



Ordinary Meeting of Council

AGENDA

8 June 2016

Commencing at 5:30pm

**Council Chambers
253 Crawford St, Queanbeyan**

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

Tuesday 7 June 2016

4.00pm - 183-185 Gilmore Road, Queanbeyan (Item 6.1)

1 APOLOGIES

2 PRESENTATION / DEPUTATIONS / PETITIONS

3 CONFIRMATION OF MINUTES

- 3.1a Minutes of the Ordinary Meeting of Council held on 27 April 2016 (Queanbeyan)
- 3.1b Minutes of the Ordinary Meeting of the Council held on 28 April, 2016 (Palerang)
- 3.2 Minutes of the Planning and Development Review Committee held on 11 May 2016
- 3.3 Minutes of the Extraordinary Meeting of Council held on 19 May 2016

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5 MAYORAL MINUTES

Nil

6 GENERAL MANAGER'S REPORTS

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8 NOTICES OF RESCISSION

Nil

9 NOTICES OF MOTION

Nil

10 QUESTIONS ON NOTICE

Nil

11 RESPONSES TO QUESTIONS ON NOTICE

Nil

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Nil

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Confidential - Not for Publication

15 REPORTS FOR CLOSED SESSION

15.1	Unauthorised Work Within Council Verges at Googong Township	114
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Item 15.1 is confidential in accordance with s10(A) (g) of the Local Government Act 1993 because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

15.2	Expressions of Interest Morisset Street Carpark Redevelopment	114
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Item 15.2 is confidential in accordance with s10(A) (c) (di) of the Local Government Act 1993 because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct); AND commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

15.3	Supply and Install Photovoltaic System Tender	114
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Item 15.3 is confidential in accordance with s10(A) (c) (di) (dii) of the Local Government Act 1993 because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct); AND commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it; AND information that would, if disclosed, confer a commercial advantage on a competitor of the council and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

LIST OF ATTACHMENTS –

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

Open Attachments

- Item 6.1 Development Application 64-2016 - For a Place of Public Worship (Mosque) - 183-185 Gilmore Road, Queanbeyan West

Attachment 1 Council Meeting - 8 June 2016 - DA 64-2016 - Place of Public Worship (Mosque) - Section 79C Table (Under Separate Cover)

Attachment 4 Council Meeting - 8 June 2016 - DA 64-2016 - Place of Public Worship (Mosque) - Draft Conditions (Under Separate Cover)

- Item 6.3 Development Application - DA.2016.058 - Bungendore Park, 6-14 Butmaroo Street, Bungendore - Outdoor Gym

Attachment 1 Attachment 1 DA.2016.058 - 79C Matters for consideration (Under Separate Cover)

Attachment 2 Attachment 2 DA.2016.058 - Bungendore Park - Plans (Under Separate Cover)

Attachment 3 Attachment 3 DA.2016.058 - Bungendore Park Master Plan (Under Separate Cover)

Attachment 4 Attachment 4 DA.2016.058 - Schedule of conditions (Under Separate Cover)

- Item 6.4 Development Application - DA.2015.270 - 888 Monga Lane, Reidsdale - Dwelling House

Attachment 1 Attachment 1 DA 2015 270 - Consultant's report (Under Separate Cover)

Attachment 2 Attachment 2 DA 2015 270 - Conditions of consent (Under Separate Cover)

Attachment 3 Attachment 3 DA.2015.270 - Site Plan (Under Separate Cover)

- Item 6.5 Road Naming - Bungendore - DA.2015.039

Attachment 1 Attachment_1_site_plan - 1 page (Under Separate Cover)

Attachment 2 Attachment_2_email_Conrad_Pengilley - 1 page (Under Separate Cover)

Attachment 3 Attachment_3_excerpt_from_BWMC_road_naming_project - 1 page (Under Separate Cover)

- Item 6.6 Former Queanbeyan Investment Report - April 2016

Attachment 1 Investment Report - April 2016 - Attachment 1 - 25 May 2016 (Under Separate Cover)

- Item 6.7 Former Palerang Quarterly Budget Review Statements - March 2016
Attachment 1 QBRs_March 2016 - Former Palerang (Under Separate Cover)
- Item 6.8 Former Queanbeyan Quarterly Budget Review Statement for the Quarter Ending 31st March 2016
Attachment 1 Quarterly Budget Review Statement for Quarter Ending 31st March 2016 (Under Separate Cover)
- Item 6.9 Localised Natural Disaster Relief Policy 2016
Attachment 1 Natural Disaster Relief - Draft Policy Attachment 1 (Under Separate Cover)
Attachment 2 Natural Disaster Relief - Submissions (Under Separate Cover)
- Item 6.10 Code of Meeting Practice and Public Forum
Attachment 1 Public Forum Policy (Under Separate Cover)
- Item 6.11 Council Committees and Delegates to External Bodies /Committees
Attachment 1 Council Meeting - 8 June 2016 - Summary of Committee and Delegates (Under Separate Cover)
Attachment 2 Council Meeting - 8 June 2016 - Overview of Queanbeyan-Palerang Regional Council Committees - June 2016 (Under Separate Cover)
- Item 6.12 Expression of Interest - Local Representation Committee
Attachment 1 Local Representation Committee Terms of Reference (Under Separate Cover)
- Item 6.13 Nomination for Council Representatives on Southern Joint Regional Planning Panel
Attachment 1 Letter from NSW Department Planning & Environment - Joint Regional Planning Panel - Membership for New Councils (Under Separate Cover)
- Item 7.1 Report of the Queanbeyan Sports Council - 2 May 2016
Attachment 1 Winter Sportsground usage 2016 - May 2016 (Under Separate Cover)
- Item 13.1 Former Palerang Investment Report
Attachment 1 Investment Report - Former Palerang (Under Separate Cover)
- Item 13.4 Submission for IPART Rating Issues Paper
Attachment 1 Attachment 1: Rating Issues Paper Submission 12 May 2016 (Under Separate Cover)

Closed Attachments

- Item 6.1 Development Application 64-2016 - For a Place of Public Worship (Mosque) - 183-185 Gilmore Road, Queanbeyan West

Attachment 2 Council Meeting - 8 June 2016 - DA 64-2016 - Place of Public Worship (Mosque) - Plans (Under Separate Cover)

Attachment 3 Council Meeting - 8 June 2016 - DA 64-2016 - Place of Public Worship (Mosque) - Submissions (Under Separate Cover)

- Item 6.15 Alcohol Free Zones and Alcohol Prohibited Areas - Queanbeyan CBD and Jerrabomberra Shopping Centre

Attachment 1 Objection to Alcohol Free Zones Jerrabomberra Hotel (Under Separate Cover)

Attachment 2 Submission from Queanbeyan Police regarding Alcohol Free Zones Queanbeyan and Jerrabomberra (Under Separate Cover)

Attachment 3 Submission from Queanbeyan Police regarding Alcohol Free Zones Jerrabomberra Shops and Jerrabomberra Hotel (Under Separate Cover)

- Item 15.1 Unauthorised Work Within Council Verges at Googong Township

Attachment 1 Inspections of verges in Googong Township (Under Separate Cover)

- Item 15.2 Expressions of Interest Morisset Street Carpark Redevelopment

Attachment 1 Attachment 1 Nikias Diamond Property Development Expression of Interest Morisset St Carpark (Under Separate Cover)

Attachment 2 Attachment 2 Bartlett & Associates Expression of Interest Morisset St Carpark (Under Separate Cover)

Attachment 3 Attachment 3 Bartlett & Associates Concept Drawings (Under Separate Cover)

Attachment 4 Attachment 4 Nelson Bays Cinemas - Cinema Operator EOI (Under Separate Cover)

Attachment 5 Attachment 5 Nelson Bays Cinemas - Industry Profile (Under Separate Cover)

Attachment 6 Attachment 6 Event Cinemas Expression of Interest (Under Separate Cover)

Attachment 7 Attachment 7 Event Cinemas EOI Annual Report 2015 (Under Separate Cover)

Item 15.3 Supply and Install Photovoltaic System Tender

Attachment 1 Attachment 1A - Autonomous Energy (Under Separate Cover)

Attachment 2 Attachment 1B - P&N Pty Ltd (Under Separate Cover)



MINUTES OF THE ORDINARY MEETING OF THE QUEANBEYAN CITY COUNCIL held at the Council Chambers, 253 Crawford St, Queanbeyan on Wednesday, 27 April 2016 commencing at 5:30pm.

ATTENDANCE

Councillors:	Cr Overall (Chair), Crs Bray AM, Brown, Burfoot, Cregan, McLennan, Taylor, Trajanoski, Whelan OAM and Winchester.
Staff:	P Tegart, General Manager; L. Gibson, Director People, Processes and Technology; M Thompson, Director Environment, Planning & Development; P. Hansen, Director Infrastructure and P. Spyve, Acting Director Economic and Community Development.
Also Present:	W Blakey, Management Accountant (Clerk of the Meeting) and H. Hone (Minute Secretary).

1. APOLOGIES

101/16

RESOLVED (Whelan/Bray)

That apologies for early departure of Cr Overall be received and that leave of absence be granted.

2. PRESENTATIONS/DEPUTATIONS/PETITIONS

Mr Steve Stravreas – Item 6.19 – Outdoor Dining Structure 101 Monaro Street.

Mr Rory Markham – Item 6.19 – Outdoor Dining Structure 101 Monaro Street.

Mr Travis Doherty – Item 6.9 – Draft South Tralee Local Planning Agreement.

Ms Katrina Willis – Item 6.2 Asset and Financial Sustainability Review, 6.4 Draft Operational Plan, Draft Revenue Policy and Draft Schedule of Fees and Charges 2016-17, 6.7 Draft Section 94 Contributions Plan (Googong), 6.13 Tender Cooma Street Barracks Flat Drive Intersection Upgrade and 6.15 Pedestrian Safety.

Mr Les Manning – Item 6.2 Asset and Financial Sustainability Review.

102/16

RESOLVED (Whelan/Cregan)

That Standing Orders be suspended to enable consideration of Item 6.19 following endorsement of the minutes..

3. CONFIRMATION OF MINUTES**3.1 Minutes of the Ordinary Meeting of Council held on 23 March 2016**

103/16

RESOLVED (Taylor/Trajanoski)

That the Minutes of the Ordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday 23 March 2016 be confirmed.

3.2 Minutes of the Extraordinary Meeting of Council held on 6 April 2016

104/16

RESOLVED (Taylor/McLennan)

That the Minutes of the Extraordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday 6 April 2016 be confirmed.

3.3 Minutes of the Planning and Development Review Committee held on 13 April 2016

105/16

RESOLVED (Whelan/McLennan)

That the Minutes of the Planning and Development Review Committee held in the Queanbeyan Council Chambers on Wednesday 13 April 2016 be confirmed.

4. DECLARATIONS OF INTEREST

106/16

RESOLVED (Burfoot/Whelan)

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

Cr Cregan declared a less than significant non pecuniary conflict of interest in regard to Item 6.9. His company has carried out work for Village Building Co.

Cr Bray declared a less than significant non pecuniary conflict of interest in regard to Item 6.16. He is currently the President of the Queanbeyan Children's Special Needs Group.

6.19 Outdoor Dining Structure - 101 Monaro Street

107/16

RESOLVED (Overall/Cregan)

That Council:

1. Repair the damage to the platform fence and consider lodging an insurance claim.
2. Invite the Property Owner of 101 Monaro Street to enter into a licence or lease agreement for the use of the outdoor dining platform provided by Council and located on the road reserve adjacent to 101 Monaro Street, providing inter alia, the following obligations:

Property Owner:

- a. Payment of an annual peppercorn rental fee.
- b. Maintain and present the facility as an attractive, fresh and clean outdoor dining facility that enhances the Monaro Street streetscape with fitout and improvements to be approved by Council.
- c. Responsible for wear and tear maintenance.
- d. Public liability insurance cover in accordance with Council's Outdoor Dining Policy and Procedures.

Council:

- a. Responsibility for the structural integrity and structural maintenance of the facility.
 - b. Granting of approval to a Lessee of 101 Monaro Street to use the facility for restaurant purposes subject to the lessee lodging an application compliant with the conditions and obligations, including the relevant fee/m2, as included Council's Outdoor Dining Policy and Procedures.
3. The licence or lease agreement with the Property Owner include options for Council or the Property Owner to exit the agreement if desired.
 4. That should the Property Owner decline to enter into such a licence or lease agreement, a report be submitted to council recommending removal of the facility and the original car parking spaces be reconstituted.

5. MAYORAL MINUTES**5.1 Queanbeyan Honour Walk****RESOLVED (Overall)**

That:

1. Council call for further nominations for the Queanbeyan Honour Walk.
2. Council's Awards Committee consider nominations received and award 5 to 10 plaques.
3. Funding be included in the 2016-17 Operational Plan.

108/16

5.2 World's Longest Pushbike

109/16

RESOLVED (Overall)

That:

1. Queanbeyan City Council accept the offer of the gift of the longest bike in the world.
2. Consideration be given to interim storage options and to an appropriate location to display the bike.
3. The Longest Bike Group be advised of Council's acceptance and be thanked for their donation.

S.1 Naming of Town Park Oval

110/16

RESOLVED (Overall)

That:

1. Queanbeyan Town Park Oval be named the 'Brad Haddin Oval'.
2. There be appropriate signage including a display board marking Brad Haddin's extraordinary achievements, and funding be provided in the Operational Plan.
3. A family friendly unveiling ceremony be held and the Queanbeyan District Cricket Club be invited to assist in co-ordinating the event.

S.2 Leak of Confidential Information

111/16

RESOLVED (Overall)

That Council refer the leak of confidential material to the Office of Local Government for investigation into potential breach of the Code of Conduct.

6. GENERAL MANAGER'S REPORTS**6.1 Investment Report - March 2016**

112/16

RESOLVED (Whelan/Bray)

That Council:

1. Note the investment income for March 2016 is \$270,830 bringing the total interest earned on Cash and Cash Equivalent Investments for the 2015/16 Financial Year to \$2,267,234 which is \$606,780 above the year to date budget;

2. Note the investments have been made in accordance with the Local Government Act 1993, the Local Government General Regulations, and Council's investment policy;
3. Adopt the Investment Report for the month of March 2016.

6.2 Asset and Financial Sustainability Review

113/16

RESOLVED (Brown/Burfoot)

That Council:

1. Note the report on the Asset and Financial Sustainability Review.
2. Place the Optimal Financial Strategy and Policy on public exhibition for 28 days.
3. Place the Optimal Scenario for General, Water and Sewer Funds as the basis of the Long Term Financial Plan and informing the Resourcing Strategy on public exhibition for 28 days.
4. Publish the 'QCC - Achieving sustainable infrastructure, services and finances' and public presentation on Council's website.

6.3 Council Property Strategy and Policy

114/16

RESOLVED (Brown/Cregan)

1. That Council place the draft Property Strategy and Policy and Rental Rebate Policy on exhibition for 28 days.
2. That a schedule be brought to Council with the Delivery Program outlining properties proposed for sale or acquisition with respective development options.

6.4 Draft Operational Plan, Draft Revenue Policy and Draft Schedule of Fees and Charges for 2016-17

115/16

RESOLVED (Cregan/Whelan)

That Council:

1. Note the review of the Delivery Program 2013-17 and the changes made to the capital works program.
2. Place the draft Operational Plan 2016-17 (as amended at the meeting), the draft Schedule of Fees and Charges 2016-17 and the draft Revenue Policy 2016-17 (as amended at the meeting) on exhibition and seek the community's comments on the contents of the documents.

3. Endorse the consolidation of 94 individual reserves into 10 individual reserves and six consolidated reserves.
4. Consider submissions made on the draft plans at a workshop on Wednesday 8 June and a report be prepared for the 22 June Council meeting to adopt the draft plans.
5. Include funding (reserves and borrowings) in the draft Operational Plan to enable re-development of 257 Crawford Street.
6. Endorse option 3 for water and sewer charges to be exhibited in the draft Revenue Policy 2016-17.
7. Request the Rates and Charges Advisory Committee investigate and report back to Council at its 8 June workshop and 22 June meeting on the options available to provide a transition mechanism to assist non-residential and non-strata multi-unit properties significantly affected by the proposed changes.

6.5 Request to join in on a Class Action to recover GST on previous sale of assets.

116/16

RESOLVED (Brown/Cregan)

That Council join the Class Action and sign any necessary fee agreement.

6.6 Procurement Policy

117/16

RESOLVED (Whelan/Winchester)

That Council:

1. Rescind the current Purchasing Policy.
2. Adopt the Procurement Policy.
3. Adopt the Statement of Business Ethics.
4. Adopt the Doing Business with Council statement.
5. Authorise the General Manager to investigate Strategic Procurement opportunities with Local Government Procurement, Canberra Region Joint Organisation and the ACT Government.

6.7 Draft Section 94 Contributions Plan (Googong)

118/16

RESOLVED (Whelan/Cregan)

1. That Council endorse the recommendations opposite Items 1 to 17 of Attachment 2 to this report.
2. That Council adopt Queanbeyan City Council – Section 94 Contributions Plan (Googong) 2015 as amended by the relevant recommendations in 1 above and take all other actions necessary to finalise this plan.

A **DIVISION** was called and resulted as follows:

The 'Ayes' Crs Overall, Whelan, Winchester, Burfoot, Brown, Cregan, Taylor, Trajanoski, McLennan and Bray

The 'Nayes' Nil

6.8 Draft Development Servicing Plans for Water Supply and Sewerage 2015/16 - Googong

119/16

RESOLVED (Whelan/Cregan)

That Council adopt the Development Servicing Plans for Water Supply and Sewerage 2015/16 – Googong.

A **DIVISION** was called and resulted as follows:

The 'Ayes' Crs Overall, Whelan, Winchester, Burfoot, Brown, Cregan, Taylor, Trajanoski, McLennan and Bray

The 'Nayes' Nil

6.9 Draft South Tralee Local Planning Agreement

Cr Cregan declared a conflict of interest in regard to Item 6.9 and departed the chamber.

120/16

RESOLVED (Brown/Trajanoski)

1. That Council agree in relation to any provision requiring repayment of outstanding development contributions by 2036 in the South Tralee Local Planning Agreement that these be limited to those contributions which Council can actually collect.
2. That Council agree in relation to the surplus value for the Northern Entry Road that development contributions to be paid back to CEC4 as surplus value be limited to what can actually be collected and that it be paid off in the proportion attributable to the surplus value of the Northern Entry Road.
3. That Council adopt the draft South Tralee Local Planning Agreement in principle and generally in accordance with Attachment 1 and agree to exhibit it for a minimum period of 28 days.

A **DIVISION** was called and resulted as follows:

The 'Ayes' Crs Overall, Whelan, Winchester, Burfoot, Brown, Taylor, Trajanoski, McLennan and Bray

The 'Nayes' Nil

Absent Cr Cregan

Cr Cregan returned to the chamber.

6.10 Local Order Policy No.18 - Keeping of Birds and Animals in Queanbeyan Local Government Area

121/16

RESOLVED (Brown/McLennan)

That:

1. Council endorse the Draft Local Orders Policy No. 18 – Keeping of Birds and Animals in Queanbeyan Local Government Area for public exhibition for a period of 42 days.
2. Any submissions be considered by Council and report brought back to Council for consideration.

6.11 Queanbeyan Sewer Rehabilitation Services

122/16

RESOLVED (Brown/McLennan)

That Council:

1. Award Contract No. 11/2015 to Interflow Pty Limited (ISF) for the sum of \$8,608,704.11 for Queanbeyan Sewer Rehabilitation Services pending finalisation of contract negotiation points.
2. Approve a total budget of \$8,814,407 (which includes defined and provisional sum, and other Council costs) for the Queanbeyan Rehabilitation Services.

6.12 Plan of Management - Seiffert Oval

123/16

RESOLVED (Winchester/Cregan)

1. That Council endorse the Draft Plan of Management – Seiffert Oval for public exhibition.
2. That the document be placed on public exhibition for 28 days while allowing 42 days to comment, with a further report coming back to council with public comments.

6.13 Tender - Cooma Street/Barracks Flat Drive Intersection Upgrade

124/16

RESOLVED (Brown/Cregan)

That Council:

1. Award the contract for the construction of the Cooma Street and Barracks Flat Drive Intersection Upgrade to Bost Pty Ltd for the sum of \$815,758.15.
2. Approve the total project budget of \$890,000 ex GST.

6.14 Street Verge Maintenance Policy

125/16

RESOLVED (Cregan/Whelan)

That Council adopt the Street Verge Maintenance Policy as amended.

6.15 Pedestrian Safety

126/16

RESOLVED (Brown/Cregan)

That Council:

1. Support a project to review and update Queanbeyan's Pedestrian Access and Mobility Plan (PAMP) in 2016/2017, allocating funds in 2016/2017 budget for the plan's review and to investigate grant funding from RMS for the project.
2. Support a project to review and update Queanbeyan's Bicycle Plan in 2016/2017, allocating funds in the 2016/2017 budget for the plan's review and to investigate grant funding from RMS for the project.
3. Assess Queanbeyan's CBD for High Pedestrian Access Activity (HPAA) in consultation with RMS.
4. Investigate funding under the Local Government Road Safety Program to run a local pedestrian road safety project.

6.16 Cultural Arts Assistance Scheme Application Queanbeyan and District Historical Museum Society

127/16

RESOLVED (McLennan/Whelan)

That Council approve the allocation of \$450 from the Cultural Arts Assistance Scheme to the Queanbeyan and District Historical Museum Society Inc. to assist in presenting a historical theatrical performance at the Society's annual open day event.

Cultural Arts Assistance Scheme Application - Queanbeyan Special Needs Group

Cr Bray declared a conflict of interest in regard to Cultural Arts Assistance Scheme Application - Queanbeyan Special Needs Group and departed the chamber.

128/16

RESOLVED (Burfoot/Cregan)

That Council approve the allocation of \$1,500 from the Cultural Arts Assistance Scheme to the Queanbeyan Children's Special Needs Group Inc. to assist in the development and production of a major community artwork for the groups new premises.

Cr Bray returned to the chamber.

6.17 Goulburn Regional Conservatorium Proposal

129/16

RESOLVED (Burfoot/McLennan)

That Council:

1. Support in principle the establishment of a regional campus for the Goulburn Regional Conservatorium within Queanbeyan.
2. Authorise staff to investigate accommodation options and funding mechanisms which would allow for the establishment of a regional campus with minimal impact upon ratepayer funds.
3. Examine options as to how the establishment of this regional campus could assist with the development of an Arts/Cultural Precinct within the vicinity of the Q Theatre.

6.18 CBRJO - Brand development and marketing for the Tablelands Councils

130/16

RESOLVED (Whelan/Trajanoski)

That Council contribute \$5,500 to CBRJO to assist with brand development and a marketing campaign including a website and social media platform, for tourism promotion within the Capital Region and that a report be brought back to council on the marketing campaign.

6.20 Request for Assistance - Freight Costs to Transport Treatment Curtains to Papua New Guinea Hospital

131/16

RESOLVED (Bray/Winchester)

That Council donate an amount of \$275 (being half of the freight cost) to send treatment curtains to Papua New Guinea hospital being donated by the Queanbeyan Hospital.

7. COMMITTEE REPORTS**7.1 Report of The Q Board Meeting - 24 October 2015**

132/16

RESOLVED (Burfoot/McLennan)

That the Report of the Q Board held on 24 October 2015 be received and the recommendations contained therein be adopted.

TBQ019/15 That the Report of the meeting of the Committee held on 24 August 2015 be confirmed.

TBQ020/15 Requested staff to check the availability of Bicentennial Hall on 14 December 2016 for the Joey Fammano performance in order to allow for greater attendance capacity for those in wheelchairs.

TBQ021/15 A quote for BMS Lighting be sourced.

TBQ022/15 Quarterly financial statements been developed, so the quarterly financial performance of the Q can be compared.

TBQ025/15 The current agenda format be reviewed and modified to better compliment the updated reporting documents being provided by staff.

TBQ026/15 A Calendar also be developed, to outline in particular when key matters are due for discussion.

TBQ027/15 In light of the information provided, the Adam's Family musical should be cancelled and a replacement show, focused on a different demographic, be sourced.

7.2 Report of The Q Board Meeting - 21 March 2016

133/16

RESOLVED (Burfoot/McLennan)

That the Report of The Q Board held on 21 March 2016 be received and the recommendations contained therein be adopted.

- TBQ01/16 That Jacqui Richards organise an introduction between the University of Canberra's Professor of Marketing and Daniel Fulton. The introduction is with the view toward building a relationship between the University and The Q; whilst also exploring the opportunity for students to undertake a marketing assignment based on The Q.
- TBQ02/16 The Board adopted the proposed Q Board Meeting calendar.
- TBQ03/16 The Board adopted the new meeting format.
- TBQ04/16 The Board recommend that the seniors Christmas production be built into the budget.
- TBQ05/16 That a letter be organised for Coralie Wood, to thank her for the work she has conducted for the Q, and in thanking her for undertaking PR activities for two upcoming locals shows free of charge.

7.3 Report of the Consultative Committee on Aboriginal Issues - 7 April 2016

134/16

RESOLVED (Whelan/Taylor)

That the information regarding the Consultative Committee on Aboriginal Issues be noted.

7.4 Report of the Heritage Advisory Committee - 18 April 2016

135/16

RESOLVED (Whelan/McLennan)

That the Report of the Heritage Advisory Committee held on 18 April 2016 be received and the recommendations contained therein be adopted.

- HAC 007/16 That the Report of the meeting of the Committee held on 21 March 2016 be confirmed.
- HAC 008/16 The Committee supports and adopts the 2016-2018 Heritage Strategy as indicated in Attachment 1.

8. NOTICES OF RESCISSION

Nil

9. NOTICES OF MOTION**9.1 Canberra Raiders - NRL Trial Match**

136/16

RESOLVED (Winchester/Cregan)

That:

1. Council enter discussions with the Canberra Raiders and Brumbies and NSW A League teams and attempt to secure annual trial matches commencing from early 2017 at Seiffert Oval.
2. If an agreement cannot be reached with the Canberra Raiders regarding a trial match, that Council contact other NRL clubs and determine their interest in hosting a trial at Seiffert Oval.
3. Council enter discussions with ACT Rugby and Brumbies exploring opportunities to host John I. Dent Cup final series and National Rugby Championships.

9.2 Queanbeyan Economic Development Strategic Group**MOVED (Cregan/Overall)**

That council invite Mr Steve Stavreas to be placed on the reserve list for the appointed members of the Queanbeyan Economic Development Strategic Group.

AMENDMENT (Winchester/Burfoot)

That Council defer Item 9.2 Queanbeyan Economic Development Strategic Group for consideration at a future meeting so as to involve the remaining list of nominated members to the QEDSG for consideration together with Mr Stavreas' nomination for the second reserve.

On being put to the vote the **AMENDMENT** was declared **LOST**.

137/16

RESOLVED (Cregan/Overall)

That council invite Mr Steve Stavreas to be placed on the reserve list for the appointed members of the Queanbeyan Economic Development Strategic Group.

A **DIVISION** was called and resulted as follows:

The 'Ayes' Crs Overall, Whelan, Winchester, Burfoot, Cregan,
Taylor, Trajanoski, McLennan and Bray

The 'Nayes' Cr Brown

Cr Overall departed the chamber at 8.04pm. Deputy Mayor Cregan assumed the chair.

10. QUESTIONS ON NOTICE

Nil

11. RESPONSES TO QUESTIONS ON NOTICE

Nil

12. COUNCILLORS' REPORTS

12.1 ALGWA Conference - 10-12 March 2016

138/16

RESOLVED (Whelan/Burfoot)

That the report be received for information.

13. INFORMATION ITEMS

13.1 Emergency Services Property Levy

139/16

RESOLVED (Taylor/McLennan)

That Council note the information on the proposed Emergency Services Property Levy.

13.2 Update on Stocktake and Fit for Future

140/16

RESOLVED (Taylor/Whelan)

That the report be received for information.

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

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

Cr Cregan then asked that, in accordance with Clause 27 of the Council's Code of Meeting Practice, were there any presentations as to why the matters listed below should not be dealt with in Closed Session.

PRESENTATIONS.

No presentations were made.

141/16

RESOLVED (Whelan/Bray)

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:

15.1 Request for Debt Repayment Deferment

Item 15.1 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.

15.2 Complaint Against Supplier

Item 15.2 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.

15.3 CBD Property Feasibility Study

Item 15.3 is confidential in accordance with s10(A) (di) (dii) of the Local Government Act 1993 because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it; AND information that would, if disclosed, confer a commercial advantage on a competitor of the council and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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

The meeting returned to Open Sessions by virtue of Resolution No. 145/16 made in Closed Session.

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

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

Item 15.1 Request for Debt Repayment Deferment

That Council agree to the loan repayment deferment by 12 months and the Consolidated Land Agreement be amended accordingly.

Item 15.2 Complaint Against Supplier

That Council note that the conduct of the supplier has been reported to the Office of Fair Trading Qld, Work Health and Safety Qld, NSW Fair Trading and SafeWork NSW.

Item 15.3 CBD Property Feasibility Study

That Council:

1. Endorse the CBD Property Feasibility Study and the actions for progress by staff for consideration with relevant statutory and strategic plans.

2. Authorise the General Manager to negotiate unsolicited and joint venture proposals for CBD sites, for further report and endorsement of Council.
3. Authorise the General Manager to engage probity, property and legal advice.
4. Authorise the General Manager to negotiate the potential acquisition of road and pedestrian links in the CBD for further report and endorsement of Council.
5. Authorise the General Manager to seek expressions of interest and negotiate proposals on CBD sites for further report and endorsement of Council as outlined in the CBD Property Feasibility Study for:
 - a. aged care facility
 - b. hotel/serviced apartments
 - c. office complex, including the redevelopment of 257 Crawford Street
 - d. decked and basement carparks

At this stage in the proceedings, the time being 8.55pm Cr Cregan announced that the Agenda for the meeting had now been completed and declared the meeting closed.

CR TIM OVERALL
MAYOR
CHAIRPERSON

CR CREGAN
DEPUTY MAYOR
CHAIRPERSON



MINUTES OF COUNCIL MEETING NO. 8

28 APRIL 2016

HELD AT BUNGENDORE

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Order of business

1. OPENING

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

PRESENT

Cr Pete Harrison (Mayor)

Cr Belinda Hogarth-Boyd (Deputy Mayor)

Cr Paul Cockram

Cr Keith France

Cr Richard Graham

Cr Trevor Hicks

Cr Peter Marshall

Cr Garth Morrison

Cr Mark Schweikert

ALSO PRESENT

Mr Gordon Cunningham (Acting General Manager)

Mr John Wright (Director of Planning and Environmental Services)

Ms Sally-Jane Abigail (Chief Financial Officer)

Mrs Debby Ferguson (Manager Executive Services)

Mrs Louisa Ison (Team Leader – Customer Service)

2. APOLOGIES

The General Manager submitted an apology for his absence.

3. DISCLOSURES OF PECUNIARY INTEREST

Cr Graham declared a pecuniary interest in Items 10.4, 11.2 and 11.3.

4. CONFIRMATION OF MINUTES

68/2016 RESOLVED that the minutes of the Ordinary meeting no. 7 held on 24 March 2016, be confirmed as a true and correct record of the meeting.

Marshall/Cockram

The resolution was carried unanimously.

5. BUSINESS ARISING FROM THE MINUTES

There was no business arising.

6. QUESTIONS FROM THE GALLERY

LISTED ITEMS:

Members of public indicated they wished to speak to Items 10.1, 10.3, 10.4, 11.3, 11.11 and 11.14.

UNLISTED ITEMS:

1. Mr Paul Darmody referred to Item 11.11 - Fee Free Waste Management Arrangements – Clean Up Australia Day/Bungendore Showground, and thanked Council and staff for collecting rubbish from Bungendore Showground, and stated that he hoped it would be an ongoing event.
2. Mr David McDonald referred to Item 11.14 - Alcohol Free Zones and Alcohol Prohibited Areas, and suggested there needs to be clarity as to what is the problem and what are the outcomes, as Council is being asked to approve the solution without the clarity of the problem. Mr McDonald stated that the policy makes no reference to research; there is no convincing evidence that these bans have any effect on the problem but they do have unintended adverse consequences.

69/2016 RESOLVED that Mr McDonald be granted further time to speak.

France/Schweikert

The resolution was carried unanimously.

Mr McDonald spoke further on the item.

3. Mr Greg Nye referred to advertisements for new positions, and expressed his concern about new cars being purchased, and sought assurance that, as Council is virtually in caretaker mode, Council does not make expenditure decisions in this mode.

