facilities, open space and public transport;*
4. *Ensure each neighbourhood within the township has a range of densities and housing choices to cater for the various needs of the community; and*
5. *Provide good solar access opportunities for future dwellings and residents and ensure that the lot layout responds to and optimises solar access.*

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The proposed subdivision is considered to be generally satisfactory with regards to the above objectives except objective (1). The lot layout is an efficient subdivision of the land that allows solar access opportunities, particularly to private open space areas. However, without a suitable footpath along the proposed narrow public laneway that will connect the site to a network of footpaths in the area, the proposal does not promote a walkable neighbourhood. The proposed narrow public laneway without a suitable footpath will give rise to increased conflict between pedestrian, vehicles, garbage vehicles and emergency services vehicles using the laneway. Residents will be required to access their rear lane as a pedestrian with no verge treatment for a foot path and bin pads will be located opposite each garage which creates a risk for the residents. Therefore the proposal does not satisfy the objective of this clause.

ii. Part 5 – Design Guidelines and Controls for Public Domain

Council has recently approved two other public lanes, DA 412-2015 and 71-2016. Both these lanes had a reduced traffic generation and did not attract generation of outside development influences that this development proposal currently poses.

This application has also proposed a public laneway that will provide access to the rear loaded garage/carports of the 12 proposed dwellings within this application and include garbage collection within the verge of the laneway. The proposed public laneway will connect to the existing Helen Circuit and then loop to Helen Circuit and will therefore form a part of the existing street network. The proposed public laneway will be dedicated as a public road and will be a Council responsibility and risk.

Increased widths of the road reserves are required to reduce public liability risks. The application of the DCP and Design Specification requirement should allow for satisfactory geometrical design if the requirements are interpreted and applied correctly.

As part of the assessment process the development application was referred to the Local Development Committee. This Committee consists of experts in road safety, road engineering, and regulatory road management. The representatives are drawn from Road and Maritime Services, NSW Police Force and Councils Infrastructure division.

The Committee reviewed the application in its current format and could not support the application, due to safety, geometrical design and sustainability as a public asset. The concerns raised by the committee are outlined below in more detail:

- a) *Pedestrian safety with no identifiable facilities in the public laneway for pedestrians;*
- b) *Potential for the lanes to be used as thru traffic access which is not as per design. This concern was particularly noted with nearby development such as a school that might generate vehicle or foot traffic using the lane as alternate route or for parking during busy pick up and drop off school times.*
- c) *Safety concerns with garbage collection including pedestrian safety of residents and potential disruption to garbage collection service should vehicles park in the laneway.*
- d) *Proposed lane widths permit only one-way direction traffic did raise safety concerns for vehicles in residences based towards the rear end of the lane that may illegally choose to exit the lane in the wrong direction rather than drive the full length of the lane in the correct direction.*

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- e) Concerns for speeding and thru traffic with the linkage of the public laneways and recommendation for a reasonable visual offset to be included in the design.*
- f) Note the need for public laneways to be accessible by emergency services vehicles and concerns the current design might not always permit this access.*
- g) Concerns that the location of the garage blocks pedestrian sight distances for vehicles traffic using the laneway.*

Engineering principles applied to the concerns of the committee, can be drawn mostly from QPRC D1 Design Specification:

- The use of table 1.5 in the D1 specification has a notation on minimum verge widths with reference to note 6 an extract of this refers to providing footpaths for pedestrian access or a wider verge for services and landscaping.
- Correct traffic generation calculations would identify this issue and appropriate design treatments to mitigate risk.
- The application of the correct checking vehicle to the road design with appropriate radius on intersections.
- The 85th percentile in road engineering is the nature of a road user to comply with road regulatory requirements in 85% of cases and this should be a factor to consider in mitigating risk in road design. This has been addressed by the change to lot one.
- The application of the correct checking vehicle to the road design with appropriate radius on intersections.
- Vehicular access design requirements D 13, to be applied to property accesses.

So while the Committee discussed the issues in a general layman format, the engineering principles are applied to those concerns all form part of QPRC design specifications, with methodology to provide a geometric design to address these issues.

As a laneway is proposed that will connect to the existing street network, clause 5.2 Street Network is applicable. This clause refers to the Policy framework for laneway location and design.

The policy framework outlined below highlights the generalisation of the laneway design controls.

Policy Framework for laneways

Masterplan: The Googong Masterplan references laneways within Table 2: Street Hierarchy as LA6 as a street that provides access to the side or rear of lots for access to residential garages, studios above garages and to parking for activity centres.

Structure Plan: The structure plan for Neighbourhood 1A identifies two types of laneways.

Googong Development Control Plan Table 3 of Part 5 – Subdivision and Design

Design Objectives:

- 1) *Laneways within Googong may be either part of the public road network or private laneways forming part of a community title development.*

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- 2) *The design intent for either type of laneway is to promote a shared zone with pedestrians, allowing vehicular traffic only for access to garages/parking spaces and is to incorporate a change in materials and or kerb cuts to provide differentiation to other vehicular streets.*
- 3) *Typical laneway treatments are shown in Figure 7. They are also to have a maximum length of 80m (this length is reduced to 60m for "gun barrel" laneways), to be sign posted for low speeds and no parking is permitted.*
- 4) *The laneway must be designed to cater for the design traffic that is likely to use the laneway, particularly with regard to delivery vehicles in commercial areas.*

Controls:

- a) *Public laneways are to have a carriageway of 3.0m, must allow for garbage service vehicles and medium rigid trucks and are to be signposted as one-way. A minimum road reserve width of 6.0m is required where a 0.5m rear setback is provided.*
- b) *Where no rear setback is provided a minimum road reserve of 7.0m is required. Any above ground structures, trees or landscaping in the laneway shoulder must be located to allow vehicles to enter garage doors in accordance with Figure 5.4 of AS/NZS 2890.1 – 2004. Public laneways must connect to a public street at each of its ends and not to another laneway.*
- c) *Private Laneways are to have a minimum carriageway of 3.0m and a verge of 1.5m, with no provision for on street parking. Their connections to a public road are to be provided by a driveway with width in accordance with Table 3.2 of AS/NZS 2890.1-2004. The public laneway should be offset from one another at a street junction and any staggering must allow for use by small rigid trucks.*

In applying the guideline principles to where a lane might be applicable to a parcel of land the underpinning requirement in the DCP is that all new streets are to comply with the design and engineering requirements applicable to roads and streets, crossings, footpaths, cycle ways, bus shelters and the like in QCC Engineering Design Specification – Googong.

Design Specification-D1 Geometric Road Design Guidelines

There are two tables that specify requirements for laneways, table D.1.5 and D1.8. These two tables specify a 100 vehicles per day requirement, 3m minimum carriage width and a 7m wide road reserve. The main difference between the two tables is the requirements for verge width. D.1.5 requires a verge width of 0.5m and D1.8 requires a verge width of 2m.

Whilst the specification does not delineate between private and public lanes, the principle applied is that vehicular access to a private accessed development is assessed using the principles of the D13 Vehicular Access Design specification and AS 2890, Road Geometry. Requirements in the D1 specification are applied to public roads to become public assets.

Table D1.5 is made up with the application of foot notes, these foot notes need to be applied to parts of the design determination for ancillary treatments required by the road, such as it has been determined that this development would require verge treatments to complement the traffic generation and safe pedestrian access requirements.

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iii. Non-compliance with Clause 5.2 – Street Network

The clause objectives and their control measures are highlighted in this section of the DCP.

Objectives:

- 1) *Establish a street network that complements the characteristics of each neighbourhood area and promotes a liveable and permeable local environment*
- 2) *Provide safe and convenient access to all subdivisions and all allotments within a subdivision.*
- 3) *Facilitate safe movement of road users through the provision of usable and accessible facilities for pedestrian and cyclists*
- 4) *Promote use of public transport through the provision of appropriate facilities for users of public transport.*
- 5) *Make provision for legible, safe and efficient pedestrian, bicycle and vehicular movement throughout the township and connections to the established network.*
- 6) *Create a street hierarchy that reflects the function and character of each street and forms part of a legible network.*
- 7) *Make provision for a public transport route through Googong.*
- 8) *Provide as appropriate Water Sensitive Urban Design (WSUD) elements into the street network.*

Controls:

- a) *Streets are to be designed in accordance with the Master Plan, Council's adopted Engineering Design Specification – Googong, Control Diagrams and numeric controls in the Table 3 as identified herein.*
- b) *A development application must demonstrate that the proposed streets are appropriate for their role in the street network.*
- c) *All new streets are to comply with the design and engineering requirements applicable to roads and streets, crossings, footpaths, cycle ways, bus shelters and the like in QCC Engineering Design Specification – Googong.*
- d) *Streets are to include a stormwater drainage facilities as required. WSUD controls should be provided where possible in central medians.*
- e) *Subdivisions are to be designed to provide adequate safety for pedestrians using the street verge.*
- f) *Applications for subdivision shall be accompanied by a traffic engineering assessment that includes traffic volumes and movements, cross-sections through typical street types demonstrating that road reserve widths can adequately accommodate electricity, gas, telecommunications, water and waste water infrastructure, street trees, footpaths, shared paths, on-street parking, road pavement widths and where appropriate on-street cycling.*

The application of these requirements in the DCP is necessary. The public laneway will form part of the road network and will become a Council asset and will pose financial risk to Council.

When applying Council's design standards the document is required to be used holistically as a minimum design standard, variations to this design standard must not reduce the standards but enhance them.

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In the holistic approach to road design the D1 Specification refers to table 1.5 which has 24 foot notes, these foot notes are applicable to various requirements of design treatments.

Table D.1.5 Characteristics of Roads in Urban Subdivision Road Networks

Road Type ⁽¹⁸⁾	Maximum Traffic Volume (vpd) ⁽¹⁵⁾	Maximum Speed (km/h) ⁽²⁾	Minimum Carriageway Width (m) ⁽¹⁾	Minimum Verge Width (m) ⁽⁶⁾	Kerbing ^{(4) (13)}	Parking Provisions Within Road Reserve ⁽¹⁴⁾	Footpath Requirement ⁽¹⁷⁾	Bicycle Path Requirement ⁽¹⁷⁾
Laneway ^{(18) (24)}	100	25	3.0 ⁽¹⁵⁾	0.5 ⁽¹⁴⁾	Flush ⁽⁵⁾	Nil	Nil	Nil

NOTES:

- For single dwelling allotments apply traffic generation rate of 10 vehicles per day (vpd)/allotment (equivalent to approximately one vehicle per hour (vph) in the peak hour) unless a lower rate can be demonstrated. Lower rates can be applied to multi-unit dwellings based on rates provided in the RTA *Guide to Traffic Generating Developments*.
- See Design speed and Horizontal curves and tangent lengths on designing for specific operating speeds.
- Widening required at bends to allow for wider vehicle paths (using AUSTROADS AP-G34 Design vehicles and turning path templates).
- Where kerbing is not required a flush pavement edge treatment can be used. Maximum carriageway widths required if barrier kerbing used.
- Carriageway width may be reduced where parking is provided by indented parallel bays in the verge
- Additional width may be required to provide for pedestrians, services, drainage, landscape and preservation of existing trees. Add additional width on one side for future widening of carriageway to 5.0 m if required. For two lane carriageway design, no provision for widening required. Where the verge is adjacent to open space the width of the verge may be reduced to 2.5 m.
- One footpath on one side of the street to be constructed initially with provision to construct a second footpath if required in the future.
- Reduced speeds are required at designated pedestrian/bicycle crossing. A speed of 20 km/h is desirable, achieved by the road design principles outlined in this work section.
- Barrier kerbing may be used if required for drainage purposes without reducing the carriageway width.
- On bus routes, 7.0 m travelled way with 2.0 m wide indented parking and bus bays defined by kerbed protuberances. Where the road forms part of the on road bicycle network, a bicycle lane is required adjacent the kerb.
- Speed on local sub-arterial road not to exceed legal limit.
- If parking is allowed, it is to be provided by widening the verge and constructing parking spaces as an extension of the road pavement.
- Required only if part of a pedestrian/bicycle network.
- Provide adequate road reserve width for widening of carriageway for future bus route if required.
- Width may be reduced to 3.0 m where the laneway is signposted for one-way directional traffic. Public laneway geometry must accommodate a garbage vehicle.
- Where services are to be provided in the verge, the verge must be widened to accommodate the service in the road reserve.
- Notwithstanding the requirements specified for a road type, roads forming part of the major pedestrian network will require a 2.0 m wide footpath on one side of the street. The proposed path network for Googong is detailed in the Googong DCP and is indicated in Figure D1.4 below.
- A Level of Service C must be provided in all streets, which may require road types and/or lane widths to be adjusted to accommodate the traffic volumes derived during traffic modelling of a subdivision release.

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- 19) Maximum length of a straight public laneway section is 65 m – laneways greater in length must be offset to limit straights to this maximum length (see Figure D1.5).
- 20) For private access lanes shall be designed in accordance with specification D13 - Vehicular Access Design - Googong.
- 21) Where longitudinal drainage is required, the kerb must be provided with a gutter.
- 22) Service Road shall be designed as an Access Street or Local Street as applicable.
- 23) Pram crossings must be provided in the kerb at path crossing locations in accordance with ACT TAMS standard drawing DS3-02.
- 24) Parallel parking is the preferred method of on-street parking in public roads. Angle parking is generally not supported by Council in public roads and is subject to approval by the Local Traffic Committee. Use should be limited to streets with traffic volumes <2,000 vpd. For traffic volumes >500 vpd an auxiliary lane should be provided between the travel lane and the angle parking spaces.

* Many elements are inter-related. Therefore variations from any particular recommended characteristic may require changes to others. (Derived from AMCORD)

The application of the foot notes to the road type enhances the design to meet the traffic types and requirements that need to be applied. When considering these measures traffic generation and suitability of a road to become a functional reliable safe public asset needs to be taken into account.

Council's Development Engineering section believe the applicant has not applied the required due process and consideration to the lane to meet the requirements for a public asset. If the applicant wants to proceed with a proposed public lane, the verge and reserve width must be reviewed and applicable treatments addressing Council's concerns must be addressed.

The applicant seeks to justify the variation to these requirements within section 5 of the DCP and the D1 Design specification.

Applicants Justification - GTPL has submitted a written justification dated 7 July 2016 as follows;

"The laneway has a minimum width of 3.3m and a geometry that allows for access by a garbage service vehicle. The laneway has a vpd count of 90.7. The minimum verge width is 1.85m. However the Googong Design specifications version 2 specifies verge minimum at 0.5m and notes that this needs to be widened if services are to be located within the verge. There are no services proposed in the laneway. This minor variation is considered acceptable. No parking has been provided in the laneway reserve. The laneway includes a 1.2m shared zone.

GTPL does not agree with Council's calculation of traffic generated by this development. In terms of estimating traffic generation Council's Design Specification states;

For single dwelling allotments apply traffic generation rate of 10 vehicles per day (vpd)/allotment (equivalent to approximately one vehicle per hour (vph) in the peak hour) unless a lower rate can be demonstrated. Lower rates can be applied to multi-unit dwellings based on rates provided in the RTA Guide to Traffic Generating Developments.

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RTA Guide to Traffic Generating Developments for medium density development recommends the following (upper limit) generation rates

- 1BR Dwellings 4.4vpd
- 2BR Dwellings 5.5vpd
- 3BR Dwellings 7.2vpd

In addition, in Councils assessment of DA 412 – 2015, Council advised that the following generation rates should be adopted for the calculation of traffic generated from an almost identical style of development.

- 1BR Dwellings 4.4vpd
- 2BR Dwellings 5.5vpd
- 3BR Dwellings 10vpd

When these generation rates are applied to the development the total traffic generation is estimated to be as follows;

Superlot No	Lot No	Dwelling description	Traffic Generation	
			Council	RMS
1329	1	3BR	10	7.2
1329	1A	1BR	4.4	4.4
1329	2	3BR	10	7.2
1329	3	2BR	5.5	5.5
1329	4	3BR	10	7.2
1329	5	3BR	10	7.2
1329	6	1BR	4.4	4.4
1329	7	2BR	5.5	5.5
1329	8	2BR	5.5	5.5
1329	9	1BR	4.4	4.4
1329	10	3BR	10	7.2
1329	11	2BR	5.5	5.5
1329	12	2BR	5.5	5.5
Total			90.7	76.7

Based on this assessment the total traffic volume is below Councils maximum of 100vpd and therefore in compliance with the DCP maximum traffic volume for a laneway.

In terms of geometric design we have amended the layout to ensure that a full 7m of pavement width is available from garage door to edge of laneway to allow adequate manoeuvring space for cars entering/exiting the garages in a single turn as requested by Council at our meeting of 2 June 2016. In addition we have included a kerb on the far side of the laneway to prevent cars from driving into the landscape zone as well as garbage bin pads within the landscape zone.

On 22 December 2016, GTPL submitted further justification as follows;

“The driveway access point for Lot 13 has been relocated to be from the laneway. This is clearly the preferable location for the garage to this lot.

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You letter contends that relocating the driveway to this location increased the traffic generation to 125 vpd. We understand that this is based on a generation rate of 5vpd for studio dwellings and 10 vpd for other lots.

RTA Guide to Traffic Generating Developments for medium density development recommends the following (upper limit) generation rates

- 1BR Dwellings 4.4vpd
- 2BR Dwellings 5.5vpd
- 3BR Dwellings 7.2v[d

We continue to contend that it is perfectly reasonable to use the RTA figures for calculating traffic generation. The fact that these lots will be within walking distance of local shops, schools and sporting facilities support the argument for lower traffic generation rates. Using the RTA figures, and 10vpd for Lot 13, the total traffic generation rates for the laneway is 87vpd.

The assertion that traffic generated by from the village centre and school site will use the laneway is disputed. There is a comprehensive network of public streets and footpaths that are far more attractive for use by vehicles and pedestrians than the laneway. The narrow entries to the laneway clearly identify it as a restricted, slow speed environment not meant, or attractive for, through traffic.

The laneway is designed in accordance with the DCP. The laneway is designed as a very slow speed environment for the very low volume of vehicles. There is no significant demand for pedestrian movements along the lane. The low number of vehicles and pedestrians using the lane can safely share the space without the need for a designated footpath as intended by the DCP description of the laneway function.

It is our standing that Council has always preferred that the lanes be designed as one-way-traffic, and in fact the DCP states so. If Council would prefer that this lane be two-way traffic this could be easily accommodated by widening the narrow entries to the lanes. There is no reason emergency vehicles cannot access the lane. “

Assessment of Variation

The variation is not supported as safety, operation, function and Council's interest are not served. Consideration of this public lane in its current design form, as previously shown throughout this report that the intent of Council policy and specifications have not applied in its entirety.

The justifications used by the applicant vary and reduce Council standards which induce risk. The applicant's justification does not justify reasoning in a researched documented format which does not correctly apply the hierarchy of design principles.

The development control plan provides a guide for the applicant to determine what road would be applicable to the development and the controls surrounding that guide, specifically Council's design specifications as per section 5.2 of the DCP.

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The shared zone principle in road engineering perspective is functional on a private lane with very low local (residents) traffic movements, but cannot be applied to a public road in a residential street. Shared zones in public roads are a mixture of commercial operations and pedestrians. Roads and Maritime Services specifically addressed this issue for DA 412-015 at the April 27 2016 Local Development Committee meeting where it explained that public road shared zones were as described above and that RMS could not approve a regulatory speed limit or speed limiting treatments to such a development as proposed in a public residential laneway design.

The applicant states that the development is unlikely to attract through traffic. Evidence available from reference to road engineering and safety experts (Local Development Committee) by Council contradict the applicant claims.

Public infrastructure that is designed and constructed during a development must meet the authority's requirements for geometric and safe design and must meet community expectations where public infrastructure is provided to meet its design life and intent.

The main issues in regard to the laneway design for the development include, but are not limited to:

Resident Safety - Residents will be required to access their rear lane as a pedestrian with no verge treatment for a footpath and bin pads will be located opposite each garage which creates a risk for the resident.

Public Safety - The generation of traffic within this development site has the potential to attract outside inputs, these inputs from the school and to a less extent the village centre pose a risk to public safety where school children may use the lane as a short cut going home, and parents may use the lane a parking while waiting for children after school.

Access for service vehicles and emergency vehicles - The selection of the correct design checking vehicle providing adequate radius to enter the lane and maneuver in the lane have not been adequately applied. A heavy rigid vehicle (Garbage Truck) would require a minimum lane width of 3.5m, the current design provides a 3.0m width.

Road Geometry - The road geometry design specification has not been applied with it full merits an intentions in the design of a public lane. The public lanes being proposed differ only a small amount from previous private lane applications.

Potential Traffic Volumes - Traffic generation of the site exceeds the parameters for a laneway, plus the influence of other developments in the area does not allow these calculations to be reduced. However, if a lane was designed appropriately with adequate widths applied and verge treatments a lane could be functional with this traffic volume.

Use of the Laneways (legal intent of motorists) - The legal intent of motorists came into question on the use of a one way lane and that the 85th percentile to be applied where a motorist would 15% of the time choose not to conform to the posted road rules or speed limits.

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Public Asset Viability - The development in its current format does not receive the support of Council's infrastructure division or development engineering as a viable public asset. The lane would produce an inherent risk to safety of the public and that Council would have to maintain an asset that is under designed for its use. The development would not be in the public's interest to be a public asset in its current form.

Council's Design Quality Assurance specification (DQS) scope and objective requirements states:

Scope

The Specification refers to Engineering Design processes. Requirements which refer to the Concept Design of developments are generally covered in Council's Googong Development Control Plan (2010). The requirements of the Googong Development Control Plan (2010) are a prerequisite to the quality requirements for Engineering Design provided in this Specification (DQS).

Objective

This Specification aims to set standards and document requirements for the execution and recording of design processes in order that the infrastructure associated with any development is designed to be fit for service and of a standard reasonably maintainable when it is accepted by Council as a community asset.

The applicant could review its design to provide pedestrian access in the lane on a formed 1.2m wide path, with kerb and gutter delineation this would be achieved by providing a wider road reserve. Alternatively, the applicant can withdraw the application as a public lane and Torrens title lots and submit a community title scheme development with a private lane without changing the lane design. It is noted that where the applicant previously applied for a public lane that exceeded the 100 vpd (vehicles per day) traffic generation guide it withdrew its application and resubmitted a community title proposal with private lane.

iv. Non- compliance with Clause 5.8 – Local Street – Laneway

Design Objectives:

- 1) *Laneways within Googong may be either part of the public road network or private laneways forming part of a community title development.*
- 2) *The design intent for either type of laneway is to promote a shared zone with pedestrians, allowing vehicular traffic only for access to garages/parking spaces and is to incorporate a change in materials and or kerb cuts to provide differentiation to other vehicular streets.*
- 3) *Typical laneway treatments are shown in Figure 7. They are also to have a maximum length of 80m (this length is reduced to 60m for "gun barrel" laneways), to be sign posted for low speeds and no parking is permitted.*
- 4) *The laneway must be designed to cater for the design traffic that is likely to use the laneway, particularly with regard to delivery vehicles in commercial areas.*

Laneways within the Googong Township may be either public or private. The subject proposal includes a public laneway (one way street) with access off Helen Circuit only.

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This application for small lot housing is the third application which includes a proposed public laneway within a Torrens title subdivision. The proposed public laneway is not connected to another laneway. The proposed public laneway will connect to the existing Helen Circuit, re-joining Helen Circuit loop, and will therefore form a part of the existing street network, i.e. will provide access to the rear loaded garage/carports of the 13 proposed dwellings within this application and include garbage collection within the verge and laneway.

The proposed laneway will become a public asset and public liability and asset fit for service requirements are of main concern.

The proposed laneway has a length of 88m which exceeds the maximum length of a public laneway as mentioned in subclause (3) above. This is a variation to Council DCP. The applicant seeks to justify the variation to this requirement as follows:

Applicant's Justification:

The proposed public laneway has a length of 84m due to the overall section depths and is staggered to minimise the straight length to 67m. This laneway represents the most effective and direct route through the lot.

It is considered that the design and length of the laneway at 84m is acceptable as it is generally consistent with the objectives and controls of the GDCP and Googong Design Specification. In particular the design:

- Provides safe and convenient access to all allotments and for all service vehicles*
- Promotes activation and safety with landscaping providing pedestrian refuges thereby activating the space and carports and fencing enabling casual surveillance of the laneway in addition to the studio dwellings*
- Provides no opportunities for concealment with landscaping selected to accordingly and configuration minimising any areas that could be used for unintended uses*
- Complies with the minimum carriageway and reserve width requirements*
- Provides a visually acceptable streetscape through landscaping, articulation and setbacks along the length of the laneway.*

On 22 December 2016, GTPL submitted further written justification as follows;

In response to your concern and to further reduce any gun barrel affect along the laneway the design has been amended to provide a significant kink at the northern end of the laneway. This reduces the longest straight within the laneway to about 55mm in compliance with the DCP. This kink also allows the introduction of a landscape zone on the sightline of the lane at the northern end thus visually closing off the laneway. In conjunction with this change to the laneway the garage setback of Lot 2 has been reduced from 1m to zero whilst the carport setback for Lot 3 has been changed from zero to 1m. This change provides for more area for vehicles to manoeuvre adjacent Lot 3. The length of the laneway reserve is 83m and is therefore only slightly greater than the 80m requirement of the DCP.

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Assessment of Variation

The proposed laneway has a length of approximately 88m which exceeds the length of proposed lanes in the DCP (80m maximum). Based on the submitted site plan, the length of the laneway was reduced to less than 60m on one side to reduce the gun barrel affect (slight bend/kink) but not on the opposite side (on garages/carport side). This is a variation to Council's DCP.

The proposed laneway contains decorative paving at each entry and in the pavement and is slightly staggered at the both entrances of Helen Circuit to break up the laneway surface. There are also some staggering effects with the build-up of various landscaping widths and articulation and setback of carports and garages within the laneway. The pavement is straight until lot 13 where a distinct curve has been designed to allow for a better lot shape for lot 1 and reduces the gun barrel affect.

However, the lanes geometry is more suited for a private lane. The geometry and its shape treatments accesses meet AS 2890 requirements, but do not address adequately Councils D1 specification. It is noted that the geometry of lanes in Googong have not varied greatly from private lane designs, whilst both standards are poles apart with their requirements.

v. Non-compliance with Clause 7.3 Streetscape - Public and Private Laneways of Part 7*Objectives:*

- 1) *To ensure that laneways are constructed in a manner which promotes activation and safety through regular use and both active and passive surveillance.*
- 2) *To provide development that is of a scale and architectural quality that contributes to the laneways' streetscape.*
- 3) *To provide a visually acceptable streetscape through landscaping, articulation and setbacks along the laneways and through limiting laneway length.*
- 4) *To ensure the laneway's use as a service corridor is not compromised by a design which encourages inappropriate, unsafe parking, encourages the erection of obstructions or otherwise prevents the passage of service and resident vehicles.*
- 5) *To provide vehicular access to the rear or side of lots where front access is restricted or not possible, particularly narrow lots where front garaging is not permitted.*
- 6) *To reduce garage dominance in residential streets.*
- 7) *To maximise on –street parking spaces and landscaping in residential streets.*
- 8) *To facilitate the use of attached and narrow lot housing.*
- 9) *A continuous run of studio dwellings or small lots along the lane is to be avoided, as it changes the character, purpose and function of the lane.*

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The proposal does not satisfy the objectives (1) and (4) above as the proposed public laneway as submitted is not considered well designed as it does not provide for a suitable and safe vehicular access and vehicle manoeuvrability. The proposed public laneway does not achieve the Engineering Design specifications, the numerical requirements specified within the Googong Development Control Plan Part 4 or 5 or the general design requirements for public roads. Also the proposed development on site generates 125 vpa which is greater than the maximum traffic generation of 100 vpa allowed for a public laneway and is likely to generate greater traffic impact within the development and locality which will impact on the functions and safety of the roads in the area particularly Gorman Drive. The proposed narrow public laneway without any treatment such as footpath will give rise to increased conflict between pedestrian, vehicles, garbage vehicles and emergency services vehicles using the laneway and does not promote a walkable neighbourhood and sense of community. Without a satisfactory vehicular access the proposal does not provide a good amenity for the residents and housing needs and is likely to generate traffic impact on the development and locality. The current design of the laneway is not a good long term design outcome for the site given the traffic generation brought by the existing and future development in the vicinity to the surrounding street network including the subject site.

The proposal also does not satisfy the controls (a) and (b) below.

- a) *Laneways shall be limited in length as provided in Section 5.0 of this DCP and constructed with decorative elements in the pavement to break up the laneway surfaces.*
- b) *Laneways in adjacent housing blocks shall not be continuous over access streets to prevent the appearance of long, gun barrel laneways unless appropriate measures such as using staggered laneways are taken to eliminate the gun barrel effect.*

The proposed laneway has a length of approximately 88m which exceeds the length of proposed lanes in the DCP (80m maximum). This is a variation to Council's DCP. As previously noted in the report the variation is not supported.

vi. Non-compliance with Clause 7.9 - Pedestrian Access and Building Entries

Objectives:

- 1) *To promote developments which are well connected to the street and contribute to the accessibility of the public domain.*
- 2) *To ensure that all users of developments, including people with strollers, wheelchairs and bicycles, are able to reach and enter shop, office, apartment, other use areas, and communal areas via minimum grade ramps, paths, access ways or lifts.*

Pedestrian and vehicle access ways of all dwellings are not separated and not clearly distinguishable. Vehicle access of all dwellings is from the proposed laneway. Based on the supporting document submitted on 22 December 2016, the driveway access point for Lot 13 (residue lot) has been relocated to be from the proposed public laneway as well which will increase the traffic generation for the proposed laneway.

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The proposed studio dwelling is accessed separately from the principal dwelling through a stairwell attached to the ground floor single garage onto the lane. Pedestrian access of studio dwelling 1A is from the rear laneway. The Lot 1A dwelling does not have a formed footpath or distinguishable delineated area for residents or visitors to travel upon in the lane. The proposed studio dwelling is rear loaded and vehicular access is from the rear laneway.

The lane without adequate verge treatments accounted for as part of Council's engineering design specification has pedestrians using the lane without adequate treatment. The shared use concept immediately puts all the risk onto Council for the free safe movement within the lane. With the proposed traffic generation, external traffic inputs and geometry of the lane it delivers a design not in the interest of Council as a public asset.

The development site is located in close proximity to a future neighbourhood centre. However, without a suitable footpath along the proposed narrow laneway that will connect the site to a network of footpaths in the area, the proposal does not promote a walkable neighbourhood and sense of community. The proposal does not satisfy the objectives above.

vii. Non-compliance with Clause 7.12 - Site Facilities and Clause 7.17 – Waste management

The proposal does not satisfy the objectives and requirements under the above clauses in terms of garbage areas and waste management. Domestic waste collection services are available for future residents of each dwelling and adequate area is available for storing domestic waste bins within each allotment. All bins are required to be stored within each allotment to ensure no bins store within the laneway.

Bins for the proposed 13 dwellings can be placed either within the laneway verge or road reserve of Helen Circuit prior to collection. Given the site layout and laneway design, 10 of 13 dwellings being dwellings on Lots 4-12 including a studio dwelling on Lot 1A must be provided with 2 bin pads each within the laneway verge for collection. Therefore a total of 20 bin pads must be provided for the development. Bins for dwellings on lots 1, 2 and 3 can be placed on the road reserve of Helen Circuit for collection.

The submitted plan shows only 10 bin pads have been provided within the laneway verge which only cater for 5 dwellings on site. Based on the submitted site plan, landscape plan and turning path, the laneway verge is not capable of accommodating any extra bin pads unless the required landscaping including small trees which act as laneway treatments (to reduce the gun barrel affect) are removed. The removal of the proposed landscaping is not supported.

It is not considered that the proposed development satisfies the requirements above in terms of garbage area.

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(d) Variations to the Googong Development Control Plan

There are four minor variations to the Googong DCP relating to Parts 4, 5 and 7 which are supported as follows:

Variation 1 - Part 4 – Subdivision Controls - Clause 4.4 – Lot Orientation and Lot Size and Layout

The proposal does not comply with the provisions of clause 4.4 - Lot Orientation and Lot Size and Layout of the Googong DCP in relation to the minimum frontage dimension requirement. Controls for lot size and layout are:

a) Minimum lot size is to be in accordance with the LEP Lot Size Map and the lot dimensions are to be in accordance with the Table below.

Lot Size	Minimum Frontage Dimension
170 < 250m ²	6.0m
250 < 300m ²	6.0m
300 < 450m ²	10m
450 < 600m ²	12m
600 < 900m ²	12m
900 < 1500m ²	15m
> 1500m ²	18m

All proposed lots comply with the minimum frontage dimension specified in the table above except Lot 1 (combination of Lot 1 – principal dwelling and Lot 1A – studio dwelling above garages). Lot 1 has a total area of 424m² and therefore is required to have a minimum lot width of 10m. Lot 1 has a minimum lot width of 8m at the front boundary facing Helen Circuit which is a variation to Council DCP.

The applicant has submitted a variation request, stating that the variation has resulted from the irregular shape created by the approved subdivision of the parent lot (DA 186-2013) and is considered minor and does not adversely impact on the amenity of the lot and any adjacent properties. Furthermore, the variation responds to the site constraints.

The proposed variation is supported for the following reasons;

- No vehicle access is provided to Helen Circuit from this front boundary. Garages have direct access to the public laneway. Only pedestrian access is provided from this front boundary.
- The narrow lot width will not impact on the building appearance or streetscape and proposed landscaping at the front boundary.
- Narrow frontage will not reduce the natural surveillance to/from dwelling to/from the street.
- The proposed building complies with the front and side building setbacks.
- The proposed lot width was increased from 4.465m to 8m which is an improvement to the lot design and internal design of the proposed dwelling. Increase the lot width to 10m wide as required will results in a poor outcome of the public laneway design. This will reduce the width of the public laneway ever further.

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Variation 2 – Part 7 - Small Lots, Studio Dwellings, Dual Occupancies, Multi Dwelling Housing and Residential Flat Buildings - Clause 7.2 – Streetscape

The proposal does not comply with the provisions of clause 7.2 - Streetscape of the Googong DCP in relation to the proposed fencing.



Figure 4 – Proposed fencing

Clauses (h) and (i) state that the maximum height of the front fence is 1.2m high and is to be predominately open in design. Clause (k) states that side fences between residential lots are to start at least 1m behind the primary building frontage of the dwelling.

The proposed part of the front fencing and side corner of dwelling 2 will be consistent with the established pattern as it will be 1m in height and will be open style (gaps between slats). However, the front fencing including the side fence forward of the building line of dwelling 2 (part of front boundary) and dwellings 3–12 is 1.5m high. This is a variation to the DCP.

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The proposed variation is supported for the following reasons:

- The proposed front fencing is open style and is unlikely to result in any negative visual impact to the streetscape. Additionally soft landscaping is provided in front of the fence to reduce the visibility and impact of the 1.5m fence to the streetscape.
- The fencing provides a clear definition of the boundaries including the primary front courtyard of each property and is consistent with the traditional character of terrace housing; and
- The open style fence will provide suitable natural surveillance to/from properties to/from the road as 1.5m high fencing is below adult eye height when standing.
- The fencing provides a good level of privacy to PPOS and living room windows.
- This specific variation has been supported previously for dwellings on corner lots within terrace style small-lot housing developments in Googong for the same reasons.

Variation 3 - Clause 7.10 – Principal Private Open Space and Landscape Design

This clause states that the principal private open space is to be located behind the building line to the main street frontage, is oriented to the north where possible and is directly accessible from and adjacent to a habitable room other than a bedroom. For studio dwellings the principal private open space shall be in the form of a balcony, directly accessed off living space, having a minimum size of 12m² with a minimum dimension of 2m. It must be north facing where possible with a minimum of 3 hours solar access between 9am-3pm on 21 June.

The principal private open spaces for the dwellings on lots 3 -12 do not comply with the requirement above as they are located forward of the building line to the main street frontage (facing Gorman Drive). However, they comply with other requirements as they are oriented to the north/north-east and are directly accessible from a habitable room being the living area and comply with minimum dimension/size requirements. PPOS of the dwelling on Lots 1 and 2 comply with the above requirement as they are located behind the building line to the main street frontage (Gorman Drive and Helen Circuit), are oriented to the north and is directly accessible from a habitable room being the living area.

The proposed studio dwelling is provided with a balcony directly accessed off a living area with a northern orientation. It has a minimum dimension of 2.5m and an area more than 12m² and receives at least three hours of solar access between 9am and 3pm on 21 June.

On 13 April 2016 Council at its meeting supported the following recommendations to guide Council Assessing Officers and the developer to assess future small-lot housing development on the remaining undeveloped super-lots within the Additional Development Area (ADA) of Neighbourhood 1A.

- a) *Due to the noise impacts from Gorman Drive, any dwelling with PPOS proposed forward of the building line on a lot with frontage to Gorman Drive should be provided with a secondary area of private open space behind the building line that meets the minimum dimensions prescribed in the Googong DCP. This will mean that the affected dwellings will be provided with a functional secondary POS area that will be afforded greater acoustic privacy than the principal POS and, except for a period during mid-winter, will receive adequate amounts of solar access;*

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- b) *Applications that propose PPOS forward of the building line should include shadow diagrams that show the length of time within the calendar year that the secondary POS behind the building line does not receive the minimum required solar access.*
- c) *The design must ensure that any overlooking into PPOS forward of the building line from within the development is avoided; and*
- d) *Consideration needs to be given to the cumulative impacts on the Gorman Drive streetscape from front fencing that is higher than 1.2m and less than 50% transparent. Visual impacts may be mitigated by such measures as the use of varying materials and varying heights.*

The applicant has submitted a variation request, stating that;

"North-facing lots provide opportunities for higher-than-average solar access to the front of dwellings. North-facing lots struggle to achieve the required levels of solar access to PPOS, when the open space is located at the rear of the dwelling or behind the building line. Locating PPOS behind the building line on north-facing lots and achieving the required levels of solar access to PPOS is not achievable without significantly widening the lots which prohibits the ability to propose and deliver smaller lots housing in the designated ADAs. The location of the PPOS is largely driven by the orientation of Gorman Drive which is set by topography and connectivity, and is defined in the approved structure plan and DA's. It is also noted that the requirement to restrict direct vehicular access to dwellings from Gorman Drive creates the opportunity for ample useable open space at the Gorman Drive frontage. Positioning the PPOS forward of the building line in north facing lots with the exception of Lot 1 also contribute to the architectural variety of the streetscape through well-designed fencing and landscaping. It is recognised that the provision of PPOS forward of the building line presents a challenge for privacy. This is however, proposed to be addressed through a variety of measures without adversely impacting on the streetscape or for occupants. These measures include:

- Well-designed fencing that does not dominate the street;*
- Limiting fencing to a maximum height of 1.5m (eye height) (this exceeds the DCP requirements of maximum of 1.2m) whereby occupants, if seated, have complete privacy but when standing, have the opportunity to provide surveillance to the street; and*
- Landscaped hedges that work with the fencing to give visual privacy and softening of the streetscape. "*

Gorman Drive is a busy road with high volume traffic per day. Gorman Drive will generate noise impacts on the dwellings facing Gorman Drive.

