



Ordinary Meeting of Council

AGENDA

23 October 2019

Commencing at 5.30pm

Bungendore Council Chambers

On-site Inspection

Location: 67 Daniel Lane, Forbes Creek

Date: Tuesday, 22 October 2019

Time: 4.30pm

Meet at entry to 67 Daniel Lane

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1 OPENING

2 ACKNOWLEDGEMENT OF COUNTRY

3 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

4 CONFIRMATION OF MINUTES

4.1 Minutes of the Ordinary Meeting of Council held on 25 September 2019

5 DISCLOSURES OF INTERESTS

6 ADJOURNMENT FOR PUBLIC FORUM

7 MAYORAL MINUTE

8 NOTICES OF MOTIONS OF RESCISSION

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Confidential - Not for Publication

16 REPORTS FOR CLOSED SESSION

16.1	Receipt of Land and Environment Court Appeal - 121 Wallace Street, Braidwood
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Item 16.1 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.

16.2	Report of Unauthorised Fill
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Item 16.2 is confidential in accordance with s10(A) (g) of the Local Government Act 1993 because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

16.3 Update on Potential Legal Matter

Item 16.3 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.

16.4 Nominations for Environment and Sustainability Advisory Committee

Item 16.4 is confidential in accordance with s10(A) (a) of the Local Government Act 1993 because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

16.5 AGL Purchase Offer to Southern Phone

Item 16.5 is confidential in accordance with s10(A) (di) of the Local Government Act 1993 because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

17 CONCLUSION OF THE MEETING

LIST OF ATTACHMENTS –

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

Open Attachments

- Item 9.1 Development Application DA.2019.1053 - Tennis Court and Flood Lighting - 67 Daniel Lane, Forbes Creek
- Attachment 1 DA.2019.1053 - 4.15 Matter for Consideration Report - Tennis Court - 67 Daniel Lane (Under Separate Cover)*
- Attachment 2 DA.2019.1053 - Plans - Tennis Court - 67 Daniel Lane (Under Separate Cover)*
- Attachment 3 DA.2019.1053 - Submissions - Tennis Court - 67 Daniel Lane (Under Separate Cover)*
- Attachment 4 DA.2019.1053 - Draft Conditions of Consent - Tennis Court - 67 Daniel Lane (Under Separate Cover)*
- Item 9.2 Googong Urban Development Local Planning Agreement Review
- Attachment 1 Proposed Deed of Agreement, Amended VPA and Amended Schedules (Under Separate Cover)*
- Item 9.3 Road Naming Proposals - Aubrey Close, Braidwood and Sparrow Close, Bungendore
- Attachment 1 Site Map - Road Naming Proposal - Aubrey Close (Under Separate Cover)*
- Attachment 2 Site Map - Road Naming Proposal - Sparrow Close (Under Separate Cover)*
- Item 9.4 Review of the Protection of the Environment (Clean Air) Regulation - Control of Open Burning
- Attachment 1 Draft Open Burning Policy (Under Separate Cover)*
- Item 9.9 Draft QPRC Community Engagement Plan
- Attachment 1 Draft QPRC Community Engagement and Participation Plan (Under Separate Cover)*
- Attachment 2 1 Page Summary of Community Engagement Plan (Under Separate Cover)*

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- Attachment 3* QPRC Community Engagement Toolkit (Under Separate Cover)
- Item 9.15 Annual Native Title Manager Notification to Minister
- Attachment 1* Confirmation of qualified person - native title manager - Kristina Micallef (Under Separate Cover)
- Attachment 2* Confirmation of qualified person - native title manager - David Carswell (Under Separate Cover)
- Attachment 3* Confirmation of qualified person - native title manager - Simon Holloway (Under Separate Cover)
- Item 9.16 Investment Report - September 2019
- Attachment 1* Investment Summary Report (Under Separate Cover)
- Item 10.2 Resolution Action Sheet
- Attachment 1* Resolution Action Sheet (Under Separate Cover)
- Item 11.1 Minutes of the QPRC Heritage Advisory Committee Meeting held 19 September 2019
- Attachment 1* Minutes of the QPRC Heritage Advisory Committee Meeting held 19 September 2019 (Under Separate Cover)
- Item 11.2 Consultative Committee on Aboriginal Issues
- Attachment 1* Consultative Committee on Aboriginal Issues Terms of Reference (Under Separate Cover)
- Attachment 2* Minutes for Consultative Committee on Aboriginal issues (Under Separate Cover)
- Item 11.4 Greenways s.355 Committee Meetings Minutes
- Attachment 1* Greenways s.355 Committee AGM minutes 10 September 2019 (Under Separate Cover)
- Attachment 2* Greenways s.355 Committee meeting minutes 10 September 2019 (Under Separate Cover)
- Attachment 3* Greenways s.355 Committee's assessment of major works (Under Separate Cover)
- Item 11.5 Bungendore Locality Committee Meeting Minutes 12 August 2019
- Attachment 1* Bungendore Locality Committee meeting minutes 12 August 2019 (Under Separate Cover)
- Item 11.6 Royalla Common s.355 Committee Meeting Minutes
- Attachment 1* Royalla Common s.355 Committee meeting minutes 31 July 2019 (Under Separate Cover)
- Item 13.1 Delegates' Reports
- Attachment 1* Cr Harrison's Delegate's Report on Dargues Mine (Under Separate Cover)
- Attachment 2* Dargues Reef July 2019 Newsletter (Under Separate Cover)
- Attachment 3* Dargues Reef August 2019 Newsletter (Under Separate Cover)
- Attachment 4* Dargues Reef September 2019 Newsletter (Under Separate Cover)
- Item 14.1 Responses to Councillors' Questions
- Attachment 1* Responses to Councillors' Questions (Under Separate Cover)

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Closed Attachments

- Item 9.7 Australian Wind Symphony
Attachment 1 Australian Wind Symphony additional information (Under Separate Cover)
- Item 9.8 Queanbeyan Junior Brass Application for Funding - Cultural Arts Assistance Scheme
Attachment 1 Cultural Arts Assistance Scheme - Queanbeyan Junior Brass application 2019 (Under Separate Cover)
- Item 14.1 Responses to Councillors' Questions
Attachment 2 Responses to Councillors' Questions with confidential information (Under Separate Cover)
- Item 16.3 Update on Potential Legal Matter
Attachment 1 Legal Advice (Under Separate Cover)
- Item 16.4 Nominations for Environment and Sustainability Advisory Committee
Attachment 1 Summary of Expressions of Interest of Nominations (Under Separate Cover)
Attachment 2 Rachel Clarke Cover Letter (Under Separate Cover)
Attachment 3 Rachel Clarke CV (Under Separate Cover)
Attachment 4 Dr Anne Lea CV (Under Separate Cover)
Attachment 5 Meagan Cousins EOI Submission (Under Separate Cover)
Attachment 6 Bill Willis EOI (Under Separate Cover)
Attachment 7 Keith France EOI (Under Separate Cover)



MINUTES OF THE ORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held at the Bungendore Council Chambers on Wednesday, 25 September 2019 commencing at 5.30pm.

ATTENDANCE

Councillors: Cr Overall (Chair), Crs Biscotti, Bray AM, Brown, Harrison, Hicks, Marshall, Noveska, Schweikert and Taylor.

Staff: P Tegart, CEO/General Manager; M Thompson, Portfolio General Manager Natural and Built Character; P Hansen, Portfolio General Manager Community Connections; J Richards, Portfolio General Manager Community Choice and P Neil, Portfolio General Manager Organisational Capability.

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

1. OPENING

The meeting opened at 5.30pm.

2. ACKNOWLEDGEMENT OF COUNTRY

The Mayor acknowledged the traditional custodians of the land upon which the meeting was held.

3. APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

305/19

RESOLVED (Taylor/Schweikert)

That apology for non-attendance from Cr Winchester be received and that leave of absence be granted.

The resolution was carried unanimously.

4. CONFIRMATION OF MINUTES

4.1 Minutes of the Ordinary Meeting of Council held on 28 August 2019

306/19

RESOLVED (Taylor/Bray)

That the minutes of the Ordinary Meeting of Council held in the Bungendore Council Chambers on Wednesday 28 August 2019 be confirmed.

The resolution was carried unanimously.

4.2 **Minutes of the Planning and Strategy Committee of the Whole held on 11 September 2019**

307/19

RESOLVED (Schweikert/Bray)

That the minutes of the Planning and Strategy Committee of the Whole held in the Queanbeyan Council Chambers on Wednesday 11 September 2019 be confirmed.

The resolution was carried unanimously.

5. DISCLOSURES OF INTERESTS

308/19

RESOLVED (Taylor/Harrison)

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

For: Crs Biscotti, Bray, Brown, Harrison, Hicks, Marshall, Noveska, Overall and Taylor
Against: Cr Schweikert

There were no disclosures.

6. ADJOURNMENT FOR PUBLIC FORUM

At this stage of the proceedings, the time being 5.33pm, Cr Overall advised that the meeting should now adjourn for the Public Forum.

309/19

RESOLVED (Overall/Schweikert)

That the meeting be adjourned to conduct the Public Forum.

The resolution was carried unanimously.

ADJOURNMENT:

The meeting adjourned for the Public Forum at 5.33pm and resumed at 5.37pm.

7. MAYORAL MINUTE

There was no Mayoral Minute.

8. NOTICES OF MOTIONS OF RESCISSION

There were no Notices of Motion of Rescission.

9. REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

310/19

9.1 Method of Ballot for the Election of QPRC Mayor for 2019-20

RESOLVED (Taylor/Biscotti)

That the method of ballot for the position of Mayor for the 2019-2020 term be by open voting (show of hands) pursuant to Schedule 7, Part 1(3) of the Local Government (General) Regulation 2005.

The resolution was carried unanimously.

The Mayor vacated the Chair at 5.38pm.

The CEO/General Manager, as Returning Officer, called for nominations for the position of Mayor for 2019/20. There was one nomination, that of Cr Tim Overall, who had accepted the nomination.

There being no further nominations, the Returning Officer declared Cr Overall duly elected as Mayor for the 2019/20 term.

The Mayor resumed the Chair at 5.39pm.

311/19

9.2 Position of Deputy Mayor for 2019-20

RESOLVED (Taylor/Biscotti)

That:

1. Council elect a Deputy Mayor for the Mayoral 2019-20 term.
2. The method of ballot for the position of Deputy Mayor be by open voting (show of hands), pursuant to Schedule 7, Part 1(3) of the Local Government (General) Regulation 2005.

The resolution was carried unanimously.

The CEO/General Manager, as Returning Officer, called for nominations for the position of Deputy Mayor for 2019/20. There were two nominations received, those of Cr Trudy Taylor and Cr Radmila Noveska, both of whom had accepted nomination. Following the vote by a show of hands, resulting in six votes for Cr Taylor, and thus being a majority of those present, the Returning Officer declared Cr Taylor duly elected as Deputy Mayor for the 2019/20 term.

9.3 Ballot Papers for Mayoral and Deputy Mayoral Elections

As no ballot papers had been required for the election of the Mayor and Deputy Mayor, this item was withdrawn.

9.4 Delegations to the Mayor and Deputy Mayor

312/19

RESOLVED (Schweikert/Marshall)

That pursuant to Section 377(1) of the *Local Government Act 1993*, the delegations to the Mayor Cr Tim Overall and Deputy Mayor Cr Trudy Taylor be granted and remain in force until revoked by resolution of Council.

The resolution was carried unanimously.

9.5 Council Meeting Schedule

313/19

RESOLVED (Schweikert/Taylor)

That Council reaffirm the following meeting schedule:

1. Planning and Strategy Committee meetings be held on the second Wednesday of each month except December and January, in the Council Chambers, Queanbeyan, commencing at 5.30pm.
2. Ordinary Council meetings be held on the fourth Wednesday of each month except December, in the Council Chambers, Bungendore, commencing at 5.30pm.
3. An Ordinary Council meeting be held on the third Wednesday of December at 5.30pm in the Council Chambers, Bungendore, the agenda for which may include any planning matters that require Council's consideration.
4. The agenda for the Ordinary meeting to be held in January each year include any planning matters that require Council's consideration.

The resolution was carried unanimously.