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7. MAYORAL REPORT

The Mayor reported on his activities for the month as follows:

- 2 April 2016 - With other councillors and CBRJO Mayors and General Managers, as guests of the ACT Government attended the Brumbies/Chiefs match at the GIO Stadium. Unfortunately, the result was not as good as the last time around with off-field politics perhaps impacting the Brumbies' on-field performance.
- 4 April 2016 - With the General Manager and other members of staff, hosted visiting members of the NSW Environment Protection Agency Board on a tour of the Bungendore WTS and RRC.
- With the General Manager and representatives of other regional Councils, attended the EPA Board Dinner to speak on behalf of Council in relation to matters involving the EPA, most notably waste management and our new waste transfer stations, and also the issues surrounding the Dargues Gold Mine at Majors Creek.
- 5 April 2016 - Attended the annual Seniors' Day Luncheon, hosted by Palerang Council this year in Bungendore at the Woodworks Café. This is always a fun day out and an enjoyable event for all involved.
- 6 April 2016 - With councillors and senior members of staff, hosted the community meeting here in Bungendore to discuss the merger proposals and other matters of community interest.
- 8 April 2016 - The culmination of a pretty heavy week finalising, with the General Manager, Council's submission to the final merger inquiry.
- 12 April 2016 - With Cr Cockram and members of the Braidwood community, attended the dedication of final works associated with the Dhurga Rock in Ryrie Park, the explanatory plaque and log seat. This work is a real credit to the Council staff involved, and we already have requests for similar furniture at the Rec Ground.
- 13 April 2016 - Attended the meeting of the Braidwood Rec Ground s.355 Committee.
- 15 April 2016 - Attended the drop-in session organised at the Rec Ground by Council staff and the contractor to present details of the proposed BMX track to interested members of the public.
- 22 April 2016 - Attended the annual ANZAC Dinner, hosted by the Bungendore War Memorial Committee here in Bungendore.
- 25 April 2016 - Attended the ANZAC Day march, service and luncheon in Braidwood. This year the luncheon was followed by the launch of a book, *Marching Home to Braidwood*, compiled to recognise all those from the Braidwood district who served in the Great War.

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- 27 April 2016 - Attended what was effectively a scaled back version of the previously advertised Asbestos Awareness Information Day held here at the Council Chambers. The Loose Fill Asbestos Implementation Taskforce will be announcing a round of public meetings in the near future—they felt that this would be a more appropriate way to disseminate the necessary information. For those not aware, the NSW Government has announced a buy-back scheme to cover properties affected by loose fill asbestos contamination, but as it stands property owners must register for this scheme by 1 August 2016. To assist in the associated education campaign, Council will be including a notice to this effect with all rate notices in the coming months. Information brochures are also available from the information stands in the foyer.

And, as usual, I also spoke to the local radio and print media on a range of subjects, primarily in relation to the current merger proposals.

8. MAYORAL MINUTE

There was no Mayoral Minute.

9. NOTICES OF MOTIONS OF RESCISSION

There were no Notices of Motions of Rescission.

10. MOTIONS ON NOTICE

Item 10.1. Notice of Motion - Ellerton Drive Extension

SUBJECT	Public consultation on Ellerton Drive Extension		
FILE NO.	GV0009	DIVISION	Cr Peter Marshall

Mr Greg Nye spoke about this item.

70/2016 RESOLVED that in the event of any full or part amalgamation of Palerang Council with Queanbeyan City Council, Council commence a process of public consultation on the Ellerton Drive Extension.

Marshall/Hogarth-Boyd

For

Cr Cockram
 Cr France
 Cr Graham
 Cr Hogarth-Boyd
 Cr Marshall
 Cr Morrison

Against

Cr Harrison
 Cr Hicks
 Cr Schweikert (did not vote)

Items 10.3, 10.4, 11.3 and 11.14 were brought forward for consideration.

Item 10.3. Notice of Motion – Albion Building in Braidwood

SUBJECT	Albion Building in Braidwood		
FILE NO.	GV0009	DIVISION	Cr Paul Cockram

Mr Forbes Gordon spoke about this item followed by Dr Kirsty Altenburg.

Synopsis

The Albion building in Braidwood has recently been upgraded with a grant from the NSW Heritage Office. Part of the work, the replacement of the railings, has dramatically changed the integral heritage value of the building. There is widespread disappointment in the Braidwood community following the dramatic alteration to the appearance of such an iconic façade.

MOVED that Council request the General Manager to provide a report on the investigation of options for the removal of the new metal railing on both the upstairs and downstairs verandahs of the Albion building and their replacement with a railing similar in design and proportion to the previous railing.

Cockram/Marshall

Cr Harrison foreshadowed a CONTRARY motion [“That Council refer this matter to the Strategy & Policy Committee for consideration.”]

The motion (of Crs Cockram and Marshall) was PUT and LOST.

For

Cr Cockram
 Cr Marshall

Against

Cr France
 Cr Graham (did not vote)
 Cr Harrison
 Cr Hicks
 Cr Hogarth-Boyd
 Cr Morrison
 Cr Schweikert

This is page 8 of the Minutes of an Ordinary Meeting no. 8 of the Palerang Council held at Bungendore, 28 April 2016.

The CONTRARY motion (of Cr Harrison) was brought forward in an amended form, PUT and CARRIED.

71/2016 RESOLVED that Council refer Item 10.3 of the Ordinary meeting held on 28 April 2016 to the Strategy & Policy Committee for consideration.

From the Chair

For

Cr Cockram
Cr Graham
Cr Harrison
Cr Hicks
Cr Hogarth-Boyd
Cr Marshall

Against

Cr France (did not vote)
Cr Morrison
Cr Schweikert (did not vote)

Item 10.4. Notice of Motion – Review Planned Car Park

SUBJECT	Review of the planned car park between Malbon, Ellendon and Gibraltar Streets, Bungendore		
FILE NO.	GV0009	DIVISION	Cr Peter Marshall

Cr Graham declared an interest in this item of business and left the meeting at 6.15 pm.

Mr Greg Nye spoke about this item.

MOVED that Council commence a review of the design and funding of the planned car park between Malbon, Ellendon and Gibraltar Streets, Bungendore.

Marshall/Morrison

Cr Schweikert raised a point of order, stating that he was being misrepresented. The Mayor upheld the point of order.

The motion (of Crs Marshall and Morrison) was PUT and LOST.

For

Cr Marshall
Cr Morrison

Against

Cr Cockram
Cr France
Cr Harrison
Cr Hicks
Cr Hogarth-Boyd
Cr Schweikert

This is page 9 of the Minutes of an Ordinary Meeting no. 8 of the Palerang Council held at Bungendore, 28 April 2016.

Mayor

Cr France raised a point of order stating that the press should ask permission to take photographs of the Council meeting before they do so. The Mayor upheld the point of order and asked the press to seek permission prior to taking photographs.

Cr Morrison raised a point of order, requesting that the Mayor ask the press representatives if a photograph had been taken by them. The press indicated that they would delete the photograph.

Item 11.3. DA.2015.269 – Flush Wall Signage

SUBJECT	Determination under section 80 of the <i>Environmental Planning & Assessment Act 1979</i> of Development Application DA.2015.269 for the installation of a flush wall sign on Lot 11, Section 24 DP 758183, 21 Malbon St, Bungendore		
FILE NO.	DA.2015.269	DIVISION	Planning & Environmental Services

Cr Graham declared an interest in this item of business and left the meeting room at 6.33 pm.

Mr Greg Nye spoke about this item.

Synopsis

Applicant: R. Graham
Owner: R. Graham
Date lodged: 14 December 2015
Site Area: 2023 m²
Zoning: B2 – Local Centre

Reason for Referral to Council: The applicant is a Councillor

72/2016 RESOLVED that Council as the consent authority, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, grant consent for Development Application DA.2015.269 for the installation of two flush wall signs subject to the conditions in Attachment 1.

Hicks/Marshall

This is page 10 of the Minutes of an Ordinary Meeting no. 8 of the Palerang Council held at Bungendore, 28 April 2016.

Mayor

In accordance with the *Local Government and Planning Legislation Amendment (Political Donations) Bill 2008*, the following votes on the resolution were recorded.

For

Cr Cockram
Cr France
Cr Harrison
Cr Hicks
Cr Hogarth-Boyd
Cr Marshall
Cr Schweikert

Against

Cr Morrison (did not vote)

Cr Graham returned to the meeting at 6.42 pm.

Item 11.14. Alcohol Free Zones and Alcohol Prohibited Areas

SUBJECT	Consideration for the establishment of alcohol restricted areas for Bungendore and Braidwood		
FILE NO.	LP0015	DIVISION	Works

Mr Greg Nye spoke about this item.

Synopsis

A report recommending consideration for the establishment of alcohol free zones and alcohol prohibited areas in Bungendore and Braidwood.

It was noted that the times in the proposal should be reversed.

MOVED that Council advertise and seek comment in accordance with the provisions of s644A and s632A of the Local Government Act on the proposals to establish Alcohol Free Zones and Alcohol Prohibited Areas in the villages of Bungendore and Braidwood as shown on the attached plans.

Graham/Cockram

Cr France foreshadowed a CONTRARY motion ["That this matter be workshopped at a future meeting of the Strategy & Policy Committee."]

The motion (of Crs Graham and Cockram) was PUT and LOST.

For

Cr Cockram
Cr Graham
Cr Harrison
Cr Hicks

Against

Cr France
Cr Hogarth-Boyd
Cr Marshall
Cr Morrison
Cr Schweikert

The foreshadowed motion (of Cr France) was brought forward, seconded by Cr Hicks, PUT and CARRIED.

73/2016 RESOLVED that the matter of alcohol free zones and alcohol prohibited zones in Bungendore and Braidwood be workshopped at a future meeting of the Strategy & Policy Committee.

France/Hicks

For

Cr Cockram
Cr France
Cr Graham
Cr Harrison
Cr Hicks
Cr Hogarth-Boyd
Cr Marshall

Against

Cr Morrison
Cr Schweikert (did not vote)

ADJOURNMENT: The meeting adjourned at 7.15 pm and resumed at 7.45 pm.

Item 10.2. Notice of Motion - Develop Options for the Repair or Replacement of Foxlow Bridge

SUBJECT	Develop options for the repair or replacement of Foxlow Bridge		
FILE NO.	GV0009	DIVISION	Cr Peter Marshall

74/2016 RESOLVED that Council include in its Draft 2016-17 Budget and Operational Plan, a project to develop options for all-weather access to the Rossi regions and beyond including the repair, replacement or decommissioning of Foxlow Bridge.

Marshall/Morrison

The resolution was carried unanimously.

This is page 12 of the Minutes of an Ordinary Meeting no. 8 of the Palerang Council held at Bungendore, 28 April 2016.

Mayor

Item 10.3. Notice of Motion – Albion Building in Braidwood

SUBJECT	Albion Building in Braidwood		
FILE NO.	GV0009	DIVISION	Cr Paul Cockram

This item was dealt with earlier in the meeting.

Item 10.4. Notice of Motion – Review Planned Car Park

SUBJECT	Review of the planned car park between Malbon, Ellendon and Gibraltar Streets, Bungendore		
FILE NO.	GV0009	DIVISION	Cr Peter Marshall

This item was dealt with earlier in the meeting.

11. ITEMS FOR DETERMINATION**Item 11.1. Development Application, 199 Wallace Street, Braidwood**

SUBJECT	Determination under section 80 of the <i>Environmental Planning & Assessment Act 1979</i> of Development Application DA.2014.254 for 5 Lot Subdivision of Lot 11 DP1096463 and Lot 1 DP1138082, 199 Wallace Street, Braidwood.		
FILE NO.	DA.2014.254	DIVISION	Planning & Environmental Services

Synopsis

Applicant: Link Management

Owner: Stephen Northcott & Samowill Pty Ltd and Lionel & Michael Coffey

Date lodged: 30 October 2014

Site Area: 15778m²

Zoning: Tallaganda LEP 1991 2(v) Village Zone and Tallaganda LEP 1991 1(a) Rural Zone for this application due to the savings provision (cl. 1.8A) of PLEP 2014. Land is now zoned R2 Low Density Residential and RU1 Primary Production under the PLEP 2014.

Reason for Referral to Council: High number of objections (more than 6 objections)

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Mayor

MOVED that Council refuse Development Application DA.2014.254 for a 5 Lot Subdivision of Lot 11 DP1096563 and Lot 1 DP1138082, 199 Wallace Street Braidwood, for the following reason:

1. Under Section 91A (4) of the *Environmental Planning and Assessment Act 1979*, the NSW Heritage Council has informed Council that it will not grant an approval which is required in order for the development to be lawfully carried out.

France/Hogarth-Boyd

Cr Marshall foreshadowed a CONTRARY motion [“That Council request a full assessment of the Development Application DA.2014.254 for its May Ordinary meeting.”]

Cr Morrison raised a point of order stating that Cr Cockram was speaking to the contrary motion. The Mayor ruled against the point of order.

The motion (of Crs France and Hogarth-Boyd) was PUT and CARRIED.

75/2016 RESOLVED that Council refuse Development Application DA.2014.254 for a 5 Lot Subdivision of Lot 11 DP1096563 and Lot 1 DP1138082, 199 Wallace Street Braidwood, for the following reason:

1. Under Section 91A (4) of the *Environmental Planning and Assessment Act 1979*, the NSW Heritage Council has informed Council that it will not grant an approval which is required in order for the development to be lawfully carried out.

France/Hogarth-Boyd

In accordance with the *Local Government and Planning Legislation Amendment (Political Donations) Bill 2008*, the following votes on the resolution were recorded.

For

Cr Cockram
Cr France
Cr Graham
Cr Harrison
Cr Hicks
Cr Hogarth-Boyd
Cr Morrison
Cr Schweikert

Against

Cr Marshall (did not vote)

Item 11.2. DA.2015.250 – Commercial Premises – 12 Malbon Street, Bungendore

SUBJECT	Determination under section 80 of the <i>Environmental Planning & Assessment Act 1979</i> of Development Application DA.2015.250 for a Commercial Premises on Lot 4 DP1204393, 12 Malbon Street, Bungendore		
FILE NO.	DA.2015.250	DIVISION	Planning & Environmental Services

Cr Graham declared an interest in this item of business and left the meeting at 8.02 pm.

Synopsis

Applicant: Palerang Council

Owner: Palerang Council

Date lodged: 19 November 2015

Site Area: 1,000m² (approximate)

Zoning: Palerang Local Environmental Plan 2014 – Zone B2 Local Centre

Reason for Referral to Council: Council is both Applicant and Consent Authority

Because Council is both the applicant and the consent authority the assessment of the Development Application and the review of the issues raised in submissions have been undertaken by planning staff at Yass Valley Council to address any conflict of interest issues.

MOVED that Council as the Consent Authority, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, grant consent for Development Application DA.2015.250 for a Commercial Premises on Lot 4, DP1204393, 12 Malbon Street, Bungendore subject to the conditions at Attachment 2.

Schweikert/France

Cr Morrison foreshadowed a CONTRARY motion [“That this item be deferred for one month.”]

Cr Morrison raised a point of order objecting to Cr Schweikert’s use of the word “berko”. The Mayor upheld the point of order.

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

This is page 15 of the Minutes of an Ordinary Meeting no. 8 of the Palerang Council held at Bungendore, 28 April 2016.

Mayor

76/2016 RESOLVED that Council as the Consent Authority, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, grant consent for Development Application DA.2015.250 for a Commercial Premises on Lot 4, DP1204393, 12 Malbon Street, Bungendore subject to the conditions at Attachment 2.

Schweikert/France

In accordance with the *Local Government and Planning Legislation Amendment (Political Donations) Bill 2008*, the following votes on the resolution were recorded.

For

Cr Cockram
Cr France
Cr Harrison
Cr Hicks
Cr Hogarth-Boyd
Cr Schweikert

Against

Cr Marshall
Cr Morrison

Cr Graham returned to the meeting at 8.13 pm.

Item 11.3. DA.2015.269 – Flush Wall Signage

SUBJECT	Determination under section 80 of the <i>Environmental Planning & Assessment Act 1979</i> of Development Application DA.2015.269 for the installation of a flush wall sign on Lot 11, Section 24 DP 758183, 21 Malbon St, Bungendore		
FILE NO.	DA.2015.269	DIVISION	Planning & Environmental Services

This item was dealt with earlier in the meeting.

Item 11.4. Natural Disaster Assistance Policy

SUBJECT	Natural disaster fee relief policy		
FILE NO.	GV0009	DIVISION	Planning and Environmental Services

Synopsis

A draft policy providing assistance to community members who are adversely affected by events which are localised to the extent that they do not qualify for a natural disaster declaration by the State or Commonwealth governments is recommended for public exhibition.

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Mayor

The following amendment to the policy was requested:

- at cl.7.1.5, the words “which is not covered by insurance” be added to the first sentence.

MOVED that:

1. Council add the words “which is not covered by insurance” be added to the first sentence of cl.7.1.5
2. Council place the draft Natural Disaster Assistance Policy as amended on exhibition for a period of 14 days;
3. submissions received in response to the exhibition be considered by the Strategy & Policy Committee at its meeting on 19 May 2016.

Schweikert/Hicks

AMENDMENT that:

1. Council place the draft Natural Disaster Assistance Policy as amended on exhibition for a period of 14 days;
2. submissions received in response to the exhibition be considered by the Strategy & Policy Committee at its meeting of 19 May 2016.

Morrison/Cockram

The amendment (of Crs Morrison and Cockram) was PUT and CARRIED.

For

Cr Cockram
Cr Harrison
Cr Hicks
Cr Morrison
Cr Schweikert

Against

Cr France
Cr Graham
Cr Hogarth-Boyd
Cr Marshall

The amendment became the motion and was PUT and CARRIED.

77/2016 RESOLVED that:

1. Council place the draft Natural Disaster Assistance Policy as amended on exhibition for a period of 14 days;
2. submissions received in response to the exhibition be considered by the Strategy & Policy Committee at its meeting of 19 May 2016.

Morrison/Cockram

<u>For</u>	<u>Against</u>
Cr Harrison	Cr Cockram
Cr Hicks	Cr France
Cr Marshall	Cr Graham (did not vote)
Cr Morrison	Cr Hogarth-Boyd
Cr Schweikert	

Item 11.5. 4.6 Exceptions to Development Standards

SUBJECT	4.6 Exceptions to development standards		
FILE NO.	LP0016	DIVISION	Planning and Environment

Synopsis

The report provides information on the local environmental plan clause related to development standards (clause 4.6) and a recommendation in relation to the Palerang Local Environmental Plan 2014 (PLEP).

78/2016 RESOLVED that Council prepare a planning proposal to amend the Palerang Local Environmental Plan 2014 to prevent the use of clause 4.6 Exceptions to development standards in relation to clause 4.2A(3)(a) Erection of dwelling houses on land in certain rural, residential and environment protection zones, where the allotment area is less than 90% of the minimum area specified in the development standard.

Marshall/Hogarth-Boyd

In accordance with the *Local Government and Planning Legislation Amendment (Political Donations) Bill 2008*, the following votes on the resolution were recorded.

<u>For</u>	<u>Against</u>
Cr Cockram	Cr France
Cr Harrison	Cr Graham
Cr Hicks	
Cr Hogarth-Boyd	
Cr Marshall	
Cr Morrison	
Cr Schweikert	

Item 11.6. Exhibition of the Draft Rural Lands Strategy and Discussion Paper

SUBJECT	Exhibition of the draft Rural Lands Strategy and Discussion Paper		
FILE NO.	PROJ046/1	DIVISION	Planning and Environment

Synopsis

The report recommends the exhibition of the Draft Palerang Rural Lands Strategy 2016-2036 and accompanying document *Rural Living in Palerang, A Discussion Paper to Guide the Palerang Council Rural Strategy* from 9 May 2016 to 1 July 2016. Both documents have been prepared as part of the Rural Lands Study project.

MOVED that Council:

1. exhibit the *Draft Palerang Rural Lands Strategy 2016-2036* and accompanying document *Rural Living in Palerang, A Discussion Paper to Guide the Palerang Council Rural Strategy* for 28 days (for consideration at the Council's June Ordinary meeting);
2. advertise the exhibition on Council's website, Facebook page and Twitter account in addition to advertisements in the local newspapers,
3. make the documents available electronically on the website with hard copies available at Council's Braidwood and Bungendore offices.

Marshall/Schweikert

An AMENDMENT (by Cr France) that the Strategy be advertised for two months LAPSED for want of a seconder.

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

79/2016 RESOLVED that Council:

1. exhibit the *Draft Palerang Rural Lands Strategy 2016-2036* and accompanying document *Rural Living in Palerang, A Discussion Paper to Guide the Palerang Council Rural Strategy* for 28 days (for consideration at the Council's June Ordinary meeting);
2. advertise the exhibition on Council's website, Facebook page and Twitter account in addition to advertisements in the local newspapers,
3. make the documents available electronically on the website with hard copies available at Council's Braidwood and Bungendore offices.

Marshall/Schweikert

For

Cr Cockram
Cr Graham
Cr Harrison
Cr Hicks
Cr Hogarth-Boyd
Cr Marshall
Cr Morrison
Cr Schweikert

Against

Cr France

Item 11.7. LGNSW Election Delegates

SUBJECT	Election of Council's voting delegates for the imminent LGNSW Elections		
FILE NO.	GR0001	DIVISION	General Manager

Synopsis

This report provides Council the opportunity to confirm its voting delegates for the forthcoming election for LGNSW Directors.

80/2016 RESOLVED that Council nominate the persons holding the positions of Mayor and Deputy Mayor of the day be Council's delegates for voting for any LGNSW conference or election.

From the Chair

The resolution was carried unanimously.

Item 11.8. Parks and Recreation

SUBJECT	Trucking Yard Lane Neighbourhood Park		
FILE NO.	PR0009	DIVISION	Works

Synopsis

This report provides information to Councillors about the initial investigations into the creation of a neighbourhood park in the southern portion of Bungendore.

81/2016 RESOLVED that Council:

1. give in-principle approval to the concept of a neighbourhood park in southern Bungendore;

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Mayor

2. direct the General Manager to undertake the necessary steps to register Council's interest in purchasing the railway stock yards located at the eastern end of Trucking Yard Lane, and
3. receive a further staff report on the costs of purchasing the rail land when more detailed costs are available.

Hicks/Cockram

The resolution was carried unanimously.

Item 11.9. Draft 2016/17 to 2017/18 Delivery & Operational Plans

SUBJECT	Exhibition of 2016/17 to 2017/18 Draft Delivery & Operational Plans, Budget & Revenue Pricing Policy		
FILE NO.	FM0016	DIVISION	Finance

Synopsis

Council is required to place its Operational Plan, Budget and Revenue Pricing Policy for the next Financial Year, on public exhibition for a minimum of 28 days prior to their adoption.

82/2016 RESOLVED that Council:

1. adopt the Draft Delivery and Operational Plans and subsidiary documents, including Budget Estimates of income and expenditure; and Fees & Charges; as submitted;
2. place the 2016/17 Draft Delivery and Operational Plans on public exhibition commencing Monday 9 May 2016, for a period of not less than 28 days in accordance with Section 405 (2) of the *Local Government Act 1993*, and
3. consider all submissions received for formal adoption of the Delivery and Operational Plans, Budget, Revenue Pricing Policy, and, Make the Rates and Annual Charges with any revisions at the Council Meeting at 5.00 pm on Thursday, 23 June 2016.

Marshall/Hicks

For

Cr Cockram
Cr Graham
Cr Harrison
Cr Hicks
Cr Hogarth-Boyd
Cr Marshall
Cr Morrison
Cr Schweikert

Against

Cr France (did not vote)

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Mayor

Item 11.10. Road Naming Proposal

SUBJECT	Road Naming – Various Road names within Palerang LGA		
FILE NO.	RD0012	DIVISION	Works

Synopsis

This report proposes adopting and gazetting road names for four unnamed roads located in Bungendore and Wog Wog.

83/2016 RESOLVED that Council:

1. adopt in principle the names detailed below as the proposed names;
 - a. “Ningee Nimbell Creek Road” for the unnamed Crown Road accessed from Nerriga Road located approximately 1.7km from the intersection with Charleys Forest Road.
 - b. “Jacquet Road” for the unnamed Crown Road originating 2 km along an unnamed Right of Carriage Way which is approximately 6.9km from the intersection of Nerriga Road and Charleys Forest Road.
 - c. “Quilty Road” for the unnamed Crown Road accessed from Charleys Forest Road approximately 6km from the intersection with Nerriga Road on the western side of Charleys Forest Road.
 - d. “Hatch Lane” for the laneway in Bungendore between Gibraltar Street and Malbon Street.
2. advertise the name for public comment in accordance with Section 162 of the *Roads Act 1993*.
3. publish a notice in the NSW Government Gazette if no objections are received.

Schweikert/Graham

The resolution was carried unanimously.

A question was taken on notice as to whether Council had a policy of naming new roads in Bungendore after ANZAC soldiers.

Item 11.11. Fee Free Waste Management Arrangements – Clean Up Australia Day/Bungendore Showground

SUBJECT	Provision of fee free waste management services		
FILE NO.	GV0009	DIVISION	Works

Synopsis

A report on the cost of providing fee free waste management services for the Bungendore Showground and more generally as part of the Clean Up Australia Day event of 6 March 2016.

MOVED that Council:

1. note the costs associated with the implementation of resolutions 241/2015 and 5/2016;
2. continue with the routine provision of waste collection services to the Bungendore Showground and work with the Bungendore Showground Trust to minimise waste.

Marshall/Schweikert

Cr Cockram foreshadowed a CONTRARY motion [“That Council:

1. note the costs associated with the implementation of resolutions 241/2015 and 5/2016, and
2. decline to continue a waste collection service to the Bungendore Showground Trust.”]

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

84/2016 RESOLVED that Council:

1. note the costs associated with the implementation of resolutions 241/2015 and 5/2016;
2. continue with the routine provision of waste collection services to the Bungendore Showground and work with the Bungendore Showground Trust to minimise waste.

Marshall/Schweikert

The resolution was carried unanimously.

Item 11.12. South East Regional Academy of Sport

SUBJECT	Request from SERAS for funding from Council's 2016/17 budget		
FILE NO.	ED0010	DIVISION	Executive Services

Synopsis

The South East Regional Academy of Sport (SERAS) has submitted a funding request to Council, based on a per capita/per annum formula, for inclusion in the 2016/17 budget.

85/2016 RESOLVED that Council include an amount of \$6,122.40 in its draft 2016/17 budget for the purpose of making a donation to the South East Regional Academy of Sport.

From the Chair

For

Cr Cockram
Cr France
Cr Graham
Cr Harrison
Cr Hogarth-Boyd
Cr Marshall
Cr Morrison

Against

Cr Hicks (did not vote)
Cr Schweikert (did not vote)

Item 11.13. Palerang Business Advisory Board

SUBJECT	Palerang Business Advisory Board		
FILE NO.	ED0010	DIVISION	Executive Services

Synopsis

Council is invited to formally constitute the Palerang Business Advisory Board.

86/2016 RESOLVED that Council:

- formally approve the following membership of the Palerang Business Advisory Board:
 - Cr Pete Harrison (Mayor)
 - Mr Peter Bascomb (General Manager)
 - one representative from the Southern Region Business Enterprise Centre (TBA)
 - one representative from Regional Development Australia (TBA)
 - President - Bungendore Chamber of Commerce and Industry (BCCI)
 - representative from the Bungendore business community (vacant but may be the BCCI representative)

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- Mrs Judit Kovacs – representing the Braidwood business community
- Mr Craig Pettit – representing the Palerang business community

2. call the inaugural meeting of the Board from 2.00 – 4.00 pm on Thursday, 19 May 2016.

From the Chair

For

Cr Cockram
Cr France
Cr Graham
Cr Harrison
Cr Hicks
Cr Hogarth-Boyd
Cr Marshall
Cr Morrison

Against

Cr Schweikert (did not vote)

Item 11.14. Alcohol Free Zones and Alcohol Prohibited Areas

SUBJECT	Consideration for the establishment of alcohol restricted areas for Bungendore and Braidwood		
FILE NO.	LP0015	DIVISION	Works

This item was dealt with earlier in the meeting.

12. ITEMS FOR INFORMATION

Item 12.1. Statement of Investments

SUBJECT	Statement of Investments as at 21 April 2016		
FILE NO.	FM0012	DIVISION	Finance

Synopsis

The monthly report on the Register of Investments.

87/2016 RESOLVED that Council receive the report on the Register of Investments as at 21/4/16.

Marshall/Cockram

The resolution was carried unanimously.

13. COMMITTEE REPORTS AND RECOMMENDATIONS

Item 13.1. Minutes of the Palerang Heritage Advisory Committee

SUBJECT	Minutes of the Palerang Heritage Advisory Committee 16 February and 29 March 2016		
FILE NO.	SC0021	DIVISION	Planning and Environmental Services

Synopsis

The Palerang Heritage Advisory Committee has submitted for Council's information the confirmed minutes of its meeting held on 16 February 2016 and 29 March 2016.

88/2016 RESOLVED that Council receive and note the confirmed minutes of the meeting of the Palerang Heritage Advisory Committee held on 16 February and 29 March 2016.

Marshall/Hogarth-Boyd

The resolution was carried unanimously.

Item 13.2. Minutes of the Palerang Rural Lands Study Committee

SUBJECT	Minutes of the Palerang Rural Lands Study Committee meeting, 10 December 2015 and 21 January 2016		
FILE NO.	PROJ0046	DIVISION	Planning and Environmental Services

Synopsis

The Palerang Rural Lands Study Committee has submitted for Council's information a copy of the confirmed minutes of its meeting held on 10 December 2015 and 21 January 2016.

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Mayor

89/2016 RESOLVED that Council receive and note the confirmed minutes of the meeting of the Rural Lands Study Committee held on 10 December 2015 and 21 January 2016. meeting.

From the Chair

The resolution was carried unanimously.

90/2016 RESOLVED that Items 13.3 to 13.6 be moved as a bloc.

Schweikert/Marshall

The resolution was carried unanimously.

Item 13.3. Mick Sherd Oval Canteen Facility s.355 Committee

SUBJECT	Minutes of the Mick Sherd Oval Canteen Facility s.355 Committee meetings		
FILE NO.	SC0027	DIVISION	Executive Services

Synopsis

The Mick Sherd Oval Canteen Facility s.355 Committee has submitted for Council's information the minutes of its meeting held on 24 February 2016.

90/2016 RESOLVED that Council note the minutes of the Mick Sherd Oval Canteen Facility s.355 Committee meeting held on 24 February 2016.

Schweikert/Marshall

The resolution was carried unanimously.

Item 13.4. Bungendore School of Arts Management s.355 Committee

SUBJECT	Bungendore School of Arts Management s.355 Committee's meeting minutes		
FILE NO.	SC0009	DIVISION	Executive Services

Synopsis

The Bungendore School of Arts Management s.355 Committee has submitted for Council's information a copy of the minutes of its meeting held on 1 February 2016.

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Mayor

91/2016 RESOLVED that Council receive and note the minutes of the Bungendore School of Arts Management s.355 Committee's meeting held on 1 February 2016.

Schweikert/Marshall

The resolution was carried unanimously.

Item 13.5. Royalla Common s.355 Committee

SUBJECT	Royalla Common s.355 Committee's minutes		
FILE NO.	SC0023	DIVISION	Executive Services

Synopsis

The Royalla Common s.355 Committee submits a copy of the minutes of its meeting on 15 February 2016.

92/2016 RESOLVED that Council, under s.355(b) of the *Local Government Act 1993* receive and note the minutes of the Royalla Common s.355 Committee's meeting held on 15 February 2016.

Schweikert/Marshall

The resolution was carried unanimously.

Item 13.6. Burra / Cargill Park Management s.355 Committee

SUBJECT	Minutes of the Burra / Cargill Park Management s.355 Committee meeting		
FILE NO.	SC0011	DIVISION	Executive Services

Synopsis

The Burra / Cargill Park Management s.355 Committee has submitted for Council's information the minutes of its committee meeting held on 9 February 2016.

93/2016 RESOLVED that Council receive and note the minutes of the Burra / Cargill Park Management s.355 Committee meeting held on 9 February 2016.

Schweikert/Marshall

The resolution was carried unanimously.

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Item 13.7. Canberra Region Joint Organisation (CBRJO)

SUBJECT	Minutes of CBRJO meeting		
FILE NO.	GR0003	DIVISION	Executive Services

Synopsis

The CBRJO has submitted for information a copy of the minutes of its Board meeting held on 15 March 2016.