Variation to this clause in relation to the location of the principal private open space for the dwellings on lots 3-12 located forward of the building line is supported for the following reasons:

- It is impossible to provide the PPOS behind the building line that will receive adequate natural sunlight during mid-winter given the orientation of the allotments which resulted from the subdivision of the parent lot. All PPOS forward of the building line comply with the size, orientation and solar access mentioned above.
- Functional secondary POS areas have been provided behind the building line of the affected dwellings that act as an extension to the living area. Secondary POS areas have greater acoustic privacy than the principal POS.

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- The development have been appropriately design to minimise any overlooking into PPOS forward of the building line from within the development. The dwellings have been designed to have low activity rooms or non-habitable rooms on the first floor, for dwellings 3, 4, 5, 7,8,10, 11 and 12. The rooms on the first floor of these dwellings consist of bedrooms, bathrooms and a study nook. All of these rooms have windows that will face directly to the north overlooking their own individual private open space, resulting in views from these windows to be oblique, therefore minimising any privacy impacts on the neighbouring private open space(s). Balconies have been provided with privacy screens to minimise the privacy impact.
- Maximum 1.5m high see-through fencing has been provided at the front boundary and around the PPOS areas facing Gorman Drive. The proposed see-through type fencing with landscaping within the courtyard areas will provides visual interest and complement the existing and desire future streetscape.

As mentioned above, the applicant is required to submit shadow diagrams showing the length of time within the calendar year that the secondary POS (SPOS) behind the building line does not receive the minimum required solar access. The shadow diagrams showing the minimum solar access to at least 50% of the secondary POS of dwellings on Lots 3 – 12 between 9am and 3pm have been submitted and summarised in tables below.

1. Shadow diagrams between 1st February – 1st November

Dwelling (s)	Solar access received to 50% of Secondary POS
3, 4, 5, 10, 11, 12	4 hours
6, 7, 9	2 hours
8	3 hours

2. Shadow diagrams between 15 April – 15 September

Dwelling (s)	Solar access received to 50% of Secondary POS
3, 4, 5, 8	3 hours
6, 7, 11, 12	2 hours
9	1.5 hours
10	2 hours to less than 50% of secondary POS

Based on the tables above, some SPOS received 4 hours sunlight and some received less than 3 hours sunlight to 50% of the SPOS and some dwellings received between 1 – 2 hours sunlight to less than 50% of the SPOS as shown on Table 3 above. This is a variation to the Council Resolution on 13 April 2016. This variation is supported for the following reasons:

- Dwellings on lots 3 – 12 have been provided with a PPOS area that received more than 3 hours sunlight, comply with the size and orientation which meet the requirements in the DCP. This SPOS is an additional area to the PPOS.
- The proposed SPOS will function/act as an extension to the living area and have greater acoustic privacy than the principal POS regardless the lack of the sunlight.
- Given the orientation of the lots resulted from the approved subdivision of the parent lot, it is impossible to provide all private open space behind the building line that receive more than 3 hours sunlight within the calendar year.

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A landscape plan prepared by Spacelab Studio has been provided for each dwelling and studio proposed within this development. Each lot will receive three hours or more of solar access to 50% of their principal private open space on the 21st of June (Winter solstice) as per submitted shadow diagrams. At least one living area window in each dwelling receives at least three hours of sunlight between 9am and 3pm on the 21 June.

Solar access and privacy to the principal private open space of neighbouring lots (Lots 1330, 1350, 1351 & 1352) will not be significantly reduced or compromised. The submitted shadow diagrams show that each affected lot will receive three hours or more of solar access to 50% of their principal private open space on the 21st of June (Winter solstice).

Variation 4 - Variations to Part 7 – Table 1 – Setbacks and Articulation Areas

The developer has also requested a number of other minor variations related to design and set out issues. They relate to minor encroachments into setbacks and articulation areas and are detailed in the attached *Sec79C Matters for Consideration*. The variations are supported as:

- The proposed variations are considered to be minor, especially when viewed in the context of the entire Gorman Drive, Helen Circuit and Saphira Street streetscape. The variations are not considered to reflect an overdevelopment of the site and can be supported in this instance.
- They will not reduce the architectural quality of the dwelling.
- The impact on the amenity of the residents is considered minimal.
- Minor encroachments of balconies will not adversely impact on adjoining properties by way of privacy or overshadowing, nor will it adversely affect the amenity of the locality.
- Variation to the landscaped area behind of the building line of dwellings on Lots 3, 5 and 10.

(e) Other Unacceptable adverse impacts of the development - Section 79C (1)(b)*Context and Setting*

The subject site was approved as super lot 1329 within stage 6D, which was approved as a part of DA 186-2013. Stage 6D has now been registered. Super lot 1329, has a frontage to Gorman Drive and Helen Circuit. The site is also located in close proximity to the public primary school and neighbourhood centre. There is no vegetation on the site and the site is not affected by any identified hazards.

The site is consistent with the envisaged built form that surrounds the site and neighbourhood centre, within the Googong Masterplan and the Queanbeyan Local Environmental Plan which is small lot housing on lots with a minimum lot size of 130m² and accessed via a laneway to the rear loaded garages/carports.

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The proposed development will provide lots with a minimum lot size of 132m², with an orientation of north to the primary frontage and south to the rear of the proposed lots. 13 Torrens lots and 1 strata lot are proposed within this subdivision. The dwelling houses proposed within this application are a mix of single storey and two storeys dwelling house, attached and semi-detached dwellings with one studio dwelling proposed. A public laneway is also proposed to provide access to the rear loaded lots, the laneway will connect to Helen Circuit. The façade of the dwellings will face Gorman Drive for all of the lots, however lot 2 will have a secondary frontage to Helen Circuit and lot 1 will have a primary frontage to Helen Circuit as well.

The design of the dwellings, the orientation of the lots and the depth of the lots have resulted in the dwellings within the proposed subdivision and neighbouring lots maintaining an adequate level of solar access and privacy to the dwellings. The proposed development will also have minimal impact on the scenic quality or vistas.

However, the proposal as submitted (proposed public laneway) is not considered well designed as it does not provide for suitable and safe vehicular access and vehicle manoeuvrability. The proposed narrow public laneway is likely to cause conflict between pedestrian, vehicles, garbage vehicles and emergency services vehicles using the laneway. Without a satisfactory vehicular access the proposal does not provide a good amenity for the residents and housing needs and is likely to generate traffic impact on the development and locality. The current design of the laneway is not a good long term design outcome for the site given the traffic generation brought by the existing and future development in the vicinity to the surrounding street network including the subject site.

Therefore the proposed public laneway is considered inappropriate for the context and setting of the development and is poorly designed. The proposal is not considered compatible with the existing and future development in the locality.

Access, Transport and Traffic

The proposed development has included a public laneway which has not achieved the Engineering Design specifications, the numerical requirements specified within the Googong Development Control Plan Part 4 or 5 or the general design requirements for public roads. Also the proposed development on site generates 125 vpa which is greater than the maximum traffic generation of 100 vpa allowed for a public laneway and is likely to generate greater traffic impact within the development and locality. The proposed narrow public laneway without any treatments such as a footpath will give rise to increased conflict between pedestrian, vehicles, garbage vehicles and emergency services vehicles using the laneway and traffic impact in the locality. It represents poor design and unsuitable development on site and in the locality.

The application was referred to the Local Development Committee and Council's Development Engineer for comment and they did not support the proposed public laneway due to residents and public safety issues, unsuitable access for service vehicles and emergency service vehicles, potential traffic volumes, use of the laneway (legal intent of motorists) and public asset viability (see Part 5 of the Googong DCP for more details).

Therefore the proposed development's impact in relation to access, transport and traffic is considered inappropriate and is not supported.

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Site Design and Internal Design

The proposed development, both subdivision of land and new dwellings, is considered to be generally well designed in an environmentally sensitive manner. However, the proposed narrow laneway without any treatments such as a footpath represents poor design and unsuitable development in the locality as it will give rise to increased conflict between pedestrian, vehicles, garbage vehicles and emergency services vehicles using the laneway and traffic impact in the locality.

Cumulative Impacts

Cumulative impacts relate to the small impacts of developments in an area that when considered in unison can result in detrimental impact on the natural or built environment.

The proposed development has included a public laneway which is not achieved the Engineering Design specifications, the numerical requirements specified within the Googong Development Control Plan Part 4 or 5 or the general design requirements for public roads. Council approved two previous applications, DA 412-2015 and DA 71-2016 for small lot housings with public laneways that do not comply with the Engineering Design Specifications. Council was aware that approving both public laneways in their current forms, may set the precedent or result in cumulative impacts in the future. However, the two previous developments generate the maximum traffic of 100 vpa or less than the maximum traffic volume allowed for a public laneway in Table D1.5 of the Design Specification and generate minimum traffic impact.

The proposed development generates 125 vpa which is greater than the maximum traffic generation of 100 vpa allowed for a public laneway and is likely to generate greater traffic impact within the development and locality. Also the proposed narrow public laneway will give rise to increased conflict between pedestrian, vehicles, garbage vehicles and emergency services vehicles using the laneway. The proposed public laneway in its current form, if approved, will set the precedent for the future development in the remaining lots allocated for small lot housing within Neighbourhood 1A as the amended Engineering Design Specification and Council's DCP only apply to future public laneway within Neighbourhood 1B. Therefore the proposed design of the public laneway is not supported in its current form.

(f) Unsuitability of the site for the development - Section 79C (1)(c)*Does the proposal fit in the locality?*

The subject site is located within the additional development area which permits minimum lot sizes of 130m², this area is established around the neighbourhood centre. The subdivision of lots to a size of 130m² caters for the provision of small lot housing, which is envisaged in this location. The proposed development will provide a minimum lot size of 132m² and proposes small lot housing.

There are no physical constraints, heritage, threatened species, agriculture or mineral and extractive resource constraints. Adequate recreational opportunities will be provided and all services will be available except a suitable vehicular access which is a major component for a suitable housing need. The proposed narrow public laneway in its current form will give rise to increased conflict between pedestrian, vehicles, garbage vehicles and emergency services vehicles using the laneway and traffic impact in the locality. Directly across the road and diagonally across the road are a public school site and the village

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centre development. The generation of traffic from these sites, the school being the more likely will impact on this laneway, the lane will be within the school zone, and the likelihood that children and or parents may use this lane if it is a public asset to travel via to and from school during peak hours produces a risk to Council as a public asset in its current form which would not be in the public's interest.

Therefore the proposed public laneway is considered inappropriate for the site and scale of the development and is poorly designed. The proposal is not considered compatible with the existing and future development in the locality.

Are the site attributes conducive to development?

Site attributes such as configuration, size and slope, are not considered conducive to the proposed development as the required retaining walls between the dwellings and garages/carports on Lots 2 - 11 limit its development potential to provide a suitable vehicular access on site.

It is noted that the size of the site can accommodate the proposed 13 lot subdivision and that complies with the minimum lot size, provides a north south orientation and a minimum cut and fill. However, the inclusion in the current design for vehicular access to be via a public laneway is not considered satisfactory. The site and the configuration of the lots does not allow the achievement of the necessary width to accommodate a public laneway with appropriate footpaths to ensure the safety and amenity of the residents and laneway users.

It is considered that the proposed development is not suitable and the site attributes are not conducive to the proposed development.

(g) Public Interest – Section 79C(1)(e)

It is considered that the public interest will be adversely affected by the proposed development. The proposal as submitted is not considered well designed as it does not provide for suitable and safe vehicular access and vehicle manoeuvrability. The proposed narrow public laneway is likely to cause conflict between pedestrian, vehicles, garbage vehicles and emergency services vehicles using the laneway. The development site is located in close proximity to a future neighbourhood centre. However without a suitable footpath along the proposed narrow laneway that will connect the site to a network of footpaths in the area, the proposal does not promote a walkable neighbourhood and sense of community.

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

Council's Building Surveyor has assessed the proposal and has raised no objections subject to the imposition of relevant conditions (if granted).

Development Engineer's Comments

Water Supply - The development and proposed lots are supplied with potable services from infrastructure constructed during works for CCSUB 05-2014, any strata development by the construction of "fonzie" style units will require an individual metering arrangement at the cost of the applicant.

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Sewer - Each lot in the proposed development is supplied with a sewer tie. This was constructed during work for CCSUB 05–2014. Work as executed plans would form part of a Construction Certificate application.

Storm Water - A storm water main is constructed within the carriageway of the lane, with pits constructed to capture any overland flows.

Each property is served with a storm water tie off this main. Work as executed plans for the work are pending and would form part of a Construction Certificate application.

Electricity - Public lighting to the lane is proposed with a shorter arm reach and lower illumine. The site has telecommunication and power available, which was constructed as part of stage 6D of neighbourhood 1A.

Environmental Health Comments

Council's Environmental Health officer has assessed the proposal and has raised no objections subject to the imposition of relevant conditions (if granted).

Local Development Committee Comments

The Committee reviewed the application in its current format and could not support the application, due to safety, geometrical design and sustainability as a public asset. The concerns raised by the Committee are outlined below in more detail:

- a) Pedestrian safety with no identifiable facilities in the public laneway for pedestrians;
- b) Potential for the lanes to be used as thru traffic access which is not as per design. This concern was particularly noted with nearby development such as a school that might generate vehicle or foot traffic using the lane as alternate route or for parking during busy pick up and drop off school times.
- c) Safety concerns with garbage collection including pedestrian safety of residents and potential disruption to garbage collection service should vehicle's park in the laneway.
- d) Proposed lane widths permit only one-way direction traffic did raise safety concerns for vehicles in residences based towards the rear end of the lane that may illegally choose to exit the lane in the wrong direction rather than drive the full length of the lane in the correct direction.
- e) Concerns for speeding and thru traffic with the linkage of the public laneways and recommendation for a reasonable visual offset to be included in the design.
- f) Note the need for public laneways to be accessible by emergency services vehicles and concerns the current design might not always permit this access.
- g) Concerns that the location of the garage blocks pedestrian sight distances for vehicles traffic using the laneway.

Financial Implications

The proposed development is subject to the Googong Urban Development Planning Agreement. Contributions security and cash contributions are applicable under this agreement to the proposed development if the DA is approved.

**8.2 Development Application 90-2016 - Small Lot Housing and Subdivision - Googong
(Ref: C174763; Author: Thompson/Kunang) (Continued)**

Financial implications for Council, should the proposal be approved, will arise from the requirement for the on-going maintenance of the public laneway, landscaping and street lighting along the proposed laneway. There is also the liability that will come to Council for any incidents that occur that result in the acceptance of a laneway that has not met Council's specifications.

Refusal of the subject application could be appealed to the NSW Land and Environment Court. Council costs would be associated with defending the appeal.

Engagement

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

Compliance or Policy Implications

All legal and compliance considerations have been satisfactorily addressed within the report.

Conclusion

The submitted proposal for the subdivision of land to create 13 x Torrens Title lots, 1 x Strata lot, 1 residue lot and 1 x public laneway, and erection of 13 x dwellings (including 1 x dwelling house, 7 x attached dwellings, 4 x semi-detached dwellings and 1 studio dwelling) on Lot 1329 DP 1217419 (formerly known as Lot 63 DP 1208211) Corner of Helen Circuit and Gorman Drive, Googong is a local development supported by a Statement of Environmental Effects. The proposal was notified to adjoining owners/occupiers and no submissions were received.

The proposal has been assessed under Section 79C *Environmental Planning & Assessment Act* 1979 including the relevant provisions of *Queanbeyan Local Environmental Plan 2012*, *Queanbeyan Development Control Plan 2012* and *Googong Development Control Plan*. The development does not satisfy all the requirements or achieves the objectives of these instruments. There are some variations that are considered minor and have been supported in similar developments in the past and are in turn considered appropriate to support for this application.

However, there are a number of areas of concern that principally relate to the inclusion of a public laneway in the design which results in non-compliance that is not supported as follows:

- (a) Non-compliance with the R1 General Residential zone objectives under the QLEP 2012.
- (b) Non-compliance with the relevant provisions of Part 2 of Queanbeyan DCP 2012.
- (c) Non-compliance with the relevant provisions of Parts 4, 5 and 7 of the Googong DCP.
- (d) Minor variations to the requirements under Parts 4, 5 and 7 of the Googong DCP that can be supported.
- (e) Unacceptable adverse impacts of the development under Section 79C (1)(b) as it relates to the context and setting, access transport and traffic impacts, Site and internal design and the cumulative impacts
- (f) Unsuitability of the site for the development - Section 79C (1)(c)
- (g) Not in the public interest – Section 79C(1)(e)

**8.2 Development Application 90-2016 - Small Lot Housing and Subdivision - Googong
(Ref: C174763; Author: Thompson/Kunang) (Continued)**

The proposed development is not considered suitable for the site, and is recommended for refusal based on the assessment in this report and the following reasons for refusal:

- (a) The proposal does not comply with the *Queanbeyan Local Environmental Plan 2012* (QLEP 2012) in the following ways:
 - i. The proposal does not meet the R1 General Residential zone objectives to ensure that new development provides for the housing needs and good amenity for residents as the proposed vehicular access/public laneway is unsatisfactory and is likely to generate traffic impact on the development on site and on the locality. Without a suitable footpath along the proposed narrow laneway that will connect the site to a network of footpaths in the area, the proposal does not promote a walkable neighbourhood and sense of community. The narrow public laneway is likely to cause conflict between pedestrian, vehicles, garbage vehicles and emergency services vehicles using the laneway.
 - ii. The proposal does not comply with Clause 4.1 of the QLEP 2012 as the proposed development will have adverse impact on the functions and safety of main roads in the area and waste collection services. The proposal is not well designed as a suitable vehicular access with acceptable footpath and adequate bins pads in the laneway verge cannot be provided for the proposed development which will have impacts on the public domain, amenity of the residents and environment. Also the traffic generation is greater than the maximum traffic generation allowed for a public laneway. This will generate greater traffic impact within the development and locality and will impact on the functions and safety of the roads in the area.
 - iii. The proposal does not satisfy the requirements under Clause 7.9 of the QLEP to ensure the development has a suitable vehicular access. The proposed narrow public laneway without any treatments such as footpath will give rise to increased conflict between pedestrian, vehicles, garbage vehicles and emergency services vehicles using the laneway and traffic impact in the locality. It represents poor design and unsuitable development on site and in the locality.
- (b) The proposal does not comply with Clause 2.3.5 of the Queanbeyan DCP 2012 and Clause 7.12 and Clause 7.17 of the Googong DCP as adequate and suitable bins pads within the public laneway verge to cater for 5 of the dwellings cannot be provided without impacts on the public domain and compromising the amenity of the residents and environment.
- (c) The proposed development does not comply with the following parts of the Googong Development Control Plan:
 - i. The proposal does not comply with Clause 4.2 of the Googong DCP as the proposed narrow public laneway without a suitable footpath that will connect the site to a network of footpaths in the area will not promote a walkable neighbourhood. It will give rise to increased conflict and risk between resident pedestrians, vehicles, garbage vehicles and emergency services vehicles using the laneway.

**8.2 Development Application 90-2016 - Small Lot Housing and Subdivision - Googong
(Ref: C174763; Author: Thompson/Kunang) (Continued)**

- ii. The proposal does not comply with Clause 5.2, Clause 5.8 and Clause 7.3 of the Googong DCP. The public laneway component of the proposal is not considered well designed as it does not provide for suitable and safe vehicular access and vehicle maneuverability that meet the requirements under Council policies as follows:
 - 1. The proposed laneway exceeds the maximum length for the laneway in the DCP and does not include satisfactory treatments to reduce the gun barrel affects.
 - 2. The application is not supported by the Local Development Committee due to residents and public safety issues, unsuitable access for service vehicles and emergency service vehicles, potential traffic volumes and use of the laneway (legal intent of motorists)
 - 3. Council would have to maintain an asset that is under designed for its use and this is not in the public interest to be a public asset in its current form.
 - iii. The proposal does not comply with Clause 7.9 of the Googong DCP as pedestrian and vehicle access ways of all dwellings are not separated and not clearly distinguishable, and with the proposed traffic generation, external traffic inputs and geometry of the lane it delivers a design that is not in the interest of Council as a public asset.
- (d) The proposed narrow laneway without any suitable footpath is considered inappropriate for the site and scale of the development and is poorly designed. The proposal that includes a narrow public laneway without any suitable footpath is not considered compatible with the existing and future development in the locality.
- (e) The proposal is not in the Public interest as it has the potential to impact on the safety of the public and adverse impacts on adjoining land uses and will set an undesirable precedent for the future development.

Attachments

- Attachment 1 25 January 2017 - DA 90-2016 - Lot 63 DP 1208211 Helen Circuit - Small Lot Housing Proposal - Section 79C Table (*Under Separate Cover*)
- Attachment 2 25 January 2017 - DA 90-2016 - Small Lot Housing - Plans Provided in Hardcopy (*Under Separate Cover*)

DETERMINATION REPORTS

8.3 Development Application 330-2016 - 29 Gilmore Place, Queanbeyan - Dual Occupancy (Ref: C174448; Author: Thompson/Tonner)

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

This application has been referred to Council because the application requires several variations to requirements in a development control plan and those variations have the potential to have an environmental impact.

Proposal:	Dual Occupancy - New 2 storey dwelling and retention of existing dwelling, strata subdivision and demolition of existing shed, carport and other ancillary structures associated with the existing dwelling.
Applicant/Owner:	Liam Robertson DNA Architect / Philip Markys & Brigitte Bouras
Subject Property:	29 Gilmore Place, Queanbeyan West being Lot 97 DP 8718
Zoning and Permissibility:	R3 Medium Density Residential under Queanbeyan Local Environmental Plan 2012
Public Submissions:	One written submission
Issues Discussed:	Planning Requirements Objection Variation to Councils DCP 2012
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 conditionally granted to the following variations of the Queanbeyan Development Control Plan 2012 for the reasons stated below.
 - a) ***Variation to Clause 2.2 Car Parking, and Clause 3.6.10 Car parking, Driveways and Manoeuvring Areas – Request to provide visitor parking space as on-street parking and to allow reversing onto street.***
The parking of a visitor space on the road and reversing of vehicles onto the street will not reduce the capacity of the road or traffic safety. Parking for visitors will still be able to occur in front of the proposed double garage for the new dwelling.
 - b) ***Variation to Clause 3.6.2 Site Coverage – Request to vary maximum site coverage.***
The site coverage exceeds the maximum site coverage by 3.28 %. The departure is only minor and the development complies with the clause objectives.

8.3 Development Application 330-2016 - 29 Gilmore Place, Queanbeyan - Dual Occupancy (Ref: C174448; Author: Thompson/Tonner) (Continued)

c) *Variation to Clause 3.6.15.2 Dual Occupancy - Private Open Space (POS)***i. *Existing Dwelling – Request to allow POS to encroach into setback area.***

The encroachment of the POS into the building setback for the existing dwelling will provide a better design outcome as it will maximise the northern orientation. This will afford the courtyard POS for the existing dwelling a minimum of 3 hours of solar access on the June 21 (winter solstice). Non-compliance by allowing the courtyard in front of the building line will achieve a higher level of amenity for the future residents as it will provide solar access to the private open space and allow direct access to the front verandah.

The POS will also be screened by a hedge along both Cassidy Street and Gilmore Place. This will ensure the existing landscaped streetscape of the site is maintained from these streets. No courtyard walls are proposed in keeping with Council's DCP requirements.

ii. *New Dwelling – Request to reduce minimum POS area by providing two alternate areas*

The provision of two POS areas for the new dwelling is supported. Although the POS area facing Cassidy Street is below 24m² in area it still retains a good size of 18m². It also has a north/west aspect and is screened and landscaped. It will provide good outdoor space in winter for the residents.

The alternative covered outdoor area of 15m² on the southern elevation will provide good outdoor space in summer.

2. That Development Application 330-2016 for a dual occupancy, strata subdivision and demolition of ancillary structures at 29 Gilmore Place, Queanbeyan West being Lot 97 DP 8718, be granted conditional approval.
 3. That those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.
-

Background***Proposed Development***

The development application is for:

- Proposed dual occupancy (retain the existing dwelling and erect a new, two storey dwelling containing 5 bedrooms, lounge, dining, rumpus, kitchen, bathrooms and double garage.
- New dwelling comprises a mix of materials including painted face brick, fibre cement weatherboard sheeting, colorbond™ steel roof & aluminium windows.
- The new dwelling will accommodate 2 garaged vehicles and 2 spaces in the driveway inside the property boundary. The existing dwelling will permit 1 garaged space and 1 space inside the boundary at an angle. The applicant seeks permission for the visitor space to be provided on the street.

8.3 Development Application 330-2016 - 29 Gilmore Place, Queanbeyan - Dual Occupancy (Ref: C174448; Author: Thompson/Tonner) (Continued)

- Building height varies and is generally below 7.41m from natural ground level to roof pitch.
- It is proposed to strata subdivide the existing and new dwelling.
- The upper storey of the new dwelling generally contains bedroom windows on the eastern and southern elevations.
- Setbacks are 6.04m to 6.519m to Cassidy Street, 8.115m to 10.617m to the southern boundary, 3.5m to the eastern boundary and 4m separation with the existing dwelling on the north side.
- The new dwelling contains a floor area 223.58m² and the existing dwelling 182.24m².
- The site coverage is 43.28%.
- The roof pitch of the new dwelling is 15 degrees.
- The existing shed and a number of ancillary residential structures are to be demolished.
- Existing established trees will be removed where the new dwelling is proposed.
- Small cut & fill of up to 400mm required for the new dwelling.

Subject Property

29 Gilmore Place, Queanbeyan West, being Lot 97 DP 8718. The site is located on the corner of Gilmore Place and Cassidy Street as shown in Figure 1.



Figure 1 – Site Context – 29 Gilmore Place shown shaded in red

(Source QPRC Intramaps - Aerial Near maps Dec 2016)

8.3 Development Application 330-2016 - 29 Gilmore Place, Queanbeyan - Dual Occupancy (Ref: C174448; Author: Thompson/Tonner) (Continued)

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.

State Environmental Planning Policies***State Environmental Planning Policy No 55 - Remediation of land***

Clause 7(1) prescribes that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. There are no records of the site being previously used for any potentially contaminating purposes. The site has a long history of residential use.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004)

Under this policy, a BASIX certificate must be obtained, and this certificate must be consistent with the plans submitted. A BASIX Certificate was submitted that includes measures that will achieve the required energy and water efficiency targets. The information provided within the submitted certificate and the plans are consistent, therefore, compliance with this SEPP has been achieved.

The BASIX certificate number is 733532S dated 21 July 2016. As a 3 month period has lapsed since its issue it is no longer valid and will require re issuing.

State Environmental Planning Policy (Infrastructure) 2007)

The provisions of this Policy have been considered in the assessment of the application. The site is not located in or adjacent to road corridor nor does it have a frontage to a classified road. The site is not located within or immediately adjacent to an easement for electricity purposes or immediately adjacent to an electricity substation. No development is proposed within 5m of an overhead powerline and no ground penetrating work is proposed within 2m of any underground electricity services.

Electricity easement traversing site was referred to Essential Energy. Refer to comments below under the heading - Submissions from Public Authorities

Queanbeyan Local Environmental Plan 2012 (LEP).

The development is permitted with consent in the R3 Medium Density Residential zone under the Queanbeyan Local Environmental Plan 2012 subject to Council's consent. The development complies with the relevant QLEP 2012 provisions.

8.3 Development Application 330-2016 - 29 Gilmore Place, Queanbeyan - Dual Occupancy (Ref: C174448; Author: Thompson/Tonner) (Continued)

Queanbeyan Development Control Plan 2012 (QDCP)

The development generally complies with the Queanbeyan Development Control Plan 2012 with the exception of the following development standards where the applicant has made several requests to vary the provisions of the QDCP.

Council's DCP allows variation to the development standards as follows:

- *The controls contained in this DCP should be complied with. However, there may be outstanding circumstances (context or site specific) where a minor variation in development standards may be justified.*
- *Council may consider variations to developments standards where it is demonstrated that the objectives of the DCP and the objectives of the particular development standard can be achieved without detriment.*
- *Any applicant wishing to vary a standard in this DCP must request a variation in writing, providing a detailed justification for the request and evidence that a better design outcome will result from the variation. Council will not approve any variation unless it is fully satisfied with the argument for non-compliance.*

Variation 1 - Clause 2.2 Car Parking and Clause 3.6.10 Car Parking, Driveways and Manoeuvring Areas

Variations Requested

- a) To permit one visitors parking space on the street for dual occupancy (Clause 2.2).
- b) To ensure adequate provision of secure and accessible on-site parking for residents and visitors (Clause 3.6.10).
- c) To allow reversing of vehicles onto the street.

The relevant objectives of this clause are:

- *Car parking is to be provided on-site which will cater for the increased demand brought about by the development of the site.*
- *The provision of car parking which is functional, safe and attractive.*
- *The construction of car parking areas, service areas and associated areas to be in accordance with good engineering practice.*

Applicant's justification - Variation is sought to allow 1 visitor space to park on the street for the existing dwelling.

Adequate onsite parking is provided for the new dwelling. Two (2) garaged spaces and 2 further spaces are located in the driveway within the property.

The existing dwelling will accommodate two spaces on site. One in the garage and the other at an angle adjoining the garage. The existing verge crossing will require widening to allow this space to operate effectively. The applicant advises Cassidy Street is a low volume traffic street that would permit safe exiting of vehicles from the development onto the street.

8.3 Development Application 330-2016 - 29 Gilmore Place, Queanbeyan - Dual Occupancy (Ref: C174448; Author: Thompson/Tonner) (Continued)

Assessing Officer's Comments

The controls for visitor parking under Clause 3.6.10 are as follows:

- *All car parking spaces, garages and vehicle manoeuvring driveways shall be designed so that vehicles can easily enter and leave the premises by movement in a forward direction.*
- *Parking spaces are not permitted within the front or rear building setbacks.*
- *Parking spaces (including visitor spaces) are not permitted within the front building setback.*

Council's development engineer advises - The existing dwelling only has a single garage and thus one parking space behind the building line, although the garage is shorter than the required AS2890 length. Updated drawings (Drawing A202, dated 10/10/2016) show an additional parking space created through widening of the existing vehicle kerb crossing and driveway. As the building set back at this location is less than the required 5.4m for a parking space, the space is angled, which whilst not ideal, still provides the parking requirements with reasonable manoeuvrability compared to previous concepts submitted, which blocked access to the existing garage space.

The new dwelling includes provision for a double garage, meeting the requirement for two primary parking spaces behind the building line.

In accordance the QDCP, Dual Occupancy developments require one visitor parking space, none of which are indicated on the provided drawings. The new dwelling has a double garage with two further spaces available between the property boundary and garage. Therefore a visitor to Unit 2 is likely to park on the property in front of the garage.

The existing dwelling does not meet this requirement. However, given that the lot fronts two streets, Council's Development Engineer is willing to accept on street visitor parking.

The variation to allow on street parking and vehicles to reverse onto the street is justified in this case for the following reasons:

- Council's Engineers support one visitor space on the street.
- The road capacity is adequate to accommodate one on site visitor space and reversing of vehicles without compromising traffic safety.
- Both dwellings accommodate their own on-site parking needs.
- In practice it is likely the space in front of the garages for the new dwelling will be utilised for visitors for this unit. The garage is setback 6m to enable this to occur without encroaching on the footpath.

Given the above circumstances the variations outlined above are supported. The objectives of each of the clause provisions are generally satisfied.

*Variation 2 - Clause 3.6.2 Site Coverage**Variation Requested*

The site coverage proposed for the dual occupancy development is 43.28%. This figure exceeds the 40% maximum site coverage permitted by this clause.

8.3 Development Application 330-2016 - 29 Gilmore Place, Queanbeyan - Dual Occupancy (Ref: C174448; Author: Thompson/Tonner) (Continued)

Applicant's justification for the variation - The applicant advises that the variation is only a minor departure from the standard and the development satisfies the relevant objectives above. The development is a dual occupancy where only one additional dwelling is proposed and not multi dwelling housing.

Assessing Officer's Comments

The relevant objectives of this clause are:

- a) *To control the density of development to promote a mix of housing and to control the scale of development to promote a medium to high density residential environment.*
- b) *To ensure the development sites have sufficient area and width that maximises the development potential of land and improves the quality and variety of design through compliance with Council's DCP.*

The variation proposed is not significant. The departure does not affect the quality of design and maximises development potential of the site. The development provides for adequate on site POS and common open space and meets all building setback requirements for the new dwelling. The small departure in site coverage has not impacted on adjoining properties.

Existing external ancillary structures and outbuildings associated with the existing dwelling will be removed from the site. The proposed development will result in an attractive overall development design of the site removing many of the existing untidy structures.

The variation is supported as the proposed variation will still be consistent with the objectives of this clause and is of a minor departure from the standard.

Variation 3 - Clause 3.6.15.2 Dual Occupancy - Private Open Space, setback of existing dwelling and minimum area.

Variation of Requested

Courtyards in the front building setback are not permitted for existing dwellings. Courtyards may only be erected forward of the building for new development on vacant land where the wall is staggered and constructed of brick or is rendered with open elements for passive surveillance.

The following dimensions for the private open space area for each dwelling are required to be complied with:

- a) Minimum width of 2.5m; and
- b) One part of the private open space area is to be capable of containing a rectangle of 4m x 6m which is directly accessible from the dwelling

Applicant's justification for variation - The existing residence's private open space is positioned to have a north facing outdoor space. This space is currently utilised for this purpose as it is accessed from the covered outdoor space. Given the site restraints this location is preferred and currently used for this purpose.

The new dwelling will contain two POS areas; one fronting Cassidy Street comprising an area of 18m² and the other on the southern side of the structure containing a covered deck of 15m². These two options allow for winter and summer outdoor positions for residents.

8.3 Development Application 330-2016 - 29 Gilmore Place, Queanbeyan - Dual Occupancy (Ref: C174448; Author: Thompson/Tonner) (Continued)

Assessing Officer's Comments

The relevant objectives of this clause are:

- a) *Provide high levels of amenity for future residents of any residential development.*
- b) *Encourage a high standard of aesthetically pleasing and functional residential developments that sympathetically relate to adjoining and nearby developments.*
- c) *Ensure that development will not detrimentally affect the existing amenity of any adjoining lands and ensure that satisfactory measures are incorporated to ameliorate any impacts arising from the proposed development.*
- d) *Encourage good design with particular emphasis on the integration of buildings and landscaped areas that add to the character of the neighbourhood*

Existing Dwelling - The non-compliance with the building setback for the existing dwelling will provide a better design outcome as it will maximise the northern orientation, which will afford the courtyard POS for the existing dwelling a minimum of 3 hours of solar access on June 21 (winter solstice). Non-compliance by allowing the courtyard in front of the building line will achieve a higher level of amenity for the future residents as it will provide solar access to the private open space and allow direct access to the front verandah.

The POS will also be screened by a hedge along both Cassidy Street and Gilmore Place. This will ensure the existing landscaped streetscape of the site is maintained from these streets. No courtyard walls are proposed in keeping with Council's DCP requirements.

New Dwelling - The provision of two POS areas for the new dwelling are supported. Although the POS area facing Cassidy Street is below 24m² area it still retains a good size area of 18m², it has a north/west aspect, it is screened and landscaped. It will provide good outdoor space and solar access in winter for the residents.

The additional alternate covered outdoor area of 15m² on the southern elevation will provide good outdoor space in summer when more shade will be available.

Non-compliance with the minimum area and dimensions for the POS facing Cassidy Street is supported for reasons above and the variation is recommended.

The variation to Council's POS standards are supported as non-compliance will still be consistent with the objective of this clause, as per the assessment above.

All of the variations proposed by the applicant are considered to have merit for reasons outlined above and are therefore supported. It is considered a better design outcome has resulted from the variations.

(a) Building Surveyor's Comments

No objection subject to standard conditions

(b) Development Engineer's Comments

Water - Additional water tie to be provided. Individual water meters are required.

Sewer - A 3m wide sewer easement is required along the rear boundary of the property. The deck encroachment on previous provided drawings have been amended such that the deck is set back outside the easement.

Stormwater - Additional stormwater to tie into existing. Drainage easement adjacent to the rear boundary present.

8.3 Development Application 330-2016 - 29 Gilmore Place, Queanbeyan - Dual Occupancy (Ref: C174448; Author: Thompson/Tonner) (Continued)

Generally - The applicant will need to ensure that the relocation of water, sewer and stormwater services from the existing dwelling are adequately catered for where they cross the strata title lot created for the new dwelling.

Water and sewer contributions will apply to the additional dwelling.

(c) Environmental Health Comments

Waste Disposal - Set of individual bins will be provided for each occupier.

Presence of bonded asbestos products - A licensed asbestos removalist will be required to dispose of material from the demolished buildings.

(d) Essential Energy Comments

Essential Energy were consulted and raised no objection to the development. Any activities undertaken within the nature strip or within the property impacting on electricity infrastructure must be undertaken with guideline known ISSC 20 *Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*.

Engagement

The proposal required notification under Queanbeyan DCP 2012. One (1) written submission was received. The relevant issues raised are as follows:

Issue: The submitter raises concern about potential loss of distant views and affect on the amenity and property values.

