



Ordinary Meeting of Council

AGENDA

25 March 2020

Commencing at 5.30pm

Bungendore Council Chambers

On-site Inspection:

4.30pm on Tuesday, 24 March 2020

Location: Outside existing house at 11-13 Wilson Street, Majors Creek

Queanbeyan-Palerang Regional Council advises that this meeting will be webcast to Council's website. Images and voices of those attending will be captured and published.

A recording of the meeting will be archived on the website.

To view webcasts or archived recordings, please go to webcast.qprc.nsw.gov.au

Webcasts of Council meetings cannot be reused or reproduced in any way and are subject to copyright under the *Copyright Act 1968*.

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 26 February 2020

4.2 Minutes of the Planning and Strategy Committee of the Whole held on 11 March 2020

5 DISCLOSURES OF INTERESTS

6 ADJOURNMENT FOR PUBLIC FORUM

7 MAYORAL MINUTE

8 NOTICES OF MOTION OF RESCISSION

9 REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.1	DA.2018.239 - Erection of Dual Occupancy - Variation to Height Limit - 7A Park Lane and 62 Elrington Street, Braidwood	3
9.2	DA.2018.224 - Construction of a Single Dwelling - Variation to Minimum Lot Size - 11 Wilson Street, Majors Creek	11
9.3	Outcomes of Public Exhibition of Sutton Planning Proposal - Lot 3 DP 1074706, 202 Goolabri Drive, Sutton	21
9.4	Developer Contributions - Residential Accommodation Destroyed by Bushfire or Other Natural Disasters	29
9.5	Tender Recommendation for Queanbeyan Bicentennial Hall Upgrade Building and Mechanical Works - Contract 2020-03.....	31
9.6	Delegation to accept detail design tenders for Queanbeyan Civic & Cultural Precinct	35
9.7	Cultural Arts Assistance Scheme Application - Karabar High School Art Exhibition	37
9.8	Cultural Arts Assistance Scheme Application - Immune Deficiencies Foundation Australia (IDFA)	39

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

BUSINESS PAPER AGENDA – 25 March 2020 Page ii

9.9 Cultural Arts Assistance Scheme Application - Araluen Bushfire Benefit Concert	41
9.10 Cultural Arts Assistance Scheme Application - Molonglo Conservation Group Art Exhibition	43
9.11 Investment Report - February 2020	45
9.12 Draft Probity Policy	47
9.13 Updating and Harmonisation of Council Policies	51
9.14 NSW Independent Bushfire Inquiry	55

10 REPORTS TO COUNCIL - ITEMS FOR INFORMATION

10.1 Update on Development Applications Under Consideration by Southern Regional Planning Panel	57
10.2 Proposed Memorial Park - Old Cooma Road, Googong	63
10.3 Maintenance Grading and Gravel Resheeting Update	65
10.4 COVID-19 Summary	69
10.5 Local Government General Election 2020	73
10.6 Status of Major Projects - Stronger Communities Fund	75

11 REPORTS OF COMMITTEES

11.1 Local Traffic Committee 4 February 2020	79
11.2 Wamboin Hall Management s.355 Committee Minutes	81

12 NOTICE OF MOTIONS

13 REPORTS TO COUNCIL - DELEGATES REPORTS

13.1 Delegates Report	83
-----------------------------	----

14 QUESTIONS WITH NOTICE

14.1 Responses to Councillors' Questions	87
--	----

15 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION 88

16 REPORTS FOR CLOSED SESSION

17 CONCLUSION OF THE MEETING

LIST OF ATTACHMENTS –

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

Open Attachments

Item 9.1	DA.2018.239 - Erection of Dual Occupancy - Variation to Height Limit - 7A Park Lane and 62 Elrington Street, Braidwood
Attachment 1	Section 4.15 Matters for Consideration - DA.2018.239 (Under Separate Cover)
Attachment 2	Plans - DA.2018.239 (Under Separate Cover)
Attachment 3	Clause 4.6 Variation request - DA.2018.239 (Under Separate Cover)
Attachment 4	Draft Conditions of Consent - DA.2019.239 (Under Separate Cover)

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

BUSINESS PAPER AGENDA – 25 March 2020 Page iii

- Item 9.2 DA.2018.224 - Construction of a Single Dwelling - Variation to Minimum Lot Size - 11 Wilson Street, Majors Creek
- Attachment 1 Attachment 1 - 4.15 Assessment Report (Under Separate Cover)*
- Attachment 2 Attachment 2 - Architectural Plans (Under Separate Cover)*
- Attachment 3 Attachment 3 - Clause 4.6 Variaton Request (Under Separate Cover)*
- Attachment 4 Attachment 4 - Submissions (Under Separate Cover)*
- Attachment 5 Attachment 5 - Amended Site Plan (Under Separate Cover)*
- Item 9.3 Outcomes of Public Exhibition of Sutton Planning Proposal - Lot 3 DP 1074706, 202 Goolabri Drive, Sutton
- Attachment 1 Exhibited Planning Proposal - Lot 3 DP 1074706, Sutton (Under Separate Cover)*
- Attachment 2 Summary of Submissions (Under Separate Cover)*
- Attachment 3 Submission from DPIE-BC (Under Separate Cover)*
- Item 9.4 Developer Contributions - Residential Accommodation Destroyed by Bushfire or Other Natural Disasters
- Attachment 1 Definition of Residential Accommodation (Under Separate Cover)*
- Item 9.11 Investment Report - February 2020
- Attachment 1 February 2020 - Investment Report Pack (Under Separate Cover)*
- Attachment 2 TCorp Market Update 13 March 2020 (Under Separate Cover)*
- Item 9.12 Draft Probity Policy
- Attachment 1 Draft Probity Policy (Under Separate Cover)*
- Item 9.13 Updating and Harmonisation of Council Policies
- Attachment 1 Records Management Framework (Under Separate Cover)*
- Attachment 2 Draft Records Policy (Under Separate Cover)*
- Attachment 3 Draft Unsolicited Proposals Policy (Under Separate Cover)*
- Attachment 4 Draft Public Art Policy (Under Separate Cover)*
- Attachment 5 Sewer Connections - Limit of Council Responsibility Policy (Under Separate Cover)*
- Item 9.14 NSW Independent Bushfire Inquiry
- Attachment 1 Draft Submission to NSW Bushfire Enquiry (Under Separate Cover)*
- Item 10.1 Update on Development Applications Under Consideration by Southern Regional Planning Panel
- Attachment 1 Plans - Anglican School, Googong - 136 Gorman Drive, Googong (Under Separate Cover)*
- Attachment 2 Braidwood Central School - Plans (Under Separate Cover)*
- Item 11.1 Local Traffic Committee 4 February 2020
- Attachment 1 Local Traffic Committee - Minutes of Meeting Held 4 February 2020 (Under Separate Cover)*
- Item 11.2 Wamboin Hall Management s.355 Committee Minutes
- Attachment 1 Wamboin Hall Management s.355 Committee meeting minutes 27 February 2020 (Under Separate Cover)*

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

BUSINESS PAPER AGENDA – 25 March 2020 Page iv

- Item 14.1 Responses to Councillors' Questions
Attachment 1 Responses to Councillors Questions (Under Separate Cover)

Closed Attachments

- Item 9.5 Tender Recommendation for Queanbeyan Bicentennial Hall Upgrade Building and Mechanical Works - Contract 2020-03
Attachment 1 Tender Evaluation Report (Under Separate Cover)
- Item 9.7 Cultural Arts Assistance Scheme Application - Karabar High School Art Exhibition
Attachment 1 CAAS Funding Application - Karabar High School Art Exhibition (Under Separate Cover)
- Item 9.8 Cultural Arts Assistance Scheme Application - Immune Deficiencies Foundation Australia (IDFA)
Attachment 1 CAAS funding application - IDFA Razzamatazz Variety Shows (Under Separate Cover)
- Item 9.9 Cultural Arts Assistance Scheme Application - Araluen Bushfire Benefit Concert
Attachment 1 CAAS Funding Application Araloonies Inc. (Under Separate Cover)
- Item 9.10 Cultural Arts Assistance Scheme Application - Molonglo Conservation Group Art Exhibition
Attachment 1 CAAS Funding Application_Molonglo Conservation Group (Under Separate Cover)
- Item 14.1 Responses to Councillors' Questions
Attachment 2 Responses to Councillors Questions with confidential information (Under Separate Cover)



MINUTES OF THE ORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held at the Bungendore Council Chambers on Wednesday, 26 February 2020 commencing at 5.30pm.

ATTENDANCE

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

Staff: M Thompson, A/CEO/General Manager; P Hansen, Portfolio General Manager Community Connections; J Richards, Portfolio General Manager Community Choice and A Knight, 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

034/20

RESOLVED (Taylor/Marshall)

That apologies for non-attendance from Crs Bray and Noveska 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 22 January 2020**

035/20

RESOLVED (Taylor/Schweikert)

That the minutes of the Ordinary Meeting of Council held in the Bungendore Council Chambers on Wednesday, 22 January 2020 be confirmed.

The resolution was carried unanimously.

4.2 Minutes of the Planning and Strategy Committee of the Whole held on 12 February 2020

036/20

RESOLVED (Harrison/Taylor)

That the minutes of the Planning and Strategy Committee of the Whole held in the Queanbeyan Council Chambers on Wednesday 12 February 2020 be confirmed subject to the following amendments:

Item 4 – Disclosure of Interests: Councillor’s disclosures be amended to read:

Crs Biscotti, Bray, Harrison, Noveska, Overall, Schweikert and Taylor lodged a special disclosure of pecuniary interest under sections 451 (4) and (5) of the *Local Government Act 1993* for Items relating to the making or amendment of Local Environmental Plans.

And:

Prior to consideration of Item 6.2, Crs Hicks and Winchester lodged a special disclosure of pecuniary interest under sections 451 (4) and (5) of the *Local Government Act 1993* for Items relating to the making or amendment of Local Environmental Plans.

The resolution was carried unanimously.

4.3 Minutes of the Extraordinary Meeting of Council held on 12 February 2020

037/20

RESOLVED (Taylor/Hicks)

That the minutes of the Extraordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday, 12 February 2020 be confirmed.

The resolution was carried unanimously.

5. DISCLOSURES OF INTERESTS

038/20

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.

The resolution was carried unanimously.

Cr Winchester declared a significant pecuniary interest in Item 9.16: Family Day Care Closure During Beard Fire – 23 January 2020, stating his sister is a family day care educator and will be financially impacted by the decision.

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.

039/20

RESOLVED (Overall/Taylor)

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 6.07pm.

SUPPLEMENTARY REPORT

7. MAYORAL MINUTE

7.1 Execution of Low Cost Loans Initiative Funding Agreement

040/20

RESOLVED (Overall)

That Council execute the funding agreement under the Low Cost Loans Initiative Scheme to support growing communities under the seal of Council to enable the reimbursement of 50% of the loan interest associated with the Ellerton Drive Extension project.

The resolution was carried unanimously.

8. NOTICES OF MOTION OF RESCISSION

There were no Notices of Motion of Rescission.

9. REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.1 Bungendore Structure Plan 2048

MOVED (Schweikert/Hicks)

That:

1. Council endorse and publish the amended Bungendore Structure Plan 2048.
2. Review the plan and amend as necessary for republication in 2025.

AMENDMENT (Harrison/Marshall)

That:

1. Council endorse the amended Bungendore Structure Plan 2048 for public exhibition for a further period of 28 days.
2. Following the close of the public exhibition period, consider issues raised in submissions when finalising the Bungendore Structure Plan 2048 and report back to Council.

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

For: Crs Harrison, Marshall and Winchester

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

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

041/20

RESOLVED (Schweikert/Hicks)

That:

1. Council endorse and publish the amended Bungendore Structure Plan 2048.
2. Review the plan and amend as necessary for republication in 2025.

For: Crs Biscotti, Brown, Hicks, Overall, Taylor and Schweikert

Against: Crs Harrison, Marshall and Winchester

9.2 Review of Submissions to North Elmslea Planning Proposal

MOVED (Schweikert/Hicks)

That:

1. Council advise the Minister for Planning and Public Spaces under Section 3.6 of the *NSW Environmental Planning and Assessment Act 1979* that it wishes to progress the rezoning of part of Lot 1 DP 798111 from RU1 Primary Production to R2 Low Density Residential.
2. The Palerang Local Environmental Plan 2014 Lot Size Map be amended to show a minimum lot size of 850 square metres for part of Lot 1 DP 798111.
3. The Palerang Local Environmental Plan 2014 Height of Buildings map be amended to show a building height of 8.5 metres for part of Lot 1 DP 798111.
4. The Palerang Local Environmental Plan 2014 Lot Averaging map be amended to remove the lot averaging provision from part of Lot 1 DP 798111.
5. The Palerang Development Control Plan 2015 be amended to provide a clear character statement and suitable controls for the Elmslea area to ensure the low density, predominately single storey character with well separated buildings is achieved in any future development, including subdivision.

During discussion, Cr Hicks raised a point of order stating that Cr Marshall's comments were inappropriate. The Mayor upheld the point of order, and referred to "Acts of Disorder" under Council's Code of Meeting Practice wherein Clause 15.11(d) states: 'insults or makes personal reflections on or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct'. The Mayor requested that Cr Marshall refrain from making such statements.

The motion (of Crs Schwiekert and Hicks) was PUT and CARRIED.

042/20

RESOLVED (Schweikert/Hicks)

That:

1. Council advise the Minister for Planning and Public Spaces under Section 3.6 of the *NSW Environmental Planning and Assessment Act 1979* that it wishes to progress the rezoning of part of Lot 1 DP 798111 from RU1 Primary Production to R2 Low Density Residential.
2. The Palerang Local Environmental Plan 2014 Lot Size Map be amended to show a minimum lot size of 850 square metres for part of Lot 1 DP 798111.
3. The Palerang Local Environmental Plan 2014 Height of Buildings map be amended to show a building height of 8.5 metres for part of Lot 1 DP 798111.
4. The Palerang Local Environmental Plan 2014 Lot Averaging map be amended to remove the lot averaging provision from part of Lot 1 DP 798111.
5. The Palerang Development Control Plan 2015 be amended to provide a clear character statement and suitable controls for the Elmslea area to ensure the low density, predominately single storey character with well separated buildings is achieved in any future development, including subdivision.

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

Against: Crs Marshall and Winchester

9.3 Draft Jerrabomberra Innovation Precinct Planning Agreement

043/20

RESOLVED (Harrison/Schweikert)

That Council:

1. Note the report.
2. Agree to staff proceeding with the draft Jerrabomberra Innovation Precinct Planning Agreement by exhibiting it for 28 days.
3. Note that the results of community engagement will be reported back to Council at the conclusion of the community engagement period.

The resolution was carried unanimously.

9.4 Renewal Application to Operate Caravan Park - Eaglehawk Holiday Park - 1246 Federal Highway, Sutton

044/20

RESOLVED (Overall/Taylor)

That:

1. Activity Application No. 2211 under Part F2 of section 68 of the *Local Government Act 1993*, for continued operation of a caravan park at Lots 108 & 109 DP878557, 1246 Federal Highway, Sutton be granted conditional approval for a five year period subject to amendment of the following draft conditions of consent:
 - Condition 2 regarding provision of a community map – Include time frame of 30 days
 - Condition 6 requiring submission of a Fire Safety Statement – Include time frame of 21 days
2. Council note that enforcement action to ensure compliance with issued Fire Safety Orders will commence.

The resolution was carried unanimously.

9.5 Proposed Change to the QPRC Environmental Expo Program

045/20

RESOLVED (Marshall/Biscotti)

That Council:

1. Change the current Environmental Expo initiative to a new mobile environmental education program using the QPRC Community Education Trailer.
2. Continue to provide the Keep NSW Beautiful modules to all schools in the local government area.
3. Continue to provide similar budget for the new mobile environmental education program in the first year.

The resolution was carried unanimously.

9.6 Edwin Land Parkway Road Noise Study

046/20

RESOLVED (Brown/Hicks)

That Council:

1. Note the report on the Edwin Land Parkway Noise Study.
2. Consider providing \$30,000 in the 2020/2021 budget to complete assessment and design of suitable treatments to reduce road noise to compliant levels on the Edwin Land Parkway.
3. Receive a further report once the assessment and design work is completed that provides an estimate to provide suitable noise treatments to affected houses.

The resolution was carried unanimously.

Cr Brown left the meeting and 7.07pm.

Cr Biscotti left the Chambers at 7.07pm and returned at 7.09pm.

9.7 Charleyong Bridge

MOVED (Hicks/Schweikert)

That Council:

1. Note the report.
2. Note that Transport for NSW will proceed to demolish the Charleyong Bridge in accordance with the Review of Environmental Factors completed in 2016.
3. Continue to liaise with Transport for NSW to secure elements of the bridge for interpretative reuse.

AMENDMENT (Marshall/Overall)

That Council note the report.

The mover and seconder of the motion accepted the amendment (of Crs Marshall and Overall). Cr Marshall then WITHDREW the amendment with the consent of the seconder. The motion (of Crs Hicks and Schweikert) was moved in the amended form, PUT and CARRIED.

047/20

RESOLVED (Hicks/Schweikert)

That Council note the report.

The resolution was carried unanimously.

9.8 Tender Recommendation for South Jerrabomberra Northern Entry Road (Contract 2019-54)

048/20

RESOLVED (Taylor/Winchester)

That Council delegate the consideration of Tender 2019-54 to a Planning and Strategy meeting if required.

The resolution was carried unanimously.

9.9 Delivery Program Update - July-December 2019

049/20

RESOLVED (Biscotti/Taylor)

That Council note the Delivery Program update.

For: Crs Biscotti, Hicks, Marshall, Overall, Schweikert, Taylor and Winchester

Against: Cr Harrison

- 050/20 **9.10 Cultural Arts Assistance Scheme Application for Funding - Vision 2020 Exhibition**
RESOLVED (Marshall/Winchester)
That Council approve the allocation of a donation of \$1,500 from the Cultural Arts Assistance Scheme to the curator of the Vision 2020 Textile Exhibition to offset hire costs for the exhibition at the Q Exhibition Space in Queanbeyan.

The resolution was carried unanimously.
- 051/20 **9.11 Cultural Arts Assistance Scheme Application - ACT Maori Performing Arts Inc**
RESOLVED (Marshall/Winchester)
That Council not support the allocation of funding to ACT Maori Performing Arts Inc. under the Cultural Arts Assistance Scheme (CAAS) as the application does not meet the eligibility criteria.

The resolution was carried unanimously.
- 052/20 **9.12 Cultural Arts Assistance Scheme Application - Create Collaborate Collective Inc**
RESOLVED (Taylor/Winchester)
That Council approve the allocation of a donation of \$1,500 from the Cultural Arts Assistance Scheme to Create Collaborate Collective Inc. to assist with costs for a public art exhibition.

The resolution was carried unanimously.
- 053/20 **9.13 Cultural Arts Assistance Scheme Funding Application from Karabar High School - MUSEffect Dance Program**
RESOLVED (Winchester/Taylor)
That Council approve the allocation of \$1,500 from the Cultural Arts Assistance Scheme to assist with costs for the MUSEffect Dance Program.

The resolution was carried unanimously.
- 9.14 Meet and Make Expo - Bungendore**
MOVED (Hicks/Schweikert)
That Council approve \$1,500 from the Category Two events budget to support the proposed Meet and Make Event at the Bungendore Showground on Saturday, 9 May 2020.

AMENDMENT (Marshall/Taylor)
That Council approve \$2,150 from the Category Two events budget to support the proposed Meet and Make Event at the Bungendore Showground on Saturday, 9 May 2020.

The amendment (of Crs Marshall and Taylor) was PUT and CARRIED and became the motion.

For: Crs Biscotti, Harrison, Marshall, Overall, Schweikert, Taylor and Winchester
Against: Cr Hicks

The motion (of Crs Marshall and Taylor) was PUT and CARRIED.

054/20

RESOLVED (Marshall/Taylor)

That Council approve \$2,150 from the Category Two events budget to support the proposed Meet and Make Event at the Bungendore Showground on Saturday 9 May 2020.

The resolution was carried unanimously.

9.15 QPRC Membership - Southern Tablelands Arts

MOVED (Schweikert/Hicks)

That Council defer Item 9.15 – QPRC Membership - Southern Tablelands Arts, until consideration of the future Cultural Plan.

Cr Marshall foreshadowed a CONTRARY motion: [“That Council delegate Item 9.15 – QPRC Membership – Southern Tablelands Arts, to the March 2020 Planning and Strategy meeting.”]

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

055/20

RESOLVED (Schweikert/Hicks)

That Council defer Item 9.15 – QPRC Membership – Southern Tablelands Arts, until consideration of the future Cultural Plan.

For: Crs Biscotti, Hicks, Overall, Schweikert, Taylor and Winchester
Against: Crs Harrison and Marshall

ADJOURNMENT: The meeting adjourned at 7.40pm and resumed at 7.59pm.

Cr Winchester declared an interest in the following item and left the Chambers at 7.59pm.