9.6 Weeds Advisory Committee

MOVED (Schweikert/Bray)

That:

1. Council note the report.
2. Council receive a bi-annual report on Council's management of weeds under the NSW Biosecurity Framework in regard to safeguarding our economy, environment and community.
3. The report address Council's role and record in working with landowners and occupiers to help them meet their general biosecurity duty according to the *Biosecurity Act 2015*, including:
 - Helping to identify priority weeds
 - Providing advice and information on ways to manage weeds
 - Providing displays at community events about weeds
 - The ongoing program of rural and urban inspections to check for priority weeds
 - Compliance issues

AMENDMENT (Marshall/Brown)

That:

1. Council note the report. .
2. Council receive a bi-annual report on Council's management of weeds under the NSW biosecurity framework in regard to safeguarding our economy, environment and community.
3. The report address Council's role and record in working with landowners and occupiers to help them meet their general biosecurity duty according to the *Biosecurity Act 2015*, including:
 - Helping to identify priority weeds
 - Providing advice and information on ways to manage weeds
 - Providing displays at community events about weeds
 - The ongoing program of rural and urban inspections to check for priority weeds
 - Compliance issues
4. Council establish a Weeds Advisory Committee.

The amendment (of Crs Marshall and Brown) was PUT and LOST.

For: Crs Brown, Harrison, Marshall and Noveska

Against: Crs Biscotti, Bray, Hicks, Overall, Schweikert and Taylor

The motion (of Crs Schweikert and Bray) was PUT and CARRIED.

314/19

RESOLVED (Schweikert/Bray)

That:

1. Council note the report.
2. Council receive a bi-annual report on council's management of weeds under the NSW biosecurity framework in regard to safeguarding our economy, environment and community.
3. The report address Council's role and record in working with landowners and occupiers to help them meet their general biosecurity duty according to the *Biosecurity Act 2015*, including:
 - Helping to identify priority weeds
 - Providing advice and information on ways to manage weeds
 - Providing displays at community events about weeds
 - The ongoing program of rural and urban inspections to check for priority weeds
 - Compliance issues.

The resolution was carried unanimously.

9.7 Committee Delegates and Representatives for 2019-2020

315/19

RESOLVED (Overall/Bray)

That:

1. Council appoint its delegates and representatives for 2019-2020 on Council committees, Organisational Committees, Statutory Committees, Locality Committees, Advisory Committees, and Regional Committees, as listed in the report with the following changes:

Committee	Delegate
CEO Performance Review Committee	Mayor, Deputy Mayor, Crs Harrison, Hicks and Schweikert
QPRC District Liaison Committee	Cr Schweikert; CEO; RFS representatives
Economic Advisory Panel	Cr Schweikert
QPRC Heritage Advisory Committee	Crs Overall and Marshall; QPRC Heritage Advisor; Portfolio GM Natural and Built Character
Woodlawn Eco-Precinct Community Liaison Committee	Cr Schweikert
Old Cooma Road Holcim Quarry Consultative committee	Cr Hicks
Canberra Airport Aviation Consultation Group	Cr Schweikert
Southern Joint Regional Planning Panel	As alternate – Cr Marshall

2. Attendance at meetings by Councillors as delegates and representatives on Council committees, Organisational committees, Statutory committees, Locality committees and Advisory committees be published in the QPRC Annual Report.

The resolution was carried unanimously.

9.8 Bungendore Scout Facility - Request for Temporary Gravel Carpark - 66 Turallo Terrace, Bungendore - MOD.2018.042

316/19

RESOLVED (Schweikert/Biscotti)

That:

1. Council accept from the Principal Certifying Authority a conditional Interim Occupation Certificate for the Bungendore Scout Group hall, administration and canoe store buildings allowing a temporary cement stabilised gravel surface car park and access from Turallo Terrace. Temporary line marking and delineation of the disabled parking space must be implemented.
2. The Bungendore Scout Group complete the car park and access from Turallo Terrace in accordance with the engineering conditions on MOD.2018.042 with an all-weather, two coat bitumen seal within three years of initial occupation of the Hall and prior to issuing of the final Occupational Certificate.

The resolution was carried unanimously.

9.9 Request for Reduction In Developer Contribution Costs - North Poplars

317/19

RESOLVED (Taylor/Hicks)

That:

1. Council dispense with the collection of developer contribution fees for the Tomsitt Drive intersection under the South Jerrabomberra Local Infrastructure Contributions Plan 2018 as the works have been carried out in kind.
2. That Council note that the reduction equates to approximately \$17,135 per hectare from \$150,311.46 to \$133,777.20 per hectare (subject to CPI updates)
3. Where contribution charges have already been paid in respect of current development consents, the appropriate portion of contributions paid be refunded or reduced accordingly.

The resolution was carried unanimously.

9.10 QPRC Climate Change Action Plan

318/19

RESOLVED (Schweikert/Overall)

That Council defer the QPRC Climate Change Action Plan to a workshop.

For: Crs Biscotti, Bray, Brown, Harrison, Hicks Noveska, Overall, Schweikert and Taylor

Against: Cr Marshall

- 319/19 **9.11 Braidwood Floodplain Risk Management Study and Plan**
RESOLVED (Marshall/Taylor)
That Council defer the Braidwood Floodplain Risk Management Study Plan to a workshop.

The resolution was carried unanimously.
- 320/19 **9.12 Integrated Transport Strategy**
RESOLVED (Harrison/Schweikert)
That Council adopt the Integrated Transport Strategy and Bicycle and Pedestrian Facilities Plans as amended, with appropriate reference to rural residential transport.

The resolution was carried unanimously.
- 321/19 **9.13 Application for QPRC Community Arts Assistance Scheme Grant**
RESOLVED (Schweikert/Hicks)
That Council approve the allocation of a grant of \$1,500 from the QPRC Cultural Arts Assistance Scheme to the Australian and New Zealand Maori Cultural School of Dreams Inc. for participation in the Multicultural Festival 2020.

The resolution was carried unanimously.
- 322/19 **9.14 Adoption of QPRC Good Governance Framework and Legislative Compliance Policy**
RESOLVED (Taylor/Schweikert)
That Council adopt the QPRC Good Governance Framework and Legislative Compliance Policy.

The resolution was carried unanimously.
- 323/19 **9.15 Investment Report - August 2019**
RESOLVED (Bray/Biscotti)
That Council:
 1. Note the 2019/20 investment income for August 2019 was \$352,647.
 2. Note the investment portfolio has been made in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and *Queanbeyan-Palerang Regional Council's Investment Policy*.
 3. Adopt the Investment Report for the month of August 2019.
The resolution was carried unanimously.

9.16 Draft QPRC Directional Signage Policy

324/19

RESOLVED (Harrison/Schweikert)

That Council:

1. Note the draft QPRC Directional Signage Policy.
2. Publicly exhibit the draft Policy for 28 days and invite written submissions during the exhibition period.
3. Consider all submissions received prior to adopting the Policy or, if no submissions are received, formally adopt the Policy.

The resolution was carried unanimously.

9.17 Adoption of Decision Making Framework and Policy

325/19

RESOLVED (Schweikert/Taylor)

That Council adopt the QPRC Decision-Making Framework and Policy.

The resolution was carried unanimously.

10. REPORTS TO COUNCIL - ITEMS FOR INFORMATION

10.1 ACT Speedway - Fairbairn Park - Advice from ACT Government re Authorisation to Commence Night Time Events

326/19

RESOLVED (Hicks/Taylor)

That the report be received for information.

The resolution was carried unanimously.

10.2 Timber Bridge Replacement Priority List

327/19

RESOLVED (Harrison/Noveska)

That the report be received for information.

The resolution was carried unanimously.

10.3 Bungendore Water Quality

328/19

RESOLVED (Schweikert/Harrison)

That the report be received for information.

The resolution was carried unanimously.

10.4 Rates Harmonisation

329/19

RESOLVED (Taylor/Harrison)

That the report be received for information.

The resolution was carried unanimously.

11. REPORTS OF COMMITTEES

11.1 Wamboin Hall Management s.355 Committee Minutes

330/19

RESOLVED (Harrison/Marshall)

That Council:

1. Note the minutes of the Wamboin Hall Management s.355 Committee's Annual General Meeting and Committee meeting held on 13 August 2019.

2. Endorse the following office-bearers for 2019/20:

Chair: Peter Greenwood

Secretary: Deb Gordon

Treasurer: Joan Mason

Hall Bookings: Joan Mason

Projects & Maintenance: Lofty Mason, Trent Abell, Tim

Barter, Vicki Still, Don Evans, Ken Gordon, Pete Harrison

The resolution was carried unanimously.

11.2 Canning Close Reserve s.355 Committee Annual General Meeting minutes

331/19

RESOLVED (Harrison/Schweikert)

That Council:

1. Note the minutes of the Annual General Meeting of the Canning Close Reserve s.355 Committee held on 29 August 2019.

2. Approve the following office-bearers for 2019-20:

Chair: Peter Evans

Secretary: Pete Harrison

Committee: Toni Cuthbertson

The resolution was carried unanimously.

12. NOTICES OF MOTIONS

There were no Notice of Motions.

13. REPORTS TO COUNCIL - DELEGATES REPORTS

13.1 Delegates' Reports

332/19

RESOLVED (Harrison/Taylor)

That Council note the Delegates' Reports.

The resolution was carried unanimously.

14. QUESTIONS WITH NOTICE

14.1 Responses to Councillors' Questions

333/19

RESOLVED (Taylor/Harrison)

That the report be received for information.

The resolution was carried unanimously.

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

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

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

There were no presentations

16. REPORTS FOR CLOSED SESSION

334/19

RESOLVED (Overall/Harrison)

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 16.1 Legal Costs Recovery

Item 16.1 is confidential in accordance with s10(A) (g) of the Local Government Act 1993 because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Item 16.2 Water Usage Account Write-Off Due to Undetectable Leak

Item 16.2 is confidential in accordance with s10(A) (b) of the Local Government Act 1993 because it contains discussion in relation to the personal hardship of a resident or ratepayer and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

The resolution was carried unanimously.

The meeting then moved into Closed Session at 6.36pm to discuss the matters listed above.

16.1 Legal Costs Recovery

335/19

RESOLVED (Harrison/Taylor)

That:

1. The report be received and noted.
2. Council progress the recovery of legal costs as outlined in the report.

The resolution was carried unanimously.

16.2 Water Usage Account Write-Off Due to Undetectable Leak

336/19

RESOLVED (Bray/Harrison)

That Council provide financial hardship support to the ratepayers who own the Bungendore property (as listed in the report) to the value of \$1,622.11 under section 5 of Council Financial Hardship Assistance Policy.

For: Crs Biscotti, Bray, Brown, Harrison, Hicks, Marshall, Noveska, Overall and Taylor

Against: Cr Schweikert

337/19

RESOLVED (Overall/Taylor)

That the meeting now return to Open Session.

The resolution was carried unanimously.

The meeting returned to Open Session at 6.39pm.

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

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

17. CONCLUSION OF THE MEETING

The time being 6.40pm, Cr Overall announced that the Agenda for the meeting had now been completed.

**CR TIM OVERALL
MAYOR
CHAIRPERSON**

ITEM 5 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.

9.1 Development Application DA.2019.1053 - Tennis Court and Flood Lighting - 67 Daniel Lane, Forbes Creek (Ref: ; Author: Thompson/O'Halloran)

File Reference: DA.2019.1053

Summary

Reason for Referral to Council

This application has been referred to Council as the Portfolio General Manager Natural and Built Character has determined it is in the public interest to have the matter considered by Council.

Proposal:	Tennis Court with Floodlighting
Applicant/Owner:	Donovan De Ligt/ Donovan & Lyndal De Ligt
Subject Property:	Lot 1 DP 507778, No. 67 Daniel Lane, Forbes Creek
Zoning and Permissibility:	RU1 Primary Production under Palerang Local Environmental Plan 2014
Public Submissions:	Four (4)
Issues Discussed:	<ul style="list-style-type: none">• Planning Requirements• Submitter Issues
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

Recommendation

That:

1. Development application DA.2019.1053 for a Tennis Court with Floodlighting on Lot 1 DP 507778, No. 67 Daniel Lane, Forbes Creek be granted conditional approval.
 2. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.
-

Background

Proposed Development

The proposed development came to Council's attention via a complaint that unauthorised works were being carried out on a tennis court at 67 Daniel Lane, Forbes Creek. An inspection revealed that the earthworks, concrete slab and fence and lighting posts for the tennis court were already constructed and that no consent had been obtained for the proposed works. A Stop Work notice was issued and the owners subsequently submitted a development application to allow for the completion and use of the tennis court.