94/2016 RESOLVED that Council note the draft minutes of the CBRJO Board meeting held on 15 March 2016.

From the Chair

The resolution was carried unanimously.

14. DELEGATES' REPORTS

1. Cr France advised that he will seek leave of absence from the May and June Ordinary meetings.
2. Cr Hogarth-Boyd reported on her attendance at the following:
 - Abbeyfield Bungendore Committee meeting
 - Bungendore community consultation meeting
 - Bungendore School of Arts Management s.355 Committee meeting
 - ANZAC Day commemoration at Bungendore
3. Cr Schweikert reported on his attendance at the following:
 - Brumbies/Chiefs Rugby match with the Mayor and Cr Hicks
 - Bungendore community consultation meeting
 - Bungendore War Memorial s.355 Committee meeting
 - ANZAC dinner with the Mayor
 - ANZAC Day commemoration at Bungendore
4. Cr Marshall reported on his attendance at the following:
 - Heritage Advisory s.355 Committee meeting
 - Captains Flat Area s.355 Committee meeting
 - Braidwood community consultation meeting
 - Bungendore community consultation meeting
5. Cr Hick, reported on his attendance at the following:
 - Bungendore/Chiefs Rugby match with Mayor

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- Royalla Common s.355 Committee meeting
 - Braidwood Recreation Ground s.355 Committee meeting
 - Captains Flat Area s.355 Committee meeting
 - ANZAC Day commemoration at Captains Flat
6. Cr Cockram reported on his attendance at the dedication of the Dhurga seat in Ryrie Park and thanked Council's Director of Works, Mr Gordon Cunningham, and outdoor staff for their work.

15. RESPONSES TO COUNCILLORS' QUESTIONS

Item 15.1. Responses to Councillors' questions

SUBJECT	Responses to Councillors' questions taken on notice at the previous meeting		
FILE NO.	GV0003	DIVISION	Executive Services

Synopsis

This report provides responses to Councillors' questions from the previous meeting, which were taken on notice.

95/2016 RESOLVED that Council note the response to Councillors' questions taken on notice at the previous meeting.

Hicks/Schweikert

The resolution was carried unanimously.

Item 15.2. Resolution Action Sheet

SUBJECT	Resolution Action Sheet		
FILE NO.	GV0003	DIVISION	Executive Services

Synopsis

The Resolution Action Sheet provides Council with information on action taken or proposed to be taken as a result of resolutions carried, or issues raised and taken on notice during discussion at ordinary and extraordinary meetings.

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Mayor

96/2016 RESOLVED that Council receive and note the Resolution Action Sheet.

Hicks/Schweikert

The resolution was carried unanimously.

16. MATTERS OF WHICH NOTICE HAS NOT BEEN GIVEN BUT RULED BY THE CHAIR TO BE CONSIDERED

There were no matters.

17. COUNCILLOR'S QUESTIONS FOR NEXT MEETING

1. Cr Hicks, on behalf of the Royalla Common s.355 committee, enquired as to what process should be followed to get the ruins heritage-listed and how can they be protected.
2. Cr Hicks requested an investigation be undertaken on the associated costs to fix an unsafe bend located on the Captains Flat Road, 100 metres from the Foxlow Homestead, heading towards Queanbeyan. The Acting General Manager advised staff are investigating an interim treatment and this will be followed up.
3. Cr Marshall enquired if the General Manager had submitted a motion to the ALGA conference.
4. Following concerns raised from a couple of section 355 committees, Cr Hogarth-Boyd queried what the s.355 committees' role would be, who would be the decision makers, and would they continue to exist, in the event of a period of Council administration.
5. Following an item of interest at the Jupiter Windfarm Consultative Committee advising feedback received from the Department of Planning indicated the E3 zone was not an appropriate zone in the Goulburn area, and as the E3 zone is not used in Palerang, Cr Hogarth-Boyd enquired if there will there be changes in the area or to the use of this zone generally.
6. Following photographs taken by the press without permission at the Council meeting, Cr Morrison requested the Mayor write to the journalist reminding her of the rules regarding taking photographs during meetings. The Mayor undertook to pass on Cr Morrison's communication.

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18. CONSIDERATION OF BUSINESS IN CLOSED COMMITTEE

97/2016 RESOLVED that:

1. Council move into closed Committee of the Whole in accordance with section 10A(2)(d) of the *Local Government Act 1993* and clause 59.2.7 - advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege, and
2. the press and public and staff as necessary be excluded.

From the Chair

The resolution was carried unanimously.

Council moved into closed Committee of the Whole at 9.30 pm.

Item 18.1. Legal Matters

SUBJECT	Quarterly Overview of Legal Matters		
FILE NO.	LS0001	DIVISION	General Manager

Synopsis

This report provides Councillors with a summary of legal matters.

CW15/2016 RECOMMENDATION that Council note the attached report from Council's Solicitors Bradley Allen Love.

Schweikert/Marshall

The recommendation was carried unanimously.

CW16/2016 RECOMMENDATION that Council return to Ordinary meeting

From the Chair

The recommendation was carried unanimously.

Council returned to the Ordinary meeting at 9.35 pm.

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Mayor

98/2016 RESOLVED that Council adopt recommendations CW15-16/2016 from the closed Committee of the Whole meeting held on 28 April 2016.

From the Chair

The resolution was carried unanimously.

19. CLOSURE

There being no further business, the meeting closed at 9.35 pm.

MAYOR



PLANNING AND DEVELOPMENT REVIEW COMMITTEE MEETING

Council at its meeting of 22 May 2013 resolved (M/N 090/13) as follows:

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

- (i) *Environmental Planning and Assessment Act 1979,*
- (ii) *Local Government Act 1993,*
- (iii) *Protection of the Environment Operations Act 1997;*
- (iv) *Swimming Pools Act 1992,*
- (v) *Roads Act 1993,*
- (vi) *Public Health Act 2010,*
- (vii) *Heritage Act 1977,*

and all other regulations and amendments incidental to these Acts.

MINUTES OF THE PLANNING AND DEVELOPMENT REVIEW COMMITTEE OF THE QUEANBEYAN CITY COUNCIL held at the Council Chambers, 253 Crawford St, Queanbeyan on Wednesday, 11 May 2016 commencing at 5:30pm.

ATTENDANCE

Councillors:	Cr Overall (Chair), Crs Bray AM, Brown, Burfoot, McLennan, Taylor, Trajanoski, Whelan OAM and Winchester.
Staff:	P. Tegart, General Manager; M Thompson, Director Environment, Planning & Development and P. Spyve, Acting Director Economic and Community Development.
Also Present:	L Blacklock, Manager Development Control, W Blakey, Management Accountant (Clerk of the Meeting) and H. Hone (Minute Secretary).

1. APOLOGIES

PDRC029/16

RESOLVED (Whelan/Burfoot)

That apologies for non-attendance of Cr Cregan be received and that leave of absence be granted.

2. PRESENTATIONS/DEPUTATIONS/PETITIONS

Mr Guy Randell – Item 4.1 – Development Application 368-2015 2 High Street Queanbeyan Service Station.

Mr Paul Cashman - Item 4.1 – Development Application 368-2015 2 High Street Queanbeyan Service Station.

Cr McLennan arrived in the chamber at 5.36pm.

Mr Clive Alcock and Mr Peter Naylor – Item 4.2 – Development Application 390-2015 Neighbourhood Centre Mixed Use Development - Aprasia Avenue Goongong.

Mr Chris Farrington - Item 4.1 – Development Application 368-2015 2 High Street Queanbeyan.

Ms Katrina Willis & Mr Alan Grey – presented a petition opposing the proposed Ellerton Drive Extension with a further 28 signatures.

3. DECLARATIONS OF INTEREST

PDRC030/16

RESOLVED (Whelan/Taylor)

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

Cr Taylor declared a Less than Significant Non Pecuniary Conflict of Interest in regard to Item 4.2. She is a joint owner of a block of land in Aprasia Avenue Goongong.

STAFF REPORTS**4. ENVIRONMENT, PLANNING AND DEVELOPMENT****4.1 Development Application - 368-2015 - 2 High Street - Service Station**

PDRC031/16

RESOLVED (Whelan/Burfoot)

That Development Application 368-2015 for the demolition of an existing motel and erection of a Service Station on Lot 68 DP615408, No 2 High Street Queanbeyan East be refused for the following reasons:

1. Section 79C(1)(a)(i) of the Environment Planning and Assessment Act 1979 requires the consideration of the relevant Environmental Planning Instruments. The development does not comply with the provisions of the Queanbeyan Local Environmental Plan 2012 in that:
 - a) The development does not comply with the provisions of the Queanbeyan Local Environment Plan 2012 which requires the consent authority to have regard to the objectives of the

zone. In this case the objectives for the B4 Mixed Use Zone include that there is a mixture of compatible land uses. The development is not considered a compatible land use with the adjoining residential development for the following reasons:

- i. That the likely noise impact from heavy vehicles during refuelling provides for an unacceptable loss of amenity and detrimental noise impacts to adjoining residents and cannot reasonably be controlled by imposition of conditions,
 - ii. That noise impacts from vehicles and deliveries cannot reasonably be controlled by conditions and will result in detrimental impacts on the users of the residential development adjoining the subject site,
 - iii. That the risk of fire and explosion is unacceptable in such close proximity to a residential development in terms of potential loss of life and injury to persons in the vicinity,
 - iv. That the light spill impacts from the continuous after-dark lighting of the subject site will have a detrimental impact on the quiet enjoyment and rest of the residents of the adjoining residential building,
 - v. That the traffic and pedestrian safety impact from heavy vehicles entering from High Street, in close proximity to the vehicular entry to 6 High Street is unacceptable on safety grounds and poses risks to users of the residential development.
- (b) The development does not comply with Clause 7.9(e) of the Queanbeyan Local Environmental Plan 2012 and Clauses 2.2.8.2 and 2.2.8.5 of the Queanbeyan Development Control Plan 2012 as it does not provide a suitable vehicular access that protects the amenity and safety of pedestrians and road users of High Street and Bungendore Road for the following reasons:
- i. That the traffic and pedestrian safety impact from heavy vehicles entering from High Street, in close proximity to the vehicular entry to 6 High Street is unacceptable on safety grounds and poses unacceptable risks to users of the residential development;
 - ii. that the likely noise impact from heavy vehicles during refuelling provides for an unacceptable loss of amenity and detrimental noise impacts to adjoining residents and cannot reasonably be controlled by imposition of conditions.

2. Assessing the development under Section 79C(1)(b) of Environmental Planning and Assessment Act 1979 requires consideration of the impacts of the development including environmental impacts on both the built and natural environments and the social and economic in the locality. It is considered that the impacts of the development are not acceptable for the following reasons:
 - a. Noise impact from heavy vehicles that could refuel onsite
 - b. Risk of fire and explosion
 - c. Noise impacts from vehicles and deliveries
 - d. Traffic and pedestrian safety impact from heavy vehicles
 - e. Light spill impact
 - f. Potential for fuel spillage into nearby Buttles Creek
3. Assessing the development under Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979 requires consideration of the impacts of the development. It is considered that the site is not suitable for the development for the following reasons:
 - a. Noise impact from heavy vehicles that could refuel on the site
 - b. risk of fire and explosion
 - c. Noise impacts from vehicles and deliveries
 - d. Traffic and pedestrian safety impact from heavy vehicles
 - e. Light spill impact
4. Assessing the development under Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979 requires consideration of the public interest. It is considered that the development is not in the public interest for following reasons:
 - a. Noise impact from heavy vehicles that could refuel onsite
 - b. Risk of fire and explosion
 - c. Noise impacts from vehicles and deliveries
 - d. Traffic and pedestrian safety impact from heavy vehicles
 - e. Light spill impact

A **DIVISION** was called and resulted as follows:

The 'Ayes'	Crs Overall, Whelan, Winchester, Burfoot, Brown, Taylor, Trajanoski and Bray
The 'Nayes'	Cr McLennan
Absent	Cr Cregan

4.2 Development Application 390-2015 - Neighbourhood Centre - Mixed Use Development - Aprasia Avenue, Googong

Cr Taylor declared a conflict of interest in regard to Item 4.2 and departed the chamber.

PDRC032/16

RESOLVED (Winchester/Whelan)

1. That approval be granted to a variation to Clause 1.8 in Part 1 and Clause 10.5(c) in Part 10 of the Googong Development Control Plan (which require compliance with Section 2.2 of Part 2 of Queanbeyan Development Control Plan 2012), to allow for a reduction in required parking numbers for the following reasons:
 - (a) The development is considered to be consistent with the objectives of the control as the development provides a suitable number of car spaces to cater to the needs of proposed uses and the design of the car parking areas and associated manoeuvring areas is considered to be appropriate.
 - (b) The number of proposed car parks is considered to be suitable to cater for the needs of the proposed mix of uses and is unlikely to result in any significant adverse impact within the immediate locality.
 - (c) The applicant's Temporal Parking Profile demonstrates that the car parking proposed is able to accommodate peak parking demand for the uses proposed on site and this report's findings are supported.
 - (d) The applicant has suitably demonstrated that peak parking demand is staggered and that the car parking numbers provided are suitable to meet the demands of the proposed uses without adversely impacting on the surrounding street network.
2. That approval be granted to a variation to Part 7, control 7.12(g) of Googong Development Control Plan to allow for a variation to outdoor clothes drying requirements to Units 14 and 16 for the following reasons:
 - (a) The development is considered to be consistent with the objectives of the control as it provides an adequate level of servicing to all proposed units including garbage and mail collection areas. The service facilities are considered to be generally functional and accessible and integrated into the design of the building.

- (b) The variation to two units represents 10% of the total units proposed and is therefore considered minor.
 - (c) The affected units 14 and 16 are the proposed adaptable units and future residents of these units may benefit from having access to mechanical drying facilities particularly where the occupant mobility may be limited.
 - (d) Compliance with the control would result in an adverse reduction to internal circulation space within the adaptable units.
 - (e) A mechanical drying option is considered to be suitable in this instance and unlikely to result in adverse impact.
3. That approval be granted to a variation to Part 7, Table 3 of Googong Development Control Plan to allow for a reduction in side setback for basement car parking for the following reasons:
- (a) The development is considered to be consistent with the objectives of the streetscape controls contained in part 7.2 of the Googong Development Control Plan as:
 - (i) It has a scale and architectural quality that contributes to the existing and desired character of the locality and Neighbourhood Centre.
 - (ii) The design responds to the constraints of the site and incorporates an appropriate mix of uses.
 - (iii) The building design provides a suitable level of residential amenity to proposed dwellings and is considered to be compatible with the proposed adjoining land uses.
 - (b) The development complies with the Neighbourhood Structure Plan which encourages buildings to be constructed to the boundary of adjoining street frontages and which Building A achieves. The location of the ground floor and upper storeys of the building on the boundary line results in an inability to provide deep soil planting around the building and therefore the setback to the basement is not considered to be required in this instance. Suitable street planting is provided along the Aprasia Avenue, Caragh Avenue and Gorman Drive frontages.

4. That Development Application 390-2015 for Mixed Use Development including shop top housing with 20 dwellings, 10 commercial tenancies (including a shop, retail premises and food and drink premises), health services facility, childcare centre, community centre, car parking, Community Title subdivision comprising 1 x community lot and 3 x development lots, strata subdivision of Building A, Strata Subdivision of Building B and Strata Subdivision of Building C on land at Lot 63 DP 1208211, Aprasia Avenue, Googong NSW 2620, be granted conditional approval subject to the submission of an amended BASIX Certificate and NATHERS Certificate.
5. That a review be undertaken of basement vehicular access and car parking controls within the Queanbeyan Development Control Plan and Googong Development Control Plan, particularly as they relate to requiring two-way access into basements.

A **DIVISION** was called and resulted as follows:

The 'Ayes' Crs Overall, Whelan, Winchester, Burfoot, Brown, Trajanoski, McLennan and Bray

The 'Nayes' Nil

Absent Crs Cregan and Taylor

Cr Taylor returned to the chamber.

5. STRATEGIC DEVELOPMENT

5.1 Council Community Land to be Placed in Various Plans of Management or to be Reclassified as Operational Land

PDRC033/16

RESOLVED (McLennan/Trajanoski)

That Council:

1. Amend the identified Plans of Management as set out in Attachment 1 to this report; and
2. Reclassify the lands identified in Attachment 1 of this report from 'community' to 'operational' status under the Local Government Act 1993.

A **DIVISION** was called and resulted as follows:

The 'Ayes' Crs Overall, Whelan, Winchester, Burfoot, Brown, Taylor, Trajanoski, McLennan and Bray

The 'Nayes' Nil

Absent Cr Cregan

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

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

Cr Overall then asked that, in accordance with Clause 27 of the Council's Code of Meeting Practice, were there any presentations as to why the matters listed below should not be dealt with in Closed Session.

PRESENTATIONS

No presentations were made.

PDRC034/16

RESOLVED (Whelan/McLennan)

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

Item 6.1 Curtis Estate Discussion Paper for Council's Consideration

Item 6.1 is confidential in accordance with s10(A) (di) (g) of the Local Government Act 1993 because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it; AND advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest

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

The meeting returned to Open Sessions by virtue of Resolution No. PDCR036/16 made in Closed Session.

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

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

Item 6.1 Curtis Estate Discussion Paper for Council's Consideration

1. That Council thank the option holders for the submission of their discussion paper.
2. That Council considers Curtis Estate is unsuitable for residential use.

3. That Council advise the option holders that, based on its previous considerations on this matter, it is unlikely to support a planning proposal for the development of lands previously known as the Curtis Estate for residential purposes and that if they choose to lodge such a proposal they do so in the full knowledge that there is little prospect of obtaining Council's support.
4. That Council advise the option holders of Curtis Estate that it does not have suitable lands for a land swap.

At this stage in the proceedings, the time being 6.30pm Cr Overall announced that the Agenda for the meeting had now been completed and declared the meeting closed.

CR TIM OVERALL
MAYOR
CHAIRPERSON



MINUTES OF THE EXTRAORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held at the Council Chambers, 10 Marjara Street, Bungendore on Thursday, 19 May 2016 commencing at 5.30pm.

ATTENDANCE

Councillors: T Overall Administrator (Chair)

Staff: P Bascomb, Acting General Manager; L. Gibson, Director People, Processes and Technology; J Wright, Director of Planning and Environmental Services; G. Cunningham, Director of Works; M Thompson, Director Environment, Planning & Development; P Hansen, Director Infrastructure; Ms Sally-Jane Abigail, Chief Financial Officer and P Spyve, Acting Director Economic and Community Development.

Also Present: K Bishop, Implementation Liaison Manager Local Government Reform, Dept of Premier & Cabinet; S Taylor, Acting Finance Manager (Clerk of the Meeting); H Hone (Minute Secretary) and Mrs L Ison (Team Leader – Customer Service).

The Administrator (Mr Overall) welcomed all present to the inaugural meeting of the Queanbeyan-Palerang Regional Council and declared the meeting open.

Before commencing proceedings Mr Overall acknowledged the traditional custodians of the lands making up the Queanbeyan-Palerang region and paid respect to elders past and present and to any Aboriginal people present at the meeting.

Mr Overall also acknowledged former councillors of Queanbeyan City and Palerang Councils present and also the former Mayor of Palerang Council.

The NSW Government Proclamation of 12 May 2016 saw both councils dissolved which meant the councillors ceased to hold office as of that date. Mr Overall extended appreciation to councillors for their dedicated work in representing their local communities.

1. APOLOGIES

The Administrator noted the apology from Mr Peter Tegart (General Manager).

2. PRESENTATIONS/DEPUTATIONS/PETITIONS

Mr Paul Cockram – Item 4.2 – Schedule of Council Meetings, Local Representative Committees.

Mr Richard Graham – Item 4.3 – Miscellaneous Provisions - Creation of Queanbeyan-Palerang Regional Council.

Mr George Brown-Bill – Item 4.3 - Miscellaneous Provisions - Creation of Queanbeyan-Palerang Regional Council.

Ms Emma Ward – Item 4.3 - Miscellaneous Provisions - Creation of Queanbeyan-Palerang Regional Council.

Mr Peter Marshall – Item 4.2 - Schedule of Council Meetings, 4.3 - Miscellaneous Provisions - Creation of Queanbeyan-Palerang Regional Council, 4.7 - Delegations - Interim General Manager and 6.1 - Ellerton Drive Extension.

Mr Greg Nye – Item 4.1 – Code of Meeting Practice and its provisions for public participation - Creation of Queanbeyan-Palerang Regional Council.

Ms Margot Sachse – Item 4.3 - Miscellaneous Provisions - Creation of Queanbeyan-Palerang Regional Council.

Ms Terry Sullivan – Item 4.3 - Miscellaneous Provisions - Creation of Queanbeyan-Palerang Regional Council.

4. DECLARATIONS OF INTEREST**RESOLVED (Overall)**

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

No disclosures were presented.

001/16

5. GENERAL MANAGER'S REPORTS

4.1 Code of Meeting Practice and its provisions for public participation

002/16

RESOLVED (Overall)

The Administrator resolved:

1. To note that its meetings will operate under the provisions of the former Palerang Council's Code of Meeting Practice as required by the NSW Government Proclamation No.242 of 12 May 2016, and
2. That a review of the Code of Meeting Practice take place to examine issues pertaining to public input to council meetings and to look at these in relation to custom and practice of the former two councils and to ensure they comply with the provisions of the Act and Regulation. In line with part 2, chapter 12 of the Act it is proposed that any such changes follow the consultation requirements as set out in the Act.

4.2 Schedule of Council Meetings

003/16

RESOLVED (Overall)

The Administrator resolved:

1. To adopt the meeting schedule as set out in this report and listed below.
2. That the Administrator and the General Manager explore the possibility of holding one to two meetings of council in Braidwood during the period of Administration.

Meeting Date	Location
Wednesday 8 June	Queanbeyan
Wednesday 22 June	Bungendore
Wednesday 13 July	Queanbeyan
Wednesday 27 July	Bungendore
Wednesday 10 August	Queanbeyan
Wednesday 24 August	Bungendore
Wednesday 14 September	Queanbeyan
Wednesday 28 September	Bungendore
Wednesday 12 October	Queanbeyan
Wednesday 26 October	Bungendore
Wednesday 9 November	Queanbeyan
Wednesday 23 November	Bungendore
Wednesday 14 December	Queanbeyan or Bungendore

4.3 Miscellaneous Provisions - Creation of Queanbeyan-Palerang Regional Council

004/16

RESOLVED (Overall)

The Administrator resolved:

1. To receive this report for information;
2. To request the General Manager commence the process of calling for Expressions of Interest for membership of the Local Representative Committee.

4.4 Albion Hotel - Lot 1 DP 598830, 19 Wallace Street, Braidwood - Renovation of Existing Building - DA.2015.138

005/16

RESOLVED (Overall)

The Administrator resolved:

1. To note the report; and
2. To ask the General Manager to write to the Deputy Chief Executive, Regional Operations and Heritage, Office of Environment and Heritage requesting that the Division's, assessing officers and senior staff meet with staff from Council's Planning and Environmental Division and Heritage Advisor in Braidwood to discuss:
 - a) the management of the development assessment process including site visits, discussions between staff prior to agreeing to conditions of consent, the quality of plans and accompanying documents and the format and content of conditions of consent
 - b) the unique situation of the majority of Braidwood being in the state conservation area 'Braidwood and its setting' on the state heritage list and it being a lively rural town like many others in NSW and the management of this in relation to development.

4.5 Bicentennial Hall Bathroom Renovations - Tender 07/2016

006/16

RESOLVED (Overall)

The Administrator resolved that Council award Contract No. 07/2016 to Tenderer 2 Monarch Building Solutions Pty Ltd for the refurbishment of Bicentennial Hall Bathrooms, with a total budget of \$226,000 ex GST.

4.6 Media Protocols

007/16

RESOLVED (Overall)

The Administrator resolved:

1. To endorse the media protocols
2. To endorse the social media protocols
3. To request the General Manager to review the media and social media policies of the former Queanbeyan City Council and Palerang Council and submit a draft Policy to the Administrator at a future meeting for adoption.

4.7 Delegations - Interim General Manager

008/16

RESOLVED (Overall)

The Administrator resolved to receive and note this report:

4.8 Disclosure by Councillors and Designated Persons Return

009/16

RESOLVED (Overall)

The Administrator resolved to note that the pecuniary interest return of the Administration as at 12 May 2016 has been tabled pursuant to Section 450A of the Local Government Act 1993.

6. COMMITTEE REPORTS**5.1 Report of the Local Traffic Committee - 27 April 2016**

010/16

RESOLVED (Overall)

The Administrator resolved that the Report of the Local Traffic Committee held on Wednesday 27 April 2016 be received and the recommendations contained therein be adopted.

LTC04/16 Under the Roads ACT 1993 road closures approved for the 2016 Jerrabomberra ANZAC day ceremony

LTC05/16 Under Road Transport Act 2013:

- ☐ Implement the new pedestrian refuges as per the design plan with the committees' noted minor changes
- ☐ Remove the kerb at the intersection of Antill Street and Crawford Street to allow delivery truck access
- ☐ Install a concrete island at the intersection of Crawford Street and Morisset Street to prevent vehicles from turning left from the parking lane

- LTC06/16 Under S116 & S117 Roads ACT 1993
- ☐ Queanbeyan LTC supported Queanbeyan City Council's proposal to erect barriers and notices that would prevent or restrict access to public roads contained within DP 15764 and DP15222 (Curtis Estate) and noted that RMS will be advised of this position
- LTC07/16 Under Road Transport Act 2013 endorse the signage and line marking for the Wanna Wanna Road upgrade
- LTC08/16 Under the Roads ACT 1993 approve road closures for Tuesday 31 May 2016 for Reconciliation Walk 2016 from 10.30am to 11.00 am of:
- ☐ Bungendore Road – between Atkinson Street and Queen's Bridge
 - ☐ Monaro Street – between Queen's Bridge and Lowe Street
 - ☐ Crawford Street – between Morisset Street and Rutledge Street
- LTC09/16 Under Road Transport Act 2013 approve design plans for parking changes at Farrer Street Car Park that will see:
- ☐ Staff Car parking for 5 spaces perpendicular to Lowe Street
 - ☐ 3 Staff car parking bays parallel to Lowe St to be removed and replaced with 1 hour parking
 - ☐ Removal of 9 car parking bays in the middle of the car park to be replaced by two larger vehicle car parking spaces positioned as angled parking and timed for 2 hours
 - ☐ Refresh and re-size line-marking for parking spaces perpendicular to Lowe Street that will see 14 vehicle spaces marked
- LTC10/16 Under Road Transport Act 2013 approve design plans to swap the bus stop zone with the taxi and loading zone on the K-Mart side of Morisset Street
- LTC11/16 Under Road Transport Act 2013 approve the installation of a clear zone on Collett Street at the drive-way to the bus interchange
- LTC12/16 Under Road Transport Act 2013 approve the removal of two disabled car parking positions on Isabella Street leaving two taxi zone car parking positions that will operate during school zone times

- LTC13/16 Under Roads Act 1993, AS1742 and AS 1743 support the installed and proposed Traffic Control Devices, line markings and street signage installed and proposed for Neighbourhood 1A Stage 5 & 6, Neighbourhood 1B Stage 1 & 2 with the noted minor changes for continuity lines at intersections
- LTC14/16 Under the Road Transport Act 2013 approve as per design plans:
- ☐ Relocation of the children's crossing on Anne Street as per design plans
Installation of pedestrian fencing at the Edwin Land Parkway exit of Jerrabomberra Roundabout
 - ☐ Installation of a marked foot crossing (zebra crossing) at the pedestrian refuge on Collett Street
 - ☐ Installation of pedestrian refuge at intersection of Glebe Avenue and Cooma Street as per design plans
- LTC15/16 Under Road Transport ACT 2013 approve the installation of:
- ☐ Stop signs Ahead on High Street for both North and South Bound Traffic
 - ☐ Double Barrier Line on the bend of Hincksman Street
 - ☐ No Parking signs a the Intersections of Hincksman Street and High Street

7. INFORMATION ITEMS

6.1 Ellerton Drive Extension

011/16

RESOLVED (Overall)

The Administrator resolved that the report be received for information.

6.2 Strategic Planning Projects Status Report

012/16

RESOLVED (Overall)

The Administrator resolved that the report be received for information.

At this stage in the proceedings, the time being 6.27pm Mr Overall announced that the Agenda for the meeting had now been completed and declared the meeting closed.

MR TIM OVERALL
ADMINISTRATOR
CHAIRPERSON

ITEM 4 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 disclose any interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.

GENERAL MANAGER'S REPORTS

6.1 Development Application 64-2016 - For a Place of Public Worship (Mosque) - 183-185 Gilmore Road, Queanbeyan West (Ref: C1674836; Author: Thompson/Newman)

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

This application has been referred to Council because it involves three variations to requirements in a development control plan and the Director of Environment, Planning and Development has determined it is in the public interest to have the matter considered by Council.

Proposal:	Construction of a two storey building for use as a place of public worship (mosque).
Applicant/Owner:	Saarban Islamic Centre Pty Limited / Saarbani Islamic Centre Pty Limited
Subject Property:	Lot 233 and 234 DP 8456, No. 183 and 185 Gilmore Road, Queanbeyan West
Zoning and Permissibility:	IN1 – General Industrial under Queanbeyan Local Environmental Plan 2012. The proposed development is permitted in the zone with development consent.
Public Submissions:	Six
Issues Discussed:	Planning Requirements – <ul style="list-style-type: none">• Variations to Development Controls• Traffic Impacts
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

Recommendation

1. That approval be granted to a variation to Part 8.2.1 – Setbacks of Queanbeyan Development Control Plan 2012 to allow for the installation of three car parking spaces within the front setback area instead of the prescribed no car parking in this area for the following reasons:
 - (a) The car parking spaces are for the use of disabled persons and delivery vehicles. The site is constrained by its steep slope, meaning that the most practical location for these parking spaces is within the front setback adjacent to the building entries;
 - (b) The front setback is provided with sufficient amounts of soft landscaping to contribute to an attractive development and presentation to the street;
 - (c) The proposed development is considered to satisfy the objectives of the relevant control; and
 - (d) Council has permitted this variation for other new developments on Gilmore Road that are subject to similar constraints, particularly for disabled car parking spaces.

**6.1 Development Application 64-2016 - For a Place of Public Worship (Mosque) - 183-185 Gilmore Road, Queanbeyan West (Ref: C1674836; Author: Thompson/Newman)
(Continued)**

2. That approval be granted to a variation to Part 8.2.4 – Earthworks of Queanbeyan Development Control Plan 2012 to allow for cut of up to 3.8 metres and fill of up to 3.0 metres instead of the prescribed maximum of 2.0 metres for the following reasons:
 - (a) The site is constrained by its steep slope and requires substantial amounts of cut and fill to be able to construct a functional building, car parking area, and access to it;
 - (b) Areas of cut and fill not retained by the building will not be highly visible from the street and will not negatively impact on adjoining properties;
 - (c) The proposed development is considered to generally satisfy the objectives of the relevant control; and
 - (d) Council has permitted this variation for other new developments on Gilmore Road that are subject to similar constraints.
 3. That approval be granted to a variation to Part 8.2.6 – Fencing of Queanbeyan Development Control Plan 2012 to allow for front fencing 2.1 metres high to be located on the property boundary instead of the prescribed 1.8 metres high located behind the landscaped area for the following reasons:
 - (a) As advised by the NSW Police, some mosques around the country have been targeted for malicious damage, protests and other crimes. Therefore, it is not unreasonable for the site to be provided with this fencing in order to provide additional security;
 - (b) The NSW Police are supportive of the proposed fencing and security gates as being consistent with Crime Prevention Through Environmental Design principles;
 - (c) The front fencing materials are durable and of high quality, and will allow for passive surveillance of the site from the street;
 - (d) The front fencing is not considered to detract from the visual amenity of the streetscape; and
 - (e) The proposed development is considered to generally satisfy the objectives of the relevant control, specifically by improving the safety and security of the site.
 4. That development application 64-2016 for the construction of a two storey building for use as a place of public worship (mosque) on Lot 233 and 234 DP 8456, No.183 and 185 Gilmore Road, Queanbeyan West be granted conditional approval.
 5. That the persons who lodged a submission on the application be advised in writing of the determination of the application.
-

6.1 Development Application 64-2016 - For a Place of Public Worship (Mosque) - 183-185 Gilmore Road, Queanbeyan West (Ref: C1674836; Author: Thompson/Newman) (Continued)

Background

Proposed Development

The development application is for the construction of a two storey building for use as a place of public worship (mosque), including ancillary earthworks, car parking and landscaping.

