



# **Ordinary Meeting of Council**

## **AGENDA**

**12 October 2016**

**Commencing at 5.30pm**

**Council Chambers  
253 Crawford Street,  
Queanbeyan**



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

**Tuesday, 11 October 2016**

**4.30pm – Googong**

**5.00pm – Burra**

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**1 APOLOGIES**

**2 DISCLOSURES OF INTERESTS**

**3 CONFIRMATION OF MINUTES**

- 3.1 Minutes of the Ordinary Meeting of Council held on  
28 September 2016

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

**5 MAYORAL MINUTES**

Nil

**6 NOTICES OF MOTIONS OF RESCISSION**

Nil

**7 NOTICES OF MOTIONS**

Nil

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Nil

**12 RESPONSES TO COUNCILLORS' QUESTIONS**

Nil

**13 COUNCILLORS' QUESTIONS FOR NEXT MEETING**

Nil

**14 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION ..... 74**

**Confidential - Not for Publication**

**15 REPORTS FOR CLOSED SESSION**

**15.1 Representation on an Order ..... 74**

*Item 15.1 is confidential in accordance with s10(A) (e) of the Local Government Act 1993 because it contains information that would, if disclosed, prejudice the maintenance of law and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**15.2 Water Write-Offs due to Undetected Leaks ..... 74**

*Item 15.2 is confidential in accordance with s10(A) (b) of the Local Government Act 1993 because it contains discussion in relation to the personal hardship of a resident or ratepayer and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**LIST OF ATTACHMENTS –**

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

**Open Attachments**

**Item 8.1 Development Application 105-2015 - 102 Burra Road Googong - Rural Residential Subdivision - 42 lots**

*Attachment 1 Council Meeting - 12 October 2016 - DA 105-2015 - 102 Burra Road, Googong - Rural Residential Subdivision - Attachment - Section 79C report (Under Separate Cover)*

*Attachment 2 Council Meeting - 12 October 2016 - DA 105-2015 - 102 Burra Road - Subdivision - Attachment - Subdivision Plans (Under Separate Cover)*

*Attachment 3 Council Meeting - 12 October 2016 - DA 105-2015 - 102 Burra Road - Subdivision - Attachment - Plans - Building envelopes (Under Separate Cover)*

*Attachment 4 Council Meeting - 12 October 2016 - DA 105-2015 - 102 Burra Road - Subdivision - Attachment - Flora and Fauna Assessment (Under Separate Cover)*

*Attachment 5 Council Meeting - 12 October 2016 - DA 105-2015 - 102 Burra Road - Subdivision - Attachment - Submissions (Under Separate Cover)*

*Attachment 6 Council Meeting - 12 October 2016 - DA 105-2015 - 102 Burra Road - Subdivision - Attachment - Draft Conditions (Under Separate Cover)*

- Item 8.2 Development Application 304-2016 - Carport and Studio - 5 Barnett Close Greenleigh

*Attachment 1 Council Meeting - 12 October 2016 DA 304-2016 - 5 Barnett Close - Erection of a carport and conversion of existing carport to a studio - Attachment - 79C Table (Under Separate Cover)*

*Attachment 3 Council Meeting - 12 October 2016 - DA 304-2016 - Erection of carport and conversion of existing carport to studio - Attachment - Draft Conditions (Under Separate Cover)*

- Item 8.3 Submission IPART Draft Report on the Review of the Local Government Rating System

*Attachment 1 QPRC Submission on the review of the Local Government Rating System (Under Separate Cover)*

- Item 8.6 Adoption and Gazettal of Road Names in Bungendore, Braidwood, Araluen and Boro

*Attachment 1 Attachment 1A - Road 1 Braidwood (Under Separate Cover)*

*Attachment 2 Attachment 1B - Road 2 Boro (Under Separate Cover)*

*Attachment 3 Attachment 1C - Road 3 Araluen (Under Separate Cover)*

*Attachment 4 Attachment 1D - Road 4 Bungendore (Under Separate Cover)*

- Item 8.7 Captains Flat Dam 6th Surveillance Report

*Attachment 1 Attachment - Captains Flat Dam 6th Five Yearly Dam Surveillance Report (Under Separate Cover)*

- Item 8.8 Braidwood Show Society Inc - Request for Donation of Rates

*Attachment 1 Attachment - Donation of Show Society Rates - Letter from Braidwood Show Society (Under Separate Cover)*

- Item 8.10 Royalla Common s.355 Committee Minutes - 24 August 2016

*Attachment 1 Royalla Common s.355 Committee Minutes 24 August 2016 (Under Separate Cover)*

- Item 8.11 Local Representation Committee Minutes - 13 September 2016

*Attachment 1 Attachment - Minutes Local Representation Committee - 13 September 2016 (Under Separate Cover)*

- Item 8.12 Adoption of Model Code of Conduct - Resubmitted

*Attachment 1 QPRC Draft Code of Conduct (Under Separate Cover)*

**Closed Attachments**

Item 8.2 Development Application 304-2016 - Carport and Studio - 5 Barnett Close Greenleigh

*Attachment 2 Council Meeting - 12 October 2016 DA 304-2016 - 5 Barnett Close - Erection of a carport and conversion of existing carport to a studio - Attachment - Plans (Under Separate Cover)*

Item 8.4 RFT Construction of Rural Fire Service Station at Captains Flat

*Attachment 1 Attachment - RFT Construction of Rural Fire Service Station at Captains Flat (Under Separate Cover)*

Item 8.5 Captains Flat Reservoir Replacement

*Attachment 1 Attachment - Captains Flat Reservoir Replacement (Under Separate Cover)*

Item 10.2 Report of The Q Board Meeting - 26 September 2016

*Attachment 1 The Q - Board Meeting - Council Official Agenda - September 2016 (Under Separate Cover)*

Item 15.1 Representation on an Order

*Attachment 1 Notice of Proposed Order - 8 June 2016 (Under Separate Cover)*

*Attachment 2 Representation made on the NOPO - 20 June 2016 (Under Separate Cover)*

*Attachment 3 Order - 16 August 2016 (Under Separate Cover)*

*Attachment 4 Representation made on the Order - 5 September 2016 (Under Separate Cover)*

*Attachment 5 Requirements and Standards for a deck to be Exempt Development (Under Separate Cover)*







MINUTES OF THE ORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held at the Council Chambers, 10 Majara Street, Bungendore on Wednesday, 28 September 2016 commencing at 5:30pm.