9.16 Family Day Care Closure During Beard Fire - 23 January 2020

056/20

RESOLVED (Hicks/Harrison)

That Council support compensation to be paid to registered Educators who lost income due to the requested closure during the Beard Fire evacuation on 23 January 2020 and that funding be allocated from the Commonwealth government bushfire grant.

The resolution was carried unanimously.

Cr Winchester returned to the Chambers at 8.02pm.

9.17 Quarterly Budget Review Statement for the Quarter Ending 31st December 2019

057/20

RESOLVED (Schweikert/Taylor)

That Council:

1. Adopt the December 2019 Quarterly Budget Review Statement and variations as outlined in this report.
2. Note the predicted consolidated surplus of \$4.530m.

For: Cr Biscotti, Hicks, Marshall, Overall, Schweikert, Taylor and Winchester

Against: Cr Harrison

9.18 Investment Report - January 2020

058/20

RESOLVED (Taylor/Schweikert)

That Council:

1. Note the investment income for January 2020 was \$877,147.
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. Receive the Investment Report for the month of January 2020.

The resolution was carried unanimously.

9.19 Rates Harmonisation - Preferred Rating Structure

059/20

RESOLVED (Harrison/Biscotti)

That Council:

1. Endorse the preferred rate structure, as set out in the report – Preferred Rate Structure Option 6, for community engagement.
2. Receive a report on the community engagement results at the April Council meeting, before adopting a draft Revenue Policy.

The resolution was carried unanimously.

9.20 QPRC Internal Audit Charter

060/20

RESOLVED (Harrison/Taylor)

That Council approve the Internal Audit Charter as amended.

The resolution was carried unanimously.

10. REPORTS TO COUNCIL - ITEMS FOR INFORMATION

- 061/20 **10.1 Sports Fields and Park Irrigation**
RESOLVED (Hicks/Taylor)
That the report be received for information.
The resolution was carried unanimously.
- 062/20 **10.2 Biannual Biosecurity Weeds Report (July-December 2019)**
RESOLVED (Schweikert/Harrison)
That the report be received for information.
The resolution was carried unanimously.
- 063/20 **10.3 Negotiation of Enforceable Undertaking Under the Provisions
of Protection of the Environment Operations Act 1997 –
Morisset Street Sewage Pump Station Overflow - 21 September
2019**
RESOLVED (Taylor/Harrison)
That the report be received for information.
The resolution was carried unanimously.
- 064/20 **10.4 Development of a Regional Community Strategic Plan
Covering Most of the Canberra Region Joint Organisation
(CRJO) Councils**
RESOLVED (Harrison/Schweikert)
That the report be received for information.
The resolution was carried unanimously.
- 065/20 **10.5 Resolution Action Sheet**
RESOLVED (Taylor/Biscotti)
That the report be received for information.
The resolution was carried unanimously.

11. REPORTS OF COMMITTEES

- 066/20 **11.1 Minutes of the Youth Committee Meeting held 3 February 2020**
RESOLVED (Taylor/Winchester)
That Council note the minutes of Youth Committee held on 3
February 2020.
The resolution was carried unanimously.

12. NOTICES OF MOTIONS

There were no Notices of Motion.

13. REPORTS TO COUNCIL – DELEGATES’ REPORTS

There were no Delegates’ Reports

14. QUESTIONS WITH NOTICE

14.1 Responses to Councillors' Questions

067/20

RESOLVED (Taylor/Hicks)

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

068/20

RESOLVED (Overall/Hicks)

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 Acquisition of Encroachment

Item 16.1 is confidential in accordance with s10(A)(c) of the Local Government Act 1993 because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Item 16.2 Quarterly Legal Report - December 2019

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 Writing Off Water Usage Under Hardship Policy

Item 16.3 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.

Item 16.4 Writing Off Water Usage Due to Undetected Leak Policy

Item 16.4 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 8.15pm to discuss the matters listed above.

16.1 Acquisition of Encroachment

069/20

RESOLVED (Hicks/Winchester)

That the Council agree to the purchase of a small area of land where there is an encroachment at Lot 8 DP 629730, 3 Blundell Street, Queanbeyan as outlined in the report.

The resolution was carried unanimously.

16.2 Quarterly Legal Report - December 2019

070/20

RESOLVED (Hicks/Harrison)

That the report be received for information.

The resolution was carried unanimously.

16.3 Writing Off Water Usage Under Hardship Policy

071/20

RESOLVED (Schweikert/Harrison)

That the owner be advised that the excess water usage is not eligible for assistance in accordance with the Financial Hardship and Assistance Policy.

The resolution was carried unanimously.

16.4 Writing Off Water Usage Due to Undetected Leak Policy

072/20

RESOLVED (Harrison/Taylor)

That Council write off a total of \$1,497.33 in water usage charges for the property listed in this report.

For: Crs Biscotti, Harrison, Hicks, Marshall, Overall, Taylor and Winchester

Against: Cr Schweikert

073/20

RESOLVED (Taylor/Harrison)

That the meeting now return to Open Session.

The resolution was carried unanimously.

The meeting returned to Open Session at 8.30pm.

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 8.31pm, Cr Overall announced that the agenda for the meeting had now been completed.

**CR TIM OVERALL
MAYOR
CHAIRPERSON**



PLANNING AND STRATEGY COMMITTEE OF THE WHOLE MEETING

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

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

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

MINUTES OF THE PLANNING AND STRATEGY COMMITTEE OF THE WHOLE OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held at the Council Chambers, 253 Crawford St, Queanbeyan on Wednesday, 11 March 2020 commencing at 5.30pm.

ATTENDANCE

Councillor: Cr Overall (Chair), Crs Biscotti, Harrison, Hicks, Schweikert and Taylor.

Staff: P Tegart, CEO/General Manager; M Thompson, Portfolio General Manager Natural and Built Character; D Tooth, A/Portfolio General Manager Community Connections and J Richards, Portfolio General Manager Community Choice.

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

1. OPENING

The meeting commenced 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

PLA014/20

RESOLVED (Taylor/Schweikert)

That apologies for non-attendance from Crs Bray AM, Brown, Marshall, Noveska and Winchester be received and that leave of absence be granted.

The resolution was carried unanimously.

4. DISCLOSURES OF INTEREST

PLA015/20

RESOLVED (Taylor/Schweikert)

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

The resolution was carried unanimously.

There were no disclosures.

5. ADJOURNMENT FOR PUBLIC FORUM

At this stage of the proceedings, the time being 5.31pm, Cr Overall advised that the meeting should now adjourn for the Public Forum.

PLA016/20

RESOLVED (Overall/Taylor)

That the meeting be adjourned to conduct the Public Forum.

The resolution was carried unanimously.

ADJOURNMENT:

The meeting adjourned for the Public Forum at 5.31pm and resumed at 5.36pm.

MAYORAL MINUTE

South Jerrabomberra - Northern Entry Road Tender

PLA017/20

RESOLVED (From the Chair)

That Council consider report 1.1 'Tender Recommendation for South Jerrabomberra Northern Entry Road' and determine the matter accordingly.

The resolution was carried unanimously.

SUPPLEMENTARY REPORT

PLA018/20

Tender Recommendation for South Jerrabomberra Northern Entry Road (Contract 2019-54)

RESOLVED (Taylor/Hicks)

That Council:

1. Award Contract 2019-54 to Woden Contractors Pty Ltd and manage the precinct projects within the allocated grant funding and budgets.
2. Execute the funding deed for the South Jerra Innovation Precinct grant.

The resolution was carried unanimously.

6. REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

PLA019/20

6.1 Amendments to Googong Development Control Plan 2010

RESOLVED (Hicks/Harrison)

That Council exhibit the Googong DCP 2010 as amended for 28 days.

The resolution was carried unanimously.

PLA020/20

6.2 Planning Proposal - Results of Exhibition - 2020 Housekeeping Amendment to Queanbeyan LEP 2012

RESOLVED (Harrison/Taylor)

That Council endorse staff to undertake the necessary actions to finalise the draft Plan.

The resolution was carried unanimously.

6.3 Further Consideration of Planning Proposal Request - Lot 16 DP846996, Williamsdale Road, Williamsdale

MOVED (Harrison/Overall)

That the request for Lot 16 DP 846996, Williamsdale to be subdivided to allow an existing dwelling to be on a separate lot not be progressed.

During discussion Cr Schweikert foreshadowed a CONTRARY motion: ["Progress the matter as per Option 1 in the report."]

The motion (of Crs Harrison and Overall) was PUT, and with the vote being three-all, the Mayor exercised his casting vote and declared the motion CARRIED.

PLA021/20 **RESOLVED (Harrison/Overall)**
That the request for Lot 16 DP 846996, Williamsdale to be subdivided to allow an existing dwelling to be on a separate lot not be progressed.

For: Crs Harrison, Hicks and Overall
Against: Crs Biscotti, Schweikert and Taylor

6.4 Street Naming Proposal - Stage 1 - South Jerrabomberra Urban Release Area

PLA022/20 **RESOLVED (Taylor/Schweikert)**

That Council:

1. Adopt in principle the names set down in Attachment 1 as the proposed names for the new roads created within stage 1 of the South Jerrabomberra Urban Release Area.
2. Advertise the names for public comment for 28 days.
3. Publish a notice in the NSW Government Gazette if no objections are received.

The resolution was carried unanimously.

6.5 Street Naming Proposal - Ellerton Drive

PLA023/20 **RESOLVED (Taylor/Hicks)**

That:

1. The existing road name of Ellerton Drive be endorsed for the newly completed section of road shown in Figure 1 below.
2. Council publish a notice in the NSW Government Gazette to that effect.

The resolution was carried unanimously.

7. REPORTS OF COMMITTEES

7.1 Minutes of the Braidwood and Curtilage Heritage Advisory Committee held 13 February 2020

PLA024/20 **RESOLVED (Schweikert/Taylor)**

That Council note the Minutes of Braidwood and Curtilage Heritage Advisory Committee Meeting held on 13 February 2020.

The resolution was carried unanimously.

7.2 Minutes of the QPRC Heritage Advisory Committee Meeting held 20 February 2020

PLA025/20

RESOLVED (Overall/Hicks)

That Council note the minutes of the QPRC Heritage Advisory Committee held on 20 February 2020.

The resolution was carried unanimously.

7.3 Minutes of the Environment and Sustainability Advisory Committee of 3 February 2020

PLA026/20

RESOLVED (Taylor/Hicks)

That Council note the minutes of Environment and Sustainability Advisory Committee held on 3 February 2020.

The resolution was carried unanimously.

8. CONCLUSION OF THE MEETING

The time being 6.02pm, 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 DA.2018.239 - Erection of Dual Occupancy - Variation to Height Limit - 7A Park Lane and 62 Elrington Street, Braidwood (Ref: ; Author: Thompson/Williams)

File Reference: DA.2018.239

Summary

This application has been referred to Council because a variation of development standards is sought under the provisions of Clause 4.6 of a Local Environment Plan.

Proposal:	Dual Occupancy, Alterations & Additions to existing dwelling (Hawthorn Hollow) & Subdivision
Applicant/Owner:	Coe Planning Services / Pauline Cavalinis & David Donnelly (7A Park Lane) & Judith Neilsen (62 Elrington Street)
Subject Property:	Lot 1 DP 255840, Lot 1 DP 194296 & Lot 6 DP 1114480, 7A Park Lane and 62 Elrington Street, Braidwood.
Zoning and Permissibility:	R2- Low Density under Palerang Local Environmental Plan 2014
Public Submissions:	Nil
Issues Discussed:	<ul style="list-style-type: none">• Planning Requirements• Section 4.6 Variation to LEP Building Height Maximum• Development over sewer infrastructure
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor.

Recommendation

That:

- 1. In respect of DA.2018.239 approval be granted to a variation to Clause 4.3- Building Height of Palerang Local Environmental Plan 2014 to allow a height encroachment of 0.3m over the 6.5m height limit for the following reasons:**
 - (a) The proposal is consistent with the objectives of the Palerang Local Environmental Plan 2014- R2- Low Density Zone.**
 - (b) The proposal is consistent with the Palerang Local Environmental Plan 2014 objectives of c4.3- Building height maximum.**
 - (c) The Proposed Dual Occupancy is consistent with the controls of the Braidwood Development Control Plan 2006, specifically Precinct 2.**
 - (d) The variation presents no adverse impacts on the heritage Item, character of the site and/or the Braidwood area.**
 - (e) The variation has no foreseen impacts on views of surrounding lots.**
 - 2. Development application DA.2018.239 for a dual occupancy, alterations and additions to an existing dwelling (Hawthorn Hollow) and subdivision on Lot 1 DP 255840, Lot 1 DP 194296 & Lot 6 DP 1114480, 7A Park Lane and 62 Elrington Street, Braidwood, be granted conditional approval.**
-

9.1 DA.2018.239 - Erection of Dual Occupancy - Variation to Height Limit - 7A Park Lane and 62 Elrington Street, Braidwood (Ref: ; Author: Thompson/Williams)
(Continued)

Proposed Development

The development application is for:

- Alterations and refurbishment of the existing heritage listed dwelling (Hawthorn Hollow) and erection of an extension to increase the floor area to 244.64m².
- Erection of a second new two storey, one bedroom dwelling at the rear of the site (thereby creating a dual occupancy);
- Torrens title subdivision through consolidation and rearrangement of allotment boundaries to facilitate the above.
- A 56m² shed located in the northern portion of proposed Lot 1.

Details of the proposal are provided in the plans in Attachment 2.

Lot 1 DP 194296, Lot 6 DP 1114480 and Lot 1 DP 255840 will be re-subdivided to create proposed Lot 1, which will encompass the existing heritage cottage, the proposed dual occupancy and a new shed on 2051m², and proposed Lot 2 which will contain the existing dwelling and outbuilding at 62 Elrington Street with an area of 1020m².

Figure 1 below shows the existing lot configuration. Figure 2 shows the proposed new lot configuration.



Figure 1 – Existing Lot Configuration

9.1 DA.2018.239 - Erection of Dual Occupancy - Variation to Height Limit - 7A Park Lane and 62 Elrington Street, Braidwood (Ref: ; Author: Thompson/Williams) (Continued)

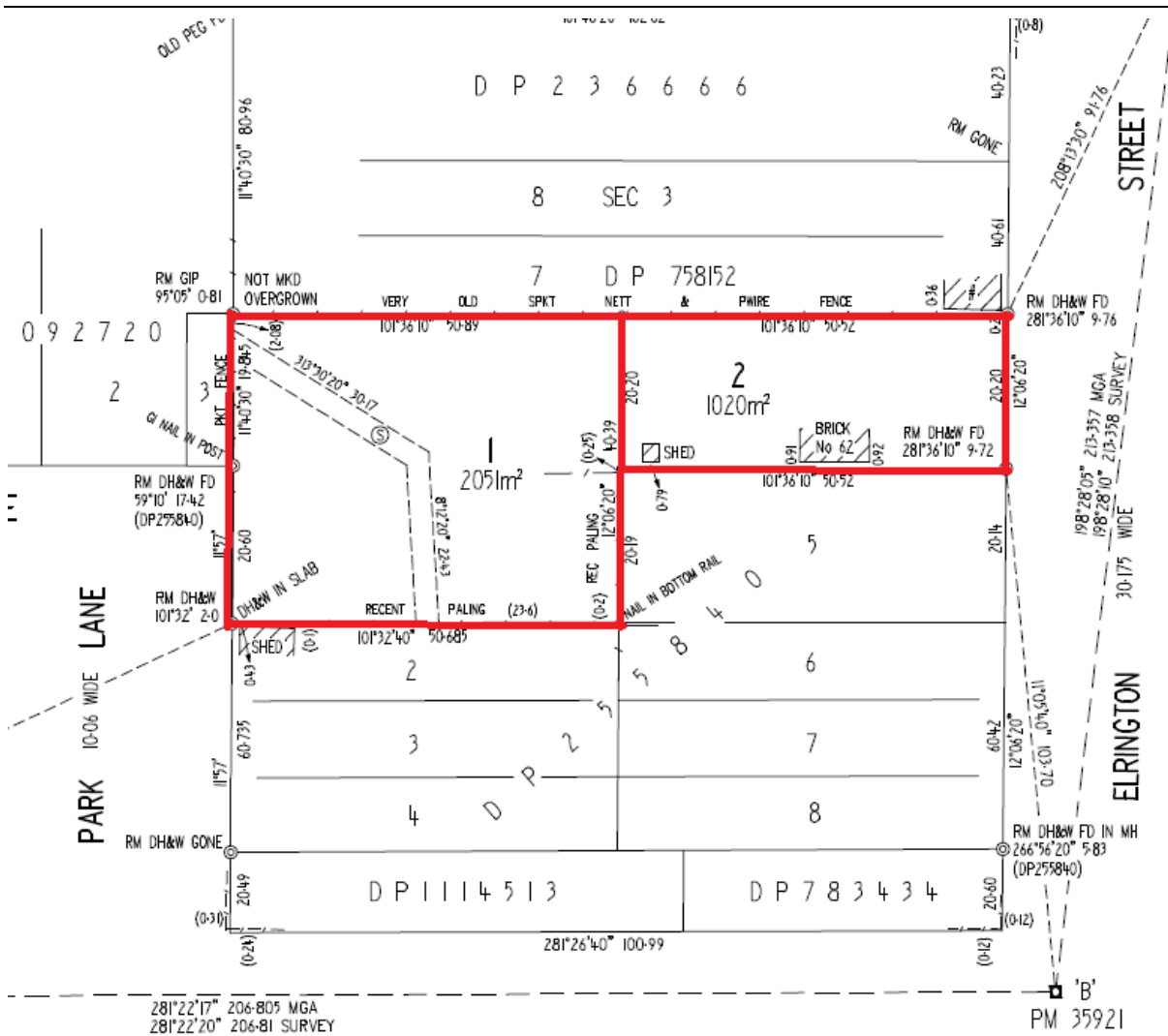


Figure 2 – Proposed New Lot Configuration

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 (Attachment 1).

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

1. State Environmental Planning Policy (Building Sustainability Index: Basix) 2004
2. State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
3. Palerang Local Environmental Plan 2014 (LEP)
4. Braidwood Development Control Plan 2012 (DCP)

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

**9.1 DA.2018.239 - Erection of Dual Occupancy - Variation to Height Limit - 7A Park Lane and 62 Elrington Street, Braidwood (Ref: ; Author: Thompson/Williams)
(Continued)**

(a) Compliance with LEP

The development is generally compliant with the provisions of the Palerang LEP 2014, apart from the proposed variation to clause 4.32 - Height of Building.

The proposed dual occupancy is proposed to have a maximum height of 6.8m from natural ground to the peak of the roof. This is 0.3m over the 6.5m maximum building height. The applicant has provided justification for a clause 4.6 variation to the LEP control, which has been addressed in the 4.15 assessment report attached. The variation is seeking a 4.6% height variation. A copy of the Variation Request can be found at Attachment 3.

Clause 4.6(3) of the PLEP 2014 states the following:

“Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.”*

The applicant has provided a written request that seeks to justify the proposed contravention of the maximum height development standard on the following grounds:

- The proposed design is consistent with the height provisions in precinct 2 of the Braidwood DCP 2006 as it maintains the R2- Low Density zone objectives and maintains an appropriate scale and form sympathetic to the existing development.
- The proposed development whilst inconsistent with the numerical value of clause 4.3- Height of Buildings, is consistent with the objectives of the control ensuring no privacy impacts to adjoining neighbours, no loss of views, no over-shadowing and adequate solar access for the proposed and neighbouring properties.
- The topography of the site sits lower than Park Lane road reserve and its direct adjoining neighbours. Whilst the proposed dual occupancy is over the PLEP ‘Height of Buildings’ control, it will sit lower than the adjoining properties at 7 & 9 Park Lane.

Clause 4.6(4) of the PLEP 2014 states the following:

“Development consent must not be granted for a development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:*
 - (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3)*

The applicant’s written request to justify the contravention of the building height standard adequately addresses the matters required to be demonstrated in subclause 4.6(3), specifically, that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. The written request provides sufficient substantive information on the environmental planning grounds relating to privacy, scale and form, amenity and views for the proposed Dual Occupancy’s non-compliance.

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

**9.1 DA.2018.239 - Erection of Dual Occupancy - Variation to Height Limit - 7A Park Lane and 62 Elrington Street, Braidwood (Ref: ; Author: Thompson/Williams)
(Continued)**

The proposal is considered to be consistent with the objectives of the development standard in that:

- The proposed Dual Occupancy is designed with consideration to the natural character of the land.
- The proposed development will have minimal impacts on the amenity of the neighbouring lots of Park Lane and Elrington Street given the topography of the site and distances to adjoining neighbours.
- There will be no likely impact on views given the topography of the land slopes from west to east maintaining any likely view to the rural edges.
- The development maintains the low density nature of the zone and the area.

The site is Zoned R2 under PLEP 2014 wherein development for the purposes of Dual Occupancy is permissible with consent. The proposal is generally consistent with the objectives of the R2-Low Density Zone in that:

- The development will provide additional low density housing for the community of Braidwood.
- The proposed dual occupancy will not limit potential facilities or services to meet the day to day needs of the Braidwood residents.
- The development, although higher than the LEP building height maximum, complements the existing heritage development to which the scale, density and form of the proposal are consistent with the zone and area.