Comment - The development will result in a modest size additional dwelling on site with a maximum height of 7.41m in 2 storey construction. The height profile of the new dwelling viewed at higher vantage points will be further reduced by the slope of the land falling away from the existing residence. There may be some loss of views from the resident upslope however, such views are likely to be minimal given that existing trees in the rear yard presently impede views to some extent.

Some view loss is to be expected with the redevelopment of this neighbourhood into 2 storey multi-unit development. The loss of any views or part views in this locality is inevitable. The loss of any property value due to any loss of view is unlikely and cannot be substantiated. Property values within multi-unit redevelopment areas have increased if anything since multi-unit zonings were established under the QLEP 2012. The demand for this zoned land is generally high throughout the City.

Issue: The development will result is more vehicles being parked in Gilmore Place and Cassidy Street and reversing of vehicles reducing the adjoining road capacity.

Council's Development Engineers advise in accordance the Queanbeyan City Council DCP 2012, Dual Occupancy developments require a visitor parking space, none of which are indicated on the provided drawings. The existing dwelling does not meet this requirement, though given the lot fronts two streets, Council's Engineers are willing to accept on street visitor parking. The new dwelling has a double garage, thus it is expected that the visitor parking space will be in front of one of the primary parking spaces.

Given these circumstances any on street car parking that may occur from the additional dwelling on the site will be minimal and unlikely to interfere with local traffic movements and safety. Council's Engineers further advise reversing of vehicles onto the adjoining street will not reduce the vehicle efficiency and capacity of the adjoining street.

8.3 Development Application 330-2016 - 29 Gilmore Place, Queanbeyan - Dual Occupancy (Ref: C174448; Author: Thompson/Tonner) (Continued)

Refusal or alteration of the proposal having regard to the submission is not warranted under the circumstances.

Conclusion

The submitted proposal for a dual occupancy (two storey), strata subdivision and demolition of existing shed, carport and other ancillary structures associated with the existing dwelling on 29 Gilmore Place, Queanbeyan West being Lot 97 DP 8718, is supported by a Statement of Environmental Effects.

The proposal was notified to adjoining owners/occupiers and one (1) submission was received. The relevant issues have been considered in the above comments under the heading of engagement.

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

The development satisfies the requirements and achieves the objectives of these instruments with the exception of some variation to the standards of QDCP. The variations to the standards are supported for the reasons outlined in this report.

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 Meeting - 25 January - DA 330-2016 - 29 Gilmore Place - 79C(1) Matters of Consideration (<i>Under Separate Cover</i>) |
| Attachment 2 | Council Meeting - 25 January 2017 - DA 330-2016 - 29 Gilmore Place - Plans (<i>Under Separate Cover</i>) |
| Attachment 3 | Council Meeting - 25 January 2017 - DA 330-2016 - 29 Gilmore Place - Submission (<i>Under Separate Cover</i>) |
| Attachment 4 | Council Meeting - 25 January 2017 - DA 330-2016 - 29 Gilmore Place - Draft Conditions (<i>Under Separate Cover</i>) |

DETERMINATION REPORTS

8.4 Review of Determination - 35 Trucking Yard Lane Bungendore - Childcare Centre - REV2016.003 (Ref: C173910; Author: Thompson/Blacklock)

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

This application has been referred to Council because written submissions have been made to Council resulting from the notification process and valid concerns have been raised which cannot be overcome with a condition of consent and where plans cannot or will not be amended to overcome such concerns and the Director Environment Planning and Development has determined it is in the public interest to have the matter considered by Council.

Proposal:	Construction of a Childcare Centre catering for 50 children and associated landscaping and car parking.
Applicant/Owner:	Spacelab / Chong Chung Lok Pty Limited
Subject Property:	Lot 1 DP 1210698 35 Trucking Yard Lane, Bungendore
Zoning and Permissibility:	R2 Low Density Residential under Palerang Local Environmental Plan 2014
Public Submissions:	One
Issues Discussed:	Planning Requirements Potential for Contamination Car parking Impact on streetscape and amenity
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

Recommendation

1. That pursuant to Section 82A(4)(c) of the *Environmental Planning and Assessment Act 1979*, the development, which incorporates amendments to parking, is considered substantially the same development as described in the original application.
 2. That Development Application DEV2016.001 (REV.2016.003) for a Childcare Centre on Lot 1 DP 1210698, No. 35 Trucking Yard Lane, Bungendore be refused for the following reasons.
 - a) The proposal does not comply with clause 7 of *State Environmental Planning Policy No. 55 – Remediation of Land*. There is no information provided with the application to give certainty of the previous uses and the information to rule out potential contamination of the site and provide the certainty that the site is suitable in its current state for a sensitive childcare use.
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8.4 Review of Determination - 35 Trucking Yard Lane Bungendore - Childcare Centre - REV2016.003 (Ref: C173910; Author: Thompson/Blacklock) (Continued)

- b) The proposal does not comply with the *Palerang Local Environmental Plan 2014* in the following ways:
 - i. The proposal does not meet the aims of the Plan in that it will unreasonably increase the demand for public services or public facilities by requiring indented on-street parking to fulfil the necessary parking demands for a 50 place childcare centre. This additional ongoing cost and burden is not considered a reasonable additional demand as it is essentially a subsidy being provided by Council for the developer.
 - ii. The proposal does not meet the R2 Low Density Residential zone objective to ensure that new development complements the scale, density and form of existing development. The proposed design and the traffic generated is not considered complementary to the scale and density of the existing development of Trucking Yard Lane, nor is it in keeping with the future scale that will exist when the newly subdivided residential lots are built upon.
 - c) The proposal does not comply with the following parts of the Palerang Development Control Plan:
 - i. The proposal does not comply with Clause 6.11 of the Palerang LEP or Part B7 of the Development Control Plan as adequate and suitable off street parking cannot be provided for the proposed development and the proposed design and location of parking areas and other areas used for the movement of vehicles and pedestrians is not efficient, safe and convenient, and integrated into the design of the development to minimise the visual impact.
 - ii. The proposal does not comply with Part B12 for Landscaping. The landscaping on the McKay Drive frontage has not provided an effective solution to addressing the amenity of this almost boundary to boundary mass of hardstand surface for the parking area. It is reasonable to expect that the frontage of a property in a residential area be sympathetic with the residential character and plantings associated with front gardens of newly developing residential estates such as is occurring in McKay Drive.
 - iii. The proposal does not comply with Part C30 for Gates and Fencing as it proposes fencing forward of the building line at a 1.8m height that exceeds the maximum of 0.9m and 1.2m.
 - iv. The proposal does not comply with Part D1 for the desired future characteristics of Bungendore to achieve development that is generally of low density with buildings well separated. The size of the proposed centre, together with the parking requirements generated and the size of the parcel of land does not result in a low density development.
 - d) The proposal is not in keeping with the low density residential context and setting of the site.
 - e) The proposal does not provide adequate and useable parking onsite to cater for the parking needs generated by the proposed childcare centre.
-

8.4 Review of Determination - 35 Trucking Yard Lane Bungendore - Childcare Centre - REV2016.003 (Ref: C173910; Author: Thompson/Blacklock) (Continued)

- f) The proposal results in unacceptable impact on the streetscape resulting from large area of hardstand within the front building line of McKay Drive
 - g) The proposal is not in the public interest as has the potential to impact on the safety of the public and liability by its reliance on providing half of the required parking on the street
3. That those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.
-

Background

This application is a request to review the decision made on Development Application (DA) 2016.001 for a childcare centre at 35 Trucking Yard Lane Bungendore. The DA 2016.001 was refused under delegated authority on 22 July 2016.

The reasons for refusal were:

- a) The development will have a detrimental impact on the surrounding residential amenity and does not meet the objectives of the R2 zone.
- b) The development does not maintain parking on the site or within the frontage of the site. It therefore does not comply with the NSW RMS Guide to Traffic generating Development.

Section 82A of the Environmental Planning and Assessment Act 1979 allows for an applicant to request the review of a decision. Such a review, must be conducted by Council, where Council made the original decision or an officer who is not subordinate to the officer where the decision was made under delegated authority. The original application was assessed by Council's Senior Town Planner and this 82A review has been carried out by Council's Manager Development Control.

Proposed Development

The development application is for the construction of a single storey childcare centre to accommodate 50 children. The proposal also includes car parking on site with landscaped area together with a proposal for indented on street parking and the relocation of the existing footpath.

In submitting the s82A review the applicant amended the originally refused plans by including provision for indented parking within the Trucking Yard Lane road reserve.

The extract from the landscape plan shows the general site layout (Figure 1).



Figure 1 – Extract from Landscape Plan

Subject Property

Lot 1 DP 1210698 No. 35 Trucking Yard Lane, Bungendore is located on the corner of Trucking Yard Lane and the newly constructed McKay Drive. The site is relatively flat with some exotic trees located in the western portion of the site. The surrounding development includes a new subdivision including a recently constructed dwelling to the north and the existing house for the holding prior to the subdivision being constructed. The land opposite Trucking Yard Lane to the south consists of rural paddocks. Refer to Figure 1.

8.4 Review of Determination - 35 Trucking Yard Lane Bungendore - Childcare Centre - REV2016.003 (Ref: C173910; Author: Thompson/Blacklock) (Continued)

**Figure 2 - Site Context – 35 Trucking Yard Lane Bungendore (Site is shown hatched)
(Source: QPRC Intramaps - Aerial 2016)**

Planning Requirements*Section 82A requirements:*

The applicant has requested Council to review the determination of refusal for a Local Development. The application is one that can be considered under 82A(1) and has been made within the 6 month timeframe that applies under 82A(2A). It is important that the determination be made at this meeting (25 January 2017) otherwise the period for the review will lapse.

The applicant has exercised their right to make amendments to the original development as allowed under 82A(3A) and it is considered that the development, as amended, is substantially the same development as the development described in the original application. This aspect must be affirmed by the consent authority under Section 82A(4)(c). As such it is included in the recommendation.

The review of the determination must also include the notification of the application where required by regulations or DCP. The application has been notified and advertised and one submission was received. Section 82A(4)(b) requires the consideration of any submissions to be done as part of the review. Refer to the consultation section of this report for this aspect.

8.4 Review of Determination - 35 Trucking Yard Lane Bungendore - Childcare Centre - REV2016.003 (Ref: C173910; Author: Thompson/Blacklock) (Continued)

Review

Assessment of the application has been undertaken in accordance with Section 82A and 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 Policy No 55 Remediation of Land
2. State Environmental Planning Policy No 64 Advertising and Signage
3. State Environmental Planning Policy (Infrastructure) 2009
4. Palerang Local Environmental Plan 2014 (LEP).
5. Palerang Development Control Plan (DCP)

The proposed development has not satisfied all the requirements or achieved the objectives of these instruments. However, the significant issues relating to the proposal for the Council's consideration are:

(a) Compliance with SEPPs and LEP

The proposal is defined as a Childcare Centre and is permitted with consent in the R2 Low Density Zone under the Palerang LEP 2014. The proposal for a childcare centre can meet the objective of the zone relating to the provision of services to meet the needs of residents, however, the proposed design and the traffic generated by the 50 place centre is not considered complementary to the scale and density of the existing development of Trucking Yard Lane, nor is it in keeping with the future scale that will exist when the newly subdivided residential lots are built upon.

Further, while the Childcare use within the residential area can support the local community the proposed childcare centre on 35 Trucking Yard Lane is not considered in keeping with the aims of the LEP. The proposal will increase the demand on the public road maintenance by relying and requiring indented on-street parking to fulfil the necessary parking demands for a 50 place childcare centre. This additional ongoing cost and burden is not considered a reasonable additional demand as it is essentially a subsidy being provided by Council for the developer. This does not meet aim 1.2(b) of the Palerang LEP 2014.

The review of *SEPP 55 – Remediation of Land*, is an important consideration for this proposal as it involves a sensitive use. Where a proposal involves development for childcare purposes and there is no or incomplete knowledge about whether a potentially contaminating use has been carried out, or where it would have been lawful to carry out such a use, the applicant must carry out a preliminary contamination investigation of the land concerned and provide a report on it to Council.

According to the applicant's submission, the land was previously used for rural purposes. Such purposes have the potential for contamination as it can include uses listed as potentially contaminating in Table 1 of the *Guidelines*. No information on the potential for contamination has been provided in the amended proposal nor the original development application. A preliminary investigation has not been carried out for this proposal. Given the uncertainty of the previous uses, the lack of information to rule out potential contamination and the proposal for a sensitive childcare use, a determination for approval cannot be considered at this time.

8.4 Review of Determination - 35 Trucking Yard Lane Bungendore - Childcare Centre - REV2016.003 (Ref: C173910; Author: Thompson/Blacklock) (Continued)

(b) Compliance with DCP

The Palerang DCP applies and requires the consideration of a number of development specific and area based controls and objectives. The main issues identified in this assessment relate to Engineering requirements including parking and access, landscaping and amenity.

Engineering Requirements

The lot is fully serviced and the proposed development can be connected to this existing infrastructure. If approved the development would increase loading on Council's water and sewer infrastructure in comparison to a residence and S64 Headworks contributions would be applicable at rates specified in the Water Directorate *Section 64 Determinations of Equivalent Tenements Guidelines* (2009).

Similarly S94 contributions would apply for the following S94 Plans - YSC Plan No.1, Bungendore Plan Nos. 8, 9 & 10.

The proposed carpark will require provision of a concrete cross over of the McKay Drive verge. The proposed angle spaces in Trucking Yard Lane road reserve would require a S138 Roads Act 1993 approval for their design prior to construction and a Section 138 Permit to be issued to the contractor engaged to construct them.

Refer to Development Engineering Comments for the full details relating to car parking numbers and adequacy.

Landscaping and Amenity

The frontage to McKay Street is compromised, in terms of amenity, by the large area of hard stand area for the car parking spaces and vehicle manoeuvring. The proposed landscaping plan does attempt to address the impact of this frontage with a small landscaping strip along the boundary with 5 Prunus tree species with an expected 5m height and 2m width. This planting will not provide effective shade for the building or parking area. It is considered that the landscaping on this frontage has not provided an effective solution to addressing the amenity of this almost boundary to boundary mass of hardstand surface for the parking area. It is reasonable to expect that the frontage of a property in a residential area be sympathetic with the residential character and plantings associated with front gardens of newly developing residential estates such as is occurring in McKay Drive.

(c) Other Matters

The proposed development is not considered to be in keeping with the context and setting of the site, its design for parking and landscaping does not fit within the locality, the site design cannot accommodate all aspects required for the proposal and minimise impacts, has the potential to result in cumulative impact and affect the public interest.

Context and Setting and Site Design

The site is located in a new residential subdivision on the fringe of the Bungendore village. The proposal will compromise the character and amenity of the locality and streetscape by being unable to contain parking and landscaping on the site to meet the demand generated by the centre.

8.4 Review of Determination - 35 Trucking Yard Lane Bungendore - Childcare Centre - REV2016.003 (Ref: C173910; Author: Thompson/Blacklock) (Continued)

The proposal for a 50 place childcare centre generates minimum requirements for open space and car parking. This size of the site is a key component in limiting impacts on the area and ability to accommodate the required building size, open space and parking. This proposal cannot achieve all the required elements within the site and the applicant has sought to rely on land outside the site to meet the requirements. The proposed construction of indented parking spaces on Trucking Yard Lane and the almost full hardstand surfacing of the McKay Drive frontage between the proposed building and the front boundary is being relied upon to achieve the minimum car parking required for the development. The proposed landscaping of this part does not reduce the impact to an acceptable level. Both these design solutions affect the amenity of this new residential area.

This proposal is on a greenfield site and there is a reasonable expectation that it should accommodate its requirements onsite and in a manner that is respectful to the newly emerging residential character of this area. Effective landscaping of the site to respect the residential amenity of the area is not able to be achieved. The proposed large area of hardstand on McKay Drive together with the reliance on on-street parking is not considered sensitive to the conditions of the site or its context.

The proposal will compromise the character and amenity of the locality and streetscape by the impact of the large parking area dominating the McKay Drive frontage and the inability of the required car parking generated for the number of children to be provided on site with suitable landscaping treatment. This is not to say that the proposal must look like a dwelling house, rather, that it should have the soft landscape elements that reflect the front gardens prevalent in residential areas.

The size of the proposed centre in terms of the number of children catered for, is considered inappropriate for the size and shape of this site.

Cumulative Impacts

There is some potential for cumulative impacts relating to the traffic impacts of the development. The drop off and the pick times will coincide with the normal working hours for many residents. There is a cumulative traffic impact that will be a time and space crowded effect and while the engineering assessment concludes that the street and intersection layout and design can accommodate the increase and peak period, it is still a cumulative impact. This is further exacerbated by the reliance on the on-street car parking to meet the minimum car parking need of the development.

Public Interest

While there is merit in childcare uses in residential areas, the proposal on this site is not considered in the public interest. It has the potential to impact on the safety of the public by its reliance on providing half of the required parking on the street rather than being contained within the site boundaries. This adds greater liability on Council for potential incidents occurring on the public road and the maintenance liability for the parking spaces.

Other Comments(a) Development Engineer's Comments

The Palerang DCP references the RMS (formerly RTA) *Guide to Traffic Generating Developments* in respect of parking requirements for specific land uses. Section 5.12.3 of the RMS guide provides a parking rate of 1 space for every four children in attendance at a child care centre.

8.4 Review of Determination - 35 Trucking Yard Lane Bungendore - Childcare Centre - REV2016.003 (Ref: C173910; Author: Thompson/Blacklock) (Continued)

Parking must be provided *"in a convenient location, allowing safe movement of children to and from the centre"*.

The guide also advises that *"Consideration could be given to reducing the parking required if convenient and safe on street parking is available (e.g. indented parking bays), provided that the use of such parking does not adversely affect the amenity of the adjacent area"*.

The proposed 50 place centre requires a minimum of 13 car parking spaces. The amended plans submitted for the S82A Review provide seven off street car spaces in a carpark accessed off McKay Drive, 1 on street parallel car space in McKay Drive and 5 parallel parking spaces in Trucking Yard Lane. The applicant also submitted a further amended plan showing removal of the parking space in McKay Street and provision of 6 x 45 degree angle parking spaces in the Trucking Yard Lane Reserve.

The subject lot is a vacant lot in a newly developed residential subdivision and to all intents and purposes is a greenfield site. All parking should be provided on site in a greenfield situation. Council in the past has supported some use of on-street parking for a child care centre situated in a developed area (brownfield site), but not to the extent proposed with this application.

Trucking Yard Lane acts a collector street for new subdivision estates (both east of Ellendon Street and the McKay Drive subdivision that is currently being extended to the north). It is currently signposted with a 60kph speed limit. The installation of angle parking spaces is considered inappropriate as it introduces a potential traffic hazard for through traffic adjacent the McKay Drive intersection. The on-street spaces will be passed to Council as a public asset and would become a maintenance liability for Council. Furthermore, the on street carparking spaces would become a public liability risk for Council, as opposed to an appropriately built on-site car park that is owned and maintained by the development and all responsibility for it lies with the development. Such a car park would provide for all traffic to enter the street in a forward direction, as opposed to the reversing manoeuvres associated with the proposed angle spaces.

Therefore, the reliance on on-street parking for close to 50% of the required parking demand is not supported.

Financial Implications

The proposal, if approved will attract Section 94 and Section 64 contribution charges that will be payable prior to the commencement of any development work.

The proposal also has financial impacts on Council's road maintenance budget by introducing additional maintenance costs of indented on street parking areas. Lastly, the proposal as presented also has some financial implications in terms of liability for any incidents that may occur on the on street parking areas.

There are also financial implications for the refusal of the application. Were refusal of the application to be appealed, there will be legal costs associated with any Section 34 hearing and Land and Environment Court action.

Consultation

The proposal required notification under Palerang DCP Part E. One submission was received. The relevant issues raised are as follows:

8.4 Review of Determination - 35 Trucking Yard Lane Bungendore - Childcare Centre - REV2016.003 (Ref: C173910; Author: Thompson/Blacklock) (Continued)

Issue: Noise from childcare centre

Comment - A noise report was provided and prepared by SLR Consulting. The report demonstrates that application can achieve the relevant noise criteria by adopting the following measures.

- *Increase the height of the timber fence to at least 2.2 m (northern and western boundaries). A suitable acoustic fence construction is discussed in Appendix A.*
- *Mechanical plant total sound emissions, in terms of the SWL, must not exceed 79dBA. Further consideration of this limit may be required during the detailed design stage.*
- *Most indoor learning/activity would be undertaken with external windows/doors closed.*
- *Onsite carpark noise is predicted to satisfy the applicable criteria with the inclusion of the acoustic fence to the northern boundary.*

While the landscape plan and site plan do not reflect the required fencing height, any consent issued will include a condition requiring compliance with the noise report and specifically that the fencing is increased from 1.8m to 2.2m.

Issue: Inadequate Parking and impact on McKay Drive and Trucking Yard Lane

Comment: Refer to assessment under the Part B7 of the Palerang Development Control Plan. Whilst the amended parking layout has attempted to address some of the parking issues, it is agreed that the arrangement for parking where the majority is provided on the street rather than onsite is inappropriate in a new greenfield residential subdivision.

Issue: Security, privacy and containment of rubbish associated with pool fencing proposed

Comment: The pool fencing with landscaped hedging may allow for climbing as stated in the submission. The fencing forward of the building line at the height proposed does not comply with the maximum height required in the Palerang Development Control Plan (DCP). Alternate fencing and placement of landscaping could be required to address the security concerns. The containment of litter and toys is partially a management issue for the operation of the centre and could also be assisted with appropriate landscaping and fencing. Any consent issued should include a condition requiring the pool fencing to comply with the DCP fencing requirements and the landscaping and its placement is to comply with the safe design principles of Crime Prevention Through Environmental Design part of the DCP.

Compliance or Policy Implications

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act and Regulations. Refer to the Attached Section 79C assessment Table for detailed assessment.

Conclusion

The submitted request for a Review of Determination under Section 82A of DEV2016.001 for a Childcare Centre on Lot 1 DP 1210698 No. 35 Trucking Yard Lane, Bungendore has been assessed. The Development Application is a Local Development and is supported by a Statement of Environmental Effects. The proposal was advertised and notified to adjoining owner/occupiers and one submission was received.

The proposal has been assessed under the *Environmental Planning & Assessment Act* 1979 and specifically Sections 82A and 79C including the relevant provisions of *Palerang Local Environmental Plan 2014* and Palerang Development Control Plan.

8.4 Review of Determination - 35 Trucking Yard Lane Bungendore - Childcare Centre - REV2016.003 (Ref: C173910; Author: Thompson/Blacklock) (Continued)

The proposed development has not satisfied all the requirements or achieved the objectives of these instruments.

The main issues relate to the inability of the site to accommodate and cater for the parking demand generated by the 50 place childcare centre. Instead it relies on half of the required parking to be provided on the street. As such, the scale of the proposed centre is not considered suitable for this site. This has flow on impact on the amenity and streetscape of the locality which is a direct result of the parking issue where most of the McKay Drive frontage is a large sealed hardstand area. This is not considered a suitable, nor reasonable streetscape solution for essentially a gateway into this residential subdivision.

The proposed development is not considered suitable for the site, and is recommended for refusal for the following reasons:

- a) The proposal does not comply with clause 7 of *State Environmental Planning Policy No. 55 – Remediation of Land*. There is no information provided with the application to give certainty of the previous uses and the information to rule out potential contamination of the site and provide the certainty that the site is suitable in its current state for a sensitive childcare use.
- b) The proposal does not comply with the *Palerang Local Environmental Plan 2014* in the following ways:
 - i. The proposal does not meet the aims of the Plan in that it will unreasonably increase the demand for public services or public facilities by requiring indented on-street parking to fulfil the necessary parking demands for a 50 place childcare centre. This additional ongoing cost and burden is not considered a reasonable additional demand as it is essentially a subsidy being provided by Council for the developer.
 - ii. The proposal does not meet the R2 Low Density Residential zone objective to ensure that new development complements the scale, density and form of existing development. The proposed design and the traffic generated is not considered complementary to the scale and density of the existing development of Trucking Yard Lane, nor is it in keeping with the future scale that will exist when the newly subdivided residential lots are built upon.
- c) The proposal does not comply with the following parts of the *Palerang Development Control Plan*:
 - i. The proposal does not comply with Clause 6.11 of the *Palerang LEP* or Part B7 of the *Development Control Plan* as adequate and suitable off street parking cannot be provided for the proposed development and the proposed design and location of parking areas and other areas used for the movement of vehicles and pedestrians is not efficient, safe and convenient, and integrated into the design of the development to minimise the visual impact.
 - ii. The proposal does not comply with Part B12 for Landscaping. The landscaping on the McKay Drive frontage has not provided an effective solution to addressing the amenity of this almost boundary to boundary mass of hardstand surface for the parking area. It is reasonable to expect that the frontage of a property in a residential area be sympathetic with the residential character and plantings associated with front gardens of newly developing residential estates such as is occurring in McKay Drive.

8.4 Review of Determination - 35 Trucking Yard Lane Bungendore - Childcare Centre - REV2016.003 (Ref: C173910; Author: Thompson/Blacklock) (Continued)

- iii. The proposal does not comply with Part C30 for Gates and Fencing as it proposes fencing forward of the building line at a 1.8m height that exceeds the maximum of 0.9m and 1.2m.
 - iv. The proposal does not comply with Part D1 for the desired future characteristics of Bungendore to achieve development that is generally of low density with buildings well separated. The size of the proposed centre, together with the parking requirements generated and the size of the parcel of land does not result in a low density development.
- d) The proposal is not in keeping with the low density residential context and setting of the site.
- e) The proposal does not provide adequate and useable parking onsite to cater for the parking needs generated by the proposed childcare centre.
- f) The proposal results in unacceptable impact on the streetscape resulting from large area of hardstand within the front building line of McKay Drive.
- g) The proposal is not in the public interest as has the potential to impact on the safety of the public and liability by its reliance on providing half of the required parking on the street

Attachments

- Attachment 1 25 January 2017 - REV 2016-003 - 35 Trucking Yard Lane - Sec79C(1) Matters for Consideration (*Under Separate Cover*)
- Attachment 2 25 January 2017 - REV 2016-003 - 35 Trucking Yard Lane - Plans (*Under Separate Cover*)
- Attachment 3 25 January 2017 - REV.2016.003 - 35 Trucking Yard Lane - Submission - Redacted (*Under Separate Cover*)

DETERMINATION REPORTS

8.5 Program for Release of Googong Subdivision Certificates (Ref: C174539; Author: Thompson/Thompson)

Summary

In the construction of a major urban release area, the release of lots needs to be controlled to ensure that there is adequate servicing for water supply and sewage treatment available. Council controls the release of the land by ensuring properties that are finalised by the release of a subdivision certificate have or will have adequate services when houses are ready to occupy. In effect the subdivision certificate is a final certificate (or sign off) for a subdivision. Once this is issued by Council the developer can formally create the titles for the individual allotments and settlement with the new owners can take place.

Googong Township is now approaching a stage of development where the release of further subdivision certificates will hypothetically begin to outstrip the capacity of the water supply system. However, there is a significant time lag between the time a subdivision is released and when all the homes are constructed. During this time upgrade works will be completed to provide the additional capacity to the water supply.

The developer, Googong Township Pty Limited (GTPL), has requested that Council allow further subdivision certificates to be released given that water supply upgrade works are well underway and will be completed well before the demand reaches the capacity of the existing supply. GTPL have supplied information on the timing of the water supply upgrade works indicating that the commissioning for operation would be early August 2017 well before demand reaches the capacity of the existing system.

Recommendation

That Council agree to release the subdivision certificates for future stages of NH1B Googong subject to:

- a) At the time of release, Council being satisfied that IWC Network C can be commissioned by December 2017 (noting that the current program is to complete by end August 2017).**
 - b) Development applications for the stage being conditioned to require the issue of a Water and Sewer Compliance Certificate.**
 - c) GTPL advising the intended owners of the lots of the above mentioned condition at the time of settlement of the lot and the consequences such a condition imposes.**
-

Background

Water supply to Googong is currently provided from a cut in to Icon Water's 1800mm diameter bulk water supply main, a bulk water pump station and rising mains and two interim reservoirs. These works were fully commissioned and have been reliably supplying the township since February 2014.

8.5 Program for Release of Googong Subdivision Certificates (Ref: C174539; Author: Thompson/Thompson) (Continued)

The capacity of services to supply a new subdivision is measured in EP's. An EP is short for "equivalent persons". Each occupied dwelling generates a certain number of EP's. Typically a normal three or four bedroom home on a larger block generates 3.19 EP. Homes on smaller lots generate 2.64EP. The cumulative number of EP's is a useful way to track the progress of development and to provide triggers when certain things need to be completed. For instance a neighbourhood park might be required when the number of EP's reaches 4,000. An intersection might need to be upgraded when the development reaches 5,500EP's etc.

As each stage of a subdivision release occurs the number of EP's increases.

In the case of Googong the present capacity of existing water supply system is 4184 EP's including a 20% factor of safety.

The next phase of water supply infrastructure is known as IWC Network C and will increase the capacity of the water supply system to 9600EP. The upgrade works include:

- West - 2 new reservoirs and associated rising and gravity mains plus a second recycled water tank at WRP. This work is being implemented by GTPL and will become an asset of QPRC.
- East - Duplication of existing bulk water pump station and new bulk water rising main from BWPS to WRP. This work is funded by GTPL but is being implemented by Icon Water and will become an asset of Icon Water.

Work on IWC Network C is well underway and is programmed for completion in August 2017.

GTPL's program of works shows that the subdivision certificate application for NH1B Stage 6 in February 2017 will generate a cumulative total demand of 4235 EP and will be the first stage to generate - when occupied - the demand that exceeds the capacity of the existing water supply infrastructure. By comparison the construction of IWC network C is well advanced and is expected to be complete by August 2017.

However, there is a significant time lag between the time when a subdivision is released and when homes are actually completed. GTPL estimates that by August 2017 the actual occupied population is projected to be only 2734 EP, well within the 4184 EP capacity of the existing infrastructure. The actual occupied population of Googong is not projected to exceed 4184 EP until September 2018 providing 12 months of float in the construction program for IWC Network C.

However, from Council's own sources based on the actual number of buildings completed and occupied over the last two years, the following calculations have been made (based on an average of 3.0 EPs per dwelling).

- No. homes actually occupied as of end of October 2016 = 557 dwellings or 1671 EP's
- Average no. of new homes occupied each month for previous 18 months = 21 dwellings or 63 EP's per month.

Based on the above, projected EP's by proposed completion date of water supply upgrade work (August 2017) = 767 dwellings or 2301 EP's (compared to 2734 calculated by GTPL). Also based on these figures the capacity of the existing water supply would not be reached for another 2 years. Even doubling the average number of homes completed each month to 40 would mean the capacity of the existing system would not be reached until July 2018.

8.5 Program for Release of Googong Subdivision Certificates (Ref: C174539; Author: Thompson/Thompson) (Continued)

Considering all of the above the worst case scenario is that capacity would not be reached until July 2018 meaning the upgrade works to the water supply system would have to overrun by more than 11 months before it would be an issue.

Implications

The major risk to Council is that the number of homes completed reaches the capacity of the existing water system before the upgrade works are completed. As shown above this is very unlikely if the program for the upgrade works is completed in August as forecast.

The major risk is, if for some reason, the upgrade works strike some sort of trouble and are either delayed or work ceases. In the case of a delay the calculations above show that there is a more than 12 months available to complete works over and above the projected completion period. In addition, the works are well underway and there appears to be no reasonable expectation that it will not continue to do so.

Notwithstanding the above, GTPL have agreed to the following additional safeguards being put in place.

As a failsafe provision QPRC may wish to include a condition of consent on the individual house DA's similar (but applying to water) to what was included in DA's for NH1A Stage 48 as below.

An Occupation Certificate for the dwelling approved under this consent must not be Issued by the Principal Certifying Authority until a Water and Sewer Compliance Certificate Is issued by the Queanbeyan City Council for this allotment,

REASON: To ensure that satisfactory arrangements for the provision of water supply to the dwelling have been made prior to occupation of the building.

Obviously withholding an Occupation Certificate at the completion of house construction would cause significant angst for the home builder however, this would appear to be a very unlikely scenario and would only need to be invoked if there were extreme delays to upgrade works. Furthermore, the construction of homes and therefore the applications for Occupation Certificates within the stage do not come all at once. Rather they trickle in overtime and for any given stage could be spread over 12-18 months.

To mitigate the potential public relations issues in the event that this unlikely scenario was to play out GTPL would explain in writing the risk to buyers at the time of settlement of their lot. There is precedence for this sort arrangement where as a condition of agreeing to issue subdivision certificates in excess of 337 lots in NH1A Council required that:

GTPL advise the intended owners of lots that have been sold beyond 550 that no further lots will be released until the WRP is completed.

Similar wording could be developed in relation to the release of subdivision certificates in Neighbourhood 1B.

8.5 Program for Release of Googong Subdivision Certificates (Ref: C174539; Author: Thompson/Thompson) (Continued)

Conclusion

This proposal is not without its risks and by allowing the release of subdivision certificates, Council is allowing GTPL to transfer some of the risks associated with delays in the completion and commissioning of the water supply upgrade to Council, which will inevitably be under considerable pressure from individual owners should homes be completed before the water supply upgrade is completed. This needs to be balanced against the considerable economic pressure placed on the developer and new home owners for every week that the release of these subdivisions is delayed.

Attachments

Nil

DETERMINATION REPORTS

**8.6 Proposed Alterations to Road and Laneway Specifications - Googong Township
(Ref: C16184892; Author: Thompson/Blacklock)**

Summary

This report details the progression of the public laneway controls and other road related matters for Googong taking into account the discussion held with the proponents (Googong Township Pty Ltd) on 14 October 2016. The report recommends the exhibition of the updated and reviewed Engineering Specifications that relate to the design of public roads (including laneways).

Recommendation

That the Draft Development Design Specification D1 – Geometric Road Design – Googong – Version 2 be exhibited for comment for a period of 28 days.

Background

In the urban release area of Googong, provisions were included in the Googong Development Control Plan (DCP) for laneways. At the time of drafting these controls, Council was keen to avoid the amenity and streetscape issues of the laneways that are typically seen in some ACT Gungahlin developments. As such, the provision of landscaping, avoiding long straight lanes and minimising multitudes of garage doors immediately adjoining the lanes were key controls sought.

The controls also provided a distinction between public and private laneways. The standard for public laneways is different and more onerous than that for private laneways that maybe part of a community or strata title or other form of multi dwelling development. This reflects the fact that these will become assets of Council and have the inherent traffic safety and maintenance liabilities to be borne by Council.

Currently the DCP and the Googong Engineering Design Specifications do not provide clear guidance on where public laneways are appropriate and in what circumstances. Further clarification is also required on the minimum design standards to ensure that where public laneways are appropriate that their dimensions, geometry and number of lots served is appropriate.

In addition to the above, for Googong Neighbourhoods 1A & 1B (NH1A & 1B) the developer sought a variation to the road widths adopted in the Googong DCP for each of the submitted DAs and these requests were supported on a trial basis. Council staff have been reviewing the effectiveness of the streets constructed in NH1A & 1B and in revising the design specification in relation to laneways, have also reviewed matters relating to road widths.

The proposed revisions also provide a clearer distinction between the roles of the DCP (as the guideline document used to assess a development application) and the Specification (as the document that provides the technical detail on design for an approved development).

The remainder of this report discusses the proposed changes to the Specification and the impacts this has on the DCP and therefore future development.

**8.6 Proposed Alterations to Road and Laneway Specifications - Googong Township
(Ref: C16184892; Author: Thompson/Blacklock) (Continued)**

Policy and Asset Implications*Generally*

It is acknowledged that public infrastructure will result from subdivisions that are primarily for the purpose of creating residential lots. This infrastructure will generally comprise assets that will be maintained by Council, as well as other utility authority services.

Clause D1.02.1 of the Geometric Road Design Specification says that the provision of a road system within a subdivision is to be designed so as to achieve the following aims:

- Provide convenient and safe access to all allotments for pedestrians, vehicles and cyclists.
- Provide safe, logical and hierarchical transport linkages with existing street system.
- Provide appropriate access for buses, emergency and service vehicles.
- Provide for a quality product that minimises maintenance costs.
- Provide a convenient way for public utilities.
- Provide an opportunity for street landscaping.
- Provide convenient parking for visitors.
- Have appropriate regard for the climate, geology and topography of the area.

Googong Township was identified as a future residential development area in the Queanbeyan Land Release Enquiry (2006), the Queanbeyan Residential and Economic Strategy 2031 and the Queanbeyan Local Environmental Study. The land was subsequently rezoned for urban development through the *Queanbeyan Local Environmental Plan (Googong) 2009*.

The Googong Master Plan and Googong Development Control Plan broadly set out development outcomes for the township. The original master planning for the township was based on the fact that majority of the township would be developed by the major land developer with interests in the area, being Googong Township Proprietary Limited (GTPL).

GTPL's original planning envisaged that a Community Title Scheme would apply to the subdivision of their land holdings. This was subsequently amended to allow standard residential housing to be Torrens Title lots but with small lot housing to be controlled via Community Title.

The township is being developed into five residential neighbourhoods south of Googong Road and two rural residential areas (Hamlets) to the north of Googong Road. Each neighbourhood is designed to have a village centre at its core surrounded by land within a 200m radius where additional development is allowed (such as small-lot housing).

Proposed Changes to Laneway Specifications

The discussions to date in regard to public laneway widths has not focussed on the appropriateness of laneways being dedicated as a public road and hence becoming a Council maintained asset. The master plan and Council's adopted engineering specifications allow for the use of laneways as a means of vehicular access so as to avoid multiple driveways in the street and to prohibit driveways along the main sub-arterial roads.

Neighbourhood 1 directly south of Googong Road was the first area developed and comprises two sub areas – Neighbourhoods 1A and 1B (NH1A & NH1B). NH1A has development approval for Stages 1 to 6 and a number of larger development lots have been created around the NH1A village centre. These development lots were created to be subsequently subdivided into smaller integrated developments such as small lot housing.

