



Planning and Strategy Committee of the Whole

AGENDA

10 October 2018

Commencing at 5.30pm

**Council Chambers
253 Crawford St, Queanbeyan**

On-site Inspections - Nil

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

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

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

1 OPENING

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Open Attachments

- Item 5.1 Queanbeyan Memorial Park - Proposed Community Consultation Program
Attachment 1 *Resolution 171/17 - Planning Proposal - Memorial Park (Under Separate Cover)*
- Item 5.2 Draft West Jerrabomberra Planning Proposal 2018
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- Item 5.3 Amendments to Googong Development Control Plan 2010
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Attachment 2 *Googong DCP Parts 4 and 5 - Aug 2018 (Under Separate Cover)*
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- Item 5.4 Amendments to Queanbeyan Development Control Plan 2012
Attachment 1 *Part 1 - Queanbeyan Development Control Plan Version 2018 (Under Separate Cover)*
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Attachment 6 *Part 3d - Shop Top Housing - Queanbeyan Development Control Plan Version 2018 (Under Separate Cover)*
Attachment 7 *Part 4 - Heritage and Conservation - Queanbeyan Development Control Plan (Under Separate Cover)*
Attachment 8 *Part 5 - Rural, Environmental and R5 Large Lot Residential - Queanbeyan Development Control Plan Version 2018 (Under Separate Cover)*
Attachment 9 *Part 6 - Central Business District - Queanbeyan Development Control Plan Version 2018 (Under Separate Cover)*
Attachment 10 *Part 7 - Industrial Zones Queanbeyan Development Control Plan Version 2018 (Under Separate Cover)*
- Item 5.5 Determination of Applications for Special Heritage Fund 2018-19
Attachment 1 *Special Heritage Grant Fund Applications 2018-19 -*

**QUEANBEYAN-PALERANG REGIONAL COUNCIL
PLANNING AND STRATEGY COMMITTEE OF THE WHOLE**

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- Summary (Under Separate Cover)*
- Attachment 2 *Correspondence from Secretary of Bungendore Lake George Men's Shed regarding Special Heritage Grants (Under Separate Cover)*
- Attachment 3 *Special Heritage Fund Guidelines and Application Form - 2018-2019 (Under Separate Cover)*
- Item 5.6 Quotations for Review of Zone E4 - Bywong and Wamboin
- Attachment 1 *Consultant Brief to Review application of E4 Environmental Living zone (Under Separate Cover)*
- Item 6.1 Local Traffic Committee - October 2018
- Attachment 1 *Local Traffic Committee - Table of Comments September 2018 (Under Separate Cover)*
- Item 7.1 Minutes of the Waste Strategy Working Group
- Attachment 1 *Minutes of the Waste Strategy Working Group - Meeting 1 (Under Separate Cover)*
- Attachment 2 *Waste Strategy Briefing Paper (Under Separate Cover)*

Closed Attachments

- Item 5.6 Quotations for Review of Zone E4 - Bywong and Wamboin
- Attachment 2 *Combined Assessment of Quotations (Under Separate Cover)*
- Attachment 3 *Quotations for Review of E4 Land - AQ Planning/Biosis (Under Separate Cover)*
- Attachment 4 *Quotations for Review of E4 Land - Eco Logical/Eltons (Under Separate Cover)*
- Item 7.2 Tender Exemption - Recycling Processing
- Attachment 1 *Correspondence from Re.Group (Under Separate Cover)*

ITEM 3 DECLARATION OF CONFLICTS/PECUNIARY INTERESTS

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

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

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

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

Recommendation

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

5.1 Queanbeyan Memorial Park - Proposed Community Consultation Program (Ref: C18130364; Author: Thompson/Brown)

Summary

The purpose of this report is to provide Council with an overview of the community engagement proposed in respect of the planning proposal for the memorial park on Old Cooma Road (Lot 2 DP112382 & Lot 126 DP7548814) and to seek Council's endorsement to proceed with the consultation as outlined.

Recommendation

That Council progress the planning proposal for the proposed memorial park, consistent with the community engagement process outlined in this report.

Background

At its meeting of 9 May 2018 Council resolved (PLA052/18) to submit an amended planning proposal for the memorial park at Old Cooma Road to remove the use of a crematorium from the proposed additional uses of the site. Council received a revised Gateway determination on 5 June 2018 and has been progressing the planning proposal.

The following studies are under preparation to inform the proposal, and the feasibility of development of the site:

- Cultural Heritage
- Flora and Fauna
- Geotechnical
- Hydrology
- Traffic and Transport Impacts
- Visual and Noise Assessment
- Social Impact Assessment

As part of this planning proposal, Council is required to undertake formal consultation with the community. This report considers the way in which that consultation will take place.

While the Gateway determination for this matter issued by the NSW Department of Planning and Environment (DPE) does not require a formal public hearing under the *Environmental Planning & Assessment Act, 1979* Council's resolution of 28 June 2017 (Minute No. 171/17) provides that such a hearing will be held (Attachment 1).

It is proposed to undertake additional consultation including a community information meeting at Fernleigh Park (as required by Council's resolution) and direct consultation.

Prior to the commencement of any formal exhibition of the plan, it is intended to undertake additional work on a Social Impact Assessment prepared by suitable consultants. The intent of this work is to identify the likely impacts on the community should the memorial park proceed. It is likely this would involve direct consultation with nearby residents, an online survey for the community and a literature review of the impacts of cemeteries more broadly.

Other studies still to be completed include further hydrological work.

5.1 Queanbeyan Memorial Park - Proposed Community Consultation Program (Ref: C18130364; Author: Thompson/Brown) (Continued)

Once the Social Impact Assessment and other current studies have been finalised, it is then intended to begin the formal consultation process with the community. It is likely this will occur in early 2019.

The proposed stages for community consultation are set out below:

Step 1 - Commence Formal Public Exhibition including Community Information Meeting with an Independent Facilitator

When all remaining studies have been completed, the planning proposal and studies will be placed on public exhibition and will remain on exhibition until all other stages of the consultation outlined below have been completed. Members of the community will be able to make a submission at any time during this period.

At the commencement of public exhibition (within two weeks) it is intended to hold a community information meeting to present an overview of the planning proposal (including background studies) and to outline the community consultation process to members of the public. The meeting will be held at Fernleigh Park Hall and will be run by an independent facilitator with staff in attendance. The intention is that this will be an information session, rather than a feedback or Q&A session, as there will be ample opportunity for interested stakeholders to provide submissions in the subsequent steps.