The application therefore seeks Council approval for a tennis court with associated floodlighting. Some tennis courts are considered to be exempt development under subdivision 39B of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, however, in this case the fill exceeds the maximum permissible depth of 600mm set down by the SEPP. In addition the floodlighting could not be carried out as exempt development. As such development consent is required.

9.1 Development Application DA.2019.1053 - Tennis Court and Flood Lighting - 67 Daniel Lane, Forbes Creek (Ref: ; Author: Thompson/O'Halloran) (Continued)***Subject Property***

The subject site is legally described as Lot 1 DP 507778 and is commonly known as 67 Daniel Lane, Forbes Creek. The site is located on the south side of Daniel Lane and has an area of 5.59ha.

The subject site is an irregular rectangular shape and contains a gentle slope falling from the southwest corner to northeast corner of the lot. The subject site is comprised predominately of grassland vegetation, and is bordered by Tallaganda State Forest to the west.



Figure 1 Locality plan (subject site outlined in red).

Existing development on the site includes a single storey dwelling with attached gym and garage, a water tank and several sheds. Vehicular access is provided to the site via an existing driveway from Daniel Lane.

Existing development within the locality consists of agricultural land with associated structures and low density residential dwellings.

9.1 Development Application DA.2019.1053 - Tennis Court and Flood Lighting - 67 Daniel Lane, Forbes Creek (Ref: ; Author: Thompson/O'Halloran) (Continued)



Figure 2 Site of proposed development showing completed works.

Planning Requirements

Assessment of the application has been undertaken in accordance with Section 4.15 of the *Environmental Planning and Assessment Act (EPAA) 1979*, as amended. The matters that are of relevance under Section 4.15 are summarised in the attached *Section 4.15 Table – Matters for Consideration*.

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

1. *Palerang Local Environmental Plan 2014 (LEP)*
2. *Palerang Development Control Plan 2015 (DCP)*

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

(a) Compliance with LEP

The proposed development has been assessed in accordance with the *Palerang Local Environmental Plan 2014*. The proposed development is ancillary to an existing development and is permissible within the RU1 Primary Production Zone. The proposed development is consistent with Part 6 of the PLEP and is considered to be acceptable subject to recommended conditions of consent.

**9.1 Development Application DA.2019.1053 - Tennis Court and Flood Lighting - 67
Daniel Lane, Forbes Creek (Ref: ; Author: Thompson/O'Halloran) (Continued)**

(b) Compliance with DCP

The proposed development has been assessed against the relevant sections of the Palerang Development Control Plan 2015, with a detailed assessment provided in the attached *Section 4.15 – Table – Matters for Consideration*. The DCP has limited relevance to development controls in regard to the proposed development, with the exception of C17 Lighting, which the proposed development is compliant.

(a) Environmental Health Comments*Noise*

Noise from the use of the tennis court will be generated by:

- The percussive noise of the ball hitting the surface of the court and racquets;
- The exertions and exclamations of the participants playing the game;
- The conversation and other activities undertaken by spectators.
- Potentially from equipment used as part of the game or training e.g. an automatic ball serving machine.

Despite the background noise levels in rural areas being lower than would be expected in more densely populated areas a reasonable person would have to accept that the above mentioned sounds associated with playing tennis would be unlikely to be categorised as offensive during normal daylight hours.

In summary the Protection of the Environment Operations Act 1997 provides guidance that noise becomes offensive when, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances, it is harmful to a person or interferes unreasonably with the comfort or repose of a person outside the premises from which it is emitted.

So during the day it would be difficult to substantiate that the noise would be harmful or interfere with the comfort or repose of a person outside the premises.

As evening approaches, background noise drops even lower and the comfort and repose of surrounding residents becomes more relevant. In many cases 10.00pm is considered the hour at which most extraneous noises should cease e.g air conditioners. However, in a quieter rural area the case can be made for this time to be even earlier.

Council needs to recognise the potential for noise impacts on amenity and could:

- Restrict playing tennis to daylight hours (by not approving lighting for the court); or
- Adopt a compromise position of allowing tennis to be played into the early evening e.g 8.00pm or daylight, whichever is the later; or
- Allowing tennis to be played until later in the evening e.g. 10.00pm

In this case it is recommended that a compromise position be taken and that tennis be allowed to continue at the site during daylight hours or until 8.00pm, whichever is the later.

Lighting:

There are no specific provisions within the *Protection of the Environment Operations Act 1997* that relate to light pollution.

The light contour details submitted with the plans show that there will not be any direct light spill outside a distance of approximately 25m from the edge of the tennis court. Providing the lights are correctly aligned and shielded there should be no direct light impacts on neighbours.

However, some of that light will be reflected and the elevated position of the tennis court in relation to the neighbours to the east means that the lighted court will be visible. As a

**9.1 Development Application DA.2019.1053 - Tennis Court and Flood Lighting - 67
Daniel Lane, Forbes Creek (Ref: ; Author: Thompson/O'Halloran) (Continued)**

result it is recommended that time restrictions need to be applied as to when lighting can be used. It is accepted that there are a number of structures and trees partially blocking the light between the tennis court and adjoining residences but these structures may be removed in the future and allow the lighting to become an issue.

As such it is recommended that lighting be restricted between the hours of 8.00pm and 7.00am the following day. This would accord with the position taken for ameliorating noise impacts.

Further it is recommended that plantings be required along the eastern and south eastern edges of the court to provide screening. Once the landscape screening has grown and proved effective the applicant can always apply to modify the consent to extend the hours of lighting.

Financial Implications

There are not financial implications to Council associated with this development.

Engagement

The application was notified in accordance with Part E of the PDCP 2015 from 22 July to 6 August 2016, with two (2) submissions received. Additional information was received after the initial notification period, and as such, the application was subsequently re-notified in accordance with Part E of the PDCP 2015 from 9 to 23 September 2019, with a further two (2) submissions received. All four submissions came from two residents of the same adjoining neighbouring property. For the information of Councillors the submissions are provided in Attachment 3.

The submissions are extensive but an attempt has been made to summarise the relevant issues raised as follows.

Issue: Light Pollution

The submission raised concerns in regard to light pollution generated by the proposed lights on the tennis court. Additionally, concern was raised that lights on the tennis court would increase the hours of use of the court and as a result increase noise pollution. Additionally, concerns were raised in regard to direction of the light.

Comment: The light contour details submitted with the plans show that there will not be any light spill outside a distance of approximately 25m from the edge of the tennis court. This is well within the boundary of the applicant's property and as such the lights will not shine directly into any neighbouring properties. However, some of that light will be reflected and the elevated position of the tennis court in relation to the neighbours to the east means that the lighted court will be visible. In the dark surrounds of a rural landscape this may have amenity impacts after dusk. It is therefore recommended that a condition be imposed preventing the lighting being used after 8.00pm and before 7.00am the following day. This is considered to be reasonable compromise between the use of the court and neighbouring amenity. The lighting should be provided with a timer to ensure the lights are off at 8.00pm. Additionally, conditions will be placed on the consent that the lights are to be shielded to prevent unnecessary light spill and requiring additional landscaping to be planted between the tennis court and the eastern boundary

Issue: Noise Pollution

The submission raised concerns in regard to noise pollution generated from use of the tennis court.

Comment: This matter is discussed in more detail in the report above. It is considered that playing tennis will not cause offensive noise during daylight hours. As the evening progresses

9.1 Development Application DA.2019.1053 - Tennis Court and Flood Lighting - 67 Daniel Lane, Forbes Creek (Ref: ; Author: Thompson/O'Halloran) (Continued)

the noise will become more intrusive and for that reason activity should be curtailed in the early evening. As this is consistent with the 8.00pm deadline set by the proposed lighting conditions, effectively tennis will be restricted to daylight hours or 8.00pm, whichever is the later.

Issue: Stormwater

The submission raised concerns in regard to flow of stormwater as a result of fill required for tennis court.

Comment: Conditions will be placed on the consent that surface water is not to be directed within 3m of any building or onto adjoining properties.

Issue: Conflict of interest

The submission raised concerns that the applicants have a conflict of interest as the submitter is of the opinion that the applicant has business, personal and social interactions with Council staff members.

Comment: The assessing officer has declared no known conflict of interest. Notwithstanding this the DA will be determined by Council, not the assessing officer.

Issue: Relationship to previous consents issued

The submissions raised concerns that the subject development application should be viewed in conjunction with previous approval granted for a garage and gym, attached to the existing dwelling. The submitter has described the proposed development, in conjunction with active approvals, as a sports complex.

Comment: The application is assessed with consideration to existing structures on the site and any other valid consents issued by Council. While a previous consent has permitted a home gym, there is no evidence to suggest that it will be used in conjunction with the tennis court to create some form of commercial sports complex or type of recreation facility. The previous consent issued for the garage and gym contained a condition that the building not be used for commercial or industrial activities. The tennis court will be similarly conditioned to ensure that it is not used for commercial purposes, or as a community recreation area.

Issue: Definition of development

The submission raised concerns that the definition of the development does not accurately describe the development as proposed.

Comment: The development is defined as a tennis court with lighting. It is acknowledged that the tennis court came to Council's attention through investigation and compliance action, but this does not mean the tennis court and lighting are not permissible. It has also been noted that had the earthworks not exceeded 600mm in height, the tennis court would have been considered exempt development under the Codes SEPP. However, a development application would have still been required for the installation of lighting.

Issue: Context and Setting

The submission raised concerns that the development does not fit within the rural locality.

Comment: The development site is surrounded by both residential and agricultural uses. The proposed tennis court is considered to be a use which is ancillary to the existing dwelling on the site and there is a large area of land on which it can be located. As such, the proposed development is not considered to be out of place in the prevailing rural residential character of the locality.

Issue: Access, Parking and Traffic Generation

The submission raised concerns that the tennis court will result in an increase to traffic within the locality.

9.1 Development Application DA.2019.1053 - Tennis Court and Flood Lighting - 67 Daniel Lane, Forbes Creek (Ref: ; Author: Thompson/O'Halloran) (Continued)

Comment: The proposed development will be conditioned to be used for private purposes only. As such, it is considered that the development is not traffic generating.

Issue: Native Fauna

The submission raised concerns regarding the impact of lighting upon native fauna.

Comment: Conditions will be placed on the consent to ensure that the lights are not to be used between 8pm and 7am, as such, this will limit the impact upon native flora and fauna.

Issue: BASIX Certificate

The submission raised the issue that the subject development did not lodge a BASIX Certificate.

Comment: The subject development is not a BASIX affected development, as defined under *Environmental Planning and Assessment Regulation 2000* and as such, a BASIX Certificate is not required.

Issue: Privacy

The submission raised concerns in regard to the impact on privacy to adjoining owners, and that conversations can be overheard on adjoining properties.

Comment: These issues have previously been discussed under the noise provisions above.

Issue: Location of proposed development

The submission raises concerns in regard to the location of the proposed tennis court. The submitter has stated that most tennis courts are required to be setback behind the dwelling.

Comment: There is no building envelope set for this allotment. The *Palerang Development Control Plan 2015* does not have setback specific controls for tennis courts and as such, the tennis court is required to be assessed on a merit basis, as addressed in this report. Notwithstanding this, the setbacks that apply to dwellings and other non-habitable structures in the DCP would only require a 25m side boundary setback. If this setback distance is taken as a guide then the tennis court significantly exceeds the requirement.

Issue: Erosion and Sediment Control

The submission raised concerns in regard to erosion and sediment caused by the development.

Comment: Conditions will be placed on the consent that erosion and sediment controls be implemented prior to construction recommencing and maintained for as long as required.

Issue: Site plan

The submitter raised issue that the submitted site plan was not accurate and did not reflect the development as proposed.

Comment: The site plan submitted with the development application accurately depicts existing and proposed development, and is consistent with the requirements of a site plan as per Schedule 1 Section 2(2) of the *Environmental Planning and Assessment Regulation 2000*.

Issue: Cost of Works

Submissions raised concerns that the estimated cost of works submitted with the development application are not accurate.

Comment: It is considered that the estimated cost of works submitted is reasonable for the work involved to complete the proposed development. The value of the works does not affect the impact of the development.

9.1 Development Application DA.2019.1053 - Tennis Court and Flood Lighting - 67 Daniel Lane, Forbes Creek (Ref: ; Author: Thompson/O'Halloran) (Continued)

Conclusion





The submitted proposal for a tennis court with lights on Lot 1 DP 507778, No. 67 Daniel Lane, Forbes Creek is a local development and is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and four (4) submissions from two submitters were received.