Car parking for 24 vehicles and one delivery vehicle is provided on-site, predominantly within a basement level car parking area. Provision has also been made for some motorcycle and bicycle parking.

Subject Property and Locality

The subject site consists of two separate adjoining allotments and is located at the northern end of Gilmore Road, between Bayldon Road and Kendall Avenue North. The locality is an established industrial area (see Figure 1 below showing the subject site highlighted in red). The site has a total area of 1,486m², and slopes steeply from the street frontage to the rear of the property by approximately 8 metres (approximate grade of 16%). The site has also been subject to some earthwork activity in the past to create some level areas and currently contains an unapproved demountable building that is being used informally as a meeting place by some of the local Queanbeyan Muslim community.



Figure 1 – Subject Site

6.1 Development Application 64-2016 - For a Place of Public Worship (Mosque) - 183-185 Gilmore Road, Queanbeyan West (Ref: C1674836; Author: Thompson/Newman) (Continued)

Planning Requirements

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

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

1. State Environmental Planning Policy No 55 – Remediation of Land;
2. State Environmental Planning Policy – (Infrastructure (2007);
3. State Environmental Planning Policy No 64 – Advertising and Signage;
4. Queanbeyan Local Environmental Plan 2012 (LEP); and
5. Queanbeyan Development Control Plan 2012 (DCP).

The development generally satisfies the requirements and achieves the objectives of these planning instruments. The significant issue relating to the proposal for Council's consideration relates to car parking and compliance with the Queanbeyan Development Control Plan 2012. Specifically, the ability for the proposed on-site car parking to cater for the demand generated by the development and associated traffic impacts, and three proposed variations to development controls contained in Part 8 – Industrial Development.

(a) Compliance with LEP

The proposed development is consistent with the requirements of the Queanbeyan Local Environmental Plan 2012. For an assessment of the Queanbeyan Local Environmental Plan 2012 see the attached *Section 79C(1) Table – Matters for Consideration*.

(b) Compliance with DCP

The application has been assessed against the relevant parts of Queanbeyan Development Control Plan 2012. To view the detailed assessment of the DCP see the attached *Section 79C(1) Table – Matters for Consideration*. The main issue raised in the assessment relates to the ability for the proposed onsite car parking facilities to cater for the projected number of people using the building and the associated traffic impacts that are likely to result. This is discussed further together with some variations to the DCP.

Ability of On-Site Car Parking to Cater for Likely Demand / Traffic Impacts

On-Site Parking Requirements - The proposed development includes 24 on-site car parking spaces, mostly located within a basement and under-croft car parking area, one service and delivery vehicle car park, two motorcycle parks and provision for the storage of six bicycles. Two of the 24 spaces are disabled car parks.

The number of on-site vehicle parking spaces required is in accordance with the numerical requirements of the DCP. A place of public worship outside of the CBD requires whichever is the greater of 1 car parking space per 20m² of gross floor area (GFA), or 1 space per 10 seats. Given that a mosque does not traditionally contain seating within the main prayer hall the car parking calculation based on GFA is the most appropriate method to calculate car parking requirements.

6.1 Development Application 64-2016 - For a Place of Public Worship (Mosque) - 183-185 Gilmore Road, Queanbeyan West (Ref: C1674836; Author: Thompson/Newman) (Continued)

Using the definition of GFA contained in the LEP the proposed GFA of the building is 480m². This generates a requirement for 24 on-site car parking spaces, including two disabled car parks. One additional parking space is also required for a service and delivery vehicle.

Objectives for Car Parking

1. *Car parking is to be provided on-site which will cater for the increased demand brought about by the development of the site.*
2. *Adequate car parking for people with disabilities.*
3. *The provision of car parking which is functional, safe and attractive.*
4. *Functional loading and unloading facilities are provided to cater for the development of the site.*
5. *The construction of car parking areas, service areas and associated areas to be in accordance with good engineering practice.*

As outlined above, the proposed development does meet the numerical requirements for on-site car parking, and it is considered to generally satisfy the above objectives, however, there is some concern that the quantity of on-site parking provided may not be sufficient to cater at all times for the increased demand brought about by the development of the site.

Traffic and Car Parking Generation - The applicant advised in their Statement of Environmental Effects (SEE) that the proposed mosque will be utilised as follows.

The proposal seeks to use the premises primarily as a place of public worship during all days of the week. In addition to the regular prayers for men and women, there are also plans to hold social gatherings, and religious teaching for the Muslim Youth and Women residing in the Queanbeyan area at this proposed facility. These social and religious teaching activities will be held during the weekends or public holidays.

The proposal seeks to cater for a maximum of 200-220 people which is expected to be the maturity of the site and reached within 5 years.

In regards to regular prayer times and expected attendees the applicant's SEE states that it will only be for the weekly Friday prayer that a maximum of 200-220 people may attend the site, while numbers expected to attend initially are between 50-80 people. This gathering occurs for about one hour in the early afternoon, i.e., during business hours. The only other times it is anticipated by the applicant that this number of people may visit the site is for occasional social events, and annual / bi-annual prayer gatherings.

6.1 Development Application 64-2016 - For a Place of Public Worship (Mosque) - 183-185 Gilmore Road, Queanbeyan West (Ref: C1674836; Author: Thompson/Newman) (Continued)

Under *Sub-clause 2.2.3 – General Principles*, the DCP states that in determining the car parking requirements for a development proposal the following principles shall be followed:

- a) *The minimum standards as set out in this plan.*
- b) *The likely demand for on-site parking to be generated by the development.*
- c) *The availability of public transport in the vicinity to service the likely demands to be generated by the development.*
- d) *Traffic volumes on the surrounding street network, including, where relevant, likely future traffic volumes.*
- e) *The probable mode of transport of the users of the development.*
- f) *The likely peak usage times of the development.*
- g) *The provision of alternative private transport arrangements (e.g. courtesy buses to licensed premises at no charge to users).*

While acknowledging that the proposed development's on-site car parking numbers meet the numerical requirements based on the gross floor area of the building, this does not necessarily ensure that the quantity of on-site parking provided will be sufficient to cater at all times for the increased demand brought about by the development of the site, or that the traffic impacts of the development on the locality will be acceptable.

The potential for up to 220 people attending the site, (specifically every Friday during business hours is of some concern), as 24 on-site car parking spaces will clearly not be able to accommodate that number of people. Gilmore Road is a relatively narrow and congested road. During business hours the quantity of on-street car parking in the vicinity of the site is limited, and there are no public car parks in the locality.

With reference to the general principles for determining the car parking requirements for a development proposal under the DCP, the applicant was requested to give due consideration as to how traffic impacts from up to 220 people attending the site during business hours every Friday could be satisfactorily mitigated. The applicant's response is summarised below:

1. Attendee Numbers

Although the projected numbers of attendees have been set at 200-220 after 5 years, a realistic number of persons is up to 100. This is based on the location of the proposed mosque and also based on current figures at Friday prayer being held at Canberra Islamic Centre in Monash, ACT where the attendees are only between 50-70 in spite of the fact that the centre has been operational for the last 10 years.

The reference by the applicant to a projected number of attendees being up to 200-220 after 5 years appears to be based on the fact that the population of Queanbeyan's Muslim community is growing. The applicant quotes Census data for Queanbeyan showing that the number of people of the Islamic faith grew from 221 in 2006 to 451 in 2011. However, it is considered unlikely that every person of the Muslim faith residing in Queanbeyan would necessarily attend a local mosque if one was built, given that there are several existing mosques in the ACT which people may prefer to keep attending. Specifically in relation to the Friday prayer gathering, 2011 Census data states that 62.3% of Queanbeyan's working residents (or over 13,000 people) do not work in Queanbeyan. Therefore, it is considered likely that many of Queanbeyan's Muslim population would attend an ACT mosque for Friday prayer.

6.1 Development Application 64-2016 - For a Place of Public Worship (Mosque) - 183-185 Gilmore Road, Queanbeyan West (Ref: C1674836; Author: Thompson/Newman) (Continued)

2. *Public Transport Options*

We have investigated the surrounding areas and proposed methods of travel to the site and propose that there is access to public transport to the site via bus with access to the Queanbeyan interchange and several bus lines.

The applicant has identified two bus stops within walking distance from the site, and that the current QCity bus service stops at a bus stop on Gilmore Road approximately 1.1 kilometres from the site at regular times on a Friday afternoon.

3. *Car Pooling*

As the Friday prayer encourages the coming together as a congregation and a family, it is common practice (as is evident and common practice at other existing sites) that many people prefer to car pool to the site as an opportunity to socialise. Also as many families attend the congregation, they will arrive in the same car.

As many of the attendees are coming from work rather than from home, it is convenient to arrive to site together rather than individually as the prayer starts and finishes at the same time and only lasts for 50min – 60min and often they return to work after prayer.

4. *Walking and On-Street Car Parking*

From a religious point of view, the best commute to a Mosque is by walk, as it is encouraged to take as many steps as possible towards the Mosque for prayer as a good virtue. Therefore, this encourages people to take the option of the bus as it provides them with an opportunity to walk to the Mosque.

...many attendees who choose to drive to the site may look for alternate parking options rather than the onsite parking which is at a distance away from the site to increase their capability to walk within the timeframe so that they get an opportunity to walk and earn good virtues for their Friday prayer. This allows options for on street over flow parking in surrounding streets to be spread out and reduce point load congestion on Gilmore Road.

The following industrial roads in the surrounding area have been considered as they currently allow public on street parking:

- o Patterson Parade;*
- o Bedford Street;*
- o Kendall Avenue;*
- o Kealman Road;*
- o Bayldon Road;*
- o Bowen Place;*
- o Gregory Street; and*
- o Gilmore Road.*

6.1 Development Application 64-2016 - For a Place of Public Worship (Mosque) - 183-185 Gilmore Road, Queanbeyan West (Ref: C1674836; Author: Thompson/Newman) (Continued)

As noted above, there are many options for parking around the area without creating a choke point or congestion on Gilmore Road and does not create a single parking point in front of any specific business. Many of these roads are 'no through' roads which means that few vehicles choose these roads therefore there is usually plenty of street parking available with just 2 - 10 minutes walking access the site on Gilmore Road and as traffic is low in these streets, there is a low impact on traffic movements.

While there is on-street parking in the vicinity of the site, the applicant's statements about the likely numbers and availability of this type of car parking are disputed—particularly for periods during weekday business hours. Any casual observer of the locality during these times will note the large numbers of vehicles parking both on the street and on Council's verge.

The traffic problems that exist in the locality are an issue that is considered to be mainly a legacy of the ad-hoc development of this area in the first half of the twentieth century, resulting in narrow allotments; steep sites; and roads that are not always of sufficient width for an industrial area. It is important that the proposed use of the site will not unreasonably contribute to existing traffic issues in the locality.

Applicant's Conclusion

The applicant states that the quantity of on-site car parking, factoring in an occupancy rate of four persons per vehicle, will be able to accommodate 96 persons. When considered in combination with the on-site motor-cycle and bicycle parking areas, public transport, on-street parking, and walking options, the applicant concludes that the development will have minimal impacts on Gilmore Road and will be able to cater for up to 220 attendees if necessary.

Council's Development Engineer's Comments and Recommendation

Council's Development Engineer states that traffic impacts from infrequent large gatherings of people at the site can be satisfactorily mitigated through an event management process under the provisions of the *Roads Act 1993*. This would require an application to Council where parking, traffic management and access to the site would be managed with appropriate notifications and treatments in place.

Council's Development Engineer does not object to the proposed development subject to the imposition of a condition to restrict the numbers of people attending the site at any one time to a maximum of 96 before triggering a requirement for an event management application to be made to Council under the *Roads Act 1993*. This number of persons is the number deemed likely to be able to be accommodated within the on-site parking options, with also some allowance factored in for public transport, car pooling, walking and limited on-street parking options.

6.1 Development Application 64-2016 - For a Place of Public Worship (Mosque) - 183-185 Gilmore Road, Queanbeyan West (Ref: C1674836; Author: Thompson/Newman) (Continued)

Furthermore, the Development Engineer recommends that the condition also restrict the number of times per year that over 96 people can attend the site for an event, (requiring an event management approval), to a maximum of six occasions. This is because it is not appropriate to manage traffic in this manner on a regular basis.

If such a condition is imposed the Development Engineer is satisfied that the use of the site as a place of public worship will not unreasonably contribute to, or exacerbate existing traffic issues in the locality. In practical terms, the recommended condition would mean that the weekly Friday prayer congregation will be limited to a maximum of 96 attendees. Given the applicant's most recent statements about the likely number of attendees as being more realistically closer to 100 persons, this condition should be able to be complied with.

Should the congregation experience significant growth in the future such that more than 100 people wish to attend Friday prayer, the applicant will need to consider obtaining access to additional car parking facilities through the acquisition of an adjoining vacant block of land, or some other type of arrangement to access off-street car parking in the vicinity of the site. An application could then be made to Council to modify the condition.

Variations to the DCP

The application proposes three variations to the development controls contained within *Part 8 – Industrial Development* of the DCP. These variations have all been justified by the applicant and are supported by staff as outlined in the discussion below.

Variation 1 – Car Parking within the Front Setback

The prescribed building setback to the main street frontage is 7.5 metres with a minimum landscaped width of 7.5m and no vehicle parking spaces. The prescribed building setback to the side and rear boundaries is 0 metres.

The objectives of the controls are:

- a) *Provide adequate land for landscaping, parking and vehicle circulation;*
- b) *Provide flexibility in building location and design;*
- c) *Provide buffers to adjoining land uses to reduce adverse impacts on surrounding land; and*
- d) *To preserve residential amenity.*

The proposed building is setback from the main street frontage by 7.5 metres; from the rear boundary by 5.88 metres; from the southern side boundary by 4.98 metres; and from the northern side boundary by 3.8-5.0 metres. The side and rear setbacks are required to accommodate vehicle access to and from the car parking area, and a sewer main running along the rear boundary which cannot be built over.

The proposal includes three car parking spaces within the front setback area. Two spaces are for use by disabled persons, and one for service and delivery vehicles. This is a variation to the requirement that the front setback area be landscaped and contain no parking.

6.1 Development Application 64-2016 - For a Place of Public Worship (Mosque) - 183-185 Gilmore Road, Queanbeyan West (Ref: C1674836; Author: Thompson/Newman) (Continued)

The applicant has requested Council consider supporting this variation for the following reasons:

1. Due to the slope of the land the disabled car parking spaces are more appropriately located within the front setback to allow for easy access to the building;
2. Also due to the slope of the site, it is considered that the front setback area is the most suitable location for the delivery vehicle park; and
3. Several examples of other premises along the same side of Gilmore Road that have car parking within the front setback are provided.

The applicant's reasons are concurred with and the proposed variation is considered to be minor in nature and acceptable in this instance for the following reasons:

- a) The car parking spaces are for the use of disabled persons and delivery vehicles. The site is constrained by its steep slope, meaning that the most practical location for these parking spaces is within the front setback adjacent to the building entries;
- b) The front setback is provided with sufficient amounts of soft landscaping to contribute to an attractive development and presentation to the street;
- c) The proposed development is considered to satisfy the objectives of the controls; and
- d) Council has permitted this variation for other new developments on Gilmore Road that are subject to similar constraints, particularly for disabled car parking spaces.

Variation 2 – Earthworks (Cut and Fill)

The maximum permissible cut and fill to accommodate any building or associated structure is limited to 2 metres. However, the DCP states that Council will consider, in case of particularly undulating sites, a cut of up to 4 metres in depth where the abutting wall of the building serves the purpose of a retaining wall.

The objectives of the controls are:

- a) *Restrict and control excessive earthworks in order to preserve as much as is practicable the existing topography and amenity of the locality;*
- b) *Prevent siltation of materials and erosion of land; and*
- c) *Ensure building design is appropriate for site conditions.*

The subject site slopes down from the front boundary to the rear (east to west). To be able to construct a functional building and car parking area, the proposed development includes cut of up to 3.8 metres and fill of up to 3.0 metres. While a substantial amount of the cut and fill will be retained within the footprint of the proposed building, there will be a need to construct retaining walls along the rear and side boundaries to retain the cut and fill needed to facilitate the under-croft car parking area and internal driveway that surrounds the building. The proposed cut and fill above 2 metres that will be retained by retaining walls and not by a building wall is a variation.

6.1 Development Application 64-2016 - For a Place of Public Worship (Mosque) - 183-185 Gilmore Road, Queanbeyan West (Ref: C1674836; Author: Thompson/Newman) (Continued)

The applicant has requested Council consider supporting this variation for the following reasons:

1. The proposed use of the site requires greater amounts of on-site car parking to be provided than usual industrial type developments. In order to work with the slope of the site a basement car parking area is provided to meet the car parking requirements. Creating the car parking area necessitates the proposed amounts of cut and fill;
2. The cut and fill has been designed to complement the slope of the site, however, due to the required gradients of the internal driveway, the site was required to be raised in height using fill depths higher than the prescribed maximum;
3. Minimal impact to the property to the rear of the site is anticipated because the existing building is a considerable distance from the rear boundary and the proposed retaining wall will minimise storm water run-off to this property; and
4. The development meets the objectives of the control by tiering the proposed works as much as practicable, preventing erosion by the erection of retaining walls, and ensuring that the building design is appropriate for the site conditions.

The applicant's reasons are generally concurred with and the proposed variation is considered to be acceptable in this instance for the following reasons:

- a) The site is constrained by its steep slope and requires substantial amounts of cut and fill to be able to construct a functional building, car parking area, and access to it;
- b) Areas of cut and fill not retained by the building will not be highly visible from the street and will not negatively impact on adjoining properties, noting that adjoining properties are either vacant land or contain a building that is setback from the shared boundary;
- c) The proposed development is considered to generally satisfy the objectives of the controls; and
- d) Council has permitted this variation for other new developments on Gilmore Road that are subject to similar constraints.

Variation 3 – Front Fencing

This clause states that fencing should begin behind the landscaped area along the street frontage, not along the front boundary of allotments. It also states that the preferred type of fencing is a galvanised or PVC coated wire mesh, not less than 1.8m above ground level and anchored into concrete footing.

The objectives of the control are:

1. *Improve safety and security of the site;*
2. *Improve visual amenity; and*
3. *Enhance the streetscape.*

6.1 Development Application 64-2016 - For a Place of Public Worship (Mosque) - 183-185 Gilmore Road, Queanbeyan West (Ref: C1674836; Author: Thompson/Newman) (Continued)

The proposed boundary fencing consists of:

- A 2.1 metre high powder-coated metal rod fence and gates along the front boundary and returning along the side boundaries to the front building line; and
- A 1.8 metre high chainwire mesh fence with three rows of barbed wire along the side boundaries (behind the building line) and the rear boundary.

The proposed front boundary fencing is 300 millimetres higher than the maximum prescribed and is also located along the front boundary rather than being setback behind the landscaped area.

The applicant has requested Council consider supporting this variation for the following reasons:

1. The fencing has been proposed along the front boundary due to the disabled car parking spaces being located within the front setback;
2. The fence will not restrict or impede pedestrian movement along Council's verge; and
3. The front fence is consistent with the objectives of the control as the selected materials improve the visual amenity of the site and enhance the street appeal of the proposed building, and the height of 2.1 metres improves the safety and security of the site.

The applicant's reasons are generally concurred with and the proposed variation is considered to be acceptable in this instance for the following reasons:

- a) As advised by the NSW Police, some mosques around the country have been targeted for malicious damage, protests and other crimes. Therefore, it is not unreasonable for the site to be provided with the types of fencing proposed;
- b) The NSW Police are supportive of the proposed fencing and security gates as consistent with Crime Prevention Through Environmental Design principles;
- c) The front fencing materials are high quality and durable and will allow for passive surveillance of the site from the street;
- d) The front fencing is not considered to detract from the visual amenity of the streetscape; and
- e) The proposed development is considered to generally satisfy the objectives of the controls, specifically by improving the safety and security of the site.

(c) *Building Surveyor's Comments*

The application has been assessed by Council's Building Surveyor. An application for a construction certificate has not been submitted for this application proposal, but it appears likely to comply with the National Construction Code, Volume 1 and relevant standards. No objection is raised to the proposal subject to the imposition of appropriate conditions.

6.1 Development Application 64-2016 - For a Place of Public Worship (Mosque) - 183-185 Gilmore Road, Queanbeyan West (Ref: C1674836; Author: Thompson/Newman) (Continued)

(d) Development Engineer's Comments

The application has been assessed by Council's Development Engineer who made the following comments (in addition to the comments regarding on-site car parking previously discussed).

Water – A 25 mm service is available, a hydraulic consultant will be required to provide the required service size for the property taking into account the required flows for the operation of the amenities proposed and addressing any required fire flow requirements. Any upsize of the current service will be required at the applicant's expense.

Sewage – A sewer main running at the back of the lot provides a tie for connection. If this tie is not located in a suitable position any further tie will need to be constructed by the water authority at the applicant's expense.

The proposed development will be within the zone of influence of the sewer main. The applicant will be required to provide a design of piers to no less than 1.8 depth along the back of the building by a certified practicing structural engineer.

The applicant will be required as part of the consolidation of the lots to create a section 88B instrument on the title of the block to create a 3.0m wide easement in the favour of Council over the sewer main.

The kitchen within the proposed development has the ability to supply commercial quantities of food, therefore the applicant will be required to supply pre-treatment facilities on site to treat kitchen discharge and any putrescible discharge from the bin storage area and accordingly needs to lodge an application with the Council to establish a trade waste agreement.

Storm Water – The proposed on-site detention (OSD) for the provision of storm water disposal will be satisfactory. The applicant will be required to connect to Council storm water main in the lane easement adjacent the development site.

The applicant will be required to construct a pit over the 450mm concrete storm water main and run an extension of 225mm storm water into the proposed development site and terminate with a pit and provision of the OSD discharge pipe to connect to. The applicant will be required to provide a storm water design in accordance with Council's design and construction specifications.

Vehicle Access – Access to the underground car park is adequate. The old vehicle kerb crossing (VKC) is to be blocked off and a new access constructed at the applicant's expense to suit the designed access to the site.

6.1 Development Application 64-2016 - For a Place of Public Worship (Mosque) - 183-185 Gilmore Road, Queanbeyan West (Ref: C1674836; Author: Thompson/Newman) (Continued)

(e) *Environmental Health Comments*

The application has been assessed by Council's Environmental Health Officer. No objections have been raised subject to the imposition of recommended conditions.

(f) *NSW Police Comments*

The proposed development was referred to the NSW Police for comment in relation to Crime Prevention Through Environmental Design (CPTED) principles. The Police state that some mosques around the country have been targeted for malicious damage, protests and other crimes and that the development is a moderate crime risk.

The Police are supportive of the proposed safety and security measures incorporated into the development by the applicant. Several additional measures have been recommended to address the safety and security of the site as detailed in the attached *Section 79C(1) Table – Matters for Consideration*. These will be incorporated into the consent (if granted) as conditions or advisory notes.

(g) *Commonwealth Department of Defence Comments*

As the site is located within 2 kilometres of HMAS Harman and the proposed development includes the erection of a building over 8.5 metres in height, the LEP required the application to be referred to the Commonwealth Department of Defence for comment. The Department states that they have no objection to the proposed development nor have any additional comments to make.

Financial Implications

There will be no financial implications from the proposed development. Development Contributions are not required for this proposal.

Consultation

The proposal required notification under the Queanbeyan DCP 2012. Six submissions were received, including one from an anonymous submitter. Copies of the submissions are provided in Attachment 3. The issues raised can be broadly grouped into three categories:

1. Traffic and parking impacts;
2. Building Design;
3. Noise impacts; and
4. Public safety and security impacts from the use of the site as a mosque.

6.1 Development Application 64-2016 - For a Place of Public Worship (Mosque) - 183-185 Gilmore Road, Queanbeyan West (Ref: C1674836; Author: Thompson/Newman) (Continued)

Issue 1 – Traffic and Parking Impacts:

- a) *Insufficient car parking is provided. There will be times when the number of people attending the mosque will exceed the capacity of the on-site car parking, leading to parking on Gilmore Road.***

Comment - The quantity of on-site car parking provided is in accordance with Council's requirements for places of public worship. As discussed in detail in this Report, it is acknowledged that there may be certain times, or events, when the numbers of people attending the site will not be satisfactorily catered for within the on-site parking. It is considered that this can be satisfactorily mitigated by restricting the number of times that these events may occur to six per year, and further, that before these events can occur the applicant will be required to obtain from Council an event management approval under the *Roads Act 1993* where parking, traffic management and access to the site would be managed with appropriate notifications and treatments in place.

Further the application will be conditioned to restrict the number of worshippers using the facility to a maximum number under normal circumstances.

- b) *Traffic impacts on Gilmore Road and the locality, particularly during peak attendance times at the mosque. Gilmore Road is already heavily congested. The proposed development will exacerbate this by the frequency and amount of people driving on Gilmore Road to access the site.***

Comment - Refer to above comments and detailed discussion of car parking and traffic earlier in this Report. It is considered that with the imposition of recommended conditions the use of the site as a place of public worship will not unreasonably contribute to, or exacerbate existing traffic issues in the locality.

- c) *Gilmore Road should be widened before any further developments are approved.***

Comment - The current traffic issues within the locality are acknowledged. Gilmore Road is narrower than what would be required under today's engineering standards for an industrial subdivision. Gilmore Road is also subject to high traffic volumes and on-street car parking. However, it is not considered reasonable or justifiable to refuse development applications until this road is widened. If Council wishes to pursue potential solutions to the traffic issues in the locality this should be done as part of a comprehensive traffic study.

6.1 Development Application 64-2016 - For a Place of Public Worship (Mosque) - 183-185 Gilmore Road, Queanbeyan West (Ref: C1674836; Author: Thompson/Newman) (Continued)

Issue 2 – Building Design:

- a) *The design of the building discriminates against women due to them having to use a different building entry and prayer area to men. This is against anti-discrimination laws.***

Comment - Section 37 – Religious bodies, of the Commonwealth Sex Discrimination Act 1984 exempts from the provisions of the Act practices of religious groups that conform to the doctrines, tenets or beliefs of that religion.

- b) *The proposed security measures are intimidating.***

Comment - The proposed security measures for the building include: secure high fencing around the perimeter of the site with the internal vehicle access driveway entrances being secured with electronic controlled gates; external lighting of the building and car parking area to be controlled by sensor lights and timers where required; and installation of a back-to-base alarm system and an internal and external CCTV system. These measures are supported by the NSW Police and are not considered to be overtly intimidating. The front fencing is open in style and will allow for views from the street to the building and the soft landscaped area in front of it.

- c) *Design of the building is out of character with the existing buildings in the Gilmore Road area, particularly the steel pointed and barbed wire security fencing.***

Comment - Refer to comments above. The character of the existing buildings is mixed and not considered to be of particularly high architectural value. Nonetheless, the proposed building design is considered to be satisfactory. The street facing façade contains satisfactory amounts of articulation through the use of contrasting colours, suspended awnings and columns.

Issue 3 – Noise Impacts:

- a) *The locality contains residences, not just industrial development. Concerns raised about possible noise impacts on these residences.***

Comment - The application does not propose any external speakers, sirens or music. The applicant states that all congregation will occur within the mosque hall during prayer time and any music will be played within the hall. Council's Environmental Health Officer has assessed the potential noise impacts and has recommended the imposition of a standard condition restricting the amount of noise that can be generated from the site to 5dB(A) above background level when measured for a 15 minute period during the day, evening or night.

- b) *Noise impacts from vehicle movements, "call to prayer" and the use of the development by so many people.***

Comment: Refer to comments above.

6.1 Development Application 64-2016 - For a Place of Public Worship (Mosque) - 183-185 Gilmore Road, Queanbeyan West (Ref: C1674836; Author: Thompson/Newman) (Continued)

Issue 4 – Public Safety and Security Impacts from the Use of the Site as a Mosque:

- a) *Public security concerns from the proposed development site being located nearby the Harman Naval Base and the flight paths of Canberra Airport and Fairbairn airstrip. The Navy and the Canberra Airport should be consulted before the proposal is approved.***

Comment - The use of the site for a place of public worship is a legally permitted land use under the *Environmental Planning and Assessment Act 1979* (as amended) and does not require any special referrals to defence or civil aviation authorities in relation to perceived security issues. The application was required under Council's Local Environmental Plan to be referred to the Commonwealth Department of Defence because of the height of the proposed building and its proximity to HMAS Harman meaning that it could potentially interfere with the operations of the naval base. The Department of Defence have no objections to the development.

- b) *General concerns about threats to public safety and security from the development due to it being used as a mosque, and the nature of the proposal means that it should be notified to every residence in Queanbeyan.***

Comment - Refer to comments above. The proposed development was publicly notified in accordance with Council's notification policy, including newspaper advertisements in The Queanbeyan Age and The Chronicle.

- c) *Concerned about the cultural and demographic impacts. Mosques already exist in Canberra that can be utilised by the local Muslim community.***

Comment - Cultural and demographic changes within the community are not a relevant consideration under the *Environmental Planning and Assessment Act 1979* (as amended). Queanbeyan is home to a growing number of Muslim residents. As for any other religious faith in Australia, members of the Muslim community in Queanbeyan can reasonably expect to be able to congregate in a place of public worship in order to practice their faith.

- d) *Concerned about impacts from ritual slaughter of animals.***

Comment: The application does not propose any animal slaughter.

Compliance or Policy Implications

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act, Regulations and Council's policies. Refer to *Section 79C(1) Table – Matters for Consideration*.

6.1 Development Application 64-2016 - For a Place of Public Worship (Mosque) - 183-185 Gilmore Road, Queanbeyan West (Ref: C1674836; Author: Thompson/Newman) (Continued)

Conclusion

The submitted proposal for the construction of a two storey building for use as a place of public worship (mosque) on Lot 233 and 234 DP 8456, No. 183 and 185 Gilmore Road, Queanbeyan West is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers, advertised in local newspapers and six submissions were received. The issues raised in the submissions can either be satisfactorily addressed by the imposition of recommended conditions, or are not relevant considerations under the *Environmental Planning & Assessment Act 1979*.

The proposal has been assessed under Section 79C *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Queanbeyan Local Environmental Plan 2012* and *Queanbeyan Development Control Plan 2012*. The development generally satisfies the requirements and achieves the objectives of these instruments.

The main issues relate to three variations to development controls and the ability of the proposed on-site car parking to cater for likely demand from the development.

Variation is sought to three development controls relating to earthworks, the location of three car parks, and front fencing. The variations are considered to be justified and acceptable in this instance as discussed in detail in this Report.

The ability of the proposed on-site car parking to cater for likely demand from the development, and potential traffic impacts from the development have been assessed as being satisfactory providing that a condition recommended by Council's Development Engineer is imposed. This condition will restrict the number of people that can attend the site at any one time to a maximum of 96 before triggering a requirement for an event management application to be made to Council under the *Roads Act 1993*. The condition will also restrict the amount of times per year that over 96 people can attend the site for an event, (requiring an event management approval), to a maximum of six occasions. If such a condition is imposed Council staff are satisfied that the use of the site as a place of public worship will not unreasonably contribute to any existing traffic issues in the locality.

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

Attachments

- | | |
|--------------|---|
| Attachment 1 | Council Meeting - 8 June 2016 - DA 64-2016 - Place of Public Worship (Mosque) - Section 79C Table (<i>Under Separate Cover</i>) |
| Attachment 2 | Council Meeting - 8 June 2016 - DA 64-2016 - Place of Public Worship (Mosque) - Plans (<i>Under Separate Cover</i>) - CONFIDENTIAL |
| Attachment 3 | Council Meeting - 8 June 2016 - DA 64-2016 - Place of Public Worship (Mosque) - Submissions (<i>Under Separate Cover</i>) - CONFIDENTIAL |
| Attachment 4 | Council Meeting - 8 June 2016 - DA 64-2016 - Place of Public Worship (Mosque) - Draft Conditions (<i>Under Separate Cover</i>) |

GENERAL MANAGER'S REPORTS

6.2 Development Applications 67-2015 - Request for Variation to Advertising Signage Standard - Temporary Vehicle Sales Premises - 88 Macquoid Street, Queanbeyan East (Ref: C1668747; Author: Thompson/Templeman)

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 Local Environment Plan. Such variations should be determined by Council.