Step 2 - Direct Consultation

Approximately 4 weeks after the community information meeting, it is intended to re-engage the same independent facilitator to undertake direct consultation with the community. At this time, members of the community will be offered an opportunity to make a direct appointment with the facilitator over a 2-3 day period during which residents can directly raise any concerns or questions they may have after having time to consider the information on exhibition. The facilitator will then collate these issues and provide a report to Council staff.

If significant issues are raised which Council determines require additional information to be provided in studies, then this will take place and a decision made on whether it is necessary to re-exhibit the amended study.

Step 3 - Public Hearing

Once all finalised studies have been exhibited, a Public Hearing will be held. At this hearing any member of the community will be given an opportunity to make a verbal submission to the independent chair. A hearing is not a question and answer session, although the chair may ask questions of the presenter to assist in clarifying matters raised. It is an opportunity for the public to make a verbal submission pending the consultation phase wrapping up.

Step 4 – Written submissions

Written submissions may be made at any time during the exhibition period which will close shortly after the Public Hearing is held.

Step 5 – Report from Independent Facilitator

At the conclusion of the public exhibition period, the independent facilitator is to provide Council with a report outlining:

5.1 Queanbeyan Memorial Park - Proposed Community Consultation Program (Ref: C18130364; Author: Thompson/Brown) (Continued)

- the details of the consultation undertaken;
- those issues raised by the community including those raised:
 - during direct consultation;
 - during the Public Hearing;
 - in written submissions.
- Council's response to the issues, and
- the adequacy of the community consultation undertaken by Council.

It is likely that the public exhibition process outlined above will run for approximately 4 months.

What Happens After the Exhibition Period?

At the conclusion of all the steps set out above, Council staff will then prepare a final report for the Council's consideration taking into account submissions made and the Independent Facilitator's report. Members of the public will of course be able to make further presentations at that Council meeting in accordance with Council's meeting practice.

If supported, the draft plan would be forwarded to the NSW Minister for Planning to be finalised. If the Planning Proposal is not supported, then Council would require a further report on other possible uses of the site such as a rural residential development.

Given the time frame for the above mentioned process including the completion of studies before exhibition, appointment of an independent facilitator/hearing chair and the exhibition period itself, staff will be seeking an extension of time from the NSW Planning in which to complete the planning proposal process.

Implications***Environmental***

The studies being undertaken for the planning proposal will outline any potential environmental impacts on the site.

Social / Cultural

It is important potential impacts of the memorial park on the community are considered. The proposed Social Impact Assessment will inform this consideration.

Engagement

The details of the proposed engagement are set out above in the report.

Financial

This costs associated with community engagement will be funded from the relevant budget.

Resources (including staff)

The proposed consultation will be managed by both staff and consultants.

Integrated Plan

The Community Strategic Plan 2013–23 sets out the key directions identified by the community. One such direction is *4.1 Undertake planning to ensure infrastructure is prepared for future growth*. The location of a site for a new cemetery is identified as a strategy to achieve this key direction.

5.1 Queanbeyan Memorial Park - Proposed Community Consultation Program (Ref: C18130364; Author: Thompson/Brown) (Continued)

As such identifying a site for a new cemetery was also identified as a major project in Council's 2013 - 2017 Delivery Program with construction planned for 2017 - 18. This timeframe has been delayed.

Conclusion

It is recommended Council endorse the proposed approach to consultation for the memorial park as outlined in this report.

Attachments

Attachment 1 Resolution 171/17 - Planning Proposal - Memorial Park (*Under Separate Cover*)

5.2 Draft West Jerrabomberra Planning Proposal 2018 (Ref: C18127018; Author: Thompson/Brown)

Summary

The purpose of this report is to provide the Council with advice in respect of a draft Planning Proposal for West Jerrabomberra, and to seek Council's endorsement to now forward the proposal to the NSW Department of Planning and Environment (DPE) seeking a Gateway determination to exhibit the draft plan.

Recommendation

That Council:

- 1. Note the draft Planning Proposal for West Jerrabomberra, and**
 - 2. Authorise staff to forward the draft Planning Proposal to the Department of Planning and Environment (DPE) seeking a Gateway determination to progress the draft plan.**
-

Background

Council has been progressing a number of draft planning proposals in recent years with an aim to finalising the agreed planning framework for the South Jerrabomberra urban release area. This includes progressing a draft plan for land known as North Tralee which has been identified for employment related uses.

It is intended to now rezone land at North Tralee for employment and other purposes as set out below:

- B7 Business Park (9.62ha),
- IN2 Light Industry (29.3ha),
- E2 Environmental Conservation (6.2ha), and
- RE2 Private Recreation (1.2ha)
- RU2 Rural Landscape (10.72ha)

Last year (May 2017) Council received a Gateway determination from DPE to progress the proposed rezoning for North Tralee. However at that time, DPE also required the plan be prepared as an amendment to the *Queanbeyan Local Environmental Plan (Poplars) 2013* in order to reduce the number of local environmental plans (LEPs) applying to the area. Accordingly, the Planning Proposal has now been redrafted to also include the land known as The Poplars to the north.

Further progress has also recently been made in respect of the future location of both a proposed new school site and Regional Sports Facility (RSF) to be located at Jerrabomberra. Both are now intended to be located on land subject to this Planning Proposal. Accordingly, the existing zoning arrangement on The Poplars is also proposed to be amended, as well as rezoning new land at North Tralee. Both areas are collectively known as 'West Jerrabomberra' for the purposes of this proposal (see Planning Proposal – Attachment 1).

The RSF will take up an area of approximately 15 hectares of proposed employment land at North Tralee however it is intended this be replaced with 16.2 hectares of employment land on both North and South Poplars. This is considered to be an appropriate planning outcome

5.2 Draft West Jerrabomberra Planning Proposal 2018 (Ref: C18127018; Author: Thompson/Brown) (Continued)

in the circumstances and ensures the supply of employment land is maintained in the area. The RSF will be zoned to a more appropriate use (such as public recreation) when the final design has been determined.