(b) the concurrence of the Secretary has been obtained."

Council may assume the concurrence of the Director-General under the Planning Circular PS 08-003 issued in May 2008, as the control variation is under 10%.

In conclusion, the applicant's written request to justify the contravention of the Height of Buildings development standard is considered to be well founded in that the applicant has satisfactorily demonstrated that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

(b) Compliance with DCP

The Braidwood DCP 2006 is applicable to developments within the Braidwood Heritage Conservation Area and is legislated under the Heritage Act. The proposed development involving alterations and additions to the locally heritage listed '195 : Hawthorn Hollow', construction of a dual occupancy, construction of a shed and subdivision are all consistent with the objectives and controls within the Braidwood DCP 2006 as detailed within the attached s4.15 assessment report.

(c) Other Matters

The application proposes a "Removable Deck" located over Council sewer infrastructure, detailing that the deck will be on concrete pads and removable from the dwelling if maintenance of the main is ever required. This design was considered by the assessment staff and will not be supported as the development is not consistent with *QPRC Development Adjacent to Water, Sewer and Stormwater Mains Policy*. It's considered that a similar outcome can be achieved by the use of landscaping and paving in the area which is permitted (to an extent) over the sewer infrastructure.

**9.1 DA.2018.239 - Erection of Dual Occupancy - Variation to Height Limit - 7A Park Lane and 62 Elrington Street, Braidwood (Ref: ; Author: Thompson/Williams)
(Continued)**

Referrals

(a) Building Surveyor's Comments

Council's Building Officer offered no objections to the proposal, as the proposal appears generally compliant with the BCA.

(b) Development Engineer's Comments

Council's Development Engineer has reviewed the application and reviewed access, servicing (including stormwater disposal) and impacts to the sewer infrastructure located on the lot. Council's Development Engineer offered no objections to the proposal, subject to the imposition of recommended conditions of consent and no approval of the "Removable Deck".

(c) Heritage Advisor's Comments

Council's Heritage Advisor has been involved in this development from as early as 2017 during the pre-lodgement process. The Heritage Advisor has provided a lot of input which has resulted in numerous redesign recommendations and directions on all the built forms to ensure consistency with the Braidwood DCP, to minimise impact to the locally listed 'Hawthorns Hollow' and to ensure the character of the area is maintained.

The final design presented, including the proposed colour and material schedule, has been endorsed by the Heritage Advisor and is consistent with the Braidwood DCP 2006.

Engagement

The proposal required notification under the Palerang DCP 2014. The application was originally notified and advertised from 23 January to 6 February 2019. No submissions were received.

After numerous design changes the final proposal was re-notified and advertised during the period 14 to 28 February 2020. No submissions were received during this period.

Conclusion





The submitted proposal for a dual occupancy, alterations and additions to an existing dwelling (Hawthorn Hollow) and subdivision, at 7A Park Lane & 62 Elrington Street, Braidwood is a compliant development and is supported by a Statement of Environmental Effects, clause 4.6 Variation Report and detailed plans. The proposal was notified to adjoining owner/occupiers and no submissions were received.

The proposal has been assessed under Section 4.15 of the *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Palerang Local Environmental Plan 2014* and the Braidwood Development Control Plan 2006.

The development, including the variation to the LEP standard, satisfies the requirements and achieves the objectives of these instruments. The proposed development is considered suitable for the site, is compatible with the neighbourhood, is consistent with the heritage character of the area and can be conditioned to mitigate any potential impacts to adjoining lots.

9.1 DA.2018.239 - Erection of Dual Occupancy - Variation to Height Limit - 7A Park Lane and 62 Elrington Street, Braidwood (Ref: ; Author: Thompson/Williams)
(Continued)

Attachments

- Attachment 1  Section 4.15 Matters for Consideration - DA.2018.239 (*Under Separate Cover*)
- Attachment 2  Plans - DA.2018.239 (*Under Separate Cover*)
- Attachment 3  Clause 4.6 Variation request - DA.2018.239 (*Under Separate Cover*)
- Attachment 4  Draft Conditions of Consent - DA.2019.239 (*Under Separate Cover*)

9.2 DA.2018.224 - Construction of a Single Dwelling - Variation to Minimum Lot Size - 11 Wilson Street, Majors Creek (Ref: ; Author: Thompson/Perkins)

File Reference: DA.2018.224

Summary

Reason for Referral to Council

This application has been referred to Council because a variation of development standards is sought under the provisions of Clause 4.6 of the Palerang Local Environment Plan (PLEP).

Proposal:	Dual Occupancy
Applicant/Owner:	Coe Planning Services/Sophie A Lee
Subject Property:	Lot 245 DP 755934, No.11 Wilson Street, Majors Creek
Zoning and Permissibility:	RU1 Primary Production Zone under Palerang Local Environmental Plan 2014
Public Submissions:	Two (2)
Issues Discussed:	<ul style="list-style-type: none">• Planning Requirements• Clause 4.6 Variation request
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.2018.224 for the construction of a single dwelling on Lot 245 DP DP755934, 11 Wilson Street, Majors Creek be refused for the following reasons.

Reasons for Refusal:

- (a) The proposed development fails to satisfy the provisions of Clause 4.2A – Erection of dwelling houses on land in certain rural, residential and environment protection zones of the *Palerang Local Environmental Plan 2014*;
 - (b) While the subject application was accompanied by a request to vary a development standard prepared in accordance Clause 4.6 of the *Palerang Local Environmental Plan 2014*, this request fails to adequately demonstrate that compliance with the development standard is unreasonable or unnecessary and that there are sufficient environmental planning ground to justify contravening the development standard;
 - (c) The proposed development fails to satisfy the minimum lot size provisions of Clause 4.2A of the *Palerang Local Environmental Plan 2014* and as such the proposed development is considered to be contrary to the public interest.
2. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.
 3. The Department of Planning, Industry and Environment be forwarded a copy of Council's Notice of Determination.
-

**9.2 DA.2018.224 - Construction of a Single Dwelling - Variation to Minimum Lot Size
- 11 Wilson Street, Majors Creek (Ref: ; Author: Thompson/Perkins) (Continued)**

Background***Proposed Development***

The subject application originally sought consent for the erection of a detached dual occupancy comprised of two (2) x one (1) bedroom dwellings each with a detached double carport. The application includes a variation under Clause 4.6 of the Palerang Local Environmental Plan 2014 to allow for an 82.5% (32.7ha) variation to the 40ha minimum lot size applicable to the site for the erection of dwelling houses.

While the subject application was lodged and assessed for the purposes of a detached dual occupancy as indicated above, the applicant submitted correspondence on 17 March 2020 requesting that the application be amended to be only for the purposes of a single dwelling by way of deleting proposed dwelling 1 (See attachment 5 for an amended site plan). The applicant notes that this amendment is intended to achieve greater consistency with Council's strategic vision to restrict dual occupancies in rural areas as demonstrated in the draft comprehensive Local Environmental Plan. It is noted that the proposed amendment does not change the staff recommendation as the underlying issue remains that the subject site does not satisfy the minimum lot size requirements for the construction of a dwelling house under the *Palerang Local Environmental Plan 2014*.

Subject Property

The proposed development is located on Lot 245 DP 755934. This lot forms part of a larger property which is made up of several lots having a total area of 23.1ha and is commonly known as 11-13 Wilson Street, Majors Creek (see Figure 1 below).

The site on which the development is proposed to take place is on Lot 245 only in the north of the property. The site straddles Burke Street and has an area of 7.3ha (see Figure 2 below).

The subject site is located on the zone interface between the RU5 Village zone and RU1 Primary Production zone under the *Palerang Local Environmental Plan 2014* (see Figure 3 below).

While Lot 245 is currently vacant and has historically been used for grazing purposes, the property as a whole contains an existing detached dual occupancy and associated out buildings which are located on Lot 35 DP1068578 in the southern portion of the property. Vehicular access to these structures is provided from Wilson Street.

Existing development within the locality consists of single dwelling houses to the north and west of the site, while the land to the east of the site is heavily vegetated and backs on to National Park land.

9.2 DA.2018.224 - Construction of a Single Dwelling - Variation to Minimum Lot Size - 11 Wilson Street, Majors Creek (Ref: ; Author: Thompson/Perkins) (Continued)



Figure 1: Extent of Property



Figure 2: Locality Plan – Lot 245

9.2 DA.2018.224 - Construction of a Single Dwelling - Variation to Minimum Lot Size - 11 Wilson Street, Majors Creek (Ref: ; Author: Thompson/Perkins) (Continued)

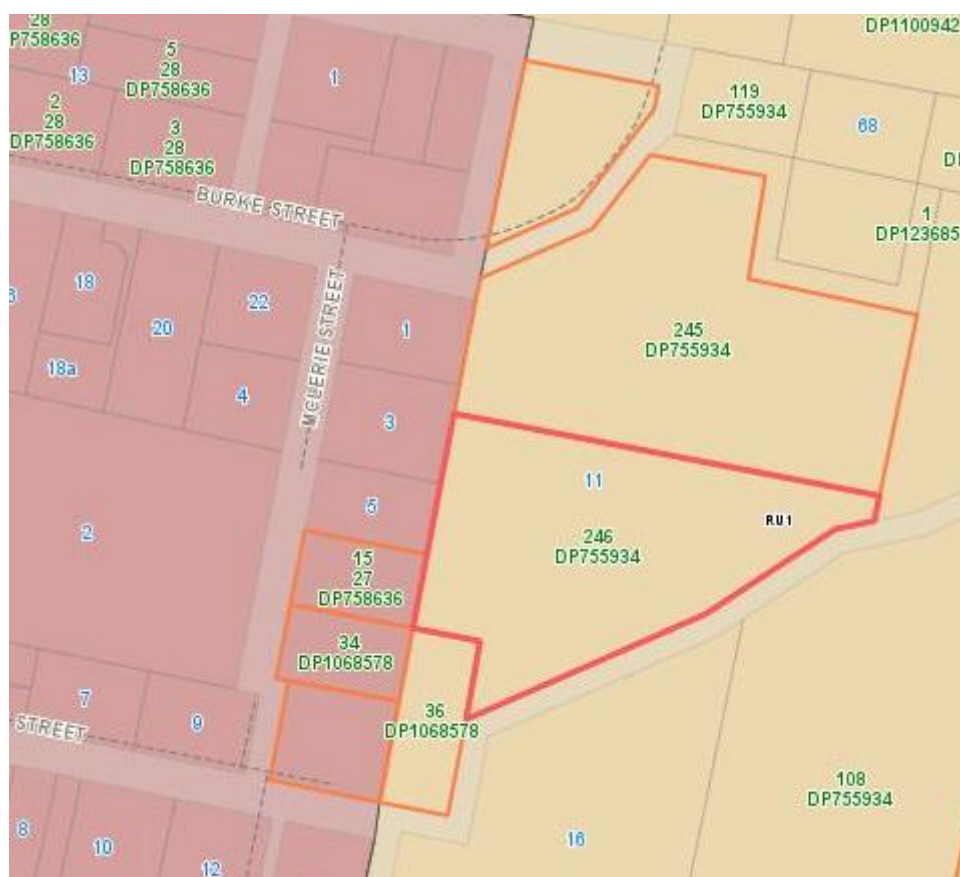


Figure 3: Zoning Map Extract – Palerang Local Environmental Plan 2014

Planning Requirements

Assessment of the application has been undertaken in accordance with Section 4.15(1) of the Environmental Planning and Assessment Act (EPAA) 1979, as amended. The matters that are of relevance under Section 4.15(1) are summarised in the attached *Section 4.15(1) Table – Matters for Consideration*.

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

1. State Environmental Planning Policy No 55 – Remediation of Land
2. Palerang Local Environmental Plan 2014 (PLEP).
3. Palerang Development Control Plan 2015 (PDCP)

The significant issues relating to performance of the proposal against the provisions of these planning instruments for the Council's consideration are as follows:

(a) Compliance with LEP

Palerang Local Environmental Plan (PLEP) 2014

The proposed development fails to comply with the minimum lot size provisions for the erection of a dwelling house in certain rural, residential and environment protection zones specified under Clause 4.2A(3)(a) of the PLEP 2014.

As such, the subject application was accompanied by a written request prepared in accordance with Clause 4.6 of the PLEP 2014 seeking to vary the development standard. This

9.2 DA.2018.224 - Construction of a Single Dwelling - Variation to Minimum Lot Size - 11 Wilson Street, Majors Creek (Ref: ; Author: Thompson/Perkins) (Continued)

request seeks an 82.5% (32.7ha) variation to the 40ha minimum lot size applicable to the site. A copy of the applicant's written request to vary the development standard is attached to this report at Attachment 3. An assessment of the variation request against provisions of Clause 4.6 of the PLEP 2014 follows:

Clause 4.6(3) of the PLEP 2014 states the following:

"Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard."*

The applicant has provided a written request that seeks to justify that strict compliance with the development standard is unreasonable or unnecessary on the following grounds:

- The proposed development will not affect the existing land uses or amenity of surrounding properties;*
- The subject site has existing entrance ways with direct street frontage to Bourke Street;*
- The objectives of the zone and development standard are met by the proposal;*
- The development is similar in nature to surrounding properties and the locality;*
- The RU1 land adjoining RU5 Village zone of Majors Creek and the development is a natural extension of dwellings along Burke Street;*
- The proposal will not add unreasonable additional demand to existing services. The property is serviced by a public road, and the dwellings will be powered by stand-alone solar systems with domestic water supply collected on-site and effluent management disposed of within the boundaries of the property;*
- The property is not isolated rural land, with postal services, school bus and community facilities available within walking distance of the land; and*
- The subject site is consistent, both in character and aesthetic value to other properties within the vicinity that have approved dwellings located on them.*

The applicant has sought to establish that there are sufficient environmental planning grounds to justify the contravention of the development standard on the following basis:

The proposal represents a development pattern which is compatible with the existing character and consistent with future development within the area. The creation of a dual occupancy development in this location will not have a negative impact on the streetscape or amenity of the area, nor will it set a precedent or change the character of the region. The proposal does however contribute to the goal of providing a variety of land and housing choices in the locality whilst protecting the character of the area.

The objectives of the development standard are still being achieved even though there is a variation of 82.5%, as the lot sizes in the area with legal dwellings vary in size from 2000m² <40 hectares. There is no dwelling within the locality that is located on an allotment of land that is >40 hectares. (A map demonstrating this has been provided as an attachment). This proposal is very much in keeping with the existing development pattern within the locality.

9.2 DA.2018.224 - Construction of a Single Dwelling - Variation to Minimum Lot Size - 11 Wilson Street, Majors Creek (Ref: ; Author: Thompson/Perkins) (Continued)

Clause 4.6(4) of the PLEP 2014 states the following:

“Development consent must not be granted for a development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3)”

Having given consideration to the applicant’s written request to justify the contravention of the minimum lot size development standard it is considered that the request does not adequately address the matters required to be demonstrated in subclause 4.6(3), specifically, that compliance with the standard is unnecessary or unreasonable in the circumstances of the case.

The subject site forms part of a larger property, as shown in Figure 2, which has already utilised its dwelling entitlement (based upon its R5 Village zoning) to construct the existing dual occupancy located upon Lot 35 DP1068578. In considering surrounding existing residences upon undersized lots within the locality, these dwellings are predominantly older dwellings and others have utilised the holdings provision of Clause 4.2A(3)(e) of the PLEP 2014. As such, the matters outlined by the applicant are not considered to establish circumstances in which it is unreasonable or unnecessary to apply the development standard. In considering the sufficiency of the environmental planning grounds to justify contravention of the development standard, the written request is not considered to provide sufficient substantive information on the environmental planning grounds to justify the proposed departure.

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The objectives of Clause 4.2A of the PLEP 2014 are as follows:

(a) to minimise unplanned rural residential development,

(b) to enable the replacement of lawfully erected dwelling houses in rural, residential and environment protection zones.

The proposal is considered to be inconsistent with the objectives of the development standard in that the subject site fails to satisfy the requirements for the erection of a dwelling house upon the subject site, as such the proposed development must be considered as unplanned rural residential development beyond the strategic vision of the PLEP 2014. As such, the proposed development is considered to be inconsistent with the objectives of the zone.

The site is Zoned RU1 Primary Production zone under PLEP 2014. The objectives for the zone are as follows:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To minimise the impact of any development on the natural environment.
- To ensure that development does not unreasonably increase the demand for public services or facilities.

By accommodating a residential use upon the subject site, the proposed development detracts from the likelihood of the broader land holding being utilised for a viable primary production

9.2 DA.2018.224 - Construction of a Single Dwelling - Variation to Minimum Lot Size - 11 Wilson Street, Majors Creek (Ref: ; Author: Thompson/Perkins) (Continued)

purpose. The proposed development is therefore considered to be inconsistent with the objectives of the RU1 Primary Production Zone which seek to minimise the fragmentation and alienation of resources land.

(b) the concurrence of the Secretary has been obtained.”

As the subject variation request is greater than 10% Council does not have deemed concurrence for the subject variation. As such, the subject application was referred to the Secretary for consideration. Concurrence was received from the Planning Secretary on 1 March 2019 noting:

Concurrence has been granted as the proposal raises no issues of state or regional significance and there is no public benefit in maintaining the development standard.

It is noted that Council has not yet completed its assessment of the development application. Please note that the granting of concurrence does not affect the right of the Council to refuse consent in accordance with Section 4.13(9) of the Environmental Planning and Assessment Act 1979.

In conclusion, the applicant's written request to justify the contravention of the minimum lot size provisions for the erection of a dwelling house in certain rural, residential and environment protection zones is considered to be inadequate in that the applicant has not been able to demonstrate that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, or that there are sufficient environmental planning grounds to justify contravening the development standard. Accordingly the subject request is considered to fail to satisfy the provisions of Clause 4.6 of the PLEP 2014 and is therefore not supported.

The subject site does not pose a unique situation in which a variation to the development is considered to be warranted. Rather, the proposed development represents unplanned development upon the fringe of the Majors Creek village that would represent an undesirable precedent for a number of similar lots within the locality that fail to satisfy the provisions of Clause 4.2A of the PLEP 2014. As significant areas of undeveloped land remain within the village itself capable of accommodating for residential development, it is considered to be contrary to Council's strategic vision for the locality to support the proposed variation.

(b) Compliance with DCP**Palerang Development Control Plan (PDCP) 2015**

Dwelling 1 is proposing an 8m front setback which fails to satisfy the minimum 50m front setback requirement established under section C2.5.1 – setbacks of the PDCP 2015. While the applicant poses that the proposed variation sits in context with the existing landscape, this is not considered sufficient justification for the proposed departure. Rather it is considered that the proposed variation is reflective of over development upon the site. As such, the proposed variation is not supported.

(c) Other Matters***Likely impacts***

As previously discussed, in recognition of the extent of the variation proposed, the development is considered to be contrary to the strategic vision for development within the RU1 Primary Production zone and represents unplanned residential development. By accommodating a residential use upon the subject site, the proposed development detracts from the likelihood of the broader land holding being utilised for a viable primary production purpose that is capable of being accommodated across the broader property. The proposed development is therefore considered to be inconsistent with the objectives of the RU1 Primary Production Zone which seek to minimise the fragmentation and alienation of resources land.

9.2 DA.2018.224 - Construction of a Single Dwelling - Variation to Minimum Lot Size - 11 Wilson Street, Majors Creek (Ref: ; Author: Thompson/Perkins) (Continued)

As the subject site does not represent a unique situation that is unlikely to be replicated within the locality, approval of the subject application would establish an undesirable precedent for a significant number of similar lots upon the fringe of the Majors Creek Village. As such, if Council is of a mind to support further rural residential land uses upon the fringe of the Majors Creek village it is likely more appropriate that the matter be considered through a planning proposal pathway rather than by means of compromising an existing development standard.

Internal Referrals***Engineering Comments***

Council's Development Engineer offered no objections to the proposal subject to the construction of appropriate vehicular access point to each dwelling from Burke Street.

Building Comments

Council's Building Officer offered no objections to the proposal.

External Referrals***Planning Secretary***

An application including a request to vary a development standard under Clause 4.6 of the *Palerang Local Environmental Plan 2014* greater than 10%, requires the concurrence of the Planning Secretary. Concurrence was received from the Planning Secretary on 1 March 2019 noting:

Concurrence has been granted as the proposal raises no issues of state or regional significance and there is no public benefit in maintaining the development standard.

It is noted that Council has not yet completed its assessment of the development application. Please note that the granting of concurrence does not affect the right of the Council to refuse consent in accordance with Section 4.13 (9) of the Environmental Planning and Assessment Act 1979.

Engagement

The application was notified in accordance with Part E of the PDCP 2015 from 28 November 2018 to 12 December 2018, with two (2) submissions received. The submissions raised the following concerns:

1. *Extent of Public Road* - Concern was raised that there may be some confusion as to the ownership of the northern end of Burke Street.