The proposal has been assessed under Section 4.15 *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Palerang Local Environmental Plan 2014* and *Palerang Development Control Plan 2015*.

The assessment identified potential amenity impacts from lighting and noise and conditions have been imposed to ameliorate these impacts. With these conditions the development satisfies the requirements and achieves the objectives of the planning instruments.

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

Attachments

- | | |
|---|---|
| Attachment 1
 | DA.2019.1053 - 4.15 Matter for Consideration Report - Tennis Court - 67 Daniel Lane (<i>Under Separate Cover</i>) |
| Attachment 2
 | DA.2019.1053 - Plans - Tennis Court - 67 Daniel Lane (<i>Under Separate Cover</i>) |
| Attachment 3
 | DA.2019.1053 - Submissions - Tennis Court - 67 Daniel Lane (<i>Under Separate Cover</i>) |
| Attachment 4
 | DA.2019.1053 - Draft Conditions of Consent - Tennis Court - 67 Daniel Lane (<i>Under Separate Cover</i>) |

9.2 **Googong Urban Development Local Planning Agreement Review (Ref: ;
Author: Thompson/Patel)**

File reference: 21.4.3-02

Summary

This matter was last considered by Council at its meeting of 23 January 2019 where Council set down certain principles it sought to have included in any amendments to the Googong Urban Local Planning Agreement (GLPA).

Since that time Council has been negotiating with the developer to incorporate these principles and finalise the wording of the GLPA before it is placed on exhibition for community consultation. This Report provides Council with the final draft version of the GLPA and seeks endorsement for the purposes of public exhibition.

Recommendation

That Council:

- 1. Agree in principle to vary the Googong Urban Development Local Planning Agreement with the proposed changes including those identified in Attachment 1 to this report.**
 - 2. Commence the statutory steps to vary that Agreement, including community engagement for 28 days.**
-

Background

The Googong Urban Development Local Planning Agreement (GLPA) was negotiated between 2008 and 2011 and executed by both parties after community engagement in January 2012. It has been in operation for seven years and a number of changes have occurred, such as the gazettal of *Queanbeyan Local Environmental Plan 2012* in November 2012 which impacts on it.

The key drivers of the changes are:

- Update the definitions of types of development in the Planning Agreement;
- To provide for the dedication of land to and carrying out of works by the Rugby Club at Googong Common and Hill 800, instead of the land being dedicated to Council and the works being carried out by the Developer, and to make consequential changes to the Planning Agreement.
- Acknowledge grant funding for the Old Cooma Road Stage 2 and Lanyon Drive intersection.
- To provide that indexation of the Offsite Local Roads is to be calculated in accordance with the Producer Price Index (*Output of the Construction industries - Road and bridge construction*).
- To update the works schedule for Offsite Local Roads and to alter some Development Contributions including specifying that part of the monetary contributions for Offsite Local Roads will be paid quarterly over a period of 10 years towards Council's repayment of the principal and interest of a loan towards the construction of the Ellerton Drive extension.

9.2 Googong Urban Development Local Planning Agreement Review (Ref: ; Author: Thompson/Patel) (Continued)

- Insertion of new items, deletion of redundant items and amendment to other items of the Development Contributions.
- To make other administrative changes to the Planning Agreement.

As such it has become apparent to both Council and to Googong Township Pty Ltd (GTPL) that a number of changes and updates are necessary to maintain its currency.

To this end Council last considered the matter at its meeting of 23 January 2019 where it was resolved that Council:

1. *Agree in principle to vary the Googong Urban Development Local Planning Agreement as follows:*
 - i. *Definitional alterations to various clauses/wording in the Works Schedule to maintain the currency of the GLPA to reflect such things as the gazettal of Queanbeyan Local Environmental Plan 2012.*
 - ii. *Insertion in the works schedule of the Googong Urban Development Local Planning Agreement (GLPA) of completed works relating to the Water Recycling Infrastructure and new items such as smart poles, sensors and Wi Fi capability.*
 - iii. *A new clause reflecting the July 2016 Memorandum of Understanding between Council, Googong Township Pty Ltd and the Queanbeyan Whites Rugby Union Football Club Incorporated regarding the operation of a community facility.*
 - iv. *An alteration to the escalation indices for offsite road contributions.*
 - v. *Other amendments applying to offsite roads, so as to:*
 - a) *Update the works schedule in the GLPA for offsite roads as well as their contribution values.*
 - b) *Recognise the Old Cooma Road Grant.*
 - c) *Cap the total offsite roads contributions at \$61,653,882.*
 - d) *Include an interest contribution component payable quarterly.*
 - vi. *Any other consequential administrative amendments recommended and agreed to by parties' solicitors.*
2. *Commence the statutory steps to vary that Agreement including community engagement for a minimum of 28 days.*
3. *Receive a further report on the outcomes of the community engagement process.*

Following this staff had a number of engagements with GTPL to progress the matter following the changes to the previous proposal as recommended by Council. Those discussions led to a number of propositions being put to GTPL before finalising the proposed changes below.

Proposed Changes

As a result it is proposed to make the following changes to the GLPA. The list below includes those changes previously endorsed by Council.

1. Definitional alterations to various clauses/wording in the Works Schedule, to maintain the currency of the GLPA to reflect such things as the gazettal of Queanbeyan Local Environmental Plan 2012.
2. Insertion in the works schedule of the Googong Urban Development Local Planning Agreement (GLPA) of completed works relating to the Water Recycling Infrastructure and new items such as smart poles, sensors and Wi Fi capability.
3. A new clause reflecting the July 2016 Memorandum of Understanding between Council, Googong Township Pty Ltd and the Queanbeyan Whites Rugby Union Football Club Incorporated regarding the operation of a community facility.

9.2 Googong Urban Development Local Planning Agreement Review (Ref: ; Author: Thompson/Patel) (Continued)

4. Other amendments applying to offsite roads, so as to:
 - a) Update the works schedule in the GLPA for offsite roads as well as their contribution values.
 - b) Recognise the Old Cooma Road Grant.
 - c) Cap the total offsite roads contributions at \$61,653,882.
 - d) Alter some Development Contributions including specifying that part of the monetary contributions for Offsite Local Roads will be paid quarterly over a period of 10 years towards Council's repayment of the principal and interest of a loan towards the Ellerton Drive extension.
5. Offsite Local Roads contributions are to be calculated in accordance with the Producer Price Index (*Output of the Construction industries - Road and bridge construction*).
6. Other administrative amendments recommended and agreed to by the parties' solicitors.

All changes are recommended to be supported with further consideration following community engagement.

A copy of the proposed Deed of Agreement, the revised VPA and revised Schedules are provided in Attachment 1. Please note that in order to reduce the volume of documentation Attachment 1 does not include Schedules which have not been changed by the amendments.

Implications***Legal***

The proposed changes have been reviewed by legal representatives from both Council and the developer and both advise that the agreement is suitable for public exhibition.

In addition, the *Environmental Planning and Assessment Regulation 2000* requires the proposed changes be advertised for community comment for a minimum of 28 days.

Policy

The GLPA ties the release of necessary supporting physical and community and open space infrastructure to various stages of the development of Council's largest urban release area. As such its currency should be maintained.

Asset

The GLPA progressively provides for the construction of physical, community and open space infrastructure as development occurs. Following maintenance periods, these transfer to Council's ownership, care and control.

Social / Cultural

The GLPA retains both community and open space infrastructure. There are no proposed changes which alter the number or type of open space, recreational or community facilities to be provided under the GLPA.

Strategic

This Agreement provides for the progressive provision of the necessary infrastructure to support the new community of Googong which is one of the major urban release areas Queanbeyan Residential and Economic Strategy 2031.

9.2 Googong Urban Development Local Planning Agreement Review (Ref: ; Author: Thompson/Patel) (Continued)

Engagement

Prior to Council adopting the revised GLPA it must be publicly exhibited for a minimum period of 28 days. This is the minimum required under the *Environmental Planning and Assessment Regulation 2000*. An information session will be arranged with the Residents Association.

Following completion of the exhibition period a report will be brought back to Council with a recommendation on whether to finalise the amendments to the GLPA.

Financial

Amendments to the GLPA necessitate incurring costs for legal advice and community engagement. These will be covered by the appropriate budget in the Land Use Branch.

There are also be some changes to the contribution values and mix for offsite roads and community and open space infrastructure to reflect actual costs incurred and updated cost estimates for work still to be completed.

Integrated Plan

The GLPA assists in achieving Community Strategic Plan Key Goal 3.5 - We ensure the future planning for the region is well coordinated and provides for its sustainable management.


Conclusion

The proposed changes or variations to the Googong Urban Development Local Planning Agreement (GLPA) have been developed over the last few years following improved awareness of actual capital costs, and after careful consideration by both parties of the Agreement.

The proposed amendments to the GLPA ensure the provision of public infrastructure for the benefit of the community and to address the demands of the Development. The Draft Deed of Variation also ensures the currency of the Planning Agreement is maintained.

Accordingly it is recommended that these be agreed to in principle and pursued with community engagement and a further report to Council.

Attachments

Attachment 1  Proposed Deed of Agreement, Amended VPA and Amended Schedules
(Under Separate Cover)

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

File Reference: CC.2017.146

Summary

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

Recommendation

That Council:

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

Background

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

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

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

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

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

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

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

Please note that the developer originally requested that the name Ford Close be used to honour Private A W Ford who also died during the First World War. As previously reported to Council on 8 June 2016 this name was not supported by the GNB because of its commercial

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

association with the Ford Motor Company. Suggestions that initials or first name be combined with the surname are also not supported as the guidelines indicate *The use of given or first names in conjunction with a surname is not acceptable for road naming (but can be considered for place naming. Refer to GNB guidelines on place naming)*. There may be other opportunities to use that name in other types of development i.e. Playing fields/ovals etc.

Implications***Policy and Engagement***



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

Financial

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

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

Attachments

- | | |
|---|---|
| Attachment 1
 | Site Map - Road Naming Proposal - Aubrey Close (<i>Under Separate Cover</i>) |
| Attachment 2
 | Site Map - Road Naming Proposal - Sparrow Close (<i>Under Separate Cover</i>) |

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

File Reference: 24.3.12

Summary

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

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

Recommendation

That:

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

Background

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

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

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

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

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

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

A council may be nominated in more than one Part.

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

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

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

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

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

Options for Burning Controls in the LGA

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

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

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

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

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

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

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

Implications***Legal***

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

Policy

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

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

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

Environmental

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

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

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

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

- Increased mortality due to heart disease and respiratory illness.

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

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

Engagement

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

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

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

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

Resources (including staff)

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

Financial

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

Conclusion

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

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

Attachments

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



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

File reference: 25.4.1-15 (Revolving Energy Reserve)

Summary

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

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

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

Recommendation

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

Background

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

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

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

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

Critical success factors for this project include:

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

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

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

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

Implications***Sustainability***

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

Asset

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

Social / Cultural

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

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

Financial

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

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

Name	Estimated Cost	Savings (per annum)	Pay Back Period	Lifetime savings
10 kW Solar PV System	\$15,000 (including rebate)	\$4,380	3.10 years	\$72,600 (20 years)
Solar Powered Street Lights x9	\$63,0000 (additional \$5000 capital cost when compared to standard street lighting)	\$750 as opposed to standard street lights	6.6 years (when taking into account additional purchase costs of solar street lights).	\$6,250 (15 years)
Instantaneous Electric Hot Water	\$5,000	\$975	5.1 years	\$4,875 (10 years)
LED Lighting	\$5,000 (including rebate)	\$1,400	3.57 years	\$9,000 (10 years)
Solar Battery Storage	\$12,000	\$1,268.40	9.4 years	\$7,026 (15 years)
Total	\$100,000	\$8,515.40	4.9 years	\$43,145 (after 10 years)

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

Conclusion

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

Attachments

Nil

9.6 Northern Entry Road Tender - Tender No 2019/54 (Ref: ; Author:
Hansen/Tooth)

File Reference: 104107-9-7

Summary

Council staff are currently assessing tenders for the construction of the Northern Entry Road (Tender No.2019/54). This report is a request for Council to delegate to the Planning and Strategy Committee of the Whole the authority to award the Tender for the Construction of the Northern Entry Road.

This will allow the successful tenderer to expedite the planned construction works to commence prior to Christmas to ensure a planned completion early in the 2020 financial year.