Accordingly, the key outcomes of the Planning Proposal are to:

1. Rezone land at North Tralee for employment related uses, namely IN2 Light Industry and B7 Business Park. A significant part of this area has also been identified as the likely location for a proposed Regional Sports Facility which is permissible under both zones;
2. Rezone an area of existing RE2 Private Recreation at South Poplars to B7 Business Park in order for the land to be used as a future school site, and
3. Rezone existing RE2 Private Recreation land at North Poplars (previously identified for the Regional Sports Facility) to B7 Business Park, primarily to replace the B7 Business Park at North Tralee now identified for the RSF.

Implications***Environmental***

There should be minimal new impacts on the environment as a consequence of this Planning Proposal. Areas with environmental values will be zoned for environmental conservation purposes.

Social / Cultural

The proposed RSF will provide significant social and cultural benefits to the community. Additional local employment opportunities are also desirable.

Economic

Construction associated with the proposed land uses will generate significant local and regional economic activity.

Strategic

The proposed zoning arrangement is considered to be generally consistent with the *Queanbeyan Residential and Economic Strategy* endorsed by the Secretary of DPE and will further give effect to the Strategy.

Engagement

Consultation with the community and public authorities is proposed as part of the engagement process and as required under legislation.

Financial

The costs associated with progressing this Planning Proposal will be met from the Land-Use Planning Branch's budget.

Conclusion

The draft Planning Proposal is the culmination of many years of planning work for this and surrounding areas in southern Jerrabomberra, and will deliver both employment land and recreational facilities for the local community and beyond.

5.2 Draft West Jerrabomberra Planning Proposal 2018 (Ref: C18127018; Author: Thompson/Brown) (Continued)

It is recommended the planning proposal be endorsed and a gateway determination now sought from DPE.

Attachments

Attachment 1 Draft Planning Proposal for West Jerrabomberra - October 2018 (*Under Separate Cover*)

5.3 Amendments to Googong Development Control Plan 2010 (Ref: C18120227;
Author: Thompson/Jansen)

Summary

The purpose of this report is to seek endorsement of Council to proceed with the exhibition of a number of proposed amendments to the *Googong Development Control Plan (DCP) 2010*.

Recommendation

That Council publicly exhibit the proposed amendments to the *Googong Development Control Plan 2010*.

Background

Council had received a submission from the developers of Googong requesting a review of the controls contained within the *Googong Development Control Plan (DCP) 2010* in regard to Multi Dwelling Housing developments. Council staff subsequently undertook such a review and a number of amendments were agreed upon in principle. These are now reflected in the draft DCP.

In addition, new Neighbourhood Structure Plans (NSP's) have been submitted for the Sunset Estate development located north of Googong Road.

In summary the changes to the draft DCP are as follows:

1. Inserting an additional reference into Part 1 of the DCP to adopt Section 2.12 of the *Queanbeyan Development Control Plan 2012 (QDCP)*. This clause was recently introduced into the QDCP to reflect legislative changes following the introduction of the *Biodiversity Conservation Act 2016*.
2. Inserting additional objectives and controls under Section 5.14 – Signage within the Public Domain.
3. Amendment to Table 1 of Part 6 to clarify the minimum parking requirement for single dwellings and Alterations and Additions.
4. Amendments to Part 7 in regard to minimum requirements for Multi Dwelling Housing developments in relation to site coverage, front setbacks, articulation zone, minimum separation of buildings and on site visitor parking in appropriate circumstances.
5. A new appendix has been added to include the NSP for Sunset Estate.

The updated parts of the DCP are provided in the Attachments, all proposed drafting changes are marked in red.

Implications

Policy

Should the changes be ultimately adopted by Council this will alter policy as expressed in this DCP.

**5.3 Amendments to Googong Development Control Plan 2010 (Ref: C18120227;
Author: Thompson/Jansen) (Continued)**

Environmental

The draft DCP adopts the new provisions of the QDCP by adopting Clause 2.12 of this DCP. This ensures that suitable and consistent controls exist in regard to clearing of vegetation.

Sustainability

Part of the changes proposed are to give effect to the *Biodiversity Conservation Act 2016* which itself is directed towards being consistent with the principles of ecologically sustainable development.

Asset

The Neighbourhood Structure Plans include assets such as roads, an open space corridor and a pump station (Attachment 5). These will be dedicated to Council if a development is approved here.

Economic

The development at Googong has a positive economic impact in that the development provides for long and short term employment opportunities.

Strategic

The proposed changes update one of Council's key strategic documents and the changes are considered appropriate. A new neighbourhood structure plan for Sunset Estate has been added. New neighbourhood structure plans are required to be submitted prior to a development application being considered for the estate.

Engagement

It is proposed to exhibit the draft changes for a period of 28 days, and notify the Googong Residents Association.

Integrated Plan

The review of this DCP gives effect to and is consistent with Output No 26.11 of the Operational Plan for the Branch.

Conclusion

The updates and changes to the DCP are considered to be appropriate and necessary in the circumstances.

It is recommended that the draft amendments to the DCP now be publicly exhibited to allow submissions on the draft changes to be made by members of the public.

Attachments

Attachment 1	Googong DCP - Parts 1 and 2 - Aug 2018 (<i>Under Separate Cover</i>)
Attachment 2	Googong DCP Parts 4 and 5 - Aug 2018 (<i>Under Separate Cover</i>)
Attachment 3	Googong DCP - Part 6 - Aug 2018 (<i>Under Separate Cover</i>)
Attachment 4	Googong DCP Part 7 -Aug 2018 (<i>Under Separate Cover</i>)
Attachment 5	Googong DCP - Appendix 9 - Aug 2018 (<i>Under Separate Cover</i>)

**5.4 Amendments to Queanbeyan Development Control Plan 2012 (Ref: C18124806;
Author: Thompson/Jansen)**

Summary

The purpose of this report is to provide feedback on the community consultation period carried out in relation to the proposed amendments to the *Queanbeyan Development Control Plan 2012*, and to recommend Council now adopt the amended plan.

Recommendation

That pursuant to the *Environmental Planning and Assessment Act 1979 and Regulations 2000*, Council adopt the draft amendments to the *Queanbeyan Development Control Plan 2012*, with the inclusion of the amendments as set out in this report.

Background

Council at its meeting on 8 August 2018 considered the draft amendments to the *Queanbeyan Development Control Plan (DCP) 2012* and resolved to publicly exhibit the proposed amendments (Minute No PLA091/18).