## ATTENDANCE

**Administrator:** T Overall (Chair)

**Staff:** P Tegar, General Manager; P Bascomb, Deputy General Manager; L Gibson, Director Organisational Excellence; M Thompson, Director Development; J Wright, Director of Planning and Environment; P Hansen, Director Assets and Projects; P Spyve, Director Economic and Community and S Taylor, Executive Manager Systems.

**Also Present:** W Blakey, Management Accountant (Clerk of the Meeting) and H Hone (Minute Secretary).

## ACKNOWLEDGEMENT OF COUNTRY

The Administrator made the following acknowledgement of country.

I would like to acknowledge and pay respect to the traditional owners of the lands on which we hold Meetings of Council – the Ngambri/Ngunnawal Peoples, the Ngarigu People and the People of the Dhurga language group. It is upon their ancestral lands that meetings of Queanbeyan-Palerang Regional Council are held. I pay my respect to elders past and present and to all aboriginal people.

## 1. APOLOGIES

No apologies were received.

## 2. DISCLOSURES OF INTERESTS

### **RESOLVED (Overall)**

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

No disclosures were presented.

202/16

**3. CONFIRMATION OF MINUTES****3.1 Minutes of the Ordinary Meeting of Council held on 14 September 2016**

203/16

**RESOLVED (Overall)**

The Administrator resolved that the Minutes of the Ordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday 14 September 2016 be confirmed.

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

**Mr Anthony Cairnes** – Item 8.5 – Land and Environment Court Appeal  
199 Wallace Street Braidwood

**5. MAYORAL MINUTES****5.1 Borderless Infrastructure MoU with ACT**

204/16

**RESOLVED (Overall)**

The Administrator resolved that Council note the information on borderless infrastructure between the ACT Government and Queanbeyan-Palerang Regional Council.

**6. NOTICES OF MOTIONS OF RESCISSION**

Nil.

**7. NOTICES OF MOTIONS**

Nil.

**8. DETERMINATION REPORTS****8.1 Development Application 92-2016 - 41 Yass Road Queanbeyan - Vehicle Sales and Hire Premises**

205/16

**RESOLVED (Overall)**

The Administrator resolved:

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 three wall signs (instead of one) to be installed to the Yass Road frontage of the development for the following reasons:

- a) The proposed signs are considered to be consistent with the objectives of SEPP 64 and the objectives of the IN2 – Light Industrial 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 building is broken up into four distinct segments with one sign located on each segment. The signs are incorporated into the design of the building and do not detract from the streetscape appearance of the site.
  - d) The proposed development results in the consolidation of a number of sites and the consolidation of signage across those sites which is considered to result in a positive streetscape outcome.
  - e) It is considered that in the context of the site and locality that the proposed wall signs are appropriate and that compliance with the development standard would be unreasonable and unnecessary in this particular instance.
2. That Development Application 92-2016 for a Vehicle Sales and Hire Premises on Lot 1 DP 1216908, No. 41 Yass Road, Queanbeyan East NSW 2620 be granted approval subject to conditions, including the limitation that 3 freestanding signs are permitted along the Yass Road frontage instead of the 4 proposed.

## 8.2 Interim Transitional Plan Action - Strategic Planning

206/16

### **RESOLVED (Overall)**

The Administrator resolved:

1. That the following planning proposals to amend Palerang Local Environmental Plan 2014 continue to be progressed as part of Phase 1 of the Transition Plan period:
  - a) The insertion of the Captains Flat Flood Planning Map and minor amendments concerning Heritage and the numbering of clauses.
  - b) The expansion of Exempt and Complying Development in E4, RU5 and RU1 Zones.
  - c) The rezoning of land for the Bungendore Carpark.
2. That the following projects be considered as part of the preparation of the Queanbeyan-Palerang Regional Council Comprehensive Local Environmental Plan:
  - a) The amendment of Clause 4.6 of the Palerang Local Environmental Plan 2014.

- b) The amendment of Schedule 5 Environmental Heritage and associated maps.
  - c) The mapping layers and associated text for Terrestrial Biodiversity and Landscape currently being undertaken as part of the review of Palerang Local Environmental Plan 2014.
  - d) Animal boarding or training establishments.
3. That the following planning proposals to amend Palerang Local Environmental Plan 2014 continue to be progressed as part of the preparation of the Queanbeyan-Palerang Regional Council Comprehensive Local Environmental Plan during the Transition Plan period:
- a) The rezoning of land to the north of Bungendore from RU1 Primary Production to R2 Low Density Residential and RE1 Public Recreation.
  - b) The rezoning of land for Bungendore East continues during the Transition Plan period subject to the issuance of a Gateway determination.
  - c) The amendment of Schedule 1 to allow the subdivision of Lot 3 DP 1074706 to create residential lots.
  - d) The amendment to rezone Lot 3 DP 1195030 from IN2 Light Industrial to R2 Low Density Residential to create residential lots.
4. That work continue on the development of a planning proposal in relation to Capital Country Holiday Village.
5. That the assessment of the requests for the rezoning of land or for a dwelling to be permitted on certain land (affected by the recommendations of the Palerang Rural Lands Strategy) be undertaken during Phase 2 (1 January – 9 September 2017) and if appropriate the outcomes be progressed as part of the preparation of the Queanbeyan-Palerang Regional Council Comprehensive Local Environmental Plan.
6. That the Biodiversity Investigation for the former Queanbeyan area be used to extend the current mapping layer and associated text for Terrestrial Biodiversity and Landscape being carried out for the former Palerang area to cover the merged council area and work be progressed as part of the Transition Plan period.
7. That the North Tralee Planning Proposal to amend Queanbeyan Local Environmental Plan 1998 continues to be progressed as part of the Transition Plan period.
8. That the South Jerrabomberra Planning Proposal to amend Queanbeyan Local Environmental Plan (South Tralee) 2012 continues to be progressed as part of the Transition Plan period.