Recommendation

That Council delegate to the Planning and Strategy Committee of the Whole the authority to award the contract for the Construction of the Northern Entry Road

Background

Following announcements by the Deputy Premier & Member for Monaro John Barilaro in December 2018 committing \$23M for the construction of the Northern Entry Road Council has progressed the design. The proposed road will provide access to the proposed Regional Sports Centre, a new High School and proposed South Jerrabomberra Innovation Precinct.

Tenders for the construction of the road were called in August and are currently being assessed by staff following an 8 week tender period.

Implications

Legal

The Planning and Strategy Committee of the Whole is a meeting of the full Council and can be delegated the authority of the Council

Policy

The Tenders will be assessed as per QPRC procurement policies and the Tender Assessment Plan for the project.

Economic

The proposed project brings significant economic benefit and job creation during and after construction. The site will house a new High School, and proposed defence, space and energy technology precinct with estimates of employment up to 5900 Jobs.

**9.6 Northern Entry Road Tender - Tender No 2019/54 (Ref: ; Author: Hansen/Tooth)
(Continued)**

Strategic

The project is required to provide access to the South Jerrabomberra Development Area, Poplars Business Park, the Regional Sports Centre & the proposed Jerrabomberra High School.

Engagement

The proposed road is also the main access road to the South Tralkeee Residential Development Area and has been exhibited throughout the community many times. Through the LEP and development application process it has been exhibited to the community many times.

Financial

The proposed project will be fully funded by NSW State Government Grant, QPRC Water and Sewer Reserves and Developer contributions. The funding will be outlined in the actual Tender report.

Resources (including staff)

The Tender will be assessed and reported to Council by staff.

Integrated Plan

Following announcements by Government the project has been included in Council Operational Plan.

Conclusion

By delegating the Tender Award decision to the November Committee meeting, it will assist the earlier completion of the construction contract.

Attachments

Nil

9.7 Australian Wind Symphony (Ref: ; Author: Tegart/Richards)

File Reference: 1.3.2-03

Summary

The Australian Wind Symphony (AWS) - formerly the Canberra Wind Symphony - has been operating for four years and has become a respected group in the cultural landscape. They present up to five performances each year to enthusiastic audiences. The group is looking for a base, predominantly for rehearsals, and has proposed an attachment to the newly refurbished Bicentennial Hall in a 'contra' arrangement.

Recommendation

That Council:

- 1. Consider the implications of an agreement with the Australian Wind Symphony to have the Bicentennial Hall as its base, and if supported:**
 - 2. Endorse the preparation of a formal written agreement with the Australian Wind Symphony for a trial period for the 2020 calendar year.**
-

Background

The Australian Wind Symphony (AWS) would like to establish a home base in the newly refurbished Bicentennial Hall. This arrangement would feature in their publicity and media. The agreement would require QPRC to provide the Bicentennial Hall as rehearsal space for 4 x three hour rehearsal periods prior to each of up to five concerts. In return, AWS would perform one concert at the venue where all proceeds go to QPRC.

The proposed concert timing for the Wind Symphony for 2020 is:

Saturday 14th March - (afternoon)

Friday 22nd May - (evening)

Saturday 22nd August - (afternoon)

Wednesday 11th November (Remembrance Day) - Church of St Andrew, Forrest (evening)

+ the potential for one event not part of the annual season

Implications

Social / Cultural

There are cultural profile and marketing advantages to having the AWS base itself at the Bicentennial Hall. The orchestra is well known and respected and would include the support of QPRC in their media. It would also help to activate the space during times of potential low activity.

9.7 Australian Wind Symphony (Ref: ; Author: Tegart/Richards) (Continued)

Conclusion

Having the AWS based at the Bicentennial Hall offers a sound collaboration with a well-established and increasingly popular orchestra. The contra agreement would need to be supported by a formal, written agreement

Attachments

- Attachment 1 Australian Wind Symphony additional information (*Under Separate Cover*) - **CONFIDENTIAL**

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.8 Queanbeyan Junior Brass Application for Funding - Cultural Arts Assistance Scheme (Ref: ; Author: Darcy/Mirowski)

File reference: COMMUNITY – CULTURE – CULTURAL DEVELOPMENT 1.1.3 – Cultural Arts Assistance Scheme – Queanbeyan Junior Brass application 2019

Summary

On 23 September 2019, the Queanbeyan Junior Brass submitted an application for funding under Council's Cultural Arts Assistance Scheme. The application seeks funds to assist with purchasing musical instruments and equipment needed to start the band.

Recommendation

That Council approve a grant of \$1,500 to Queanbeyan Junior Brass Band under the Cultural Arts Assistance Scheme (CAAS).

Background

Queanbeyan Junior Brass seeks financial assistance from Council towards start-up costs for a Junior Band in Queanbeyan. Funds are needed to assist in purchasing a set of 26 brass instruments, percussion, and general equipment such as music stands. The organisation currently holds \$6,000 in donations towards this purpose.

It is proposed that the band will meet after school for one hour, one day a week. The venue will be the Church Hall at St Stephens Church, Morisset Street. The band will be instructed by a qualified and very experienced musical director and will be assisted by a number of volunteers. The aim of Queanbeyan Junior Brass is to change young lives through the enjoyment of music. The music tuition and musical instruments will be provided to young band members free of charge.

Implications***Legal***

All volunteers who will assist the band hold current Working with Vulnerable People and Children's Checks.

Policy

Council's Cultural Arts Assistance Scheme (CAAS) is administered in line with Councils Donations Policy 2017 (for donations under s 356 of the *Local Government Act 1993*). Under the Donations Policy Council may make a resolution to contribute money or otherwise grant financial assistance for projects which contribute towards supporting the community's aspirations as articulated in the QPRC Community Strategic Plan. The aim of the CAAS is to assist local arts and cultural groups to start and develop their own projects, and to improve the community's opportunities for involvement in cultural and arts activities. The Junior Brass CAAS funding application aligns well with the aims of the QPRC Donations Policy and CAAS scheme.

9.8 Queanbeyan Junior Brass Application for Funding - Cultural Arts Assistance Scheme (Ref: ; Author: Darcy/Mirowski) (Continued)

A grant of \$1,500 is recommended. CAAS grants are usually available up to a maximum of \$750. Under the CAAS, grants of up to \$1,500 will be considered if the project meets one or more additional criteria, including that it attracts funding from another source outside of Council. The application states that \$6,000 is also available in seed funding donations provided by members of the committee.

Social / Cultural

Providing the financial assistance will improve the local community's opportunities for involvement in arts and cultural activities. It will enhance opportunities for local young people over the age of nine years to receive musical education, and to develop a lifelong enjoyment of, and involvement in music. The funding will assist Queanbeyan Junior Brass provide free instruments and free music lessons to local young people, including those whose parents cannot otherwise afford to pay for music lessons for their children.

Financial

There are sufficient CAAS funds available to cover the funding request. The maximum amount of funds that applicants can be granted per application is \$1,500.

Program Code	Expense Type	Funding source		Amount
	Grant	Cultural Arts Assistance Scheme	\$	1,500

Conclusion

The CAAS funding application submitted by Queanbeyan Junior Brass is in line with the aims and purpose of Council's CAAS scheme, the QPRC Donations Policy 2017, and the QPRC Community Strategic Plan. Providing Council funding to assist the junior band start-up will provide social and cultural benefits to the Queanbeyan community.

Attachments

- Attachment 1 Cultural Arts Assistance Scheme - Queanbeyan Junior Brass application 2019 (*Under Separate Cover*) - **CONFIDENTIAL**

9.9 Draft QPRC Community Engagement Plan (Ref: ; Author: Richards/de Hoog)

File Reference: 51.6

Summary

Council is committed to actively engaging the community to improve decision making and meet its legislative requirements. The draft QPRC Community Engagement and Participation Plan has been developed to outline the processes Council will undertake to seek the community's views and opinions.

The Community Engagement and Participation Plan seeks to meet the legislative requirements of Section 2.23 of the *Environmental Planning and Assessment Act 1979* for a Community Participation Plan (CPP) that outlines to the community how and when Council will undertake community participation when exercising planning functions. Council is required to prepare the CPP by 1 December 2019.

Recommendation

That Council place the draft QPRC Community Engagement and Participation Plan on public exhibition for a period of 28 days.

Background

Council adopted the Stakeholder and Community Engagement Framework Policy at its meeting on 27 March 2019. The Policy noted that practical implementation will be undertaken through the Community Engagement Plan and the Community Engagement Toolkit. The Plan and Toolkit have now been developed and Council should now place the Community Engagement and Participation Plan on public exhibition to get feedback from the community.

The toolkit has been developed for use by staff and consultants, with practical guidance for project officers undertaking community engagement. It is attached for councillor's reference.

Implications

Legal

The *NSW Local Government Act 1993* states that: "The council must establish and implement a strategy (its community engagement strategy), based on social justice principles, for engagement with the local community when developing the community strategic plan."

Policy

The Community Engagement Plan has been developed after Council adopted the Stakeholder and Community Engagement Framework Policy.

In the event that it is adopted, the Community Engagement Plan will become the plan that contains the requirements for community engagement involving development applications. Consequently the public notification clauses of Queanbeyan Development Control Plan 2012, Googong DCP and Palerang Development Control Plan 2014 will need to be reviewed and repealed as a separate exercise.

**9.9 Draft QPRC Community Engagement Plan (Ref: ; Author: Richards/de Hoog)
(Continued)**

Strategic

The Community Engagement and Participation Plan is intended to meet the legislative requirements under the *Environmental and Assessment Act 1979* for a Community Participation Plan (CPP). The purpose of a CPP is to provide a single document that sets out all of Council's community participation requirements under the planning legislation.

Section 2.23(4) of the Act gives councils the option to prepare a standalone CPP or include the requirements in a community engagement plan/strategy prepared under section 402 of the *Local Government Act 1993*.

Engagement

The draft Community Engagement and Participation Plan will be placed on public exhibition for comment from the community.

Resources (including staff)

The Community Engagement and Participation Plan has been developed by staff and the engagement process will be managed by Council's internal resources.

Integrated Plan

Council's approach to community engagement supports Strategic Pillar 5 – Capability in




Council's adopted Delivery Program and in particular, key goal 5.7 – we have a well informed and engaged community.

Conclusion

The draft Community Engagement and Participation Plan outlines Council's commitment to two-way communication and improved decision making. It also meets Council's legislative requirements to prepare a Community Participation Plan that outlines how and when Council will undertake community participation when exercising planning functions.

It is recommended to place the draft plan on public exhibition.

Attachments

- | | |
|---|--|
| Attachment 1
 | Draft QPRC Community Engagement and Participation Plan (<i>Under Separate Cover</i>) |
| Attachment 2
 | 1 Page Summary of Community Engagement Plan (<i>Under Separate Cover</i>) |
| Attachment 3
 | QPRC Community Engagement Toolkit (<i>Under Separate Cover</i>) |

9.10 Model Code of Conduct Consultation - Gifts and Benefits (Ref: ; Author: Tegart/Ferguson)

File Reference: 52.2.4

Summary

The NSW Minister for Local Government, the Hon Shelley Hancock MP, has written to all councils seeking their views via written submissions on the monetary threshold on the value of gifts that may be accepted by council officials. Submissions close on Friday, 8 November 2019.

Recommendation

That:

1. Council note the NSW Minister for Local Government's request for submissions on the monetary threshold on the value of gifts that may be accepted by council officials.
 2. Councillors be encouraged to lodge their personal views on the threshold to the Office of Local Government by 8 November 2019.
-

Background

Council adopted its Code of Conduct on 27 February 2019, based on the Model Code released by the Office of Local Government (OLG). The term "council official" refers to all councillors, members of staff of council, administrators, council committee members, delegates of council and council advisers.

Part 6 - Personal Benefit of the Code refers to gifts and benefits and how these must be dealt with. Clause 6.8 states:

Gifts and benefits of token value

6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50. They include, but are not limited to:

- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50
- b) gifts of alcohol that do not exceed a value of \$50
- c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
- d) prizes or awards that do not exceed \$50 in value.

The Minister for Local Government advises that, of the 95 submissions received in response to the consultation draft of the Model Code of Conduct, only five raised concerns about the \$50 cap on the value of gifts that may be accepted by council officials.

However, since the Model Code was released, Ms Hancock has been approached by a number of mayors and councillors who have expressed concern about the \$50 cap, and have suggested that this should be raised to \$500.