8.6 Proposed Alterations to Road and Laneway Specifications - Googong Township (Ref: C16184892; Author: Thompson/Blacklock) (Continued)

Development applications for various development lot proposals have been approved by Council in recent times and these have generally consisted of Community Title small lot housing with dwellings fronting the street and garages at the rear accessed via a private laneway (Community Lot).

In addition Council has approved a number of public laneways at the rear of Torrens Title lots (e.g. Kittie Lane, Amy Lane and Mimie Lane) that have garbage service via the lane. The constructed laneways have identified concerns in respect of garbage vehicle manoeuvring along a 3m carriageway and staff have been reviewing laneway dimensions as part of the NH2 DCP process.

The developer has advised that there is a lack of market acceptance for proposed small lot Community Title subdivisions and is seeking Council's acceptance to the provision of more public laneways in lieu of private laneways.

The proposed DCP amendments and revised engineering specification seek to clarify that Council is prepared to accept public laneways but only where Council deems that vehicular access to a road should be prohibited e.g. Gorman Drive (a Local Sub-Arterial Road), such that an alternative rear access is required. The amendments do not support the use of public lanes in other locations, nor for small lot housing proposals, so as to minimise the amount of asset to be accepted by Council.

Where public laneways are permitted they should be limited to a traffic volume of 100 vehicles per day (vpd). It was envisaged that private laneways would be utilised for traffic volumes greater than 100 vpd. In addition the way in which the 100vpd is calculated has been a point of contention. Council has previously considered terrace housing to be the equivalent of a single dwelling while GTPL have treated them as being equivalent to multi-unit development which typically have a lower vpd generation rate.

To clarify this situation it is proposed that Council use the following rates:

<i>Type of Dwelling</i>	<i>Generation Rate in VPD</i>
Single Dwelling	10
Terrace Home – 3 bedrooms or more	10
Terrace Home – 2 Bedrooms	5.5
Terrace Home – 1 Bedroom	4.4
Studio Unit (Fonzie Flat)	4.4

Where a public lane is acceptable to Council the DCP and specification have been modified to provide for a minimum laneway reserve width of at least 8.5m with additional width required where two way traffic is required or where dwellings are accessed on both sides of the laneway. In addition the developer will be required to provide a formed footpath where Council identifies that pedestrian traffic / desire lines warrant.

**8.6 Proposed Alterations to Road and Laneway Specifications - Googong Township
(Ref: C16184892; Author: Thompson/Blacklock) (Continued)**

Some of the circumstances where Council may require a public laneway to have a pedestrian footpath include:

- Where the primary access to the dwelling is off the laneway (e.g. with Fonzie Flats)
- Where there is clearly a pedestrian desire line to pass through the laneway (e.g. around schools and shopping centres).

Notwithstanding whether a pedestrian footpath is required the revised 8.5m wide reserve can accommodate a pedestrian path for a one way laneway with units on one side only.

Other Road Issues to be Addressed in the Revision

The development applications for Neighbourhoods NH1A & NH1B were submitted with requests by the applicant for variations in some of the road carriageway widths specified in the DCP & engineering specification. This was supported on a trial basis and staff have been reviewing the effectiveness of the roads constructed to date.

The main proposed alteration is to increase the width of Local Street 3. This street type is the predominant residential street in the network. The current requirement for an 8.0m wide carriageway was varied to a width of 7.5m throughout Googong. This is considered too narrow. Some of the consequences Council is seeing as a result of these narrow streets include:

- Occasions where drivers stop or hesitate in the street because they are unsure whether they can manoeuvre between parked cars on either side of the street.
- People parking half on and half off the road because they want to create more space on the road when parking across the street from another parked car.
- Concerns from the public about the narrow street widths.

To provide for two parking lanes and at least one traffic lane a width of 8.5m is proposed. There will be instances where a street has been terminated mid-block in NH1 and for these it is anticipated that the existing carriageway width should continue into the new neighbourhood until a suitable intersection or bend provides the opportunity to alter the width to the proposed width. An applicant can apply for a variation as part of a future DA to facilitate consideration of this issue where applicable

The review further indicates that the previously granted variations should not be continued and that revised carriageway widths should be adopted. A comparison of road widths in the existing DCP, currently approved variations and proposed widths is tabulated below –

8.6 Proposed Alterations to Road and Laneway Specifications - Googong Township
(Ref: C16184892; Author: Thompson/Blacklock) (Continued)

Street Type	Carriageway Width		
	Existing DCP	Approved Widths for NH1A & NH1B	Proposed Width
Arterial Road	2 x 8.5 in each direction	N/A	2 x 10.5 2 x 3.5 + 2.5 Left Shoulder + 1.0 Right Shoulder in each direction
Local Arterial Road	2 x 7.1 in each direction	2 x 7.0	2 x 8.5 2 x 3.5 + 1.5 cycle lane in each direction
Local Sub-Arterial Road	2 x 7.1	2 x 7.0	2 x 7.1
Collector Street 1	11.2	10.5	11.2
Local Street 2	9.7	9.5	Deleted
Local Street 3	8.0	7.5	8.5
Local Street Boulevard	2 x 5.5	2 x 5.5	2 x 5.5
Open Space Drive 1	8.0	7.5	8.0
Access Street	6.0	N/A	Deleted
Open Space Drive 2	6.0	6.0	6.0
Public Laneway (Dwellings on one side only)	3.0	3.0	4.0 (one way) 5.5 (two way)
Public Laneway (Dwellings on one side only)	3.0	3.0	5.5

8.6 Proposed Alterations to Road and Laneway Specifications - Googong Township (Ref: C16184892; Author: Thompson/Blacklock) (Continued)

For NH1A & NH1B Council agreed to the use of upright kerb in all streets with vehicle kerb crossings (VKCs) installed as part of subdivision works at nominated future garage/driveway locations. There has subsequently been a constant problem with dwelling designs that are constrained by the VKC location. While the use of upright kerb is appropriate for higher level streets it is proposed to revert to the use of roll form kerb in the Local Street and on the dwelling lot side of Open Space Drive 1 & 2, similar to what Council has utilised in Jerrabomberra. This will allow for driveways to be appropriately located with a width suitable to provide vehicular access to future garages.

Summary of Proposed Changes to Specification

Given all of the above the review indicated that the following clauses of the specification needed revision and updating –

D1.07	Road Hierarchy	Definitions needed to be modified and new figures installed to better reflect the types of streets permitted at Googong
D1.14	Road Reserve Characteristics	Table D1.5 - Total revision to provide cross sections, revised carriageway widths, K&G altered to include roll-form in minor street types, notes to be removed from table and inserted and updated as D1.14.2 to D1.14.16
D1.17	Intersections	D1.17.13 needed to provide minimum kerb radii.
D1.32	Public Pathways	Heading change - "Pedestrian Laneway" defined to distinguish this from a public laneway in D1.07
D1.34	Deemed to Comply	Remove –rarely ever used and confusing to most people

A revised copy of the Specification incorporating the above changes is provided in Attachment 1 for information.

Engagement

The current Development Control Plan and its interpretation has allowed for the development of a number of Public Laneways which have not achieved the intent or amenity desired for such laneways in a new urban release are such as Googong.

The required discussion held with the proponents (Googong Township Pty Ltd) was held on 14 October 2016 and included the Administrator and Council staff. At that meeting it was agreed that the laneways at Googong to date have not necessarily achieved the amenity sought and that a 7m width was too narrow. It was agreed that a minimum Public Laneway width of 8.5m would achieve the desired amenity and functionality sought for public laneways in Googong.

This width with building articulation would provide for suitable landscaped areas to soften the built form and the expanse of sealed surfaces required for manoeuvring and vehicle access. It also provides a suitable width to allow for the placement and collection of garbage bins without interfering with the amenity of the adjoining dwelling(s) and vehicle turning movements. These changes have been incorporated into the revised Specification.

**8.6 Proposed Alterations to Road and Laneway Specifications - Googong Township
(Ref: C16184892; Author: Thompson/Blacklock) (Continued)**

The Draft Development Design Specification D1 – Geometric Road Design – Googong – Version 2 is recommended to be exhibited for comment for a period of 28 days. This will allow the changes to be formally considered by GTPL and others and the opportunity to provide comment for consideration. Specifications generally are not required to be exhibited for comment, however, given the interaction with the DCP and the implications for future Development Applications it is considered warranted in this case.

Once the Specifications have been placed on exhibition a further report will come back to Council with any comments received and any recommended amendments. Following the adoption of the Specification the DCP can then be amended to adopt the Specification (along with any other matters to be changed in the DCP) initiating a further 28 day exhibition period.

Resources (including staff)

Staff resources are required to assess submissions on the Specification and Development Control plan.

Conclusion

As part of the planning for the remainder of Googong the Development Design Specifications were reviewed. This includes consideration of feedback in discussions held with Googong Township Pty Ltd on 14 October 2016. Specification D1 contains the key requirements for street widths and public lane requirements and applies where it is deemed that public laneways are appropriate. It is recommended that the Specification be endorsed for exhibition and public comment.

Attachments

Attachment 1 Draft Development Design Specification D1 - Geometric Road Design - Googong - Version 2 (*Under Separate Cover*)

DETERMINATION REPORTS

8.7 Planning Proposals Relating to Bungendore and its Immediate Surrounds and the Review of the Structure Plan (Ref: C174986; Author: Carswell/Robb)

Summary

Currently there are three planning proposals with Council that seek to rezone land in Bungendore for residential purposes. These are:

- North Bungendore (Part Lot 1 DP 798111);
- Bungendore East (Lot 1 DP 747767 and others); and
- Lot 3 DP 1195030 Majara Street.

Additionally, a draft planning proposal has been provided to Council for discussion with a view to it being lodged for the rezoning of Lots 1 and 2 DP 1195030 King and Majara Streets from industrial (IN2 Light Industry) to residential land (R2 Low Density Residential). Council is also aware of several more propositions for the rezoning of land on the edges of Bungendore.

As outlined in the 19 May and 9 November 2016 strategic planning reports to Council, the Bungendore Structure Plan adopted by Council on 5 August 2010 is being reviewed and Council is undertaking work to determine whether additional groundwater for Bungendore's town water supply is available.

This report recommends that the work associated with increasing the town water supply and reviewing the Structure Plan continues and that no planning proposals except for Lot 3 DP 1195030 be referred to the Minister for Planning for a gateway determination until this work has been substantially progressed and discussed with government agencies and the community.

Recommendation

1. **That Council refer the planning proposal concerning the rezoning of Lot 3 DP 1195030 from IN2 Light Industrial to R2 Low Density Residential (Attachment 1) to the Minister for Planning for a Gateway determination in accordance with section 56 of the *NSW Environmental Planning and Assessment Act 1979* noting the following matters:**
 - a) **The need for an acoustic report to be undertaken to determine appropriate treatment measures for noise with mitigation measures to be funded by the proponent.**
 - b) **The need to correct minor amendments to the bushfire report concerning the implication that the planning proposal is integrated development prior to referral to the NSW Rural Fire Service.**
 - c) **A recommendation that the proposal be exhibited for 28 days.**
 - d) **The need for the proponent to work with Council's strategic planning staff prior to the planning proposal being lodged with the Minister for Planning to address the following matters:**
 - i. **Typographic errors.**
 - ii. **An error in relation to the light industrial precinct (p12).**
 - iii. **An error in relation to the permissibility of the concrete batching plant in IN2 (pp14 and 20).**
 - iv. **Comment on the industrial situation in Bungendore.**
 - v. **Any other matter that may arise.**
-

8.7 Planning Proposals Relating to Bungendore and its Immediate Surrounds and the Review of the Structure Plan (Ref: C174986; Author: Carswell/Robb) (Continued)

2. That work continues on the current groundwater investigations with a view to securing an increase in the Bungendore town water supply.
 3. That work continues on the review of the Bungendore Structure Plan.
 4. That work continues on the three planning proposals listed below:
 - a) Part Lot 1 DP 798111 (North Bungendore), has a Gateway determination
 - b) Lot 1 DP 747767 and others (Bungendore East), has been forwarded to the Minister.
 - c) Lot 5 DP 1204393, Malbon Street, has a Gateway determination.
 5. That Council not proceed to refer any new Planning Proposals for the Bungendore area to the Minister for Planning for a gateway determination until work on the groundwater and Structure Plan has been substantially completed and discussed with government agencies and the community. This includes Lot 1 and Lot 2 DP 1195030 Majara Street.
-

Background

Over the last fifteen years Bungendore has experienced substantial residential development and resultant population growth. At the time of the 2001 census there were 1,685 people, in 2011 there were 2,754 and in November 2015 there were estimated to be 3,254 (based on the 2011 census plus the number of constructed dwellings (3 people/dwelling) following the census). The population would have increased again due to the large number of dwellings erected in south Bungendore since November 2015.

In 2010, the former Palerang Council adopted a Structure Plan for Bungendore which was subsequently endorsed by the Director-General of the NSW Department of Planning. The Structure Plan identified that the quantity of potable water available was an issue and limited development to within the existing town boundaries. However, areas for possible residential development outside of the town boundary were also identified if further groundwater could be sourced and any other constraints addressed.

Since the endorsement of the Structure Plan by the then Director-General of Planning, Council has received two major planning proposals for residential development. Both these planning proposals have been detailed in reports to Council (December 2014 and December 2015) and in reports providing an update on strategic planning projects (19 May and 9 November 2016). Both Council reports also outline the work being undertaken in relation to the preparation of a revised Structure Plan, Integrated Water Cycle Management Strategy (IWCM) and increasing the amount of groundwater available to the Bungendore town water supply.

In mid-2016, Council also received a planning proposal for the rezoning of Lot 3 DP 1195030 (Attachment 1) Majara Street from IN2 Light Industrial to R2 Low Density Residential. If successful, the rezoning and a subsequent subdivision would result in the creation of a maximum of ten residential lots. Additionally, a draft planning proposal has been provided to Council for discussion regarding the rezoning of Lots 1 and 2 DP 1195030 Majara Street from IN2 Light Industrial to R2 Low Density Residential (refer to attachment 2). The draft proposal suggests that potentially twenty-four lots could be created. An overview of these two proposals is provided below. Additionally, there is substantial interest from developers and property owners in rezoning land on the edges of Bungendore. The location of the above planning proposals is shown in (Attachment 2).

8.7 Planning Proposals Relating to Bungendore and its Immediate Surrounds and the Review of the Structure Plan (Ref: C174986; Author: Carswell/Robb) (Continued)

The Rezoning process (Gateway process)

To initiate the rezoning process, a planning proposal is prepared. A planning proposal is a document that explains the intended effect of the proposed local environmental plan or amendment (the rezoning mechanism) and provides the justification for making it and facilitates the process. The intention of the gateway process is to allow the proposal to be reviewed at an early stage so that a decision as to whether to proceed can be made; before significant resources are committed. The stages are outlined below:

- 1 Council determines whether it supports the planning proposal.
- 2 If the planning proposal is supported, it is forwarded to the Minister for Planning for a gateway determination
- 3 If the Gateway determination permits the planning proposal to proceed, any required assessments will need to be undertaken. The planning proposal is then sent to relevant government agencies for comment and following this, exhibited for the period stated on the gateway determination.
- 4 Submissions are considered by Council and if required a revised planning proposal is sent to the Minister for Planning.
- 5 If the proposal is supported by the Minister, the local environmental plan is amended.

Only the planning proposal and supporting documents are exhibited. The written legal instrument (draft amending local environmental plan) is prepared by the Parliamentary Counsel when the planning proposal is finalised, immediately before it is made by the Minister or his delegates. The local environmental plan takes effect when it is published (notified) on the NSW government legislation website.

Further information on the process can be found in the NSW Department of Planning and Environment documents "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Note - the planning proposal and accompanying report are only discussing broad concepts, the layout of the lots and design of roads and associated infrastructure is undertaken as part of the subdivision application process once the land has been rezoned.

Overview of Majara Street planning proposals

During the development of the draft *Palerang Local Environmental Plan 2014*, Council received a submission requesting that the lots (Lot 11, 12 and 13 Section 12 DP 976608 at the time) be rezoned to R2 Low Density Residential (pp 47, 48 and 49, Extraordinary Council meeting No.2 27 February 2014). The staff comment in the Council report is provided below:

- "the current development control plan Yarrowlumla LEP 2002-2(v) Village Zone includes the lots in the industrial precinct of Bungendore. Whilst all development control plans are development guidelines, the precincts included in the above development control plan have been part of the Bungendore land use planning system for over ten years
- it is also suggested that until further strategic planning work is undertaken on Bungendore and its immediate surrounds (not part of the Rural Lands Study) that the draft local environmental plan land use zones are not amended. It is a significant decision to remove industrial/employment lands from Bungendore when detailed strategic planning work has not been undertaken, some of the land in the immediate surrounds of Bungendore is subject to flood and factors such as the road hierarchy require consideration. The section 117(2) Ministerial Direction 1.1 Business and Industrial Zones requires Council to retain the areas

8.7 Planning Proposals Relating to Bungendore and its Immediate Surrounds and the Review of the Structure Plan (Ref: C174986; Author: Carswell/Robb) (Continued)

and locations of existing business and industrial zones unless there is substantial justification for removing it. In this instance, it is believed that the loss of land that has been identified as industrial land for some time for residential purposes is not appropriate. It is considered that no change is required."

The minutes of the Council meeting show there was no recommendation or discussion in relation to the staff comment.

Planning proposal for Lot 3 DP 1195030

This planning proposal seeks to rezone Lot 3 DP 1195030 from IN2 Light Industrial to R2 Low Density Residential (refer to Attachment 1). If rezoned, the land would be subdivided to create ten residential lots. As the lot is within the existing urban land use zones, town water is available.

Road layout - Page 6 of the traffic study shows the proposed lot and road layout (shown below).

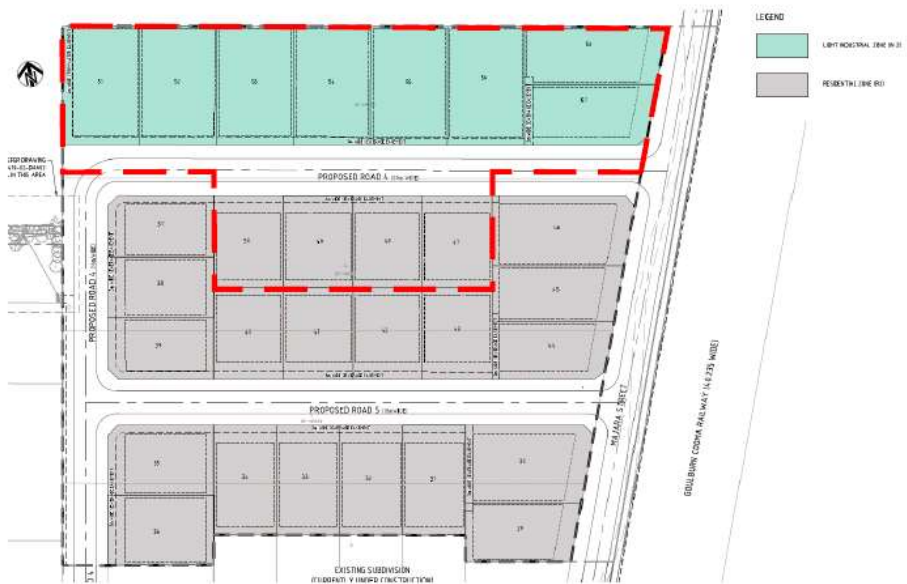


Figure 4: Majara St, Bungendore, Lots 3-4 Proposed Subdivision Layout

It is proposed that the road currently being constructed for the residential subdivision south of Lot 3 DP 1195030 will be used to access the lots to be created from Lot 3 DP 1195030 (shown in green). Additionally, the four lots included in the red area which are not part of the current subdivision will be included in the subdivision concerning Lot 3 DP 1195030. Whilst this approach is considered appropriate no final decision should be made until an acoustic report is received as a buffer area between the concrete batching plant and the proposed western residential lot may need to be included (see below re noise). Any measures required to mitigate noise issues will be constructed at the proponent's expense.

8.7 Planning Proposals Relating to Bungendore and its Immediate Surrounds and the Review of the Structure Plan (Ref: C174986; Author: Carswell/Robb) (Continued)

Stormwater - The stormwater from the Lot 3 DP 1195030 is proposed to drain to an existing 3.0m wide easement across Lot 101 DP 835461. As part of the construction works for the residential lots immediately to the south of this planning proposal, stormwater infrastructure within the easement has been improved and additional capacity provided. The design of these works has included consideration of this planning proposal and it is not expected that further works would be required.

Bushfire - It is recommended that prior to the planning proposal being referred for a Gateway determination that the reference in the bushfire report statement concerning the implication that the planning proposal is integrated development be corrected.

Noise - Page 20 of the planning proposal suggests several options for addressing potential noise from the concrete batching plant. These are:

- 1 An acoustic barrier.
- 2 A 10 metre buffer
- 3 A driveway on the western lot which would provide a 3-4 metre buffer.

It is suggested that it is appropriate to undertake an acoustic report if the planning proposal receives a Gateway determination to proceed to the assessment and consultation stage. This would enable treatment measures for noise to be considered.

Planning proposal for Lot 1 and 2 DP 1195030

A draft planning proposal has also been provided to Council for discussion concerning the rezoning of Lot 1 and 2 DP 1195030 from IN2 Light Industrial to R2 Low Density Residential (shown in Attachments 2 and 3). If rezoned, the land would be subdivided with a view to creating twenty-four residential lots. As with Lot 3 DP 1195030, town water is available.

Prior to the gazettal of the *Palerang Local Environmental Plan 2014*, the land was zoned No.2 (v) (Village) with a development control plan industrial precinct over it. The precinct was included in the Yarrowlumla Council Development Control Plan No. 1 November 1993, Yarrowlumla Development Control Plan – 2(V) Village Zone 2002 and the Palerang Development Control Plan – Yarrowlumla LEP 2002 2(v) Village Zone. During the period that these development control plans were in operation, it was common for rural councils to take this approach to the management of land uses in rural towns and villages.

The IN2 Light Industrial land use zone is the only industrial land use zone in Bungendore. The nearest industrial land use zones to Bungendore are Braidwood, Queanbeyan and the Australian Capital Territory (ACT).

The objectives of IN2 Light Industrial land use zone are:

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.
- To ensure that new development has regard to the character and amenity of the locality.

8.7 Planning Proposals Relating to Bungendore and its Immediate Surrounds and the Review of the Structure Plan (Ref: C174986; Author: Carswell/Robb) (Continued)

The *Palerang Local Environmental Plan 2014* permits light industry with consent in IN2 light industry zone however, it should be noted that the definition of light industry does not prohibit any industry - rather for the industry to be permissible it must meet the following definition:

light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:

- (a) high technology industry,
- (b) home industry.

It is suggested that industry for instance which involves the transportation of materials would be unlikely to be able to meet the definition.

Attachment 3 illustrates the current land uses in the area of the planning proposals. As seen from the map there is a concrete batching plant and furniture manufacturing business adjacent to the Lots 1 and 2. The concrete batching plant was approved by Council in 1994. In 2016, Council refused a development application for the production of jersey barriers in the southern part of the lot associated with the concrete batching plant on the grounds that it could not satisfy the definition of light industry.

The following are a list matters that require consideration in the rezoning of Lot 1, 2 or 3 DP 1195030.

1. Residential development in the vicinity of industrial land does make it difficult for light industry to operate due to noise, the movement of vehicles and other amenity issues. As seen in Attachment 3 there are several industrial businesses adjacent to the IN2 area that is the subject of the planning proposals. However, it should also be noted that residential development in the existing R2 land use zone surrounding the planning proposal areas is well established or continuing to occur. A development application for seniors housing has been submitted to Council on land to the north of Lots 1, 2 and 3 DP 1195030 and it is possible that this development (if it receives development approval) may wish to expand onto the adjacent IN2 land in the future. Vehicles leaving the industrial lots in the vicinity of the planning proposals need to pass through a residential area in any direction to access either the Kings Highway, Bungendore or Tarago roads. It is suggested that it would be preferable for a 'greenfields' industrial area to be established just outside Bungendore but at this time there are no firm commitments for this to occur. However this would be part of the review of the Structure Plan review.
2. The land zoned IN2 is in multiple ownerships and each of the owners is likely to have a different plan for the use of the land.
3. Council has for a long time viewed Bungendore as being a key location in the regional freight network. The requirement for freight vehicles to pass through a residential area limits the ability to develop this network. As with the residential situation (above), it would be preferable to have an industrial area outside of Bungendore.
4. As Bungendore is a now medium-sized town and infill commercial and residential development continues to occur, it is necessary to have some industrial land in Bungendore to service the town and to generate potential employment for Bungendore residents. There is a need for diversity of employment rather than there being a high reliance on government related employment in Queanbeyan and the Australian Capital Territory (ACT). For these reasons the industrial land in Queanbeyan and the ACT should be not be viewed as being able to address the industrial needs of Bungendore. In addition, Bungendore has a price

8.7 Planning Proposals Relating to Bungendore and its Immediate Surrounds and the Review of the Structure Plan (Ref: C174986; Author: Carswell/Robb) (Continued)

advantage over both the ACT and Queanbeyan with larger tracts of potential industrial land available in these locations and is likely to have cheaper purchase prices.

5. As part of the review of the Bungendore Structure Plan it is intended that potential 'greenfield' areas for both IN1 General Industrial and IN2 Light Industrial land use zones are identified. The exhibition of the draft Structure Plan would provide Council with the opportunity to discuss the industrial needs of the town with existing and prospective industry businesses and developers.
6. The Ministerial Direction issued under section 117 of the NSW Environmental Planning and Assessment Act 1979, 1.1 Business and Industrial Zones has as its objectives, the following:
 - encourage employment growth in suitable locations,
 - protect employment land in business and industrial zones, and
 - support the viability of identified strategic centres.

The Direction applies in this instance and requires that:

- The planning proposal gives effect to the objectives of the direction.
- Retain the areas and locations of existing business and industrial zones
- Not reduce the total potential floor space area for industrial uses in industrial zones

If a planning proposal is not consistent with this Direction then it is necessary to justify this inconsistency with a strategy, study or demonstrate that it is accordance with a strategy prepared by the Department of Planning and Environment or is of minor significance.

7. In relation to the management of amenity, particularly noise and the suggestions of an acoustic wall or buffer, it is suggested that an assessment should be undertaken by an acoustic consultant with experience in industrial areas for all lots. Further it is suggested that consultation is required with the adjoining industrial property owners. As stated above the exhibition of the draft Bungendore Structure Plan would provide the opportunity to do this.

It is concluded that the rezoning of Lot 3 DP 1195030 is of a minor nature as it is only one lot which is not directly adjacent to the furniture manufacturing business, noise impacts from the nearby batching plant can be dealt with by an acoustic review and the stormwater generated by ten residential lots can be accommodated within the existing system. As a result it is recommended that Council refer the planning proposal concerning the rezoning of Lot 3 DP 1195030 from IN2 Light Industrial to R2 Low Density Residential (Attachment 1) to the Minister for Planning for a Gateway determination in accordance with section 56 of the *NSW Environmental Planning and Assessment Act 1979* subject to clarifying the following matters with the proponent:

- Correction of typographic errors.
- An error in relation to the light industrial precinct (p12).
- An error in relation to the permissibility of the concrete batching plant in IN2 (p14 and 20).
- Comment on the industrial situation in Bungendore.
- Other matters that may arise.

In relation to the future planning proposal for Lots 1 and 2 1195030, it is noted that these properties are adjacent to the furniture manufacturing business and concrete batching plant and the rezoning of this land would substantially decrease the town's industrial land supply. Without there being a strategy which takes into account the increase in residential development in this area and an analysis of the industrial needs of Bungendore it is considered premature to rezone

8.7 Planning Proposals Relating to Bungendore and its Immediate Surrounds and the Review of the Structure Plan (Ref: C174986; Author: Carswell/Robb) (Continued)

this land to residential. Any such planning proposal should only be considered in the context of the future review to establish a single LEP for the new local government area.

Other strategic matters requiring attention in Bungendore

In addition to the above planning proposals there are numerous matters that require attention in an integrated manner in relation to Bungendore. These are:

Water - Council is continuing the assessment of groundwater in the Bungendore area so that an increase in the Bungendore town water supply entitlement can be sought. The next stage in this process is the development of a number of prospective production bores, with the aim of securing a suitable additional town water supply entitlement issued by DPI Water. Two targets have been identified with the intention being to commence field works possibly as early as February 2017. This milestone will be critical both in terms of the quantity and quality of water available. It is felt that all potable water for Bungendore should be sourced, treated and supplied as part of a Council managed town water supply.

Council should continue to work on the current groundwater investigations with a view to securing an increase in the Bungendore town water supply entitlement.

Integrated Water Cycle Management (IWCN) Strategy

The IWCN is a thirty year strategy which incorporates a total asset management plan and financial plan for Council's water and sewerage businesses. New government guidelines require this process to be reviewed on a four-yearly program with each second review to be a major IWCN review, and each alternate to be a more moderate review of the strategic business plan. The Strategy takes into account current and future land uses and available town water licenses. The background to this project was provided in the 9 November 2016 strategic planning report to Council (Item 9.1). A final draft of the first stage "Issues Paper" is currently being prepared by consultants and following this the Project Reference Group will meet to discuss the draft Strategy. The Reference Group will consist of community members, council and government agency staff and local business representatives.

Bungendore Structure Plan

Regardless of whether there is 'greenfield' residential development, there are numerous matters in Bungendore that require a holistic approach, some of these are; the management of the inner precincts of the town and their heritage attributes, the development of laneways and the land adjoining them, underutilised residential infill opportunities which may be sympathetic to the character of Bungendore (as described in the Palerang Development Control Plan), the road hierarchy and associated treatments, pedestrian and cycle routes, the location of industrial land, stormwater quality and quantity management, the long-term use of Bungendore Park and the provision of community facilities such as outdoor and indoor space for community events.

Currently, Council is preparing a revised Bungendore Structure Plan to ensure that the development of Bungendore occurs in a co-ordinated and efficient manner and in a direction that reflects the views of the community, government agencies and Council. The Structure Plan will be closely aligned with the IWCN Strategy and the ability to find a reliable groundwater supply. It is intended that the Structure Plan is reviewed and updated every four years over the life of the Plan, at the same time as the IWCN Strategy.

8.7 Planning Proposals Relating to Bungendore and its Immediate Surrounds and the Review of the Structure Plan (Ref: C174986; Author: Carswell/Robb) (Continued)

The Structure Plan will build on the *Bungendore Land Use Strategy and Structure Plan* which was adopted by Council on 5 August 2010 and endorsed by the Director-General of the NSW Department of Planning on 30 November 2011.

There is no single definition, either in NSW legislation or in the NSW planning community, of what constitutes a structure plan. It is suggested that a structure plan provides a framework for the co-ordinated provision and arrangement of future land use. It is a particularly important planning tool when land is held in multiple ownership, as in the instance of Bungendore. It links the provision of transport, public open space, utility and service networks, water management, social and other infrastructure such as roads. A structure plan is a medium to long term broad plan, an 'umbrella' plan. The strategies for achieving the plan are contained in the 'tools' associated with it. For example the local environmental plan, the development control plan, development contributions plans, Council designs for roads and traffic management features, the management of stormwater in the southern part of Bungendore asset plans and landscape plans. The detail of each location for example the central business district or a residential area can be planned using a master plan.

The benefits of the process of preparing a structure plan are:

1. An awareness of previous and current work for all involved and the community – often people are not aware that work in an area has been undertaken and an outcome has either been determined or achieved.
2. The identification of the various perspectives of individuals and groups – when people are aware of previous and current work their perspective may alter and compromise or consensus may be reached on major issues.
3. The ability to discuss and make a decision about major issues – for example the identification and management of 'hot spot' and 'honey pot' areas, allowing a decision to be made and then the community can 'move on' from the issue(s).

The key benefits of having a structure plan for Bungendore are:

1. Infrastructure co-ordination (hard and soft) - structure plans identify sites for future infrastructure development, reduce land use conflicts and enable better staging of infrastructure provision to support land development
2. Land supply monitoring – structure plans enable the tracking of prospective amounts and yields (dwellings, employment etc.) of land to ensure the future supply and timely release of land for development.
3. Efficient subdivision and development approvals – structure plans address and resolve broader, more strategic planning issues ahead of detailed planning in respect to subdivision and development, allowing for more efficient assessment and approval processes.
4. Review and development of planning policy – structure plans can be used to measure the effectiveness of planning strategies and policies.
5. Guidance – structure plans can assist landowners and their representatives or decision making authorities to identify the specific issues and actions required to progress the land through the required planning and development processes.
6. Project co-ordination - non-government projects can be co-ordinated resulting in maximising opportunities for developers and the community.
7. A cohesive 'look' and 'feel' across developments in separate areas of Bungendore can be achieved.

8.7 Planning Proposals Relating to Bungendore and its Immediate Surrounds and the Review of the Structure Plan (Ref: C174986; Author: Carswell/Robb) (Continued)

8. There is a reduction in unintended consequences due to a lack of awareness of other projects or the 'direction/flavour' of an area.
9. An implementation plan can be prepared and over the life of a plan, the strategies are budgeted for and undertaken.

Currently, development is driven by developers and vacant land opportunities. There is limited ability for Council to co-ordinate infrastructure as the timing, funding and location of development is frequently unknown. Additionally, there are a large number of plans which either have no or limited links to each other.

Under the *NSW Environmental Planning and Assessment Act 1979*, a structure plan has no legal status. However, if a structure plan has been adopted by Council and is a major consideration in the management of development and infrastructure then it should be taken into account for infrastructure and land use decisions. Also it is likely that a revised structure plan will be submitted to the Secretary of the Department of Planning and Environment for endorsement.

Since the completion of the 2010 Structure Plan the following has occurred:

1. The current local environmental plan has been gazetted which has applied specific land use zones such as business, residential and industrial to areas of Bungendore moving away from a 'village' zoning with a wide range of permissible land uses across the entire town and land use precincts.
2. A new development control plan (Palerang Development Control Plan 2015 has been approved which includes the identification and description of the character of Bungendore and the inner Bungendore precincts. These precincts include the civic and retail/tourist areas.
3. A flood study has been completed, a recreation strategy commenced and the potable water supply has been enhanced through a new bore (*Currandooley*, adjacent to Tarago Road).
4. The land in the Trucking Yard Lane area contains many new dwellings and the south Bungendore area is being subdivided for residential lots and numerous dwellings including townhouses have been erected. There are few vacant lots in the Elmslea area. At the time the Bungendore Land Use Strategy and Structure Plan was being prepared it was estimated that there were 913 existing dwellings (p20). The 2011 census found that there were 967 dwellings. The number of dwellings at the time of the 2016 census is likely to exceed 1000
5. The planning proposals outlined above have been received.
6. Residential development around the light industrial area has increased.
7. There is strong interest in 'greenfields' residential and industrial development on the edges of Bungendore.
8. An Aboriginal cultural heritage and revised native vegetation GIS (Geographic Information Systems) layer have been prepared. The native vegetation layer requires further work on the grassland areas surrounding Bungendore, however, it is expected that mapping work currently being undertaken by the NSW government will assist with this

The area to be considered in a review of the Bungendore Structure Plan should include:

- The existing urban area.
- The areas immediately around Bungendore.
- The gateway areas.
- The existing water and sewer treatment plants.

8.7 Planning Proposals Relating to Bungendore and its Immediate Surrounds and the Review of the Structure Plan (Ref: C174986; Author: Carswell/Robb) (Continued)

The suggested process and timeframes for preparing the reviewed Bungendore Structure Plan are:

task	timeframe
Preparation of draft Structure Plan	February 2017
Discussion with Council staff	March 2017
Discussion with government agencies	March 2017
Revised draft Structure Plan	April 2017
Council adopts plan for exhibition	end of April 2017
Exhibition for one month, workshops and comment from government agencies , displays at the markets, council foyer and community events)	May 2017
Collation of comments and submissions, preparation of report for council with a revised draft Structure Plan	June/July 2017
Adoption of the final structure Plan	August 2017

From the above it is clear that both the water supply issue and the Structure Plan need to proceed in tandem and that until these matters are finalised the prospect of considering any new planning proposals in the Bungendore area will be highly constrained.

Given this Council should:

1. Continue its work on reviewing the Bungendore Structure Plan.
2. Continue to work on the three existing planning proposals presently before Council being:
 - Lot 3 DP 1195030 Majara Street
 - North Bungendore
 - Bungendore East

Noting that in the case of the two latter proposals the Department of Planning requires additional information relating to water supply and the progress of the Structure Plan.
3. Not proceed to refer any new Planning Proposals for the Bungendore area to the Minister for Planning for a gateway determination until work on the groundwater and Structure Plan has been substantially completed and discussed with government agencies and the community. This includes Lot 1 and Lot 2 DP 1195030 Majara Street.

Council would also be aware from previous reports that a non-residential planning proposal for land acquired by Council in Bungendore is also progressing. This relates to Lot 5 DP 1204393, Malbon Street, which seeks to rezone Commercial B2 land to Infrastructure (carpark). This proposal has already received a gateway determination and will be finalised in due course.

8.7 Planning Proposals Relating to Bungendore and its Immediate Surrounds and the Review of the Structure Plan (Ref: C174986; Author: Carswell/Robb) (Continued)

Implications***Legal***

While there is no provision in the *NSW Environmental Planning and Assessment Act 1979*, that prevents a planning proposal being lodged by an individual or organisation, two points should be taken into account:

- 1 Where a planning proposal is lodged, section 55 (1) of the Act states that the relevant planning authority (in most instances, Council) is to prepare the planning proposal. In many instances, the planning proposal is prepared by consultants but with Council 'having the final say' on its content, this enables Council to 'shape' the planning proposal.
- 2 There is a low risk that a planning proposal proponent may request a *rezoning review* (previously known as a pre-gateway review) if Council does not submit the planning proposal to the Minister under section 56 of the Act for a gateway determination. The review is undertaken by a planning panel and in accordance with the Department's document, *a guide to preparing local environmental plans* (prepared under section 55(3) of the Act). The panel applies a Strategic Merit Test when considering the planning proposal. The matters in the Test include whether the planning proposal being consistent with any strategies prepared by the Department of Planning and Environment and if the proposal is responding to a change in circumstances such as changing demography. Where a proposal seeks to amend controls (generally a local environmental plan) that are less than five years old (as is the case for *Palerang Local Environmental Plan 2014*), the proposal will only be considered where it clearly meets the Strategy Merit Test.