9. That the work to be done on the Development Contribution Plans for the former Palerang part of the Local Government Area be received as information.
10. That the following work continues to be progressed during Phase 1 of the Transition Plan period:
  - a) The Obstacle Height Limitation Project.
  - b) The drafting of a new Queanbeyan Section 94A Plan.
  - c) Preparation of a comparative land use zone matrix and comparison of other land use provisions of the merged council's principal local environmental plans.
  - d) The Captain Flat Cemetery Plan of Management.
  - e) Review of other former Queanbeyan Plans of Management.
  - f) Continued updating of the heritage data base for the former Palerang.
11. That work on the following plans continues to be progressed during the Transition Plan period:
  - a) The Bungendore Structure Plan.
  - b) Insertion of a Structure Plan into Googong Development Control Plan for Neighbourhood Two.
  - c) Review of the Queanbeyan Development Control Plan 2012.
  - d) The Queanbeyan-Palerang Regional Council Development Control Plan.
  - e) The Braidwood Development Control Plan 2006.
  - f) Review of the Queanbeyan Section 94 Plan.
12. That Council note the staged program in the Transition Plan to fully consolidate Local Environmental Plans.

### 8.3 71 London Road, Queanbeyan

207/16

#### **RESOLVED (Overall)**

The Administrator resolved that Council in accordance with s50 of the Local Government Act 1993 direct that lot 536 DP 8708, being land located at 71 London Road, Queanbeyan (Mt Jerrabomberra) transfer to and vest in the Queanbeyan-Palerang Regional Council and notice to this effect be published in the NSW Gazette.

**8.4 Licence Agreement - 12 Southbar Road**

208/16

**RESOLVED (Overall)**

The Administrator resolved:

1. That the Council agree the execution of a five year Licence Agreement for the operation of the Baby Health Centre at 12 Southbar Road, Queanbeyan and the provision of a small enclosure area being part of Steve Maugher Sportsground for securing of the centre vehicle.
2. That a development application for the secure parking area be pursued if needed.
3. That the proposal be publicly advertised in accordance with the provisions of the Local Government Act 1993.
4. That if no objections are received the Licence Agreement be executed.

**8.5 Land and Environment Court Appeal - 199 Wallace Street Braidwood**

209/16

**RESOLVED (Overall)**

The Administrator resolved that Council:

1. Confirm its intention to take part in the appeal; and
2. Authorise staff, with assistance from Council's legal advisors, prepare an appropriate statement of facts and contentions for the Land and Environment Court.

**8.6 Braidwood Saleyard - Emergency Tag Fee Increase**

210/16

**RESOLVED (Overall)**

The Administrator resolved that Council:

1. Endorse the request of the Braidwood office of South East Local Land Services recommending an increase in the 'Emergency Tag' Fee currently charged by Council.
2. Supports a proposed increase in the 'Emergency Tag' fee from \$20 per tag to \$50 per tag for the remainder of the 2016 – 2017 financial year to be applicable as of 15 November 2016 if adopted.
3. That the proposed fee change be placed on public exhibition to seek public comment.

**8.7 Fireworks (Pyrotechnics) Displays Policy**

211/16

**RESOLVED (Overall)**

The Administrator resolved that Council:

1. Endorse the Draft Fireworks (Pyrotechnic) Displays Policy for public exhibition for a minimum period of 28 days.
2. Subject to no submission being received, adopt the Fireworks (Pyrotechnic) Display Policy.
3. Request a further report be brought back to Council for further consideration only if submissions are received during the public exhibition period which may potentially alter the content of the Policy.

**8.8 Request for assistance - NAIDOC Week celebration**

212/16

**RESOLVED (Overall)**

The Administrator resolved that Council:

1. Provide a grant of \$1000 to the Munjuwa Queanbeyan Aboriginal Health, Housing & Community Corporation to assist with their Family Day event for NAIDOC Week celebrations.
2. Approve the waiving of standard hire fees for the use of Council venues to run the Family Day event.
3. Develop an application process for future NAIDOC Week events and that these applications be reviewed by the Consultative Committee on Aboriginal Issues.

**8.9 QPRC Investment Report - August 2016**

213/16

**RESOLVED (Overall)**

The Administrator resolved that Council:

1. Note the investment income for August 2016 is \$366,507 bringing the total interest earned on Cash and Cash Equivalent Investments for the 2016/17 Financial Year to \$1,251,806 which is \$346,051 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 proposed investment policy;
3. Adopt the Investment Report for the month of August 2016.

**8.10 Adoption of Model Code of Conduct**

214/16

**RESOLVED (Overall)**

The Administrator resolved that Council:

1. Adopt the Code of Conduct.
2. Council adopt the Procedures for the Administration of the Code of Conduct.

**8.11 Disclosures by Councillors and Designated Persons Return 2016**

215/16

**RESOLVED (Overall)**

The Administrator resolved that Council note that pecuniary interest returns for the period 1 July 2015 to 30 June 2016 have been tabled pursuant to Section 450A of the Local Government Act 1993.