Proposal:	Temporary Vehicle Sales Premises and Signage
Applicant/Owner:	Foskett Architects/ Mr A Webber
Subject Property:	Lot 1 DP 815925, No. 88 Macquoid Street, Queanbeyan East NSW 2620
Zoning and Permissibility:	B4 – Mixed Use under Queanbeyan Local Environmental Plan 2012 Vehicle Sales Premises and associated Signage are permissible with consent in the B4 – Mixed Use zone.
Public Submissions:	Nil
Issues Discussed:	Variation to Section 21(1)(b)(i) of <i>State Environmental Planning Policy No. 64 – Advertising and Signage</i> .
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

Recommendation

1. That pursuant to Clause 4.6 of the *Queanbeyan Local Environment Plan 2012*, approval be granted to a variation to Section 21(1)(b)(i) of *State Environmental Planning Policy No.64 – Advertising and Signage (SEPP 64)* to allow roof signs to be installed above the highest point of the approved demountable buildings for the following reasons:
 - a) The proposed signs are considered to be consistent with the objectives of SEPP 64 and the objectives of the B4-Mixed Use Zone.
 - b) The proposed signs are appropriately located on the site, are consistent with the established character of the locality and are considered to contribute positively to the site and streetscape.
 - c) The proposed signs are temporary in nature and are proposed to be conditioned to limit the time that they may be displayed and are therefore unlikely to result in any ongoing long term impact.
 - d) The total height of the temporary buildings including the proposed signs is 3m from ground level. It is noted that the rear of the subject site is approximately 500-800mm lower than ground level at Macquoid Street, thereby further reducing the visual impact of the proposed signs.
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6.2 Development Applications 67-2015 - Request for Variation to Advertising Signage Standard - Temporary Vehicle Sales Premises - 88 Macquoid Street, Queanbeyan East (Ref: C1668747; Author: Thompson/Templeman) (Continued)

- e) Due to the nature of the buildings on which the signs are proposed to be placed it would not be possible to locate a sign of suitable size that would comply with the standard. The only reasonable alternative would be a freestanding sign which is considered to be an undesirable option for the site. As the signs are attached to the buildings and the buildings are temporary, the signs will in time be removed from the site with the buildings.
 - f) It is considered that in the context of the site and locality that the proposed roof signs are appropriate and that compliance with the development standard would be unreasonable and unnecessary in this particular instance.
2. That the signage component of Development Application 67-2016 for a Temporary Vehicle Sales Premises and Signage on Lot 1 DP 815925, No. 88 Macquoid Street be granted approval subject to the following additional condition of consent:
- EXPIRATION OF ADVERTISING SIGNS**
Consent for the advertising signs expires 2 years after the date of consent.
REASON: To ensure compliance with Clause 14 of State Environmental Planning Policy 64 – Advertising and Signage. (72.03)
3. That the Department of Planning & Environment be forwarded a copy of Council's Notice of Determination.
-

Background

Proposed Development

DA 67-2016 for a temporary vehicle sales premises and signage was lodged on 1 March 2016. The application involves use of the site at 88 Macquoid Street as a temporary Vehicle Sales Premises including some site works to seal an unsealed portion of the site, installation of two temporary demountable buildings and three roof signs located on top of the demountable buildings.

In order to allow the applicant to proceed with the development, consent was granted to the use of the site and installation of the demountable buildings on 5 May 2016. However, the signage element of the application did not meet the requirements of *State Environmental Planning Policy No.64 – Advertising and Signage* and was excluded from the approval until such time as a more detailed justification for the signage and subsequent assessment could take place. A request for variation to the relevant control in accordance with Clause 4.6 of the *Queanbeyan Local Environmental Plan 2012* has now been submitted.

6.2 Development Applications 67-2015 - Request for Variation to Advertising Signage Standard - Temporary Vehicle Sales Premises - 88 Macquoid Street, Queanbeyan East (Ref: C1668747; Author: Thompson/Templeman) (Continued)

Subject Property

The subject site is an irregular shaped allotment on the corner of Bungendore Road and Ellerton Drive known as 88 Macquoid Street, with Macquoid Street to the rear of the site. An application for demolition of all structures on the site and remediation of contamination from an old waste oil tank was approved as DA 408-2014. The site is currently vacant. Characteristics of the immediate locality include:

- Mix of uses including service station, hotel, residential flat building, commercial premises and educational establishment.
- Established street trees to the northern side of Bungendore Road with fewer established trees on the southern side of the road.
- Buttles Creek to the north east of the site



Figure 1 - Subject site

6.2 Development Applications 67-2015 - Request for Variation to Advertising Signage Standard - Temporary Vehicle Sales Premises - 88 Macquoid Street, Queanbeyan East (Ref: C1668747; Author: Thompson/Templeman) (Continued)

Planning Requirements

This report deals specifically with the proposed roof signs which were excluded from the initial approval. The proposed roof signs are assessed under the provisions of *State Environmental Planning Policy No. 64 – Advertising and Signage*.

The undetermined part of this application involves the erection of three signs above the eave line of the approved demountable buildings as demonstrated in the image below. The proposed signs are defined as 'Roof or Sky Advertisements'

'roof or sky advertisement' means an advertisement that is displayed on, or erected on or above, the parapet or eaves of a building.'

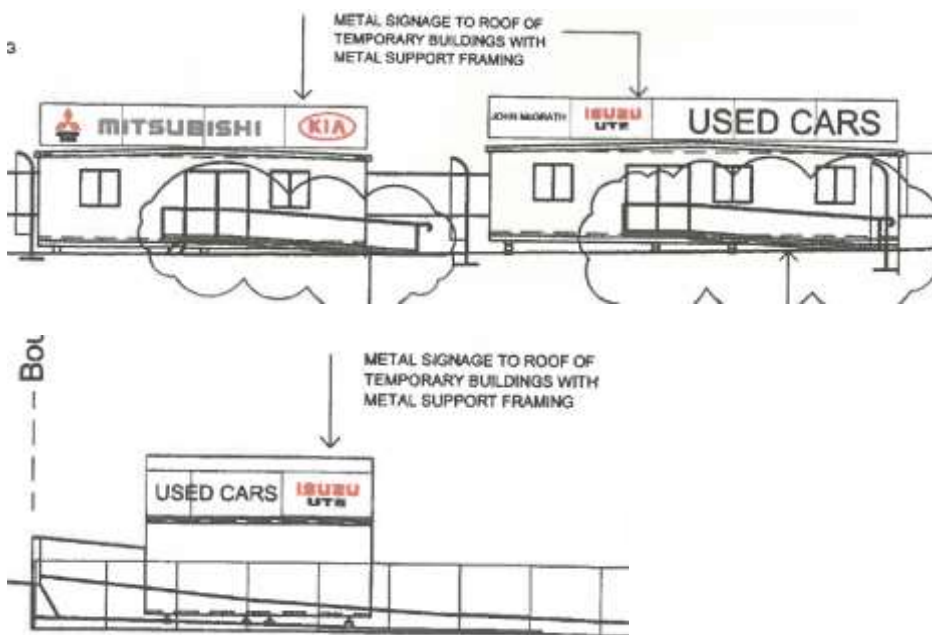


Figure 2 - Proposed signage.

6.2 Development Applications 67-2015 - Request for Variation to Advertising Signage Standard - Temporary Vehicle Sales Premises - 88 Macquoid Street, Queanbeyan East (Ref: C1668747; Author: Thompson/Templeman) (Continued)

(a) Compliance with SEPP 64 – Advertising and Signage

Division 3, Section 21 of the SEPP contains specific controls relevant to roof advertisements as follows:

State Environmental Planning Policy No 64—Advertising and Signage

21 Roof or sky advertisements

(1) The consent authority may grant consent to a roof or sky advertisement only if:

(a) the consent authority is satisfied:

- (i) that the advertisement replaces one or more existing roof or sky advertisements and that the advertisement improves the visual amenity of the locality in which it is displayed, or*
- (ii) that the advertisement improves the finish and appearance of the building and the streetscape, and*

Comment - The proposed signs do not replace any current signs on the subject site. The subject site is currently vacant, therefore it is considered that the proposed signs will contribute to the visual amenity of the subject site and locality. The proposed signs and the buildings to which they are proposed to be attached are temporary in nature. The proposed signs are considered to contribute positively to the appearance of the temporary buildings.

(b) the advertisement:

- (i) is no higher than the highest point of any part of the building that is above the building parapet (including that part of the building (if any) that houses any plant but excluding flag poles, aerials, masts and the like), and*
- (ii) is no wider than any such part, and*

Comment - A variation to control (i) is proposed. The proposed signs extend above the highest point of the approved temporary buildings. The proposed variation is discussed in detail later in this report. The width of the proposed signs does not exceed the width of the temporary buildings.

(c) a development control plan is in force that has been prepared on the basis of an advertising design analysis for the relevant area or precinct and the display of the advertisement is consistent with the development control plan.

Comment - The *Queanbeyan Development Control Plan 2012* refers to the SEPP for assessment of signage. There is currently no Development Control Plan in force which provides a specific advertising design analysis for the subject site or its locality.

6.2 Development Applications 67-2015 - Request for Variation to Advertising Signage Standard - Temporary Vehicle Sales Premises - 88 Macquoid Street, Queanbeyan East (Ref: C1668747; Author: Thompson/Templeman) (Continued)

(2) *A consent granted under this clause ceases to be in force:*

- (a) *on the expiration of 10 years after the date on which the consent becomes effective and operates in accordance with section 83 of the Act, or*
- (b) *if a lesser period is specified by the consent authority, on the expiration of the lesser period.*

Comment - It is recommended that a lesser period than 10 years be applied to the proposed signs. The use of the site has been limited to a maximum 2 years from the date of operational consent. It is recommended that the proposed signs be similarly limited to 2 years, consistent with the approved use.

(3) *The consent authority may specify a period of less than 10 years only if:*

- (a) *before the commencement of this Part, the consent authority had adopted a policy of granting consents in relation to applications to display advertisements for a lesser period and the duration of the consent specified by the consent authority is consistent with that policy, or*
- (b) *the area is undergoing change in accordance with an environmental planning instrument that aims to change the nature and character of development and, in the opinion of the consent authority, the proposed roof or sky advertisement would be inconsistent with that change.*

Comment - The subject site is located within the B4 – Mixed Use zone. The site itself has recently been cleared of buildings and is subject to ongoing remediation works. There is potential that the site could be used for a more sensitive use in the future subject to the outcome of remediation works. The immediate locality around the subject site is similarly zoned with a number of nearby allotments being considered for redevelopment for new uses including the site at 2 High Street directly opposite the subject site. Whilst the proposed roof signage may not be entirely inconsistent with the existing and emerging character of the locality, it is considered appropriate to limit the time for the signs in order to be consistent with the temporary nature of the approved use on the subject site.

Proposed Variation

A variation is proposed to section 21(1)(b)(i) of *State Environmental Planning Policy No.64 – Advertising and Signage* as described in the assessment above. The proposed variation concerns the height of the proposed roof signs which exceed the maximum height of the buildings on which they are proposed to be erected.

SEPP 64 does not contain a variation mechanism specific to the SEPP. Clause 4.6 of the *Queanbeyan Local Environmental Plan 2012* contains provision for the consent authority to consider variations to development standards contained within the LEP or ‘*any other environmental planning instrument*’ other than standards which are specifically excluded within the clause. The proposed variation is considered to be able to be assessed in accordance with an application for variation under Clause 4.6 of the LEP as the standard is contained within an Environmental Planning Instrument and is not a standard specifically excluded under the clause.

6.2 Development Applications 67-2015 - Request for Variation to Advertising Signage Standard - Temporary Vehicle Sales Premises - 88 Macquoid Street, Queanbeyan East (Ref: C1668747; Author: Thompson/Templeman) (Continued)

An assessment of the proposed variation against the provisions of Clause 4.6 of the LEP is provided below:

4.6 Exceptions to development standards

(1) *The objectives of this clause are as follows:*

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Comment - The proposed variation is considered to be consistent with the above objectives. The proposed variation is considered to represent an appropriate degree of flexibility in regards to the development standard concerned and will result in a suitable outcome for the subject site.

(2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

Comment - The development standard concerned is located within *State Environmental Planning Policy No.64 – Advertising and Signage* which is an Environmental Planning Instrument and therefore able to be considered under this clause. The standard involved is not expressly excluded under the operation of the clause.

(3) *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.*

Comment - The applicant has submitted a formal request for variation of the standard providing the following justification:

- The objective of SEPP No.64 "Roof and sky advertisements" is to prevent the construction of signs above roof level that would dominate the skyline. The proposed signs will not be seen above the skyline from any direction.*
- The proposed signs are to be mounted on temporary (transportable) buildings and will be located a maximum 3m above ground level.*
- The transportable buildings and signage are to be located at the rear of the site and will therefore have limited visual impact to the main street frontage on Bungendore Road.*
- Signage is essential to our client's business and considering the temporary occupation of the site we would suggest that location of the signage on the transportable buildings at the rear of the site has the least environmental impact.*

6.2 Development Applications 67-2015 - Request for Variation to Advertising Signage Standard - Temporary Vehicle Sales Premises - 88 Macquoid Street, Queanbeyan East (Ref: C1668747; Author: Thompson/Templeman) (Continued)

(4) *Development consent must not be granted for 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), and*
- (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, and*

Comment - It is considered that the applicant's written request has suitably addressed the main heads of consideration.

The objectives of SEPP 64 are as follows:

(1) *This Policy aims:*

- (a) *to ensure that signage (including advertising):*
 - (i) *is compatible with the desired amenity and visual character of an area, and*
 - (ii) *provides effective communication in suitable locations, and*
 - (iii) *is of high quality design and finish, and*
- (b) *to regulate signage (but not content) under Part 4 of the Act, and*
- (c) *to provide time-limited consents for the display of certain advertisements, and*
- (d) *to regulate the display of advertisements in transport corridors, and*
- (e) *to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*

It is considered that the proposed signs are generally consistent with the above objectives. The signs are considered to be compatible with the established and desired character of the locality and are of a reasonable design quality. The signs are proposed to be conditioned to ensure that the length of time they are displayed is consistent with the approved use of the subject site.

The subject site is located within the B4 Mixed use zone. The objectives of the zone are as follows:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

The proposed development is considered to be consistent with the above objectives. The proposed signs are compatible with the approved use and surrounding land uses.

6.2 Development Applications 67-2015 - Request for Variation to Advertising Signage Standard - Temporary Vehicle Sales Premises - 88 Macquoid Street, Queanbeyan East (Ref: C1668747; Author: Thompson/Templeman) (Continued)

In addition to the applicant's justification, the proposed signs are considered to be acceptable for the following reasons:

- The proposed signs are considered to be consistent with the objectives of the SEPP and the objectives of the B4-Mixed Use Zone.
- The proposed signs are appropriately located on the site, are consistent with the established character of the locality and are considered to contribute positively to the site and streetscape.
- The proposed signs are temporary in nature and are proposed to be conditioned to limit the time that they may be displayed and are therefore unlikely to result in any ongoing long term impact.
- The total height of the temporary buildings including the proposed signs is 3m from ground level. It is noted that the rear of the subject site is approximately 500-800mm lower than ground level at MacQuoid Street, thereby further reducing the visual impact of the proposed signs.
- Due to the nature of the buildings on which the signs are proposed to be placed it would not be possible to locate a sign of suitable size that would comply with the standard. The only reasonable alternative would be a freestanding sign which is considered to be an undesirable option for the site. As the signs are attached to the buildings and the buildings are temporary, the signs will in time be removed from the site with the buildings.
- It is considered that in the context of the site and locality that the proposed roof signs are appropriate and that compliance with the development standard would be unreasonable and unnecessary.

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

Comment - This matter falls within the assumed concurrence granted to council as notified under Planning Circular PS 08-003 issued on 9 May 2008 and Circular B1 issued on 17 March 1989.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Note. When this Plan was made, it did not include Zone RU1 Primary Production, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots or Zone RU6 Transition.

Comment - The subject site is not located within any of the abovementioned zones.

6.2 Development Applications 67-2015 - Request for Variation to Advertising Signage Standard - Temporary Vehicle Sales Premises - 88 Macquoid Street, Queanbeyan East (Ref: C1668747; Author: Thompson/Templeman) (Continued)

- (7) *After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*

Comment - A record of the assessment will be kept in accordance with the above requirement.

- (8) *This clause does not allow development consent to be granted for development that would contravene any of the following:*

- (a) a development standard for complying development,*
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
- (c) clause 5.4,*
- (ca) clause 6.1 or 6.2.*

Comment - The request for variation does not seek to vary any of the abovementioned standards.

(b) Compliance with LEP

The proposed development satisfies the relevant provisions of the LEP. The development is permitted with consent in the B4 – Mixed use zone. **(c) Compliance with DCP**

The proposed development satisfies the relevant provisions of the DCP.

Conclusion

The signage component of DA 67-2015 for Lot 1 DP 815925, No. 88 Macquoid Street was not included in the consent granted for the temporary vehicle sales yard. This report considers the request for variation to the development standard contained in Section 21(1)(b)(i) of *State Environmental Planning Policy No.64 – Advertising and Signage* as it relates to the roof signage. The variation pursuant to clause 4.6 of the QLEP is supported by the applicant's Statement of Environmental Effects and written request for variation.

The proposed variation is considered to be acceptable in this case and given the context of the site and locality. It is recommended that the signage be approved subject to conditions.

Attachments

Nil

GENERAL MANAGER'S REPORTS

6.3 Development Application - DA.2016.058 - Bungendore Park, 6-14 Butmaroo Street, Bungendore - Outdoor Gym (Ref: C1678516; Author: Wright/Murdoch)

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

This application has been referred to Council because Council has a direct interest (Owner of Land).

Proposal:	Outdoor Gym
Applicant:	Palerang Financial Services
Owner:	Queanbeyan-Palerang Regional Council
Subject Property:	Lot 701 DP 1027107, Bungendore Park, 6-14 Butmaroo Street, Bungendore
Zoning and Permissibility:	RE1 - Public Recreation under Palerang Local Environmental Plan 2014. The proposed development is permitted in the zone with development consent.
Public Submissions:	Nil
Issues Discussed:	Planning Requirements, Bungendore Park Master Plan
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

Recommendation

That Council as the consent authority, pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979*, grant consent for Development Application DA.2016.058 for the construction of an Outdoor Gym on Lot 701 DP 1027107, Bungendore Park, 6-14 Butmaroo Street, Bungendore subject to the conditions in Attachment 4.

Background***Proposed Development***

The development application is for the construction of an Outdoor Gym. The Outdoor Gym is proposed to be located in two areas 30m apart on the north western side of Mick Sherd Oval. Area 1 is located between the Tennis Courts and Swimming Pool and area 2 is located between the existing Tennis Courts and amenity block.

The Outdoor Gym will consist of; two red soft fall areas approximately 5.5m x 7m in size. The areas will include a mixture of fitness equipment.

6.3 Development Application - DA.2016.058 - Bungendore Park, 6-14 Butmaroo Street, Bungendore - Outdoor Gym (Ref: C1678516; Author: Wright/Murdoch) (Continued)

An Outdoor Gym was approved in concept as part of the Bungendore Park Master Plan, adopted by Council on 6 March 2014 (Resolution 41/2014). The 'Seniors Outdoor Gym' was originally proposed in the south western corner of the site on the eastern side of the sealed carpark. The indicative location of the 'Seniors Outdoor Gym' is directly under an existing tree line. The Outdoor Gym has been relocated to avoid any identified future uses and developments and within close proximity to the indicative location for the 'Challenging Playspace'.

The Outdoor Gym will be inspected monthly by Council for safety and will be independently audited annually.

Subject Property

The subject land (Bungendore Park) Lot 701 DP 1027107 has an area of 4.09 ha and is located at 6-14 Butmaroo Street, Bungendore. The development site is flat and contains landscaped vegetation. The site is owned by Queanbeyan-Palerang Regional Council and is currently used for active and passive recreation as the Bungendore Park. Surrounding development is of a varying nature including residential development to the west, Council Offices to the east and Bungendore Public School to the south.



Location Plan

6.3 Development Application - DA.2016.058 - Bungendore Park, 6-14 Butmaroo Street, Bungendore - Outdoor Gym (Ref: C1678516; Author: Wright/Murdoch) (Continued)

Planning Requirements

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

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

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

The development satisfies the requirements and achieves the objectives of these planning instruments. There are no significant issues relating to the proposal.

Section 79C(1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts of the locality;

Context and Setting

The nature of the development associated with the submitted design and location of the structure on the site demonstrates the proposal's ability to maintain the existing character of the area. The development is surrounded by a mix of uses, including the Council offices and Bungendore Public School, and the development does not adversely impact on these uses. Given the setbacks from the street and the low impact design of the proposal it is considered suitable for the site having regard to context and setting.

Access and Traffic

The proposal is located in the existing Bungendore Park, and is accessible by the existing footpath network. The proposal will not lead to an increase in traffic.

Provision of Services and Infrastructure

The development does not require any utilities, and will utilise the existing infrastructure within the park.

Section 79C(1)(c) the suitability of the site for the development;

The development application satisfies the relevant provisions within the *Palerang Local Environmental Plan* and *Palerang Development Control Plan 2015*, and is likely to have minimal impacts on the surrounding area. It is considered that the development is suitable for the site.

Section 79C(1)(e) the public interest

The development subject to the attached conditions of consent is considered to benefit the public interest by providing a community facility, and by adding to the existing Bungendore Park.

6.3 Development Application - DA.2016.058 - Bungendore Park, 6-14 Butmaroo Street, Bungendore - Outdoor Gym (Ref: C1678516; Author: Wright/Murdoch) (Continued)

Other Comments*Heritage Advisor's Comments*

The application was referred to Council's Heritage Advisor, who did not object to the proposal.

Financial Implications

There will be no significant financial implications from the proposed development. The proposal will be constructed and installed by the Palerang Financial Services. The Outdoor Gym will be inspected monthly by Council and will be independently audited annually as part of the current playground inspection program. There will be some costs associated with these inspections and audits.

Development Contributions are not required for this proposal.

Consultation

The application was notified to adjoining owners from 7 April 2016 to 21 April 2016 in accordance with the provisions of the *Palerang Development Control Plan 2015*.

Owners of 24 adjoining properties were notified of the proposal.

No submissions were received.

Compliance or Policy Implications

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act, Regulations and Council's policies. Refer to *Section 79C(1) Table – Matters for Consideration*.

Conclusion

The development application for the construction of an Outdoor Gym on Lot 701 DP 1027107, 6-14 Butmaroo Street (Bungendore Park) Bungendore, is consistent with the relevant provisions within the *Palerang Local Environmental Plan 2014*, *Palerang Development Control Plan 2015*, and the matters within section 79C of the *Environmental Planning & Assessment Act 1979*. As a result consent is recommended subject to the attached schedule of conditions of consent.

Attachments

Attachment 1	Attachment 1 DA.2016.058 - 79C Matters for consideration (<i>Under Separate Cover</i>)
Attachment 2	Attachment 2 DA.2016.058 - Bungendore Park - Plans (<i>Under Separate Cover</i>)
Attachment 3	Attachment 3 DA.2016.058 - Bungendore Park Master Plan (<i>Under Separate Cover</i>)
Attachment 4	Attachment 4 DA.2016.058 - Schedule of conditions (<i>Under Separate Cover</i>)

GENERAL MANAGER'S REPORTS

6.4 Development Application - DA.2015.270 - 888 Monga Lane, Reidsdale - Dwelling House (Ref: C1678737; Author: Wright/Wright)

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

One of the applicants and land owners is a staff member

Proposal:	New dwelling house
Applicant/Owner:	Billy Joel Halligan & Louise Elizabeth Halligan
Subject Property:	Lot 1 DP 1187272, 888 Monga Lane, Reidsdale
Zoning and Permissibility:	Zone RU1 Primary Production under Palerang Local Environmental Plan 2014. Permissible with consent.
Public Submissions:	Nil.
Issues Discussed:	Planning Requirements
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made.

Recommendation

That Council as the consent authority, pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979*, grant consent for Development Application DA.2015.270 for a New Dwelling subject to the conditions in Attachment 2.

Background

Because one of the applicants is a member of Council staff, the application has been assessed by a consultant town planner, Dabyne Planning Pty Ltd. Dabyne's report is Attachment 1 to this report.

Conclusion

The consultant town planner has recommended approval subject to conditions.

Attachments

Attachment 1	Attachment 1 DA 2015 270 - Consultant's report (<i>Under Separate Cover</i>)
Attachment 2	Attachment 2 DA 2015 270 - Conditions of consent (<i>Under Separate Cover</i>)
Attachment 3	Attachment 3 DA.2015.270 - Site Plan (<i>Under Separate Cover</i>)

GENERAL MANAGER'S REPORTS

6.5 Road Naming - Bungendore - DA.2015.039 (Ref: C1678750; Author: Wright/McManus)

Summary

The applicant Mr Conrad Pengilley has lodged a request for the naming of one new road that will be created by the approved subdivision. The applicant has submitted one name for consideration. In accordance with Council's Code of Practice for the Naming of Roads and the Geographical Names Boards guidelines for the naming of roads the request is referred to Council for resolution.

Recommendation**That Council:**

- 1. Adopt in principle the name 'Chinnery Close' as the proposed name for the new road created within the subject subdivision subject to concurrence from the Geographical Names Board;**
 - 2. Advertise the name for public comment for 30 days.**
 - 3. Publish a notice in the NSW Government Gazette if no objections are received.**
 - 4. Include on the street sign a commemoration to the individual's contribution to World War 1.**
-

Background

The applicant has requested naming the new road 'Chinnery Close' which is to be created as part of the subdivision of Lot 19 Sec 12 DP 976608. The subject road as shown in Attachment 1, Road B will run east west off Majara Street and Road A will be an extension of Majara Street.

It proposed to name Road B 'Chinnery Close' after Private T P J B (Thomas Patrick John Brennan "Bren") Chinnery a World War 1 soldier that is commemorated on the Bungendore Memorial Roll of Honour.

The name Chinnery references local history and comprises an unambiguous word that is easy to spell and pronounce and is therefore recommended.



Policy

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

The proposed name will be exhibited for 30 days for public comment.

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

The name chosen is a unique and interesting name appropriate to local history of the area concerned. It incorporates the use of a local historical name in accordance with Council's Code of Practice for the Naming of Roads and the Geographical Names Board guidelines for the naming of roads.

6.5 Road Naming - Bungendore - DA.2015.039 (Ref: C1678750; Author: Wright/McManus) (Continued)

Attachments

- | | |
|--------------|---|
| Attachment 1 | Attachment_1_site_plan - 1 page (<i>Under Separate Cover</i>) |
| Attachment 2 | Attachment_2_email_Conrad_Pengilley - 1 page (<i>Under Separate Cover</i>) |
| Attachment 3 | Attachment_3_excerpt_from_BWMC_road_naming_project - 1 page (<i>Under Separate Cover</i>) |

GENERAL MANAGER'S REPORTS

6.6 Former Queanbeyan Investment Report - April 2016 (Ref: C1671093; Author: Taylor/Drayton)

Summary

This report is based on the Investment activities of the former Queanbeyan City Council up the month of April 2016 prior to the amalgamation proclamation.

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

This report presents the investment result for April 2016.

Recommendation**That Council:**

- 1. Note the investment income of the former Queanbeyan City Council for April 2016 is \$266,800 bringing the total interest earned on Cash and Cash Equivalent Investments for the 2015/16 Financial Year to \$2,534,034 which is \$685,382 above the year to date budget;**
 - 2. Note the investments have been made in accordance with the Local Government Act 1993, the Local Government General Regulations, and Council's investment policy;**
 - 3. Adopt the Investment Report for the month of April 2016.**
-

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

The April 2016 monthly result of \$266,800 brought the total interest earned on Cash and Cash Equivalent Investments for the 2015/16 Financial Year to \$2,534,034 which is \$685,382 above the year to date budget.

The principal investment amount as at 30 April 2016 was \$91,611,099.

Council's investment portfolio's annualised monthly return of +3.55% (net actual) in April 2016 outperformed the AusBond Bank Bill Index return of +2.45%.

Refer to Attachment 1 for the following supporting information:

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

6.6 Former Queanbeyan Investment Report - April 2016 (Ref: C1671093; Author: Taylor/Drayton) (Continued)

Market Update

The average 30 day BBSW rate for April 2016 was 2.07%.

The Reserve Bank of Australia (RBA) somewhat surprised the market by cutting the official cash rate to a record low of 1.75% in its May 2016 board meeting. The RBA has repeatedly suggested that given the outlook for low inflation over the next two years, it would give them enough “scope” to cut again if required. Q1’s shock CPI figure (core inflation growing at an annual rate of 1.5%) seemed to be the catalyst to act accordingly despite the performance of employment and growth over recent quarters.

The RBA continued to show its growing discomfort with the value of the Australian dollar. May’s rate decision partly highlights the global currency wars as the economy rebalances itself away from the resources sector, as “an appreciating exchange rate could complicate this”.

Currently, money markets are pricing in another 25bp rate cut by October 2016, and the slight possibility of another one next year. (*Source: CPG Research and Advisory*)

Implications***Policy***

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

Shane Taylor
Finance Manager (Acting)

Financial

Investment income for the 2015/16 Financial Year as at 30 April 2016 amounts to \$2,534,034. This return was \$685,382 above the year to date budget; an increase in the budget surplus from the previous month by \$78,602 where Council was \$606,780 above the year to date budget. Refer to Attachment 1 - Graph 1 and Table 5.

Attachments

Attachment 1 Investment Report - April 2016 - Attachment 1 - 25 May 2016 (*Under Separate Cover*)

GENERAL MANAGER'S REPORTS

6.7 Former Palerang Quarterly Budget Review Statements - March 2016 (Ref: C1677667; Author: Abigail/Abigail)

Summary

The Quarterly Budget Review Statements (QBRs) for the period ending 31 March 2016 for the former Palerang Council are attached to this Business Paper and are presented as a review of the 2015/16 Operational Plan and Delivery Plan (Attachment 1).

Recommendation**That Council**

1. **adopt the Quarterly Budget Review Statements for the period ending 31 March 2016;**
 2. **that in accordance with clauses 203 and 211 of the Local Government (General) Regulations 2005, the revised estimates of income and expenditure for 2015/16 as shown in the report and attachments be approved and that Council's revised adopted budget be adjusted accordingly and that the expenditure and income variations projected in the report be, and are hereby voted, and**
 3. **receive the report on the Review of the 2015/16 Delivery Plan; a component of the Community Strategic Plan.**
-

Background

Council is required to review the Operational Plan in accordance with the Local Government Act and the Local Government Regulations at the conclusion of the quarters ending 30 September, 31 December and 31 March each financial year. The attached Quarterly Budget Review Statements and activity reports are presented for the quarter ending 31 March 2016.

Quarterly Budget Review Statements

The Quarterly Budget Review Statements (QBRs) have been prepared in the format that reflects the adopted Operational and Delivery Plans and the legislative requirements of Clause 203 (1) of the Local Government (General) Regulations 2005. The QBRs consists of a number of financial statements that forecast the revised financial position based upon the actual income and expenditure at the end of the third quarter against the programs established in the Operational and Delivery Plans adopted prior to the commencement of the financial year.

The Budget review is presented by Fund with explanations of the variations where there is a material movement greater than +/- 10% between the approved budget and the projected year end result. Further, it presents the results against the key financial performance indicators for the operational liquidity, fiscal responsibility and the financial sustainability established in Council's Long Term Financial Plan.

6.7 Former Palerang Quarterly Budget Review Statements - March 2016 (Ref: C1677667; Author: Abigail/Abigail) (Continued)

Delivery Plan

The Delivery Plan document details the performance against the targets established in the Community Strategic Plan incorporated into the four years Delivery Plan. The performance or progress is measured against the seven key target categories or focus areas of the Plan. Each of the focus areas are predicated by the March QBRs Financial Statements for that focus area followed by the progress report. Further explanation of the format and detail is provided in the attached Review documents.

Financial Summary

The detail of the budget variations is provided against each of the funds within the QBRs and is not repeated in this report.

Budget Cash Result

Sound financial management and financial sustainability would dictate that Council should be achieving an operating surplus every financial year, including the costs of the non-cash expenses of depreciation; which is the provision for the renewal for non-current assets. Council's original cash budget for 2015/16 was a balanced budget and the March Quarter results in a small surplus position after transfers to and from reserves.

Implications***Legal***

As discussed above.

Policy

As discussed above and in the Quarterly Budget Review Statements.

Asset

As discussed in the Quarterly Budget Review Statements.

Economic

As discussed in the Quarterly Budget Review Statements.

Strategic

As discussed in the Quarterly Budget Review Statements.

Financial

As discussed in the Quarterly Budget Review Statements.

Resources (including staff)

As discussed in the Quarterly Budget Review Statements.

Integrated Plan

As discussed in the Quarterly Budget Review Statements.