The purpose of the updates to the *Queanbeyan DCP 2012* were to:

1. Address a number of drafting errors and to update references to various legislation;
2. Improve the readability of the plan in various sections;
3. Remove unnecessary provisions where these are already covered by other legislation and policies;
4. Simplify provisions in respect of Safe Design as set out in Section 2.9 of the DCP;
5. Include new provisions in respect of the clearing of vegetation, to reflect the recent introduction of the *Biodiversity Conservation Act 2016* in NSW as set out in Section 2.12 of the DCP;
6. Redraft and clarify provisions relating to the fencing of multi-unit developments, including requirements for fences/walls constructed to enclose primary private open space within those developments;
7. Clarify provisions in respect of parking areas in front of dwellings as set out in Sections 3.5 and 3.6.11 of the DCP; and
8. Include additional provisions in respect of building and shed heights as set out in Sections 5.5 and 5.12 of the DCP.

The draft amendments to the DCP were placed on public exhibition from 21 August to 20 September 2018. One internal submission was received which requested an amendment to the car parking table to include a parking rate for the land use of "Artisan Food and Drink industry" which is now included in the land use definitions of the *Queanbeyan Local Environmental Plan 2012*.

Implications

Policy

Should the changes be ultimately adopted by Council this will alter policy as expressed in this DCP.

5.4 Amendments to Queanbeyan Development Control Plan 2012 (Ref: C18124806; Author: Thompson/Jansen) (Continued)

Environmental

New provisions have been added into the DCP to reflect the recent changes to NSW legislation in respect of vegetation clearance. This will ensure that suitable controls exist in regard to clearing of vegetation.

Sustainability

Part of the changes proposed are to give effect to the *Biodiversity Conservation Act 2016* which itself is directed towards being consistent with the principles of ecologically sustainable development.

Social / Cultural

These include changes in regard to Safe Design in Section 2.9 of the DCP.

Strategic

Updating the DCP will ensure that the objectives and controls to the former Queanbeyan LGA remain relevant and reflect updated legislation like the *Biodiversity Conservation Act 2016*.

Engagement

The draft amendments to the Queanbeyan DCP were placed on public exhibition from 21 August to 20 September 2018. One internal submission was received requesting an amendment to the car parking table to include a parking rate for the land use of "Artisan Food and Drink industry" which is now included in the land use definitions of the *Queanbeyan Local Environmental Plan 2012*.

Artisan Food and Drink Industry is defined as follows:

A building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following:

- a) A retail area for sale of the products,
- b) A restaurant or café
- c) Facilities for holding tastings, tours or workshops.

In response the table has been amended and the following requirement has been added for the land use of Artisan Food and Drink Industry:

Requirements for car parking are to be assessed taking into account the exact proposed use components (i.e. retail, food and drink premises, function centre), percentage of premises used for each component and proposed hours of operation.

As a basic guide the following rates apply:

- Food and Drink premises - 1 space per 100m² GFA or 1 space per 3 seats
- Function Centre – 1 space per 20m² of GFA or 1 per 10 seats.
- Retail premises:
 - 1 space per 60m² (<120m² GFA)
 - 1 space per 40m² (GFA Between 120m² and 100m²)
 - 1 space per 20m² (> 100m² GFA)

No other submissions were received during the notification process.

5.4 Amendments to Queanbeyan Development Control Plan 2012 (Ref: C18124806; Author: Thompson/Jansen) (Continued)

Implications***Financial***

The costs associated with this amendment to the QDCP are covered from the relevant budget.

Integrated Plan

The review of this DCP gives effect to and is consistent with Output 26.1 of the Operational Plan for the Branch.

Conclusion

The updates are considered appropriate and necessary in the circumstances. It is recommended that the draft amendments be adopted.

Attachments

Attachment 1	Part 1 - Queanbeyan Development Control Plan Version 2018 (<i>Under Separate Cover</i>)
Attachment 2	Part 2 - All Zones - Queanbeyan Development Control Plan Version 2018 (<i>Under Separate Cover</i>)
Attachment 3	Part 3a - Single Dwelling Houses - Queanbeyan Development Control Plan Version 2018 (<i>Under Separate Cover</i>)
Attachment 4	Part 3b - Secondary Dwellings in Residential Zones - Queanbeyan Development Control Plan Version 2018 (<i>Under Separate Cover</i>)
Attachment 5	Part 3c - Dual Occupancies, Multi Dwelling Housing and Residential Flat Buildings Version 2018 (<i>Under Separate Cover</i>)
Attachment 6	Part 3d - Shop Top Housing - Queanbeyan Development Control Plan Version 2018 (<i>Under Separate Cover</i>)
Attachment 7	Part 4 - Heritage and Conservation - Queanbeyan Development Control Plan (<i>Under Separate Cover</i>)
Attachment 8	Part 5 - Rural, Environmental and R5 Large Lot Residential - Queanbeyan Development Control Plan Version 2018 (<i>Under Separate Cover</i>)
Attachment 9	Part 6 - Central Business District - Queanbeyan Development Control Plan Version 2018 (<i>Under Separate Cover</i>)
Attachment 10	Part 7 - Industrial Zones Queanbeyan Development Control Plan Version 2018 (<i>Under Separate Cover</i>)

5.5 Determination of Applications for Special Heritage Fund 2018-19 (Ref: C18130454; Author: Thompson/Jansen)

Summary

The purpose of this report is to consider the applications received by Council for the Queanbeyan-Palerang Special Heritage Fund for the 2018-19 financial year.

Recommendation

That Council:

- 1. Endorse the recommended funding for the 2018-19 financial year as set out in Table 1 of this report.**
 - 2. That a one off variation to the current guidelines be considered to allow the Bungendore Lake George Men's Shed to apply for funding in the 2019-20 financial year.**
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Background

Since 2015 Council has provided funding under the Special Heritage Fund program. The purpose of the fund is to assist owners of churches, and buildings owned or managed by community based not-for-profit organisations listed on the heritage schedule of *Queanbeyan Local Environmental Plan 2012* or *Palerang Local Environmental Plan 2014* to conserve, restore and reuse their properties.

Applications were invited to be submitted in July 2018 with the closing date being 8 August 2018. Council received 7 applications in total. The total request for funds exceeded the \$150,000 available.

The applications were assessed against the guidelines by staff from the Land Use Planning Branch taking into account the funds available and comments from the relevant Council Heritage Advisor. A summary of the applications and the funding recommended is provided in Attachment 1.