**8.12 Braidwood Showground Reserve Trust s.355 Committee Minutes**

216/16

**RESOLVED (Overall)**

The Administrator resolved that the minutes of the Committee Meeting of the Braidwood Showground Reserve Trust s.355 Committee, held on 26 July 2016, be noted.

**9. INFORMATION REPORTS****9.1 Community meetings**

217/16

**RESOLVED (Overall)**

The Administrator resolved that the report be received for information.

**9.2 Live streaming of Council meetings**

218/16

**RESOLVED (Overall)**

The Administrator resolved that the report be received for information.

**9.3 Fit for the Future Update**

219/16

**RESOLVED (Overall)**

The Administrator resolved that the report be received for information.

**10. COMMITTEE REPORTS**

Nil

**11. DELEGATES' REPORTS**

Nil



**12. RESPONSES TO COUNCILLORS' QUESTIONS**

Nil

**13. COUNCILLORS' QUESTIONS FOR NEXT MEETING**

Nil

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

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

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

**PRESENTATIONS**

No presentations were made.

220/16

**RESOLVED (Overall)**

The Administrator resolved 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 Information on Enforcement Action - Unauthorised Use of Premises**

*Item 15.1 is confidential in accordance with s10(A) (e) of the Local Government Act 1993 because it contains information that would, if disclosed, prejudice the maintenance of law and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**Item 15.2 Compliance Issue and Complaint - Carport**

*Item 15.2 is confidential in accordance with s10(A) (e) of the Local Government Act 1993 because it contains information that would, if disclosed, prejudice the maintenance of law 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. 223/16 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, Mr Overall then read out the decisions of Council made in Closed Session.

**Item 15.1 Information on Enforcement Action - Unauthorised Use of Premises**

The Administrator resolved that the report be received for information.

**Item 15.2 Compliance Issue and Complaint – Carport**

The Administrator resolved:

1. That subject to the owner connecting all roof water from the carport to an in ground stormwater network within one month of the date of this meeting, Council take no further action in relation to this matter because:
  - a) Council considers the overall impact of the carport to be negligible.
  - b) Council is satisfied that it is reasonable for Council to choose not to take enforcement action as the non-compliance is minor and Council would most likely have consented to an application had it been lodged.
2. That Council informs both parties (the owner and the complainant) in writing of Council's decision.

At this stage in the proceedings, the time being 6.06pm Mr Overall announced that the Agenda for the meeting had now been completed and declared the meeting closed.

**TIM OVERALL  
ADMINISTRATOR  
CHAIRPERSON**

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**ITEM 2                    DECLARATION OF CONFLICTS/PECUNIARY INTERESTS**

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

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

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

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

**Recommendation**

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



## DETERMINATION REPORTS

**8.1 Development Application 105-2015 - 102 Burra Road Googong - Rural Residential Subdivision - 42 lots (Ref: C16137296; Author: Thompson/Templeman)**

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

This application has been referred to Council because it is for a major development exceeding \$5 million in value.

Proposal:	Subdivision to create 42 lots including 40 rural residential lots, 1 community lot and 1 rural lot and construction of three roads.
Applicant/Owner:	CIC Australia/ Lynette Dunn and James Wells
Subject Property:	Lot 1 DP 1209260, No. 102 Burra Road, Googong also known as Mount Pleasant
Zoning and Permissibility:	E4 – Environmental Living and RU2 – Rural Landscape under Queanbeyan Local Environmental Plan 2012
Public Submissions:	Three
Issues Discussed:	Planning Requirements Environmental Constraints
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

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**Recommendation**

- 1. That determination of the Integrated Development Application 105-2015 for Subdivision creating 42 lots and construction of 3 roads on Lot 1 DP 1209260, No. 102 Burra Road, Googong be delegated to the General Manager subject to the Clearing Property Vegetation Plan (PVP) being issued by Local Land Services.**
  - 2. That those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.**
- 

**Background*****Proposed Development***

The development application is for subdivision to create 42 lots as follows:

- 1 x Torrens Title allotment on E4 zoned land on the southern side of Burra Road containing the existing farm house and associated outbuildings;
- 1 x Torrens Title allotment on the RU2 zoned land on the northern side of Burra Road; and

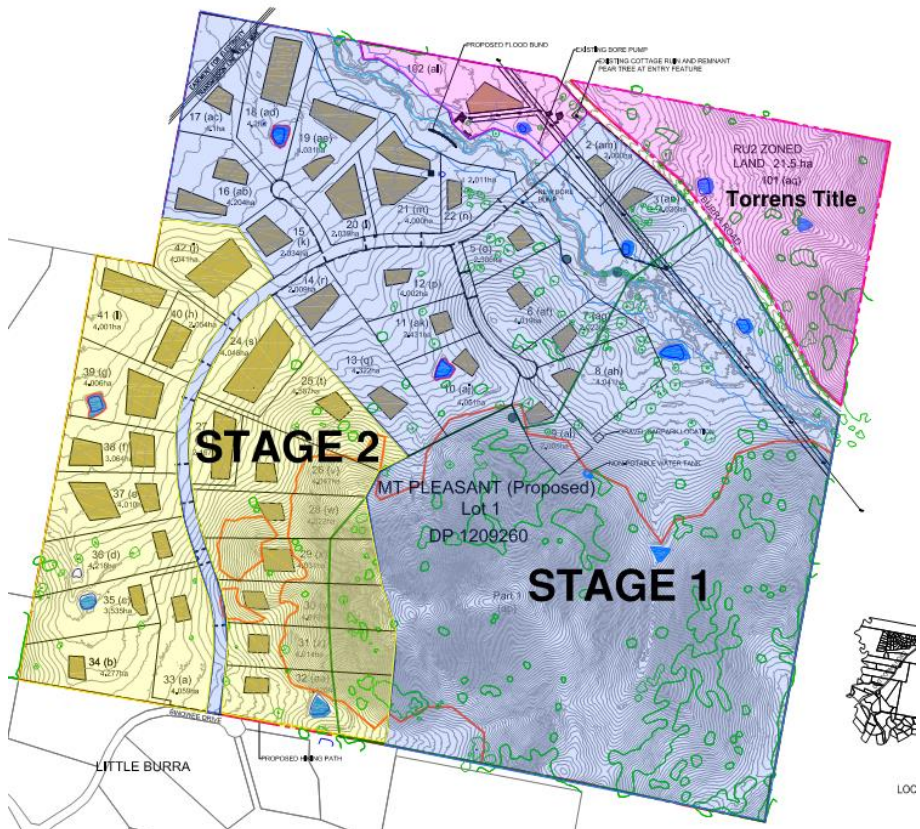
## 8.1 Development Application 105-2015 - 102 Burra Road Googong - Rural Residential Subdivision - 42 lots (Ref: C16137296; Author: Thompson/Templeman) (Continued)