Policy

There is no Council policy regarding the management of planning proposals in the former Palerang Local government area. The revised Structure Plan will be a policy document which will link directly to the Community Strategic Plan, IWCM, asset plans and the comprehensive local environmental plan. The effect of the adoption of the recommendations in this report will be to place constraints on any new planning proposals foreshadowed for the Bungendore area until such time as a Structure Plan is in place or the LEP is reviewed on a Council wide scale.

Environmental

Environmental matters have been considered in the planning proposal for Lot 3 DP 1195030. The revised Structure Plan, IWCM and assessment of groundwater availability will consider environmental matters. These will be detailed in future reports to Council.

Asset

Any future residential subdivision will be required to pay development contributions (section 94 and 64) to Council for the management of Bungendore assets in addition to providing the required hard infrastructure necessary for residential use.

Social / Cultural

If Lot 3 DP 1195030 is developed for residential use, there will be an increase of approximately thirty people. It is suggested that this is a minor impact and that there are sufficient existing services and infrastructure to accommodate this increase. Additionally, a proportion of section 94 contributions will be allocated to the provision of community infrastructure. The social environment will be a major consideration in the development of the revised Structure Plan.

8.7 Planning Proposals Relating to Bungendore and its Immediate Surrounds and the Review of the Structure Plan (Ref: C174986; Author: Carswell/Robb) (Continued)

Economic

It is suggested that the development of Lot 3 DP 1195030 for residential purposes and loss of one lot zoned industrial as a result, is not economically detrimental to Bungendore. However, it is important that the economic development of Bungendore is part of the revised Structure Plan. Council has commenced this with the engagement of a consultant economist to consider economic opportunities and to combine this with work being undertaken by Council staff on the types of land uses in the commercial and industrial areas of Bungendore and the amount of available land for these land uses.

Strategic

Whilst Council seeks to encourage the development of Bungendore, it is important that development occurs in a co-ordinated manner (refer to the above section on the Structure Plan) and that staff time is available to prepare a draft local environmental plan for the amalgamated Council within the next two years. Without this approach, the Queanbeyan-Palerang planning system will be operating on an 'ad-hoc' basis which will have expensive unwanted long term consequences for the whole of the local government area.

Engagement

There has been no community or government agency consultation on either the planning proposal for Lot 3 DP 1195030, the IWCM Strategy (apart from the DPIWater) or the Structure Plan. When Planning proposals are given a gateway determination the public exhibition period is generally 28 days. Agency consultation is also likely to be required.

Financial

Staff time and the cost of any studies associated with the planning proposal would be paid for by the developer, but co-ordinating the assessment and overview of the project involves considerable staff time. The preparation of the revised Structure Plan and IWCM Strategy are included in the 16/17 Operational Plan and budget and need to be the focus of where Council commits its strategic planning resources. Other than the three planning proposals recommended to progress in this report no additional resources are planned for any new planning proposals.

Resources (including staff)

The preparation of this report has involved considerable research primarily by two staff members as well as meetings and the like. Further work will be required if the report's recommendations are adopted.

Conclusion

It is concluded that Bungendore continues to be subject to development pressures and that it is necessary to take a strategic approach to the growth of Bungendore as well as some of the current land use and infrastructure matters. The best approach to do this is to continue work on the Structure Plan, IWCM Strategy, groundwater and the draft local environmental plan, making this a priority over any planning proposals which seek to increase develop either residential, commercial or industrial land. However, as Lot 3 DP 1195030 is considered minor, Council should seek a Gateway determination for this to proceed.

8.7 Planning Proposals Relating to Bungendore and its Immediate Surrounds and the Review of the Structure Plan (Ref: C174986; Author: Carswell/Robb) (Continued)

Attachments

- | | |
|--------------|--|
| Attachment 1 | Attachment 1 Planning Proposal - Majara Street - December 2016 Revision
(<i>Under Separate Cover</i>) |
| Attachment 2 | Attachment 2 Draft and current Planning Proposals (<i>Under Separate Cover</i>) |
| Attachment 3 | Attachment 3 South Bungendore Landuses (<i>Under Separate Cover</i>) |

DETERMINATION REPORTS

8.8 Special Heritage Fund (Ref: C173698; Author: Thompson/Jansen)

Summary

The purpose of this report is to provide recommendations to Council in regard to applications received for Council's Special Heritage Fund.

Recommendation**That Council:**

1. That Council endorse the recommendations by the Assessment Panel in regard to the Special Heritage Funds as proposed in Attachment 1.
 2. That Council consider allocating \$150,000 per annum in the 2017/18 budget towards the Special Heritage Fund and subsequent budgets.
 3. That a further report be bought 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.
-

Background

At its meeting of 24 June 2015 (Minute No. 217/15) the former Queanbeyan City Council resolved to establish a \$100,000 Special Heritage Fund and an allocation of \$50,000 for 2016/17. The application of this fund was extended to include the former Palerang Council area at Council's meeting on 26 October 2016 (Minute No. 260/16).

The Special Heritage Fund was set up to assist owners of buildings owned or managed by community-based "Not for Profit" organisations listed on the heritage schedule of the respective Queanbeyan and Palerang Local Environmental Plans to conserve, restore and re-use their properties.

Applications were called for during November with the closing dates for submissions being Wednesday 30 November 2016. Four applications were received.

All submissions are required to meet the standard conditions as well as other conditions applying to the funding as set out in the Policy.

Funding is on a competitive basis and priority is given to public buildings, churches and buildings owned or managed by community based, not for profit organisations as well as those buildings where there is a clear community or public benefit rather than a private one. Funding is generally provided for physical works on the buildings rather than for studies or to cover professional fees.

Applicant's submissions were assessed against how they complied with the following:

1. Demonstrate that they are prepared to contribute a reasonable proportion of the cost of the project.
2. Comply with the Standard Conditions.
3. Have a minimum project value of \$15,000.
4. All projects are funded over the current financial year.
5. Funding will be limited to one grant of assistance per site per financial year.
6. Applicants must complete and claim 100% of their funding by 30 June 2017.

8.8 Special Heritage Fund (Ref: C173698; Author: Thompson/Jansen) (Continued)

The applications were assessed by an assessment panel comprising the Administrator, the Local Representatives for the Palerang Heritage Advisory Committee and the Queanbeyan Heritage Advisory Committee and the Heritage Advisors from both previous Council areas.

Following the assessment by the panel, three of the projects were selected for funding. A summary of each of the successful applications is set out in the confidential attachment to this report (Attachment 1).

The fourth application was not funded as it sought funding for professional services and a conservation management plan which would form the basis of future work. As such it was felt that it did not meet the intention of the current guidelines.

In addition several related matters were discussed by the assessment panel resulting in the following recommended actions:

1. Council consider allocating \$150,000 per annum in the 2017/18 budget and subsequent budgets.
2. Amend the Queanbeyan-Palerang Council's Special Heritage Fund information and Guidelines to allow under specified circumstances a proportion of any grants to be used for professional services.

A further report outlining the kinds of circumstances where Council might considering funding non-works type activities will be brought back to Council for consideration.

Implications***Environmental***

Funding will be provided for a number projects and will result in a positive impact on the environment.

Social / Cultural

The funding potentially promotes heritage of the local area and will ensure that owners of heritage items owned by not for profit organisations, which generally have limited funds, can undertake required works so the buildings are retained into the future.

Economic

The use of this fund is likely to have short term positive economic impacts.

Strategic

The funding provides assistance for not for profit organisations for the maintenance and repair of heritage items. Such heritage items are listed in both former Council's principle LEP's to recognise the important contribution they make to the local historic fabric.

Local Representation Committee – Feedback

Members of this committee were on the Assessment Panel.

8.8 Special Heritage Fund (Ref: C173698; Author: Thompson/Jansen) (Continued)

Engagement

Applications for the Special Heritage Funding were invited by public notification in the local paper and on Council's website during November 2016.

Financial

In total the Special Heritage Fund provides for up to \$64,414.60 in the 2016/17 budget and this is proposed to be allocated as per Attachment 1. In addition there were administrative and advertising costs which are also covered in the relevant cost centre.

Integrated Plan

The Queanbeyan Community Strategic Plan 2013-23 states under Theme 3 – Culture and Leisure: "Recognise and Conserve Queanbeyan's Heritage". The Palerang Community Strategic Plan 2014-24 addresses heritage under Focus Area 4: Rural and Urban Development, stating that the built heritage and its contribution to the local identity are valued.

Conclusion

The Special Heritage Fund provides funding for not for profit organisations to use for the maintenance and repair of important local heritage items. This is consistent with local heritage being recognised as important contributor to the local identity in both former council's Strategic Plans as well as in the respective principle Local Environmental Plans. The recommendations of this report will permit this to continue while recognising an enlarged local government area and the occasional need for professional input into projects.

Attachments

Attachment 1 Special Heritage Fund Offers 2016/17 (*Under Separate Cover*) -
CONFIDENTIAL

DETERMINATION REPORTS

8.9 Vacant Community Representatives - Palerang Heritage Advisory Committee (Ref: C16202206; Author: Bascomb/Carswell)

Summary

Recently Council advertised for applications for two vacant positions for community representatives on the Palerang Heritage Advisory Committee. As a result two applications have been received and the report recommends that each applicant be offered a position.

Recommendation

That the following nominees be appointed to the two vacant community representative positions on the Palerang Heritage Advisory Committee until the end of September 2017:

- John Stahel
 - Cherylyn Raper
-

Background

At the Council meeting of 23 November 2016 the Administrator resolved:

That nominations be called from persons in the Queanbeyan-Palerang Regional Council local government area to fill the vacant community representative positions on the Palerang Heritage Advisory Committee for the period ending September 2017.

Applications for nominations were then advertised between 29 November and 16 December 2016 and two applications were received (Attachments 1 and 2). Both applications have been reviewed and it is considered that the nominees have the necessary attributes to constructively contribute to the Committee. As a result it is recommended that each applicant be offered a community representative position until the end of September 2017 when all committees will be reviewed by the newly elected Council.

Implications***Policy***

Should both applicants accept the positions they will be subject to this Committee's terms of reference as well as other Council policies such as QPRC's Code of Meeting Practice and Code of Conduct.

Social / Cultural

This Committee has an important role which focuses on the heritage of the former Palerang LGA.

Strategic

This Committee's terms of reference include a focus on heritage matters at the strategic level.

8.9 Vacant Community Representatives - Palerang Heritage Advisory Committee (Ref: C16202206; Author: Bascomb/Carswell) (Continued)

Engagement

As indicated above applications for nominations were advertised between 29 November and 16 December 2016 and two applications were received (Attachments 1 and 2).

Financial

This has included the administrative costs associated with filling vacant positions on Council committees which are covered in the relevant cost centres.

Conclusion

It is recommended that each applicant be offered a position on the Palerang Heritage Advisory Committee until the end of September 2017.

Attachments

Attachment 1	Application - John Stahel (<i>Under Separate Cover</i>) - CONFIDENTIAL
Attachment 2	Application - Cherylyn Raper (<i>Under Separate Cover</i>) - CONFIDENTIAL

DETERMINATION REPORTS

8.10 Allocation of 2016/17 Roads to Recovery Funding (Ref: C175010; Author: Bascomb/Cunningham)

Summary

A proposal to reallocate funds available under the 2016/17 Roads to Recovery Program to an alternate project to that identified in Council's adopted Operational Plan.

Recommendation

- 1. That the Roads to Recovery funding currently allocated to the further improvement of the Nerriga Road as part of the 2016/17 Operational Plan (PJ 6682) be retasked to the next identified rehabilitation project for the Captains Flat Road (Kearns Parade to Douglas Close).**
 - 2. That all pre-construction activities currently underway for the next identified construction project on the Nerriga Road (north from Grants Road) continue to completion with a view to this project being considered for funding as part of the 2017/18 Operational Plan.**
-

Background

The Roads to Recovery Program (R2R) is a Commonwealth Government initiative that has been operating for a number of years. Typically delivered in four to five year tranches, the first program commenced in 2000 with the aim of supporting the nation's local road infrastructure assets through the Infrastructure Investment Program.

Funding for the program is provided directly to Local Government and is allocated on the basis of the roads component of the Financial Assistance Grants as determined by the Local Government Grants Commission in each state.

For the current 2014-2019 program, the total allocation for QPRC was initially announced at \$6,213,296. In June 2015 the Federal Government announced an additional one-off boost to this funding as a result of the re-introduction of fuel excise indexation. This welcomed outcome effectively raised Council's life of program allocation to \$9,481,481, with the increases to be concentrated across the two specific periods of 2015/16 and 2016/17. The benefit of these increases is already evident through the recent excellent road reconstruction works conducted on MR270 in the area of Stony Creek.

For 2016/17, a total of \$3,428,495 has been earmarked under this program for various sizable projects across the City and Shire. The pre-eminent project in these has previously been identified as a section of Nerriga Road (MR92). Building on a construction project conducted in 2014/15 in the area of Durran Durra, the proposed works aim to construct and seal a further two to three kilometres of pavement extending generally northward from these last works.

Whilst much of pre-construction works for this project is now in place one small hurdle remains in respect of a proposal for land acquisition. In total there are three land acquisitions proposed for the first two kilometres of works. Additional land is required for the full 4.2 kilometres of the ultimate project although the number of property owners remains the same as for Stage 1.

8.10 Allocation of 2016/17 Roads to Recovery Funding (Ref: C175010; Author: Bascomb/Cunningham) (Continued)

Agreement is yet to be secured from all of the affected owners for this first stage and this remains an impediment to an immediate start.

The other notable development in the R2R program has been advice from the Australian Government as to a change in the proposed timing of the funding stream. The Federal Budget of May 2016 saw a shift in funding allocations from the 2016/17 year to 2017/18. Accordingly, the new R2R funding availability for QPRC is now \$2,390,486 and \$2,071,098 for each of the above financial years respectively. This creates another small challenge for the proposed MR92 project insofar as the staging of works.

Given the above and the new time-critical need to commence with field works at the earliest opportunity, it is proposed to substitute an alternate project for this tranche of funding. The project proposed is that section of the Captains Flat Road (MR270) between Douglas Close and Kearns Parade.

Council would be aware of the recently completed works on this road in the area of Stony Creek; the first project to be successfully undertaken following the joining of staff from the former Palerang and Queanbeyan Councils. Prior to reconstruction this road was narrow and without much drainage or shoulder support (see figure 1).



8.10 Allocation of 2016/17 Roads to Recovery Funding (Ref: C175010; Author: Bascomb/Cunningham) (Continued)

Following completion, both the geometry and alignment has been markedly improved and has been well received by regular commuters of the route (see Figure 2).



Captains Flat Road is a key commuter road for many of Council's constituents and services some long established rural residential areas as well as the rural communities of Rossi, Forbes Creek, Hoskinstown and of course Captains Flat. This is particularly so for that section between the Kings Highway and the Briars Sharrow Road. Over the past 12 or so years, Council has concentrated much of its effort on improving that section of MR270, the result of which can be seen on site today. Only a short 2.8 kilometre section between Kearns Parade and Douglas Close is yet to be rehabilitated. This is the section proposed to receive the reallocated R2R funding currently earmarked for MR92.

Nothing in this is to diminish the worthiness of the works proposed for MR92. The development of MR92 remains of a critical priority for Council and efforts will continue to secure the spade ready status of a number of its projects – including the 4.2 kilometre section referred to above. The funding requirements for the improvement of MR92 are substantial and representations continue to be made that seek to secure a higher level government funding commitment for this purpose. Whilst this report seeks to reassign current funding from MR92 to MR270, the works on MR92 should only be seen to be postponed. It should be Council's aim to return funding to this important project at the earliest opportunity, ideally within the life of the 2017/18 Operational Plan.

Implications***Legal***

Minor land acquisitions are proposed in both projects.

8.10 Allocation of 2016/17 Roads to Recovery Funding (Ref: C175010; Author: Bascomb/Cunningham) (Continued)

Environmental

All road projects of this scale are the subject of environmental assessments conducted in accordance with part 5 of the EP&A Act 1979.

Asset

The works will result in the provision of a renewed and upgraded road asset.

Financial

Funding is to be sourced from Council's 2016/17 and 2017/18 Roads to Recovery allocation.

Program Code	Expense Type	Funding source	Amount
PJ 6682	Capital	Roads to Recovery	\$ 2,048,495

Conclusion

The current Roads to Recovery funding allocation provided for the further construction and sealing of the Nerriga Road should be reassigned to the next identified rehabilitation project on the Captains Flat Road. Thus, in the intervening period, the preconstruction and other preliminaries necessary for the full 4.2 kilometre project on the Nerriga Road should be finalised in readiness for the consideration for funding as part of the 2017/18 budgetary deliberations.

Attachments

Nil

DETERMINATION REPORTS

8.11 Contract 08/17 - Selective Clearing of Trees and Destruction of Termite Mounds for Ellerton Drive Extension (Ref: C173919; Author: Hansen/Pyke)

Summary

In early January, Council received the final environmental approvals to commence the selective clearing of trees and the destruction of termite mounds for the Ellerton Drive Extension (EDE).

Council had previously called and received tenders for this work, but had not yet awarded the contract. Due to the timing limits contained within the environmental approval, the contract for the work needed to be awarded before the next meeting of Council that was scheduled for 25 January 2017.

In accordance with the *Local Government Act (1993)* s226 (d), the Administrator awarded Contract 08/2017 for the selective clearing of trees and the destruction of termite mounds for the Ellerton Drive Extension (EDE) to East Coast Veg Management.

While the tendered pricing is well below the compulsory tendering threshold under s55 (being \$150,000), it was considered appropriate to follow Council's procurement guidance and apply a tendering process. Subsequent to the assessment of the tenders, Council has entered into a legally binding contract with Tenderer 2. This report notes that process and decision.

Recommendation

That Council note the awarding of Contract 08/2017 to East Coast Veg Management.

Background

A number of hollow bearing trees and termite mounds were identified along the corridor of the future EDE during preliminary investigations. Hollow bearing trees provide habitat for many native fauna. Termite mounds are utilised by the endangered Rosenberg's Goanna as nesting sites.

Conditions of approval from the NSW Office of Environment and Heritage for the EDE requires these habitats to be removed in the months of December and January to avoid the breeding cycles of various species of fauna. As the approval to commence work was obtained from Commonwealth Department of Environment on 10 January 2017, and the initial schedule for the clearing work was 20 days including Saturday work, time did not permit waiting to the next meeting of Council to award the Tender and still complete the work by 31 January. If this action was not taken, then the EDE project could have been delayed by up to 12 months and a significant cost incurred as this work would have had to be undertaken in December and January of the following year.

The request for tenders was advertised through TenderLink and closed on 28 October 2016. Three tenders were received for the work with only two being suitably experience to undertake the high risk work. The evaluation committee reviewed the three tenders with weightings structured to ensure that tender capability and risk (60%) were considered in addition to price (40%).

8.11 Contract 08/17 - Selective Clearing of Trees and Destruction of Termite Mounds for Ellerton Drive Extension (Ref: C173919; Author: Hansen/Pyke) (Continued)

Tenderer 2 scored significantly higher in terms of capability and risk than the other two however Tenderer 3 was nearly half the price of Tenderer 2. This resulted in Tenderer 3 receiving the highest combined score. Tenderer 1 scored lowest across all criteria.

Therefore Tenderer 3 presented the best value for money and was recommended to be awarded the contract. However Tenderer 3 could not commit to the tight time constraint for the work and subsequently withdrew their bid.

Tenderer 1	\$99,880.00 inc GST
Tenderer 2	\$73,045.00 inc GST
Tenderer 3	\$38,291.00 inc GST

Tenderer 2 was ranked second in the evaluation and was available to commence works as soon as approvals were received. Therefore Tenderer 2 was awarded the Contract on 10 January 2017, the day the approval was granted. They commenced work the following day.

Implications***Legal***

While the tendered pricing is well below the compulsory tendering threshold under s55 (being \$150,000), it was considered appropriate to follow Council's procurement guidance and apply a tendering process. Subsequent to the assessment of the tenders, Council has entered into a legally binding contract with Tenderer 2. This report notes that process and decision.

Environmental

This work has significant environmental impacts and as such, requires State and Federal approvals. All work undertaken will strictly adhere to the processes outlined in the Review of Environmental Factors and the licence conditions. All clearing work will be undertaken under the supervision of qualified ecologists.

Asset

The contracted work will not modify, remove or create any Council assets.

Social / Cultural

The impact of the clearing work on nearby residents is expected to be minimal. The noise generated by chainsaw operation will be the main disturbance however most trees are greater than 50m to 100m from houses. All work will be undertaken in restricted hours, 7:00am to 6:00pm Monday to Friday, 8:00am to 1:00pm Saturday and no work on Sundays or Public Holidays.

Engagement

The EDE Project has had extensive community consultation throughout its development over the past years and many opportunities were given to the Community to comment on the Project. The time for community input in the Project has now passed.

8.11 Contract 08/17 - Selective Clearing of Trees and Destruction of Termite Mounds for Ellerton Drive Extension (Ref: C173919; Author: Hansen/Pyke) (Continued)

Due to the tight timeframe to complete this work, notification of the commencement of this work was only released the day before work commenced. Notification was sent via the email list, Council's web page, social media and mail.

Financial

The work for this portion of the EDE Project is included in Council's Integrated Planning and has a budget of \$100,000. The value of the Contract fits within this budget.

Program Code	Expense Type	Funding source	Amount
4.2	Capital	Grants and Contributions	\$ 100,000

Resources (including staff)

There is capacity within Council to manage this work with internal staff.

Integrated Plan

This project is included in Councils Integrated planning under Theme 4 - Infrastructure and Transport, Key Direction 4.2 - Continue to improve integration of land use and transport. This work is consistent with Councils Integrated Plans.

Conclusion

After the withdrawal of Tenderer 3, Tenderer 2 presents the best value for money for Council and has the resources and experience to complete the project to a high standard. They presented the highest scoring Tender in terms of capability and risk. It is recommended that Council endorses the actions that awarded the Contract to Tenderer 2.

Attachments

Attachment 1 Tender Evaluation Report - Contract 08-2017 - Selective Clearing of Trees and Destruction of Termite Mounds for Ellerton Drive Extension (*Under Separate Cover*) - **CONFIDENTIAL**

DETERMINATION REPORTS

8.12 Land Classification - Lot 1211 DP 1210571 Googong (Ref: C16193321; Author: Gibson/Warne)

Summary

Section 31(2) of the *Local Government Act* states that “Before a Council acquires land, or within 3 months after it acquires land, a Council may resolve (in accordance with this Part) that the land be classified as community land or operational land.” This report proposes classifying Lot 1211 DP 1210571 (7 Aitken Street “Hopper Park”, Googong) as community land.

Recommendation

That Council in accordance with Section 31(2) of the *Local Government Act 1993 (NSW)*, resolve that Lot 1211 DP 1210571 (7 Aitken Street, Googong) known as “Hopper Park” be classified as “Community Land”.

Background

On 18 January 2016, ownership of Lot 1211 DP 1210571 (7 Aitken Street, Googong) known as “Hopper Park” was transferred to the Council. This property is public reserve and has been dedicated to the Council under the Googong Voluntary Planning Agreement. Refer plan/map on Page 2. The land will be used as a parklet/playground.

Council can classify the land as either “operational land” or “community land”. This property is intended as public reserve and should be used for community purposes. It is therefore recommended that the classification “community land” be adopted, in accordance with the *Local Government Act*.

Implications***Legal***

Section 31(2) of the *Local Government Act* states that “Before a Council acquires land, or within 3 months after it acquires land, a Council may resolve (in accordance with this Part) that the land be classified as community land or operational land.”

Conclusion

It is appropriate for classification of the land as “community land” to be resolved by the Council.

8.12 Land Classification - Lot 1211 DP 1210571 Googong (Ref: C16193321; Author: Gibson/Warne) (Continued)



Attachments

Nil

DETERMINATION REPORTS

8.13 Acquisition of Land Brooks Creek Road (Ref: C16198561; Author: Gibson/Warne)

Summary

A request has been received from the registered proprietors of Lot 8 DP245149 which is an elongated allotment that acts as a road, seeking Council to dedicate the land as a road.

Several easements of carriageway exist which enable surrounding properties to use the land for access, and the land owner is concerned that with development of some of these properties further pressures will be placed upon the access infrastructure.

It is understood that in 1987, the then Yarrowlumla Shire Council considered a similar request and chose not to accept the dedication. The proprietors argue that the non-dedication of the road was a mistake when the subdivision was approved in 1973 and there has been material change since that time.

A plan of the land is attached which shows that the land is clearly being used as a road and a bridge has been erected over the Brooks Creek. There has been some concern expressed about which property owners have use of the road,

There is no appetite amongst Council staff for the proposal to progress as it is a private road constructed as part of the subdivision, it would be expensive to maintain (*particularly the bridge*) as a public road and the Council has no obligation in respect of it.

Recommendation

That the proprietors be advised that the Council is not prepared at this point in time to agree to dedicate Lot 8 DP 245149 as a public road.

Background

In 1973 the then Yarrowlumla Shire Council approved Subdivision DP 245149 being a 14 lot subdivision of rural land off Gundaroo Road with lots ranging in size from 16 – 22 hectares.

The plan is shown below with a small cul de sac road running off Gundaroo Road which provides access to 11 of the lots. Lot 8 runs from the “head” of the cul de sac in a north east direction over the Brooks Creek and intersects with an unconstructed road on the eastern perimeter of the subdivision and continues further east to service other properties.

Req:073799 / Req:05 020149 2 / Req:13-20-1992 / Req:06-08 / 06/11/Req:048 11:17 / Req:022 / Req:1 of 1
Req:022 0001/Req: 0001



**8.13 Acquisition of Land Brooks Creek Road (Ref: C16198561; Author: Gibson/Warne)
(Continued)**

The origins or rationale as to why Lot 8 was created as an allotment and not dedicated as road reserve are not known, but it is assumed that the Council at the time was not prepared to accept responsibility for the road maintenance and also the upkeep of the bridge that was required to be provided.

The registered proprietors of Lot 8 use the road for access to their other holdings which are located off the eastern end of the lot 8. In addition, right of carriageway over the land is provided in favour of a total of 6 properties, including land currently owned by the registered proprietors. It is noted that the registered proprietors in 1997 granted an additional easement of carriageway to the owners of lot 45 DP869210 in the amount of \$115K.

The registered proprietors advise that there is increasing development pressure regarding use of the road. The adjacent landowner (lot 7) has been using Lot 8 for access although no easement of carriageway exists. Further the owner of lot 9 is examining subdivision options and had made inquiries regarding access from Lot 8.

In 1987 Yarrowlumla Shire Council did not accept the application for the road dedication. The registered proprietors submit that:

- (a) The non-dedication at the time of the 1973 subdivision was an oversight;
- (b) the facts have changed materially since the last review.

Council staff consider that circumstances in the area have not changed and it would be inappropriate to agree to the request. There would be additional maintenance costs for the road and the Bridge.

Implications***Legal***

An inspection of the Council file reveals that the 1972 *“proposed subdivision”* provided for the access road outlined above and a *“Res Road 100 Wide”*. The Council minutes of 3 May 1972 provided the following condition (d) *“Reserve Road between lots 7 & 8 to make provision for a minimum radius of 2,000 feet to be incorporated into road extension at future date”*.

The final subdivision plan shows detailed survey in respect of the reserve road and it had become Lot 8 in the subdivision. It appears that the linen plan was signed in 1973 and security deposit released towards the end of the year.

The Deposited Plan has a notation *“It is intended to dedicate the new road to the public as roadway”*. The proprietors argue that this designation relates to Lot 8, but the only part described as a road is the access road from Gundaroo Road.

The proprietors have also claimed that a 1977 topographic map shows lot 8 as a road which is the case, but the plan is merely access ways and does not provide any position with regard to legal status of the roads. Further information has been provided by a former owner which indicates that “Brooks Road” has been open and in use by the public since 1950s and ultimately provided access to a property *“Silver Wattle”* on Lake George.

**8.13 Acquisition of Land Brooks Creek Road (Ref: C16198561; Author: Gibson/Warne)
(Continued)**

A search of the Old System dealing for the land is silent in respect of Brooks Road.

From investigations, It is concluded the legal status of Lot 8 is private land, but it has been used as a road and for property access for decades and for all intents and purposes is a road that does not have public road status. I believe that it was probably intended that at some future time that the road would be dedicated, but nothing can be found in this regard.

I have been advised that there is agreement between the parties that use Lot 8 to annually contribute to its maintenance. The estimated cost is \$2-3K per annum. The legal status of this arrangement is unknown.

If the Council agreed to the proposal, the process of the road dedication is quite straight forward. I suggest that an appropriate Deed be entered into between the Council and the registered proprietors and once executed that the land be transferred to the Council and then in accordance with S10 of the *Roads Act 1993* the land would be dedicated as public road. In all the process would take approx. three months.

Environmental

It has been advised that a property owner abutting lot 8 is examining development options and it is expected that a two lot DA application will be submitted in the near future. Further it is expected that other property owners that have use of the road are considering their development options.

There has also been some local concerns about a new building being erected on nearby land and the property owner has not contributed to the upkeep of the road.

With development likely to occur in the area it may be appropriate to include development conditions that upgrade the road and infrastructure to an appropriate standard if the road is to be publicly dedicated.

Asset

Whilst this road appears similar to many in rural areas the standard in rural residential parts of the Council area is for a sealed road to be provided. The road does cross the Brooks Creek and there is a low level culvert style crossing that would be used most of the time and there is a higher rail and suspended slab bridge which looks like it is used only at times when the culvert crossing is flooded. Photos are shown below:

**8.13 Acquisition of Land Brooks Creek Road (Ref: C16198561; Author: Gibson/Warne)
(Continued)**



It is considered that there would be significant risk associated with this structure if the road is dedicated.

There is signage upon the bridge placing a load limit and there are self-made “speed humps” along the road with warning signs. There is some doubt that these controls would meet the relevant standards and there is doubt about whether they could be legally enforced.

Staff concern received is that a similar request made to the former Palerang Council, and in that case the following was adopted:

- *The road would have to be upgraded to Council’s current DCP road standards. For this road, that would probably mean to sealed standard. Costs for these works would have to be met by the proponent;*
- *The works would be conditional on the proponent first seeking and obtaining development approval;*
- *Once upgraded to Council’s satisfaction, the proponent would need to prepare a plan of survey that transferred an appropriate road reserve over the road to Council. All costs associated with the preparing of the plan, Council’s legal costs and registration would need to be met by the proponent.*

In addition, acceptance of the bridge would be a major risk in that it is not known as to whether the bridge meets the required standards regarding minimum width, construction and load carrying requirements. The bridge’s capacity would certainly need to be determined and certified. It is desirable that all Council roads and bridges be to the HML standard.

If the Council agreed to the road dedication, the road would need to be recognised in the Council Asset Management system and a value for the infrastructure assigned. There would need to be resources allocated for annual maintenance, cyclical maintenance as programmed and upgrade as demand upon the road increased.

8.13 Acquisition of Land Brooks Creek Road (Ref: C16198561; Author: Gibson/Warne) (Continued)

Financial

The costs for a maintenance grading crew costs is a minimum of about \$3,000 per day. Their plant would need to be floated to site so you can allow another say \$1,000 per visit. These costs would need to be met from the maintenance grading allocation.

Program Code	Expense Type	Funding source	Amount
	Extra road maintenance	General Revenue	\$ 4,000

In respect of any upgrading works, gravel re-sheeting costs are approx. \$30K per km, and sealing \$500K per km. The road is approx. 890m in length. Re-sheeting is estimated at \$26.7K and a complete seal \$445K.

A proper condition and remediation report would need to be undertaken to determine the condition of the bridge and the cost of any remedial work. A new bridge would cost approx. \$320K based on a cost of approx. \$4,000 per square metre deck area.

Resources (including staff)

Additional road maintenance resource would need to be allocated for the extra road.

Conclusion

On balance, no benefit can be seen from accepting this offer at this time and it is best that it be refused. The situation can be reviewed in a few years if circumstances change.

With development occurring in the area, it could be part of an approval that the road be upgraded and funding be provided for this purpose as part of the planning process.

Attachments

Attachment 1 Location of Lot 8 DP245149 - Extension of Brooks Road, Bywong. *(Under Separate Cover)*

DETERMINATION REPORTS

8.14 Acquisition of Easement - Bungendore Central Car park (Ref: C16202290; Author: Gibson/Warne)

Summary

The Council has been negotiating with the owner of lot 9, section 11 DP 758183 for many months to acquire an easement for the land. The 3 metre easement would provide for electricity supply, water supply, water drainage and a right of carriageway from Ellendon Street, Bungendore to the proposed Bungendore Central Car Park that will be developed in the near future.

A Deed of Agreement has been finalised for the acquisition of the easements and the approval of the Council to execute is now required.

Recommendation

That the Deed of Agreement for the acquisition of easements at Lot 9, section 11 DP 758183 at a cost of \$50,000 be agreed to by the Council.

Background

The former Palerang Council has been negotiating with property owners for several years to establish the Bungendore Central Car Park. Part of that negotiation was the acquisition of an easement to allow services and carriageway from Ellendon St to the car park.

Negotiations with the property owner have now been completed and execution of the Deed will enable the required easements to be created.

Implications***Legal***

Execution of the Deed will enable the registration of the easement. A plan of survey and S88B instrument have been prepared for this purpose.

A caveat exists in respect of the land and the property owner will be required to provide the concurrence of the Caveator prior to registration. This is not seen as an issue.

Financial

As defined by the Deed the Council will pay a purchase price (\$50K) and will be required to meet the valuation, survey, registration and legal costs and any mortgage variation costs required. In addition, there will also be some fencing that is required that the Council will need to provide.

8.14 Acquisition of Easement - Bungendore Central Car park (Ref: C16202290; Author: Gibson/Warne) (Continued)

These costs are within the budget provided for the Car park project.

Program Code	Expense Type	Funding source	Amount
	Acquisition	Reserve funds	\$ 50,000
	Incidental costs		10,000

Conclusion

The Execution of the Deed will enable the creation of the easement to be finalised.

Attachments

Nil

DETERMINATION REPORTS

8.15 Investment Report - December 2016 (Ref: C174674; 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 December 2016.

Recommendation**That Council:**

1. **Note the investment income for December 2016 is \$349,271 bringing the total interest earned on Cash and Cash Equivalent Investments for the 2016/17 Financial Year to \$2,652,094 which is \$561,189 above the 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 December 2016.**
-

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

The December 2016 return of \$349,271 brought the total return on Cash and Cash Equivalent Investments for the 2016/17 Financial Year (commencing 13 May 2016) to \$2,652,094 which is \$561,189 above the year to date budget.

The principal amount invested as at 31 December 2016 was \$151,482,204.

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 December 2016 was 1.62%.

The Reserve Bank of Australia (RBA) does not hold a January meeting to decide the official cash rate which therefore remains at 1.50%.

**8.15 Investment Report - December 2016 (Ref: C174674; Author: Abigail/Drayton)
(Continued)**

Rating agencies again indicated they are losing patience with the government's strategy to return to budget balance, paving the way for a sovereign downgrade after the May 2017 budget.

However, money markets continue to dismiss the poor GDP figure and continue to factor in a rate rise by late 2017, but the possibility of a 2017 rate cut is not completely disregarded. (*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 31 December 2016 amounts to \$2,652,094. This return was \$561,189 above the year to date budget; an increase in the budget surplus from the previous month by \$40,485 where Council was \$520,704 above the year to date budget. Refer to Attachment 1 - Graph 1 and Table 5.

Attachments

Attachment 1 Investment Report - December 2016 - Attachment 1 - 25 January 2017 (*Under Separate Cover*)

DETERMINATION REPORTS

8.16 Human Resources & Payroll and Revenue & Regulatory Applications (Ref: C16202137; Author: Tegart/Taylor)

Summary

Following the formation of Queanbeyan-Palerang Regional Council it is necessary to establish consolidated and integrated corporate software applications that meets the operational and strategic objectives of Council. Progress is ongoing for the Financials and Geospatial applications already approved by Council, with completion due July 2017 and February 2017 respectively. The Asset Management software is subject of another report to this meeting.

It is crucial that all applications integrate seamlessly and are able to deliver mobile services. With QPRC implementing TechnologyOne Financials, Geospatial and likely Asset Management (subject to determination of another report), this report recommends the adoption of the TechnologyOne HR/Payroll and Property & Rating applications for QPRC Corporate Systems.

Recommendation**That Council:**

- 1. Authorise the General Manager, in accordance with Section 55(3)(i) of the Local Government Act 1993, to negotiate directly with TechnologyOne and enter into an agreement with TechnologyOne for the provision of Human Resources & Payroll, and Revenue & Regulatory applications for Queanbeyan-Palerang Regional Council due to the following extenuating circumstances:**
 - a. The amalgamation of the two Council entities to create Queanbeyan-Palerang Regional Council;**
 - b. The need to synchronise and integrate the ICT systems between the two former councils as an immediate priority in an efficient and economic manner;**
 - c. The assessment and implementation of the TechnologyOne system in place with experience by users of the former Palerang Council;**
 - d. The costs burden in these circumstances in going to tender for each application, and disruption to its users;**
 - e. The long term investments by TechnologyOne for a stronger and contemporary local government solution to the new Council entity;**
 - f. The Tender process would add a significant time penalty in the implementation of the applications.**
 - 2. Allocate the cost of developing and implementing the corporate applications, as outlined in this report, from the NSW Stronger Councils Implementation Fund;**
 - 3. Authorise the General Manager, in accordance with Section 55(3)(i) of the Local Government Act 1993, to review options available for a Document Management application and provide a report back to Council to either:**
 - a. Negotiate directly with TechnologyOne and enter into an agreement with TechnologyOne for the provision of Document Management applications for Queanbeyan-Palerang Regional Council, or**
 - b. Commence a tender process to proceed to market for a Document Management system.**
-

8.16 Human Resources & Payroll and Revenue & Regulatory Applications (Ref: C16202137; Author: Tegart/Taylor) (Continued)

Background

There are six major corporate applications that support local government activities (finance, HR, property (revenue/regulatory), assets, records, mapping) and three major suppliers (TechnologyOne, Infor, Civica).