Comments: While the vast majority of Burke Street is a Council owned road, a small area north of the proposed vehicular access points is Crown road and is not managed by Council (See Figure 4 below). The subject application involves no works within the Crown road reserve.

**9.2 DA.2018.224 - Construction of a Single Dwelling - Variation to Minimum Lot Size
- 11 Wilson Street, Majors Creek (Ref: ; Author: Thompson/Perkins) (Continued)**



Figure 4: Council managed portion of Burke Street shown in red and crown road reserve shown in blue

2. *Impacts of proposed entrances upon existing stormwater management measures and the need for a turning circle at the northern end of Burke Street*

Comments: Should the subject application be approved the proposed vehicular access points would be required to be constructed to Council's engineering standard including the provision of appropriate stormwater management measures. There is no nexus between the proposed development and the provision of a turning circle at the northern end of Burke Street.

3. *Historical vegetation removal* - Concern was raised in relation to removal of vegetation from the subject site prior to the lodgement of the subject application.

Comments: This matter is separate to the assessment of the subject application and has previously been considered by Council's Tree Management Officer. It was found that the vegetation was regrowth that was able to be removed under the former Routine Agricultural Management Activities provisions of the former Native Vegetation Act 2003 and did not require consent.

4. *Context – Streetscape and Character* - Concern was raised over the compatibility of the proposed dwellings within existing development within the locality.

Comments: While the proposed dwellings are contemporary in nature, they are relatively small in scale and utilise stained timber and metal finishes that are considered to be visually compatible with existing development within the locality.

5. *Water Quality* - Concern was raised over potential impact of the development upon water quality

Comments: While there are drainage lines upon the site, subject to appropriate construction management measures, the proposed development is capable of being constructed upon the site without any impacts upon water quality.

6. *Traffic* - Concern was raised over potential traffic generation as a result of the proposed development and impacts upon Burke Street.

9.2 DA.2018.224 - Construction of a Single Dwelling - Variation to Minimum Lot Size - 11 Wilson Street, Majors Creek (Ref: ; Author: Thompson/Perkins) (Continued)

Comments: Given the relatively small scale of the proposed development and the limited number of dwellings currently utilising Burke Street, Council's Development Engineer has advised that the proposed development is considered unlikely to result in any significant impacts upon the existing road infrastructure.

7. *Acoustic and Visual Impacts* - Concern was raised over potential acoustic and visual impacts of the development upon surrounding dwellings

Comments: The proposed development is located more than 65m from any dwelling upon an adjoining lot and there are existing mature plantings along common boundaries. As such, the proposed development is considered unlikely to result in any significant visual or acoustic impacts.

8. *Setbacks* - Concern was raised over the proposed 8m setback to dwelling No 1.

Comments: The proposed dwelling location fails to satisfy the minimum 50m setback required under Section 2.5.1 of the PDCP 2015. This matter has been discussed in detail previously in this report.

Compliance or Policy Implications





Approval of the subject application would establish an undesirable precedent for a significant number of undersized allotments within the area surrounding the Majors Creek village that do not currently hold a dwelling entitlement. While each request is considered on its own merit, the abandonment of a development standard forms grounds for further variation to the development standard. As such, if Council is of a mind to support additional residential development surrounding Majors Creek, consideration this should occur through a planning proposal process for the locality rather than an ad hoc variation to development standards.

Conclusion

The submitted proposal for the construction of a detached dual occupancy on Lot 254 DP755934, 11 Wilson Street, Majors Creek has been assessed under Section 4.15 of the *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Palerang Local Environmental Plan 2014* and *Palerang Development Control Plan 2015*.

The development does not satisfy the requirements or achieve the objectives of these instruments. The proposed variation request was considered to be unfounded and is not supported. As such, the subject application is not supported, and is recommended for refusal.

Attachments

Attachment 1	Attachment 1 - 4.15 Assessment Report (<i>Under Separate Cover</i>)
 Attachment 2	Attachment 2 - Architectural Plans (<i>Under Separate Cover</i>)
 Attachment 3	Attachment 3 - Clause 4.6 Variaton Request (<i>Under Separate Cover</i>)
 Attachment 4	Attachment 4 - Submissions (<i>Under Separate Cover</i>)
 Attachment 5	Attachment 5 - Amended Site Plan (<i>Under Separate Cover</i>)

9.3 Outcomes of Public Exhibition of Sutton Planning Proposal - Lot 3 DP 1074706, 202 Goolabri Drive, Sutton (Ref: ; Author: Thompson/Hogg)

File Reference: PJT0061-07002

Summary

The purpose of this report is to inform Council of the outcome of the public exhibition of the Sutton planning proposal, the consideration of submissions and to seek Council's endorsement for staff to negotiate the mechanism for recognition and protection of EEC's on the site.

Council has prepared a planning proposal for Lot 3 DP 1074706, Goolabri Drive, Sutton, known as the Sutton planning proposal. This planning proposal was amended following government agency submissions to reduce the number of lots permitted with consent to no more than six lots. A report on the government agency consultation was prepared for the 13 November 2019 Planning and Strategy Committee meeting which resolved to place the amended planning proposal on public exhibition.

As a result of public exhibition, Council received five submissions in total - three submissions from the general public and two submissions from state agencies, including a further submission from the Department of Planning, Industry and Environment – Biodiversity and Conservation (DPIE-BC).

The DPIE-BC have provided further feedback regarding the mechanism by which recognition and protection of Ecologically Endangered Communities (EEC's) on the site may be achieved, however discussions and negotiation with the property owner will be required. It is intended that a report on the outcome of those negotiations be subsequently presented to Council.

Recommendation

That Council:

- 1. Progress the planning proposal for Lot 3 DP 1074706, Goolabri Drive, Sutton by negotiating a solution with the property owner to identify and protect the vegetated areas included in the conservation areas identified by the Department of Planning, Industry and Environment – Biodiversity and Conservation.**
 - 2. Where the planning proposal for Lot 3 DP 1074706, Goolabri Drive, Sutton requires significant amendment as a result of the negotiated solution in recommendation 1 above, then a report be prepared for Council, prior to further progressing the planning proposal.**
-

Background

In 2015 Council prepared a draft planning proposal to permit with consent, subdivision of Lot 3 DP 1074706 into seven lots. Following receipt of the Gateway determination, Council consulted with the relevant state agencies, being the NSW Rural Fire Services (RFS) and the then Office of Environment and Heritage (OEH). During that consultation period the feedback from the state agencies was considered and an amended plan was prepared taking into account the requirements of both state agencies. The amendments included reducing the total number of permissible lots to six, locating potential building envelopes away from areas of EEC's and habitat trees and including access arrangements as per the plan endorsed by the RFS. Both the RFS and DPIE-BC were notified of the commencement of the public exhibition.

9.3 Outcomes of Public Exhibition of Sutton Planning Proposal - Lot 3 DP 1074706, 202 Goolabri Drive, Sutton (Ref: ; Author: Thompson/Hogg) (Continued)

The map below locates five indicative building envelopes (yellow), the areas of native vegetation to be protected (green areas), the existing tourist facility (purple) and access and potential future road. The native vegetation mapped below includes Threatened Ecological Communities (TEC's) under the *Environmental Protection and Biodiversity Conservation Act 1999 (Cth)* and/or the *Biodiversity Conservation Act 2006 (NSW)* and EEC's.



9.3 Outcomes of Public Exhibition of Sutton Planning Proposal - Lot 3 DP 1074706, 202 Goolabri Drive, Sutton (Ref: ; Author: Thompson/Hogg) (Continued)

The result of the government agency consultation and the amended plan (above) was subsequently reported to the 13 November 2019 Planning and Strategy meeting where it was resolved (Minute No. PLA116/19) that:

1. *Council place the amended planning proposal, dated October 2019, to permit subdivision of Lot 3 DP 1074706 (Goolabri Drive, Sutton) on public exhibition for a minimum period of 28 days.*
2. *Where submissions are received during the public exhibition period, a report considering the issues raised in submissions be brought back to Council prior to progressing the planning proposal.*
3. *That the following items and matters are submitted and dealt with as part of any development application lodged for the subdivision of Lot 3 DP 1074706 Goolabri Drive, Sutton:*
 - (a) *A Vegetation Management Plan, addressing the concerns raised by the NSW Biodiversity and Conservation Branch;*
 - (b) *A revised Aboriginal Cultural Heritage Impact Assessment; and*
 - (c) *How and when future purchasers of lots containing Aboriginal objects shall be advised of the requirement to obtain an Aboriginal Heritage Impact Permit (AHIP) prior to any ground disturbance.*

This report has been prepared in response to the above resolution. A copy of the exhibited Planning Proposal is provided in Attachment 1.

Consultation

The revised planning proposal (revised October 2019) and the three supporting background studies were placed on public exhibition from Wednesday 22 January 2020 until close of business on Monday 24 February 2020.

Property owners adjoining the subject site were notified in writing of the public exhibition period and public notices were placed in the relevant local papers. Hardcopies of the proposal and background studies were placed in the Bungendore and Queanbeyan offices and electronic versions were available on Council's 'Your Voice' webpage.

A total of five submissions were received, three from the general public and two from state agencies. The submissions are discussed below.

Public Submissions

The public submissions raised the following matters:

Access

Issue: The use of Lot 61 DP 1018536 for vehicular access will significantly impact on the current amenity of the adjoining site.

Comment: Lot 61 DP 1018536 is located adjoining the south eastern corner of the land subject to the planning proposal. The access to the subject site via Lot 61 DP 1018536 is intended to service a single lot only and was developed in response to feedback from the RFS. The access is indicative and would be subject to refinement and the development assessment process. Access to a single allotment is unlikely to have significant effects on the neighbouring premises.

Biodiversity

Issue: The 10/50 Vegetation Clearing Scheme could impact biodiversity on the site.

Comment: Draft building envelopes can be located to avoid areas containing Threatened Ecological Communities and are generally located on areas identified by the consultant ecologist as exotic pasture and native/exotic pasture.

9.3 Outcomes of Public Exhibition of Sutton Planning Proposal - Lot 3 DP 1074706, 202 Goolabri Drive, Sutton (Ref: ; Author: Thompson/Hogg) (Continued)

Furthermore, if the planning proposal is progressed and a development application for subdivision is subsequently lodged, the subdivision will be assessed against the provisions of the *Palerang Development Control Plan 2015* (PDCP), which includes a requirement for subdivision of land to include building envelopes as follows:

- The location of building envelopes on lots shall reflect the findings of the site analysis and be free of major environmental and servicing constraints; and
- be designed based on the constraints associated with effluent disposal, heritage, ecological items, utilities or easements and the natural features of the land" (refer DCP - C1.2.5 Building envelopes).

Building envelopes and Setbacks

Issue: A building envelope is not indicated for the northern most lot. In addition the planning proposal does not prescribe suitable building envelopes providing the separation expected in a semi-rural setting.

Comment: Five indicative building envelopes were shown on Map 3 (p.7) of the exhibited planning proposal. Map 3 is a compilation of the feedback from both the Department of Planning, Industry and Environment – Biodiversity and Conservation (DPIE-BC) and NSW Rural Fire Services (RFS) and is intended to demonstrate that subdivision of land (Lot 3 DP 1074706) can meet the requirements of both state agencies. If the planning proposal is progressed and a development application for subdivision is subsequently lodged, detailed subdivision plans, road layout and building envelopes will be required. These plans would be placed on public exhibition as part of the notification period of the development assessment process.

In addition, the northern part of the subject lot has been identified by DPIE-BC as a conservation area and as such the location of a building envelope within that area is not acceptable.

Fire

Issue: The site is located on bushfire prone land.

Comment: The planning proposal was forwarded to the NSW Rural Fire Services (RFS) as required by the Gateway determination. The feedback from the RFS and Council's response to the feedback is provided on page 28 and 29 of the exhibited planning proposal. The amended planning proposal incorporating concerns raised by the RFS was subsequently endorsed for exhibition by RFS. If the planning proposal is progressed to amend to Palerang Local Environmental Plan to allow a subdivision application to be lodged with Council, the application would need to address the requirements of the *Palerang Development Control Plan 2015* and the RFS Planning for Bushfire Protection

Flooding

Issue: It was noted that significant water can flow through the northern area of the property (below the largest dam to the northern edge of the property), and historically there was significant erosion in this area (deep trenches).

Comment: The area to the north of the northern most dam has been identified as a conservation area by the DPIE-BC. It is highly unlikely that development in this area would be supported.

Matters relating to erosion control are considered during the development application stage, which is the next stage of the process. If the planning proposal is progressed and the *Palerang Local Environmental Plan 2014* is amended to permit subdivision of the subject lot a development application for subdivision may be lodged. During the assessment of the

9.3 Outcomes of Public Exhibition of Sutton Planning Proposal - Lot 3 DP 1074706, 202 Goolabri Drive, Sutton (Ref: ; Author: Thompson/Hogg) (Continued)

development application the proposed subdivision will be assessed against the provisions of the *Palerang Development Control Plan 2015*, including control C1.2.14 Soil management, which has 3 objectives as follows:

- a) *To minimise erosion and sediment loss before, during and after construction*
- b) *To minimise water pollution due to sedimentation*
- c) *To minimise the requirement for and impact of fill.*

Services

One submission asked about the provision of the NBN to the site.

Comment: The provision of services and infrastructure is considered during the development application stage, which is the next stage in the process. During the assessment of the development application the proposed subdivision will be assessed against the provisions of the *Palerang Development Control Plan 2015*, including control C1.2.10 Telecommunications.

Summary of Public Submissions

The issues raised in the public submissions do not require any changes to the planning proposal as exhibited.

Each of the matters submitted has been reviewed in detail and comments made in Attachment 2.

Submissions – State agencies

Department of Planning Industry and Environment – Crown Lands

Department of Planning Industry and Environment – Crown Lands lodged a submission as an adjoining property owner and advised that they have no objection to the proposal. However, they have requested that “should the proposal be modified in any matter the Department request an opportunity to further review the application prior to determination”.

Comment: Should the proposal be modified it will be forwarded to the Department of Planning Industry and Environment – Crown Lands for further review.

Department of Planning Industry and Environment – Biodiversity and Conservation

The DPIE-BC submission forms Attachment 3. It raises three main issues related to environmental values of the land, flooding and Aboriginal cultural heritage, which are discussed below.

Ministerial Direction 2.1 Environmental Protection Zones

The DPIE-BC states that the subject site is mapped as High Environmental Value (HEV) land in the *South East and Tableland Regional Plan* and recommends that the areas containing Endangered Ecological Communities (EEC’s) be protected. The DPIE-BC recommends that areas containing EEC’s be rezoned to E2 Environmental conservation, however, it is recognised that this would require a further amendment to the planning proposal.

Comments: Council amended the planning proposal in recognition of the areas of High Environmental Value by reducing the total number of permissible lots and locating potential building envelopes outside areas identified by DPIE-BC as being conservation areas in their previous submission. Council has also resolved that “A Vegetation Management Plan, addressing the concerns raised by the NSW Biodiversity and Conservation Branch” be prepared as part of any subdivision application.

Rezoning part of the subject land to E2 Environmental conservation zone would protect the vegetation in the identified areas, but raises a number of issues including the arrangement of future lot boundaries and ongoing maintenance of these areas. If part of the site is rezoned

9.3 Outcomes of Public Exhibition of Sutton Planning Proposal - Lot 3 DP 1074706, 202 Goolabri Drive, Sutton (Ref: ; Author: Thompson/Hogg) (Continued)

to E2 Environmental conservation zone, thereby protecting EEC's, lots will be created with either split zones (part E2 Environmental conservation zone and part E4 Environmental living zone) but retain development rights, however Council has previously indicated that for Wamboin and Bywong that split zonings are not supported.

The alternative is that lots be created that are wholly zoned E2 Environmental conservation zone and have very limited development rights. It should also be noted that one of the areas identified by DPIE-BC as a potential conservation area would have no access to public roads if it were to be created as a separate lot.

If Council supported an amendment to further rezone the ecologically sensitive areas to E2 Environmental conservation zone, this would require an amendment to the planning proposal. This would require further approval from DPIE and may require re-exhibition so there would be some delay in finalising the planning proposal.

An alternative solution to rezoning is to implement a Voluntary Planning Agreement (VPA). The advantages of a VPA are that no change to the zoning is required and it allows for rehabilitation of any degraded communities. The disadvantages of pursuing a VPA include a further delay to planning proposal process and the requirement for additional and ongoing Council resources to administer.

Although the E2 rezoning option is a cleaner, faster way to resolve the outstanding issues raised by DPIE-BC the preferred option is to pursue a VPA with the property owner to address the environmental values of the land. However, at this stage the owner's willingness to do so is unknown.

Ministerial Direction 4.3 – Flood Prone Land

DPIE-BC has advised that as the site contains a watercourse, it has flood prone land for the purpose of the Ministerial Direction 4.3 Flood prone land and is therefore not consistent with the Direction. Council has been requested to obtain a suitable flood risk assessment including an assessment of the impact of the Probable Maximum Flood (PMF) as part of the assessment of the planning proposal.

Comment: Council mapping indicates that the watercourse on site is a first order stream with only part of the land to the north of the northern most dam being mapped in the *Palerang Local Environmental Plan 2014* as being Riparian land and watercourse. Any future subdivision application for the land will require building envelopes well outside land mapped as Riparian land and watercourse or land indicated as conservation areas by the DPIE-BC. In addition, the part of the site most likely to be flood affected is land identified for future conservation by DPIE-BC (either by rezoning or through a VPA). It is considered that the amended planning proposal is consistent with the Ministerial Direction and Council is currently awaiting advice from the Department of Planning, Industry and Environment – Local and Regional Planning regarding the interpretation of this Direction.

It should be noted that the current DPIE-BC interpretation of this direction will have a significant ramifications not just for this planning proposal but also for planning proposals across the LGA, including the proposal to rezone land in Bywong and Wamboin.

Aboriginal Cultural Heritage

DPIE-BC has advised that the following actions will need to be addressed at the development application stage.

1. Future purchases of lots containing Aboriginal objects must be advised to apply for an Aboriginal Heritage Impact Permit (AHIP) if they need to disturb the ground where aboriginal objects occur. This should be included as a recommendation in the ACHAR.
2. We note that the site coordination information for site 57-2-0194 and 57-2-0203 has been corrected on the Aboriginal Heritage Information Management System (AHIMS).

9.3 Outcomes of Public Exhibition of Sutton Planning Proposal - Lot 3 DP 1074706, 202 Goolabri Drive, Sutton (Ref: ; Author: Thompson/Hogg) (Continued)

However, the sections of the ACHAR which mention these sites must also be updated to reflect the correct information.

3. The updated ACHAR must include a new AHIMS search as the previous one is more than 12 months old.

Comment: Point 1 above has been addressed by part 3c of Council resolution of the 13 November 2019 Planning and Strategy council meeting which resolved (Minute No. PLA116/19) that:

3. That the following items and matters are submitted and dealt with as part of any development application lodged for the subdivision of Lot 3 DP 1074706 Goolabri Drive, Sutton:

(c) How and when future purchasers of lots containing Aboriginal objects shall be advised of the requirement to obtain an Aboriginal Heritage Impact Permit (AHIP) prior to any ground disturbance.

Points 2 and 3 above will be addressed when a revised Aboriginal Cultural Heritage Impact Assessment is prepared as part of any development application.

No further action is required at this planning proposal stage.

Implications***Legal***

The planning proposal has been prepared and exhibited in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental and Assessment Regulations 2000*.

Policy

The public exhibition of the planning proposal has met the requirements of Council's adopted Community Engagement and Participation Plan. Should this planning proposal be notified and a development application(s) be submitted the *Palerang Development Control Plan 2015* will also be applicable in considering all aspects of any future development.

Environmental

The site contains both Critically Endangered Ecological Communities (CEEC) under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and Endangered Ecological Communities (EEC) under the *NSW Biodiversity Conservation Act 2016* (BC Act). The property owner will be required to prepare a Vegetation Management Plan as part of any development application to subdivide the site. In addition, this report recommends commencing negotiations with the property owner in relation to a suitable protection mechanism for the listed vegetation.

Future building envelopes are to be located on land identified in the Flora and Fauna Report (dated Jan 2018) as vegetation zone 6 – exotic pasture and native/exotic plantings.

Sustainability

In the event of this area proceeding to be developed for future residential development this development will have to comply with the Building Sustainability Index (BASIX) requirements in relation to water consumption and greenhouse gas emissions.

Strategic

The proposal is not inconsistent with the Rural Lands Strategy and the *South East and Tablelands Regional Plan 2036*.

9.3 Outcomes of Public Exhibition of Sutton Planning Proposal - Lot 3 DP 1074706, 202 Goolabri Drive, Sutton (Ref: ; Author: Thompson/Hogg) (Continued)

Resources (including staff)

This planning proposal has involved a number of staff on a part time basis both from the Land-Use Planning Branch and other Branches.

Integrated Plan

This planning proposal is part of the land-use program for the Land-Use Planning Branch as identified in the Operational Plan.




Conclusion

The planning proposal seeks to amend the *Palerang Local Environmental Plan 2014* to permit with consent subdivision of Lot 3 DP 1074706 Goolabri Drive, Sutton, which is located on the western edge of Sutton.