Council has also received correspondence from the Secretary of the Bungendore Lake George Men's Shed in regard to the Special Heritage Fund. Under the current conditions for the grant they are not eligible to apply as they do not own the land from which they operate. They currently lease the former railway siding at Bungendore from John Holland Rail which is State owned. State owned buildings are not eligible for funding under the current guidelines (a copy of the guidelines is provided in Attachment 3). The basis of this condition is that the State should contribute to the cost of maintaining State owned buildings. Their request is seeking a review of the guidelines so that they could potentially apply for funding in the next financial year. A copy of the correspondence received from the Bungendore Lake George Men's Shed is provided in Attachment 2.

Implications

Policy

Funding for the program is competitive and priority is for public buildings, churches and buildings owned or managed by community based organisations as well as those buildings where there is a clear community or public benefit rather than a private one.

5.5 Determination of Applications for Special Heritage Fund 2018-19 (Ref: C18130454; Author: Thompson/Jansen) (Continued)

Applicants need to submit an application as well as comply with the following:

- Prospective applicants must comply with the attached Standard Conditions.
- The project must have a minimum value of \$15,000 or as resolved by Council.
- Council will consider allowing a small percentage of any grant to be used for undertaking professional studies associated with an individual project such as the preparation of a statement of heritage significance (if required and with Council's agreement). These are to be undertaken and prepared by a suitably qualified and experienced person.
- All projects are funded over the current financial year.
- Funding will be limited to one grant of assistance per site per financial year.

Applicants must complete and claim 100% of their funding by 30 June 2019.

Environmental

The use of this fund for the stipulated projects will have a positive environmental impact.

Sustainability

The funding ensures that the historic fabric of the region is maintained and existing historic buildings are maintained in the long term.

Social / Cultural

The Special Heritage Fund promotes heritage in the local government area.

Economic

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

Strategic

The protection of local heritage items is an important part of Council's land use section and items are protected by listing in Local Environmental Plans.

Engagement

Applications were invited in July 2018 with the closing date for submissions being 8 August 2018.

Financial

The budget for the Special Heritage Grants for the 2018-19 financial year is \$150,000. The Special Heritage Fund may also supplement other funding.

5.5 Determination of Applications for Special Heritage Fund 2018-19 (Ref: C18130454; Author: Thompson/Jansen) (Continued)

Conclusion

It is recommended that the projects be funded in accordance with the recommendations as set out in the summary table as follows:

Table 1 – Summary of Funding Sought and Recommended

<i>Organisation</i>	<i>Amount Sought</i>	<i>Amount Recommended</i>
Braidwood Museum - Conservation Management Plan	\$11,000	\$11,000
Queanbeyan RSL Sub Branch – Relocation of Boer War Memorial	\$19,500	\$19,500
St Gregory's Catholic Church – Church Maintenance Works	\$91,470	\$47,500
CWA Hall Bungendore – Repair and Paint CWA Building	\$22,000	\$12,000
St Bede's School Braidwood – Replace Gutters and Fascias	\$20,000	\$20,000
St Mary's Church Bungendore – Paving and Drainage Works	\$32,000	\$25,000
Anglican Hall Braidwood – Electrical Upgrading	\$15,000	\$15,000
Total	\$210,970	\$150,000

In addition, it is recommended that the guidelines be amended to allow for a one off variation for the Bungendore Lake George Men's Shed to apply for the grant funding in the 2019-20 financial year. This variation can be supported on a one off basis as the organisation provides substantial support to the vulnerable members of the local community in providing support of men's mental health issues and important social connection point. The Bungendore Lake George Men's shed is actively involved with other community groups and activities such as local Football Clubs, Cubs Scout Group, CWA and preparation of Christmas decorations for use in the town. They maintain and manage one of two community catering trailers at their own expense and have carried out a lot of work to ensure the building is accessible to the community.

Attachments

- Attachment 1 Special Heritage Grant Fund Applications 2018-19 - Summary (*Under Separate Cover*)
- Attachment 2 Correspondence from Secretary of Bungendore Lake George Men's Shed regarding Special Heritage Grants (*Under Separate Cover*)
- Attachment 3 Special Heritage Fund Guidelines and Application Form - 2018-2019 (*Under Separate Cover*)

5.6 Quotations for Review of Zone E4 - Bywong and Wamboin (Ref: C18130571;
Author: Thompson/Carswell)

Summary

The purpose of this report is to provide an overview of the invitation to quote process, in which consultants were invited to submit quotes to review the application of the E4 Environmental Living land-use zone in the localities of Bywong and Wamboin.

Recommendation

That Council:

- 1. Accept the proposal from Proponent 1.**
 - 2. Assign a total budget for this project of \$100,000 (ex GST).**
-

Background

An assessment of the application of the E4 Environmental Living land-use zone was presented to Council's meeting of 13 December 2017 (Item No. 12.5). At that meeting, Council resolved (Minute No. 411/17) in part, that:

"Parts of Bywong and Wamboin be assessed for consideration to R5 and RU4 zones in the draft LEP."

Subsequently the NSW Department of Planning and Environment were asked what their likely requirements would be for the required background investigations and a follow up meeting was held. In addition a meeting was held with the Office of Environment and Heritage to also ascertain that government authority's requirements.

At its 8 August 2018 Planning and Strategy Committee Council further resolved (Minute No. PLA097/18) in part that:

"2. Council seek expression of interests for consultants to undertake relevant studies and a report be brought back to Council."

This report has been prepared in response to the above Council resolutions.

The brief providing an invitation to quote (Attachment 1 to this report) was prepared, requesting an experienced and qualified planning consultant and ecologist to assess the potential application of the E4 Environmental Living land-use zone in the localities of Bywong and Wamboin.

The invitation to quote was forwarded to 8 consultants, along with the E4 land-use zone report presented to Council's meeting of 13 December 2017, with the submission period closing on 21 September 2018.

Two quotes were received. A further two consultants advised they would not be lodging a quote and no response was received from the four remaining consultants.

The full assessment of both quotes has been included as Attachment 2 to this report. It is recommended the proposal from Proponent 1 be proceeded with for the reasons outlined in the Assessment Report.

The assessment of the quotes also indicates that it is highly likely that variations to the quote will be sought. As one example, public consultation will be required as part of any planning proposal and both submissions limit the scope of works for reviewing submissions, therefore should a larger-than expected number of submissions be lodged during consultation, a

**5.6 Quotations for Review of Zone E4 - Bywong and Wamboin (Ref: C18130571;
Author: Thompson/Carswell) (Continued)**

variation would be required to complete this stage. It is therefore recommended that a contingency budget of \$20,000 be provided.