- 41 Community Title allotments including a community lot and 40 rural residential lots.

The application involves the construction of three roads:

- Road 1 extends from Burra Road in the north to Binowee Drive in the south and will connect the proposed development to the Little Burra Estate allowing traffic from both the proposed development and Little Burra to access Burra Road through the subject site.
- Roads 2 and 3 are cul-de-sacs giving access to the rural residential allotments and community assets, including a proposed bore, car parking area and conservation area.

The Community Title subdivision is proposed to occur over two stages, the first stage involves the construction of Roads 1, 2 and 3 and 20 rural residential lots in the northern portion of the site. The second stage is proposed to involve 20 further rural residential allotments in the southern portion of the site.



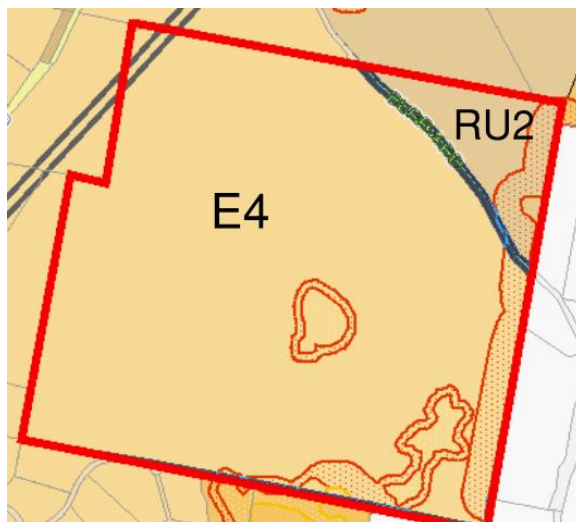
**8.1 Development Application 105-2015 - 102 Burra Road Googong - Rural Residential Subdivision - 42 lots (Ref: C16137296; Author: Thompson/Templeman) (Continued)**

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*Figure 1 – subdivision and staging plan****Subject Property***

The subject site is known as 102 Burra Road Googong. The majority of the site is zoned E4 – Environmental Living and is located on the southern side of Burra Road, the remainder of the site is zoned RU2 – Rural Landscape and is located on the northern side of Burra Road.

The site is currently used as grazing land and contains an established dwelling and associated farm outbuildings.

*Figure 2 – zoning map showing distribution of zones across the site and bushfire prone areas*

**8.1 Development Application 105-2015 - 102 Burra Road Googong - Rural Residential Subdivision - 42 lots (Ref: C16137296; Author: Thompson/Templeman) (Continued)**

*Figure 3 – Aerial Photograph*

The western portion of the site is generally flat grazing land which has undergone pasture improvement in the past and has from time to time been used for cropping. As the site gets steeper towards Mt Pleasant in the east, the landscape changes to include a large area of Box-Gum Woodland Endangered Ecological Community (EEC).

***Planning Requirements******Section 91***

The Development application is an *Integrated Development* under Section 91 of the *Environmental Planning and Assessment Act 1979*. Integrated Development is where one or more specified approvals from other approval bodies are required. Council cannot grant development consent to an integrated development unless each approval body has provided their General Terms of Approval (GTAs) for the proposal. In this case, the approval bodies and the approvals required have been received as detailed below.



# 8.1 Development Application 105-2015 - 102 Burra Road Googong - Rural Residential Subdivision - 42 lots (Ref: C16137296; Author: Thompson/Templeman) (Continued)

Integrated Referral	Act	General Terms of Approval (GTAs)
NSW Rural Fire Service	Rural Fires Act 1997	GTAs issued Section 100B authorisation
Office of Water	Water Management Act 2000	GTAs issued Water management work within Church Creek Groundwater supply
NSW Fisheries	Fisheries Management Act 1994	GTAs issued Consent to carry out work to dams and bridge across Church Creek
Office of Environment and Heritage	National Parks and Wildlife Act 1974	GTAs Issued Aboriginal Heritage Impact Permit

## Section 79C

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. 44 – Koala Habitat Protection
2. State Environmental Planning Policy No. 55 – Contaminated Land Management
3. State Environmental Planning Policy (Infrastructure) 2007
4. State Environmental Planning Policy (Rural Lands) 2008
5. Queanbeyan Local Environmental Plan 2012 (LEP).
6. Queanbeyan Development Control Plan 2012 (DCP)

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

### (a) Compliance with LEP

The proposed development satisfies the relevant provisions of the LEP as discussed in detail in the attached *Section 79C(1) Table – Matters for Consideration*. The development is permitted with consent in the E4 – Environmental Living and RU2 – Rural Landscape Zones. The rural residential subdivision on the southern side of Burra Road complies with the lot averaging provisions for subdivision in terms of lot sizes. Proposed Lot 101 located on the northern side of Burra Road and zoned RU2 does not comply with the minimum lot size, however, under Clause 4.2 of the LEP and the Rural Land SEPP, it is permitted to be less where the purpose is for primary production and no dwelling exists on the lot. This criteria has been met and any consent will include advice that this lot does not have a dwelling entitlement as a result.