Community consultation for the Sutton planning proposal commenced on Wednesday 22 January 2020 and concluded at close of business on Monday 24 February 2020. During the consultation period a total of five submissions were received, consisting of three public submissions and two government agency submissions.

These submissions have been reviewed and the matters raised by them have been carefully considered. No changes to the planning proposal are recommended as a result of public submissions. However, additional changes may be required as a result of the additional submission by the DPIE-BC and pending confirmation regarding the interpretation of the Ministerial direction 4.3 Flood prone land. In addition, as a result of the request by DPIE-BC to rezone part of the site to E2 Environmental conservation, Council will need to meet with the property owner to discuss and negotiate options for formally identifying and protecting land with EEC's, including the option for a VPA.

Attachments

- | | |
|--|--|
| Attachment 1 | Exhibited Planning Proposal - Lot 3 DP 1074706, Sutton (<i>Under Separate Cover</i>) |
|  Attachment 2 | Summary of Submissions (<i>Under Separate Cover</i>) |
|  Attachment 3 | Submission from DPIE-BC (<i>Under Separate Cover</i>) |
|  | |

9.4 Developer Contributions - Residential Accommodation Destroyed by Bushfire or Other Natural Disasters (Ref: ; Author: Thompson/Carswell)

File Reference: 21.4

Summary

Recently the issue of charging developer contributions for residential accommodation destroyed through bushfire or other natural disaster has been raised in correspondence by planners in the Region. Council's current developer contribution plans contain different approaches to this situation. This report recommends a consistent approach as an interim policy and that this be incorporated into Council's developer contribution plans as they are reviewed.

Recommendation

That:

1. Council not charge developer contributions (either section 7.11 or 7.12 contributions under the *Environmental Planning and Assessment Act 1979* or section 64 contributions under the *Local Government Act 1993*) for the reconstruction of residential accommodation destroyed by bushfire or other natural disaster where that dwelling :
 - a. Has a lawful consent or was lawfully constructed; and
 - b. Does not involve the creation of an additional developable lot or an additional dwelling.
 2. This approach be incorporated into Council's Section 94 Plans, Local Infrastructure Contribution Plans and Section 64 Plans as they are reviewed.
-

Background

Recently the issue of charging developer contributions for residential accommodation destroyed by bushfire or other natural disaster has been raised in correspondence by planners in the Region. Council's current developer contribution plans contain different approaches to this situation. For example some are silent on this eventuality, some only apply if no previous contributions have been paid, some only apply if equivalent tenancies (ET) increase, and one raises the possibility of waiving contributions when rebuilding is due to an emergency event.

It is proposed that a consistent approach be established as an interim policy and be incorporated as Council's developer contribution plans are reviewed.

Implications

Legal

It is intended that the interim policy being recommended be incorporated into Council's development contributions plans as they are reviewed. When this occurs these plans will need to comply with the relevant parts of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulations 2000*.

Policy

This report recommends an interim policy in regard to the non-payment of developer contributions for lawfully constructed residential accommodation that requires replacement through bushfire or other natural disaster. In summary the recommended policy is that

9.4 Developer Contributions - Residential Accommodation Destroyed by Bushfire or Other Natural Disasters (Ref: ; Author: Thompson/Carswell) (Continued)

contributions under section 7.11 or 7.12 under the Environmental Planning and Assessment Act 1979 or under section 64 contributions of the Local Government Act 1993 not be charged if the residential accommodation (Attachment 1) being constructed is simply replacing the original residential accommodation which was lawfully constructed and does not involve the creation of an additional developable lot or an additional dwelling.

Strategic

This report takes a strategic approach to the interim policy by recommending that it be incorporated into Council's development contributions plans as they are reviewed.

Engagement

At this stage it is proposed there will be no community engagement. The purpose of the interim policy is to make it clear to affected residents that no fees are payable if they are re-erecting a dwelling on a site that had lawful approval.

Financial

There is unlikely to be a significant cost to Council as most lawfully erected buildings would have paid any contribution payable at the time of construction. There may be some older buildings that were constructed before contributions plans were adopted, but had it not been for the disaster, no fees would have been payable in any case.

Conclusion

Recently the issue of charging developer contributions for residential accommodation destroyed by bushfire or other natural disaster has been the subject of correspondence by planners in the Region. Council has resolved not to charge development application or certification fees in relation to rebuilds associated with the bushfires, while the NSW Government has announced long service levy, basix and planning reform fund fees will not be charged. In many circumstances, the Exempt and Complying Development Codes enable the rebuilding of rural and other structures, as well as temporary accommodation (such as caravan and converted containers).

Council's current developer contribution plans contain different approaches to this situation. As a result it is recommended that a consistent approach be adopted as an interim policy for the non-payment of developer contributions for the rebuilding of residential accommodation destroyed by bushfire or other natural disaster where the residential accommodation being constructed is simply replacing the original residential accommodation which was lawfully constructed and does not involve the creation of an additional developable lot or an additional dwelling. It is also recommended that this interim policy be incorporated into Council's developer contribution plans as they are reviewed.

Attachments

Attachment 1 Definition of Residential Accommodation (*Under Separate Cover*)



9.5 Tender Recommendation for Queanbeyan Bicentennial Hall Upgrade Building and Mechanical Works - Contract 2020-03 (Ref: ; Author: Hansen/de Jongh)

File Reference: 100959-12

Summary

Tenders were called via TenderLink for construction of the Bicentennial Hall Refurbishment Building and Mechanical Works. Three tender submissions were received. Tenders were assessed and scored. The evaluation panel have completed the tender review process and recommended that the contract be awarded as recommended in the Tender Evaluation Report.

Recommendation

That Council:

- 1. Award the tender for Contract 2020-03 for the Queanbeyan Bicentennial Hall Upgrade Building and Mechanical Works to Tenderer 2 as recommended in the Tender Evaluation Report**
 - 2. Approve the revised overall project budget of \$3,259,000.00 (ex GST).**
-

Background

The Bicentennial Hall is a community facility located at 253 Crawford Street Queanbeyan. The Bicentennial Hall opened in 1988, with a seating capacity of 800. The hall is suited to large functions such as weddings, conferences and other significant events. Inclusions in this community hall are: bar area, commercial grade kitchen, large stage with dressing rooms under, bathroom facilities and a mezzanine area.

Council received two packages of co-funding from NSW Government grants to upgrade the auditorium, stage, backstage, bar and mezzanine areas. Council is delivering the full scope of works in packages.

The first package included the installation of a retractable seating which is now complete.

This tender forms the second package of work. It includes refurbishment of the auditorium, stage, backstage, bar and mezzanine areas. It also includes upgrade of fire safety measures and the heating and cooling system that supplies both Bicentennial Hall and the Council Chambers building.

The final package of work will include upgrades to the stage sound and lighting equipment and the stage curtains.

Bicentennial Hall will remain operational throughout the duration of the works.

**9.5 Tender Recommendation for Queanbeyan Bicentennial Hall Upgrade Building and Mechanical Works - Contract 2020-03 (Ref: ; Author: Hansen/de Jongh)
(Continued)**

Implications

Legal

Section 55 of the *Local Government Act 1993* requires that a Council invite open tenders before entering into contracts for projects over \$250,000.

Policy

The Tenders have been assessed as per QPRC procurement policies and the Tender Evaluation Plan.

Asset

The proposed works include refurbishment to Council's existing Queanbeyan Bicentennial Hall.

Social / Cultural

These works will improve the multi-use capabilities of Bicentennial Hall as well as making it a more appealing venue for events.

Engagement

The project scope has been developed in consultation with the venue operators and Create NSW (Council's funding partner).

Financial

The funding for this Project is made up by a combination of funding sources as shown in the table below. The total funding amount is \$3,259,000.00 (ex GST). The remaining available budget is \$2,439,707.71 (ex GST). Some works including the retractable seats have been completed to date. The remaining budget needs to cover the cost of this tender plus the other remaining work packages.

Program Code	Expense Type	Funding source		Amount
100959	Capital	Regional Cultural Fund Stage 1 Capital Grant	\$	999,000.00
100959	Capital	Regional Cultural Fund Stage 2 Capital Grant	\$	550,000.00
100959	Capital	Council Contribution to Stage 1 grant	\$	500,000.00
100959	Capital	Council Contribution to Stage 1 grant	\$	250,000.00
100959	Capital	Council Loan Funding	\$	500,000.00

**9.5 Tender Recommendation for Queanbeyan Bicentennial Hall Upgrade Building and Mechanical Works - Contract 2020-03 (Ref: ; Author: Hansen/de Jongh)
(Continued)**

100884	Capital	2019/20 general fund	\$	180,000.00
100884	Capital	2020/21 general fund	\$	180,000.00
	Capital	QPRC energy efficiency upgrades fund	\$	100,000.00

Resources (including staff)

Council's Contracts and Projects Staff will supervise the project.

Conclusion

The tenderer who best satisfied the selection criteria for construction of the Bicentennial Hall Refurbishment Building and Mechanical Works, was found to be Tenderer 2. It is recommended that Tenderer 2 be awarded the contract to undertake this work.

Attachments

Attachment 1 Tender Evaluation Report (*Under Separate Cover*) - **CONFIDENTIAL**

9.6 Delegation to accept detail design tenders for Queanbeyan Civic & Cultural Precinct (Ref: ; Author: Hansen/Damo)

File Reference: 100265-11-7, 100265-12-7, 100265-13-7, 100265-4-2

Summary

Council staff are currently assessing tenders for detail design consultants for the Queanbeyan Civic and Cultural Precinct. These tenders include:

- No. 2020-12 for Architectural and Interior Design Services;
- No. 2020-13 for Civil and Structural Engineering Design Services; and
- No. 2020-14 for Multi Discipline Engineering Design Services.

This report is a request for Council to delegate to the Planning and Strategy Committee of the Whole the authority to accept the above tenders for the Queanbeyan Civic and Cultural Precinct.

This will allow the successful tenderers to progress the design without incurring unnecessary delays whilst waiting for the next available Ordinary Council meeting. In allowing for the tenders to be awarded at the Planning and Strategy Committee of the Whole meeting, it allows Council to facilitate the planned construction works to commence prior to Christmas and to ensure a planned completion of the project earlier in the 22/23 financial year.

Recommendation

That Council:

- 1. Delegate to the Planning and Strategy Committee of the Whole the authority to accept the preferred tender for Architectural and Interior Design Services for Queanbeyan Civic and Cultural Precinct.**
 - 2. Delegate to the Planning and Strategy Committee of the Whole the authority to accept the preferred tender for Civil and Structural Engineering Design Services for Queanbeyan Civic and Cultural Precinct.**
 - 3. Delegate to the Planning and Strategy Committee of the Whole the authority to accept the preferred tender for Multi-Discipline Engineering Design Services for Queanbeyan Civic and Cultural Precinct.**
-

Background

On 22 January 2020, Council resolved to proceed with detail design of Queanbeyan Civic and Cultural Precinct (QCCP). Council is progressing the detail design phase of the Queanbeyan Civic and Cultural Precinct. This phase which is currently being tendered for includes architectural and engineering designs of the precinct.

Tenders were called on 19 February 2020 and closed for Civil and Structural Engineering Design Services and Multi Discipline Engineering Design Services on 13 March 2020 and closed for Architectural and Interior Design Services on 20 March 2020. Due to the timing of the closing dates, Council staff will be unable to assess and make recommendations in time for the Council meeting on 25 March. Council will assess these tenders and expect to have a

9.6 Delegation to accept detail design tenders for Queanbeyan Civic & Cultural Precinct (Ref: ; Author: Hansen/Damo) (Continued)

recommendation report completed prior to the Planning and Strategy Committee of the Whole meeting to be held on 8 April 2020.

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 procedures and the Tender Evaluation Plans for the tender packages.

Resources (including staff)

The tenders will be assessed by internal and external staff and reported to Council by staff. The delegation of tender acceptance to the Planning and Strategy Committee of the Whole will not increase any resource requirements.

Conclusion

By delegating the tender acceptance decision to the April 2020 Planning and Strategy Committee of the Whole meeting, it will assist the earlier completion of the project.

Attachments

Nil

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.7 Cultural Arts Assistance Scheme Application - Karabar High School Art Exhibition (Ref: ; Author: Richards/Mirowski)

File Reference: CULTURE – CULTURAL DEVELOPMENT – 1.1.3 Cultural Arts Assistance Scheme – Cultural Arts Assistance Scheme 2019/20 – 1.1.3-01

Summary

On 2 March 2020, Karabar High School submitted an application for funding under Council's Cultural Arts Assistance Scheme (CAAS). The application seeks \$1,000 to assist with the venue costs for a public art exhibition showcasing artworks of students in Years 8 to 11.

Recommendation

That Council approve the donation of \$1,000 from the Cultural Arts Assistance Scheme to Karabar High School to assist with hire costs of the Q Theatre for a public exhibition of student's artworks.

Background

The application seeks funding for Karabar High School's 'Smile & Create' art exhibition which will be open to the public between 20 July and 10 August 2020 at the Q Theatre. The inaugural Smile & Create Exhibition, which took place in 2019, was popular with the public and received over 500 visitors in the three-week exhibition period. Last year's exhibition featured over 80 artworks and included a People's Choice Award, selected through counting the results of visitor voting slips.

Due to the success of the 2019 art exhibition, Karabar High School plans to make this an annual event. Like last year, the school will invest in quality framing of the artworks to enhance the overall viewing experience, will staff the venue during exhibition opening hours, and will provide prizes.

Artworks to be displayed are selected by teachers to showcase to the wider community the best quality learning outcomes across Year 8 to Year 11. The High School views the Q Theatre as the ideal venue as it provides a quality, publicly accessible and professional gallery space in the centre of Queanbeyan.

Implications***Policy***

The CAAS is administered in line with Council's *Donations Policy 2017* (for donations under s.356 of the *Local Government Act 1993*). Under the Policy, Council commits to providing financial assistance for the development of positive and beneficial projects which address the identified objectives in the *QPRC Community Strategic Plan 2018-2028*. The project aligns well with Council's Donations Policy, in that it may produce strong outcomes under Strategic Pillar 1 – Community, which is 'We build on and strengthen our community cultural life and heritage'. The project is in line with the service objective of developing the cultural capacity of the community through the availability and participation in arts, performance and cultural gatherings, events and exhibitions in the LGA.

9.7 Cultural Arts Assistance Scheme Application - Karabar High School Art Exhibition (Ref: ; Author: Richards/Mirowski) (Continued)

The project meets the aims and eligibility criteria for CAAS funding. The aim of the CAAS includes improving the community's opportunities for involvement in cultural and arts activities. Under the CAAS program, grants of up to \$1,500 will be considered if a project meets one or more of the following criteria: employs a professional artist; attracts matching funding from another source outside of council; works in partnership with other community groups / government bodies, and provides a festival or event that will engage the broader Queanbeyan-Palerang community.

This project meets two of these four criteria, in that most of the costs for the exhibition will be paid by Karabar High School, and the exhibition will provide a free to the public, arts-related event that will engage the broader community.

Social / Cultural

This project has the potential to have positive outcomes for the social and cultural life of the Queanbeyan-Palerang community. Students whose work will be showcased in the exhibition may gain increased pride in their artwork and their artistic ability. The exhibition will allow residents to view and absorb the learning outcomes from a local high school in a professional gallery space, and will engage visitors in voting for the People's Choice Awards.

Financial

There are sufficient 2019-20 CAAS funds available to provide this funding request.

Program Code	Expense Type	Funding source		Amount
3020-5070	Donations Cultural Activities	Cultural Arts Assistance Scheme	\$	1,000

Conclusion

The funding application is in line with the aims and purpose of the CAAS scheme, the QPRC Donations Policy, and the Community Strategic Plan, and has the potential to provide positive social, artistic and cultural outcomes for the Queanbeyan-Palerang community.

Attachments

- Attachment 1 CAAS Funding Application - Karabar High School Art Exhibition (*Under Separate Cover*) - **CONFIDENTIAL**

**9.8 Cultural Arts Assistance Scheme Application - Immune Deficiencies
Foundation Australia (IDFA) (Ref: ; Author: Richards/Mirowski)**

File Reference: CULTURE – CULTURAL DEVELOPMENT – 1.1.3 Cultural Arts Assistance Scheme – Cultural Arts Assistance Scheme 2019/20 – 1.1.3-01

Summary

On 25 February 2020, the Immune Deficiencies Foundation Australia (IDFA) submitted an application for funding under Council's Cultural Arts Assistance Scheme (CAAS). The application seeks \$960 funding from Council to purchase 16 tickets for the Razzamatazz Variety Shows which are being held on 14 April 2020. Current announcements regarding gatherings of more 100 people associated with Covid-19 response, are noted.

Recommendation

That:

- 1. Council approve the allocation of a donation of \$960 from the Cultural Arts Assistance Scheme to Immune Deficiencies Foundation Australia to purchase 16 tickets for disadvantaged and special needs local children to attend Razzamatazz Variety Shows.**
 - 2. Should the Shows be cancelled, the funds be withheld for reconsideration next financial year.**
-

Background

This application seeks funding for purchase of 16 tickets to the Razzamatazz Variety Show for children from the QPRC Aboriginal and Torres Strait Islander Play Group and the Treehouse Queanbeyan Children's Special Needs Group. The Razzamatazz Shows are a creative theatre production featuring visual and prop comedy, comedians and magicians. The shows are designed to be suitable for all ages.

The purpose of the three Razzamatazz Variety Shows being held on 14 April 2020 is to provide a day of entertainment, respite and fun for hundreds of local disadvantaged children and their families, and to raise funds for a not-for-profit charity which raises awareness of, and provides advocacy and support to, people with immune deficiencies. To encourage participation three shows will be available on the day; in the morning, afternoon and evening.

The process used for the Razzamatazz Variety Shows involves over 800 businesses from the Queanbeyan-Palerang and ACT regions purchasing tickets, which are then distributed to local disadvantaged children and their families. IDFA liaises closely with disability organisations and community groups in the LGA to tap into their crucial local knowledge to identify around 1600 vulnerable children, families and community members who would benefit from free tickets.

Children, families and community members who have faced recent disadvantage, including disability, autism, chronic illness, being in foster care, low socio-economic circumstances or those affected by the recent fires are prioritised for tickets.

9.8 Cultural Arts Assistance Scheme Application - Immune Deficiencies Foundation Australia (IDFA) (Ref: ; Author: Richards/Mirowski) (Continued)

Implications

Policy

The CAAS is administered in line with Council's *Donations Policy 2017* (for donations under s.356 of the *Local Government Act 1993*). Under the Policy, Council commits to providing financial assistance for the development of positive and beneficial projects which address the identified objectives in the *QPRC Community Strategic Plan 2018-2028*. The project aligns well with Council's Donations Policy, in that it may produce strong outcomes under Strategic Pillar 1 – Community, which is 'We build on and strengthen our community cultural life and heritage'. The project is in line with the service objective of developing the cultural capacity of the community through the availability and participation in arts, performance and cultural gatherings, events and exhibitions in the LGA.

The project meets the aims and eligibility criteria for CAAS funding. The aim of the CAAS includes improving the community's opportunities for involvement in cultural and arts activities. Under the CAAS program, grants of up to \$750 are generally available. Grants of up to \$1,500 will be considered if a project meets one or more of the following criteria: employs a professional artist; attracts matching funding from another source outside of council; works in partnership with other community groups / government bodies, and provides a festival or event that will engage the broader Queanbeyan-Palerang community. This project meets the criteria for a grant of up to \$1,500.

Social / Cultural

This project has the potential to provide positive outcomes for the social and cultural life of the Queanbeyan-Palerang community. It will provide an opportunity for vulnerable and disadvantaged children and their families to enjoy a top quality live theatre production, to a demographic in our community who may otherwise miss out on these types of experiences

Financial

There are sufficient 2019-20 CAAS funds available to provide this funding request.

Program Code	Expense Type	Funding source		Amount
3020-5070	Donations Cultural Activities	Cultural Arts Assistance Scheme	\$	960

Conclusion

This funding application aligns with the aims and purpose of the CAA scheme, the QPRC Donations Policy, and the Community Strategic Plan, and has the potential to provide positive social, artistic and cultural outcomes for the Queanbeyan-Palerang community.

Attachments

- Attachment 1 CAAS funding application - IDFA Razzamatuzz Variety Shows (*Under Separate Cover*) - **CONFIDENTIAL**

9.9 Cultural Arts Assistance Scheme Application - Araluen Bushfire Benefit Concert (Ref: ; Author: Richards/Mirowski)

File Reference: CULTURE – CULTURAL DEVELOPMENT – 1.1.3 Cultural Arts Assistance Scheme – Cultural Arts Assistance Scheme 2019/20 1.1.3-01.

Summary

On 27 February 2020, Araloonies Inc. submitted an application for funding under Council's Cultural Arts Assistance Scheme (CAAS). The application seeks \$1,000 to assist with the costs of staging a bushfire recovery benefit concert in Araluen. Current announcements regarding gatherings of more 100 people associated with Covid-19 response, are noted.