Attachments

Attachment 1 QBRs_March 2016 - Former Palerang (*Under Separate Cover*)

GENERAL MANAGER'S REPORTS

6.8 Former Queanbeyan Quarterly Budget Review Statement for the Quarter Ending 31st March 2016 (Ref: C1670747; Author: Taylor/Marmont)

Summary

This report presents the former Queanbeyan City Council March 2016 Quarterly Budget Review Statement (QBRs) for the information of Council and the community.

This Quarterly Budget Review Statement has been prepared in consultation with all Divisions within the former Queanbeyan City Council. It is submitted for consideration by Council.

Recommendation**That Council:**

- 1. Adopt the March 2016 Quarter Budget Review Statement and variations as outlined in Attachment 1 – Appendix B – Budget Review Statement by Program.**
 - 2. Note the predicted surplus of \$43K.**
-

Background

In accordance with clause 203 of the Local Government (General) Regulation 2005, the Responsible Accounting Officer must prepare and submit a quarterly budget review statement to the Council for the purposes of reviewing budget performance against the adopted operational plan and to also consider any necessary budget variations.

The Office of Local Government has developed a set of reporting requirements for the Quarterly Budget Reviews that all Councils must comply with. The reporting requirements, known as the Quarterly Budget Review Statement (QBRs) facilitates progress reporting against the original and revised budgets at the end of each quarter.

The overall funded result has moved from a surplus position of \$50K from the December Quarterly budget review to a surplus of \$43K for the March Quarterly budget review.

The complete financial performance details and implications on Council's financial position are contained within the attached QBRs.

Implications***Legal***

The QBRs complies with clause 203 of the Local Government (General) Regulations 2005 and the Local Government Code of Accounting Practice and Financial Reporting Guidelines.

Consultation

The Quarterly reviews are included in the Council meeting business paper for public information.

6.8 Former Queanbeyan Quarterly Budget Review Statement for the Quarter Ending 31st March 2016 (Ref: C1670747; Author: Taylor/Marmont) (Continued)

Conclusion

It is proposed to implement budget amendments totalling \$7K as outlined in the attachment, resulting in a surplus budget of \$43K, once endorsed by Council.

Attachments

Attachment 1 Quarterly Budget Review Statement for Quarter Ending 31st March 2016
(*Under Separate Cover*)

GENERAL MANAGER'S REPORTS

6.9 Localised Natural Disaster Relief Policy 2016 (Ref: C1677689; Author: Wright/Wright)

Summary

A draft policy providing assistance to community members within the former Palerang local government area who are adversely affected by events which are localised to the extent that they do not qualify for a natural disaster declaration by the State or Commonwealth governments was exhibited from 4 May 2016 until 16 May 2016.

Recommendation

That Council adopt the draft Localised Natural Disaster Relief Policy 2016 as amended (Attachment 1 to this report).

Background

At its extraordinary meeting of 25 February 2016 Council resolved (**Palerang 32/2016**) to 'develop a policy in relation to the treatment of Council rates and fees associated with the rebuilding in areas affected by natural disaster'.

A draft policy was considered by Council at its meeting of 28 April 2016. The draft policy was intended to provide support to the Palerang community after localised natural disasters and significant storm events that are not of sufficient magnitude as to be subject to a natural disaster declaration by the State or Commonwealth governments, and to provide a framework to guide the provision of consistent funding administration and assessment processes across Council.

Council resolved to exhibit the draft policy for a period of 14 days and to consider any submissions received at the Strategy and Policy Committee meeting that was scheduled for 19 May 2016. The relatively short exhibition period was due to the need to have the policy in place so that requests resulting from the significant storm event in Forbes Creek in January 2016 could be considered.

The exhibited draft policy has been reformatted in accordance with the QPRC Policy template, but its effect is unchanged from the exhibited version except for the amendment of the waste fee waiver as discussed above. The policy will only apply to the former Palerang local government area as it is not considered desirable to delay the adoption of the policy while its application to the whole of Queanbeyan-Palerang Regional Council is reviewed. This will be the subject of a future report to Council and may result in the public exhibition of a revised policy.

Implications***Policy***

A new policy that is to be read in conjunction with the following existing Council policies:

- Palerang Code of Conduct
- Palerang Donations Policy

6.9 Localised Natural Disaster Relief Policy 2016 (Ref: C1677689; Author: Wright/Wright) (Continued)

- Pricing policies for Waste, Water and Sewerage services

Environmental

May provide environmental benefits by assisting rapid clean-up of debris and waste following a disaster event.

Social / Cultural

The policy provides assistance to help the community recover after a localised natural disaster or significant storm event.

Consultation

The draft policy was exhibited from 4 May 2016 until 16 May 2016. Two submissions were received (Attachment 2).

Both submissions express support for the policy and recommend its adoption. One submission suggests that the policy does not go far enough, but expresses a strong preference for the policy to be adopted now so that residents affected by the Forbes Creek storm can obtain assistance without delay.

The other submission suggests that the waiving of waste transfer/tip fees should be for a longer period (2-3 months) because 'the slowness of insurance companies has meant that it has taken until very recently for some of the clean up to be permitted to take place'. This is considered a reasonable request and the draft policy has been amended to allow a two month period.

Financial

Council's fees and charges are intended as far as possible to cover the costs of providing the relevant service. In some cases the fees able to be charged are limited by legislation and may not be sufficient to cover the actual cost of providing the service. This is the case with application fees for development applications.

The revenue from fees and charges is incorporated into Council's budget and any reduction or waiving of fees will reduce Council's income and may result in a diversion of funding from another budget area with a consequent reduction of services.

The waiving of application fees constitutes a donation and will require a transfer of funds from the donations vote.

The policy allows the deferral of rate payments for up to 12 months without interest being charged. Council will therefore forgo the amount of interest that would otherwise be paid.

6.9 Localised Natural Disaster Relief Policy 2016 (Ref: C1677689; Author: Wright/Wright) (Continued)

Conclusion

The draft Localised Natural Disaster Relief Policy 2016 will provide support for community members affected by significant storms and other localised disasters. Its adoption is recommended.

Attachments

- | | |
|--------------|---|
| Attachment 1 | Natural Disaster Relief - Draft Policy Attachment 1 (<i>Under Separate Cover</i>) |
| Attachment 2 | Natural Disaster Relief - Submissions (<i>Under Separate Cover</i>) |

GENERAL MANAGER'S REPORTS

6.10 Code of Meeting Practice and Public Forum (Ref: C1678766; Author: Spyve/Spyve)

Summary

The Proclamation of 12 May 2016 establishing the Queanbeyan-Palerang Regional Council requires the council to utilise the former Palerang Council Code of Meeting Practice until such time as it chooses to amend it under the provisions of the Act. An examination of this Code has found that certain provisions are inconsistent with the sections of the Local Government Act 1993 and the Local Government Regulation 2005. This situation potentially places the Administrator in an unlawful position in respect running the new Council's meetings. The Council at its 19 May 2016 Extraordinary Meeting resolved to undertake a review of the code. One of the requirements of this review is to ensure on-going public input to the Council's decision-making process. This report details the review of the Code as well as the proposal to introduce a Public Forum prior to the commencement of Council meetings to allow for questions from the public.

Recommendation**That Council**

- 1. Note that the draft Code of Meeting Practice has been placed on public exhibition for public comment in line with the resolution of the Extraordinary Meeting of 19 May 2016.**
 - 2. Adopt the Public Forum Policy to allow for the creation of a Public Forum prior to the commencement of Council meetings to allow for questions from the community.**
 - 3. Agree that the Public Forum become operative as of the 22 June meeting.**
-

Background

The Proclamation of 12 May requires the Queanbeyan-Palerang Regional Council to use the Code of Meeting Practice of the former Palerang Council until such time as it decides to review it in line with the provisions of the Act. A Council's Code of Meeting Practice are made up of three components consisting of:

- Provisions set out in the Local Government Act 1993
- Provisions set out in the Local Government Regulation 2005, and
- Elements of custom and practice pertaining to the Council

The legislation and Office of Local Government meeting practice guideline make it clear that if Councils introduce elements of 'custom and practice' into their code then they must ensure these are consistent with the provisions of the Act and Regulation. This review provides an opportunity to update the Palerang code. In particular the practice of allowing questions without notice and making statements of a general nature which do not pertain to the business as set out in the Agenda of the meeting creates a legislative grey area.

Allowing the continuance of these practices places the Administrator as the Chair of Council meetings in a tenuous position. It is the duty of the Chair to ensure that the council only deals with lawful matters during its meetings. Failure to do this could place the Chair in breach of the Act and as such open the Chair to complaints and possible disciplinary action.

**6.10 Code of Meeting Practice and Public Forum (Ref: C1678766; Author: Spyve/Spyve)
(Continued)**

At the Extraordinary Meeting of 2016 the Administrator stated that it is his intention to ensure that there is some form of public input to the Council's meetings. He noted that although the legislation does not provide for any form of public input that the Office of Local Government via its *Meetings Practice Note No16* advises that it would be good practice to provide for some level of public input. Accordingly, he said he strongly agreed with this approach and requested that a review of the Code be commenced whilst at the same time examining ways that the Council could accommodate community input to its meetings. A resolution was passed at the 19 May meeting recommending the commencement of the Code review. Accordingly, a draft Code of Meeting Practice has been produced and has now been placed on public exhibition seeking community input.

The draft Code is proposing to make a number of amendments to the existing Code consisting of:

The proposed changes are:

1. Item 5.5 (p.9) where a note is added that the location of Council meetings may change depending on the particular location pertaining to issues on the Agenda.
2. Item 29.2 (p.18) where a clause has been added where a councillor should stand when addressing the meeting. In the existing code it says councillors should remain seated when speaking. This requirement seems a bit more formal, but it may resolve the issue of who has the right to speak next and allows the chair to easily determine who has the floor.
3. Part 58 and 59 (p.32) – changed references to the 'press' to now read the 'media'. The term 'press' is an antiquated term for referring to newspapers. 'Media' is the more relevant term nowadays.
4. Part 64 (p.35) have changed this section to make it more compliant with the Act and Regulation where reference to questions is removed and replaced with 'presentations' and noted that presentations will take place as set out in the Order of Business as per Schedule 2. In this section detail has been set out how presenters may register to speak and added in a new section detailing how the address must relate to the business before the meeting and the right for the chairperson to order the speaker to comply with this requirement
5. Part 68 (pp37- 38) amended the section relating to the recording of meetings by adding in a clause noting the recordings are only to be kept for three months before being destroyed. Also that the recordings are available for listening to on written request and that copies of the recording will not be made for use by members of the public. The former Palerang Council has traditionally supplied copies of the recording to the media. This is certainly not standard practice across the sector and therefore needs to be addressed in the draft.
6. Part 70 (p38-39) Added in additional clauses relating to the use of the Council Seal. As the Code has a section dealing with the use of the Seal it would be appropriate setting out clearly the circumstances in which the Seal should be used and how the seal is to be applied to documents.
7. Part 71 (p.39) Changed the Information Sessions to 'Workshops' and related this to a new Schedule 3 which sets out the Protocol for how Council workshops should operate
8. Schedule 2 (p.40) - Order of Business – changed Item 8 to read 'Presentations from the gallery relating to listed items on the agenda'. As the Council is proposing to introduce a Public Forum concept prior to the commencement of council meetings, the public forum will allow members of the public to submit questions to council which will be answered outside of the parameters of the Code of Meeting Practice and will be governed by a Public Forums Policy. This will allow for the continuance of questions outside of the parameters of the Code of Meeting Practice thereby not being inconsistent with the legislative requirements for the running of council meetings.

**6.10 Code of Meeting Practice and Public Forum (Ref: C1678766; Author: Spyve/Spyve)
(Continued)**

9. Addition of a new Schedule 3 which sets out the Protocols for the operation of Council Workshops.

The Administrator has stated that he is very keen to cater for questions. Therefore another mechanism needed to be examined which would allow this to occur and in turn still ensure the Council's meeting practice remains compliant with the provisions of the Act and Regulation. One way to cater for this is to take the Questions process out of the Meeting process and deal with this as a separate matter prior to the commencement of meetings. The former Queanbeyan City Council did this by hosting a Public Forum prior to each meeting. The Public forum was governed by a policy which sets out how members of the public can submit questions on any matter pertaining to the business of the council. These questions were answered and then posted on the council website so that the wider community could view these if they so wished. It is proposed that a Public Forum be created for the Queanbeyan-Palerang Council. This will allow any member of the public to continue asking questions on matters pertaining to Council's activities whilst ensuring that the Council complies with the requirements of the Act and Regulation in respect of meeting practice.

A copy of the draft Public Forum Policy is attached for information.

Implications***Legal***

Some of the custom and practice provisions of the current Code of Meeting Practice are inconsistent with the provisions of the Local Government Act and Regulation. In order to address this inconsistency the Council has resolved to place a revised code on public exhibition as required by the Act. In the meantime, the Chair of Council meetings is technically in breach of the Act if these current custom and practice provisions are allowed to continue. It is advised that the provisions relating to questions without notice be suspended in the interim until the revised Code is adopted but that Item 8 of the Order of Business continue, but only allow presentations on items on the agenda. The Department of Premier & Cabinet's advice should be sought to clarify this situation.

The adoption of the Public Forum Policy as set out in this report will allow for the public to ask questions of a general nature of Council outside of the meeting process. This will allow for the continuation of the custom of being able to ask questions, which was allowed by both former councils, but at the same time ensure the Council is complying with the requirements of the Act and Regulation in respect of how it runs its meetings. If the policy is adopted tonight, the Council can have the forum in place for its 22 June meeting.

Policy

A Public Forum Policy has been developed for adoption by Council.

Consultation

The draft Code of Meeting Practice has been placed on public exhibition seeking submissions for a subsequent report back to Council.

**6.10 Code of Meeting Practice and Public Forum (Ref: C1678766; Author: Spyve/Spyve)
(Continued)**

Financial

This matter has no budget impact

Conclusion

The review of the Code of Meeting Practice will ensure that the elements of custom and practice are consistent with the provisions of both the Local Government Act 1993 and the Local Government Regulation 2005. The draft Code is now out on public exhibition seeking comment on its proposed amendments.

The introduction of a public forum to allow members of the public to ask questions of a general nature will allow for the continuation of the custom of both of the former councils. The Public Forum will operate outside of the parameters of the Code of Meeting Practice thereby ensuring that the Council's meeting practice is consistent with the provisions as set out in the legislation. Also the Public Forum will allow for members of the community to continue to ask questions and that all answers to questions are published on the web so that the wider community can have access to this information.

Attachments

Attachment 1 Public Forum Policy (*Under Separate Cover*)

GENERAL MANAGER'S REPORTS

6.11 Council Committees and Delegates to External Bodies /Committees (Ref: C1675635; Author: Thompson/Thompson)

Summary

Each year Council nominates a number of councillors and staff to attend and represent Council a various internal and external committees. Following the proclamation of the Queanbeyan-Palerang Regional Council on 12 May 2016 all previously appointed councillor representatives ceased on that date. To ensure the continued orderly operation of the new local government entity representation on committees needs to be determined as soon as possible. This report deals with a review of committees and representation on them.

This report does not deal with the makeup of either the proposed Local Representation Committee (LRC) or the Implementation Advisory Committee (IAG). These committees will be considered as part of a future, separate report.

Recommendation

- 1. That the Administrator or his delegate be Council's representative on all those committees so indicated in Attachment 1 to this Report.**
 - 2. That the General Manager or his delegate be Council's representative on all those committees so indicated in Attachment 1 to this Report.**
 - 3. That all community or organisational representatives previously nominated to represent the community or their organisation on any committee mentioned in Attachment 1 continue to act in that role until September 2017.**
-

Background

Both the former Queanbeyan and Palerang councils had a wide variety of internal, external and statutory committees to which representatives were appointed by Council. This report reviews the need for various committees and makes recommendations on their continued operation and the representatives on them.

In the report below recommendations for Council representation refer to the Administrator or his delegate. It is expected that where the Administrator nominates a delegate that person will be drawn from one of the representatives on the LRC or IAG and that the nomination will be at the Administrator's discretion.

Committees of the Whole

The following committees were previously attended by all councillors from the relevant former councils and are often referred to as committees of the whole.

- Finance and Audit Committee (Palerang)
- Strategy and Policy Committee (Palerang)
- Planning and Development Review Committee (Queanbeyan)

6.11 Council Committees and Delegates to External Bodies /Committees (Ref: C1675635; Author: Thompson/Thompson) (Continued)

The role of the Council has now been transferred to the Administrator. Any matters which were previously considered by a committee of the whole will now be considered by the Administrator. Therefore matters which would normally be referred to committees of the whole can now be dealt with by the Administrator at an ordinary Council meeting. The previous committees of the whole can be dissolved.

Statutory Committees

These committees are characterised by being a requirement of some form of legislative or approval instrument.

The following statutory committees require important community input and as such should have representation by the Administrator or his delegate.

- Dargues Reef Community Consultative Committee
- Jupiter Wind Farm Community Consultative Committee
- Old Cooma Road Holcim Quarry Consultative Committee
- Lake George and Local Government Bush Fire Liaison Committee
- Lake George Bushfire Management Committee

The following statutory committees only require staff representation and as such it is recommended that the General Manager or his delegate be appointed to the committee:

- Integrated Water Cycle Management Project Group
- Lake George Emergency Management Committee
- Local Traffic Committee
- Workplace Consultative Committee
- Workplace Health and Safety Committee

Regional Committees

Regional committees are generally formed to represent common interests in the south eastern and ACT region. Due to their regional nature it was common to have representatives from both the former Queanbeyan and Palerang council on these committees. Only one representative will now attend these meetings.

The following regional committees are considered to require important community input and as such Council should be represented by the Administrator or his delegate.

- Canberra Region Joint Organisation of Council's (CBRJO)
- Community Safety Precinct Committee – Monaro Area Local Command
- South East Australia Transport Strategy (SEATS)

6.11 Council Committees and Delegates to External Bodies /Committees (Ref: C1675635; Author: Thompson/Thompson) (Continued)

The following regional committees are considered to be of a technical nature and as such it is appropriate that Council's representative be the General Manager or his delegate:

- ACT-NSW Cross Border Illegal Dumping Steering Committee
- Canberra Airport Community Aviation Consultation Group
- Interim ACT and Region Catchment Management Co-ordination Group
- South East Weight of Loads Group
- Southern Tablelands and South Coast Regional Noxious Plants Committee
- Southern Tablelands Arts Board
- Upper Murrumbidgee Catchment Management Committee

Section 355 Committees

These committees play an important role in ensuring the effective use of community facilities and ensuring opportunities for community feedback on local issues.

The following s355 committees deal with community input and as such it is recommended that the Administrator or his delegate represent Council:

- Araluen Area S355 Committee
- Bungendore Town Centre and Environs s355 Committee
- Captains Flat Area s355 Committee
- Heritage Advisory Committee (Former Palerang Area)

The following s355 committees are of a more operational nature and as such it is recommended that the Council be represented by the General Manager or his delegate:

- Braidwood Floodplain Risk Management Committee
- Braidwood Gymnasium s355 Committee
- Braidwood Historic Cemetery s355 Committee
- Braidwood National Theatre Community Centre s355 Committee
- Braidwood Recreation Ground s.355 Committee
- Braidwood Saleyards s355 Committee
- Braidwood Showground Reserve Trust s355 Committee
- Bungendore Floodplain Risk Management Committee
- Bungendore School Hall Management s355 Committee
- Bungendore School of Arts Management s355 Committee
- Bungendore War Memorial s355 Committee
- Burra and Cargill Park Management s355 Committee
- Canning Close Reserve s355 Committee
- Captains Flat Floodplain Risk Management Committee
- Carwoola/Stoney Creek Hall and Reserves s355 Committee

6.11 Council Committees and Delegates to External Bodies /Committees (Ref: C1675635; Author: Thompson/Thompson) (Continued)

- Fernleigh Park Hall s355 Committee
- Greenways Management s355 Committee
- Hoskinstown Community Hall s355 Committee
- Les Reardon Reserve Facility Management s355 Committee
- Mick Sherd Oval Canteen Facility s355 Committee
- Palerang Business Advisory Board
- Royalla Common s355 Committee
- Wamboin Hall Management s355 Committee

In addition it is recommended that all existing community members appointed to s355 committees continue on in their role until the new Council reviews the matter following the September 2017 elections.

During the review the following s355 committees were deemed to no longer be necessary for the reasons stated and should be disbanded:

- Climate Change s355 Committee – No longer an operational committee
- Nerriga Sports Ground Reserve s355 Committee – This is a Crown reserve. It is recommended that management be returned to the Crown for consolidation with other nearby Crown reserves. The Crown can then determine how it wishes to manage the Trust for these lands.

Organisational Committees

These are committees which were set up by the previous councils to typically assist with the management or consideration of a specific issue or function which the Council was concerned with.

The following organisational committees deal with community input and as such it is recommended that the Administrator or his delegate represent Council:

- Audit Committee
- Australia Day Community Awards Committee
- General Manager's Performance Review Committee
- Heritage Advisory Committee (Queanbeyan)
- Queanbeyan Sports Council
- Queanbeyan Sister City Committee
- Queanbeyan Sporting Gallery Committee
- Rural Land Study Committee

6.11 Council Committees and Delegates to External Bodies /Committees (Ref: C1675635; Author: Thompson/Thompson) (Continued)

The following organisational committees are of a more technical or operational nature and as such it is recommended that the Council be represented by the General Manager or his delegate:

- Australia Day Organising Committee
- Consultative Committee on Aboriginal Issues
- Cultural Development and Public Arts Advisory Committee
- Dangerous Dog Panel
- Queanbeyan Environment and Sustainability Advisory Committee
- Queanbeyan Showground Advisory Committee
- Risk Management Committee
- The Q Advisory Board

As with the s355 committees it is recommended that any existing community representatives on any of the organisational committees continue in their role until the new Council reviews the committee structure after the September 2017 election.

The following organisational committees were previously in place but following the merger have become redundant:

- Queanbeyan Palerang Library Service
- Working Party (Local Government Reform)
- Rates Advisory Committee – This Committee will complete its charter and carry out its final meeting before the end of June 2016. For the last meeting the Interim General Manager or his delegate will chair the meeting before providing a final report to Council.

External Committees

The following community based organisations have in the past sought Council involvement in their deliberations. There is no requirement for Council to be directly involved with these organisations:

- Abbeyfield Bungendore Committee
- Braidwood & Villages Tourism Inc
- Queanbeyan Landcare
- Palerang Transport Working Group

For the period of the interim Council it is recommended that these organisations be informed that no representative from Council will be attending their meetings.

Conclusion

Council's committee structure is an important mechanism to ensure strategic, policy and management aspects of its operations continue to operate in an effective manner. To ensure effective liaison between the Council and the community or the external organisations on which Council is represented it is important that Council representation on these committees be confirmed as soon as possible.

**6.11 Council Committees and Delegates to External Bodies /Committees (Ref: C1675635;
Author: Thompson/Thompson) (Continued)**

Attachments

- Attachment 1 Council Meeting - 8 June 2016 - Summary of Committee and Delegates (*Under Separate Cover*)
- Attachment 2 Council Meeting - 8 June 2016 - Overview of Queanbeyan-Palerang Regional Council Committees - June 2016 (*Under Separate Cover*)

GENERAL MANAGER'S REPORTS

6.12 Expression of Interest - Local Representation Committee (Ref: C1678672; Author: Spyve/Spyve)

Summary

The establishment of the Queanbeyan-Palerang Regional Council by the NSW Government brought together the former Queanbeyan City and Palerang councils. To assist with the establishment of the new Council a Local Representation Committee will be created. The role of the committee will be to provide advice to the Administrator on local views and issues to assist with the establishment of the new council. The Council is seeking expressions of interest from people who have a commitment to making this new council a success and want to see the delivery of quality services and facilities to the region's population. Former councillors and community members are being encouraged to apply

Recommendation

That Council receive and note this report.

Background

The establishment of the Queanbeyan-Palerang Regional Council by the NSW Government brought together the former Queanbeyan City and Palerang councils. To assist with the establishment of the new Council the Government is advising the creation of a number of committees to assist with this process. One of these is the creation of a Local Representation Committee (LRC).

The purpose of the LRC is to provide advice to the Administrator on local views and issues.

The committee is an advisory body only. This includes:

- Providing input to the development of the Operational Plans 2016-17 and 2017-18
- Advising on the communication and engagement plan for the community
- Providing input to the statement of vision and priorities
- Assisting to engage communities and partners in planning for the new council.

Membership of the Queanbeyan-Palerang LRC will consist of primarily former councillors from the former Queanbeyan City and Palerang councils who have demonstrated a commitment to the successful establishment of the new council. The Committee may also include community representatives who can demonstrate a similar commitment.

Council commenced an advertising campaign at the end of May and has also directly contacted all the former councillors advising of the expression of interest process. Councillors interested in participating on the LRC have been requested to get their expression of interest in by Wednesday 8 June whilst community members have until Wednesday 15 June.

Conclusion

The establishment of the Local Representation Committee is seen as an important tool to assist the Administrator with the establishment of the new Council. Finalisation of the membership of the LRC will be determined by the Administrator. The term of the Queanbeyan-Palerang LRC will run during the transition period up till 30 June 2017 or to a time the Administrator determines it has completed its purpose.

6.12 Expression of Interest - Local Representation Committee (Ref: C1678672; Author: Spyve/Spyve) (Continued)

Attachments

Attachment 1 Local Representation Committee Terms of Reference (*Under Separate Cover*)

GENERAL MANAGER'S REPORTS

**6.13 Nomination for Council Representatives on Southern Joint Regional Planning Panel
(Ref: C1677867; Author: Thompson/Thompson)**

Summary

The creation of the Queanbeyan-Palerang Regional Council means that Council needs to nominate new appointees to the Southern Region Joint Regional Planning Panel (JRPP). Council is now required to appoint two new members until the term of the new Council begins in September 2017.

Recommendation

1. That Council nominate Mr Peter Bray as one of the Council appointed members to the Southern Region Joint Regional Planning Panel.
 2. That Consultant Planner, Mr Philip Gibbons be nominated as the second Council appointed member and planning expert on the Southern Region Joint Regional Planning Panel.
 3. That Council nominate the Administrator as an alternate appointee to serve on the Southern Region Joint Regional Planning Panel in the event that the nominated members are unable to sit on the JRPP through absence or conflict of interest.
 4. That the Minister for Planning be notified accordingly.
 5. That the remuneration level for both representatives on the Southern Joint Regional Planning Panel be set as follows:

A flat minimum of \$600 per meeting plus \$120 per hour of meeting time up to a maximum total of \$1440 per meeting (inclusive of the base \$600 payment). This is inclusive of all incidental costs including travel and accommodation. The \$120 per hour would be paid in relation to any briefing meetings or site visits held as well as the main JRPP meeting. All fees are exclusive of GST.
 6. That the remuneration level should the Administrator be required to act as the representative on the Southern Joint Regional Planning Panel be set as follows:

A flat minimum of \$300 per meeting plus \$60 per hour of meeting time up to a maximum total of \$600 per meeting (inclusive of the base \$300 payment). This is inclusive of all incidental costs including travel and accommodation. The \$60 per hour would be paid in relation to any briefing meetings or site visits held as well as the main JRPP meeting. All fees are exclusive of GST.
 7. That Council review the nominations within three months.
-

**6.13 Nomination for Council Representatives on Southern Joint Regional Planning Panel
(Ref: C1677867; Author: Thompson/Thompson) (Continued)**

Background

In 2009 the NSW Government established JRPPs to determine regionally significant development applications and to advise on regionally significant planning or development matters or environmental planning instruments. Through the JRPPs the NSW Government aims to provide greater transparency, objectivity, independence and expertise for regional planning issues.

The JRPP consists of three state members who are appointed by the Minister and two local members who are appointed by the Council. The term of the appointment for local members of the JRPP is three years except where a Council election intervenes, in which case new appointments need to be made. The JRPP have a Code of Conduct that sets out standards of conduct expected of all JRPP members.

The core functions of JRPPs are -

1. To exercise certain consent authority functions in regard to regional development applications; and
2. Where requested, advise the NSW Minister for Planning on planning or development matters or environmental planning instruments in respect to the JRPPs' region.

Development Applications for projects classed as regional development are assessed by Council officers. The Council officer's assessment and recommendations are then referred to a JRPP for determination.

The Southern Region JRPP for Queanbeyan presently includes the following members:

Two Local Members Representing State Members:

Council:

Vacant

Pam Allen (Chair)

Alison McCabe

Allen Grimwood

Mark Grayson (Alternate Member)

Bob McCotter (Alternate Member)

Council has received a letter from NSW Department Planning and Environment (DP&E) advising that the dissolution of the previous Queanbeyan and Palerang councils means that new Council representatives need to be appointed (Attachment 1). While the normal period of appointment is for three years this next period will only be until the Council elections in September 2017.

6.13 Nomination for Council Representatives on Southern Joint Regional Planning Panel (Ref: C1677867; Author: Thompson/Thompson) (Continued)

Criteria for Council Members of the JRPP

The DP&E recommends that Council appointees consist of members with a broad range of skills and experience in development and planning matters. The selection criteria include:

1. Senior level experience in dealing with multiple stakeholders
2. High level communication skills
3. Capability to drive high profile outcomes in a credible and authoritative manner
4. High level analytical skills; and
5. Knowledge of the assessment of complex developments and planning matters.

In addition, at least one of the Council panellists must have a high level of expertise in one or more of the following fields; planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering and tourism.

All members of JRPPs will be expected to act independently in reaching their decisions. Therefore, in determining nominees, Council should consider the potential for conflicts of interest, either real or perceived.

Council Nominees for JRPP - Nomination of a Councillor

Under normal circumstances it would have been typical to have at least one councillor appointed to the Joint Regional Planning Panel. With the new Council there are of course no councillors. The Guidelines note that this is not necessary and that the nominee can be any person who Council feels meets the desired criteria. Where Council decides to nominate a community member, it should do so in full recognition that such persons will be independent members of JRPPs. As such they should not be subject to influence by other Council officers or Councillors on matters that are to be determined by a JRPP.

Given the above, the Administrator has approached former JRPP member, Mr Peter Bray, to see whether he would be interested in performing this duty. In his role as a previous Queanbeyan City councillor, chair of the Planning and Development Review Committee and former JRPP member Mr Bray generally fulfils the selection criteria. As such there appears no reason why Mr Bray could not represent Council's and the community's interests on the Panel.

Council Nominees for JRPP - Expert Planner

Mr Philip Gibbons has been acting as the expert planner for the Queanbeyan JRPP since September 2015. Mr Gibbons retired from local government some four years ago. He is well known to Council and his previous experience at Nambucca Shire and Queanbeyan City means he has had considerable experience with many larger and more complex developments in both urban and rural settings. Mr Gibbons is more than adequately qualified and experienced to undertake the expert planning role on the JRPP.

Council also needs to nominate an alternate member to sit on the Panel. In the event that either of the above members are unable to attend the JRPP through absence or conflict of interest it is recommended that the Administrator be the alternate member.

**6.13 Nomination for Council Representatives on Southern Joint Regional Planning Panel
(Ref: C1677867; Author: Thompson/Thompson) (Continued)**

Implications***Legal***

Council must appoint two members to sit on the JRPP.

Financial

The NSW Government covers the costs of State members and the Panel Secretariat. Individual councils cover the cost of their council nominated representatives and other council costs from the development application fees received and retained by councils.

Previous advice from the Minister for Planning outlining payments to members appointed by Council to the JRPP indicated the following:

“Remuneration

Community members: Each council may determine an appropriate level of remuneration for that person, by arrangement with that member, but that a meeting fee not exceeding \$1400 should be considered as a guide when determining appropriate remuneration rates. This is commensurate with the fee proposed for State appointed members.”

It is proposed that Council make the following payments to community representatives appointed to the JRPP. A flat minimum of \$600 per meeting plus \$120 per hour of meeting time up to a maximum total of \$1440 per meeting (inclusive of the base \$600 minimum). The additional \$40 is to make the overall amount a multiple of \$120. This is inclusive of all incidental costs including travel and accommodation. The \$120 per hour would be paid in relation to any briefing meetings or site visits held as well as the main JRPP meeting. All fees stated are GST Exclusive.

In relation to the Administrator the guidelines recommend:

“Remuneration

Elected councillors: As councillors already receive an annual fee set by the Local Government Remuneration Tribunal each year for performing their councillor duties, an additional per meeting fee of no more than \$600 appears reasonable, recognising that membership of the Regional Panel will bring additional responsibilities.”