Implications***Policy***

The process of inviting consultants to quote, was undertaken in accordance with Council's adopted *Procurement Policy*.

Environmental

The review of the application of the E4 Environmental Living land-use zone includes an ecological assessment of the native vegetation in the study area. Any recommendation to rezone land will be required to demonstrate that the environmental values of the land are protected.

Asset

The review of the application of the E4 Environmental Living land-use zone in the localities of Bywong and Wamboin will not increase the impact on either Council or state government assets.

Strategic

The review of the application of the E4 Environmental Living land-use zone will be required to adhere to the strategic guidelines set by the Department of Planning and Environment regarding the application of standard instrument zones.

Engagement

The review process requires appropriate community and government agency consultation. This consultation is the responsibility of the consultant.

Financial

The consultants have provided estimates for the project less than that estimated by Council staff. However, it is considered necessary that a contingency budget of \$20,000 be provided to accommodate expenses that cannot be accommodated in the quotes. This project is not costed in Council's 2018-19 Operational Plan. As a result it will result in an over expenditure of the Land Use Planning budget for the 2018-19 financial year.

Integrated Plan

The recommendations of the report are likely to require the preparation of a planning proposal to amend the *Palerang Local Environmental Plan 2014*.

Conclusion

Each of the quotes submitted have been assessed against the requirements of the Scope of Work, outlined in the Invitation to Quote. Both consultants have demonstrated planning and environmental experience to prepare the necessary reports to support a recommendation in relation to the application of the E4 land-use zone in the Bywong and Wamboin localities.

As a result of that assessment Proponent 1 is recommended.

**5.6 Quotations for Review of Zone E4 - Bywong and Wamboin (Ref: C18130571;
Author: Thompson/Carswell) (Continued)**

Attachments

- | | |
|--------------|-----------------------------------------------------------------------------------------------------------------|
| Attachment 1 | Consultant Brief to Review application of E4 Environmental Living zone
(<i>Under Separate Cover</i>) |
| Attachment 2 | Combined Assessment of Quotations (<i>Under Separate Cover</i>) -
CONFIDENTIAL |
| Attachment 3 | Quotations for Review of E4 Land - AQ Planning/Biosis (<i>Under Separate
Cover</i>) - CONFIDENTIAL |
| Attachment 4 | Quotations for Review of E4 Land - Eco Logical/Eltons (<i>Under Separate
Cover</i>) - CONFIDENTIAL |

**5.7 Review of Council's Swimming Pool Inspection Programs (Ref: C18133426;
Author: Thompson/Spinks)**

Summary

With the introduction of the *Swimming Pools Amendment Act 2012*, councils were required to develop and implement a formal swimming pool inspection program. Unfortunately, the programs adopted by the former Queanbeyan and Palerang council areas are not consistent creating a significant difference in service levels provided to the affected communities.

In addition, changes to legislation requiring mandatory inspection of pools at the time of the sale or lease of a property have impacted on the way the pool inspection programs operate.

These changes warrant a review and consolidation of the existing Swimming Pool Inspection Program and this report discusses some of the major issues that might be considered as part of that review.

Recommendation

That:

1. **A new Swimming Pool Inspection Program be developed for the Queanbeyan-Palerang Regional Council area. As a minimum the Program should incorporate:**
 - **An education program carried out at the beginning of each swimming season targeting all private pool owners in the LGA.**
 - **An on call pool safety inspection service provided at no cost to residents.**
 - **An inspection response to complaints received about swimming pool safety.**
 2. **The Program is to be prepared in accordance with Section 22B of the *NSW Swimming Pools Act 1992*, and a report brought back to Council with a view to exhibiting a draft of the new Program.**
-

Background

As of 2 October 2018 approximately 1300 private swimming pools are located across the QPRC local government area. Approximately 800 are located in the Queanbeyan urban area with the remaining 500 spread throughout the towns, villages and rural areas.

With the introduction of the *NSW Swimming Pools Act 1992*, all NSW councils had a requirement under Section 5(b) of the Act to "to promote awareness within its area of the requirements of this Act in relation to swimming pools."

The former Queanbeyan City Council chose to fulfil its obligations by undertaking routine pool safety inspections once every 3 years at no charge. The former Palerang Council also had an informal inspection program with Building Surveyors undertaking routine inspections free of charge when workloads allowed.

With the introduction of the *Swimming Pools Amendment Act 2012*, councils were required to develop and implement a formal Swimming Pool Inspection Program. The former Queanbeyan City Council elected to formalise its pre-existing inspection program and continue a proactive three yearly safety inspection regime. The former Palerang Council elected to change to a complaints based inspection program due to a lack of resources, funding and time. As a result the programs now operating across the whole local government area are inconsistent creating confusion among residents about what services are provided.

**5.7 Review of Council's Swimming Pool Inspection Programs (Ref: C18133426;
Author: Thompson/Spinks) (Continued)**

In addition the *Amendment Act* saw the introduction of new provisions which required pool owners to obtain a Compliance Certificate under the *Swimming Pools Act* if they wanted to sell or lease a property with a swimming pool. The introduction of these Certificates is intended to capture non-compliant swimming pools and ensure that pools are compliant when the property changes hands. Once a compliance certificate is issued it is valid for three years, after which a new certificate is required if the premises is sold or leased again.

Certificates may be issued by both Council and private certifiers. Council presently deals with between 50-80 requests per year and a charge for inspections is required.

Due to the need to obtain these certificates in order to sell a property, it has been observed that this new regime results in faster and higher level repair works being undertaken by owners with little to no need for Council to utilise legal Notices, Orders, and Penalty Infringement Notices in order to achieve compliance.

The inconsistencies across the LGA created by the different policies and the impact of the new mandatory Compliance Certificate process means that this is an appropriate time to review Council's Swimming Pool Inspection Program.

Implications***Policy***

The two respective Swimming Pool Inspection Programs developed by Queanbeyan City Council and Palerang Council will need be reviewed and merged into one QPRC wide Swimming Pool Inspection Program. At this stage it is suggested that the new program should include as a minimum:

- An education program at the beginning of each swimming season targeting all private pool owners in the LGA.
- An on call pool safety inspection service provided at no cost to residents.
- An inspection response to complaints received about swimming pool safety.