The former Palerang Council utilised the TechnologyOne platform as its ERP solution whilst the former Queanbeyan City Council utilised a combination of platforms including TechnologyOne, Aurion, Infor Pathways and Conquest to deliver similar systems. It is not practical for Queanbeyan-Palerang Regional Council (QPRC) to operate on separate platforms. To maintain separate platforms is inefficient, not cost effective and does not maximise benefits for the community.

Accordingly it is necessary to select a single Enterprise Resource (software) Platform (ERP) that optimises the functionalities being offered and provides best practice solutions for QPRC.

Based on both Councils; using TechnologyOne as the Financial & Supply Chain system, QPRC staff are rolling out a consolidated Financial System using the TechnologyOne 'OneCouncil' implementation and business process model. In another report to this meeting, staff have recommended the progression to implementation of the TechnologyOne Enterprise Asset Management system. Council endorsed the combination of ESRI and TechnologyOne Spatial system as the Geospatial platform to be exempt from tender at the 14 September 2016 meeting.

Prior to amalgamation both staff from former Queanbeyan City Council and Palerang Council viewed demonstrations from Civica, Infor and TechnologyOne. TechnologyOne successfully demonstrated a seamless integrated environment between the six corporate applications. While Civica demonstrated integration, Civica is not known to either Council and would involve significant changes to processes of both former Councils. The Infor demonstration highlighted external products were required for seamless integration, involving additional staffing to monitor and administer the integration application.

At the end of both ERP demonstrations in late 2015 and during the evaluation of the Asset Management System, the following was concluded:

- The TechnologyOne platform was seen to have superior and well defined business processes and mobility functionality that are developed for Local Government. Mobility functionality within the TechnologyOne platform offering is essential for the rapidly evolving technology and geographical needs of QPRC.
- TechnologyOne Human Resources & Payroll along with the Property & Rating modules have been successfully utilised within the former Palerang Council since 2006. The TechnologyOne Enterprise Content Management (ECM) system within former Palerang Council has struggled in some areas of development - for this reason staff have requested further reviews with TechnologyOne and will provide another report to Council for recommendations on a Document Management System.
- TechnologyOne has been identified as the preferred platform for both former Councils of the Human Resources & Payroll and Revenue & Regulatory systems.

8.16 Human Resources & Payroll and Revenue & Regulatory Applications (Ref: C16202137; Author: Tegar/Taylor) (Continued)

This report recommends approval to negotiate directly and enter into an agreement with TechnologyOne for the provisions of suitable modules from the TechnologyOne suite of products that are required to be implemented at QPRC.

Implications***Legal***

There are extenuating circumstances in relation to the merger, the need to synchronise and integrate corporate systems and the current take up of TechnologyOne by the former Councils, to not got to tender. It is proposed that in accordance with Section 55(3)(i) of the *Local Government Act 1993*, Council authorise the General Manager to negotiate directly with TechnologyOne and enter into an agreement for the provision of Human Resources & Payroll, and Revenue & Regulatory applications for Queanbeyan-Palerang Regional Council.

Engagement

Staff working groups and project boards have been engaged through the specification setting and assessment of various modules to date. Staff are also expected to be involved in TechnologyOne user groups, based on their areas of expertise.

Financial

The costs associated with the project will include:

- Licence expansion and uniformity.
- New mobility modules.
- New e-service modules.
- Project Management, solution implementation and configurations.
- Data migration.
- Support costs.

The total project cost including implementation of the Financial System, Geospatial System, Enterprise Asset Management, Document Management System, Human Resources & Payroll and the Revenue & Regulatory Systems is estimated to be in the order of \$3.5 million. Information Technology infrastructure has been included as part of this estimate. Time and Material costs are not fixed costs and Council can undertake a best value analysis before incurring these costs.

Further reports on the costs of the enterprise systems will be included in merger Transition Plan updates.

Annual support costs are expected to rise by about \$6k per annum.

Resources (including staff)

The implementation will be managed through a project board and subject matter expert working groups, over the next 18 months-2 years.

8.16 Human Resources & Payroll and Revenue & Regulatory Applications (Ref: C16202137; Author: Tegart/Taylor) (Continued)

Conclusion

To assist the harmonisation of work practices, record keeping, payroll arrangements and asset management of the former councils; to accelerate take up of online self-enquiry/self-serve and mobile applications of the new council; and to smooth the installation and integration of the six major corporate software systems, it is recommended TechnologyOne be engaged to supply, install and provide annual support services.

Attachments

Attachment 1 TechnologyOne OneCouncil Uplift Proposal (*Under Separate Cover*) -
CONFIDENTIAL

DETERMINATION REPORTS

8.17 03/2017 Enterprise Asset Management System - Supply, Implementation and Support Services (Ref: C16201358; Author: Tegart/Taylor)

Summary

Consolidation of the major corporate software applications is crucial for Queanbeyan-Palerang Regional Council (QPRC) to enable accurate data capture and assessment and consistent workflows and practices across multiple office and mobile worksites.

Assessments have been undertaken of the existing platforms, licences, uses and costs of the former Queanbeyan and Palerang Councils' systems. While there was some consistency in the technology platforms, the bulk of the corporate applications between the former councils were different in type and scale, and hence required a single consistent, and ideally integrated, enterprise software solution.

As reported to Council, there are six major corporate applications that support local government activities (finance, HR, property (revenue/regulatory), assets, records, mapping) and three major suppliers (TechnologyOne, Infor, Civica). Council has previously accepted proposals from TechnologyOne for the finance platform, and ESRI for the mapping platform.

Following the merger, Council has reviewed its assets, services and technology and used those reviews to inform the specifications for the corporate systems modules. Independent parties were engaged to prepare specifications for those modules, undertake probity assessments and guide implementation.

QPRC went to tender for the supply, implementation and support services of an Enterprise Asset Management System. A key component of the tender was integration with the existing financial system and consequently ability to integrate with Payroll and Revenue/Regulatory systems. Due to the geographical size of the new council, it was important the proposed system provided for key functions to be available on mobile devices that are either connected or not connected to the central data warehouse.

A rigorous evaluation process was undertaken to determine which vendor was able to provide an Enterprise Asset Management System that meets the requirements of QPRC. The evaluation process determined Vendor 4 as the vendor who best responded and demonstrated against the tender requirements. The response of Vendor 4 indicated however that negotiations are required in refinement in areas of contract terms and conditions, implementation phasing and final functionality deliverables.

Therefore in accordance with Local Government Act, Regulations and Guidelines, it is appropriate for Council to reject all tenders and enter into direct negotiations for the purpose of finalising contract terms, phases of implementation and individual functional modules of the tender.

8.17 03/2017 Enterprise Asset Management System - Supply, Implementation and Support Services (Ref: C16201358; Author: Tegart/Taylor) (Continued)

Recommendation

That Council:

- 1. Decline to accept any tender and instead, enter into negotiations with any person (whether or not that person was a tenderer) with a view to entering into a contract;**
 - 2. Enter into negotiations with Vendor 4 and in the event that they be unsuccessful, cancel all negotiations and issue a new tender;**
 - 3. Note the reason for declining to invite fresh tenders is that Vendor 4 has significantly demonstrated the capability required for the tender;**
 - 4. Note the reason for determining to enter into negotiations is for the purpose of finalising the contract terms, the phases of implementation and the list of individual functional modules**
 - 5. Delegate to the General Manager the right to accept contract terms once it is considered that acceptable and competitive arrangements have been negotiated and to execute a contract with the relevant party, or to cease negotiations.**
-

Background

The formation of QPRC instigated a review of all corporate applications. Asset Management was the third application to be reviewed by the Executive committee of Council. The committee endorsed the creation of a Project Board for the replacement of the Enterprise Asset Management System (EAMS). The project board met on 15 June 2016 and decided the existing Asset Systems of the former councils were not suitable for the new entity. The board commenced a tender process and engaged Cambia Consulting as the Project Manager for the Tender phase and iPlatinum to assist in gathering requirements of QPRC for a replacement Asset System.

An Enterprise Asset management System is required to perform the following functionality:

- Self-service and Mobile solution.
- Integrate with Financial, Payroll, Document Management and Revenue/Regulatory systems.
- Asset Register.
- Maintenance and capital expenditure management.
- Works Management.
- Fleet management.
- Failure prediction and analysis.
- Treatment options and costs.
- Optimised Decision Making on asset.
- Budget scenarios.

8.17 03/2017 Enterprise Asset Management System - Supply, Implementation and Support Services (Ref: C16201358; Author: Tegart/Taylor) (Continued)

Throughout July and August of 2016, iPlatinum gathered requirements for the functionality and prepared documentation for the Request for Tender (RFT). The RFT was released via Tenderlink on 8 August 2016 and advertised in the Sydney Morning Herald and The Canberra Times on 13 August 2016. The Tender was also published on the QPRC websites. Tenderlink alerted 2,512 organisations to the Tender and 201 users viewed the Tender online. The Tender closed on 2 September 2016 at 3pm AEST. Four (4) submissions were received through the Tenderlink portal.

The tender evaluation panel was comprised of the members of the Project Board. Each of the Project Board members reviewed the Tender responses individually and met on the 5th and 6th September 2016 to undertake a Conforming Assessment Review. The Board found Vendor 3 non-conforming as the vendor did not satisfy the 'demonstrable obligation' towards functionality and integration with any Payroll system. Vendor 3 was set aside from any further evaluation. Vendors 1, 2 and 4 were moved forward into the next stage of detailed evaluation.

The next stage of evaluation scored each of the vendors against:

- Price (Affordable/Non Affordable)
- Integration and Mobility 30%
- Functional 45%
- Company Experience 15%
- Support and Maintenance 10%
- Financial Capability (Yes/No)

The Project Board determined the weighted scores included in the Quantitative Analysis section of attached confidential process and evaluation reports.

Following full day demonstrations by the vendors to the Board and key users, the Project Board met on 9 December 2016 and agreed Vendor 4 be recommended to Council as the preferred vendor. The Board agreed for negotiations be explored for the supply of an EAM solution. Probity Advisors advised at this meeting negotiations are not permissible unless all tenders have been first rejected.

Implications**Legal**

At the Project Board meeting held on 22 July 2016, the Board instigated the services of a Probity Advisor. Local Government Procurement was appointed as the Probity Advisors to assist in probity matters throughout the tender and evaluation process. The conclusion from the Probity Report (attached) is:

"We are satisfied that the Council reflected upon and considered all probity issues brought to its attention in relation to the Enterprise/Asset Management RFT Project and we have no matters that warrant further mention.

LGP confirms to its knowledge, there are no significant probity concerns or any unconsidered probity matters and that details in the business report accurately reflect the tender process and subsequent evaluation process."

8.17 03/2017 Enterprise Asset Management System - Supply, Implementation and Support Services (Ref: C16201358; Author: Tegart/Taylor) (Continued)

Policy

The tender was issued and evaluated in accordance with:

- Local Government Act 1993 Section 55.
- Local Government (General) Regulation 2005 Part 7 Tendering.
- DLG Tendering Guidelines for NSW Local Government.
- Former Queanbeyan City Procurement Policy.
- Former Palerang Purchasing and Procurement Policy.

Economic

As per the former Queanbeyan City Council Procurement Policy, vendors were asked to provide details of how the project would deliver economic benefits to the QPRC Local Government Area. Vendor 3 was the only response that stated their organisation provides employment benefits to residents of QPRC.

Financial

Council noted in adopting the Merger Transition Plan in October 2016, the estimate to consolidate and implement the enterprise software solutions was over \$4.2m.

A provisional estimate of \$500k was made for the Enterprise Asset Management System within the \$5 million Stronger Councils Merger Grant. However, the vendor pricing was almost double the estimate, including the annual support cost.

Further assessment of the EAMS specifications and options to seek an integrated corporate application solution will be explored, and is subject of a separate report.

Resources (including staff)

In any installation of the corporate software, the QPRC Systems Team will be responsible for:

- Project management.
- System configuration.
- Business Process Mapping and Documentation.
- System Testing
- Data conversion.
- Developing end user training material.
- Delivery of end user training.
- Ongoing administration of the system.

It is noted that during the implementation and post-implementation, significant resources are required from existing staff, including assigning personnel to validate the proposed business processes and ensuring the system meets the requirements of the Directorates and QPRC. The Project Board will monitor the effect of the implementation on existing staffing levels.

8.17 03/2017 Enterprise Asset Management System - Supply, Implementation and Support Services (Ref: C16201358; Author: Tegart/Taylor) (Continued)

Conclusion

Council instigated a rigorous evaluation process to determine which vendor is able to provide an Enterprise Asset Management System that meets the requirements of QPRC. The evaluation process determined Vendor 4 as the vendor who best responded and demonstrated against the tender requirements. However the response of Vendor 4 indicates negotiations are required to refine contract terms and conditions, implementation phasing and final functionality deliverables.

Vendors 1 & 2 have not significantly demonstrated to the Board either the mobile capability or integration to other applications. The Board did not view either vendor 1 & 2 as consideration to enter further negotiations.

Therefore in accordance with Local Government Act, Regulations and Guidelines, it is appropriate for Council to reject all tenders and enter into direct negotiations with Vendor 4 for the purpose of finalising contract terms, phase of implementation and individual functional modules of the tender.

Attachments

- Attachment 1 QPRC Asset RFT_Preferred Vendor Review (*Under Separate Cover*) - **CONFIDENTIAL**
- Attachment 2 QPRC Asset RFT Preferred Vendor Post Referee Checks (*Under Separate Cover*) - **CONFIDENTIAL**
- Attachment 3 EAM RFT Final Probity Report Queanbeyan Dec 23 2016 (*Under Separate Cover*) - **CONFIDENTIAL**

DETERMINATION REPORTS

8.18 Queanbeyan Indoor Sports Centre - Extension Project - Community Development Grants Programme (Ref: C16197005; Author: Spyve/Fulton)

Summary

On 10 December 2016 Council received notification from Senator the Hon Fiona Nash, that funding of up to \$2,249,999 had been approved under the Community Development Grants programme for the extension of Queanbeyan Indoor Sports Centre.

The funding for the Queanbeyan Indoor Sports Centre extension had originally been pursued via an application in round three of the National Stronger Regions Fund. During the assessment period for this grant, the project was selected as a Coalition Government election commitment.

With the Coalition Government's re-election the project was re-assessed under the Community Development Grants program, and ultimately approved.

Council was required to enter into an Agreement within four weeks of the project being approved, being 10 January 2017, otherwise the offer of funding would be reviewed and may have been withdrawn. Due to this enforced timeframe the General Manager authorised entering into an agreement, with endorsement to be sought by Council.

This report is seeking that Council endorse the General Manager's decision to engage in an agreement and that the associated long term business model/ financial forecast be adopted.

Recommendation**That Council**

- 1. Endorse the execution of the agreement with the Commonwealth under Community Development Grants program to extend the Queanbeyan Indoor Sports Centre.**
 - 2. Borrow \$2.25m for the extension of QISC**
 - 3. Adopt the QISC long term business financial forecast and associated business model.**
 - 4. Engage relevant stakeholders on the proposed QISC design and exhibit the plan and model for community comment.**
-

Background

On 9 December 2015 the former Queanbeyan City Council resolved that staff apply for funding, under round three of the National Stronger Regions Fund, for the extension of Queanbeyan Indoor Sports Centre. The extension of the facility would allow for a greater diversity of programs and services and would also allow the Centre the scale and capacity to deliver, once established, a sustainable business model. Staff completed the application and submitted by 15 March 2016.

8.18 Queanbeyan Indoor Sports Centre - Extension Project - Community Development Grants Programme (Ref: C16197005; Author: Spyve/Fulton) (Continued)

On 7 October 2016 Council received a letter of determination that the Queanbeyan Indoor Sports Centre Extension project submission had been selected to receive funding as an election commitment. Therefore, the project would not be receiving funding under the National Stronger Regions Fund (NSRF).

As a precursor to the NSRF announcement, Council received a letter on 12 September 2016 from Senator the Hon Fiona Nash, Minister for Regional Development, confirming the Coalition Government's election commitment of \$2,249,999 to the Queanbeyan Indoor Sports Centre Extension Project. It was indicated that the commitment would be delivered through the Community Development Grants (CDG) program which funds community infrastructure projects across Australia.

On 29 September 2016 Council staff submitted the documentation requested for the project to be assessed under the Community Development Grant Program.

On 10 December 2016 Council received notification that funding of up to \$2,249,999 had been approved under the program for the Extension of Queanbeyan Indoor Sports Centre.

Implications***Asset***

Upgrade of the facility is from a two court operation to five court operation. The additional assets and associated maintenance will be included within Councils asset hierarchy and maintenance plans.

The car parking required for the proposed extension will need to be provided on the adjacent crown reserves. This may require amendments to the Plan of Management for those properties.

Opportunities to integrate the extended QISC facility and operations into the Seiffert Oval precinct will be explored.

Social / Cultural/Economic

Attachment 1 – the NSRF Grant Application – summarises the anticipated social and economic benefits of the QISC extension.

Engagement

The proposed building design and artists' impressions will be placed on public exhibition on 27 January 2017 for a 28-day period. The following key stakeholders have been identified;

- Queanbeyan Blues Rugby League Club,
- Queanbeyan Whites Rugby Union Club,
- Q-One Indoor Sports Patrons,
- Yass Road Bowling Club management and patrons,
- Queanbeyan Leagues Club
- Queanbeyan East Public School

The concept building design will be a late attachment to the report.

8.18 Queanbeyan Indoor Sports Centre - Extension Project - Community Development Grants Programme (Ref: C16197005; Author: Spyve/Fulton) (Continued)

Where required, individual meetings and information will be provided to the identified key stakeholders.

Financial

Attached is a multi-year business financial forecast. It must be noted that this is a forecast of expected income and expenditure. The projected income has been developed based on the facility's overall capacity, local population figures, and statistics around social sport participation rates. These figures can be influenced by a number of external environmental factors such as the economy and growing levels of inactivity.

The model has been provided to show a staged approach to building patron levels. It is anticipated that by the 2022-2023 financial year the facility will only require \$61,000 of ratepayer subsidy. This figure includes the repayment of the 'interest only' on the loan.

Whilst the facility would still require ratepayer subsidy, this is an overall improvement from a subsidy of \$246,000 in the 2015-16 financial year. Therefore Council's overall net position would improve by \$185,000.

The current operation has 41 adult sports teams, and for the business model to work the facility will need to grow to 160 teams by the 2022-2023 financial year.

Loan Borrowing calculations are based upon a \$2,250,000 contribution by Council, and an interest rate of 3%. The business model incorporates the repayment of interest only, equating to \$67,500 per year.

Program Code	Expense Type	Funding source	Amount
	Capital Expense	Loan Borrowing	\$ 2,250,001
	Capital Expense	Federal Grant Funding	\$ 2,249,999

Resources (including staff)

The development and delivery of this proposed project will be completed within Council current Assets & Projects Directorate. Resourcing will be carried out to ensure delivery of the project within the grant guidelines.

Integrated Planning

The project also assists to achieve the community's long term aspirations as articulated through the former Queanbeyan City Council's Community Strategic Plan 2013-23.

8.18 Queanbeyan Indoor Sports Centre - Extension Project - Community Development Grants Programme (Ref: C16197005; Author: Spyve/Fulton) (Continued)

This Plan, which is a requirement under NSW's Integrated Planning & Reporting Framework, identifies within two of its Themes the following key strategic directions:

Theme 3: Culture & Leisure

- 3.2 Create excellence in recreation and lifestyle opportunities

Theme 5: The Community

- 5.3 Develop quality services to the community
- 5.4 develop programs to target specific groups in the community

QPRC is currently in the process of developing a new Community Strategic Plan for the wider Queanbeyan-Palerang community. Preliminary work has identified Five Strategic Directions which will underpin this new plan. One of these Strategic Directions is:

'A vibrant and active Queanbeyan-Palerang'

A key strategy within this Strategic Direction is:

'Local recreational and sporting facilities reflect the needs and interests of the community'

The extension of the existing Indoor Sports Centre is in line with this this new Strategic Direction.

Conclusion

QPRC has been successful in obtaining grant funding through the Community Development Grants, for the extension of Queanbeyan Indoor Sports Centre. The extension would see the existing facility expanded from its limited two multi-purpose courts to four multi-purpose courts and an indoor cricket court. This report outlines the proposed business model, forecasted financial position and consequent loan borrowings.

Attachments

- | | |
|--------------|---|
| Attachment 1 | QISC - 5 court - Financial Model - 5 year Forecast (<i>Under Separate Cover</i>) - CONFIDENTIAL |
| Attachment 2 | NSRF Application - Queanbeyan City Council - QISC Extension (<i>Under Separate Cover</i>) - CONFIDENTIAL |

DETERMINATION REPORTS

8.19 Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy (Ref: C173730; Author: Spyve/Spyve)

Summary

The creation of Queanbeyan-Palerang Regional Council requires a new expenses and facilities policy to allow for the reimbursement of expenses for the Administrator and the members of the Local Representation Committee. A draft Policy was placed on exhibition in July-August 2016 seeking public comment on its provisions. No submissions were received on the draft policy and it is recommended that Council now formally adopt the policy.

Recommendation

That Council adopt the Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy as per the requirements of S252 of the *Local Government Act*, and its application to the Administrator and Local Representation Committee.

Background

The Department of Premier and Cabinet advised that some critical policies need to be reviewed and put in place for the newly established councils. One of the policies identified is the expenses and facilities for councillors' policy. The reason for this is to allow for the payment of expenses relating to the Administrator and members of the Local Representation Committee.

A review has been undertaken of the policies of the former Queanbeyan City and Palerang councils. This review has resulted in the creation of a new 'Payment of Expenses and Provision of Facilities for the Mayor and Councillors Policy'.

Council placed the draft policy on public exhibition for 28 days to receive public comment over the July-August 2016 period. No submissions were received on the draft policy during its exhibition period, therefore it is recommended that Council now formally adopt the policy.

Implications***Legal***

A policy for the reimbursement of expenses and the provision of facilities is a framework to reimburse costs associated with the Administrator performing his duties and for members of the Local Representation Committee who are performing a key community engagement role for the new Council during its formative phase.

Section 253 of the *Local Government Act* states:

1. *A Council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*

**8.19 Payment of Expenses and Provision of Facilities to the Mayor and Councillors
Policy (Ref: C173730; Author: Spyve/Spyve) (Continued)**

2. *Before adopting or amending the policy, the Council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.*

As the Local Government Act requires the development of any new expenses and facilities policy to be placed on public exhibition, Council agreed to such at its 13 July 2016 meeting. The policy was on exhibition for the period 13 July to 17 August 2016.

Conclusion

A new policy for 'Payment of Expenses and Provision of Facilities for the Mayor and Councillors' was drafted and placed on public exhibition over the July – August period last year. No submissions were received on the draft policy.

Attachments

Attachment 1 Attachment 1: QPRC Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy (*Under Separate Cover*)

DETERMINATION REPORTS

8.20 Development of a Stronger Councils Framework for QPRC (Ref: C174536; Author: Spyve/Spyve)

Summary

As part of the ongoing implementation of the amalgamation process, the Department of Premier and Cabinet (DPC) has been working with the newly merged councils to establish a 'Stronger Councils Framework'. The framework is based on five characteristics and a shared vision for what it means to be a 'strong, vibrant council that delivers for its community'.

The characteristics provide the basis for councils to shape and measure their performance, and openly engage in ongoing dialogue with staff, stakeholders and communities about the role councils play, the services they deliver and how they deliver them. The Stronger Councils Framework is intended to focus investment in activities that will transform the way councils are seen by their customers, through the delivery of real benefits to their communities. A framework has been developed for Queanbeyan-Palerang Regional Council for endorsement.

Recommendation

That Council endorse the Stronger Councils Framework for QPRC as set out in Attachment 1.

Background

Since they were established in mid-May 2016, the newly merged NSW councils have been working hard on achieving the early steps contained in the Roadmap for Phase 1 of the reform and laying strong foundations to achieve the 10 Key Results of:

- Service continuity with smart service improvements
- Robust governance that delivers confidence to communities
- Easy to do business with, in person and on-line
- Engaged staff who understand their roles and how they contribute to the new council
- Involved communities who have their say
- Communities can readily identify with their new council
- A shared vision and direction for the whole community
- Rates maintained within existing patterns and resources used wisely to serve the entire council
- Expected benefits which are clear, measurable and on target
- A newly elected council working for the whole community

The Department of Premier and Cabinet has been working with the newly merged councils to establish a Stronger Councils Framework which builds on the Key Result of *'Expected benefits which are clear, measurable and on target.'*

The Framework is based on five characteristics and a shared vision for what it means to be a strong, vibrant council that delivers for the community (see Diagram below). These Characteristics are:

8.20 Development of a Stronger Councils Framework for QPRC (Ref: C174536; Author: Spyve/Spyve) (Continued)

Strategic Capacity

Where the Council is a strong partner in the system of government, with strategic outlook, confidently representing and progressing matters of local and regional significance.

Outstanding service provision

Where residents and businesses have an efficient, convenient and satisfying experience when using council services, information and infrastructure.

Robust community relationships

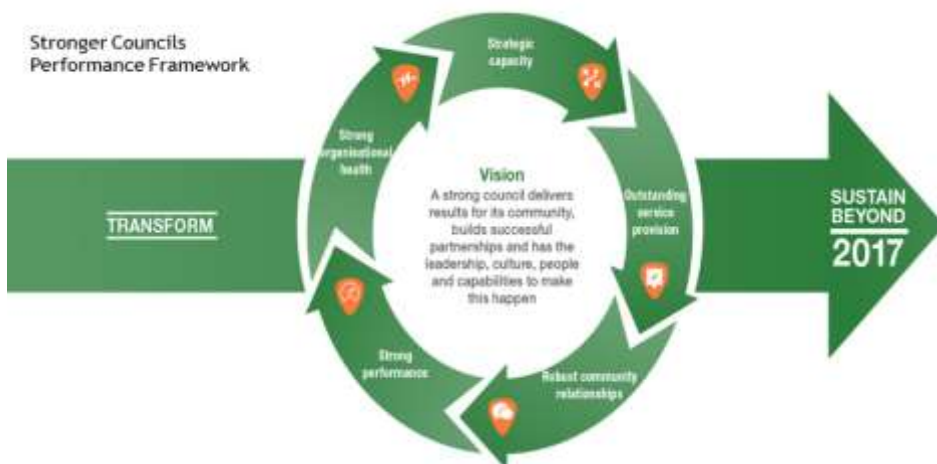
Where residents and businesses have a voice in the vision for their community and there is meaningful, open dialogue between the council and community on solving local issues.

Strong Performance

Where the council is a robust, flexible and capable organisation that delivers on the needs of the community.

Sound Organisational Health

Where Council staff, leadership and culture directly contribute to the council's success and to positive, customer-centric culture and delivery.



The Department of Premier & Cabinet believe the characteristics are an important tool, because they provide the basis for councils to shape and measure their performance, and openly engage in ongoing dialogue with staff, stakeholders and communities about the role councils play, the services they deliver and how they deliver them. The Stronger Councils Framework is intended to focus investment in activities that will transform the way councils are seen by their customers, through the delivery of real benefits to their communities.

A series of workshops were held around the State in August 2016 to develop the Framework and in particular to identify the local benefits, performance measures and indicators.

8.20 Development of a Stronger Councils Framework for QPRC (Ref: C174536; Author: Spyve/Spyve) (Continued)

In addition to the standard measures for all merged councils, QPRC has drafted additional measures specific to this Council and has forwarded these to the DPC (See Attachment 1). Endorsement of this Framework is now being sought from Council.

Implications***Strategic***

The development and implementation of the Framework will set in place a series of measures to follow the newly established councils' progress towards long term sustainability. It will also allow these councils to establish baseline measure upon which to measure future performance.

Delivery of the characteristics through organisation performance will form part of the Executive performance framework, as proposed in the transition structure report to Council.

Conclusion

A robust Stronger Councils Framework will provide the basis for councils to shape and measure their performance, and openly engage in ongoing dialogue with staff, stakeholders and communities about the role councils play, the services they deliver and how they deliver them.

Attachments

Attachment 1 Attachment 1 QPRC Stronger Councils Framework (*Under Separate Cover*)

DETERMINATION REPORTS

8.21 2016 Clearwater Sculpture Prize event (Ref: C16181674; Author: Manser/Perri)

Summary

The third annual 'Clearwater Sculpture Prize' was held from Friday 28 – Sunday 30 October 2016 on the banks of the Queanbeyan River. A total of 27 sculptures were displayed, an increase from previous years. Widespread media coverage was achieved, attracting hundreds of visitors to the exhibition over the three days. The \$7,500 prize pool attracted high calibre artists, whilst also encouraging emerging artists to participate.

Thousands of people visited the event during the Queanbeyan River Festival on the Saturday 29 October, with many hundreds more enjoying the event on both the Friday and Sunday of the weekend. In addition this year, two free community sculpture workshops were held on Saturday with hundreds of people taking part over the course of the day.

Recommendations

- 1. That Council develop an acquisitive process to allow for the optional purchase of suitable art works from the Clearwater Sculpture Prize event for installation in the LGA.**
 - 2. That Council consider inclusion of \$10,000 in future budgets for an optional acquisitive fund for public art, including the Clearwater Sculpture Prize.**
-

Background

The concept for the event centres on promoting local artists and providing an opportunity for them to showcase their works to the broader community. It also aims to build community awareness and engagement with the river, whilst promoting the river and surrounds as a recreational space. The event welcomes entries from artists of all abilities, from first time sculptors, to professional and experienced practitioners. The event allows the community to engage on several levels – through participation as an entrant, as a spectator, through casting a vote as a visitor, and through learning new skills at the hands-on sculpture workshops.

When creating their artworks, participating artists were asked to consider the theme '*the river and its surrounds*'. Sculptures were created from a variety of materials, including found objects such as scrap metal, papier Mache, ceramic, bronze, mixed media, textiles and wire.

The two major awards (\$5,000 overall winner and \$1,000 Highly Commended) were judged by an experienced panel, whilst the public had their say by casting their votes for the 'People's Choice Award' and 'Children's Choice Award' throughout the course of the event. Over 400 votes were received, with the majority being cast on the Saturday during the River Festival, with Sunday the second most popular day to vote.

The sculpture prize offers an opportunity for Council to acquire quality pieces of work entered in the competition. The creation of an acquisition fund by Council would enable Council to refresh and continue to build its art collection, while ensuring it acquires pieces that are up-to-date and reflective of current trends and modern artistic forms. This acquisition process could be guided by the voting in the People's Choice and Children's Choice awards and the expert advice of the judging panel and Council's Cultural Development Officer.

**8.21 2016 Clearwater Sculpture Prize event (Ref: C16181674; Author: Manser/Perri)
(Continued)**

Financial

The inclusion of the option for Council to acquire entered works would also promote the standard of the competition and encourage entries from recognised and renowned artists. It is recommended that Council consider the inclusion of an additional \$10,000 in future budgets for the creation of an acquisition fund.

If Council agrees to establish an optional acquisition fund for the purchase of art works, a suitable amount would need to be included in the Cultural Services cost centre budget in future years.

Integrated Planning

The annual Clearwater Sculpture Prize supports the delivery of Council's Community Strategic Plan 2013-23, in particular:

Theme 3 – Culture and Leisure

3.4 - Promote and expand cultural activities with Queanbeyan.

Conclusion

After three years, the Clearwater Sculpture Prize is fast becoming a highly successful community arts event on the region's cultural calendar. It is believed that the number of entries and support for the event from the wider local government area will see the event continue to grow and build into a substantial regional arts event. In the interest of supporting local artists in the Queanbeyan-Palerang LGA, whilst also growing Council's public art collection, it is recommended that Council consider an annual allocation of \$10,000 as an optional acquisitive fund to purchase public art, including a sculpture at their discretion.

Attachments

Nil

DETERMINATION REPORTS

8.22 Cultural Arts Assistance Grant Application - 2017 Waitangi Day Celebration (Ref: C174713; Author: Spyve/Manser)

Summary

An application has been received from the ACT Maori Performing Arts Group Inc for funding from the Cultural Arts Assistance Scheme for a community festival to celebrate Waitangi Day 2017 in Queanbeyan Park. The application has been assessed and meets the schemes guidelines and criteria. It is recommended that Council award a grant of \$1,500.00.

Recommendation

That Council approve the allocation of a grant of \$1,500 from the Cultural Arts Assistance Scheme to the ACT Maori Performing Arts Inc. to assist in the presentation of a Waitangi Day 2017 celebration in Queanbeyan Park.

Background

Council's Cultural Arts Assistance Scheme provides grant funding for community cultural projects that meet the following criteria:

1. Community based non- profit organisations, working in or with the Queanbeyan community
2. Able to demonstrate a matching dollar amount either financial, or in-kind, including voluntary labour or other contributions
3. Able to demonstrate that it is of benefit to the Queanbeyan community through its cultural or artistic outcomes, and is able to be completed within 12 months
4. Grants of up to \$1,500 will be considered if the project meets one or more of the following criteria:
5. employs a professional artist;
6. Attracts matching funding from another source outside of Council, and/or
7. Works in partnership with other community groups/government bodies.
8. A festival, event or project that will engage the broader Queanbeyan community

A grant application for \$1,500 has been received from the ACT Maori Performing Arts Group Inc. to assist in the presentation of a community event in Queanbeyan, the Waitangi Day Celebration. The group is a Queanbeyan based community based, not-for-profit organisation that regularly participates and performs at a host of community events, including the Queanbeyan Multicultural Festival. The Waitangi Day celebrations are supported by the NZ High Commission. The celebration will be held in Queanbeyan Park on Saturday 4 February 2017, from 10.00am – 4.00pm. The day will include a range of live performances by members of the Queanbeyan community, performances by local Pacific Islander and Maori cultural groups, and a range of food stalls run by local community groups selling traditional Maori and Pacific Island foods.

The total cost for the Waitangi Day 2017 celebration is estimated at \$7,600. The grant application meets the criteria for the award of a grant of \$1,500.00 as the project works in partnership with other community groups, is a cultural event that engages with the whole Queanbeyan community, promotes cultural harmony and provides the opportunity for the broader community to experience Maori and Pacific Islander culture.

8.22 Cultural Arts Assistance Grant Application - 2017 Waitangi Day Celebration (Ref: C174713; Author: Spyve/Manser) (Continued)

Implications***Social / Cultural***

The Waitangi Day 2017 Celebration allows for the broader Queanbeyan community to freely experience cultural arts performance from a number of traditions and disciplines; many performed by members of the Queanbeyan community. This event promotes cultural harmony and celebrates the cultural diversity of Queanbeyan.

Financial

Program Code	Expense Type	Funding source	Amount
3020	Donations – Cultural Activities	Cultural Arts Assistance Scheme	\$ 1500.00

Conclusion

The Waitangi Day 2017 celebration is a local cultural event open to all. It is well supported by the local community and is driven by local community groups. This application meets the criteria for the Festival category of the Cultural Arts Assistance Scheme.

Attachments

Nil

DETERMINATION REPORTS

8.23 Planning and Strategy Committee of the Whole (Ref: C174574; Author: Tegart/Tozer)

Summary

A report was provided to Council's meeting on 23 November 2016 which sought to review the current meeting frequency and introduced the terms of reference for a Planning and Strategy Committee of the Whole.

The terms of reference have since been publicly exhibited and have been presented to Council, along with the submission received, for adoption.

Recommendation**That Council:**

- 1. Adopt the terms of reference and delegations for the Planning and Strategy Committee of the Whole.**
 - 2. Commence meetings of the Planning and Strategy Committee on Wednesday 8 February 2017 and advertise upcoming meetings.**
 - 3. Append the terms of reference to Council's Code of Meeting Practice and publish on its website.**
 - 4. Thank those who made submissions and advise them of the outcome.**
-

Background

On 12 May 2016, Queanbeyan-Palerang Regional Council was formed by merging the former Queanbeyan and Palerang Councils. As part of the proclamation the newly-formed Council was required to adopt the former Palerang Code of Meeting Practice. This practice has been in place for the past six months, and after review, it has been proposed to change the Council meeting cycle and adopt the terms of reference to reflect those changes.

The proposed changes which were publicly exhibited are as follows –

- Replace the first Council Meeting held on the second Wednesday of each month with a Planning and Strategy Committee of the Whole meeting (to be held in Queanbeyan).
- Continue holding the Ordinary Meeting of Council on the fourth Wednesday of each month (to be held in Bungendore).

**8.23 Planning and Strategy Committee of the Whole (Ref: C174574; Author: Tegart/Tozer)
(Continued)**

Implications***Policy***

The QPRC Code of Meeting Practice at Section 5 notes the Frequency and Venue of meetings to be held at least 10 times a year and alternated between chambers. This is still maintained as only the December Council meeting is cancelled.

Engagement

The terms of reference for the Planning and Strategy Committee of the Whole were placed on public exhibition from Friday 25 November until Friday 23 December 2016.

The exhibition period was advertised via Council's website, displays in Council's Customer Service Centres and in Council's regular fortnightly advertising in the Queanbeyan Age/Chronicle, Bungendore Weekly and Braidwood Times.

Council received one submission (Attachment 1) during the period and the matters raised in the submission are shown below, along with comments from Council staff.

Location of Ordinary Meetings:

Submission: Concerned that Ordinary Council meetings will be held in Bungendore and will be difficult for residents to attend meetings commencing at 5.30pm

Staff response: Bungendore is effectively the geographical centre of the Local Government Area. While the main population base is located in Queanbeyan, holding Ordinary Meetings in Bungendore will allow residents of Braidwood and other localities the opportunity to attend. Council may be in a position to consider alternate arrangements for specific matters, whether that be via an Extraordinary Meeting or via an open workshop with councillors and members of the public.