**8.1 Development Application 105-2015 - 102 Burra Road Googong - Rural Residential Subdivision - 42 lots (Ref: C16137296; Author: Thompson/Templeman) (Continued)**

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**(b) Compliance with DCP**

The proposed development generally satisfies the relevant provisions of the DCP as discussed in detail in the attached *Section 79C(1) Table – Matters for Consideration*.

**(c) Other Matters***Section 5A – Environmental Planning and Assessment Act 1979*

An assessment of the application against the provisions of Section 5A of the Environmental Planning and Assessment Act is included in the attached *Section 79C(1) Table – Matters for Consideration*.

It is considered that the proposed development meets the requirements of Section 5A and is unlikely to place at risk of extinction or result in the extinction of the threatened fauna species nor the Box-Gum Woodland Endangered Ecological Community (EEC) identified on the site. The measures proposed to avoid, mitigate and offset the impact of the proposed development are considered to be acceptable in this instance and subject to appropriate conditions. No Species Impact Statement is required for the proposed development.

The site is identified on Council's Terrestrial Biodiversity Map which was based on the bio-links, riparian areas and high conservation value lands identified in the Queanbeyan Biodiversity Study. The Study indicates that some detailed study was undertaken of the site and determined that Box-Gum Woodland was present.

The site has been investigated by Capital Ecology and detailed field studies undertaken to assess flora and fauna species present. The image below provides an overview of the area identified in the Terrestrial Biodiversity map overlayed with the findings of detailed investigation of the site. The areas of Box-Gum woodland identified in the Capital Ecology study have been based on the definitions contained in the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) and the *Threatened Species Conservation Act 1995* (TSC Act). It is important to note that the TSC Act definition is broad and unlike the EPBC Act definition, does not provide quantifiable parameters including extent, condition and quantity of contributing species. As a result, the area of land identified as Box-Gum Woodland under the TSC Act is larger than that which fits within the EPBC Act definition.

## 8.1 Development Application 105-2015 - 102 Burra Road Googong - Rural Residential Subdivision - 42 lots (Ref: C16137296; Author: Thompson/Templeman) (Continued)

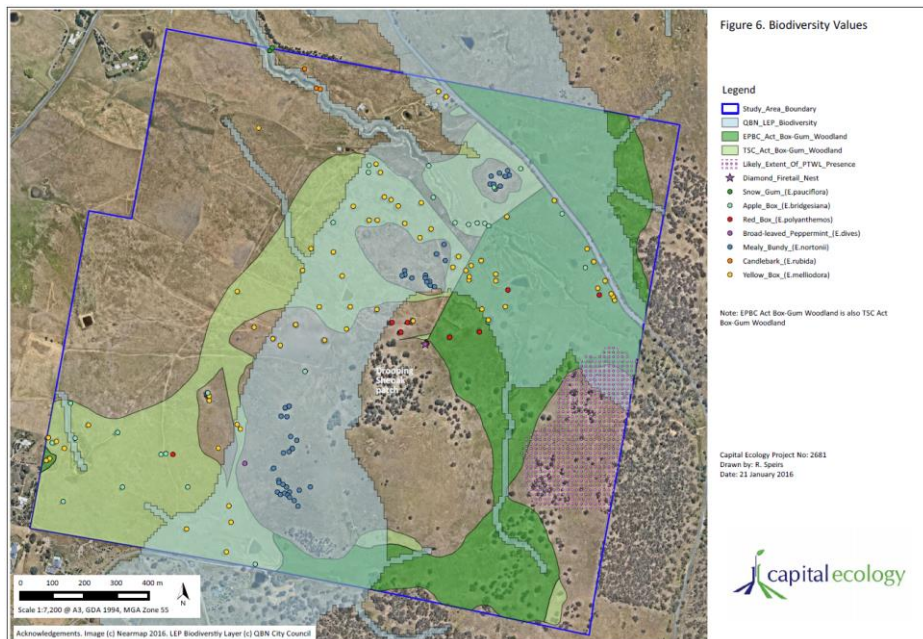


Figure 4 – Capital Ecology mapping of biodiversity values

The NSW Office of Environment and Heritage (OEH) have been assisting Council with the assessment of Section 5A and concur that the development is unlikely to result in adverse impact to the identified threatened fauna species on the site being;

- Scarlet Robin *Petroica boodang*
- Flame Robin *P. phoenica*
- Diamond Firetail *Stagonopleura guttata*
- Pink Tail Worm Lizard *Aprasia parapulchella*

The proposed development will result in some impact to the identified EEC. The application includes measures to avoid, mitigate and offset the impacts proposed including:

### Measures to Avoid Impact

- Building envelopes have been located clear of existing trees
- Alignment of proposed roads have been designed to take best advantage of the topography of the site and limit clearing of ground cover within identified box gum woodland.