9.10 Model Code of Conduct Consultation - Gifts and Benefits (Ref: ; Author: Tegart/Ferguson) (Continued)

Ms Hancock is now seeking the views of other councils on the following specific questions:

- whether \$50 is an appropriate monetary value for the cap on the value of gifts that may be accepted by councillors.
- If the \$50 cap on the value of gifts that may be accepted by councillors is not appropriate, at what value should it be set?
- If it is suggested that the cap on the value of gifts that may be accepted should be raised, should it be raised uniformly for all council officials, or should it just be raised by councillors and the \$50 cap retained for other council officials such as council staff?
- If it is suggested that the cap on the value of gifts that may be accepted should be raised for councillors and not for other council officials such as council staff, why does your council believe that councillors should be subject to a different standard than the one that applies to other classes of council officials in relation to the acceptance of gifts.

The Minister requests that councils make a submission to the OLG at olg@olg.nsw.gov.au by Friday, 8 November 2019, marked "Gifts and Benefits Feedback" for the attention of the OLG's Council Governance Team.

Given the short timeframe for the receipt of submissions, and also the potential diversity of views of individual QPRC Councillors, it is recommended that each Councillor be encouraged to lodge their own submission on the monetary value of gifts that may be accepted by council officials.

Implications***Legal***

In accordance with Part 1 – Conduct, Division 1 – Conduct generally, ss439AA – 440AA of the *NSW Local Government Act 1993*.

Policy

Clause 6.8 of the Queanbeyan-Palerang Regional Council's Code of Conduct 2019 stipulates a cap of \$50 on the value of gifts and benefits that may be accepted by council officials, in accordance with the Model of Code of Conduct.

Attachments

Nil

9.11 Register of Declarations of Pecuniary Interests and Other Matters (Ref: ;
Author: Tegart/Ferguson)

File Reference: 52.7.3

Summary

All Councillors and designated staff are required under Section 440AAB of the *Local Government Act 1993* to lodge by 30 September each year an annual return for disclosures of their pecuniary interests and other matters. The register of annual returns is required to be tabled at the first Council meeting held after the last day for lodgement.

Recommendation

That, in accordance with s.440AAB of the *Local Government Act 1993*, the register of annual returns of disclosures of pecuniary interest and other matters by Councillors and designated staff for the period ending 30 June 2019, be tabled.

Background

Councillors and designated staff are required to submit their annual returns for the period 1 July 2018 to 30 June 2019 by 30 September 2019. For those staff who have not been employed by Council for the full year, their return period will be from their date of commencement to 30 June 2019.

The information in the declaration may be updated or corrected at any time by submitting a fresh return.

The register of returns for Councillors and designated staff is now tabled in accordance with s.440AAB of the *Local Government Act 1993*. It is available for inspection by the public free of charge at Council's administration offices by appointment during business hours.

Implications

Legal

To comply with s.440AAB of the *Local Government Act 1993*.

Conclusion

The register of annual returns by designated staff for their disclosures of pecuniary interests and other matters for the period 1 July 2018 to 30 June 2019 is required to be tabled in accordance with s.440AAB of the *Local Government Act 1993*.

Attachments

Nil

9.12 Queanbeyan Showground Advisory Committee Representative (Ref: ; Author: Tegart/Ferguson)

File Reference: 23.1.1-21

Summary

Council recently advertised two representative vacancies on the Queanbeyan Showground Advisory Committee. This report seeks Council's endorsement for an appointment to one of the vacancies.

Recommendation

That Council endorse the appointment of Mr David Loft to fill a casual vacancy as a representative of the Queanbeyan Heritage Advisory Committee on the Queanbeyan Showground Advisory Committee.

Background

Advertisements calling for nominations from persons interested in filling two casual vacancies on the Queanbeyan Showground Advisory Committee were placed in all relevant media in May 2019. Nominations closed on 11 June 2019.

The full membership of the Advisory Committee comprises:

- Two Councillors (Cr Overall and Cr Taylor)
- Council's Service Manager, Urban Landscapes
- Two representatives from the Queanbeyan Show Society (Eddie Zarb and Sue Camm)
- One member of the Heritage Advisory Committee (vacant)
- One member of the Queanbeyan and District Historical Society (Fred Monk)
- Four user representatives (Kyor Booth-Hunt, Kim Holden, Bob Beaver, Sue Jarvis)
- One Aboriginal representative (vacant)

One nomination was received from Mr David Loft for the position of the Heritage Advisory Committee representative. No nomination was received for the position of Aboriginal representative.

Mr Loft has extensive experience in serving on various committees in the Queanbeyan region in addition to the Heritage Advisory Committee, including the RFS, Queanbeyan Community Radio and the Monaro District Police Command. The QPRC Heritage Advisory Committee has endorsed Mr Loft as its representative on the Queanbeyan Showground Advisory Committee.

Conclusion

Following a call for nominations to fill two casual vacancies on the Queanbeyan Showground Advisory Committee, Council is asked to endorse the appointment of Mr David Loft to represent the Queanbeyan Heritage Advisory Committee on the Committee. The vacancy for an Aboriginal representative remains open.

Attachments

Nil

9.13 Extension of Licence Agreement (Ref: ; Author: Neil/Warne)

File Reference: Property No ECM – 161848

Summary

NSW Police Property have sought an extension to the agreement to use part of the Morisset Street car park for a compound for police vehicles.

Originally, the proposal was not acceptable, but with changes in circumstances it is now appropriate for the Council to agree to the proposal.

Recommendation

That:

- 1. Council agree to the request from NSW Police to extend the Licence Agreement to use the Morisset Street Carpark for a police compound until 16 April 2021.**
 - 2. An Addendum to the Licence Agreement be prepared and executed by the parties**
-

Background

In 2018 the Council entered into a Licence Agreement with the NSW Police for the exclusive use of 50 car spaces at the Morisset St car park. The period of the Licence Agreement was from 5 November 2018 to 30 June 2020 which was the estimated time for the rebuild of the Queanbeyan Police Station.

During the rebuild, NSW Police activities have been relocated to Morisset House at 7 Morisset St Queanbeyan which adjoins the Morisset Street car park, and is across the road from the Crawford Street carpark.

The Licence provides for the NSW Police to erect a compound within the car park that utilises 46 car spaces. In addition, it has exclusive use of 4 other car park spaces in the vicinity of the headquarters.

Advice has now been received that the project has been delayed and there has been a request to extend the Licence to 16 April 2021. There has been little public feedback on the presence of the compound in the car park. The temporary carpark constructed at 256 Crawford St as an offset, has not been fully occupied.

The matter was considered at the July Council meeting and the proposal was not supported as the Council was considering a multilevel carpark development in the Morisset carpark as part of a CBD grant project. It was also proposed that the police compound be relocated to the Crawford St carpark on the northern side of Morisset St. This concept was not supported by NSW Police. The CBD project was subsequently reverted to Monaro St Stage 1 and there are now no pressing requirements for accessing the car park in the imminent future. Accordingly, it would be appropriate to extend the licence.

9.13 Extension of Licence Agreement (Ref: ; Author: Neil/Warne) (Continued)

A view of the site is shown below:

**Implications*****Legal***

The Licence Agreement provides for an option to renew the Licence and for holding over on a month to month basis. The extension can be accommodated.

The Morisset St Carpark is operational land so can be managed on commercial terms.

Financial

The initial Licence provided for a settlement payment of \$ 305,800 (inc. GST) and an overall rental of \$1. No further revenue will be generated by the extension.

Conclusion

The extension of the Licence Agreement will assist NSW Police with the development of the Police Station. Accordingly, the extension should be supported.

Attachments

Nil

9.14 Renewal of Licence to Airservices Aust. - Noise Monitoring Equipment -
Jerrabomberra (Ref: ; Author: Warne/Micallef)

File Reference: Property No 155680

Summary

Air Services Australia has an aircraft noise monitoring station located at the Jerrabomberra Tennis courts which has been the subject of a Licence Agreement with Council that expired 30 June 2019. Air Services continues to hold over the existing site on a month to month basis and is looking to secure tenure for a further Term of 5 years.

Recommendation

That:

1. Council agree in principle to enter into a 5 year Licence Agreement with Air Services Australia for the location of an aircraft noise monitoring station at the Jerrabomberra Tennis Club, 4 Coral Drive Jerrabomberra.
 2. The Licence Agreement proposal be advertised in accordance with s47 of the *Local Government Act 1993*.
 3. If no objection to the proposal is received that the Licence Agreement be executed.
 4. Council approve the General Manager execute the Licence Agreement on the Council's behalf.
-

Background

In 2001 the Council entered into a ten year Licence Agreement with Air Services Australia to place a noise monitoring terminal and associated equipment at the Jerrabomberra tennis courts. The purpose of the station is to monitor air traffic noise associated with the Canberra airport approaches.

Photographs of the station are shown hereunder:



9.14 Renewal of Licence to Airservices Aust. - Noise Monitoring Equipment - Jerrabomberra (Ref: ; Author: Warne/Micallef) (Continued)

At the expiry of the initial period, Council entered into a further 5 year Licence for the period 1 July 2014 to 30 June 2019.

The location of the station is shown circled in red in the map hereunder:



The location of the equipment is within the boundaries of the Jerrabomberra Tennis courts and can be relocated should the tennis club undergo capital improvements during the Term.

Implications***Legal***

The Land on which the equipment is located is Council owned and classified as community land. The proposed Licence is consistent with the current Plan of Management for Sportsgrounds – see Part C.

Pursuant to s 47A of the *Local Government Act 1993*, the proposal to grant a Licence Agreement for use of “community land” for a term of 5 years or less the must be exhibited as prescribed by section 47 of the Act.

It has been Council’s practice that it will only consider the matter again if there is an objection from the local community.

Engagement

Pursuant to section 47 of the *Local Government Act 1993*, Council will be required to: i) give notice to the public via Council’s website and publication in the Queanbeyan Age; and,

- ii) place a notice to be exhibited on the existing site of the equipment; and,
- iii) give notice of the proposal to occupants of adjoining Land.

9.14 Renewal of Licence to Airservices Aust. - Noise Monitoring Equipment - Jerrabomberra (Ref: ; Author: Warne/Micallef) (Continued)

Financial

A rental of \$1,430.00 has been paid annually for the previous Term and Rent would continue to be paid under any new arrangement, but would be subject to a new valuation.

The costs associated with preparing the new Licence are minimal and are the advertising (\$1,500). The documents relating to the Licence are prepared in house and attract no additional legal costs.

Conclusion

There is an ongoing requirement for the monitoring equipment and consistent with the existing long term agreement between Air Services Australia and Council, it is appropriate to enter into a new Licence Agreement.

Attachments

Nil

9.15 Annual Native Title Manager Notification to Minister (Ref: ; Author:
Warne/Micallef)

File Reference: 433001

Summary

A resolution of Council is required to recognise the appointment of Native Title Managers employed by Council and to notify the Minister of the same pursuant to the *Crown Land Management Act 2016*.

Recommendation

That Council:

1. **Confirm the appointment of David Carswell, Kristina Micallef and Simon Holloway as the native title managers employed by Council.**
 2. **Authorise the General Manager to give written notice to the Minister for Water, Property and Housing the names and contact details of Council's Native Title Managers.**
-

Background

The *Crown Land Management Act 2016 (CLM Act)* came into effect 1 July 2018. As required by section 8.6 of the CLM Act, Council is required to appoint at least one Native Title Manager and pursuant to 8.8 of the CLM Act, is required to provide notice of the same to the Minister as soon as practicable after 30 June and no later than 31 October of each year. Notice is required to be given to the Minister for Water, Property and Housing.

Advice of a native title manager is required for any dealing by Council on Crown Land to ensure those dealings are compliant with native title legislation - section 8.7 of the *CLM Act*.

A Native Title Manager is a person who has completed the approved training which is administered by the NSW Department of Planning, Industry and Environment in conjunction with the Crown Solicitors Office.

This notice for determination gives Council the opportunity to recognise the appointment of the Native Title Managers employed by Council to date and resolve to notify the Minister as required by the *CLM Act*.

Implications

Legal

Compliance with the *CLM Act*:

- i) Section 8.6 – employment or engagement of a native title manager having completed the approved training or qualifications;
- ii) Section 8.8 – ensure that Council dealings on Crown Land comply with any applicable provisions of the native title legislation; and,

9.15 Annual Native Title Manager Notification to Minister (Ref: ; Author: Warne/Micallef) (Continued)

- iii) Section 8.8 – notice of the contact details of any native title managers in writing to the Minister as soon as practicable after 30 June and no later than 31 October of each year.