This remuneration would only apply to the Administrator should he need to act as the alternate member. Payments would be made to the alternate member only where the Administrator is required to attend meetings. A flat minimum of \$300 per meeting plus \$60 per hour of meeting time up to a maximum total of \$600 per meeting (inclusive of the base \$300 minimum). This is inclusive of all incidental costs including travel and accommodation. The \$60 per hour would be paid in relation to any briefing meetings or site visits held as well as the main JRPP meeting. All fees stated are exclusive of GST

**6.13 Nomination for Council Representatives on Southern Joint Regional Planning Panel
(Ref: C1677867; Author: Thompson/Thompson) (Continued)**

Conclusion

The creation of the new Queanbeyan-Palerang Regional Council requires the nomination of two new members to act on the Southern Region JRPP until the new Council elections in September 2017.

It is recommended that the 'expert' appointee be consultant planner Mr Phil Gibbons as he has extensive planning experience and meets the expert selection criteria. Mr Gibbons has previously acted as a Council appointed member on the JRPP.

It is also recommended that Mr Peter Bray be appointed as Council's second JRPP member given his previous experience in dealing with planning matters.

Once adopted by Council the nominations are then notified to the Minister. The Southern Region JRPP will determine regionally significant development applications and advise on regionally significant planning or development matters or environmental planning instruments for the Queanbeyan local government area.

Attachments

Attachment 1 Letter from NSW Department Planning & Environment - Joint Regional Planning Panel - Membership for New Councils (*Under Separate Cover*)

GENERAL MANAGER'S REPORTS

6.14 Appointment of External Auditor (Ref: C1673772; Author: Spyve/Spyve)

Summary

The NSW Government requires that the new Council should appoint an external auditor at its first meeting. As both the former Queanbeyan City Council and Palerang Council had separate auditors it is recommended at Council appoint one of these to be its interim auditor until the new Council is elected.

Recommendation

That Council appoint the auditors of the former Queanbeyan City Council, Hill Rogers to be the Queanbeyan-Palerang Regional Council external auditors on an interim basis.

Background

On 12 May 2016 the NSW Government released the Local Government (Council Amalgamations) Proclamation 2016 which automatically dissolved a number of pre-existing councils. Queanbeyan City Council and Palerang Council ceased to exist at the time of the proclamation and have been replaced by the newly established Queanbeyan-Palerang Regional Council.

The Government has indicated that the newly established Council should appoint an external auditor at its first meeting.

The NSW Government proclamation states that in respect of the new Council's auditor that:

'The auditor of a new council is to be determined by the council and is to be a person who provided auditing services to one or more of the former councils immediately before amalgamation day.'

The former Queanbeyan City Council utilised the services of Hill Rogers to provide their external audit services whilst the former Palerang Council used Auswild & Co Chartered Accountants. Discussions with finance staff have indicated the contract of Palerang's auditors finishes on 30 June 2016 and Queanbeyan's are contracted through until 2019. In light of this it is thought appropriate to continue with the engagement of Hill Rogers to provide for the Queanbeyan-Palerang Regional Council's external audit services until the new Council is elected in 2017 whereupon it may decide to seek expressions of interest for the provision of this service.

Coupled with this there is an indication in the Phase 1 amendments to the Local Government Act that there may be a move requiring all councils to utilise the services of the Auditor General to undertake their annual audits. These amendments are currently being examined by the Government and may be in place by the end of this year. With this in mind, all Council requires is an external auditor who can provide for this service until any proposed changes to the Local Government Act are enacted. If these amendments don't eventuate then all Council requires is the services of an external auditor to run through till the election of the new Council in September 2017. Once this has occurred, and if there is no requirement to utilise the services of the Auditor General, then Council could seek expressions of interest for the provision of this service then.

Implications

Legal

The Proclamation has determined that *'The auditor of a new council is to be determined by the council and is to be a person who provided auditing services to one or more of the former councils immediately before amalgamation day.'* This report is addressing this requirement.

Conclusion

The new Council is required to appoint an interim external auditor at its first meeting. It is recommended that Council utilise the services of the former Queanbeyan City Council auditor – Hill Rogers on an interim basis until such time as the Government has considered the proposed Phase 1 amendments to the Local Government Act or when a new Council is elected in September 2017.

Attachments

Nil

GENERAL MANAGER'S REPORTS

6.15 Alcohol Free Zones and Alcohol Prohibited Areas - Queanbeyan CBD and Jerrabomberra Shopping Centre (Ref: C1650715; Author: Thompson/Upward)

Summary

A number of alcohol-free zones have historically been established within Queanbeyan central business district (CBD). On assessment of these signs, many are now out of date or non-compliant. It has been proposed to review and renew these signs.

The proposal is to renew Alcohol Free Zones (AFZ) in existing locations detailed in this report, along with creating a new AFZ at the carpark adjacent to the Jerrabomberra Shops and the Jerrabomberra Hotel. The establishment of AFZ's is under Sections 644, 644A, 644B, 644C, 645 and 646 of the Local Government Act 1993 NSW (LGA).

In addition, a number of new restrictions on consuming alcohol are being considered for areas within parks around the CBD of Queanbeyan. These areas would be signposted Alcohol Prohibited Areas (APA) under Section 632A of the LGA.

The proposal would make it unlawful to consume alcohol at any time within the areas signposted as AFZ's and APA's, except when on a licensed premises within the AFZ or APA, as the responsibility for ensuring the lawful behaviour of patrons on these premises rests with the holder of the liquor license. Enforcement of the AFZ's and APA's would be by Queanbeyan Police.

The proposal has been exhibited for public comment for 30 days which closed on 15 March 2016.

Council is now requested to approve erection of new AFZ and APA restrictive signage as required by the Local Government Act 1993 in order to enforce the requirements.

Recommendation

- 1. That existing alcohol-free zones be re-established for a further four year period as set out below:**

Roads

- **Monaro Street – between Lowe Street and Queanbeyan River Bridge both sides;**
- **Crawford Street – between Antill Street and Rutledge Street on both sides;**
- **Collett Street – between Rutledge Street and Morisset Street on both sides;**
- **Crawford Street – between Uriarra Road and Henderson Road on both sides;**
- **Uriarra Road – from Crawford Street to Ross Road on both sides;**
- **Tamarind Place Jerrabomberra waterfall reserve;**
- **Southbar Road - from Cooma Street to Candlebark Road on both sides;**
- **Queenbar Road - from Cooma Street to Gray Place on both sides.**

Public Carparks

- **Lowe Street public carpark;**
- **Morisset Street public carpark; and**
- **Rutledge Street public carpark.**

6.15 Alcohol Free Zones and Alcohol Prohibited Areas - Queanbeyan CBD and Jerrabomberra Shopping Centre (Ref: C1650715; Author: Thompson/Upward) (Continued)

- 2. That new alcohol-free zones be established for a four year period as set out below:**
 - Main carpark outside the shopping centre on Limestone Drive Jerrabomberra
 - Carpark adjacent to the Jerrabomberra Hotel
 - 3. That Alcohol Prohibited Areas be established for a four year period in the parks and reserves set out below:**
 - Ray Morton Park
 - Waniassa Park
 - Axis Youth Centre Park- between Lowe Street tennis courts and Axis Youth Centre
 - Queanbeyan River bank- From Waniassa Street to Mowatt Street on both sides
 - Creek bank around the waterhole at Tamarind place Jerrabomberra.
 - 4. That the alcohol free zones and alcohol prohibited areas operation commence on the 1st July 2016 for a period of 4 years to the 30th June 2020; for Alcohol Free Zones in accordance with Section 644B(1) and 644B(4) of the Local Government Act NSW 1993, and for Alcohol Prohibited Areas in accordance with Section 632A(4) of the Local Government Act NSW 1993.**
 - 5. That the Council publicly advise the establishment of the alcohol-free zones and alcohol prohibited areas by notice published in a newspaper circulating in the area that includes the zones.**
 - 6. That the alcohol-free zones and alcohol prohibited areas be signposted in accordance with the requirements of Section 644C(3)(4) of the Local Government Act NSW 1993 and the Ministerial Guidelines.**
 - 7. That, in accordance with the Ministerial Guidelines on the matter, Council inform interested parties that the Council's proposed Alcohol Free Zones and Alcohol Prohibited Areas have been established and that notification be issued to the local Police Commander, affected liquor licensees and Club Secretaries and other organisations originally advised of the Council's proposed alcohol-free zones.**
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6.15 Alcohol Free Zones and Alcohol Prohibited Areas - Queanbeyan CBD and Jerrabomberra Shopping Centre (Ref: C1650715; Author: Thompson/Upward) (Continued)

Background

The NSW Government has made clear its determination to tackle the growing problem of anti-social behaviour and alcohol-related violence in our community. The Government has a comprehensive package of initiatives to help address this issue, including amendments to the alcohol-free zone provisions in the *Local Government Act 1993* to give Police and local council enforcement officers more power to enforce alcohol-free zones.

The Local Government Act provides the legislative powers for local councils to establish alcohol free zones in NSW to promote the safe use of roads, footpaths and public car parks without interference from anti-social behaviour caused by public drinkers.

The object of alcohol free zones is as an early intervention measure to prevent the escalation of irresponsible street drinking to incidents involving serious crime.

The drinking of alcohol is prohibited in an alcohol-free zone that has been established by a council. Public places that are public roads, footpaths or public carparks may be included in a zone. This includes areas used by the public as public places even though they may be privately owned. Alcohol-free zones promote the use of these roads, footpaths and carparks in safety and without interference from irresponsible street drinkers. Once established, it applies twenty-four hours per day.

Any person living or working within an area, the local police or a local community group may ask a council to establish an alcohol-free zone or a council itself may decide to do so. A proposal to establish an alcohol-free zone must in all cases be supported by evidence that the public's use of those roads, footpaths or public carparks has been compromised by street drinkers. For example, there could be instances of malicious damage to property, littering, offensive behaviour or other crimes.

Any person observed to be drinking in an alcohol-free zone may have the alcohol in their possession immediately seized and tipped out or otherwise disposed of.

"Signs designating an alcohol-free zone must indicate that the drinking of alcohol is prohibited in the zone. Signs should note that alcohol may be seized and disposed of if alcohol is being consumed in the zone. Starting and finishing dates for the operation of the zone should also be included. It is recommended that signs use consistent, easily recognisable symbols and include a map of the area defining the location of the zone."

6.15 Alcohol Free Zones and Alcohol Prohibited Areas - Queanbeyan CBD and Jerrabomberra Shopping Centre (Ref: C1650715; Author: Thompson/Upward)
(Continued)



One of the non-complying signs currently erected controlling the alcohol free zones



*Proposed design of signs for alcohol free area and alcohol prohibited areas
(new Council logo will be substituted)*

6.15 Alcohol Free Zones and Alcohol Prohibited Areas - Queanbeyan CBD and Jerrabomberra Shopping Centre (Ref: C1650715; Author: Thompson/Upward) (Continued)

Implications

Legal

There has been strict compliance with the consultation process set out in the Ministerial Guidelines.

The establishment of an alcohol-free zone/alcohol prohibited area gives power to the Police to warn anyone consuming alcohol within a restricted zone or to confiscate the alcohol in their possession.

Furthermore, if an individual fails to stop drinking in the alcohol-free zone/alcohol prohibited area after a warning has been issued they can be found guilty of an offence for which there is a penalty.

Consultation

Procedures which are required to be undertaken as a preliminary to the establishment or renewal of alcohol-free zones are the public advertising and notification of the proposal to various parties including:

- a) The Officer-in-Charge of the Queanbeyan Police;
- b) All premises which hold Liquor Licenses and registered clubs within the proposed alcohol-free zone area;
- c) Other interested community groups.

The advertisements and notifications have been carried out in the local newspapers and included an invitation for interested parties to make any questions or suggestions.

One submission challenging the introduction of an alcohol free zone was made during the consultation process. This representation does not support the establishment of an alcohol free zone in the carpark immediately behind the Jerrabomberra Hotel. This representation was made on behalf of the Jerrabomberra Hotel and indicates that they believe there is insufficient evidence to warrant the establishment of an AFZ are not aware of any incidents which would cause concern to anyone (Attachment 1).

Queanbeyan Police have made two submissions regarding the establishment of alcohol free zones/alcohol prohibited areas. One submission is general in nature (Attachment 2). The second submission specifically details police investigations and reports of alcohol related issues at the Jerrabomberra shops carpark and the Jerrabomberra Hotel carpark (Attachment 3). The Police state that there is clear evidence that suggests the proposed zone is being used by members of the public who congregate and consume alcohol and that the Police believe that if the AFZ is not established it could increase the likelihood of alcohol related crime and anti-social behaviour. Contrary to the submission from the Hotel the Police submission lists a number of incidents which lend considerable weight to the establishment of an AFZ. The Police submission concludes:

Police are of the opinion that sufficient justification exists to proceed with the proposed Alcohol Free Zone. For these reasons, and those mentioned in the prior submission regarding crime prevention and community safety principals, police request the establishment of an Alcohol Free Zone within the proposed zone.

In terms of notification, Council is required to consult with the police regarding the placement of signs. As a minimum, signs are to be placed at the outer limits of the zone, at the site of specific trouble spots (as indicated by the police) and at other suitable intervals within the zone.

6.15 Alcohol Free Zones and Alcohol Prohibited Areas - Queanbeyan CBD and Jerrabomberra Shopping Centre (Ref: C1650715; Author: Thompson/Upward) (Continued)

Economic Considerations

There are well known and widely reported links between excessive consumption of alcohol and damage to private and community property; “*In fact the volume of alcohol sold in a postcode exerts a strong effect not only on its rate of assault but also on its recorded rate of malicious damage to property and offensive behaviour.*” (NSW Bureau of Crime Statistics and Research 1996 http://www.bocsar.nsw.gov.au/Documents/mr_r40.pdf).

It is considered that as these restrictions on consuming alcohol in these public places will allow the police to seize and dispose of alcohol being consumed within the area, this would impact on the number of incidents of damage to private and community property in these areas.

*Financial*The most recent signs were erected in 2013 at Tamarind Place. The cost of this signage was \$451 for two signs excluding the cost of labour for erecting the signs. It is expected that approximately 60 new signs are required in this proposal. In most cases there are existing posts which can be reused. Of these there are six (6) new posts required in the proposed new alcohol free zone at the Jerrabomberra shops and the Jerrabomberra Hotel locations.

An estimation of production and erection of the signs is \$200 each.

Conclusion

Alcohol Free Zones and Alcohol Prohibited Areas are a key plank in the tools available to local police in their role of protecting our community. The Police have provided two comprehensive submissions, and their attendance at every meeting has been of assistance in preparing this report. The submissions indicate the high importance local police give to the continued and slightly extended use of Alcohol Free Zones and Alcohol Prohibited Areas within Queanbeyan Local Government Area. While there are some costs associated with changing the signage which delineate the public places within which the consumption of alcohol will be banned, these signs will be able to be used for many years into the future should these Alcohol Free Zones and Alcohol Prohibited Areas be continued into the future.

The one submission opposing the introduction of the Alcohol Free Zone in the 26 car spaces immediately adjacent to the Jerrabomberra Hotel makes a number of points regarding the lack of reasons to install the Alcohol Free Zone in this area. The second submission from Queanbeyan Police which examines this area seems to provide evidence which counters the arguments provided by the licensee of the Jerrabomberra Hotel. Under the Local Government Act 1993 NSW the carpark adjacent to the Jerrabomberra Hotel is a Public Place and should have an AFZ established over it.

6.15 Alcohol Free Zones and Alcohol Prohibited Areas - Queanbeyan CBD and Jerrabomberra Shopping Centre (Ref: C1650715; Author: Thompson/Upward) (Continued)

Attachments

- Attachment 1 Objection to Alcohol Free Zones Jerrabomberra Hotel (*Under Separate Cover*) - **CONFIDENTIAL**
- Attachment 2 Submission from Queanbeyan Police regarding Alcohol Free Zones Queanbeyan and Jerrabomberra (*Under Separate Cover*) - **CONFIDENTIAL**
- Attachment 3 Submission from Queanbeyan Police regarding Alcohol Free Zones Jerrabomberra Shops and Jerrabomberra Hotel (*Under Separate Cover*) - **CONFIDENTIAL**

GENERAL MANAGER'S REPORTS

6.16 South Jerrabomberra Planning Proposal - Current Status (Ref: C1619606; Author: Thompson/McBride)

Summary

The purpose of this report is to recommend Council progress the South Jerrabomberra Planning Proposal. This follows the Department of Planning and Environment (Planning and Environment) removing Council's delegation to finalise the Planning Proposal, largely due to its concerns in respect of the proposed buffer to the Hume industrial area in the ACT. Despite ongoing contact and meetings, Planning and Environment has not yet formally articulated any final view as to how the Planning Proposal should be amended to address its concerns. Accordingly, the Planning Proposal has now stalled.

In order to progress the Planning Proposal, and noting that Planning and Environment has formally withdrawn Council's delegations to finalise the plan, it is recommended the Planning Proposal be further amended and submitted to Planning and Environment for it to finalise. This includes revisiting the decision made by the Planning and Development Review Committee on 11 November 2015 which amongst other things reduced the buffer between the Hume industrial area and proposed residential development at South Jerrabomberra Planning Proposal from the recommended 150m to 105m. In addition to returning the width of the visual and acoustic buffer to 150m it is also recommended that 100m of land beyond and adjoining the 150m buffer be formally deferred until further acoustic and odour studies are undertaken to determine the appropriateness of residential development in this deferred area.

Staff are of the view that this amended Planning Proposal can then be forwarded to the Department without the need for any re-exhibition, that it is consistent with the provisions of the *Environmental Planning & Assessment Act 1979* in respect of deferring land from a draft planning instrument, and, will allow for the majority of land at South Jerrabomberra Planning Proposal area to be rezoned at the earliest instance. It also allows for further consideration of the deferred land.

Recommendation

That Council submit the revised Planning Proposal to the NSW Department of Planning and Environment for a decision incorporating the following amendments:

- 1) That the width of the buffer be changed from 105 metre to 150 metre, measured from the ACT border.**
 - 2) That the 100 metres of land to the east of the 150 metre buffer be formally deferred for the purposes of this Planning Proposal and be revisited in the future subject to the outcome of further acoustic and odour studies.**
-

6.16 South Jerrabomberra Planning Proposal - Current Status (Ref: C1619606; Author: Thompson/McBride) (Continued)

Background

The draft Planning Proposal for South Jerrabomberra was placed on public exhibition between 21 August and 18 September 2015. During exhibition a number of submissions were received including from representatives of the landowners/developers. These submissions covered a number of issues including the width and size of the visual and acoustic buffer between the Hume industrial area in the ACT and the land proposed for residential development under the Planning Proposal. The Planning Proposal was exhibited with a proposed buffer distance of 150m.

The South Jerrabomberra Planning Proposal was subsequently reported to Council's Planning and Review Committee at its meeting of 11 November 2015 where Council in part resolved (Minute No. PDRC100/15):

- 1) *That following the consideration of submissions on the South Jerrabomberra Planning Proposal Council endorse the following in relation to the final proposal:*

d) To confirm that a visual, acoustic and odour buffer with a minimum width of 105m when measured from the ACT border be identified in the relevant map of the local environmental plan as it applies to South Jerrabomberra.

During the public exhibition there was also a submission made by the ACT Government regarding the width of this buffer suggesting its width should be a minimum of 250m, consistent with the rezoning of South Tralee to the north and the Queanbeyan Residential and Economic Strategy 2031 (December 2008). This submission from the ACT is now considered to be an unresolved objection and subsequently Council has been advised by Planning and Environment that it cannot use its delegation for plan making to approve the revised Planning Proposal (draft local environmental plan amendment).

In addition, because the reduction in the width of the buffer from 150m to 105m is considered a significant change to the exhibited Planning Proposal, Planning and Environment have advised it would need to assess the justification for the post exhibition changes and decide if an altered Gateway determination should be issued to Council. As Planning and Environment have indicated that it does not support the reduced width of the buffer, it is unlikely a new Gateway determination to that effect would be issued if requested.

Planning and Environment is also concerned that such a significant change to the Planning Proposal may require it to be re-exhibited given the submissions received on this subject during exhibition. This would cause further delay to the Planning Proposal if pursued.

Progressing the Proposal

It is considered the best approach to progress the current Planning Proposal, at this time, is to reconsider the decision made by the Planning and Development Review Committee on 11 November 2015 and reinstate the original buffer of 150m. Further, that the 100m of land beyond the 150m buffer be formally deferred until such time as further odour and noise studies indicate it to be suitable for residential development. This should satisfy Planning and Environment that no further Gateway determination is required, or that the Planning Proposal needs be re-exhibited.

This provides a pathway to progress the Planning Proposal (draft local environmental plan amendment) by deferring a strip of land that will be subject to more detailed studies on noise and odour. Once these studies have been completed (or possibly during them) it will be necessary to undertake consultation with the ACT Government, relevant NSW State agencies such as the NSW Environmental Protection Authority and Rail Authority.

6.16 South Jerrabomberra Planning Proposal - Current Status (Ref: C1619606; Author: Thompson/McBride) (Continued)

Dependent upon the outcomes of these further studies and consultation, a final buffer between 150m and 250m will be determined.

Implications***Legal***

The draft Planning Proposal has been undertaken in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulations 2000*.

Policy

The Planning Proposal has been progressed in accordance with the Gateway determination where the Minister gave Queanbeyan City Council delegation to exercise the Minister's plan making powers. As Planning and Environment has viewed the buffer issue raised by the ACT Government as an objection these powers of delegation have been withdrawn. Planning and Environment are also concerned that the 250m buffer identified in the Queanbeyan Residential and Economic Strategy (December 2008 version) and endorsed by a former Planning Minister was not observed. As such Council has to submit the Planning Proposal to the Department for finalisation.

The extent of the width of the buffer will also impact on the development potential of South Jerrabomberra and so may require a review of the draft South Tralee Local Planning Agreement recently on exhibition and subject to a future report to the Administrator.

Environmental

The objection raised is an environmental concern focused on minimising land use conflict between residential development and the activities can exist and are able to locate in the future in the industrially zoned area in the ACT.

Social / Cultural

In addition to delivering much needed housing supply, the Planning Proposal will provide for the creation of a whole host of physical, recreational and community experiences to occur in the form of jobs and commercial development.

Economic

The Planning Proposal will provide the broad policy framework for the creation of both short term economic and longer term economic opportunities to occur.

Strategic

This Planning Proposal gives effect to the endorsed Queanbeyan Residential and Economic Strategy 2031 as well as to the Sydney-Canberra Regional Strategy 2006-31.

6.16 South Jerrabomberra Planning Proposal - Current Status (Ref: C1619606; Author: Thompson/McBride) (Continued)

Consultation

The draft Planning Proposal was placed on exhibition from Friday 21 August until Friday 18 September 2015 as required by the Gateway determination. During this exhibition period, seven (7) written submissions were received. Four agencies were also notified and a Council workshop was held on 16 September 2015.

Further consultation will be undertaken in regard to the deferred area when the noise and odour studies are concluded.

Financial

Council's total costs to date are estimated to be \$133,690 and these were all funded from the relevant cost centre. It is likely that there will be further costs incurred by engaging specialist noise and odour consultants although these costs should be mostly covered by the developers which is yet to be negotiated.

Any future costs to Council will generally be of an administrative nature and funded from the relevant cost centres.

In addition the impact of increasing the buffer will result in a lower lot yield. The lower the yield the more expensive each allotment becomes as recovering the costs of constructing the development and associated costs such as section 94 contributions, has to be spread over fewer allotments.

Conclusion

Approving the South Jerrabomberra Planning Proposal is an important step in releasing additional land for future residential in the Queanbeyan area. Consequently it is consistent with a key principle of the Queanbeyan Residential and Economic Strategy 2031. The viability of South Tralee and other development in the South Jerrabomberra Valley also depends on this rezoning proceeding as soon as practical.

As Planning and Environment have withdrawn Council delegations to make the plan, it has been necessary to revisit the Planning Proposal and to determine a process whereby the Department can finalise the draft local environmental plan amendment or rezoning as far as possible without further delay. Accordingly, it has been necessary to reconsider the width of the visual and acoustic buffer and to defer a 100m strip of land adjoining its eastern boundary until further detailed studies are undertaken. This approach should allow Planning and Environment to finalise the rezoning and make the local environmental plan amendment.

Attachments

Nil

GENERAL MANAGER'S REPORTS

6.17 Queanbeyan Art Society Special Heritage Funding (Ref: C1675347; Author: Thompson/Carswell)

Summary

The purpose of this report is to recommend the carrying over of \$15,000 from the special heritage fund scheme for the Queanbeyan Art Society to enable them to obtain the necessary approvals and to construct their proposed extensions at 8 Trinculo Place, Queanbeyan.

Recommendation

That the \$15,000 allocated from the special heritage fund scheme for proposed extensions at the Queanbeyan Art Society be rolled over to the 2016-17 Operational Plan to enable the Society to obtain the necessary approvals and to construct their proposed extensions at 8 Trinculo Place, Queanbeyan East, subject to all work being completed and all funding being claimed by 30 June 2017.

Background

The purpose of this report is to recommend the carrying over of \$15,000 from the special heritage fund scheme for the Queanbeyan Art Society to enable them to obtain the necessary approvals and to complete their proposed extensions at 8 Trinculo Place, Queanbeyan by 30 June 2017.

Queanbeyan City Council originally approved this amount when it resolved at its meeting of 25 November 2015 (HAC 0031/15):

HAC 0031/15 The Committee supports in principle the request from the Queanbeyan Arts Society to fund their project the amount of \$15,000 subject to the following:

- a) Undertaking further discussions with the heritage advisor regarding the design of the extension;*
- b) The submission and approval of a development application;*
- c) Provision of a detailed scope of works and two detailed quotes for the project.*

The funding agreement with the Queanbeyan Arts Society required the project to be completed and all funding to be claimed by 30 June 2016. At the time of this report the Society is still seeking development consent. An application has been lodged with Council but is awaiting additional information from the applicant.

The funding will be put towards an extension which will expand the floor area of a Council asset for community use and will provide the Society with more room for its activities. There is no objection to the funding being rolled over from one financial period to the next.

6.17 Queanbeyan Art Society Special Heritage Funding (Ref: C1675347; Author: Thompson/Carswell) (Continued)

Conclusion

Considering all matters it is recommended that \$15,000 from the special heritage fund scheme be carried over for the Queanbeyan Art Society to enable the Society to obtain the necessary approvals and to construct their proposed extensions subject to all work being completed and all funding being claimed by 30 June 2017.

Attachments

Nil

GENERAL MANAGER'S REPORTS

6.18 Queanbeyan District Preschool Association - Renewal of Lease - Waratah Preschool, 27 Alanbar Street, Queanbeyan (Ref: C1673254; Author: Gibson/Warne)

Summary

The term of the Lease between the Council and the Queanbeyan District Preschool Association for 27 Alanbar Street Queanbeyan, known as 'Waratah Preschool', expires on 30 September 2016 and is due for renewal.

Recommendation

That the:

- 1. Officer's Report be noted.**
 - 2. Council supports issuing a Licence Agreement for a five year term, commencing on 01 October 2016 and ending on 30 September 2021 for the Waratah Preschool.**
 - 3. That the rental be as outlined in this Report.**
 - 4. General Manager be authorised to execute the Licence Agreement on behalf of the Council.**
-

Background

In October 2006, Council entered into a 10 year lease with the Queanbeyan District Preschool Association (QDPA) for the property at 27 Alanbar Street Queanbeyan – known as "Waratah Preschool". The site is highlighted in orange on the plan attached.

The Lease contains an option to renew. On 06 April 2016, the QDPA wrote to the Council advising of its intention to exercise renewal of the Lease.

At a recent meeting between QDPA representatives and the Officer, QDPA indicated its preference to enter into a Licence Agreement, similar to the arrangement for the Harris Park Preschool site. The Licence Agreement would be for a five year term commencing 01 October 2016 and ending on 30 September 2021.

Implications***Legal***

The previous arrangement was documented in a 10 year lease which was registered at the Land & Property Information Office (LPI).

When a Lease is registered at LPI, a notation detailing the lease is visible on the Certificate of Title. If the property is sold, a purchaser would be able to identify from a title search that the

6.18 Queanbeyan District Preschool Association - Renewal of Lease - Waratah Preschool, 27 Alanbar Street, Queanbeyan (Ref: C1673254; Author: Gibson/Warne) (Continued)

property is subject to a registered lease. Any such lease would automatically transfer to the new owner on settlement. A lease is usually for a longer term, such as 10+ years.

A Licence Agreement is a legally secure document between the property owner and the Licensee. It differs from a lease in that it is not registered on the title and is usually for a term of 5 years or less. If a Licence Agreement exists for a property and the property is sold, the onus is on the owner (in this case, the Council) to notify a prospective purchaser that the property is subject to a Licence Agreement. Any Licence Agreement would then need to be re-negotiated between the new owner and the Licensee after settlement as a Licence Agreement does not automatically transfer to a new owner on settlement.

Registering a lease incurs legal costs and registration fees (for the tenant). The only costs that are likely with a Licence Agreement are legal costs, *if* the Licensee obtains legal advice on the matter.

Consultation

The land is zoned “operational”, therefore there is no requirement for the proposal to be publicly advertised.

Financial

The QDPA has requested that the annual fee under the new Licence Agreement be equivalent to the licence fee paid by it for the Harris Park Preschool site. That amount is \$471 plus GST, which is the minimum statutory rental for a Crown Land Licence.

Conclusion

It is appropriate for the QDPA to have continued use of the site and the Officer sees no reason that this continuation should not be supported.

6.18 Queanbeyan District Preschool Association - Renewal of Lease - Waratah Preschool, 27 Alanbar Street, Queanbeyan (Ref: C1673254; Author: Gibson/Warne)
(Continued)



Attachments

Nil

GENERAL MANAGER'S REPORTS

6.19 Land Classification - Lots 1 and 2 DP 1215591 (Closure and Acquisition of Roads) at Mt Jerrabomberra (Ref: C1663528; Author: Gibson/Warne)

Summary

Section 31(2) of the Local Government Act states that *"Before a Council acquires land, or within 3 months after it acquires land, a Council may resolve (in accordance with this Part) that the land be classified as community land or operational land."* This report proposes classifying Lots 1 and 2 DP 1215591 at Mt Jerrabomberra as community land.

Recommendation

That Council resolve to classify Lots 1 and 2 in Deposited Plan 1215591 at Mt Jerrabomberra as Community Land.

Background

At the Council meeting on 24 October 2012, Council agreed to closure of the street roads located at Mt Jerrabomberra and to acquire the land. Both the road closure and acquisition of the lots have now been finalised and it is appropriate to reclassify the land as "Community Land".

This is a great achievement in that the majority of the land at Mt Jerrabomberra is now under Council control.

In 2002 the Council was gifted the majority of the land located on Mt Jerrabomberra. Negotiations by Council to acquire the remaining small lots that comprise the paper subdivision were then undertaken.

To enable formal consolidation of the site and improved management and coordination, the Council negotiated with the Crown Lands Division of the Department of Primary Industries to have the majority of the roads located on the paper subdivision closed and transferred to the Council. The agreed purchase price was \$45,000.

Once the roads were closed, the NSW Land & Property Information Office (LPI) required that a subdivision plan of the land be registered as a Deposited Plan. This process has taken several years.

The new Deposited Plan 1215591 was registered in December 2015 (copy attached with Lot 1 highlighted in green and Lot 2 highlighted in blue).

The road closure was Gazetted on 05 February 2016 and Lots 1 and 2 DP1215591 were transferred to the Council on 06 April 2016.

Following closure of the roads and acquisition of Lots 1 and 2, and in compliance with Section 31(2) of the Local Government Act, it is appropriate to now classify the land as "Community Land".

6.19 Land Classification - Lots 1 and 2 DP 1215591 (Closure and Acquisition of Roads) at Mt Jerrabomberra (Ref: C1663528; Author: Gibson/Warne) (Continued)



Attachments

Nil

GENERAL MANAGER'S REPORTS

6.20 Land Classification - Lot 1366 DP 1217419 Googong (Ref: C1663629; Author: Gibson/Warne)

Summary

Section 31(2) of the *Local Government Act* states that *"Before a Council acquires land, or within 3 months after it acquires land, a Council may resolve (in accordance with this Part) that the land be classified as community land or operational land."* This report proposes classification of Lot 1366 DP1217419 (19 Saphira Street, Googong) as community land.

Recommendation

That Council in accordance with section 31(2) of the *Local Government Act 1993 (NSW)*, resolve that Lot 1366 DP 1217419 (19 Saphira Street, Googong) be classified as "Community Land".