**8.1 Development Application 105-2015 - 102 Burra Road Googong - Rural Residential Subdivision - 42 lots (Ref: C16137296; Author: Thompson/Templeman) (Continued)**

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*Measures to Mitigate Impact*

The design of the subdivision means that impact cannot be entirely avoided. The applicant has devised a number of measures to mitigate impacts where avoidance is not possible including:

- Limiting building envelopes to the minimum 2000m<sup>2</sup> in areas identified as box-gum woodland.
- Keeping building envelopes outside of areas identified as high quality box-gum woodland which meets the definitions contained within the *Environment Protection and Biodiversity Conservation Act*.
- Preserving all high quality Box-Gum Woodland within the area of the site south of Burra Road within the proposed conservation area. It is noted that some portions of the conservation area are within private allotments, however the majority is within the proposed community lot. It is considered unreasonable to retain some areas of high quality box-gum woodland within private allotments. Generally the areas nominated are steep and well outside the proposed building envelopes. The area contributes to the character of the allotments and does not restrict the ability to locate a dwelling.
- Preparation of a vegetation management plan which will form part of the proposed Community Management Statement. The proposed vegetation management plan specifies different management strategies to be applied to the site and is separated in three distinct vegetation management areas being the area of high quality box gum woodland in the community lot, areas of high quality box-gum woodland within private lots and areas of lower quality box-gum woodland within private lots. The contents of the plan are still under review and will be subject to further amendments prior to issue of any construction certificate for the subdivision. Measures include:
  - Restricting the removal of trees on sites within the identified box-gum woodland,
  - Restricting the clearing of ground cover to only those areas within the building envelope and proposed access.
  - Restricting new planting on those affected sites to a prescribed list of appropriate species.
  - Proposed additional plantings within the proposed conservation area.

**8.1 Development Application 105-2015 - 102 Burra Road Googong - Rural Residential Subdivision - 42 lots (Ref: C16137296; Author: Thompson/Templeman) (Continued)**

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*Measures to Offset Impact*

In addition to the avoidance and mitigation measures described above, the application includes the creation of a large conservation area. The majority of the conservation area is proposed to be contained within Lot 1 of the Community Title subdivision, the remainder of the conservation area is contained within private lots and is proposed to be managed in accordance with the proposed vegetation management plan.

At the request of the OEH, the applicant has provided an assessment of the application against the biobanking metric to determine the quality and extent of the box gum woodland and the adequacy of the proposed offset area. The biobanking metric was chosen as it represents current best practice in determining the value of vegetation and offset requirements.

The results of that assessment indicated that vegetation had been correctly classified and that the offset contained within the conservation area is sufficient to offset the impact of the proposed building envelopes and access.

It is noted that the offset calculations did not include the access tracks to building envelopes. This is likely because at this stage of the development the location of those tracks has not been determined. However, the offset requirement in comparison to the offset provided is such that the development would be able to accommodate change as a result of including the access tracks.

OEH have raised a concern that the offset calculations did not account for any future asset protection zones and the 'lifestyles' of future residents. Whilst these concerns are acknowledged, at this stage it is extremely difficult to account for asset protection zones as there is no way to determine the exact location of any dwelling within the nominated building envelope. OEH's concern over lifestyles is acknowledged. OEH's position is that lifestyle choices of occupants including choice of pets, means that the whole of the lot is 'impacted' and the whole of the lot must therefore be offset.

This is not Council's position. For the purpose of determining the quantifiable impact of the development, the clearing required for building envelopes and access has been the primary consideration of Council. In this regard the information provided by the applicant satisfies Council's requirements for identifying the area of impact and therefore the required offset. It is noted that the proposed vegetation management plan contains restrictions on the keeping of animals on lots within the identified vegetation management areas, this includes restricting grazing and hoofed animals. It is considered that this will assist in addressing the OEH's concern in this regard.

OEH have advised that they would prefer that a BioBanking agreement is in place, with a preference for the conservation area to be contained within one lot with a dwelling entitlement and for the owner of that lot to enter into a BioBanking agreement. The benefit of this arrangement would be that funding would be available for the ongoing maintenance of the area.

**8.1 Development Application 105-2015 - 102 Burra Road Googong - Rural Residential Subdivision - 42 lots (Ref: C16137296; Author: Thompson/Templeman) (Continued)**

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Council understands and appreciates the OEH's position. However, there is currently no legislative recourse for Council to require the applicant to enter into a BioBanking agreement over the subject land. The applicant has expressed that they do not intend to enter into a BioBanking agreement and Council cannot refuse the application on this ground.

The benefit of the proposed community management approach is that the majority of the environmentally sensitive land is contained within a community lot. The financial burden for caring for the lot is spread across all the landowners in the development. The community lot is able to be accessed by residents in the development as well as people outside the development for recreational purposes. Whilst the land is accessible by residents it is valued by them and is more likely to be cared for into the future. If the land were to be in the ownership of one person it would likely not be accessible and the burden of caring for that land would be on the one owner. It is considered that the interest of the land are best served through making the land a community asset, to be valued, enjoyed and cared for now and into the future.

At the time of writing this report, a review of the environmental legislation is underway in NSW, with the Biodiversity Conservation Bill due to be put before parliament in the near future. The Act proposed by the Bill will replace several pieces of legislation including the *Native Vegetation Act*, parts of the *National Parks and Wildlife Act*, the *Threatened Species Conservation Act* and the *National Conservation Trust Act*. The planned reforms also include significant amendments to the *Local Land Services Act*.

The proposed changes mean that in the future it will be possible, indeed mandatory in some instances, for Council to require applicants to enter into agreements similar to the current BioBanking agreements. At this time, there is no mandatory requirement.

The proposed changes to the *Local Land Services Act* are of significance to the application. Owing to the uncertainty surrounding the timing of the proposed changes it has been recommended that Council do not pursue a requirement for conservation property vegetation plans for the site as it is uncertain what the effect of the legislative change will have on any existing or proposed conservation Property Vegetation Plans (PVPs). Therefore an alternative solution has been sought to best manage and protect the sensitive areas of the subject site.