Recommendation

That:

- 1. Council approve the donation of \$1,000 from the Cultural Arts Assistance Scheme to Araloonies Inc. to assist with costs for the Araluen 'After the Smoke' Concert.**
 - 2. Should the Concert be cancelled, the funds be withheld for reconsideration next financial year.**
-

Background

The applicant, Araloonies Inc. is a not-for-profit community organisation which raises funds for the benefit of the Araluen Community. The community of Araluen, including the Araluen Progress Association and Araluen RFS have recently come together to organise an 'After the Smoke' charity concert which will take place at the Araluen Camping Ground on 4 April 2020, from 12pm to 9pm.

This family-friendly community event is being organised and supported by volunteers, and will feature live music performances, food and market stalls, and a jumping castle, face painting, and facilities for camping. Entertainers will include the Roger Bone Band, Ingrid Mae, Copperline, Keith Potger, and George Myers and Drew. Volunteers from Araloonies Inc., the RFS and Progress Association will assist with organising logistics, crowd control, toilets, garbage bins and collection, parking, signage and advertising, first aid and safety, and money collection. Adults will be charged \$20, children \$10 and family tickets will be available for \$45.

The application is seeking \$1,000 funds towards staging this event. \$200 is requested for safety gear, \$100 for fuel for generators, and \$700 towards costs of performers. Expenses for the concert include staging and lighting, performer costs, generators, toilets, garbage bins and collection, insurance, signage and advertising, and wristbands for attendees.

All funds raised at the concert will be used to physically assist the Araluen area's community to remediate and recover from bushfire damage. No cash payments will be distributed. A community committee will consider applications for assistance, and provide that assistance based on specific individual needs. The assistance will consist of vital rescue, relief and recovery, replacement and rehabilitation works, with a focus on rehabilitating property and possessions lost in the fires and to assist with healing and rebuilding local lives.

9.9 Cultural Arts Assistance Scheme Application - Araluen Bushfire Benefit Concert (Ref: ; Author: Richards/Mirowski) (Continued)

Implications

Policy

The CAAS is administered in line with Council's *Donations Policy 2017* (for donations under s.356 of the *Local Government Act 1993*). Under the Policy, Council commits to providing financial assistance towards developing positive and beneficial projects which address the identified objectives in the *QPRC Community Strategic Plan 2018-2028*. The project aligns with Council's Donations Policy and Community Strategic Plan, including aligning with the service objective of Strategic Pillar 1 – Community, through developing the cultural capacity of the community through the availability and participation in arts, performance and cultural gatherings, events and exhibitions in the LGA.

The project meets the aims and eligibility criteria for CAAS funding. Under the CAAS grants are usually available up to a maximum of \$750. Grants of up to \$1,500 will be considered if a project meets one or more of the following criteria: employs a professional artist; attracts matching funding from another source outside of council; works in partnership with other community groups / government bodies, and provides a festival or event that will engage the broader Queanbeyan-Palerang community. This project meets all four criteria for a CAAS donation of up to \$1,500.

Social / Cultural

This project has the potential to have positive outcomes for the social and cultural life of the Queanbeyan-Palerang community. The concert is expected to attract visitors from around the LGA and the ACT, and will provide a moral, social and financial boost to a bushfire-devastated community, and assist with healing and recovery.

Financial

There are sufficient 2019-20 CAAS funds available to provide this funding request.

Program Code	Expense Type	Funding source		Amount
3020-5070	Donations Cultural Activities	Cultural Arts Assistance Scheme	\$	1,000

Conclusion

The funding application is in line with the aims and purpose of the CAAS scheme, the QPRC Donations Policy, and the Community Strategic Plan, and has the potential to provide positive social, economic and cultural outcomes for the Araluen and wider Queanbeyan-Palerang community.

Attachments

- Attachment 1 CAAS Funding Application Araloonies Inc. (Under Separate Cover) -
CONFIDENTIAL

9.10 Cultural Arts Assistance Scheme Application - Molonglo Conservation Group Art Exhibition (Ref: ; Author: Richards/Mirowski)

File Reference: CULTURE – CULTURAL DEVELOPMENT – 1.1.3 Cultural Arts Assistance Scheme – Cultural Art Assistance Scheme 2019/20 1.1.3-01

Summary

On 6 March 2020, Molonglo Conservation Group submitted an application for funding under Council's Cultural Arts Assistance Scheme (CAAS). The application seeks \$1,490 funds to assist with venue costs and catering for an art exhibition featuring artworks produced by Ngunnawal Traditional Owners and community members from the Yass area. Current announcements regarding gatherings of more 100 people associated with Covid-19 response, are noted.

Recommendation

That:

- 1. Council approve a donation of \$1,490 from the Cultural Arts Assistance Scheme to Molonglo Conservation Group to assist with hire costs of the Q Theatre for a three week art exhibition, and catering costs for an exhibition opening night.**
 - 2. Should the exhibition be cancelled, the funds be withheld for reconsideration next financial year.**
-

Background

The application seeks funding of \$1,140 for three-weeks hire costs of the Q Theatre Exhibition Space, and \$350 towards catering for the exhibition launch for the 'Sharing Views of Country' art exhibition. The exhibition will begin in NADOC Week in July 2020, and will feature up to 75 artworks produced in art training and community cultural development workshops by Ngunnawal Traditional Owners and their families from the Yass area. The exhibition will feature both 2 and 3-dimensional artworks from around 15 Traditional Owner artists as well as some non-Aboriginal artists.

The aim of the exhibition will be for Ngunnawal Traditional Owners and families from the Yass region to express and share concepts of land and water in the region from Yass to Queanbeyan. Yass is located on the western side of Ngunnawal country, whereas Queanbeyan is located on the eastern side of the Ngunnawal traditional lands. The exhibition will illustrate the tension between Ngunnawal and non-Aboriginal ways of visualising and representing land/Country, and the importance of Queanbeyan as part of the traditional Ngunnawal pathway from Yass to the coast.

The applicant organisation hopes to attract around 2,000 persons to the exhibition, and will advertise widely. The visual art training workshops and exhibition will help Molonglo Conservation Group to establish further arts programs connected with the environment, under the cultural guidance of Ngunnawal Traditional Custodians.

9.10 Cultural Arts Assistance Scheme Application - Molonglo Conservation Group Art Exhibition (Ref: ; Author: Richards/Mirowski) (Continued)

Implications

Policy

The CAAS is administered in line with Council's *Donations Policy 2017* (for donations under s.356 of the *Local Government Act 1993*). Under the Policy, Council commits to providing financial assistance for the development of positive and beneficial projects which address the identified objectives of the *QPRC Community Strategic Plan 2018-2028*. The project is in line with the Strategic Plan's service objective of Strategic Pillar 1 – Community, of developing the cultural capacity of the community through the availability and participation in arts, performance and cultural gatherings, events and exhibitions in the LGA.

The project meets and aims and eligibility criteria for CAAS funding, in that it will improve the Queanbeyan-Palerang LGA's community opportunities for involvement in arts and cultural activities. The applicant is an incorporated community-based not-for-profit organisation from the ACT. The applicant fulfils the criteria for organisational eligibility for the CAAS, but doesn't strongly meet the eligibility requirement that organisations must be 'working in or with the community of Queanbeyan-Palerang'.

Under the CAAS, grants of up to \$1,500 will be considered if a project meets one or more of the following criteria: employs a professional artist; attracts matching funding from another source outside of Council; works in partnership with other community groups / government bodies, and provides a festival or event that will engage the broader Queanbeyan-Palerang community. This project meets at least three of these criteria and is eligible for a grant of up to \$1,500.

Social / Cultural

The exhibition, which will start in NAIDOC Week is expected to have reconciliation and cross-cultural awareness benefits. It will provide an opportunity for residents of the LGA to develop a greater understanding and awareness of Ngunnawal attachment to country. It will provide a well-advertised and interesting art exhibition for the enjoyment of residents of the Queanbeyan-Palerang LGA. The exhibition however, will not feature any works by artists or Traditional Owners from the LGA.

Financial

There are sufficient 2019-20 CAAS funds available to provide this funding request.

Program Code	Expense Type	Funding source	Amount
3020-5070	Donations Cultural Activities	Cultural Arts Assistance Scheme	\$1,490

Conclusion

The funding application is in line with the aims and purpose of the CAAS, the QPRC Donations Policy and the Community Strategic Plan, and has the potential to provide positive social and cultural outcomes for the Queanbeyan-Palerang community.

Attachments

Attachment 1 CAAS Funding Application_Molonglo Conservation Group (*Under Separate Cover*) - **CONFIDENTIAL**

9.11 Investment Report - February 2020 (Ref: ; Author: Knight/Drayton)

File Reference: 43.3.1

Summary

In accordance with the *Clause 212 of the Local Government (General) Regulation 2005*, this Investment Report is presented to Council on a monthly basis. This report presents the investment result for February 2020.

Recommendation

That Council:

1. **Note the investment return for February 2020 was -\$458,919.**
 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. **Receive the Investment Report for the month of February 2020.**
-

Background

Cash and Cash Equivalent Investments

A list of Council's cash and investments as at 29 February 2020 is detailed in the attached Investment Report Pack.

Over the last 12 months, Council's portfolio produced an annualised rate of return of 3.00%, outperforming the benchmark Bank Bill Index by 1.67%.

As at 29 February 2020, the principal amount invested was \$210,654,915 and the year to date return was \$3,438,807 which is 81% of Council's revised annual budget.

Market Update

The average 30 day BBSW rate for February 2020 was 0.80%.

At its March 2020 meeting, the Reserve Bank (RBA) elected to reduce the cash rate by 25bp to the new record low of 0.50%. The Board indicated it is prepared to ease monetary policy further to support the Australian economy.

The negative economic impact of the COVID-19 pandemic affected Council's investment in TCorp managed funds during February 2020 with both the Long and Medium Term Growth Funds suffering losses.

Of the total investment portfolio of \$210.7million, Council holds \$25.6million in TCorpIM funds.

The TCorpIM Long-Term Growth Fund invests across major listed asset classes, with 60-100% directed to growth assets including equity, and 0-40% to defensive assets such as foreign currency.

The TCorpIM Medium-Term Growth Fund contains 35-65% growth assets and 35-65% defensive assets.

The spread of COVID-19 and the surrounding uncertainty saw moves in the equity markets not seen in 30 years. This may be the 'black swan event' that commentators have cited causing a serious market correction. To compound matters, last week President Donald

9.11 Investment Report - February 2020 (Ref: ; Author: Knight/Drayton) (Continued)

Trump's speech closed the US to travellers from Europe and implied trade may be affected which has also added to supply chain concerns.

With COVID-19, there is a period of uncertainty in the months ahead and that market volatility will be with us for the foreseeable future.

The attached TCorp market update provides information about the management of funds by TCorp during this period of uncertainty.

Implications***Legal***

Council's investments as listed in Table 2 of the attached Investment Report Pack comply fully with section 625 of the *Local Government Act 1993*, clause 212 of the Local Government General Regulations 2005, and Council's Investment Policy. Certified by Kate Monaghan, Responsible Accounting Officer, 13/03/2020.

Policy

The Investment Policy was adopted by Council on 22 May 2019 and is next due for review in May 2020.

Financial

As at 29 February 2020, the 2019/20 Financial Year investment return amounted to \$3,438,807. The investment returns are added to the associated restricted funds (e.g. development contributions) that form Council's investment portfolio.

The TCorpIM Long Term Growth and Medium Term Growth Funds both had a negative return (-\$540,958.52 and -\$197,773.52 respectively) in February 2020.

While these funds are exposed to additional investment risk in order to generate higher potential returns, they are structured with longer term time horizons. The minimum advised investment time frame for the MTGF is 3-7 years and 7+ years for the LTGF.

Despite the expectation of economic volatility continuing until the COVID-19 crisis abates, the current strategy to retain these funds remains in place in keeping with the long term nature of these products, and to allow for market correction over time.

Council's investment portfolio is well diversified having defensive asset classes to offset these growth assets.

Council staff will continue to seek direction from Council's investment adviser, Laminar Capital for all investment placements.

Attachments

Attachment 1 February 2020 - Investment Report Pack (*Under Separate Cover*)



Attachment 2 TCorp Market Update 13 March 2020 (*Under Separate Cover*)



File Reference: 52.5.4

Summary

Queanbeyan City Council had engaged legal firm Maddocks to develop a Probity Framework to assist with governance issues around the redevelopment of the Queanbeyan CBD. QCC adopted the framework in October 2015. This framework was included within Council's Policy Harmonisation Project. Accordingly it has been reviewed and reformatted as a policy to better conform to Council's adopted Document Framework.

The draft policy sets out how Council will manage probity issues associated with development projects involving Council property or interests. The goal of the policy is to ensure Council acts in a fair, open and transparent manner. As the draft policy has a strong public interest element, it is recommended to be placed on public exhibition to seek community feedback on its provisions.

Recommendation

That Council endorse the draft Probity Policy and place it on public exhibition for 28 days to seek community comment prior to reporting back for consideration of submissions and its final adoption.

Background

When Queanbeyan City Council was reviewing and redeveloping its CBD Master Plan and Property Strategy, it was deemed appropriate to develop a Probity Framework to ensure Council was acting in a fair, open and transparent manner as it was utilising its property holdings in the Queanbeyan CBD. Council engaged the law firm Maddocks to develop a Probity Framework which it endorsed in October 2015.

The report to the QCC October 2015 Council meeting noted, *'It is expected that all parties involved in any development will perform their duties in a fair and unbiased way, without self interest and the framework will assist in this regard. The probity plan is in addition to, but does not replace obligations upon Councils and officials in respect of the Local Government Act 1993 and any other legal obligation.'*

This framework falls within the parameters of Council's Interim Policy which it adopted in October 2016 as one of its key transition measures. Accordingly, the Probity Framework has been included within Council's Policy Harmonisation Project as required by Actions 1.1.4.33 and 1.1.4.34 of QPRC's *Transition Plan 2016-2019*.

Maddocks developed a comprehensive document which they referred to as a 'framework'. This 'framework' does not now comply with Council's Document Framework which it adopted at its 19 December 2018 meeting (Res.454/18). Accordingly, the Probity Framework has been redeveloped into a policy and reformatted within Council's Policy Template.

The purpose of this policy is to:

- Establish broad principles for identifying and managing probity issues that arise from the date of approval of the Policy until the conclusion of all significant Development

9.12 Draft Probity Policy (Ref: ; Author: Tegart/Spyve) (Continued)

Projects the Council may be party to or directly involved in within the Queanbeyan-Palerang Local Government Area (LGA);

- Complement and support the objectives of any specific Probity Plans (e.g. plans that may apply to Procurement Personnel or Development Personnel, as outlined in the policy); and
- Ensure that Council's deliberations in relation to the Development Activities and the conduct of Project Personnel always reflect due process and occur in accordance with recognised probity principles as well as other applicable legal, policy and ethical obligations which may apply to the Council, and
- Provide a policy framework against which probity reviews can be undertaken, if and when required.
- Provide general guidance to Councillors, Council staff, parties that may do business with Council and the general community on the management of probity issues.

A draft of the revised Probity Framework was originally reported to the December 2019 Council meeting seeking approval for its placement on public exhibition. At this meeting Council deferred the report subject to a Council Workshop. The workshop was held on 19 February 2020 where it was reported that the Framework was being reformatted into a policy to better conform to Council's adopted Document Framework. Where edits and additions have been made to the original Framework document, these have been highlighted in **RED** in the attached draft policy.

Implications***Legal***

Council is required to undertake a policy harmonisation process as part of its *Transition Plan 2016-2019* to ensure that all its policies are relevant and up to date. The original Maddocks Probity Framework has now been updated as a policy to better conform to Council's adopted Document Framework requirements.

Policy

This policy forms part of Council's Policy Harmonisation Project which is a requirement of Council's *Transition Plan 2016-2019*.

Engagement

As noted above, this draft policy has a strong public interest element and as such it is recommended that it be placed on public exhibition to seek community feedback on its provisions. This feedback will be reported back to Council for consideration prior to the policy's final adoption at either the May or June Council meetings.

Financial

There are no financial impacts arising from the public exhibition of this policy.

Integrated Plan

This policy, as part of the Policy Harmonisation Project, aligns with the following key goals of the Queanbeyan-Palerang Community Strategic Plan 2018-2028:

- Goal 5.1 Our Council is highly professional in delivering services to the community
- Goal 5.3 Our council has in place systems to provide quality services to its customers

9.12 Draft Probity Policy (Ref: ; Author: Tegart/Spyve) (Continued)

- Goal 5.5 Our Council has in place appropriate risk management frameworks
- Goal 5.7 We have a well informed and engaged community
- Goal 5.8 Our Council's activities work to achieve the Community's Vision and aspirations

Conclusion

Queanbeyan City Council commissioned Maddocks to develop a Probity Framework as it was commencing the redevelopment of the Queanbeyan CBD. The goal of the framework was to ensure the Council, as a major landholder in the CBD and possible partner in development proposals, acted with openness, honesty, integrity and transparency in all its dealings. The updating of the framework falls within the parameters of Council's Policy Harmonisation Project as required by the *Transition Plan 2016-2019*. Accordingly the Framework has been redeveloped as a policy to better conform to Council's adopted Document Framework. Following exhibition, any submissions and the policy will be brought back to Council for consideration and final adoption.

Attachments

Attachment 1 Draft Probity Policy (*Under Separate Cover*)



9.13 Updating and Harmonisation of Council Policies (Ref: ; Author: Tegart/Spyve)

File Reference: 52.5.4

Summary

The proclamation of Queanbeyan-Palerang Regional Council on 12 May 2016 triggered a process to implement a review and integration of the policies which the two former councils had in place. The third tranche of policies is set out in this report for Council's consideration. This consists of a Records Framework, a Records Policy, Unsolicited Proposal Policy, and Public Art Policy. This report recommends that due to the draft policies public interest content that they be placed on public exhibition for a period of 28 days to allow adequate time for community feedback on their provisions so that a final report can be brought back to the May or June Council meeting. A minor amendment to an existing policy is also being sought to clarify property owner responsibilities in respect of sewer connections.

Recommendation

That Council:

1. **Endorse the Records Frameworks.**
 2. **Place the following policies on public exhibition and report back for adoption consisting of:**
 - **Draft Records Policy**
 - **Draft Unsolicited Proposals Policy**
 - **Draft Public Art Policy**
 3. **Agree to amend the Sewer Connections – Limit of Council Responsibility Policy to clarify property-owner responsibilities in respect of sewer connections.**
-

Background

Both Queanbeyan City Council and Palerang Council had in place a range of policies prior to the proclamation of Queanbeyan-Palerang Regional Council on 12 May 2016. An Interim Policy was adopted by Council October 2016 to cater for the management of the former councils' policies until full harmonisation is achieved.

Council commenced a project to harmonise the policies of the two former councils since its creation in May 2016. The first tranche of policies went to the December 2018 meeting. Since then a second tranche was brought forward for adoption in February 2019. This report continues this harmonisation process by setting out the third tranche for Council's consideration.

All these policies have been placed in Council's Policy Template to ensure consistency of presentation and are attached to this report. Additionally, this tranche also includes a Records Management Framework.

The Records Management Framework sets out the structure and components of QPRC's record management system (**Attachment 1**) which consists of:

- An Information Management Strategic Plan
- A Records Policy, and
- A Records Procedure – which is an 'Easy Use Guide to ECM'

**9.13 Updating and Harmonisation of Council Policies (Ref: ; Author: Tegart/Spyve)
(Continued)**

The policies consist of:

- **Records Policy**
Ensures that Council Officials (Councillors, Staff, and Delegates) meet their record keeping obligations as required by NSW legislation (**Attachment 2**)
- **Unsolicited Proposals Policy**
Provides guidance on dealing with approaches by the private sector and individuals with proposals for Council to consider in respect of land purchases, business development, participation in joint ventures and other proposals. (**Attachment 3**)
- **Public Art Policy**
Guides the development of public art in the Queanbeyan-Palerang Region in respect of its acquisition, commissioning, placement, management, maintenance and de-accessioning. (**Attachment 4**)

The draft policies in this latest tranche do have a strong public interest element and as such need to be placed on public exhibition to seek feedback from the community on their proposed provisions. Accordingly, it is proposed that the policies be placed on public exhibition for the statutory period of 28 days to allow sufficient time for public consideration. Once submissions have been received and considered the policies will be reported back to Council for final adoption at either the May or June Council meeting.

This report is also seeking a minor amendment to its *Sewer Connections – Limit of Council Responsibility Policy* which was originally adopted by Council in December 2018. Two minor amendments are proposed (**highlighted in yellow – Attachment 5**) to clarify the responsibilities of property-owners in respect of the boundary riser.

The proposed amendment clarifies property-owners responsibility to adequately maintain their boundary riser in much the same way Council requires owners to ensure their water meter is not obstructed so as to provide for easy access.

Implications

Legal

Council is required to undertake a policy harmonization process as part of its transition process to bed in the newly merged Council and to ensure that all its policies are relevant and up to date.

Engagement

The draft Policies are to be placed on public exhibition over the March-April period to allow sufficient time for members of the community to provide feedback on their content. The outcome of this consultation will be reported back to either the May or June Council meeting for consideration as part of the adoption process for the policies.