Section 377(1)(s) of the *Local Government Act 1993* states the making of an application, or the giving of a notice, to the Governor or Minister, is a non-delegable function meaning a resolution of Council is required.

Engagement

Provide written Notice to the Minister of Water, Property and Housing the name and contact details of Council's Native Title Managers, and by email to:

council.clm@crowland.nsw.gov.au




Financial

None.

Conclusion

Council resolve to provide written notice to the Minister for Water, Property and Housing of the contact details of its Native Title Managers pursuant to section 8.8 of the *CLM Act*.

Attachments

- | | |
|---|---|
| Attachment 1
 | Confirmation of qualified person - native title manager - Kristina Micallef
(Under Separate Cover) |
| Attachment 2
 | Confirmation of qualified person - native title manager - David Carswell
(Under Separate Cover) |
| Attachment 3
 | Confirmation of qualified person - native title manager - Simon Holloway
(Under Separate Cover) |

File reference: 43.3.1

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 September 2019.

Recommendation

That Council:

- 1. Note the 2019/20 investment income for September 2019 was \$553,244.**
 - 2. Note the investment portfolio has been made in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and Queanbeyan-Palerang Regional Council's Investment Policy.**
 - 3. Adopt the Investment Report for the month of September 2019.**
-

Background

Cash and Cash Equivalent Investments

The principal amount invested as at 30 September 2019 was \$208,496,611. For ease on reconciliation, the attached report has this value marked as item (c) on page 4. Please note that Council doesn't recognise the market value fluctuation of its funds under management until such time as it's disposes of those investments and realises any gain/loss. Hence the difference between the Face value versus the Market value of Councils portfolio.

The investment return for September 2019 was \$553,244. This value is shown on the attached report as item (a) on page 3.

The year to date investment return as at September 2019 was \$1,659,408. This value is shown on the attached report as item (b) on page 3.

Market Update

The average 30 day BBSW rate for September 2019 was 1.04%.

The Reserve Bank (RBA) board chose to reduce the cash rate by 25bp to the new record low rate of 0.75% at its October 2019 meeting.

The TCorpIM Long-Term Growth Fund returned a gain in September 2019. The Fund invests across major listed asset classes, with around 70% directed to growth assets and 30% to defensive assets.

The TCorpIM Medium-Term Growth Fund produced another positive return in September 2019. The Fund contains 58% defensive assets.

**9.16 Investment Report - September 2019 (Ref: ; Author: Scarpin/Drayton)
(Continued)**

Implications***Policy***


I hereby certify that Queanbeyan-Palerang Regional Council investments listed in Table 2 of the attached Investment Summary 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.

Lucas Scarpin
Interim Chief Financial Officer

Financial

Investment income for the 2019/20 Financial Year as at 30 September 2019 amounted to \$1,659,408. The investment returns are added to the associated restricted funds (i.e. development contributions) that form Council's investment portfolio.

Attachments

Attachment 1 Investment Summary Report (*Under Separate Cover*)


10.1 Local Government General Elections September 2020 (Ref: ; Author:
Tegart/Ferguson)

File Reference: 52.6.1

Report

The NSW Minister for Local Government, the Hon Shelley Hancock MP, recently announced that the Government will provide funding to councils of almost \$20m to reduce the cost of running the 2020 local government general election.

The Government's funding commitment follows an IPART review into the cost of running elections, during which a number of councils expressed their concerns about the significant increases in election costs.

Councils will now pay only the direct costs incurred by the NSW Electoral Commission (NSWEC) in holding elections, such as polling booth staff, venues and ballot paper printing. This will result in a cost per elector in 2020 of \$8.21, compared to \$12.72 if the Government's contribution had not been provided.

For Council's information, the cost of the first QPRC election in 2017 was \$356,527.60.

The cost estimate provided by the NSWEC for the next QPRC election in 2020 is \$491,754. This estimate takes into account the Government's contribution, and will be included in the 2020/21 budget.

The Minister has also advised that the Government will make a range of regulatory changes to further increase the efficiency of local government elections from 2020 onwards. These will include allowing full electronic nominations and electronic vote counting.

The Government will consult with the local government sector with regard to giving councils the option to use universal postal voting instead of attendance voting from the 2024 elections onwards to reduce costs further and increase participation rates.

This option of universal postal voting was a key element of QPRC's submission to the IPART review, together with a strong recommendation for the introduction of iVote in council elections. Empirical evidence in Victorian local government elections has shown a higher participation rate when universal postal voting, rather than attendance voting, was used.

IPART's final report on the costs of local government elections and the NSW Government's response can be accessed at <https://www.olg.nsw.gov.au/strengthening-local-government/conduct-and-governance/council-elections>

Conduct of 2020 QPRC Election

Council resolved in January 2019 as follows:

016/19 RESOLVED That Council resolves:

1. Pursuant to s.296(2) and (3) of the *NSW Local Government Act 1993* (the Act), that an election arrangement be entered into by contract for the NSW Electoral Commissioner to administer all elections of the Council.

10.1 Local Government General Elections September 2020 (Ref: ; Author: Tegart/Ferguson) (Continued)

2. Pursuant to s.296(2) and (3) of the Act, as applied and modified by s.18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.

3. Pursuant to s.296(2) and (3) of the Act, as applied and modified by s.18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda

The NSWEC has advised that contracts between councils and the NSWEC must be signed and returned no later than 1 January 2020 in order for it to plan for those elections that it has been engaged to conduct.

Recommendation

That the report be received for information.

Attachments

Nil

10.2 Resolution Action Sheet (Ref: ; Author: Ferguson/Ison)

Report

The Resolution Action Sheet provides Council with information on action taken or proposed to be taken as a result of resolutions carried at Ordinary Council meetings and Planning & Strategy Committee of the Whole meetings.

The Resolution Action Sheet is an ongoing document, updated progressively by staff. As items are completed and presented to Council, they will be removed from the document.

Recommendation

That the report be received for information.

Attachments

Attachment 1 Resolution Action Sheet (*Under Separate Cover*)



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

File Reference: 414207

Summary:

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

Recommendation

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

Attachments

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

11.2 Consultative Committee on Aboriginal Issues (Ref: ; Author:
Hansen/Campese)

File Reference: ID 419104

Summary:

The Consultative Committee on Aboriginal Issues held a meeting 20 August 2019. The outcome of the meeting included the proposal to change the terms of reference to allow Ngunnawal and Walbunga peoples who live outside of the QPRC region be a member of the Committee.

Please find attached the Meeting Minutes and Terms of Reference.



Recommendation

That Council:

- 1. Note the minutes of Consultative Committee held on 20 August 2019.**
- 2. Adopt recommendation CAI 01/19 from the meeting held on 20 August 2019.**

CAI 01/19 That Council accept the change in Terms of Reference that Ngunnawal and Walbunga peoples can live outside of the QPRC region and still be a member of the Committee.

Attachments

- | | |
|---|--|
| Attachment 1
 | Consultative Committee on Aboriginal Issues Terms of Reference (<i>Under Separate Cover</i>) |
| Attachment 2
 | Minutes for Consultative Committee on Aboriginal issues (<i>Under Separate Cover</i>) |

11.3 New Youth Committee Members (Ref: ; Author: Richards/Campese)

File Reference: 388980

Summary

Notification of change of membership in the Youth Committee.

Recommendation

That Council endorse Recommendation YAC 4/19 of the Youth Committee to appoint the following members to the Committee for 2020:

Martin Peel, Tia Gray, Ruby Gurling, Liam O'Grady, Jayden Pappas, Jenna Ross, Jane-Maree Carvolth, Jesse Munslow, Elia Biscotti, Jay Madden, Lani Bevan, Imogen Philp-Reid, and Taylor Clift.

Background

The QPRC Youth Committee builds the capacity of young people in the QPRC community and Council by providing opportunities for young people to participate in local decision making.

The aim of the committee is to ensure that Queanbeyan-Palerang Region is a vibrant, inclusive, empowering community for young people.

The Youth Committee's Terms of Reference states the term of membership as one year with the ability for members to reapply for two additional years. Existing members were encouraged to reapply and new members were invited to apply. Three current members Jenna Ross, Tia Gray and Lani Bevan reapplied.

Social / Cultural

Young people in the QPRC region will have a greater voice and the ability to influence positive change.

Strategic

Aligns with Program 2.2 Youth in the QPRC Delivery Program

Program Code	Expense Type	Funding source	Amount
		No Impact	\$ 0

Resources (including staff)

QPRC Program Coordinator, Community, is the mentor for youth committee members.

Conclusion

Positive growth in QPRC Youth Committee membership is encouraging.

Attachments

Nil

11.4 Greenways s.355 Committee Meetings Minutes (Ref: ; Author:
Tegart/Ferguson)

File Reference: 52.3.3




Summary:

The Greenways s.355 Committee has submitted for Council's information the minutes of its Annual General Meeting and Committee meeting held on 10 September 2019. The Committee has also submitted its assessment of Greenways major works.

Recommendation

That Council note the minutes of the Greenways s.355 Committee's Annual General Meeting and Committee meeting held on 10 September 2019, and the assessment of Greenways major works.

Attachments

- | | |
|---|---|
| Attachment 1
 | Greenways s.355 Committee AGM minutes 10 September 2019 (<i>Under Separate Cover</i>) |
| Attachment 2
 | Greenways s.355 Committee meeting minutes 10 September 2019 (<i>Under Separate Cover</i>) |
| Attachment 3
 | Greenways s.355 Committee's assessment of major works (<i>Under Separate Cover</i>) |

11.5 Bungendore Locality Committee Meeting Minutes 12 August 2019 (Ref: ;
Author: Tegart/Ferguson)

File Reference: 52.3.3-05


Summary:

The minutes of the meeting of the Bungendore Locality Committee held on 12 August 2019 are attached for Council's information.

Recommendation

That Council note the minutes of the meeting of the Bungendore Locality Committee held on 12 August 2019.

Attachments

Attachment 1  Bungendore Locality Committee meeting minutes 12 August 2019 (*Under Separate Cover*)

11.6 Royalla Common s.355 Committee Meeting Minutes (Ref: ; Author:
Tegart/Ferguson)

File Reference: 52.3.3


Summary:

The Royalla Common s.355 Committee has submitted for Council's information the minutes of its Committee meeting held on 31 July 2019.

Recommendation

That Council note the minutes of the Royalla Common s.355 Committee's meeting held on 31 July 2019.

Attachments

Attachment 1  Royalla Common s.355 Committee meeting minutes 31 July 2019 (*Under Separate Cover*)

12.1 Drought Relief (Ref: ; Author: Ferguson/Schweikert)

File Reference: 52.3.1

Notice

Councillor Mark Schweikert will move the following motion:

Motion

That Council produce a report at the December Ordinary meeting:

- 1. On all current drought relief measures Council is applying to help farmers in our LGA.**
 - 2. Mapping drought severity by area/town/parish etc in the LGA.**
 - 3. Proposing a suite of further recommendations/measures that can aid our farmers¹, including (but not limited to) the lifting of restrictions/red-green tape, funding in-house aid programmes, assisting existing organisations and programmes, rate relief etc.**
-

Background

There is no universal definition of drought however, most see it as a prolonged, abnormally dry period when the amount of available water is insufficient to meet the requirements for effective and efficient agriculture.

Meteorologists monitor the extent and severity of drought in terms of rainfall deficiencies. Agriculturalists rate the impact on primary industries, hydrologists compare ground water levels, and sociologists define it by social expectations and perceptions. There is also a growing psychosocial element with a correlation to drought and suicide rates in rural areas.

It is generally difficult to compare one drought to another, since each drought differs in seasonality, location, size and duration. This is, in part, due to the different climate drivers on Australia from the Pacific, Indian, and Southern Oceans that can influence variations in rainfall (such as the El Niño-Southern Oscillation and Indian Ocean Dipole).

While there are localised drought events in all parts of the state or country, the most recent major drought events were:

- 1895 - 1903 - Federation Drought
- 1937 - 1945 - World War II Drought
- 2001- 2010 - Millennium Drought

In addition to these multi-year droughts, there have been a number of short, intense droughts (e.g., 1914-1915, 1965-1967, 1982-1983).

The current drought in our QPRC LGA began in mid - 2017 and it is equivalent to a major drought event on the 100 year historical record.