Resourcing**Potential Changes That Could Be Incorporated in the New Program*****1. Cessation of the three year pool safety inspection program***

Continuing to inspect the two former council areas under different programs is not an equitable use of Council resources.

The current 3 yearly inspection program of private pools within the former Queanbeyan City Council area, places a significant strain on the resources of the Natural Landscapes and Health service program. It is considered that the program as it currently stands, perhaps over- services the community, particularly given the new requirements to have a mandatory compliance inspection of pools when a property is sold or leased.

There are currently 1300 pools within the LGA. To continue with the existing three yearly inspection program across the whole area would mean conducting about 430 inspections each year. Each inspection, including paperwork, takes approximately 1.5 hours, excluding travel, and this assumes that no follow up inspections or enforcement are required.

This equates to approximately 100 work days (4.5 Months) for the equivalent of one full time employee doing nothing but pool inspections. In addition to the staff time spent on this

**5.7 Review of Council's Swimming Pool Inspection Programs (Ref: C18133426;
Author: Thompson/Spinks) (Continued)**

program, there are additional costs associated with the program including but not limited to fuel expenditure used to attend the inspections. This is presently a free service.

Council does not have the resources to devote to the existing program let alone expand it to include the whole local government area.

It would be far more beneficial for Council to redirect these resources into other equally worthy programs which have less financial impact due to Council's ability to undertake cost recovery through the charging of inspection fees and other associated charges. This includes programs such as the onsite sewage management program, food premises inspection program, public health premises inspection program and the essential fire services program.

2. *Transferring the function to the Development Control Team*

Presently the majority of the swimming pool inspection program is being carried out by the Environment and Health Team (environmental health officers) with some support from the Development Control Team (building surveyors). The reason for this is an historical anomaly resulting from the distribution of functions among available resources. However, swimming pool safety inspections are now a Development Control function now that mandatory inspections are a contestable service carried out by accredited Council or private certifiers.

With the removal of the demands imposed by the voluntary inspection program, the remaining function of inspecting pools and issuing Compliance Certificates rests more appropriately with Council's accredited building inspectors who could include the income as part of the contestable services that they provide.

3. *How Does Council Meet its Obligations Under the Act?*

Council has an obligation under the Act "to promote awareness within its area of the requirements of this Act in relation to swimming pools". If the proactive, three yearly inspection cycle ceases, Council will still need to meet this obligation. In the former Palerang program this was met by carrying out inspections upon complaint. The former Queanbeyan program also included an education program which is carried out at the beginning of each swimming season. These functions could continue as a way of meeting these obligations. In addition Council could consider offering, no cost, pool safety inspections on request (rather than as part of a regular program) effectively providing the service to those residents that wanted it.

Attachments

Nil

**6.1 Local Traffic Committee - October 2018 (Ref: C18134723; Author:
Hansen/Stewart)**

Summary:

The Local Traffic Committee has submitted the minutes and recommendations of its extraordinary meeting concluded via correspondence on 2 October 2018 for Council's information and consideration.

Recommendation

That Council:

- 1. Adopt recommendations LTC 35/18 to LTC 42/18 resulting from the extraordinary meeting conducted out of session, concluding on 2 October 2018.**
- 2. LTC 35/18 Boogong 2018 Event: It should be noted that the LTC hold concerns with regard to parking and traffic management arrangements, in particular it was noted that the intended off-street parking area was under heavy construction at the time of LTC inspection and was unsuitable for the intended use. As such it is recommended that Council conducts a pre-event inspection of the parking area to verify the suitability.**

On the basis that the event organiser prepares the proposed off-street car parking area that is safe, suitable for forecast weather conditions, and fully implements the TCP and TMP submitted for the event, the LTC, Under the Roads Act 1993, recommend to approve the traffic control plans for Boogong 2018.

- 3. LTC 36/18 Under the Roads Act 1993, approve the traffic control plans for the Queanbeyan Uniting Church Spring Fair.**
 - 4. LTC 37/18 Under the Roads Act 1993, approve the traffic control plans for the NSW Department of Industry 'Gone Fishing 2018' Event to be held in Queanbeyan Sunday 14 October 2018**
 - 5. LTC 38/18 Noting the revised Parking Plan, confirmation of use of marshals for efficient use of off street parking, and the relocation of 'Detour Sign' on Glebe Avenue - Under the Roads Act 1993, approve the traffic control plans for Oktoberfest 2018 to be held at Queanbeyan Showground from Friday 26th to Sunday 28th October 2018.**
 - 6. LTC 39/18 Under the Road Transportation Act 2013, approve the relocation of Bus Stop on Bilkurra Street, Jerrabomberra in accordance with the design.**
 - 7. LTC 40/18 Pending the event organiser completing and assessing impacts on local affected businesses including further consultation and the event organiser obtaining a ROL - Under the Roads Act 1993, approve the traffic control plans for the QPRC Christmas Party to be held in Queanbeyan on Saturday 8th December 2018**
 - 8. LTC 41/18 Pending the event organiser obtaining a ROL, Under the Roads Act 1993, approve the traffic control plans for the QPRC Christmas Party to be held in Braidwood on Friday 30th November 2018.**
-

**6.1 Local Traffic Committee - October 2018 (Ref: C18134723; Author:
Hansen/Stewart) (Continued)**

- 9. LTC 42/18 Following consideration of provision of temporary 'No Stopping' zones for the area in the TCP – Under the Roads Act 1993 Approve the Traffic Control Plans for the Wood Dust event to be held at Bungendore Showground from Saturday 20th to Sunday 21 October 2018.**
-

Attachments

- Attachment 1 Local Traffic Committee - Table of Comments September 2018 (*Under Separate Cover*)

7.1 Minutes of the Waste Strategy Working Group (Ref: C18130963; Author: Hansen/Belcher)

Summary

This report contains the minutes of the first Waste Strategy Working Group and recommends public exhibition of the attached Briefing Paper.

Recommendation

That Council:

- 1. Note the Minutes of the Waste Strategy Working Group meeting held on 6 September 2018.**
 - 2. Place the QPRC Waste Strategy Briefing Paper on exhibition for 28 days and invite residents and ratepayers to provide feedback and suggestions to be considered in the development of the Waste Strategy.**
-

Background

Council is currently developing a new Waste Strategy for the QPRC LGA. To assist, a Waste Strategy Working Group (WSWG) has been formed, and the minutes of the first meeting are attached for Council's review.