Financial

There are no financial consequences arising from the review of these policies.

Integrated Plan

The policy harmonisation project aligns with the following Key Goals of the Queanbeyan-Palerang Community Strategic Plan 2018 – 2028:

- Goal 5.1 Our Council is highly professional in delivering services to the community
- Goal 5.3 Our council has in place systems to provide quality services to its customers





**9.13 Updating and Harmonisation of Council Policies (Ref: ; Author: Tegart/Spyve)
(Continued)**

- Goal 5.5 Our Council has in place appropriate risk management frameworks
- Goal 5.7 We have a well informed and engaged community
- Goal 5.8 Our Council's activities work to achieve the Community's Vision and aspirations

Conclusion

As part of the merger process Council is required to review and harmonise the policies of the two former councils as per Actions 1.1.4.33 and 1.1.4.34 of Council's Transition Plan 2016-2019. The Department of Premier & Cabinet envisaged that this harmonisation process could take several years to achieve. It is envisaged that there will be several more tranches of policies coming forward for Council consider as we move towards completing the policy harmonisation process.

Attachments

- | | |
|--|--|
| Attachment 1 | Records Management Framework (<i>Under Separate Cover</i>) |
|  Attachment 2 | Draft Records Policy (<i>Under Separate Cover</i>) |
|  Attachment 3 | Draft Unsolicited Proposals Policy (<i>Under Separate Cover</i>) |
|  Attachment 4 | Draft Public Art Policy (<i>Under Separate Cover</i>) |
|  Attachment 5 | Sewer Connections - Limit of Council Responsibility Policy (<i>Under Separate Cover</i>) |

9.14 NSW Independent Bushfire Inquiry (Ref: ; Author: Tegart/Ferguson)

File Reference: 36.3

Summary

The NSW Government has commissioned an independent expert inquiry into the 2019-20 bushfire season to provide input to NSW ahead of the next bushfire season. A draft submission, based on the four matters identified for comment, has been prepared for Council's consideration and endorsement.

Recommendation

That Council endorse the draft submission to the NSW Government's Bushfire Inquiry for submission online by 27 March 2020.

Background

The inquiry invites submissions from bushfire-affected residents, emergency and support personnel, organisations and the general public.

Submissions can be made online through the NSW Government's website at <https://www.nsw.gov.au/improving-nsw/projects-and-initiatives/make-a-submission-to-the-bushfire-inquiry/>

There are four matters identified for comment:

1. Causes and contributing factors
2. Preparation and planning
3. Response to bushfires
4. Any other matters

The Inquiry will make recommendations to the Government on the following:

1. Preparation and planning for future bushfire threats and risks.
2. Land use planning and management and building standards, including appropriate clearing and other hazard reduction, zoning, and any appropriate use of indigenous practices.
3. Appropriate action to adapt to future bushfire risks to communities and ecosystems.
4. Emergency responses to bushfires, including overall human and capital resourcing.
5. Coordination and collaboration by the NSW Government with the Australian Government, other state and territory governments and local governments.
6. Safety of first responders.
7. Public communication and advice systems and strategies.

A draft submission has been prepared for Council's endorsement (**Attachment 1**). As discussions with stakeholders are continuing, further comments may be tabled at the meeting.

9.14 NSW Independent Bushfire Inquiry (Ref: ; Author: Tegart/Ferguson) (Continued)

Implications***Strategic***

The recent bushfires in south-east NSW, particularly the North Black Range and Currowan fires, impacted significantly on properties and infrastructure in QPRC's area. The submission lodged by Council may contribute to the Government's planning and preparation to minimise or even prevent similar events in the future.

Conclusion

The draft submission into the NSW Government's Independent Bushfire Inquiry is presented to Council for endorsement prior to electronic lodgement. by 27 March 2020.

Attachments

Attachment 1 Draft Submission to NSW Bushfire Enquiry (*Under Separate Cover*)



10.1 Update on Development Applications Under Consideration by Southern Regional Planning Panel (Ref: ; Author: Thompson/Perkins)

File Reference: DA.2019.1227 and DA.2018.223

Report

The following development applications have been received by Council. The Southern Regional Planning Panel (SRPP) is the consent authority. The applications are nearing completion and as such an update on their progress is provided to Council.

DA.2019.1227 - 136 Gorman Drive, Googong

The application has been lodged by Purdon Planning Pty Limited on behalf of the Anglican Church Property Trust Diocese of Canberra for expansion of the Anglican School including 16 new classrooms, car park & landscaping works.

Specifically the expansion includes:

- Construction of an education hub comprising eight (8) general learning spaces and eight (8) specialty classrooms, totalling sixteen (16) teaching spaces and associated preparatory rooms, storage areas, hospitality and design commons, covered outdoor learning spaces, toilets, staff centre and outdoor forum (see Attachment 1).

The specialty classrooms will contain an earth science lab, biology, physics, chemistry laboratories, textile technology space, wood and metalwork space, food technology learning space and a café. It is also noted that the café will be the school canteen and will fill basic lunch orders, the sale of snacks and provide coffee for staff, Food Technology will not be making food for the café,

- Construction of a carpark comprising 69 spaces, 10 drop off/pick up spaces and bicycle parking for staff and students. The carpark will have entry from Hearne Street and exit to Rodgers Road.
- Landscaping, relocation of existing shade sale and infrastructure services.

The development application is private infrastructure over \$5 million under Division 4.7 of Part 4 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*. As such the consent authority is the Southern Regional Planning Panel (Southern) as it meets the criteria under Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011 - Private infrastructure and community facilities over \$5 million.

The subject site is zoned R1 – General Residential under the *Queanbeyan Local Environmental Plan 2012 (QLEP)* and educational establishments are not listed as developments permitted with consent. The proposal is permissible by virtue of the State Environmental Planning Policy (*Educational Establishments and Child Care Facilities 2017*) (*SEPP (Educational)*) and the main issues raised in the assessment relate to:

- Traffic and access.

The development is not inconsistent with the aims of the SEPP (*Educational*) and the objectives of Zone R1 - General Residential.

The proposed development is compatible with the existing buildings on the school site and responds to the physical characteristics of the landform. The development will not result in adverse impacts to adjoining properties by way of loss of amenity such as overshadowing or overlooking or adverse impacts to the character of the site or surrounding locality.

The application was advertised in the Queanbeyan Age (local newspaper) on 29 October 2019 and notified to the adjoining owners from 29 October to 12 November 2019. During this period no submissions were received.

10.1 Update on Development Applications Under Consideration by Southern Regional Planning Panel (Ref: ; Author: Thompson/Perkins) (Continued)



Figure 1: Locality plan



Figure 2: Site photos

10.1 Update on Development Applications Under Consideration by Southern Regional Planning Panel (Ref: ; Author: Thompson/Perkins) (Continued)

The application has been assessed under the relevant State Environmental Planning Policies and *Queanbeyan Local Environmental Plan 2012*. This assessment found that the development generally satisfies the controls and requirements of these instruments. The application seeks no variations and will not result in any visual impacts, loss of amenity or solar access to any surrounding residence.

The other relevant matters for consideration under section 4.15 of the EP&A Act have also been considered. The development is suitable for the site, will have an acceptable impact on the site, local area and neighbouring properties. The submissions from agencies have been considered and conditions recommended where appropriate. No public submissions were received that related to this development. There are no significant public interest concerns resulting from the development.

Based upon these findings, the application has been submitted to the Southern Regional Planning Panel for electronic determination with a recommendation for conditional approval.

DA.2018.223 – 9 Wilson Street, Braidwood

A Development Application has been lodged by Clarke Keller on behalf of the NSW Department of Education for upgrade works to Braidwood Central School including the construction of two (2) new buildings, alterations and additions to three (3) existing buildings and associated site embellishments to accommodate an increase in student enrolment numbers from 352 to 440 and an additional three (3) teaching staff (see Attachment 2).

Specifically the proposal includes the following:

- Demolition of existing junior toilets (Building B);
- Relocation of Kinder playground;
- Construction of a two (2) storey building (Building 1) containing six (6) general learning areas (to be used primarily for math, personal development, health and physical education);
- Construction of a single storey (Building 2) containing two (2) key learning areas (music and drama), amenities and a bag storage area;
- Alterations to existing Building F to accommodate a change of use from staff facilities to two (2) new class rooms and amenities;
- Alterations to existing Building T to accommodate a change of use from a lecture theatre to senior student study area;
- Additions and alterations to existing Building A (additions shown as Building 4) to provide staff office, amenities and meeting rooms;
- Installation of rainwater capture and re-use tanks;
- Provision of two (2) additional accessible parking spaces; and
- Associated infrastructure and landscaping works.

The development application is a Crown Development under Division 4.6 of Part 4 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*. The consent authority is the Southern Regional Planning Panel (Southern) as it meets the criteria under Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011 - Crown development that has a *Capital Investment Value (CIV) of more than \$5 million*.

The proposal is permissible by virtue of the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities 2017) (SEPP (Educational))* and the main issues raised in the assessment relate to:

- Compatibility of the development with the heritage significance of the site and its surrounds.
- Maximum building height.

10.1 Update on Development Applications Under Consideration by Southern Regional Planning Panel (Ref: ; Author: Thompson/Perkins) (Continued)

Despite a proposed 3.29m (50.6%) variation to the 6.5 maximum building height established under Clause 4.3 of the Palerang Local Environmental Plan 2014 the proposed development is compatible with the heritage nature of several existing buildings on the school site and responds to the physical characteristics of the landform. The development will not result in adverse impacts to adjoining properties by way of loss of amenity such as overshadowing or overlooking, or adverse impacts to the character of the site or the surrounding locality.

The application was notified within the local newspaper to adjoining land owners/occupiers. The application was initially notified from 19 December 2018 to 9 January 2019. The application was subsequently re-notified from 1 May 2019 to 15 May 2019 due to the receipt of amended plans and additional information in relation to the subject application. No submissions were received during either of the exhibition periods.



Figure 3: Locality plan

The application has been assessed under the relevant State Environmental Planning Policies and Palerang Local Environmental Plan 2014. This assessment found that the development generally satisfies the controls and requirements of these instruments. While the subject application seeks a variation request under Clause 4.6 of the PLEP 2014 to vary the maximum building height of 6.5m by 50.6% (3.29m), this variation was found to be suitably justified through environmental planning grounds in that the control has for all purposes been abandoned upon the site and the proposed variation will result in no visual impacts, loss of amenity or solar access impacts to any surrounding residence.

The other relevant matters for consideration under section 4.15 of the EP&A Act have also been considered. The development is suitable for the site, will have an acceptable impact on the site, local area and neighbouring properties. The submissions from agencies have been

10.1 Update on Development Applications Under Consideration by Southern Regional Planning Panel (Ref: ; Author: Thompson/Perkins) (Continued)


considered and conditions recommended where appropriate. No public submissions were received that related to this development. There are no significant public interest concerns resulting from the development.

Based upon these findings, the application has been submitted to the Southern Regional Planning Panel for electronic determination with a recommendation for conditional approval.

Recommendation

That the report be received for information.

Attachments

Attachment 1  Plans - Anglican School, Googong - 136 Gorman Drive, Googong (*Under Separate Cover*)

Attachment 2  Braidwood Central School - Plans (*Under Separate Cover*)

10.2 Proposed Memorial Park - Old Cooma Road, Googong (Ref: ; Author:
Thompson/Brown)

File Reference: PJT0061 Memorial Park Googong

Report

The purpose of this report is to update Council on the progress of the current Planning Proposal to provide for a new memorial park/cemetery to serve the future needs of Queanbeyan and the surrounding community.

Council staff have been progressing an amendment to existing planning controls since August 2017 in order to allow for a 'cemetery' to be established at 1241 Old Cooma Road, Googong.

A Gateway determination for this matter was issued by the then Department of Planning and Environment on 25 August 2017 authorising Council to proceed with the planning proposal subject to undertaking a number of studies, and, consulting with both the community and relevant State Government agencies. One of the studies prepared at that time included a hydrological assessment of the site to determine any potential impacts on surface or groundwater systems.

Council subsequently undertook significant consultation in respect of the proposal and accompanying studies in late 2018, including holding public meetings and other engagement activities. Feedback from both the State Government Regulator and the community at the time indicated it was desirable to undertake more long term monitoring of the groundwater system to ensure there were no impacts from the cemetery on surrounding land uses.

As a consequence, Council's consultant (Ecological) has been undertaking groundwater monitoring since January 2019 in order to determine groundwater levels and any potential for impacts on nearby land.

This 12 month period of monitoring has recently concluded, and preliminary advice from the consultant suggests the site does contain suitable areas for cemetery uses for the long term. Note this is yet to be finally confirmed.

To account for the recent dry period, it is now intended to extend the monitoring for an additional 2 month period. This should ensure more recent rain events are also captured in the data for comparison.

At that time the monitoring concludes and the final data becomes available, staff will prepare a further report and recommendation to the Council on the proposal.

Recommendation

That the report be received for information.

Attachments

Nil

10.3 Maintenance Grading and Gravel Resheeting Update (Ref: ; Author:
Hansen/Cooke)

File Reference: 631099

Report

Grading Status

On 11 December 2019, Council suspended the gravel road maintenance grading program due to the ongoing drought conditions and lack of available water sources. Unsealed roads require certain levels of moisture within the gravel pavement surface, as well as water to work into the surface, during maintenance grading. Council's construction and maintenance grading teams were also seconded by the NSW Rural Fire Service to help create containment lines, cart water and support the bushfire response in the Braidwood area.

The drought conditions and firefighting efforts continued to hamper Councils ability to undertake maintenance grading activities until 13 February 2020, when the majority of the fires within QPRC had be brought under control and the region had received a significant rainfall event.

The reduction in maintenance grading frequency due to the dry weather along with a significant increase in heavy vehicle movements from fire fighting vehicles, caused gravel road pavements to quickly deteriorate.

Significant rain was received on 9 - 10 February 2020 that caused significant damage to many unsealed pavement. Localised flooding was widespread and drainage and pavement damage was experienced.

As a result of the flooding, QPRC was included in the NSW Storms and Floods Natural Disaster Declaration (AGRN 898), which means any roads that experienced flood damage could qualify for funding assistance from the jointly funded Commonwealth-State Disaster Recovery Funding Arrangements (DRFA).

Policy

Councils Unsealed Road Maintenance - Grading Policy (the Policy) details Council's maintenance grading priority for roads based on the roads Annual Average Daily Traffic (AADT) counts. A maintenance grading program is then developed to meet the grading frequencies specified in the Policy. Council normally operates two maintenance grading teams to complete the maintenance grading task per year in accordance with the Policy.

Backlog

To address the back log caused by the dry weather and the flooding, Council has engaged an additional 4x contracted maintenance grading crews. These additional four crews are funded through the DRFA.

With the current resources allocated (2 council crews and 4 contract crews) to the maintenance grading task, it is estimated that Council will be up to date with the maintenance grading program within the next 4-6 weeks. Council's internal teams are working on the backlog of unsealed pavements that weren't damaged by the floods, and the contracted crews are focused on the flood damaged pavements.

It should be noted that the current grading activities will only bring maintenance grading back in step with the original grading program. It will not result in every unsealed road being graded.

10.3 Maintenance Grading and Gravel Resheeting Update (Ref: ; Author: Hansen/Cooke) (Continued)

Unless an unsealed road qualifies for DRFA funding, roads that were ungraded before the dry and wet periods will remain ungraded until they are scheduled to be graded in accordance with the Policy, or Council chooses to reassign funding from another source.

Unsealed Road Maintenance Costs

A contract maintenance grading team costs \$5,600 per day. A maintenance grading team will grade on average about 2 km of road per day.

Gravel re-sheeting costs approximately \$25,000 per km.

At the completion of the work shown below, there will be approximately 470km of unsealed road that has not been graded since December 2019 (the commencement of the suspension of grading period). These remaining roads have not been damaged sufficiently to qualify for DRFA funding - however it is not unreasonable to expect that all of these unsealed roads have deteriorated during the dry and wet periods and that they would benefit from an unscheduled maintenance grading effort.

The estimated cost to extend the maintenance grading program to every unsealed road that has not been graded as part of the current work is \$1,350,000. If all 6 grading teams were directed to this work it would take approximately 11 weeks to complete (following on from the 6 week period to complete the current work) assuming no further wet weather periods.

Council will be required to fund the additional work mentioned above as this work does not qualify for DRFA funding. There are no funds currently available to complete this work.

Current Maintenance Grading Locations

Council's current maintenance grading program, including Councils 2x internal teams and 4x contracted teams is as follows (in the order shown):

- Bungendore Team
 - Currently working Williamsdale Road
 - Hoskinstown Road
 - Forbes Creek Rd
 - Lake Road
 - The Collector area.
- Braidwood Team
 - Currently working on Sandholes Lane
 - Columbo Lane
 - Dawsons Lane.
- Contractor 1 (Flood damage)
 - Currently working on Gidleigh Lane and Butmaroo Road
 - Ingledow Road
 - Hoskinstown Road 2 and 3
 - Rossi Road.
- Contractor 2 (Flood damage)
 - Currently working on Woolcara Lane
 - Mulloon/Manar Road.

10.3 Maintenance Grading and Gravel Resheeting Update (Ref: ; Author: Hansen/Cooke) (Continued)

- Contractor 3 (Flood damage)
 - Currently working on Captains Flat Road
 - Harolds Cross Road
 - Nothangera Road
 - Budawang Road
 - Murtle Grove Road
 - Tudor Valley Road.

- Contractor 4 (Flood damage)
 - Currently working on Little Bombay Road
 - Tally Ho Rd
 - Bombay Rd
 - Farringdon Rd
 - Araluen Road.

Gravel Re-Sheeting

Approval for the re-sheeting of flood damaged roads is being finalised with Transport for NSW (TfNSW) inspectors. Once approvals are obtained, the contract teams will be directed onto the re-sheeting projects. The roads that have been identified for re-sheeting at this stage are:

- Araluen Road
- Cooma Road
- Bombay Road
- Little Bombay Road
- Mount Fairy Road
- Northangera Road
- Charleys Forest Road
- Farringdon Road
- Captains Flat Road.

There are still other roads that are yet to be inspected and approved by TfNSW staff. All of the roads approved by TfNSW for re-sheeting will be funded from DRFA flood funding.

Council has recently been notified that the S44 Emergency Response timelines have extended from 21 days up to 90 days. This means that Council can claim internal staff wages and plant for the extended period whilst working on fire and flood declared projects.

It should also be noted, that Council is focused on repairs on Local and Regional Roads only. State Roads are directly managed and funded by TfNSW and funding is not available for works on Crown or private roads.

Recommendation

That the report be received for information.

Attachments

Nil

10.4 COVID-19 Summary (Ref: ; Author: Tegart/Knight)

File Reference: COVID-19

Report

This report is to update Council on the workplace and service issues faced due to the COVID-19 (Corona) virus outbreak and subsequent actions to address State/Federal guidelines. <https://www.health.nsw.gov.au/Infectious/diseases/Pages/coronavirus.aspx>

It is noted that these issues are changing rapidly, and as such this report is a placeholder for a further update at the meeting.

As reported elsewhere in the business paper, the negative economic impact of the COVID-19 pandemic affected Council's investment in TCorp managed funds during February 2020 with both the Long and Medium Term Growth Funds suffering losses.

As the outbreak has evolved, the CEO, Portfolio GMs and Service Managers have spent a significant amount of time planning Council's response. The response includes refresh and activation of the Business Continuity Plan, preparation of Pandemic Guidelines and Sub-Plans, and assessment of risk and mitigation by Activity within the service-program-activity (SPA) framework.

It's important that Council takes steps to plan for and protect against the possibility that the outbreak worsens and the potential implications for revenues, operations, customers, vendors and, especially, employees.

In doing so, however, Council is conscious of avoiding overreactions or implementing certain measures prematurely, which could complicate their response and harm their relationships with employees. We are considering the impact on our business, our customers and ultimately our community as a whole.

Business Continuity

The key aspect for a Pandemic, as opposed to other events that warrant the execution of a Business Continuity Plan (BCP), is QPRC's ability to deliver services due to a sustained depletion of human resources. Risks have been considered in operational, strategic and reputational contexts, and plans will be referred to ARIC.

Risk ratings have been arranged on Mission Critical (external facing activities local government statutorily must provide for community and staff health and safety); Critical (internal facing activities to support services); Important (activities that may operate at a restricted level); Deferrable (activities and projects that may be deferred).

With this in mind, under the BCP framework, Pandemic Preparedness Guidelines and Pandemic Sub-Plans for Mission Critical Services are being drafted:

- Health
- Workplace
- Digital
- Customer
- Community and Education
- Communications
- Water, Sewer, Waste
- Recreation and Culture

10.4 COVID-19 Summary (Ref: ; Author: Tegart/Knight) (Continued)

A summary of those will be provided to Councillors as soon as possible, once cleared through the crisis management team (Executive).