The terms of reference and delegations to the Committee do not prevent Council matters being considered at the Committee, nor development matters being considered at the Council meeting.

Publishing of agenda:

Submission: Questions whether agenda will be published and meeting live streamed.

Staff response: Agendas and attachments for Planning and Strategy Committee meetings will be published via the same process as agendas and attachments for Ordinary Meetings. Meetings will also be live streamed.

**8.23 Planning and Strategy Committee of the Whole (Ref: C174574; Author: Tegart/Tozer)
(Continued)**

Incoming Council:

Submission: Will the incoming Council be bound by these arrangements?

Staff response: The newly-elected Council is able to review and amend any policies at any time. If adopted, the Planning and Strategy Meeting would remain in place until such time as Council amends its meeting arrangements. Amendments may require public exhibition.

Conclusion

Following the public exhibition period, staff recommend that the terms of reference for the Planning and Strategy Committee of the Whole be adopted and that the first Committee meeting be held on February 8 2016 in the Queanbeyan Council Chambers. The terms of reference have been amended to make it clear that Planning and Strategy Committee of the Whole Meetings will be broadcast via Council's live streaming functionality on its website.

Attachments

- | | |
|--------------|--|
| Attachment 1 | Submission from Queanbeyan Residents and Ratepayers re Planning and Strategy Committee (<i>Under Separate Cover</i>) |
| Attachment 2 | Planning and Strategy Committee Meeting - Terms of Reference (<i>Under Separate Cover</i>) |

DETERMINATION REPORTS

8.24 Progress of Community and Staff Communications and Engagement Plan

(Ref: C174723; Author: Spyve/Tozer)

Summary

Following a request from the Department of Premier and Cabinet, Council developed a Community and Staff Communications and Engagement Plan. This document was adopted following consultation with staff and the Local Representation Committee on 27 July 2016.

With the plan now six months old, a review of proposed actions and an update on progress has been provided to Council.

Recommendation

That Council note the progress of the Community and Staff Communications and Engagement Plan.

Background

The actions in the plan are focused on providing both community and staff with accurate, timely and relevant information and engaging key stakeholders at the most appropriate time.

The draft plan includes a range of actions, both for internal and external customers, and will ensure Council messages are communicated to relevant sections of the community.

The table below shows the actions that were proposed in the plan and progress made to date:

Actions	Timeframe	Comment
Development of QPRC website	First half 2017	OpenCities has been engaged to prepare the new website. Initial planning underway, with completion due in May 2017
Introduction of self-serve, applications and mapping tools	June 2017	To be incorporated into new website
Review of social media policy	September 2016 – revised to June 2017	Initial work has commenced.
Facebook: 'like' campaign	By December 2016 Revised – no further action	Advice from social media experts suggests such a campaign would not deliver value. Will continue to promote our social media channels with engaging content.
Quarterly reporting of social media and website analytics to Executive	Quarterly	Reporting undertaken in October. Resulted in social media training for Council social media administrators and administrators of neighbouring councils' social media accounts
Investigate use of Instagram and nudge	December 2016 Revised –	Instagram account opened and active. Nudge functionality to be investigated

8.24 Progress of Community and Staff Communications and Engagement Plan

(Ref: C174723; Author: Spyve/Tozer) (Continued)

Actions	Timeframe	Comment
	nudge functionality to be investigated during 2017	
Continue to investigate the use of video the communicate with residents and use of animated videos on new website	First half of 2017	Increased video presence occurring
Weekly Administrator's Column in Queanbeyan Age, Braidwood Times and Bungendore Weekly	All columns in place by 31 July	Weekly columns implemented and continuing.
Column from the LRC to appear in community newspapers/newsletters – to be coordinated through the Communications team	Schedule developed and column implemented by 31 July	Column from the Administrator appears in some community newsletters
Media briefings	As required	Media briefings and updates have been held as required
Meetings with newspaper editors	Meet with each editor one per quarter	Meetings with editors and journalists are continuing, along with regular dialogue
Place the fortnightly 'For Your Information' in the Queanbeyan Chronicle, Braidwood Times and Bungendore Weekly. Remove For Your Information ad from the Queanbeyan Age, due to impending merger with Chronicle	In place by 31 July	Fortnightly advertising in place and provided good, consistent information to the community. Has also assist in consolidating Council's advertising and has seen some cost savings.
Explore options to advertise or promote council issues, projects or events on electronic or temporary roadside and building signage, or road crossing banners	As required	Project and event promotion has occurred as required.
Install branded project signage at sites of key Council projects	As required	Project and event promotion has occurred as required. Development of some guidelines is required. Council 'brand' for use on signage being developed.
Continuation of community newsletter every two months – distributed to entire LGA	Bi-monthly	QPRC News has been produced on three occasions and another six are scheduled in 2017.
Seeks quotes and enter into a contract for printing/distributing newsletter	By September 2017	Vivid Print was awarded the contract to print QPRC News for a 12-month period. Despite the increased circulation, the reduction in pages and procurement process has delivered a small saving which has been redirected into other activities.

8.24 Progress of Community and Staff Communications and Engagement Plan**(Ref: C174723; Author: Spyve/Tozer) (Continued)**

Actions	Timeframe	Comment
Re-establishment of weekly e-newsletter and run a campaign to attract subscribers	31 July	E-Newsletter was re-established in late 2016 and is sent weekly to a distribution list of around 1000 subscribers
Harvest email addresses for expansion of subscribers for e-newsletter	Ongoing	Continuing
Inclusion of fliers in rates notices continue, but restricted to two inserts. Included in rates notices to entire LGA	As per rate notice deadlines	Information included in Queanbeyan rates notice for November and entire local government area for February
Community meetings to be held in Queanbeyan, Braidwood and Bungendore every four months and other areas of the LGA as required	February-March, June-July and October-November Other areas as required	Community meetings were held in Queanbeyan, Bungendore, Captains Flat and Braidwood during October/November. Queanbeyan and Bungendore were broadcast via Council's webcasting service. Community meetings for 2017 to be organised and advertised. Braidwood FM also broadcasts the audio.
Where possible, Council have an information stall at Council and community events throughout the local government area	As required	
Utilise events to survey residents and collect information on the preferred form and content of information delivered to community	As required	Occurring
Styling and logos refreshed to position Council brand before the 2017 election	Prior to September 2017 election	Coordinate has been engaged to prepare a branding for Council. Community engagement with representatives of some community groups was undertaken during decent. Expecting three concepts to be provided by February, with consultation to follow. Final brand to be adopted in first half of 2016.
Art/photography competition organised to collect art/photos representative of life in QPR for Council use in publications	March 2017	No progress as yet
Provision of live streaming services for meetings held in Queanbeyan and Bungendore to be progressed	September 2016	Implemented in October 2016
Explore technologies to enable online and telecom discussion and meetings with community and committees	September 2017	To be investigated

8.24 Progress of Community and Staff Communications and Engagement Plan**(Ref: C174723; Author: Spyve/Tozer) (Continued)**

Actions	Timeframe	Comment
Undertake annual communications survey of a random sample of residents	July 2017	To occur following the establishment of the new website
Council exhibit its documents/information on exhibition via the methods on Page 18	As required	Occurring – enhancements to come via the Engagement HQ platform (see below)
Any projects that require additional consultation and engagement activities should have a separate consultation and engagement plan developed with assistance from the Communications team	As required	

Internal communications and engagement

Actions	Timeframe	Comment
Intranet of former QCC intranet be made available to all staff	July 2016	Completed in July 2016
Look at improved ways to harness technology to improve internal communications (virtual meetings, SMS & Twitter broadcasts, employee online help desk, live chat, on-line learning for communication of key policies and processes, use of gaming technology to increase engagement)	September 2017	Investigations continuing, including branding for HR communications
Internal newsletter developed once a month and distributed to staff	Monthly	Ongoing
Weekly transition updates	Weekly	Ongoing
Continue provision of suggestion/question box	As required	Ongoing
Hold Quarterly Catch, including 'meet the team' segment	Quarterly	Two Quarterly Catches held. Third planned for early March.
Establish protocol and tools to facilitate PMO staff to engage and distribute information with staff groups	December 2016	To occur when PMO is in place
Communication from QPRC Consultative Committee provided in internal newsletter	Following each meeting	Consultative Committee has developed a communications plan
Commitment to communicating adoption of directives	Following adoption of directive	Draft process developed – requires Executive approval prior to commencement. To be presented to Executive.

8.24 Progress of Community and Staff Communications and Engagement Plan**(Ref: C174723; Author: Spyve/Tozer) (Continued)**

Actions	Timeframe	Comment
The staff Organisational Culture Inventory and pulse surveys be utilised to monitor the current state and progress on cultural change	To be confirmed	TBC

Advertising:

The majority of Council's advertising has been consolidated into the Queanbeyan Age/Chronicle, Bungendore Weekly and Braidwood Times. This advertising strategy has been well received by the community and is recommended to continue. This advertising generally contains statutory advertising material, however when space permits, community-based advertising is also included.

Council is placing a greater focus on online advertising, specifically through social media. Social media provides a cost effective and flexible advertising options that have produced good results across a range of activities.

It is recommended that Council maintain its statutory advertising in the Queanbeyan Age/Chronicle, Bungendore Weekly and Braidwood Times.

Media coverage:

Compared to councils of a similar size, media coverage of Queanbeyan-Palerang Regional Council activities remains low. This is due to a number of factors, primarily the impact of the ACT on the media landscape. The Local Government Area is mainly serviced by three weekly newspapers which have restricted editorial space due to the requirement to supplement the newspapers with advertising. Council has a good relationship with all three newspapers and will continue to work with editors and journalists to ensure balanced coverage of Council matters.

The area also has a number of community newsletters that are generally published monthly. Where possible, Council provides information for these newsletters on location-specific matters.

There have been a number of instances where Council has been disappointed with the unbalanced reporting of the District Bulletin newsletter, particularly when the Council has not been contacted nor provided with a chance to put its perspective. It is proposed that these concerns continue to be raised with the newsletter editor with a view to achieving a more balanced perspective and a more productive working relationship.

Engagement HQ:

In order to increase engagement with the community, Council will be implementing the Engagement HQ online community engagement platform. This platform is used by more than 100 other local governments across Australia and provides a one-stop shop for all Council engagement activities.

The platform includes a number of tools for Council's to engage with their communities, including surveys, polls, discussion boards, community mapping, survey builder, submission manager and much more.

8.24 Progress of Community and Staff Communications and Engagement Plan**(Ref: C174723; Author: Spyve/Tozer) (Continued)**

It is envisaged that the platform will be operational by January 2017 and will be used for all engagement and consultation activities.

Implications***Engagement***

Council's engagement with the community will continue to be enhanced by the procurement of the Engagement HQ online engagement platform. Up until now, Council's online engagement has been inconsistent and not coordinated. The Engagement HQ platform will allow a consistent approach to engagement and will provide the community with a one-stop shop for all engagement activities.

The Plan utilises the IAP2 consultation framework. Council aims to involve community and others stakeholders early in key strategies and projects to improve joint understanding of issues and options, before consideration of designs or proposals. Early examples of this approach include the scheduled engagement on service levels, the CBD masterplan, and community visioning.

Conclusion

Council's consultation and engagement activities with the community and staff are progressing well. A number of community engagement projects will be undertaken during 2017 and Council will be evaluating the success of these projects via a communications survey later in the year.

Attachments

Nil

DETERMINATION REPORTS

8.25 QPRC Asset and Financial Sustainability Review and Financial Strategy (Ref: C173447; Author: Tegart/Tegart)

Summary

In June 2016 Council adopted the former Queanbeyan City Council's Financial Strategy and Policy to guide the review of the assets and financial status of the new entity and establish a framework for drafting the merged council's long term financial plan (LTFP) and asset management plans (AMP).

The 'asset and financial sustainability review' of the former Palerang Council and the new Queanbeyan-Palerang Regional Council was completed by Prof Percy Allan and GHD in December 2016. The purpose of the reviews were to establish a common platform of the financial and asset status of the former councils (Queanbeyan's review was completed in April 2016), and to establish a base for consolidation of the former councils' financials and assets.

The 'Responsible or Optimal' Scenario was adopted in the Strategy and formed the basis of comparison of the 'Existing' policy to the preferred 'Responsible' policy settings.

By adopting the revised Financial Strategy and Policy for the merged Council, the financial policy settings and targets will guide the drafting of the 2017/18 budget and 10 year LTFP.

Recommendation**That Council**

- 1. receive and note the 'asset and financial sustainability reviews' of the former Palerang Council, and the Queanbeyan-Palerang Regional Council.**
 - 2. adopt the revised Financial Strategy and Policy.**
 - 3. utilise the Responsible Scenario forecasts and FFF benchmarks in drafting the 2017/18 budget and long term financial plan.**
 - 4. place the asset and financial sustainability review reports on the website in conjunction with the financial planning engagement.**
-

Background

Prof Percy Allan and Associates (PAA) and engineering consultants GHD were engaged in late 2016 to:

- undertake an 'asset and financial sustainability review' of the former Palerang Council
- update the asset and financials data of the former Queanbeyan Council, subsequent to its earlier review
- establish a consistent asset standard and asset backlog base of the former councils
- establish and compare 'existing' and 'responsible scenario' financial policy settings
- consolidate the financials into a QPRC 10 year forecast for General/Waste Fund and Water and Sewer Funds, with a 20 year and 30 year asset horizon, respectively

8.25 QPRC Asset and Financial Sustainability Review and Financial Strategy (Ref: C173447; Author: Tegart/Tegart) (Continued)

- establish affordable expenditure levels for services; and asset maintenance, renewal and upgrades
- establish affordable pricing paths for general rates, and water and sewer charges
- forecast merger financial impacts
- confirm the forecast meets FFF financial benchmarks
- form the platform for QPRC long term financial plan

The review enabled a revision of the adopted Financial Strategy, against which any variances and new policy settings are proposed in the attached draft (1).

The 2016/17 budget, former councils' LTFP, pricing paths, financial policies and capital project schedules were utilised in the sustainability review and formed the 'existing policy'. Changes to the capital projects, impact of the merger rate freeze, inclusion of merger grants, FFF benchmarks, TCorp borrowing levels and the results of the asset review guided the 'responsible scenario policy'.

The asset renewal and upgrade englobo values, together with the 'intervention condition levels (ICL)' per asset class, will inform the works schedules for future budget cycles, development contribution plans and the integrated water cycle management plans (IWCMP).

The GHD report on assets condition, ICLs and renewal schedules will inform the consolidated asset management plans (AMP) to be prepared during 2017. The GHD report and ICLs will also form the basis of community engagement around March 2017, on asset standards and service levels – any changes to current levels will be referred to the newly elected council late in 2017 as that will influence the LTFP, AMP and future budgets.

Implications***Former Palerang Review***

The asset and financial sustainability review utilised the former council's LTFP, pricing paths, financial policies and capital project schedules, and set annual growth assumptions on population (1.8%), properties (0.7%), interest levels (3%) and CPI (2.5%). Utilising the GHD asset review, the financial assessment indicated an average \$4.5m was required each year for asset renewals and \$2.7m for asset maintenance, and a reduction in services spend of 2.5%, to manage the asset backlog; together with \$6m borrowings over the 10 year horizon.

The Review summarised: On a no-policy-change basis, Palerang's general operations are expected to experience a significant and deteriorating annual operating deficit during the projection period. This represents a major financial challenge. At the same time, Palerang's general operations are set to see a modest increase in its net financial liabilities (i.e., broad debt) ratio. Also, the infrastructure backlog for Palerang's general operations is set to increase significantly through to June 2027 on a no-policy change basis. Altogether, these financial imbalances – both present and in prospect – indicate that continuation of existing policy settings in relation to Palerang's general operations would not have been financially sustainable.

The financials and asset reviews for the former Palerang Council are available under separate cover.

8.25 QPRC Asset and Financial Sustainability Review and Financial Strategy (Ref: C173447; Author: Tegart/Tegart) (Continued)

The all Funds (consolidated) financial summary is at Attachment 2.

Updated former Queanbeyan Review

The review utilised the former council's LTFP, updated by the adopted Responsible Scenario on pricing paths, financial policies and capital project schedules, and reset annual growth assumptions on population (1.7%), properties (1.2%), interest levels (3%) and CPI (2.4%). Utilising the previous GHD asset review, the financial assessment indicated an average \$18m was required each year for asset renewals and \$16m for asset maintenance to manage the asset backlog, and \$88m borrowings over the 10 year horizon.

The Review summarised: *An operating deficit for Queanbeyan's general operations is set to re-emerge during the 10-year projection period and represents a major financial challenge. Also, as a consequence of the projected annual renewals gap, the infrastructure backlog for Queanbeyan's general operations is set to increase significantly over the next 10 years on a no-policy-change basis. Together, these financial imbalances – both present and in prospect – indicate that continuation of existing policies in relation to Queanbeyan's general operations is not financially sustainable.*

The all Funds financial summary is at Attachment 3.

Consolidated Council Review – All Funds

The former councils' reviews excluded any benefit of merged finances, assets and services; the impact of rates freeze; and the FFF benchmarks. The consolidated review included the 2016/17 adopted budget for the merged council as the baseline.

Existing debt levels, reserves levels and development contribution levels were examined and those balances' ability to fund works against the updated asset renewal and upgrade schedules identified by the GHD review.

Attachment 4 illustrates and compares the pre-merger '*existing*' policy settings, and the proposed post-merger '*responsible scenario*' policy settings. Fundamental to those shifts are:

- improvement to Operating Performance Ratio (from 0% to +2.2% after 10 years)
- reduction of infrastructure asset backlog ratio (from 2% to 1.8% after 10 years)
- modest increase in debt service ratio to 7.3% after 10 years, to accommodate manageable capex, asset renewals and a positive operating result
- a relatively neutral rating effort, compared to 2016/17

Fit For Future (FFF) Benchmarks

The Fit for Future (FFF) reforms of the NSW Government included a suite of financial, scale and capacity benchmarks for local government. The former Queanbeyan and Palerang Councils did not meet the scale and capacity benchmark, and were slated to merge to achieve that threshold. It is understood the reviews by IPART acknowledged any special rate variations proposed by the former councils to achieve financial sustainability.

8.25 QPRC Asset and Financial Sustainability Review and Financial Strategy (Ref: C173447; Author: Tegart/Tegart) (Continued)

A Fit for the Future council is identified by the Government as one that:

- knows the current and future infrastructure needs of the community;
- develops, maintains and renews infrastructure using the right mix of revenue and borrowing;
- works with others to deliver cost effective services;
- delivers services and infrastructure that meets the needs of communities as identified through the Integrated Planning & Reporting process; and
- delivers services and infrastructure on time and on budget

Accordingly, the FFF criteria are:

- Financial sustainability.
- Effective infrastructure and service management.
- Efficiency.
- Scale and capacity (threshold criterion)

With reference to Attachment 5, the FFF benchmarks are:

- Operating Performance Ratio > 0%
- Own source revenues > 60%
- Asset Renewal ratio > 100%
- Infrastructure Backlog ratio < 2%
- Asset Maintenance ratio > 100%
- Debt Service Ratio < 20%

Asset Reviews

GHD worked with staff, revising current asset plans, work schedules, asset standards and assessment of asset condition and backlog. With reference to the summary of the asset reviews for Palerang and Queanbeyan at Attachment 6 and 7, through modelling of current asset condition, intervention levels, maintenance levels and renewal schedules, GHD were able to establish an affordable mix of maintenance and renewal of assets to achieve a 2% asset backlog over a 20 year horizon (General) and 30 year horizon (Water and Sewer).

When new, gifted or upgraded assets (identified from former council's Delivery Programs) were added, the future maintenance 'tail' was also assessed.

The GHD reviews and subsequent financial assessment by PAA indicated current asset backlogs and existing policy on maintenance/renewal of assets was inadequate and required changes to asset intervention levels, the mix of renewals and maintenance, and injection of debt for renewals and upgrades to smooth out lumpiness in asset investment.

Services Reviews

The services review was undertaken in line with the attached schematic (8), which identified the drivers and descriptors of current services and relationship to the accounting framework, position descriptions, performance framework and organisation structure.

8.25 QPRC Asset and Financial Sustainability Review and Financial Strategy (Ref: C173447; Author: Tegart/Tegart) (Continued)

The services framework was adopted in December 2016. Service Statements have been drafted nominating the 26 service descriptors; their respective drivers (legislation, policy); the role of council (provider, funder, advocate, partner); the related program descriptors and their respective service standard, deliverables and performance metrics.

The key benefits of service delivery reviews (based on ACELG guidelines) include:

- alignment of services with community needs and a more engaged community
- higher quality service provision
- cost savings and sometimes income generation
- increased efficiency of often limited resources
- partnerships and networks with other local governments and service providers
- increased capacity of staff to respond to the changing needs of the community
- staff who work cooperatively across departments
- a more systematic approach to understanding future community needs.

The services review was based on existing levels and reach of service. The resourcing for those services will need to align to the englobo values assigned through the asset and financial sustainability review. Those values include a 2% 'productivity dividend', relying on improved workflows and self-service generated through investment in technology and mobile services.

The levels of service and assets standards may be revised by the elected council from existing levels, following community engagement in coming months. Levels of service are based on: *quality, quantity, frequency, safety, fitness for purpose, aesthetics, reliability, responsiveness, environmental acceptability and cost.*

Stakeholder engagement on the levels of service and asset standards is scheduled in February/March, then the review explores alternate modes of delivery with the Resourcing Strategy, which allows adoption of different levels of service by the new Council. Attachment 9 indicates the types of service delivery models.

Responsible Scenario

The Asset and Financial Sustainability Review recommended a shift from Existing Policy as outlined in the respective councils' Long Term Financial Plan (LTFP), asset management plans (AMP) and revenue policies to a 'Responsible or Optimal Scenario' to achieve an acceptable compromise between Council's obligations to:

- achieve financial sustainability,
- manage the asset backlog to prevent an infrastructure crisis,
- preserve essential public services in line with population growth
- keep rates, fees and charges affordable
- borrow at acceptable levels in line with intergenerational equity and
- meet financial benchmarks to be fit for future (FFF)

8.25 QPRC Asset and Financial Sustainability Review and Financial Strategy (Ref: C173447; Author: Tegart/Tegart) (Continued)

A condition and maintenance intervention level scale (1-10) will be used to illustrate asset standards and forecast likely renewal and replacement schedules. Council's Asset Strategy will be updated to consider:

- current and forecast community profile
- Infrastructure condition, renewal and capacity needs,
- Rationalising and optimising existing assets,
- Appropriately size, site and schedule new assets,
- Prioritise assets on the basis of:
 - Asset condition, age, load, local geography,
 - Risks such as climate change, and
 - Demographic changes
- Asset backlog

The Responsible Scenario seeks to:

- Rehabilitate required infrastructure whose condition has fallen below an acceptable standard (i.e. the 'backlog');
- Renew required infrastructure when it falls below agreed minimum standards in future;
- Align the rate of asset renewal expenditure and/or placement into infrastructure reserves, to the consumption or degradation of those assets (ie depreciation)
- Expand the total infrastructure stock by enough to cope with residential and business growth as informed by Council's asset strategy and demographic projections;
- Identify those core services that would be quarantined from any cost cuts to help fund infrastructure rehabilitation and renewal, or be subject to specific SRVs;
- Fund these initiatives through adequate revenue measures, operational savings, re-ordering spending priorities, asset leases or disposals and extra borrowings;
- Fund infrastructure maintenance and renewals from operating revenue and rehabilitation and enhancements from budget surpluses, capital revenues and borrowings in accordance with a 'narrowing the gap' strategy;
- Ensure that the outcome by year 10 complies with sustainable financial targets (e.g. the LGI recommended minimum surplus ratio and maximum broad debt ratio);
- Borrow sufficiently between now and 2024/25 to help fund infrastructure renewal under the Optimal Scenario;
- Use debt and movements in cash reserves to help 'smooth' large injections of assets renewal or upgrades across several years;
- Place cash surpluses following annual audit into an infrastructure reserve.

On this basis, asset renewals will be scheduled around the adopted Intervention Condition Levels (eg level 8 for footpaths) to return the assets to good condition and the ability to support agreed service levels.

8.25 QPRC Asset and Financial Sustainability Review and Financial Strategy (Ref: C173447; Author: Tegart/Tegart) (Continued)

Ten year Financial Forecasts – All Funds

The 'Responsible Scenario' General/Waste, Water and Sewer Fund, and Consolidated 10 year financial forecasts are referenced in Attachment 4.

The Responsible Scenario values for 2017/18 and average annual values for revenues and expenditures will be applied into the QPRC financial models for preparation of the budget and LTFP.

Merger Impacts

Error! Hyperlink reference not valid. The Review also identified the potential financial impacts of the merger on the FFF ratios, predicting a Nett Present Value of \$13m over 10 years through benefits, resulting in an improvement in the Operating Result around 2%; a reduction in the asset backlog around 0.2% and an increase in the debt service ratio around 1%. This figure is similar to the benefits realisation forecast presented by Council to DPC.

Engagement

It is proposed the PAA and GHD reports be published on the website as background information to the drafting of the 2017/18 Operational Plan and Budget, and the drafting of the LTFP for its inclusion in the Resourcing Strategy. The Operational Plan is expected to be open for community input in May 2017, while the Resourcing Strategy should be available for feedback from mid-2017.

The updated financial strategy will also be published on the website and community feedback sought.

In the meantime, the community will be also engaged on service levels and assets standards emanating from the PAA and GHD reviews in March 2017. For example, the asset condition and maintenance levels illustrated in Attachment 10 will be utilised to gauge community views on appropriate (and affordable) service levels.

Financial

Attachment 7 summarises the 10 year financial forecasts for General/Waste Fund and Water and Sewer Funds to 2026/27. The parameter values used in the forecast (population, property, CPI growth and interest levels) will be applied in the LTFP.

The merged council has an average annual expenditure of around \$180m.

While noting a general rates freeze applies for the next 3 years, across the 10 year horizon, up to 1% pa general rate increase in rate yield in real terms is predicted, and a 1.2% pa increase in real terms for water and sewer charges.

These levels are well below those forecast by the former councils pre-merger. However, those levels are supported by increased debt; capital returns realised through property sales and leasing; and productivity offsets in services. Should the elected council modify asset standards or service levels, then the forecasts will require adjustment.

8.25 QPRC Asset and Financial Sustainability Review and Financial Strategy (Ref: C173447; Author: Tegart/Tegart) (Continued)

The application of a harmonised cost attribution framework will ease the identification of real costs and assignment of overhead to all services, in turn assisting the achievement of the 'narrow the gap' ambitions outlined in the Financial Strategy.

Integrated Plan

The long term financial plan will form part of the Resourcing Strategy to be prepared mid-2017 in advance of the new council election.

Conclusion

The review and consolidation of the asset and financial sustainability of the former councils and the merged QPRC has been a significant body of work. A common platform to blend and build on the financial status and policy settings has now been established. The absorption of known merger costs and grants, and the capture of predicted merger savings, together with additional borrowing (with the advantage of low TCorp interest rates) to smooth out asset renewals and upgrades under the Responsible Scenario recommended with the Financial Strategy, is expected to realise the following variances to the Existing Policy of the former councils over the 10 year horizon:

- General rate increases well below those forecast (~1% pa)
- Similar increases to water and sewer charges (~1.2% pa)
- Similar increases in other fees (~6.1% pa)
- Introduction of dividends
- Reduction of consolidated service expenditure (~1% pa)
- Increased debt (~ \$175m) to accommodate infrastructure capex and renewals
- Subsequent increase in interest expense
- Same levels of asset maintenance
- Similar levels of development contributions
- Increased asset (property) sales
- Substantially increased levels of asset renewals and upgrades
- Improvement in nett assets (~ 46%)

While the initial forecasts are positive for the merged financials, the preparation of the 2017/18 Operational Plan and Budget may modify the baseline for the LTFP, will incorporate new capital projects and rating and grant levels announced by government, and will accordingly be adjusted in the preparation for the Resourcing Strategy.

To accommodate significant proposed capex in QBN, BGD and BWD that were unscheduled in the former councils' Operational Plans, the debt service ratio is expected to rise to around 10% (the amber alert level) in the next decade, falling to around 7% by year 10. Similarly, an annual 2% productivity offset is ambitious and will be examined more closely against other measures such as revenue raising, when drafting the LTFP.

8.25 QPRC Asset and Financial Sustainability Review and Financial Strategy (Ref: C173447; Author: Tegart/Tegart) (Continued)

Attachments

Attachment 1	Revised Financial Strategy and Policy (<i>Under Separate Cover</i>)
Attachment 2	Palerang - Existing Policy (<i>Under Separate Cover</i>)
Attachment 3	Queanbeyan - Existing Policy (<i>Under Separate Cover</i>)
Attachment 4	Pre and Post Merger: Responsible Scenario (<i>Under Separate Cover</i>)
Attachment 5	Fit for Future Benchmarks (<i>Under Separate Cover</i>)
Attachment 6	GHD Asset Summary - Palerang (<i>Under Separate Cover</i>)
Attachment 7	GHD Asset Summary - Queanbeyan (<i>Under Separate Cover</i>)
Attachment 8	Services Review (<i>Under Separate Cover</i>)
Attachment 9	Service Delivery Models (<i>Under Separate Cover</i>)
Attachment 10	Sample Asset Levels (<i>Under Separate Cover</i>)

DETERMINATION REPORTS

8.26 Queanbeyan CBD Transformation Strategy (Ref: C174192; Author: Tegart/Tegart)

Summary

This report outlines the approach to refresh and revitalise the Queanbeyan CBD (QCBD). A QCBD Transformation Strategy has been prepared. It establishes a strategic framework to harness the plans Council has considered in previous years, and nominates new plans to guide the economic potential of the CBD, to shape the public domain, and establish design elements for the review of the CBD masterplan and development control plan.

The Strategy proposes a number of actions and illustrates several ideas to set the scene for discussion with the community. The Strategy pursues the desired outcomes of increasing economic and retail activity in the CBD through accommodating visitors, residents and workers, and in turn increasing retail and lifestyle patronage.

The QCBD Transformation Strategy is aspirational, aimed at promoting discussion and sets a strategic framework for a suite of plans to guide future development, design and shaping of public domain – piazzas, parks, laneways, river corridor, pedestrian and cyclist movement, traffic movement and carparking for example; and the community and commercial partnerships to guide the CBD masterplan, the staged construction of public domain, and the revision of the development control plan – to transform the Queanbeyan CBD.

Recommendation**That Council:**

- 1. receive and note the report on the Queanbeyan CBD Transformation Strategy.**
 - 2. seek community feedback on the draft Strategy, and be utilised in masterplan engagements, for further report to Council.**
-

Background

Council had scheduled the revision of the 2009 Queanbeyan CBD (QCBD) Masterplan in 2017, in advance of the revision of the development control plan (DCP).

In 2016, Council adopted its Property Strategy and Policy, prompting a review of its property portfolio and exploring options to sell, lease, redevelop or strategically acquire property. Significant CBD operational properties were identified as capable of being a catalyst for development and economic activity in the CBD. Proceeds from any sales are to be reinvested in public domain/infrastructure. The outcomes of that internal review have been incorporated in the draft long term financial models.

Council had also scheduled the redevelopment of the Queanbeyan administration office in Crawford Street in the 2016 Operational Plan to consolidate Queanbeyan-based staff from 11 buildings into a fit for purpose headquarters and offer scope for office tenancies.

**8.26 Queanbeyan CBD Transformation Strategy (Ref: C174192; Author: Tegart/Tegart)
(Continued)**

Expressions of interest were sought for the potential redevelopment of the Morisset Street carpark for a mixed use commercial development and cinema.

Community engagement and drafting of the economic development and tourism strategies is underway.

Policies on probity management and unsolicited proposals guidelines have been adopted.

Since then, an unsolicited proposal was received and reported to Council for the potential acquisition and redevelopment of some of Council's CBD sites, in turn providing a funding source for CBD public domain works identified in the CBD masterplan.

To consolidate those initiatives and actions, a strategic framework has now been developed to harness the plans Council has considered in previous years, and nominates new plans to guide the economic potential of the CBD, to shape the public domain, and establish design elements for the review of the CBD masterplan and development control plan.

Implications***Framework***

The draft QCBD Transformation Strategy establishes a framework which identified the areas of Focus, Influencers and Enablers:

Focus

- Identity
- Connection
- Investment

Influencers

- Economic development
- Tourism
- Smart city

Enablers

- River corridor plan
- Property plan
- Retail Plan
- Parking plan
- Laneways plan
- Transport plan
- Placemaking Plan, then
- Masterplan
- DCP

Attachment 1 illustrates the relationship.

**8.26 Queanbeyan CBD Transformation Strategy (Ref: C174192; Author: Tegart/Tegart)
(Continued)**

Strategic

The Strategy proposes the following 8 key ambitions, supported by several success factors (Attachment 2):

- 1. An economically thriving commercial centre as the focal point of the region
- 2. A business district containing a diversified retail mix and shopping offer
- 3. An enabling entrepreneurial ecosystem
- 4. More people visiting, living and working in the CBD
- 5. A connected CBD facilitating pedestrian access to different precincts
- 6. A vibrant cultural and entertainment presence
- 7. An activated riverfront and connected green space
- 8. A highly valued public realm

Engagement

An integrated program of engagement is scheduled to commence soon to involve the community early on a range of initiatives including asset and service levels, economic development, community visioning and the CBD masterplan. It is proposed the draft QCBD Transformation Strategy be exhibited for initial feedback and utilised in focus group discussions on the masterplan.

Attachment 3 illustrates the relationship of the plans incorporated in the Transformation Strategy and the mix of engagement to come over coming months.

Resources (including staff)

The draft has been prepared internally, with graphic design used to prepare the document for publication and consultation.

Integrated Plan

The Transformation Strategy and subsequent plans meets the key directions of the former QCC Community Strategic Plan:

- 1.1 Raise the local profile
- 1.3 Promote QBN as a destination
- 1.4 Enhance the CBD
- 1.7 Create a place where people choose to live
- 2.1 Progress towards local economic development initiatives
- 2.4 Revitalisation of CBD
- 3.1 Recognise and conserve QBN heritage
- 3.2 Create recreation and lifestyle opportunities
- 3.3 Create a pedestrian and cycleway network

**8.26 Queanbeyan CBD Transformation Strategy (Ref: C174192; Author: Tegart/Tegart)
(Continued)**

Conclusion

The draft Queanbeyan CBD Transformation Strategy outlines ambitions to reframe Queanbeyan into an attractive and activated regional centre, harnessing the plans Council has considered in previous years, and nominating new plans to guide the economic potential and revitalisation of the CBD. It captures early thinking on potential redevelopment of council's sites to facilitate investment in CBD public domain, guided by the refreshing of the CBD masterplan.

The Draft CBD Transformation Strategy is at Attachment 4.

Attachments

- | | |
|--------------|---|
| Attachment 1 | Transformation Framework (<i>Under Separate Cover</i>) |
| Attachment 2 | Success Factors (<i>Under Separate Cover</i>) |
| Attachment 3 | Transformation Plans and Engagement (<i>Under Separate Cover</i>) |
| Attachment 4 | Draft CBD Transformation Strategy (<i>Under Separate Cover</i>) |

DETERMINATION REPORTS

**8.27 Statutory Disclosures - Former Queanbeyan and Palerang Councils (Ref: C175128;
Author: Tegart/Tozer)**

Summary

While merged councils are not required to develop a standard Annual Report for the 2015-16 financial year, the NSW Department of Premier and Cabinet has required that a number of statutory reporting matters should still be published to keep a record of matters for the former councils.

The statutory disclosures for the former Queanbeyan and Palerang councils have been developed and presented.

Recommendation

That Council receive the Statutory Disclosure reports for the former Queanbeyan City Council and the former Palerang Council.

Background

Council would generally include the information contained in the attached documents within their annual report, alongside their performance indicators and financial statements. Following the merger of Queanbeyan and Palerang in May 2016, the NSW Department of Premier and Cabinet advised that an Annual Report focusing on performance indicators was not required. Councils were however required to prepare financial statements and statutory disclosures for the period 1 July 2015-12 May 2016.

Attachments

Attachment 1	Statutory Reporting Requirements - Queanbeyan (<i>Under Separate Cover</i>)
Attachment 2	Statutory Reporting Requirements - Palerang (<i>Under Separate Cover</i>)

DETERMINATION REPORTS

8.28 Riverfront Activation - Eol (Ref: C175260; Author: Spyve/Darcy)

Summary

With the Queen Elizabeth II (QE II) Park upgrade now complete, an Expression of Interest (Eol) process can now be progressed to source interest in conducting activities to activate the riverfront. This will include the areas of QE II Park and the Ray Morton Park.

Recommendation

That Council commence an Eol process to source appropriate activities that may activate the riverfront

Background

The CBD Masterplan, the Queanbeyan River Riparian Corridor Strategy and the draft CBD Transformation Strategy all nominate the Queanbeyan River Corridor as being crucial to facilitate recreational opportunities that increase the liveability and community spirit in Queanbeyan.

The QBN River Riparian Corridor Strategy 2012 vision is:

"To protect and enhance the Queanbeyan River corridor as the focus of the City's natural and cultural environment, providing a diverse range of recreational opportunities whilst maintaining, improving and protecting the social, cultural, natural, visual and heritage landscape, for both the local and wider community"

An expression of Interest (Eol) process will encourage community groups and commercial interests to put forward ideas for opportunities to activate the riverfront area. An Eol process will help ensure an equitable use of the riverfront including the new facilities in Queen Elizabeth II Park whilst at the same time generating new activity for the broader community benefit.

The type of activities to activate the riverfront may include:

- Watercraft services such as kayaking or paddleboards
- Food vendors such as coffee carts, gelato van or kiosk
- Exercise activities such as yoga, Tai Chi or boot camp classes
- Music or outdoor performances

The assessment criteria will include:

- Type of activity proposed
- Activity timeline – start and finish times
- Activity location
- Logistics
- Community benefit
- Expected target market
- Community or commercial enterprise

Implications***Legal***

Assessment of any proposed activities will be required to meet any legal requirements.

Environmental

Assessment of any proposed activities will be required to meet any environmental protection requirements.