1. Farmers are classified as meeting the following criteria: Size of farming property is greater than 40ha; registered with the Australian Taxation office as a primary producer and more than 51% of income would normally be generated from the farm, in a normal year.

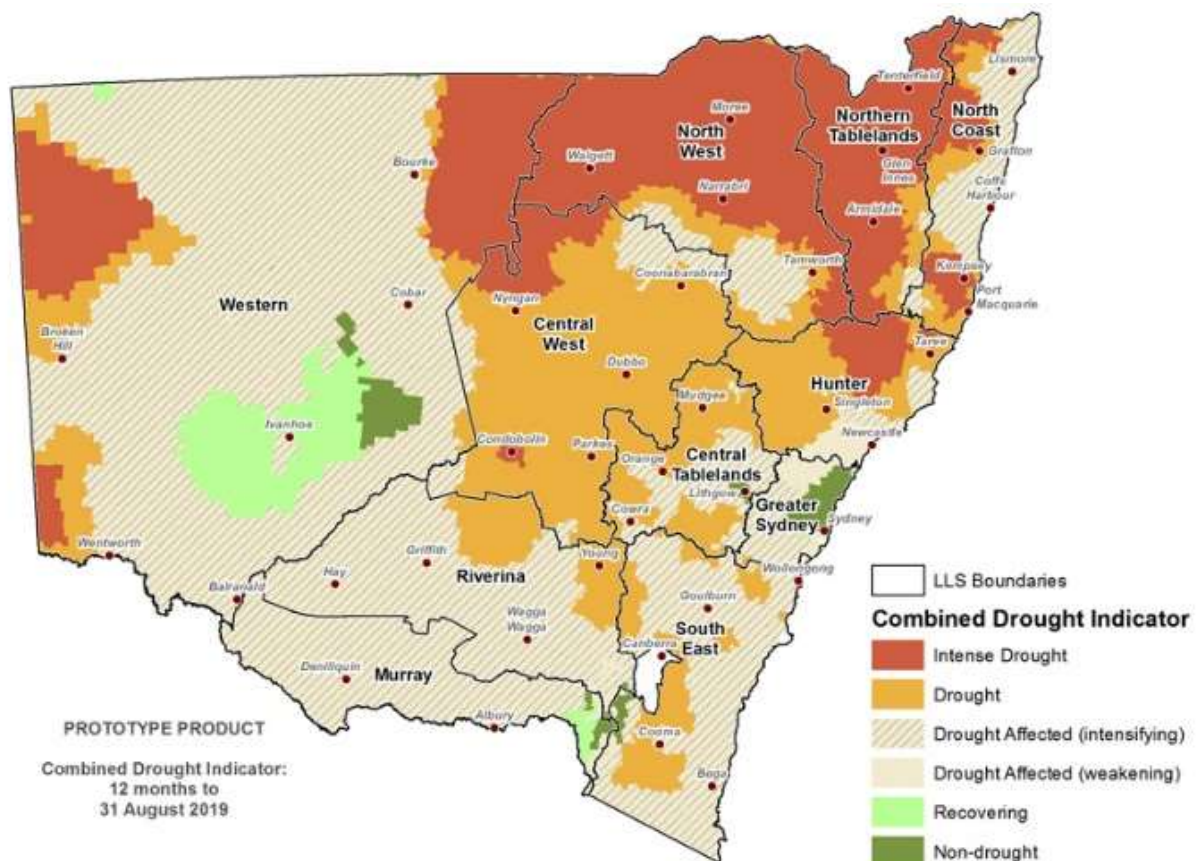
12.1 Drought Relief (Ref: ; Author: Ferguson/Schweikert) (Continued)

Effect

While destocking has been the most obvious sign of the effect of drought, some farming communities are already seeing farmers leave the land. This has the potential to be devastating on economies from local to national with farmers not producing the agricultural products to sustain life, to manage the land properly or support employment.

As one Braidwood farmer said to the mover recently “no one is farming anymore. We all have second jobs as farming can’t sustain us”.

Whole towns feel the effect of people on the land doing it tough. Soon, those in the cities will also.



Aug 2019 drought map of NSW (Dept of Ag)

Purpose of Motion

Agriculture is an economic staple of the area providing jobs and thus knock on effects for income for many in the community.

Other councils have developed measures to help their farming communities through these difficult times. Measures range from useful information on council websites to funding existing programmes.

Examples of activities other councils are conducting or what QPRC could do include:

- <https://www.blandshire.nsw.gov.au/community/drought-relief>

12.1 Drought Relief (Ref: ; Author: Ferguson/Schweikert) (Continued)

- <http://www.wellington.vic.gov.au/Living-in-Wellington/Emergency-Management/Drought-Relief>
- Helping with existing charities such as 'Buy a Bale' (<https://www.buyabale.com.au>) who purchase, hay, diesel, water, food hampers etc for drought affected farmers. 'Buy a Bale' is having a tremendous impact for drought affected communities as it's a hand up not a hand out.
- The "Parma for a Farmer" charity campaign is currently nowhere to be found in the QPRC LGA. However, there are three locations in Canberra. This movement sees donations made to <https://www.ruralaid.org.au/> though the purchase of parmigiana meals at participating pubs, clubs and restaurants. Council's events and business development teams could provide support and/or assistance here.
- Council could, in parallel with other measures, lead a task force to look at region wide measures involving Federal Govt, NSW Govt, CBJO, RDA-SI etc, although this would need to be done quickly.
- A Special Rate Variation (SRV) to offset farm rates and/or fund a buy a bale style campaign.
- Open the LGA's travelling stock routes for grazing and/or provide guidance and approval/assistance for road verge i.e. 'Long Paddock' grazing
- Etc.

**Conclusion**

Every day brings us closer to the rain for every drought eventually breaks. But we remain unsure when that day will come. This motion and the QPRC community support it provides will hopefully allow our farmers to hang on that little bit longer.

CEO Comments

1. Council has recently resolved to provide support to farmland rate category properties including rate relief and support for weed control through deferred payments. (Resolution no. 270/18)
2. The Financial Hardship Assistance Policy recognises there are cases of genuine financial hardship requiring respect and compassion in special circumstances. This policy establishes guidelines for assessment of hardship applications applying the principles of fairness, integrity, appropriate confidentiality, and compliance with relevant statutory requirements. It applies to all applications for alternative payment arrangements, or writing off of rates, fees, annual charges and interest accrued on such debts.

12.1 Drought Relief (Ref: ; Author: Ferguson/Schweikert) (Continued)

3. LGNSW Annual Conference 2019

Council may also consider actions proposed at a state level and support the resolutions made at the conference:

That Local Government NSW calls on the NSW Government to develop, in consultation with local government and communities:

1. A comprehensive, integrated and funded emergency plan to address the immediate water supply crisis afflicting NSW towns and communities and a disaster recovery plan for when the drought breaks. These plans should:
 - a. Provide greater flexibility, such as allowing temporary transfer of water, where the water does not have current allocations/licensing and it is within the same water source;
 - b. Ensure that town water supplies will be secured and maintained; and
 - c. Ensure that appropriate consultation is undertaken, when issuing bore licences and other relief measures.
2. Long term (30-40 year) water supply strategies for catchments throughout the State that mitigate the risks from future droughts and the predicted impact of climate change to help ensure population and economic growth targets can be achieved and supported. These strategies should not exclude ambitious infrastructure projects of the scale of the Snowy Mountain Scheme, while storm water harvesting, reuse and recycling and demand management initiatives should feature as key elements of those plans.

4.1 LGNSW Board Drought Responses

That Local Government NSW calls for the development and implementation of integrated long term National, State Drought Policies and Plans. Elements of the policy must include:

1. A commitment to provide long term water security and related initiatives such as fodder banks
2. Bringing forward planned water infrastructure projects and identifying new infrastructure projects that will assist in providing long term water security
3. Support for demand management and water saving initiatives down to the household level
4. Removal of unnecessary red tape on water projects
5. Stronger support for emergency responses such as water carting
6. A review of Water Sharing Plans, particularly in relation to need for optimisation of the management of environmental flows
7. Commitment to actively engage councils in development of all policies and plans
8. Provision for funding local government drought coordinators
9. Explicit recognition by the State and Federal Governments that they have a community service obligation (CSO) to subsidise water and sewerage infrastructure and services in small rural and regional communities
10. Increased provision of financial and mental health support for communities impacted by drought (supported by roadshows to make people aware of available assistance).

12.1 Drought Relief (Ref: ; Author: Ferguson/Schweikert) (Continued)

4. Rates Harmonisation Project

Council may also consider the introduction of an environment levy within the rates harmonisation project, which may provide funding to support biosecurity and biodiversity (weed control) catchment management and drought relief.

5. Weed Control

It is noted following advocacy from Council and CRJO the Federal Government has announced an additional \$15 million weed control fund recognising weeds may create a greater problem once the rains come.

Attachments

Nil

13.1 Delegates' Reports (Ref: ; Author: Ferguson/Ison)

File reference: 52.3.1

Summary

Delegates Reports are submitted by Councillors to report on key points of meetings, events and functions which they have attended during the past month, either as a Council delegate or as a nominee of the Mayor.




Recommendation

That Council note the Delegates' Reports.

Cr Trudy Taylor		
No.	Meeting/Function/Event Attended	Summary of Key Points
1	Dangerous Dog Panel – September 11, 2019	<ul style="list-style-type: none">• 2 dog attack incidents• Update on previous determinations
2	Harmonie German Club – October 3, 2019	<ul style="list-style-type: none">• 55th anniversary of the Club's opening• 30th Day of German Unity• 27th anniversary of the unveiling of the Club's slab of the Berlin Wall
3	Local Government Conference – October 14 to 16, 2019	<ul style="list-style-type: none">• Voting delegate
4	CRJO meeting – October 17-18, 2019	<ul style="list-style-type: none">• Representing the Mayor as a voting delegate

Cr Pete Harrison		
No.	Meeting/Function/Event Attended	Summary of Key Points
1	Dargues Reef Community Consultative Committee (including mine site visit) – 30 September 2019	See attached: <ol style="list-style-type: none">1. Cr Harrison's Delegate's Report2. Dargues July Newsletter3. Dargues August Newsletter4. Dargues September Newsletter

Attachments

- Attachment 1  Cr Harrison's Delegate's Report on Dargues Mine (*Under Separate Cover*)
- Attachment 2  Dargues Reef July 2019 Newsletter (*Under Separate Cover*)
- Attachment 3  Dargues Reef August 2019 Newsletter (*Under Separate Cover*)

13.1 Delegates' Reports (Ref: ; Author: Ferguson/Ison) (Continued)

Attachment 4 Dargues Reef September 2019 Newsletter (*Under Separate Cover*)



14.1 Responses to Councillors' Questions (Ref: ; Author: Ferguson/Ison)

File reference: 52.3.2

Report

This report provides responses to Councillors' written Questions on Notice as per the Code of Meeting Practice 2019. Some questions that were not closed prior to the new Code have been retained in the table.


The questions are deleted from the rolling table once they have been answered in full and reported to Council.

Any responses that contain personal or other identifying information of any kind will be circulated separately in the confidential attachments.

Recommendation

That the report be received for information.

Attachments

- | | |
|--|---|
| Attachment 1 | Responses to Councillors' Questions (<i>Under Separate Cover</i>) |
|  Attachment 2 | Responses to Councillors' Questions with confidential information (<i>Under Separate Cover</i>) - CONFIDENTIAL |

15 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION

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

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

Recommendation

That pursuant to Section 10A of the *Local Government Act, 1993* the following items on the agenda for the Ordinary Council meeting be dealt with in Closed Session for the reasons specified below:

Item 16.1 Receipt of Land and Environment Court Appeal - 121 Wallace Street, Braidwood

Item 16.1 is confidential in accordance with s10(A) (g) of the Local Government Act 1993 because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Item 16.2 Report of Unauthorised Fill

Item 16.2 is confidential in accordance with s10(A) (g) of the Local Government Act 1993 because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Item 16.3 Update on Potential Legal Matter

Item 16.3 is confidential in accordance with s10(A) (g) of the Local Government Act 1993 because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Item 16.4 Nominations for Environment and Sustainability Advisory Committee

Item 16.4 is confidential in accordance with s10(A) (a) of the Local Government Act 1993 because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Item 16.5 AGL Purchase Offer to Southern Phone

Item 16.5 is confidential in accordance with s10(A) (di) of the Local Government Act 1993 because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.