Broadly, the key points to note are:

- Numerous Workplace policies are being developed and refreshed, and Council is working with CRJO partners to ensure a consistent regional and state approach. The policies include our position and guidance on:
 - Personal hygiene
 - Social separation
 - Voluntary isolation
 - Quarantine
 - Personal, carers, purchased, flex and special leave
 - Critical roles and vulnerable staff
 - PPE
 - Flu shots
 - Cleaning work spaces and amenities
 - Remote/Work from home arrangements
 - Meetings
 - Conferences
 - Training
 - Travel
 - Staff in confined spaces

Council

Public meetings may be limited, enabling greater use of remote (zoom/facebook) participation, or viewing via live streaming. Bushfire recovery community meetings will continue at this time. The community may self-select their attendance.

In relation to Council meetings and Councillors, the following is in place or under examination (in conjunction with OLG):

- Managing meeting quorums (incl options for remote/zoom meetings)
- Councillor self-isolation, with notice of apology (should remote attendance continue to not be permitted by NSW legislation)
- Travel restricted for councillor business, conference or training outside LGA or ACT
- Succession issues (should mayor and deputy; and senior staff become unavailable at same time)
- Elections (continue to pursue postal voting with OLG and SEO)
- Min 1m spacing between gallery seating, and controlled use of microphones
- Limited public forums (may require changes to CoMP)
- Pre-recording presentations and utilisation of live streaming, or streaming to separate rooms

Staff

At this point, staff are restricted from business travel outside the LGA or ACT for meetings, conferences and training. Zoom rooms (teleconference) facilities have been established in the three branch offices. Cleaning and sanitisation of work amenities has been increased.

10.4 COVID-19 Summary (Ref: ; Author: Tegart/Knight) (Continued)

Additional PPE was ordered last month. The VPN has been tested to enable work from home in appropriate circumstances. Leave arrangements will be harmonised with the regional council and local government sector, including special, carers and personal leave and work from home arrangements. MoUs with agencies and banks are an option to enable critical services to continue such as water operations and payroll payments.

Community

All actions that impact the community will consider key aspects of conduct, cost and access. Specifically for QPRC they will relate to:

- Performances
- Events
- Community centre hires
- Aquatic centre
- Indoor sports
- Libraries
- Vulnerable groups
- Public meetings
- Bushfire recovery
- Customer service
- Communications

Larger events (>100) arranged by Council such as Christmas in July and performances in the Q will now be cancelled. Smaller events such as naturalisations will continue at this time, with other events subject to vendor or agency cancellations. Opportunities for smaller gatherings for specific and vulnerable cohorts for specific periods (in libraries, pools, sports centres) are being explored, but those facilities remain open. At some point however, the NSW Government may direct their closure.

Beyond potential staff absences from COVID, influenza or colds during the winter season, the disruption to the supply chain and availability of contractors may also push services or projects into a restricted or deferred mode.

Public gatherings

On 15 March 2020, the NSW Health Minister Brad Hazzard made an Order under Section 7 of the *Public Health Act 2010* to force the immediate cancellation of major events with more than 500 people. View the Order [here](#).

Individuals who fail to comply could face up to six months in prison or a fine of up to \$11,000 or both, plus additional penalties for each day the offence continues. Corporations face even harsher fines.

The Prime Minister has announced on 18 March that all non-essential indoor events of more than 100 people, have been banned effective immediately (click to access the announcement [here](#)).

Essential gatherings include airports, public transport, hotels, prisons, courts, shopping centres, offices and factories, and construction sites. Further information will be provided to all councils shortly.

10.4 COVID-19 Summary (Ref: ; Author: Tegart/Knight) (Continued)

For non-essential outdoor events with attendances of less than 500 people, or indoor events of less than 100 people, (click [here](#) for the latest advice from NSW Health).

Compliance and enforcement

The NSW Minister for Planning and Public Spaces Rob Stokes has issued instructions to councils in relation to compliance and enforcement action during the COVID-19 outbreak. (click to access the instructions [here](#)).

Updates

The Mayor will continue to be briefed on progress and changes to contingency plans, while councillors will be updated through the regular Communiques. Councillors were briefed at a workshop on 18 March and provided an overview of the COVID crisis.

Recommendation

That the report be received for information.

Attachments

Nil

10.5 Local Government General Election 2020 (Ref: ; Author: Tegart/Ferguson)

File Reference: 52.6

Report

As Council is aware, the next NSW Local Government General Election is scheduled for Saturday, 12 September 2020. The caretaker period begins on 15 August 2020.

The Canberra Region Joint Organisation (CRJO) has made representations to the NSW Electoral Commission (NSWEC) on behalf of a number of councils, including QPRC, which had been severely impacted by the recent bushfires.

Given the long-term recovery process from those events, CRJO expressed concern early in February that staff, residents and ratepayers of those councils may not have the capacity to manage and participate in the September election. CRJO suggested that the 2020 elections be delayed, or that at least the affected councils be considered for a pilot program for universal postal voting (UPV) as opposed to attendance voting. Currently, the only NSW council authorised to conduct their elections by UPV is the City of Sydney.

Since those representations, a compounding factor, COVID-19, is now having an impact on the conduct of the elections. The novel nature of this virus and the uncertainty of its ramifications on community activities and events have resulted in the NSW Department of Premier and Cabinet (DPC) delaying its decision with regard to holding the election.

It is interesting to note that, for Queensland's local government election which will go ahead on 28 March 2020, the Brisbane Times reports that there has been a substantial increase (up 20,000) in the number of postal vote applications compared to the 2016 elections.

Also of interest is that the United Kingdom has this month delayed its May 2020 local elections for 12 months.

The DPC has set up a Task Force, whose members include representatives of the NSWEC and the Office of Local Government, to consider all options for the September election, including UPV, electronic voting (iVote) or deferral. Also under consideration is that the elections go ahead as scheduled.

The NSWEC will shortly be required to commit expenditure to recruiting returning officers and electoral staff and making other operational arrangements for the conduct of the election and any constitutional referenda. It is hoped that a decision will be made in the near future to avoid the possible wastage of public funding.

Council will be advised as soon as a decision is made, or further information is known.

Recommendation

That the report be received for information.

Attachments

Nil

10.6 Status of Major Projects - Stronger Communities Fund (Ref: ; Author: Tegart/Ferguson)

File Reference: 2.6

Report

The table below lists the projects funded under Round 2 of the \$10m Stronger Communities Fund and their status as at 29 February 2020.

No.	Approved project	Funding	Status of project
1	Public toilet block at Araluen Recreation Ground Reserve	\$15,000	Project completed.
2	Upgrades to Braidwood, Bungendore, Captains Flat swimming pools	\$400,000	A contract has been awarded for the repairs, refurbishment and retiling of Braidwood Pool. The Contractor will commence on site following the end of pool open season. The tiles for the project have been procured.
3	Town centre improvements Braidwood	\$500,000	Project completed.
4	Town centre improvements Bungendore	\$500,000	Project completed.
5	Rusten House – complete restoration of a dilapidated heritage listed building to be used as a community arts centre for Queanbeyan	\$550,000	The roof replacement contract was completed May 2019. Tenders were called for the major refurbishment works however Council resolved not to accept any tenders and for the works to be managed in-house. These works have commenced – completion expected October 2020
6	Abbeyfield Bungendore	\$500,000	The amendment to <i>Palerang Local Environmental Plan 2014</i> enabling development for the purpose of seniors housing with development consent on the site was notified (gazetted) on 10 August 2018. A development application is being prepared and yet to be lodged.
7	Dog Park Googong	\$125,000	Project completed.
8	Refurbish netball courts Karabar	\$175,000	Project completed.
9	Wet play area, Queanbeyan Aquatic Centre	\$450,000	Project completed.

10.6 Status of Major Projects - Stronger Communities Fund (Ref: ; Author: Tegart/Ferguson) (Continued)

10	Queanbeyan Showground grandstand restoration	\$350,000	<p>Project in progress.</p> <ul style="list-style-type: none"> • Upstairs – new roof installed, sections of floor replaced, some new seating installed and seats painted. • Downstairs – inside walls & ceilings painted, new WC + wall + basin installed - area yet to be painted, 2 x new mobile trolleys purchased for kitchen. Further restoration work to timber floors, and sanding and sealing of floors programmed. • Further works programmed to complete this project include: installation of additional power supplies to the large function room, upgrades to foyer area, and minor works to the toilet facilities.
11	Seiffert Oval lights	\$200,000	Project completed.
12	Braidwood Recreation Ground Stage 2	\$300,000	Project completed.
13	Bungendore Recreation Ground Stage 1 (Bungendore Sports Hub)	\$1,500,000	<ul style="list-style-type: none"> • Commencement of project construction has been delayed due to unsuccessful negotiations with land owner. • Just Terms land acquisition will now commence. • Estimated timeframe for completion of project is March 2021. • A Project Variation seeking an extension of time under the Funding Agreement will be requested.
14	River path including low level footbridge Queanbeyan	\$760,000	Project completed.
15	Karabar streetscape improvements, commercial precinct	\$46,000	Project completed.
16	Queanbeyan Park central playground equipment	\$250,000	Project completed.
17	Glebe Park Playground	\$90,000	Project completed.
18	Henderson Road Recreation Area	\$125,000	Project completed.

10.6 Status of Major Projects - Stronger Communities Fund (Ref: ; Author: Tegart/Ferguson) (Continued)

19	Seiffert Oval spectator entrance improvements	\$200,000	Project completed.
20	Upgraded community facilities Captains Flat	\$100,000	Project completed.
21	Lascelles Street upgrade Braidwood	\$800,000	Design being finalised.
22	Upgrade lighting Margaret Donohue Oval	\$200,000	Project completed.
23	Queens Bridge approach enhancement from Yass Road	\$200,000	Project completed.
24	Water storage infrastructure Braidwood Servicemen's Club	\$45,000	Project completed.
	TOTAL	\$8,381,000	

Recommendation

That the report be received for information.

Attachments

Nil

11.1 Local Traffic Committee 4 February 2020 (Ref: ; Author: Hansen/Stewart)

File Reference: 602822

Summary:

The Local Traffic Committee has submitted the minutes and recommendations of its meeting held on 4 February 2020 for Council's information and consideration.

Recommendation

That Council:

1. Note the minutes of Local Traffic Committee Meeting on 4 February 2020.
2. Adopt recommendations LTC 1/2020 to LTC 11/2020 from the meeting held on 4th February 2020.

LTC 1/20 Approve the Traffic Control Plan for the Braidwood Redbacks Rugby 7's event on Saturday 8th February 2020.

LTC 2/2020 Under the *Roads Act 1993*, subject to the amendments detailed by the committee, approve the traffic control plans for the Bungendore ANZAC Day events from 5:30am to 7:00am for Dawn Service and 9.30am to 12:30pm for main service on 25 April 2020.

LTC 3/2020 Under the *Roads Act 1993* Pending that signing of related event documents, approve the traffic control plan for the Braidwood ANZAC Day events 5.30am to 7.30am for Dawn Service and 10am to 12.30pm for Main March, 25 April 2020.

LTC 4/2020 Under the *Roads Act 1993* approve the traffic control plan for the Captains Flat ANZAC Day event from 9:30am to 12:15pm 25 April 2020.

LTC 5/2020 Under the *Roads Act 1993* approve the traffic control plan for the Jerrabomberra ANZAC Day event from 5am to 9am on 25th April 2020.

LTC 06/2020 Under the *Roads Act 1993*, approve the traffic control plans as amended for the Queanbeyan ANZAC Day events from 5.00am to 6.00am for Dawn Service and 9:00am to 11:30am for main service on 25th April 2020.

LTC 07/2020 Pending amendment to the ROL Under the *Roads Act 1993* approve the Traffic Control Plan and road closures for the Reconciliation Walk in Queanbeyan on Tuesday 2 June 2020 from 10am to 11.30am.

LTC 08/2020 Under the *Roads Act 1993* approve the TCP with road closures for the Googfest 2020 Event, subject to the following conditions:

- TCPs and contingency plans are strictly followed at all times
 - Additional VMS is placed on Old Cooma Road for additional advanced notice to guide non-local event attendees to the event off-street parking site
 - The end of queue is monitored and advanced warning be implemented if required
 - The event be cancelled if a significant rain event makes the off-street parking area unsuitable for use
 - Traffic Lights at the intersections of Googong Road and Wellsvale Drive are set to flashing amber and the flow of traffic is suitably managed by authorised traffic controllers with clear lines of communication established
-

11.1 Local Traffic Committee 4 February 2020 (Ref: ; Author: Hansen/Stewart)
(Continued)


- Public Transport plans (use of Bus Services) to minimise use of cars to and from the event site are implemented, with contingency plans for additional services if capacity is exceeded at any time. The TCP is to be amended to allow for a bus zone and associated risks are addressed
- In the event of an incident at either intersection off Old Cooma Road, that contingency plans are implemented to suitably divert traffic
- The organiser is to amend the TCP as required to suit the actual road conditions on the day of the event.

LTC 9/2020 Under the *Road Transport Act* approve the line marking changes on Googong Dam Road as per the design.

LTC 10/2020 Under the *Road Transport Act* approve the design for Lowe Street, Queanbeyan.

LTC 11/2020 Under the *Road Transport Act* approve the installation of ‘No Stopping’ signage as per the design for Crawford Street, Queanbeyan.

Attachments

Attachment 1  Local Traffic Committee - Minutes of Meeting Held 4 February 2020
(Under Separate Cover)

11.2 Wamboin Hall Management s.355 Committee Minutes (Ref: ; Author:
Tegart/Ferguson)

File Reference: 52.3.3-06


Summary:

The Wamboin Hall Management s.355 Committee has submitted for Council's information the minutes of its meeting held on 27 February 2020.

Recommendation

That Council note the minutes of Wamboin Hall Management s.355 Committee's meeting held on 27 February 2020.

Attachments

Attachment 1  Wamboin Hall Management s.355 Committee meeting minutes 27 February 2020 (*Under Separate Cover*)

13.1 Delegates Report (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.

Attendances at meetings by Councillors as delegates and representatives on Council committees, organisational committees, statutory committees, locality committees and advisory committees will be published in the QPRC Annual Report as per Resolution No. 322/18 of 26 September 2018.

Recommendation

That the report be received for information.

Cr Tim Overall		
No.	Meeting/Function/Event Attended	Summary of Key Points
1.	CRJO Board Meeting, 27 February 2020	<ul style="list-style-type: none">• CRJO Charter - Agreed to undertake a complete review of the CRJO Charter after the Local Government 2020 Elections and adopt the revised Charter at the CRJO Board meeting of 4 December 2020.• Election of Chairperson- Received the Election of Joint Organisation Chairperson report and noted the proposed election process as per the guidelines set out in the Joint Organisation implementation Guide and the Local Government Act 1993. Resolved to call an Extraordinary meeting to be held after 29 June 2020 for the election of the 2020 CRJO Chairperson and Deputy Chairperson by preferential ballot (secret ballot).• Financial Report to 31 December 2019 - Noted the financial position of the CRJO as at 31 December 2019 and noted the intention of the budget review for 2020/21 in relation to the actions regarding financial viability to be tabled at the CRJO Board meeting on 14 May 2020.• General Managers Advisory Group Meeting January 2020 - Noted the report and agreed to write to the Department of Planning seeking an urgent review of implementation of the Eplanning mandatory provisions.• Restructure and Recruitment - Endorsed the staff structure. (Executive Officer direct reports: Emergency Preparedness Officer, Waste &

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

		<p>Recovery Coordinator, Contaminated Land Officer, Executive Support Officer) - Executive Officer Recruitment Working Party appointed with the delegations to appoint a recruitment consultant and undertake the recruitment process of a new Executive Officer. Representatives: CRJO Chair of the Board, Mayor of Snowy Valleys Council, CRJO Chair of the General Managers Advisory Group, CEO QPRC.</p> <ul style="list-style-type: none"> • Additional Contributions LG Superannuation - Endorsed CRJO Letter to LG Superannuation seeking a two year moratorium be placed on “additional contributions” for the defined benefit plan totalling \$40 million to allow NSW Councils to focus on the devastating natural disasters that need to be managed and funded.
2.	Country Mayors Association Meeting, 6 March 2020	<ul style="list-style-type: none"> • Hon Melinda Pavey MP, Minister for Water, Property and Housing: Along with the Victorian Government, NSW commissioned a review of the constraints of the Murray Darling Basin Authority which found that if the plan continues there is a big chance of failure. Stakeholder consultations are to take place in March and April. However the basin is in a better condition due to the plan. • Ms Teresa Corbin CEO, Australian Communications Consumer Action Network (200 members): The network has been fighting hard to keep pay phones which proved their worth during the fires. Regional concerns include higher costs, greater dependency on services, unreliable services, and limited mobile coverage. Goals of the network are guaranteed access, equitable voice, expansion of mobile coverage and digital capacity. A Regional Connectivity Program is being introduced and funding is available similar to the Black Spots Program. The next round of the Black Spots Program is coming up. • Mr Rob Rogers AFSM, Deputy Commissioner, NSW RFS: Overview presentation. During the bushfire period there were more than 200 days of continuous major operations, over 11500 bush and grass fires, 5.5 million hectares burnt, and more than 2400 homes destroyed. • Additional Contributions LG Superannuation – Resolved: The Association write to LG Superannuation and appeal to humanitarian and sensitive attitude of this organisation and seek that two year moratorium be placed on these “additional contributions” for the defined benefit plan totalling \$40 million to allow NSW Councils to focus on the devastating natural disasters that need to be managed and funded.

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

3.	Community Safety Precinct Committee, 3 March 2020	<ul style="list-style-type: none"> Refer Cr Mark Schweikert Delegates Report
----	---	---

Cr Mark Schweikert		
No.	Meeting/Function/Event Attended	Summary of Key Points
1	Chaired The Local Traffic Committee meeting, 4 Feb.	<ul style="list-style-type: none"> See Minutes. Nearly all Anzac Day plans approved.
2	Represented Mayor with Cr Hicks at opening of new Bungendore change sheds on Mick Sherd Oval from previous Grant funding round, 21 Feb.	<ul style="list-style-type: none"> Council staff project managed the building of the change sheds given tender responses not being fit for purpose. Great job! Also used the time to inspect new Bungendore Scout Hall with State member of Monaro and Cr Hicks.
3	Chaired Economic Advisory Group meeting, 24 Feb.	<ul style="list-style-type: none"> Minutes of this meeting will start to be presented to Council. Good discussion on need for DA design review panels. Group voted to include a Defence Industry member given Council's interest in Poplars as a Defence industry Hub.
4	Attended the Woodlawn Bio Reactor Community Consultation and Liaison Committee, 27 Feb.	<ul style="list-style-type: none"> Took tour of site and was briefed on improvements and operations. Agreed to new Chair (Mr Own Manley) and Draft TOR. Roadworks on Tarago road need to be advanced as bushfire debris from South Coast will more than likely be sent to Woodlawn. 8th power generator (1.3MW) about to go online along with two extra jobs. In 2019 the plant produced 55,416 MW. Open Day planned for 18 April 2020.
5	Attended Monaro CPSC meeting with Cr Overall, 3 March.	<ul style="list-style-type: none"> Assaults in decline particularly in Qbn. Malicious damage down. Stealing and drug detections remain at a steady rate. Robberies same but Police are seeing higher arrest rates. Businesses are being urged to either get or replace current CCTV with High Definition colour units to better enable public help with identification. Particularly at petrol stations where fail to pay is up. Local Police to issue free windscreen ice scrappers with NSW Police logo on them to encourage people to not leave their car warming up unattended in the drive way given the coming onset of frosty conditions. This is starting to become a major reason for vehicle theft.

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

		<ul style="list-style-type: none"> • Council requested to examine process for stolen bin replacement. Council currently requires a police report to replace which takes up valuable police time. • Vehicle accidents, one death YTD, single vehicle at Sutton.
6	Attended Bungendore Town Centre and Environment Committee meeting, 3 March.	<ul style="list-style-type: none"> • See minutes. Great interest in roundabout and central car park. Street pole banners still a requirement to help with town advertising and colour. • Structure plan discussed with regret at the hijacking of the other work in the document not related to development, i.e. tree plantings and styles etc.
7	Represented Mayor at Stronger Country Communities Fund announcement of \$230,000 for Queanbeyan Lawn Bowls Club with Member for Monaro The Hon. John Barilaro MP, 6 March.	<ul style="list-style-type: none"> • Club to use money for a complete resurfacing of the green and if any remains possibly some onsite disabled parking.
8	Attended Charleyong Bridge Opening 9 March with Crs Overall, Hicks and Harrison along with Member for Monaro The Hon. John Barilaro MP and Senator Jim Molan AO DSC.	<ul style="list-style-type: none"> • New bridge is excellent. Old bridge noticeably unsafe and unfit to continue as vehicle bridge. • Good turnout by local community who welcomed the new bridge and plans for keeping parts of the old bridge for historical purposes.
9	Other events	<ul style="list-style-type: none"> • Shannon's Wheels Car Show. • Queanbeyan Multicultural festival. • Music by the River.

Attachments

Nil

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 (*Under Separate Cover*)



Attachment 2 Responses to Councillors Questions with confidential information (*Under Separate Cover*) - **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*.