As part of the meeting, the WSWG reviewed the Waste Strategy Briefing Paper (attached). The Briefing Paper provides information on the current management of waste in QPRC and also in the wider region.

Should Council accept the recommendations of this report, the Briefing Paper will be used as the basis of the initial community consultation round. Further information on the planned consultation is contained in the Engagement section below.

Information gained from the consultation period will be used to develop a list of waste management options. These options will be considered for inclusion in the draft Waste Strategy.

The Palerang Council Waste Management Strategy identified the Nerriga Landfill for closure due to the poor environmental outcomes of the facility, the lack of an effective leachate barrier and poor diversion and recycling rates. To assist in developing the new Strategy, a targeted survey of Nerriga residents and ratepayers will be undertaken to determine their preferred waste management options. The highest preferred options will be included in the development of the Strategy, with further consultation on affected residents to occur as per to the second round of consultation.

Implications

Policy

Exhibition of the Briefing Paper will inform and enhance development of Waste Strategy.

7.1 Minutes of the Waste Strategy Working Group (Ref: C18130963; Author: Hansen/Belcher) (Continued)

Sustainability

Development of the Waste Strategy will improve sustainability outcomes of waste management in the LGA.

Asset

The Waste Strategy will inform the development of new infrastructure and other assets related to waste management.

Social / Cultural

Engagement with the community at this early stage of development of the Waste Strategy will enhance the social and cultural benefits of the Strategy.

Strategic

The Waste Strategy will guide the management of waste in the QPRC LGA for the next 30 years. It is appropriate to engage the community to ascertain their concerns and desires at this early stage.

Engagement

The Briefing Paper and other material developed from the Paper will be made available to residents through Council's Your Voice portal.

Community consultation will be undertaken using the following consultation approaches:

- A general community survey open to all ratepayers and residents conducted through Your Voice
- A business survey conducted through Your Voice
- A survey of education facilities around the LGA conducted as either face-to-face sessions or via mail-out
- One community drop-in session to be held at suitable locations in each of Bungendore, Braidwood and Queanbeyan (three sessions in total)
- One focus group session with invited stakeholders and interested parties
- A community survey of Nerriga residents conducted via mail-out
- Information stalls at community events and other suitable events as the opportunity arises

Financial

Funding for this project has been included in the waste operational budget.

Conclusion

This report contains the minutes of the first Waste Strategy Working Group meeting and recommends that the Briefing Paper be placed on public exhibition.

Attachments

- | | |
|--------------|-----------------------------------------------------------------------------------------|
| Attachment 1 | Minutes of the Waste Strategy Working Group - Meeting 1 (<i>Under Separate Cover</i>) |
| Attachment 2 | Waste Strategy Briefing Paper (<i>Under Separate Cover</i>) |

**7.2 Tender Exemption - Recycling Processing (Ref: C18131239; Author:
Hansen/Belcher)**

Summary

This report requests an exemption from open tendering for the processing of co-mingled recyclables collected through Council kerbside collections and facilities.

Recommendation

That Council:

- 1. Grant an exemption from open tendering under Clause 55(3.i) of the *Local Government Act 1993*.**
 - 2. Authorise the CEO to negotiate with Re.Group Pty Ltd regarding continued use of the Hume Materials Handling Facility and an appropriate value sharing agreement on container deposit scheme material.**
-

Background

Council currently takes all co-mingled recyclable material from kerbside collections to the Materials Recycling Facility in Hume, ACT. This facility is operated under contract to the ACT Government by Re.Group Pty Ltd. Historically, both the former Queanbeyan City Council and Palerang Council have paid a “spot” gate fee at this facility, however the gate fee has generally been stable for both former Councils (prior to the impact of ‘China Sword’ and container deposit schemes). This arrangement continued following formation of QRPC.

Due to the gate fees applicable at the time that Re.Group commenced operation of the MRF, Council currently pays two different gate fees. At the time of amalgamation, material collected in the former QCC LGA attracted a gate fee of \$32.15 per tonne. Material collected from the former Palerang LGA attracted a gate fee of \$93.54 per tonne. Following the introduction of “China Sword”, both rates had an additional \$58.46/tonne added to the gate fee, making the Queanbeyan rate \$90.62/tonne and the Palerang rate \$152.00/tonne. A contract was not in place for either service. To date, the operator has not been able to adequately explain the gate fee difference. All rates are GST exclusive.

The ACT container deposit scheme (CDS) commenced operation on 30 June 2018. Under the ACT scheme, NSW CDS materials from QRPC, Yass Valley Council, Snowy-Monaro Regional Council, Bega Valley Council and Upper Lachlan Shire Council are eligible for the 10c per container refund if they are taken to the Hume MRF. The scheme is currently restricted to these parties to ensure the viability of the ACT CDS. This will be reviewed after the first 12 months of operation.

The refund is only payable if a revenue sharing agreement has been reached between Council and the operator. This agreement needs to be subsequently agreed to by the ACT Waste Manager. As part of negotiations on this matter, the operator wishes to formalise the gate fee arrangements through a contract. The operator has offered a number of options. These options are reproduced below. A copy of the latest correspondence is attached.

Council staff agreed to an interim revenue sharing agreement covering the period between 30 June 2018 and 30 September 2018. The interim agreement contained a 50:50 CDS

7.2 Tender Exemption - Recycling Processing (Ref: C18131239; Author: Hansen/Belcher) (Continued)

revenue split between Council and Re.Group. It is appropriate now to proceed to a contract arrangement.

To finalise negotiations and maintain legislative compliance with the NSW *Local Government Act*, an exemption from the requirement to go to open tender is requested under clause 55(3.i) of the Act. The exemption is requested for the following reasons:

- There is only one viable supplier in the region
- Utilising a supplier outside of the region is likely to result in a gate fee within the range currently being considered by Council staff
- Transport costs associated with using a supplier outside the region will be significantly higher than current costs

Implications***Financial***

Currently, Council is paying a high gate fee for co-mingled recyclables delivered to the Hume MRF. Council is also potentially foregoing CDS revenue that would offset any gate fee payable and reduce costs for ratepayers. To reduce the financial impact, resolution of this matter is required as soon as can be achieved.

Conclusion

As there is only one provider option for Council's co-mingled recyclables, an exemption from the requirement for open tendering is sought from Council.

Attachments

Attachment 1 Correspondence from Re.Group (*Under Separate Cover*) -
CONFIDENTIAL

8 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION

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

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