Asset

The completion of works to QE II Park can now facilitate commercial and community activities in the park. The significant investment in the riverfront asset is a major attraction on which the community can enjoy new recreational and leisure opportunities.

Social / Cultural

New activities on the riverfront will positively enhance the community culture of Queanbeyan through generation of opportunities for fun, leisure, and recreation stimulus.

Economic

Activating the riverfront will be an important component of the continuation of linking the river to the CBD. QE II Park will be the premier river destination providing a cultural, visitor and entertainment destination.

Strategic

The activation of the riverfront is in line with the CBD Masterplan, the Queanbeyan River Riparian Corridor Strategy and the CBD Transformation Strategy and is expected to be referenced in the QPRC Tourism Plan.

Engagement

Advertising for the Eol will be promoted through standard channels. Both the Economic Development and the Parks and Recreational Services sections have been involved in staff discussions to develop the Eol.

Financial

It is not anticipated that any new approved activities will generate significant income for Council. Rather, benefits will accrue through community recreational opportunities and equitable use of facilities.

Resources (including staff)

Both the Economic Development and the Parks and Recreational Services sections will be involved in the Eol development and assessment.

Integrated Plan

Conclusion

An Expression of Interest process will help generate new ideas to activate the riverfront area including Ray Morton Park and the newly completed Queen Elizabeth II Park and support a more equitable use of the facilities for both commercial and community uses.

Attachments

Nil

DETERMINATION REPORTS

8.29 Tenders for the Supply and Delivery of Road Base (Ref: C175745; Author: Bascomb/Cunningham)

Summary

Two contract proposals for the supply and delivery of road base materials associated with a number of RMS RMCC projects.

Recommendation**That Council:**

- 1. Award Holcim (Australia) Pty Ltd the schedule of rates contract 11/2017 being for the supply and delivery of approximately 3,400 tonnes of stabilised DGB20 roadbase for works planned for segment 130 of MR51 according to their schedule of rates dated 11 January 2017; and**
 - 2. Award Schmidt Quarries Pty Ltd the schedule of rates contract 10/2017 being for the supply and delivery of approximately 12,375 tonnes of DGB20 and approximately 5,775 tonnes of select material roadbase for works planned for segment 520 of MR79 according to their schedule of rates dated 20 December 2016.**
-

Background

Council currently holds a contract with NSW RMS for the supply of State Road maintenance and construction works for both the State Road network within its LGA as well as a portion of MR79 within the Goulburn Mulwaree LGA. For the 2016/17 financial year to date, some \$11m of works is currently being carried on Council's books. Two new projects have recently been assigned, both of which will require the procurement of road base materials within the tendering provisions of s55 of the Local Government Act 1993.

Project 1

The first project relates to works programmed for segment 130 of MR51 – that section of Malbon Street in Bungendore between Majara Street and Molonglo Street.

From an RMS perspective, the aim of the project is to rehabilitate the travel lanes of the highway although the works will necessarily extend into the shoulder areas as well; the local road jurisdiction of Council.

In light of the arterial nature of the road, RMS specification calls for the use of a special stabilised road base as the pavement's main structural component complete with an asphaltic concrete wearing course.

The tender for this component was a schedule of rates contract and based on the supply and delivery of approximately 3,400 tonnes of stabilised DGB20.

8.29 Tenders for the Supply and Delivery of Road Base (Ref: C175745; Author: Bascomb/Cunningham) (Continued)

Project 2

This proposal relates to a project planned for MR79 on segment 520. A more conventional flexible pavement rehabilitation project, the expected roadbase requirement calls for the anticipated supply and delivery of 12,375 tonnes of DGB20 and 5,775 tonnes of select material.

Tenders

Project 1: Tenders were called under contract 11/2017 on 16 December 2016 and closed at 1.00 pm on 12 January 2017. At the time of assessment only one submission had been received. In light of the specialised nature of the material requested this was not an entirely unexpected outcome. It is understood that there is only one established local manufacturer of this type of stabilised road base.

The assessment of this submission is contained in Attachment 1 provided under separate cover.

Project 2: Tenders were called under contract 10/2017 on 16 December 2017 and closed at 1.00 pm on 13 January 2017. At the time of assessment a total of three submissions had been received with the top two extended lump sums being as much as 1.39 and 1.41 times the lowest conforming bid.

The assessment of these submissions are contained in Attachment 2 provided under separate cover.

Implications***Legal***

The tenders were called in accord with s55 of the Local Government Act 1993.

Environmental

All road projects of this scale are the subject of environmental assessments conducted in accordance with part 5 of the EP&A Act 1979.

Asset

The works are largely operational in nature with the exception of shoulder works associated with Project 1. These relate to the local road component of Malbon Street and as such would be duly capitalised as a rehabilitated asset of Council.

Social / Cultural

Provides for improved and safer transport infrastructure for Council's constituents and travellers.

Financial

The bulk of the funding for these engagements will be sourced from RMS as they relate to works being conducted as part of Council's RMCC obligations. Some Council contribution will be

8.29 Tenders for the Supply and Delivery of Road Base (Ref: C175745; Author: Bascomb/Cunningham) (Continued)

required for supplementary works associated with the Malbon Street shoulders; the details of which are provided below:

Project	1	-	MR51	Segment	130	(Contract	11/2017)
Program Code	Expense Type		Funding source			Amount*	
TBA	Operational		RMCC			\$ 1.09m	
PJ7597	Capital		Revenue/RA			\$ 750,000	

Project 2 – MR79 Segment 520 (Contract 10/2017)

Program Code	Expense Type		Funding source			Amount*	
PJ8244	Operational		RMCC			\$ 1.7m	

* Expected total project cost

Conclusion

Both proposed engagements have been through the complete open tender process as proscribed by the Act. For contract 11/2017 only one submission was received, that being from Holcim (Australia) Pty Ltd. For contract 10/2017, three submissions were received, with that from Schmidt Quarries Pty Ltd being economically preferred. Both companies should now be appointed as the successful suppliers for their respective contracts referenced above.

Attachments

- Attachment 1 Attachment 1 for Gravel tender - confidential) (*Under Separate Cover*) - **CONFIDENTIAL**
- Attachment 2 Attachment 2 for Gravel tender - confidential) (*Under Separate Cover*) - **CONFIDENTIAL**

DETERMINATION REPORTS

8.30 Transition Organisation Structure (Ref: C16179919; Author: Tegar/Tegart)

Summary

Presenting report on proposed organisation structure following completion of the asset and service reviews, and the development of the strategic directions. It is anticipated recruitment of the executive level would commence following the determination of the structure, followed by the management level to enable settlement of the structure to coincide with adoption of the Resourcing Strategy mid-year.

Recommendation**That Council**

- 1. receive and note the report on the Transition Organisation Structure.**
 - 2. note the Service and Program Framework.**
 - 3. note the staff establishment for the merged entity.**
 - 4. adopt the transition organisation executive structure.**
 - 5. endorse the executive positions as senior staff.**
 - 6. recruit senior staff on senior staff standard contracts at minimum SES 2 level in the ranges outlined in the report.**
 - 7. engage Blackadder and Associates as an independent consultancy to undertake the recruitment of staff in executive and management levels.**
 - 8. engage a consultancy to provide outplacement services.**
-

Background

Following the merger of Queanbeyan and Palerang Councils on 12 May, an interim organisation structure of the joint Executive was adopted in June 2016 (see Attachment 1). That interim structure reported to Council in June 2016 allowed the placement of Directors (level 2) and Managers (level 3) in an acting capacity, pending the development of a transition structure for the new organisation following the asset and service reviews. The interim structure enabled service continuity under the 'operations group' overseen by the Deputy General Manager, and the assessment of systems, assets, services, financials and culture by other senior managers, reporting directly to the Interim General Manager. The majority of other staff had minimal change and were placed in the interim structure in accordance with the workplace change clause of the Local Government (State) Award 2014. In some cases where redesign was applicable, opportunities were filled by agreement following a combination of merit based selection and fixed term acting placements.

8.30 Transition Organisation Structure (Ref: C16179919; Author: Tegart/Tegart)
(Continued)

Services Review

As illustrated in Attachment 2, the services review identified the drivers and descriptors of current services and will be pivotal to the review of the structure of the organisation, positions, workforce strategy and the accounting framework. The services framework was adopted in December 2016.

The key benefits of service delivery reviews (based on ACELG guidelines) include:

- alignment of services with community needs and a more engaged community
- higher quality service provision
- cost savings and sometimes income generation
- increased efficiency of often limited resources
- partnerships and networks with other local governments and service providers
- increased capacity of staff to respond to the changing needs of the community
- staff who work cooperatively across departments
- a more systematic approach to understanding future community needs.

Service Statements have been drafted nominating the 26 service descriptors; their respective drivers (legislation, policy); the role of Council (provider, funder, regulator, advocate, partner); the related program descriptors and their respective service standard, deliverables and performance metrics.

The levels of service and assets standards may be revised by the elected council from existing levels, following community engagement in coming months. Levels of service are based on: *quality, quantity, frequency, safety, fitness for purpose, aesthetics, reliability, responsiveness, environmental acceptability and cost.*

The service review schematic indicates stakeholder engagement on the levels of service and asset standards (scheduled in February/March), then explores alternate modes of delivery with the Resourcing Strategy, which allows adoption of different levels of service by the new Council. Attachment 3 illustrates the services and programs to be delivered by the executive and management layers. That group will explore and deliver adopted alternate modes of service delivery. Attachment 4 indicates the types of service delivery models.

Strategic Directions

The reviews were completed in December and, together with the formation of the strategic directions in October 2016 (see Attachment 5) established five pillars that support the Queanbeyan-Palerang community, environment, economy and infrastructure. The five 'pillars' of Community, Choice, Character, Connection and Capability seek:

- A safe, harmonious and healthy *community*
- A diverse, resilient and smart economy that creates *choice* and job opportunities
- A clean, green community that cherishes its natural and physical *character*
- A well *connected* community with good infrastructure enhancing quality of life
- A *capable* organisation that leads a community which is engaged and participative

The services have been arranged under those pillars to provide line of sight to the objectives of Council. A sixth 'pillar' of 'Council' has been added to capture the organisation-specific services.

**8.30 Transition Organisation Structure (Ref: C16179919; Author: Tegart/Tegart)
(Continued)**

The services review also established the hierarchy, resources and costs of current services, programs and activities of the former councils. The proposed transition organisation structure draws on that framework to place accountabilities under the six pillars. The CAMMS software will assign the positions, budget and assets by service, in turn informing the current and optimal number of type of roles required to support the services.

With reference to Attachment 6, the L3-6 layers of the organisation will be placed in the service hierarchy with the primary accountabilities for L3-L6 articulated as:

- L3 Manager: planning, policy, performance (of services)
- L4 Coordinator: systems, supervision, statutory compliance (of sub-service/programs)
- L5 Team leader: coordination, customer focus, quality delivery (of activities)

In this way any gaps, disconnects or overlaps of roles and resourcing of services are identified.

Improvement Frameworks

The asset and services reviews also informs QPRC's formal business improvement activities, methodologies and frameworks, some of which require further staff development, and to which the Executive and management levels will be accountable. These include:

- Australian Business Excellence Framework (ABEF)
- Lean Six Sigma
- Agile
- Human Synergistics Cultural Diagnostics (Organisation, team and individual levels)
- Integral
- Capability Framework.

Staff Establishment

The QPRC Transition Plan adopted in October 2016 foreshadowed the reviews and preparation of the asset strategy, workplace strategy, ICT strategy and financial plan, which would combine into a 2017-20 Resourcing Strategy in advance of the September 2017 council elections. The Resourcing Strategy will forecast the staff establishment required for the new organisation across the term of the new council.

As reported to the June 2016 meeting, s218CA stipulates the staff numbers at the former Palerang Council worksites (~123 FTE: 40.64 BWD; 79.9 BGD; 1.82 CF; 0.55 NGA) be retained in perpetuity, as far as practicable, as Bungendore, Braidwood, Captains Flat and Nerriga are considered 'rural centres'. Some of those staff are subject though to continuation of grant funding or fixed term arrangements.

The current staff establishment headcount is 455.

8.30 Transition Organisation Structure (Ref: C16179919; Author: Tegart/Tegart)
(Continued)Senior Staff

It is proposed Council endorse the Executive (L2) as senior staff, be remunerated at a minimum SES Band 2, and be recruited on a performance-based, renewable term standard contract. An independent consultancy will be engaged to conduct the recruitment for both levels and propose market-based remuneration for the Executive level. Manager levels will be evaluated and remunerated initially under the former QCC salary system, then in accord with the single QPRC salary system being developed as industry standard. It is proposed those positions be engaged on a TRP basis, incorporating vehicle, overtime and other allowances. The TRP option for L3 employees may include annualised salaries as per Clause 12 of the Award. A standard vehicle lease and allowance policy is under development for application to these roles. For award employees, merger obligations require packages to consider the no-worse-off test.

The proposed Transition Organisation structure is aligned to the strategic pillars to enable line of sight of the organisation activities (services, programs and assets) to the organisation structure and accounting frameworks (see Attachment 7).

The senior positions are responsible for management of resources and risk, and delivery of OP actions; are accountable for the progress of the outcomes sought by the five strategic directions; and will be focussed on clients, communications, competitive costs and pricing. The roles will explore opportunities to build capacity within the groups to expand services in the community or with the CBRJO.

Implications***Legal***

The *Local Government Act 1993* (LGAct) was amended in September 2016, requiring the General Manager to present an organisation structure at the executive level (L2) to Council for endorsement. The other structure levels are the responsibility of the General Manager within the resources provided by Council in the Operational Plan.

332 Determination of structure

(1) A council must, after consulting the general manager, determine the following:

- (a) the senior staff positions within the organisation structure of the council,*
- (b) the roles and reporting lines (for other senior staff) of holders of senior staff positions,*
- (c) the resources to be allocated towards the employment of staff.*

(1A) The general manager must, after consulting the council, determine the positions (other than the senior staff positions) within the organisation structure of the council.

(1B) The positions within the organisation structure of the council are to be determined so as to give effect to the priorities set out in the strategic plans (including the community strategic plan) and delivery program of the council

Some of the existing senior staff are employed under the NSW Local Government (State) Award 2014, while others are engaged under a standard senior staff contract. Level 3 managers are employed under the Award.

8.30 Transition Organisation Structure (Ref: C16179919; Author: Tegart/Tegart)
(Continued)

Advertising internally and externally in the market may mean some of the existing staff may not be successful in a particular position. Award employees have the protection of their employment terms and conditions under the LGAct (Part 6 s354D) for three years from the merger. There are no forced redundancies. If unsuccessful, those staff may be offered alternate positions commensurate with their skills, which may include specialist roles or roles in the Transition Project Office. Contract staff who may be unsuccessful will be offered outplacement services. Contracted senior staff managers may receive redundancy compensation in accord with LG Regulation 2005 406C (7):

(7) If a staff member of a former council who was a staff member of that council immediately before the former council ceases to exist:

(a) is not transferred to any other council by or under the operation of a proclamation under Chapter 9 of the Act, or

(b) is transferred, but ceases to be a staff member of the new council as a consequence of the amalgamation before the first election for the new council,

the termination of the staff member's employment with the former council or the new council is taken to be a redundancy.

As outlined previously, s218CA requires the staff *numbers* existing at the time of merger to be retained in Bungendore, Braidwood, Captains Flat and Nerriga, but does not necessarily require the same *positions* to be retained in those worksites.

Policy

Independent market assessment of executive local government remuneration packages were commissioned for the new organisation, which indicated a range between \$230-260k. Managers' salaries are guided by local government and Canberra region markets and placed in relevant Award Bands and Salary Grades of the salary system. At this time, the new salary system has not been adopted, as a collaborative approach with LGNSW is being explored to develop an industry standard salary system, job evaluation system and job capability framework by midyear. In the interim, managers who are appointed into the transition structure will be evaluated and placed on the former Queanbeyan Council salary system and migrated to the new salary structure. However, current market indicates a TRP range of \$130-190k.

The staff establishment of 428.58FTE is based on current levels of service and costs identified in the services review. Should those levels be varied by the new council following community engagement, a subsequent mix of staff and contractor resources may see staff establishment change.

Council has prepared a benefits realisation model in relation to the merger and conveyed the proposed benefits targets to DPC:

- A FTE/Resident ratio at or below levels prior to merger (currently 7.6 FTE/1000 residents)
- A back office support/external services FTE ratio below levels prior to merger
- An FTE growth path (from WFP) at or below levels prior to merger

**8.30 Transition Organisation Structure (Ref: C16179919; Author: Tegart/Tegart)
(Continued)**

The Workforce Strategy provides several strategic initiatives, including expanding the proportion of employees aged under 21 and 'grow our own' through apprenticeships and cadetships in critical skill areas, to ensure a sustainable workforce through the following elements:

- Improving Workforce Planning and Development
- Promoting Local Government as a Place-Based Employer of Choice
- Retaining and Attracting a Diverse Workforce
- Creating a Contemporary Workplace
- Investing in Skills
- Improving Productivity and Leveraging Technology
- Maximising Management and Leadership
- Implementation and Collaboration

Performance

The Stronger Councils Framework (SCF) mission developed through DPC is: *'council delivers results for its community, builds successful partnerships, and has the leadership, culture, people and capabilities to make this happen'*. The SCF promotes several stronger council characteristics that will form the basis of the executive and managers' performance:

- Service provision:
 - Residents have easy access to services through their preferred channel
 - Businesses and residents have a positive experience of council service delivery
 - Residents have access to well-maintained community infrastructure
 - Regulation implementation is predictable, consistent and fair
- Community relationships:
 - Effective community engagement mechanisms are in place, and enable an ongoing community conversation with meaningful participation
- Performance:
 - Operations are efficient, and efficiencies are reinvested to the benefit of the community
- Organisation health:
 - Strong, diverse leadership and a culture that values performance and adaptability
 - Skilled, motivated and accountable workforce

Evidence of those characteristics will be captured through a suite of monthly, quarterly and annual surveys of clients, residents and staff. A separate report on the SCF is included in this agenda.

**8.30 Transition Organisation Structure (Ref: C16179919; Author: Tegart/Tegart)
(Continued)**

Further, the performance of executive and management levels is expected to be premised on new (yet to be established) organisation values and the merger principles of: *service, opportunity, cohesion, engagement, integrity and respect*. To that end, exposure to and development of service planning and alternate modes of delivery of services, will be required of that group.

Strategic

The CAMMS workforce profiling that follows the service and asset reviews, will guide workforce and capability analysis and the drafting of the Workforce Strategy, for inclusion in the Resourcing Strategy.

To assist the migration to the Transition Structure, an organisation development and change management strategy is being prepared.

Following staff participation in surveys and further exposure in ABEF and human synergistics, a culture strategy will be prepared.

Engagement

Staff and the workplace consultative committee (WCC) have been engaged through the implementation of the interim organisation structure. The WCC also has a dedicated Communication Plan to assist with engagement during this time. Other engagement strategies include regular employee surveys, monthly leadership update meetings, quarterly all staff briefings, weekly newsletters and a dedicated intranet page.

Most L5-6 staff (around 85% of the workforce) should require minimal movement under the proposed transition structure – individuals or teams may move based on the service and activity hierarchy reflected in the transition organisation structure.

Some positions will require redesign with consultation and agreement required, while several new positions may be created through the voluntary redundancy (VR) program and redesigning of some vacant positions.

Management staff, their unions and the WCC will be engaged on the proposed Transition Structure in accord with the Award during January/February, and the placement of respective programs within the proposed service manager streams.

Changes brought about by the potential take up of new technology and delivery partnerships will also require engagement with staff and unions, such as the current pilot with ServiceNSW and the proposal to migrate to TechnologyOne as a single integrated corporate software platform, as separately reported to this meeting.

Further staff consultation will be required with this restructure in accord with the Award.

**8.30 Transition Organisation Structure (Ref: C16179919; Author: Tegart/Tegart)
(Continued)**

Financial

The interim structure comprises 10 executive and 19 managers. The interim executive groups' total remuneration currently is:

- Former Queanbeyan (5) - \$1025k
- Former Palerang (5) - \$939k

The proposed executive group (4) is expected to cost up to \$1040k. Award based executive staff who are unsuccessful may be redeployed upon merit based application into other management or specialist roles, without reduction in salary and conditions for the three years following the merger to May 2019. Contract based executive staff may be offered upon merit based application other management or specialist roles, or be redundant. A voluntary redundancy has already been received and approved for one senior manager in November 2016. An outplacement consultancy service is proposed for contract staff who may be unsuccessful.

As indicated earlier, independent market assessment of executive local government remuneration packages were commissioned for the new organisation, which indicated a range between \$230-260k; while a TRP range of \$130-190k for service managers is expected. These compare to a current range of \$196-250k and \$119-182k respectively.

The employment costs of the new structure will be incorporated into the 2017/18 Operational Plan, with costs of recruitment reflected in the March 2017 quarter budget review.

Of the four proposals received separately for the executive and management recruitment phases, it is recommended Blackadder and Associates be engaged to undertake arms-length recruitment of the executive and management positions. Recruitment consultancy charges up to 8% of the salary package. The recommended recruitment consultancy proposed a fee of \$65k for (4) L2 and \$110k for (up to 18) L3 positions managers, plus costs (refer closed Attachment 9). The fees include psychometric and scenario assessments.

Resources (including staff)

While Council is required to endorse the structure at the Executive level, other levels will be mapped to reflect the services structure so that:

- a L3 manager is responsible for delivery of one or several *services* in a portfolio;
- a L4 coordinator is responsible for one or more *sub-services/programs* in a service; and
- a L5 team leader is responsible for one or more *activities* tasks in an program.

Once recruited, the Executive will partner with the provider to recruit the manager positions and following this, conduct a review with the manager of the remaining layers.

The two former councils differentiated on their respective organisation structures – one being hierarchical with some specialised roles; the other being quite flat with mainly generalist roles – largely as a reflection of the scale of services and works geographically. The transition structure has a focus on span of control, optimally seeking up to five direct reports in levels 2-4. The structure also enables specialist rather than supervisory roles, to focus on programs or actions that had been difficult to resource by the former councils.

**8.30 Transition Organisation Structure (Ref: C16179919; Author: Tegart/Tegart)
(Continued)**

The Executive will manage a Portfolio, while managers oversee a Branch and coordinators a Section.

The Executive will form the Executive Committee to oversee strategy, policy, advocacy, financial sustainability and infrastructure and service investment in the LGA; while the Governance Committee will comprise managers engaged in finance, ICT, HR, legal and risk. The Executive also oversees the merger transition, as well as infrastructure and major organisational project management. Attachment 8 illustrates the workplace committees' relationships.

Specialist (non-management) roles may be designed to focus on areas of investment or improvement, or technology take-up such as:

- Smart city and cross border coordination
- Digital workplace coordination
- Development liaison
- New development area release coordination
- Red tape reduction coordination
- Property management
- Procurement, contracts and logistics
- Grants coordination
- Customer experience and assets triage
- Projects coordination
- Strategy coordination
- Place (CBD) coordination
- Events (tourism) coordination
- Governance coordination
- Business analysis and performance

Other specialist or project roles may be designed to assist the merger transition for up to the next 28 months. The mix of management and specialist roles indicate opportunities for development, transfer or promotion of existing management, specialist and coordinator roles into the new structure. A further round of voluntary redundancies will be opened during the transition structure process.

It is also anticipated higher levels of employment of apprentices, cadets and trainees will be incorporated into the workforce strategy.

Under the Integrated Planning and Reporting guidelines, councils should arrange their activities and reporting around the quadruple bottom line – the proposed structure is aligned to the strategic direction pillars is in accord with those guidelines.

Other than the Executive remuneration costs, it is premature to estimate the management and other staff remuneration costs once they migrate to the single salary system and the outcome of the local government award negotiations become known. As outlined earlier, QPRC is looking to establish an industry standard approach to the salary system, salary structure, job evaluation and job capability frameworks. Some positions may attract market premiums, others may be regarded as 'present occupant only'. It is anticipated the packages for managers will reflect regular overtime arrangements, and standardise vehicle lease or allowance arrangements.

**8.30 Transition Organisation Structure (Ref: C16179919; Author: Tegart/Tegart)
(Continued)**

While noting QPR is a growth area, overall there is expected to be an increase in the wages bill as a consequence of the migration to a single salary system and the s354 and s218CA obligations following the merger.

Conclusion

As forecast in the report to the June 2016 meeting, as the merged organisation moves from its Interim to Transition Phase, an appropriate structure would be designed based on the frameworks derived from the asset and service reviews and aligned to the strategic directions. While a restructure of this scale is disruptive to the organisation and individuals, it presents as a unique opportunity to recruit people with the smarts and right fit for the transforming organisation.

It is proposed the L2 Executive comprise four Portfolio General Managers reporting to a CEO/General Manager (the current role of Interim General Manager concludes when the new council is elected). The portfolios align with the Strategic Directions and quadruple bottom line guidance from Integrated Planning and Reporting:

- Community Choice (incorporating culture, community, education and recreation services)
- Natural and Built Character (incorporating development, parks, environmental health, sustainability and strategic planning services)
- Community Connections (incorporating roads and transport, water, sewer, waste and asset and facilities management services)
- Organisation Capability (incorporating HR, finance, technology, customer, risk and property services)

Once recruited, the Executive group leads the shaping and delivery of the organisation vision and values; and the investments, strategies and policies that in turn influence the culture of the organisation.

It is proposed the L3 Management group comprise up to eighteen service managers reporting to the Executive and responsible for a Branch. The management level will be recruited internally initially, then unfilled positions recruited externally. Once Level 3 managers are recruited, the mix of specialists, L4 coordinators and L5 team leaders required for the new organisation is expected to provide opportunity and development for staff.

It is anticipated some changes to the mix of Programs delivered by the Service areas will be made following consultation.

Further to advice from DPC, the following recruitment schedule is proposed:

- Consult with management group and WCC on the proposed Transition Structure – mid January/February
- Commence external recruitment of L2 Executive – mid February
- Finalise manager position descriptions and evaluation (QCC system) – March
- Commence internal recruitment of L3 service managers – March
- Conduct L2 Executive interviews – March
- Conduct L3 service manager interviews – April
- Commence appointments – April
- Commence external recruitment of unfilled L3 managers – April/May

**8.30 Transition Organisation Structure (Ref: C16179919; Author: Tegart/Tegart)
(Continued)**

It is recommended the Transition Organisation Executive Structure be adopted to enable recruitment of the Executive and arrange consultation, recruitment and appointment for the management layers that report to the Executive by mid-2017, in turn coinciding with the production and reporting to Council of the Resourcing Strategy.

Attachments

Attachment 1	Interim Executive Structure (<i>Under Separate Cover</i>)
Attachment 2	Service Review Schematic (<i>Under Separate Cover</i>)
Attachment 3	Service and Program Framework (<i>Under Separate Cover</i>)
Attachment 4	Service Delivery Models (<i>Under Separate Cover</i>)
Attachment 5	Strategic Directions - Pillars (<i>Under Separate Cover</i>)
Attachment 6	Accountability Hierarchy (<i>Under Separate Cover</i>)
Attachment 7	Draft Transition Organisation Structure (<i>Under Separate Cover</i>)
Attachment 8	Workplace Committees Structure (<i>Under Separate Cover</i>)
Attachment 9	Recruitment Proposal (<i>Under Separate Cover</i>) - CONFIDENTIAL

9.1 ACT Strengthens Regional Collaboration with NSW (Ref: C16196688); Author: Tegart/Tegart

Report

A Media Release was issued by Andrew Barr, MLA – Chief Minister ACT on 12 December 2016 as follows –

“On the sidelines of Friday’s COAG meeting, New South Wales (NSW) Premier Mike Baird and I signed a three year MoU between our governments – committing to work together on cross-border service delivery, freight and domestic and international tourism opportunities.

It’s crucial that the ACT Government continues to work closely with our NSW counterparts to drive economic development on the Canberra region, deliver services as a regional centre and provide benefits to Canberrans who travel across the border.

An obvious, practical benefit of this collaboration has been to help Canberra seniors use NSW public transport. ACT Seniors card holders were not appropriately recognised by the Opal Card system that the NSW public transport system operates on. Collaborative work with NSW under the MoU has ensured that this is no longer the case, and ACT Seniors Card holders can now travel at the concessional rate on NSW public transport without having to reapply for a temporary pass every six weeks.

Under the MoU, the Premier and I commit to make changes in policy, planning and service delivery where required and to consult with communities, business and industry groups, political and government stakeholders and regional organisations to provide better opportunities for collaboration.

This includes cross border service delivery, which is particularly important as the territory grows. Developments such as Ginninderry in West Belconnen is a good example of the need for both governments to reach suitable arrangements to deliver the best outcomes for residents, and we have committed to work together on these issues in the future.

This is the second MoU on regional collaboration between NSW and the ACT, with the first agreement signed in 2011. There has already been significant activity and progress under the partnership.

We are co-hosting workshops to build investment and export capability and capacity across the region to capitalise on the new direct international flights. VisitCanberra is also working with Destination NSW to develop the tourism product for an international market.

We are making better connections between our emergency authorities so that both communities can be better served during times of disaster.

ACT and NSW will share data and information that will help both jurisdictions better plan for our health and education services, as well as the roll out of disability services across the region.

The ACT has now had input into the NSW Planning and Environment's latest draft regional growth plan for the South East Tablelands. Together we are developing the ACT and Region Catchment Strategy to improve our shared waterways and we are cooperating on efforts to prevent illegal dumping.

I thank Premier Baird for his ongoing commitment to this relationship. It reflects our desire to pursue a regional approach and recognises the mutual benefits and increased opportunities that emerge through collaboration."

The NSW/ACT MoU reinforces the cross border relationship and ambitions to work with NSW councils and the CBRJO.

Council and the ACT Chief Minister's Office are finalising a work program on planning, integrated transport and cross border infrastructure, to activate the Letter of Intent executed by the Administrator and Chief Minister in August 2016. The actions are expected to include planning for:

- Integrated ACT/QPRC Transport Strategy
- Integrated bus and rail scheduling for peak periods
- Dedication of peak period bus lanes along main ACT/QBN arterial roads
- Network of Park and Ride facilities
- Cycleway connecting Kingston/Fyshwick foreshore along river corridor to QBN River
- Additional road lanes on key arterial corridors
- Integrated water storage and management in ACT and QPRC
- Pre-lodgement engagement and landuse planning and development along border through collaborative zoning and objectives
- Recreational facilities sited and sized to accommodate cross-border catchments, cohorts and connectivity

Recommendation

That the report be received for information.

Attachments

Nil

**9.2 Proposed changes in relation to Voluntary Planning Agreements (Ref: C174316);
Author: Thompson/Carswell**

Report

The NSW Government is seeking feedback on a suite of documents in regard to Voluntary Planning Agreements (VPA) under the broad heading of "Improving Voluntary Planning Agreements". These include:

- A draft Ministerial direction for planning authorities on principles to be followed in negotiations on VPAs, including requirements for strategic planning objectives and to improve the transparency of VPA benefits.
- A draft revised practice note on VPAs outlining fundamental principles and best practice in their use and administration.
- A draft planning circular to provide advice on ensuring planning proposals consider infrastructure needs and options for funding.

The aim of these is to encourage councils and developers to work with the community to realise the best possible VPA outcomes including:

- Public benefit from the VPA that relates to the development.
- A fair, reasonable and transparent VPA negotiation process.
- Identifying appropriate infrastructure through an assessment of local community needs.

The draft circular emphasises the importance of strategic infrastructure planning carried out with the community to inform strategic land use planning decisions (preferably on a precinct or local government area basis) and the public benefits offered under planning agreements being linked to the required infrastructure.

The key document is the draft revised practice note on VPAs outlining fundamental principles and best practice in their use and administration.

This is to be given effect through the draft Planning Agreement direction which require local councils when negotiating or preparing a planning agreement to have regard to the following parts of the Secretary's Practice Note:

- (a) Part 2 – Principles and policy for planning agreements, and
- (b) Part 3 – Planning agreement procedures and decision making.

The draft revised practice note is a comprehensive document with:

- Part 2 providing best practice guidelines for planning agreements by identifying and explaining fundamental principles and key public interest and probity considerations. It also sets out policy considerations in how planning agreements can be used to support broader strategic land use and infrastructure planning objectives.
- Part 3 providing a basic outline of the statutory procedure for negotiating, entering into and administering planning agreements.

Some of the matters raised and/or expressed in Part 2 are:

- The identification of nine fundamental principles which planning authorities participating in planning agreements should follow.
- The identification and discussion of the critical considerations of whether or not to enter into a planning agreement.
- The identification of a general acceptability test for a planning agreement and the five matters that should be considered in applying it.
- The view that parties to a planning agreement should make sure its explanatory notes are in plain English.
- The identification of five broad objectives to be achieved with a planning agreement.
- The consideration of other contribution mechanisms and the use of planning agreements to complement them.
- The view that planning agreements should not be used to explicitly capture windfall gain in connection with the making of planning decisions under the EP&A Act, in particular in relation to changes to planning instruments.
- The view that planning authorities, particularly councils, should publish policies and procedures concerning their use of planning agreements that reflect 14 fundamental principles identified in the draft revised practice note.

Some of the matters raised and/or expressed in Part 3 are:

- The view that planning authorities, particularly councils, should implement measures to create fast, predictable, transparent and accountable negotiation systems for planning agreements.
- The view that planning authorities are encouraged to standardise development contributions sought under planning agreements in order to streamline negotiations and provide predictability and certainty for developers. However, this does not prevent public benefits being negotiated on a case by case basis, particularly where planning benefits are also involved.
- The view that planning authorities are encouraged to publish and use standard forms of planning agreements or standard clauses for inclusion in planning agreements in the interests of process efficiency. Where possible, councils are encouraged to use the template planning agreement at Attachment A of the draft revised practice note.
- The view that planning agreements should specifically provide for monetary contributions paid under different planning agreements to be pooled and progressively applied towards the provision of public benefits that relate to the various agreements and that this should be disclosed to developers prior to and/or early in negotiations.
- The view that planning authorities should use standardised systems to monitor the implementation of planning agreements in a systematic and transparent way.
- The view that monitoring systems should enable information about the implementation of planning agreements to be made readily available to public agencies, developers and the community. Planning agreements should contain a mechanism for their periodic review that should involve the participation of all parties.
- The view that planning agreements should not impose obligations on developers indefinitely. Planning agreements should set out the circumstances in which the parties agree to modify or discharge the developer's obligations under the agreement

Comment

The major concern with the released material, particularly the above, 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. Action needs to be taken on these as part of this review, including:

1 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,

2 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.

It is intended to make a submission based on the above and submissions have to be submitted by 27 January 2017.

Recommendation

That the report be received for information.

Attachments

Nil

9.3 Upcoming Community Engagement Activities (Ref: C175140); Author: Tegart/Tozer
Report

Council has a number of projects occurring over the coming months that will require significant input from the community. To ensure a consistent approach to the engagement, Council has engaged Cultural Capital to undertake an engagement project over February-March 2017.

The projects Cultural Capital will be engaging on include:

- Development of Council's Community Strategic Plan, including developing a vision for the community and identifying community priorities
- Review of levels of service and asset standards
- CBD Master Plan Refresh
- Economic Development Strategy

Separate engagement activities will be undertaken for the four projects, however much of the engagement undertaken for the Community Strategic Plan will also be relevant for the other projects.

Engagement activities will be undertaken online, generally through the Engagement HQ Platform (see other report on Communications and Engagement Plan), and a range of face-to-face activities.

The project, including times, dates etc for engagement will be heavily advertised through social media, web, email distribution lists and print media.

Recommendation

That the report be received for information.

Attachments

Nil

COMMITTEE REPORTS

10.1 Local Representation Committee Meeting - 13 December 2016 - (Ref: C16199910; Author: Tegart/Ferguson)

1. **Opening:** The meeting opened at 4.30pm

Present: Mr Tim Overall (Administrator)
Dr Pete Harrison (Chairperson)
Mr Peter Bray AM
Mr Paul Cockram
Mrs Trudy Taylor

Also Present: Mr Peter Tegart (Interim General Manager)
Mr Peter Bascomb (Deputy General Manager)
Mr Paul Spyve (A/Director Economic & Community Development)
Mrs Debby Ferguson (A/Manager Civic Support)
Mr Ricky Tozer (Manager Integrated Planning & Communications)
Mr Martin Darcy (Manager Economic Development and Business Liaison)

By Invitation: Representatives of consultants, Coordinate

- Mr Jamie Wilson
- Mr Warren Apps
- Ms Sarah Jesudason

Representative of consultants, Destination Marketing Store

- Mr Carl Solomon

Also Present: Mr Mark McClelland (Cultural Capital)

Apologies: Mrs Sue Whelan OAM
Mr Mark Schweikert
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."

Tim Overall thanked and congratulated the LRC members on their efforts during the past six months.

2. **Confirmation of Report of previous meeting held on 20 October 2016**

Recommendation (Hicks/Bray)

LRC 019/2016 That the Report of the meeting of the Local Representation Committee held on 20 October 2016 be confirmed as a true and accurate record of the meeting.

10.1 **Local Representation Committee Meeting - 13 December 2016 - (Ref: C16199910; Author: Tegart/Ferguson) (Continued)**

The recommendation was carried unanimously.

3. **Business Arising from Minutes – 20 October 2016**

There was no business arising from the minutes.

4. **Declarations of Conflicts of Interest**

There were no declarations.

5. **Branding workshop by consultants, Coordinate**

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

At the conclusion of the workshop, Item 8 was brought forward for consideration.

6. **Presentation – Draft Tourism Plan**

Martin Darcy introduced the representative from Destination Marketing Store, Carl Solomon, and invited him to present the draft Tourism Plan to the Committee.

7. **JWS Community Satisfaction Survey**

Paul Spyve briefed the Committee on the methodology and results of the survey of QPRC residents.

8. **Report – Asset grant schedules**

Peter Bascomb provided a briefing on the major infrastructure projects nominated by staff and advised that the Assessment Panel will be holding a meeting on Monday, 19 December 2016 to consider a revised list and determine the successful projects.

9. **Next meeting**

To be advised.

10. **Closure**

There being no further business, the meeting closed at 7.46pm.

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.