Background

On 13 April 2016, ownership of Lot 1366 DP 1217419 (19 Saphira St, Googong) was transferred to the Council. This property is drainage reserve and has been dedicated to the Council under the Googong Voluntary Planning Agreement. Refer plan/map on Pages 2 & 3. The plan on Page 3 is an extract from the Googong Common Concept Plans. Googong Common is bordered in pink and Lot 1366 is outlined in red.

Council can classify Lot 1366 as either "operational land" or "community land" and the classification must be resolved within 3 months of taking ownership. This property is intended as public drainage reserve and classified for community purposes. It is therefore recommended that the classification "community land" be adopted, in accordance with the *Local Government Act*.

Council's Strategic Planners are proposing developing a Plan of Management for Googong Common, which if adopted, will classify Googong Common in its entirety as community land.

Implications***Legal***

Section 31(2) of the *Local Government Act* states that *"Before a Council acquires land, or within 3 months after it acquires land, a Council may resolve (in accordance with this Part) that the land be classified as community land or operational land."*

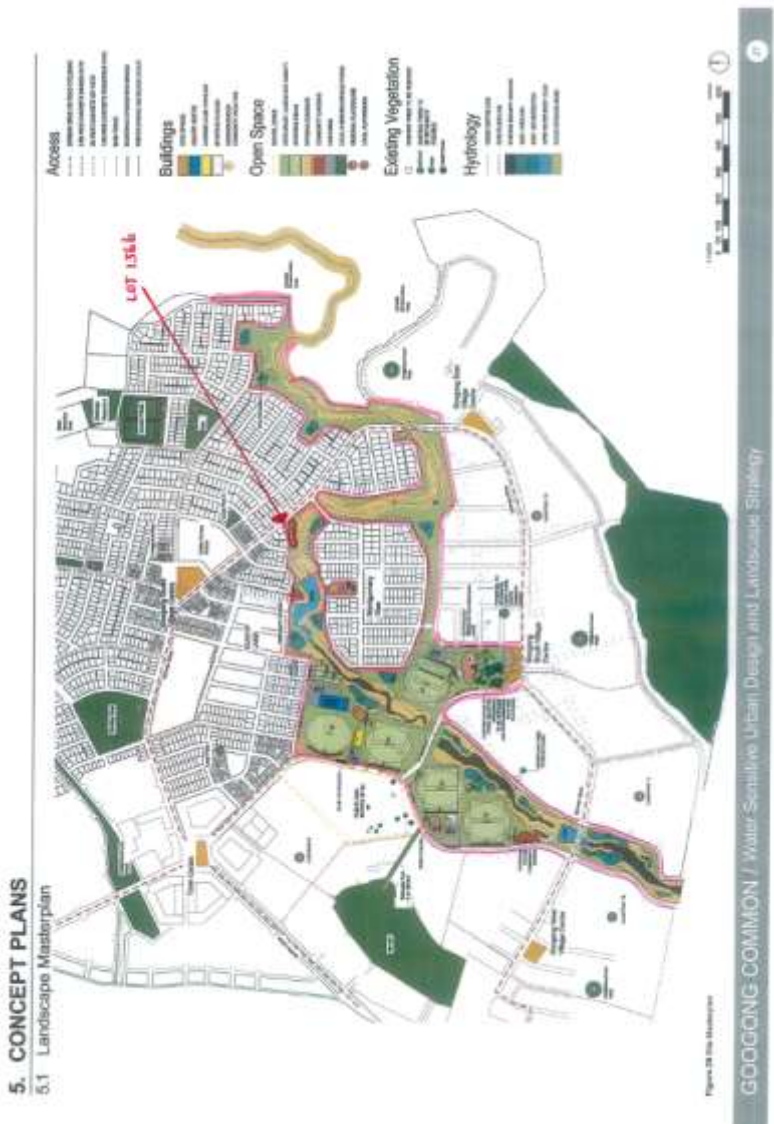
Conclusion

It is now appropriate for classification of the land as "community land" to be resolved by the Council.

6.20 Land Classification - Lot 1366 DP 1217419 Googong (Ref: C1663629; Author: Gibson/Warne) (Continued)



6.20 Land Classification - Lot 1366 DP 1217419 Googong (Ref: C1663629; Author: Gibson/Warne) (Continued)



Attachments

Nil

GENERAL MANAGER'S REPORTS

6.21 Land Classification - Lot 1365 DP 1217419 Googong (Ref: C1663658; Author: Gibson/Warne)

Summary

Section 31(2) of the *Local Government Act* states that *"Before a Council acquires land, or within 3 months after it acquires land, a Council may resolve (in accordance with this Part) that the land be classified as community land or operational land."* This report proposes classification of Lot 1365 DP1217419 (44 Helen Circuit, Googong) as community land.

Recommendation

That Council in accordance with section 31(2) of the *Local Government Act 1993 (NSW)*, resolve that Lot 1365 DP 1217419 (44 Helen Circuit, Googong) be classified as "Community Land".

Background

On 13 April 2016, ownership of Lot 1365 DP 1217419 (44 Helen Circuit, Googong) was transferred to the Council. Refer area bordered in red on aerial view map on Page 2.

Council can classify the land as either "operational land" or "community land" and the classification must be resolved within 3 months of taking ownership. This property is intended as a public reserve. It is therefore recommended that the classification "community land" be adopted, in accordance with the *Local Government Act*.

Implications***Legal***

This property is public reserve and has been dedicated to the Council under the Googong Voluntary Planning Agreement and will form part of the Googong Common.

Section 31(2) of the *Local Government Act* states that *"Before a Council acquires land, or within 3 months after it acquires land, a Council may resolve (in accordance with this Part) that the land be classified as community land or operational land."*

Conclusion

It is now appropriate for classification of the land as "community land" to be resolved by the Council.

6.21 Land Classification - Lot 1365 DP 1217419 Googong (Ref: C1663658; Author: Gibson/Warne) (Continued)



Attachments

Nil

GENERAL MANAGER'S REPORTS

6.22 Land Classification - Lot 3 DP 1217396 (Aprasia Conservation Area) Googong (Ref: C1666525; Author: Gibson/Warne)

Summary

Section 31(2) of the *Local Government Act* states that *"Before a Council acquires land, or within 3 months after it acquires land, a Council may resolve (in accordance with this Part) that the land be classified as community land or operational land."* This report proposes classification of Lot 3 DP 1217396 ("Aprasia Conservation Area", 29 Connolly Street, Googong) as community land.

Recommendation

That Council in accordance with section 31(2) of the *Local Government Act 1993 (NSW)*, resolve that Lot 3 DP 1217396 ("Aprasia Conservation Area", 29 Connolly Street, Googong) be classified as "Community Land".

Background

On 13 April 2016, ownership of Lot 3 DP 1217396 (Aprasia Conservation Area, 29 Connolly Street, Googong) was transferred to the Council (area bordered in red on aerial view map on page 2).

Council can classify the land as either "operational land" or "community land" and the classification must be resolved within 3 months of taking ownership. It is recommended that the classification "community land" be adopted, in accordance with the *Local Government Act*.

Implications***Legal***

This property is a public reserve to be used specifically as a conservation area for the Pink Tailed Worm Lizard. The land is fenced off from the urban area in accordance with the Pink Tailed Worm Lizard (PTWL) Protection and Management Plan, the Googong Foreshores Interface Management Strategy and the Googong Urban Development Local Planning Agreement.

Section 31(2) of the *Local Government Act* states that *"Before a Council acquires land, or within 3 months after it acquires land, a Council may resolve (in accordance with this Part) that the land be classified as community land or operational land."*

Conclusion

It is now appropriate for classification of the land as "community land" to be resolved by the Council.

6.22 Land Classification - Lot 3 DP 1217396 (Aprasia Conservation Area) Googong (Ref: C1666525; Author: Gibson/Warne) (Continued)



Attachments

Nil

GENERAL MANAGER'S REPORTS

6.23 CBD Master Plan Refresh (Ref: C1661644; Author: Spyve/Darcy)

Summary

This report follows Councils resolution on the 23 September 2015 (386/15 point 4) to refresh the CBD Masterplan.

Recommendation

That Council approve the continued development of the CBD Masterplan Refresh brief that will be put to market.

Background

The current CBD Masterplan was received and adopted in 2009. It has been seven years since the plan was adopted and since then a number of elements give reason to refresh the masterplan to reflect the current priorities of council as per the Resolution passed on the 23 September 2015 to refresh the CBD Masterplan. These elements include:

- The completion of Stage 1 and current work on Stage 2 of the CBD Masterplan
- The ideas received from the Downtown Q competition
- The adoption of the Property Strategy and associated CBD Property Feasibility Study Report from Hill PDA
- The forthcoming Review of the LEP/DCP in 2017/2018
- The completion or current undertaking of a number of reports that influence CBD Redevelopment including:
 - Queanbeyan CBD Commercial/Retail Floor Space Vacancy Report 2015
 - Transport Study
 - Pedestrian Access and Mobility Plan (PAMP)
 - Bicycle Plan
 - Carpark study completed by Stewart Architects

Additionally, a refresh of the CBD Masterplan is complementary to the passing of resolution 15.3 numbers 1,2,4,5 of Council regarding investigating and negotiating development of CBD sites. Ideally, a CBD Masterplan Refresh will help inform appropriate development should any development proceed in the CBD in the future.

A CBD Masterplan Refresh will also help to address any changing of public attitudes and priorities for the future development of the CBD that may have occurred since the adoption of the Masterplan in 2009.

6.23 CBD Master Plan Refresh (Ref: C1661644; Author: Spyve/Darcy) (Continued)

The CBD Masterplan Refresh will consider how to build on the existing work of the 2009 Masterplan to:

- Provide a clear and achievable framework to guide and inform the staged and integrated and development of the CBD
- Provide an emphasis on quality sustainable design
- Identify the opportunity to develop best practice place making and consistency of theming to create highly valued public spaces to support public and pedestrian focal points to complement or be integrated into the CBD development.
- Reflect the values and identity of Queanbeyan and its residents, and the local environment including heritage, aesthetics and lifestyle.
- Take into account all of the relevant studies, strategic plans, relevant research and information and reflect the things that have changed since the adoption of the 2009 Masterplan and incorporate this into the new refreshed Masterplan
- Produce a refreshed Masterplan in a useable format in a design that is suitable for relevant audiences

A relevant working group will be formed to develop the new objectives and desired outcomes of the CBD Masterplan Refresh. This will be incorporated into a brief to be put to market in 2016/17.

Implications***Policy***

The CBD Masterplan Refresh will be informed by the property policy where property proposals received by the General Manager or Council are advanced or significant enough that the proposal may require or warrants specific reference in the development of the CBD Masterplan Refresh. The CBD Masterplan Refresh will also inform the DCP review in 2017/18 and the Pedestrian Access Mobility Plan (PAMP) in 2016/17

Asset

The CBD Masterplan Refresh will provide a framework for the sustainable staged development of Council owned assets in the CBD.

Social / Cultural

The Masterplan Refresh will reflect the values and identity of Queanbeyan and its residents, and the local environment including heritage, aesthetics and lifestyle. It will attempt to address strategies to integrate strategies to create social and valued public spaces.

Economic

A CBD Masterplan Refresh will significantly contribute to the economic viability of the CBD through it being a planning tool to enhance the aesthetic and functionality of the CBD and a strategic instrument within which future land use decisions can be made.

6.23 CBD Master Plan Refresh (Ref: C1661644; Author: Spyve/Darcy) (Continued)

Strategic

Where possible, the Masterplan Refresh will inform the statutory planning process including Councils Local Environment Plan, Development Control Plan and other strategic documents such as plans, policies and work programmes.

Consultation

A working group will be formed to work with consultants on the level, type and depth of community consultation required to complete the Masterplan Refresh

Financial

\$70,000 has been allocated to the 2016/17 Economic Development budget

Integrated Plan**Theme 1 – mage and Influence**

1.4 Enhance the CBD – the civic heart

1.6 Protect the places that are important to the community

Theme 2 – Business and Industry

2.4 Revitalisation of the CBD

Theme 3 – Culture and Leisure

3.1 Recognise and conserve Queanbeyan's heritage

3.2 Create excellence in recreation and lifestyle opportunities

Theme 4 – Infrastructure, Access and Transport

4.1 Undertake planning to ensure infrastructure is prepared for future growth

Theme 5 – The Community

5.1 Implementing plans Queanbeyan already has

Theme 6 – The Environment

6.1 Consider the environmental impacts of future planning

Conclusion

It is appropriate that the current seven year old CBD Masterplan undergo a refresh. This would enable a new document to be developed that is cognisant of all the completed projects in the current plan, and the reports, studies and information that has been developed since. The CBD Masterplan Refresh will provide a framework on which to guide and inform any future CBD development and improvements.

Attachments

Nil

COMMITTEE REPORTS

7.1 Report of the Queanbeyan Sports Council - 2 May 2016 (Ref: C1665562; Author: Hansen/Penman)**Present:**

Mayor Tim Overall (Chair), Craig Thomas-Schumacher (JTA), Annette Thomas-Schumacher (JTA), Phillip Hawke (QSRUFC), Simon France (MPFC), Allan Carpenter (Community Rep), Andrew Plant (QAC), Peter Solway (QDSCC), Paul Morshead (QDJCC), Joe Sheridan (QLAC), Ron Sheargold (VMC), Robin Von Scherberger (GHAFLC), Scott Taylor (QTJAFLC)

Also Present:

Tim Geyer (QCC), Leigh Penman (QCC)

Others Present:

Jared Wilson (oxigen)

The Committee Recommends:

Apologies:

Cr Kenrick Winchester (QCC), Michael Goiser (QTSAFLC)

1. Queanbeyan Sports Expo

Leigh Penman explained to the committee of the success of the 2016 and it was agreed on by the committee to look at running this event again in 2017, with the possibility of holding it in the newly upgraded queen Elizabeth Park. General discussion was held regarding this with February the preferred time of the event with the possibility of linking it in with the timing of the raiders trail game at Seiffert oval in February 2017.

2. Regional Sports Precinct

Tim Geyer explained to the committee that the regional sports precinct master plan was about 90% complete, with a lot of work done on this plan by council staff as well as oxygen.

Jared Wilson went through the master plan with the committee and explained all parts of the master plan to the committee. General discussion was held around the master plan.

3. Winter 2016 Sport Ground Allocations

A general discussion took place regarding the 2016 Winter Sportsground Allocations and a few slight amendments were made. Please refer to the attached – playing 2016 Winter Season and – Training 2016 Winter Season.

A general discussion was held regarding Duncan Fields with them now coming on line for use.

Recommendation (Sheridan/Thomas-Schumacher)

QSC002/16 Duncan fields be allocated to Monaro panthers for the 2016 winter season and allocated to Queanbeyan junior cricket club for 2016-17 summer season. Allocations from 2017 winter season to be allocated as per all other grounds through the Queanbeyan Sports Council.

7.1 Report of the Queanbeyan Sports Council - 2 May 2016 (Ref: C1665562; Author: Hansen/Penman) (Continued)

4. Seiffert Oval Plan of Management

Tim Geyer explained to the committee that the Seiffert Oval Plan of Management has now been completed and will be on public exhibition for comment from the 6 May 2016 until 6 June 2016. Leigh Penman to send a website link to all committee members.

5. Current and Planned improvements to sporting and recreational needs, including capital works programs and future planning for sportsgrounds

Leigh Penman explained to the committee the current works program for this financial year and went through each of the projects to explain where we are up to, as well going through all the planned works for the upcoming financial year.

General discussion was held regarding these works. Joe Sheridan enquired to make sure that while the works for the upcoming year at wright park carpark is being completed that little athletics can still access there storage shed. Scott Taylor added that Queanbeyan Tigers AFL Club are still requiring new lighting for Margaret Donoghue Oval.

There was a discussion regarding the \$39,845.00 amount for retain embankments at Letchworth Oval for 2016-17 financial year, with the money originally being so the grounds can be made a little bit longer and it was thought that this is no longer required, with other works required to be more important.

Recommendation (Thomas-Schumacher/France)

QSC003/16 that the money allocation to Letchworth oval to retain embankments to be transferred to David Madew playing fields for improved drainage on the fields and around the amenities block.

6. Next Meeting is scheduled for 1 August 2016

There being no further business, the meeting closed at 7.30pm.

Attachments

Attachment 1 Winter Sportsground usage 2016 - May 2016 (*Under Separate Cover*)

13.1 Former Palerang Investment Report (Ref: C1677575); Author: (Abigail/Abigail)

Report

A statement detailing the investments held by Council in the form of Term Deposits (TD) and 11 a.m. Call Deposits (11AM) is provided in accordance with S625 Local Government Act, 1993 and Clause 212 Local Government (General) Regulation, 2005. The exception is the reporting date which is not the end of month, as required by the Act, but the close of the business the day preceding the preparation of the report for the business paper. This date is far more relevant for Council's consideration of the monthly investment statement than being the end of the previous month.

The investments have been made in accordance with the Local Government Act, 1993, the Regulations, the Minister's Investment Order and Council's investment policies.

Recommendation

That the report be received for information.

Attachments

Attachment 1 Investment Report - Former Palerang (*Under Separate Cover*)

13.2 Pedestrian Safety at Jerrabomberra Circle (Ref: C1667690); Author: Hansen/Wilson-Ridley

Report

At its meeting of March 2016 Council requested a report identifying the closest location to Jerrabomberra Circle that pedestrian signals can be installed on Edwin Land Parkway. This report outlines the investigations into all the warrants for pedestrian signals, further research into pedestrian signal and calculations for where a pedestrian signal could be located.

Warrants for Pedestrian Signals

The warrants for installing mid-block pedestrian signals were reviewed. Edwin Land Parkway currently does not meet the warrants for a pedestrian signal and is not expected to meet the warrants when considering predicted traffic volumes up to 2031.

A signalised mid-block marked foot crossing may be considered if one of the following warrants is met.

- (a) For each of four one-hour period of an average day:
 - i. The pedestrian flow crossing the road exceeds 250 persons/hour and
 - ii. The vehicular flow exceeds 600 vehicles/hour in each direction or, where there is a central median of at least 1.2m wide, 1000 vehicles/hour in each direction

OR

- (b) For each of eight one-hour period of an average day:
- i. The pedestrian flow exceeds 175 persons/hours and
 - ii. The vehicular flow exceeds 600 vehicles/hour in each direction or where there is a central median of at least 1.2m wide, 1000 vehicles/hours in each direction
and
 - iii. There is no other pedestrian crossing or signalised marked foot crossing with a reasonable distance.

The pedestrian counts and traffic volumes that were used to inform the March 2016 report on Safety at Jerrabomberra Circle are outlined in Table 1 and Table 2. The required traffic volumes of 600 or 1000 vehicles per hour for pedestrian signals are not met for current traffic volumes or the predicted 2031 traffic volumes. The pedestrian counts undertaken earlier in the year are well below the required 250 or 175 persons per hour.

Table 1: Traffic Volumes on Edwin Land Park Way

	2015	2015	2018	2018	2031	2031
	AM Peak 8-9	PM Peak 3-4	AM Peak 8-9	PM Peak 3-4	AM Peak 8-9	PM Peak 3-4
ELP East	137	257	139	244	251	442
ELP West	383	170	345	137	745	296

Table 2: Pedestrian Counts

Time	# of Pedestrians Count in 2009	# of Pedestrians School Time 2016	# of Pedestrians Non-school time 2016
8.30-9.30 am	38	40	10
2:30-3:30 pm	51	37	11

Reduced Warrants for Pedestrian Signals

Edwin Land Parkway does not currently meet the reduced warrants for a pedestrian signal and would only meet one of the reduced traffic warrants for traffic volumes expected in 2031.

Warrants may be reduced if a site is used predominantly by children, the elderly or people with disabilities. In the case where this crossing is viewed as predominantly used by children walking to Jerrabomberra Public School the warrants that need to be used for consideration of a mid-block signalised crossing are:

- (a) The crossing is used predominantly by children and for each of two one-hour periods of an average day:
 - (i) The pedestrian flow crossing the road exceeds 50 persons/hour; and
 - (ii) The vehicular flow exceeds 600 vehicles/hour in each direction

The traffic volumes and pedestrian counts do not meet the reduced warrant with only the expected west bound traffic (745 vehicles) in the morning in 2031 as the one count that would meet the the vehicular flow requirement.

Jerrabomberra Public School Travel Survey

Comparing the 2016 pedestrian counts at Jerrabomberra Circle with the 2009 pedestrian counts the results indicate that pedestrian numbers at the roundabout are actually reducing and do not currently meet the warrants. Council conducted a Travel Survey with Jerrabomberra Public School to ascertain the number of parents with children that would consider walking if pedestrian safety was improved at Jerrabomberra Circle.

From the travel survey, 302 completed surveys were received. Of the completed surveys 88 responses were from families that live on the route from Jerrabomberra Heights to the school that would use the roundabout. 38 of the 88 respondents indicated that they would consider walking or cycling to school if conditions were different and specifically named pedestrian safety concerns for Edwin Land Parkway at Jerrabomberra Roundabout. For the 38 respondents they indicated that in total they account for 61 pupils. Assuming pedestrian numbers increase by all of the 38 families that indicated they would walk if safety improves at Jerrabomberra roundabout, the pedestrian count has the ability to meet the reduced warrant but the traffic flow still does not meet the requirements.

The majority of families indicated in the survey that they drive their children to school for convenience.

Certain Special Situations for Signalised Mid-Block Crossing

Should the site not meet the normal or reduced warrants, signalised mid-block marked foot crossing may also be considered in certain special situations but Jerrabomberra Circle does not meet these situations. Special circumstances include the site meeting the warrants for pedestrian crossings (which it doesn't) or the location has been the site of two or more pedestrian casualties over a three year period and in reviewing the crash history from 2010-2014 this site does not have a history of pedestrian crash casualties.

Possible Location for Pedestrian Signals

It is possible that by 2031 the traffic flow on Edwin Land Parkway would meet the warrant in one direction.

Calculations were performed to identify the closest location to Jerrabomberra Circle that pedestrian signals could be installed on Edwin Land Park Way. The calculation identified a location for the pedestrian signals as 87.5 metres from the roundabout exit, which is 35 metres east of the current crossing point. With the identified location it was estimated that 95% of the time the maximum vehicles queuing given traffic volume predictions would be up to 12 vehicles.

However, this would see a 5% occurrence of vehicles stacking onto the roundabout which is an unacceptable occurrence. Jerrabomberra Circle involves a complex interaction of vehicle movement with vehicles required to move between lanes to access exits. Any vehicle queuing would interfere with the traffic movement design of Jerrabomberra Circle and increase the risk of a crash particularly rear end crashes. Vehicles entering the Roundabout at Tomsitt Drive or Limestone Drive are not expecting vehicles queuing onto the roundabout from Edwin Land Parkway. This is counter intuitive to what drivers are expecting at roundabouts where they are normally looking left for moving traffic and are not naturally looking right for stopped traffic.

Feedback from community consultation undertaken with the Jerrabomberra Residents' Association (JRA), Jerrabomberra Public School (JPS) and QueanBug (Queanbeyan's Bicycle Group) for the March 2016 report did indicate that the desire line of pedestrian traffic is the current crossing point and they did express concerns regarding the installation of crossing points or footpaths that deviated too far from the roundabout as not being within the current pedestrian desire lines. The calculated location of 87.5m from the roundabout is not within the current pedestrian desire lines and moving it even further east to avoid vehicle queuing onto the roundabout will take it even further out of these pedestrian desire lines thereby negating its intended use.

Effectiveness of Pedestrian Signals

It is worth noting that the installation of pedestrian signals does not always guarantee pedestrian safety at a site and is not always the solution for pedestrian issues. The Centre for Road Safety note that there were 266 pedestrian killed and 9023 injured on NSW roads between 2009 and 2013. Almost a quarter of these crashes were at signalised intersections.

From a local Queanbeyan perspective, Council has received safety complaints from parents and teachers at Queanbeyan East Primary School reporting concerns about the signalised pedestrian crossing on Yass Road. The feedback from this school is that vehicles at times fail to stop at the red lights on Yass Road where pedestrians are attempting to cross. It is the school's practice that all children crossing at the pedestrian signals at Yass Road are accompanied by parents or teachers and extreme vigilance is taken at this crossing. One of the concerns worth considering when reviewing possible installation of pedestrian signals at Jerrabomberra Roundabout is the fact that motorists at this location may also adopt this practice of failing to stop at these signals because the pedestrian usage is infrequent.

In April 2016, Council applied for funding in the State Government Pedestrian Infrastructure Around Schools Program to install pedestrian fencing at Jerrabomberra roundabout to funnel pedestrians to the current crossing point. The funding application estimated that \$34,782 is required to complete this pedestrian safety infrastructure upgrade. It is recommended that Council pursue this project, and if successful in obtaining funding Council review the pedestrian usage and safety of crossing at Jerrabomberra Circle once the fencing has been implemented. Figure 1 illustrates the proposed fencing for the funding application.

Figure 1: Proposed Pedestrian Fencing at Jerrabomberra Circle currently being considered for funding in the Pedestrian Infrastructure Around Schools Program



Recommendation

That the report be received for information.

Attachments

Nil

13.3 Queanbeyan Heritage Festival 2016 - Report (Ref: C1667900); Author: Gibson/Warne**Report****Overview**

The month long Queanbeyan Heritage Festival was held during April 2016 with great success. The festival has been supported by the Queanbeyan City Council each year and incorporates the QCC Heritage Awards, productions at The Q (where programming allows), Museum open days, and themed events by Queanbeyan District Historical Museum Society. Other organisations and individuals interested in local heritage and history have been joining the festival and enriching the programming over the years. This year there were 13 unique events.

The festival has been steadily growing over recent years, without any allocated budget apart from the Heritage Awards. Other costs for events and/or catering are covered by the Library and Museum cost centres. Staff need to consider a designated budget for future festivals.

Events**New**

Defining moments (3 workshops total 18 attendees)

Ghost Train Tour (130 attendees)

Gran's Bag (56 attendees)

Writing masterclass (19 attendees)

"History of the meat pie" travelling display at the Queanbeyan City Library 4-28 April (7878 attendees)

Favourites

Book sale at the Queanbeyan City Library (784 attendees)

History and Heritage Network meeting (32 attendees)

Historic Pub crawl (45 attendees)

Open Days at the Queanbeyan Museum and (150 attendees)

Queanbeyan Printing Museum (70 attendees)

Queanbeyan City Council Heritage Awards (40 attendees)

Show at The Q: They saw a Thylacine (194 attendees)) 2 performances

Open days at the Queanbeyan Art society (150 attendees)

Peace rugs at the Boab Cottage (500 attendees)

Total attendance at all events in Queanbeyan 9996 people

Sponsorship

David Whitbread Design \$1200 design and production of Festival Brochure and poster

Income

Library Book sale approx. \$1500 over 4 weeks

Individual events may have earned revenue which contributed to the local economy

Promotion

The council promotes the Festival with the banner, QCC and Library Websites and Facebook pages, printed and online flyers, and council news sources.

Events were registered with the National Trust which distributed 40000 programs throughout the state and the ACT Heritage festival program which produces 39000 programs; 35000 inserts into the Canberra Times (readership 70000) plus 4000 extras which are distributed around the state. The ACT program gave extra prominence to two of the Queanbeyan events in its program. Both organisations have websites with The National Trust having more than 43000 visits. All the event coordinators were very happy with the attendance at their events.

Radio interviews were held on ABC666 as well as the Queanbeyan Community Radio featuring the Mayor, Local History Librarian and other event organisers.

Web articles covered displays

<http://www.abc.net.au/news/2016-04-04/meat-pie-exhibition-tracks-history-of-australia-iconic-fast-food/7297216>

<https://www.pedestrian.tv/news/arts-and-culture/aussie-exhibit-honours-meat-pie-still-wont-reveal/ef8aa74e-475c-4501-9763-2a0521d935c1.htm>

Articles appeared in the Queanbeyan Age, Canberra Times, Canberra Weekly. There were also enquiries from a website in the USA (Mashable) and the Sydney Daily Mail.

Recommendation

That the report be received for information.

Attachments

Nil

13.4 Submission for IPART Rating Issues Paper (Ref: C1669438); Author: Spyve/Spyve**Report****Summary**

Council has made a submission on IPART's Local Government Rating System Issue Paper. This paper is the first step in the consultation process for a review of the rating powers of councils which is due to be completed by December this year.

Background

The NSW Premier has charged IPART with undertaking a review of the rating system for local government in NSW. This request is a direct result of the local government reform process which has been going on since 2011. The Independent Local Government Review Panel's Final Report recommended a major review of the rating system be undertaken to see if there could be efficiencies and improvements made to how rates are struck and collected.

As a first step in this process IPART released an Issues Paper in mid April with submissions closing on 13 May 2016. IPART has sought feedback from councils, ratepayers and the community, NSW government agencies, and other stakeholders on a number of questions raised in the Issues Paper, and any other issues stakeholders think are relevant.

IPART notes that this feedback is critical as it will enable it to identify future options that could improve the performance of the rating system and the welfare of the people of NSW.

The Issues Paper analyses potential options to:

- enhance the ability of councils to implement sustainable and equitable fiscal policy, and
- provide the legislative and regulatory approach to achieve the Government's policy of freezing existing rate paths for four years for newly merged councils.

Council has had a significant input to this review as we were invited to have a representative on the Hearing Panel which was held in Sydney on Tuesday 26 April.

The Issues Paper raises a number of important issues which include:

1. Should councils have greater flexibility with the valuation method used to levy rates? The NSW Government mandates using a property's unimproved value (excluding capital), whilst other state governments provide more choice.
2. Are the current rating categories (residential, business, mining and farmland) appropriate?
3. What changes to the rating system could be made to improve councils' long term financial sustainability and encourage urban renewal?
4. Should there be changes to the current categories of land use that receive exemptions or concessions from paying council rates? Exempt land uses include charities, education institutions and some government enterprises.
5. What is the best way to implement the Government's rate path freeze policy for merging councils?
6. What changes to the rating system could be made to allow merged councils to establish and transition to a new equitable rating system in a timely manner?

Council has made an extensive submission on the Issues Paper – See Attachment 1. The submission generally supports the thrust of the Issues Paper which is looking at introducing greater options on how councils can levy and manage rates as set out in Chapters 1 – 5 of the paper. However, it does have significant concerns in respect of Chapters 6 and 7 which deal with the introduction of a four year rate freeze path for newly merged councils and the process of equalising rates over the new local government area. The submission advocates the introduction of a more flexible approach in these areas as the approach that is being advocated by the Government is extremely rigid and could severely impact upon the ability of the newly established councils to become financially sustainable and deliver quality services to their residents.

The Issues Paper marks the first step in the consultation process by IPART so there will be further opportunities for the Council to make comment during the year. The steps IPART is following in the development of this review are:

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| 1. Issues Paper | 13 April 2016 |
| 2. Public Hearing | 26 April 2016 |
| 3. Submissions on Issues Paper | 13 May 2016 |
| 4. Interim Report to Minister | 17 June 2016 |
| 5. Release of Draft Report | August 2016 |
| 6. Public Hearings on Draft Report | September 2016 |
| 7. Submissions on Draft Report | September 2016 |
| 8. Final Report to Minister | December 2016 |

Conclusion

IPART is undertaking a comprehensive review of the rating powers of local government. The aim of the review is to look at ways the rating system can be improved to design a system that can better support the sustainable operation of local government. Council has been an active participant in this review by assisting in the public hearing process and making submissions on the matters raised in the issues paper. Council is generally support of the thrust of the paper however it does have deep concerns over the introduction of a rate path freeze policy and proposals to restrict the rate equalisation process. Council is advocating a more flexible approach in respect of these to ensure the long term sustainability of newly merged councils.

Recommendation

That the report be received for information.

Attachments

Attachment 1	Attachment 1: Rating Issues Paper Submission 12 May 2016 (<i>Under Separate Cover</i>)
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14 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION

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

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

Recommendation

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

Item 15.1 Unauthorised Work Within Council Verges at Googong Township

Item 15.1 is confidential in accordance with s10(A) (g) of the Local Government Act 1993 because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Item 15.2 Expressions of Interest Morisset Street Carpark Redevelopment

Item 15.2 is confidential in accordance with s10(A) (c) (di) of the Local Government Act 1993 because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct); AND commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Item 15.3 Supply and Install Photovoltaic System Tender

Item 15.3 is confidential in accordance with s10(A) (c) (di) (dii) of the Local Government Act 1993 because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct); AND commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it; AND information that would, if disclosed, confer a commercial advantage on a competitor of the council and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.