The suggested approach is the preparation of a Vegetation Management Plan which will in turn form part of the Community Management Statement for the community title subdivision. Lots which are subject to the requirements of the Vegetation Management Plan will be identified in the Community Management Statement and Lot Disclosure Plan such that purchasers will be aware of the requirements.

The Vegetation Management Plan sets restrictions on the occupants of sites identified within the plan and also sets management actions and targets for rehabilitation of the conservation management area.

**8.1 Development Application 105-2015 - 102 Burra Road Googong - Rural Residential Subdivision - 42 lots (Ref: C16137296; Author: Thompson/Templeman) (Continued)**

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The Vegetation Management Plan is currently in draft form and it is considered that further changes may be made to the plan including extending vegetation management area 3 to cover all lots containing yellow box trees. The terms of the Vegetation Management Plan can continue to be discussed and refined prior to a Construction Certificate being issued for the subdivision. In this regard it is considered appropriate that a condition of consent be included to require that prior to issue of a Construction Certificate, a satisfactory vegetation management plan is to be prepared and endorsed by Council. In this way, the details of the plan can continue to be developed until Council is satisfied with the content.

The responsibility for compliance with the Vegetation Management Plan will, in the first instance, rest with the Community Association. One of OEH's concerns relates to being able to gather funds to undertake the work required. It will be the responsibility of the Community Association to determine and levy the fees necessary to undertake required work and ongoing maintenance of the community property, this includes the entirety of the community lot. Community Association fees are an ongoing part of a community title development and will continue to be collected throughout the life of the development. Council's experience with community associations is that compliance with the community management statement is generally achieved.

It is noted that the approach proposed for the subject application is similar to that currently in operation in the Little Burra Estate to the south of the site. The Little Burra Estate has been successful in managing environmental impacts on a site which is very similar in its make up to the subject site. The Vegetation Management Plan proposed under this application includes more restrictions and rehabilitation targets than the Little Burra conservation management plan.

It is considered that the proposed development is able to suitably avoid, mitigate and offset the impact of the development on the EEC and that the proposed arrangements are likely to result in a net improvement in the quality of the EEC over time.

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

No objections. The determination of level of construction required for bushfire protection for each dwelling can be determined at DA stage for each dwelling.

**(b) Development Engineer's Comments**

*Water* - The non-potable water network shall be contained entirely within private property, inside a community easement and only within the road reserve where a road crossing is required. This system shall comply with relevant Australian Standards, and also Council specifications and WSA standards for those sections where it passes under the road reserve.

Each lot shall have a service tie that comes directly off a community main. For lot 'ao', where a private easement would otherwise be required, the main should be extended to the boundary between 'an' and 'ao' and a community easement be placed over it.

**8.1 Development Application 105-2015 - 102 Burra Road Googong - Rural Residential Subdivision - 42 lots (Ref: C16137296; Author: Thompson/Templeman) (Continued)**

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*Sewer* - While the building envelopes seem to comply with minimum area requirements for this kind of development, there are concerns that no detailed waste disposal assessment has been undertaken where indicated envelopes are quite constrained and very relatively small. A lot by lot suitability assessment for wastewater disposal will be required as part of the construction certificate – subdivision submission.

*Stormwater* - Road runoff is to be managed by roadside gullies to achieve effective distribution to existing overland flow paths and avoid ponding over accesses and other critical areas.

*Traffic and Parking* - Road 1 will provide some service for residents of the existing Little Burra estate, as well as the entirety of the new lots created within this subdivision. As such, the road shall be classed as a local road and thus requires a reserve width of 35m. Roads 2 and 3 service only those lots accessed from them, and as such shall be classified as access roads and thus require a road reserve width of 25m. This is in keeping with both the Queanbeyan and Yarrowlunla engineering requirements based on the number of lots serviced by these roads.

*Access* - Access to the subdivision will be via intersections between Road 1 and Burra road at the north of the site and Road 1 and Binowee Dr at the south of the site. One conditional access may be approved due to lot constraints. This is for lot 'b' off Binowee Dr. This access must be constructed according to sound engineering investigation and design to satisfy Council's specifications regarding road accesses. Extra accesses to existing roads will not be supported.

The existing access to 102 Burra Rd must be moved to be off Road 1, as shown on the Driveway and Staging Plan dated 03.07.15.

All other property accesses must be constructed according to Council's specification for rural road accesses. These must also comply with SISSD requirements. Furthermore, wherever any battleaxe access handle is within 50m of a neighbouring building envelope, it must be paved by the developer as part of subdivision works.

The access to the non-potable water reservoir, as well as the community area carpark must be paved to a quality suitable for an access road with the grades that it involves. This access track must also be designed with appropriate turn radii for the terrain/vehicle combination.

*Roads* - The road alignment is appropriate for the speed and type of traffic. Intersections must comply with Austroads specifications for rural intersections.

*Any other Engineering comments* - An application for a construction certificate for subdivision works must be submitted and approved prior to the commencement of any works. This application must include detailed design for all road works; a layout plan for the non-potable water system; a detailed lot by lot study for effluent disposal, and a construction management plan, including an erosion and sedimentation control plan and a traffic management plan.



**8.1 Development Application 105-2015 - 102 Burra Road Googong - Rural Residential Subdivision - 42 lots (Ref: C16137296; Author: Thompson/Templeman) (Continued)**

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**(c) Other referral agency comments**

The NSW Police Service provided comments on the proposed subdivision and have recommended measures that can be incorporated into the Community management Statement and conditions of consent.

The Local Land Services have a role under the *Local Land Services Act 2013* to issue Clearing Property Vegetation Plans (CPVPs) where clearing of native vegetation is required for roads. At the time of writing this CPVP has yet to be issued. The CPVP is unable to be determined until late spring as Local Land Services need to investigate the site in spring to properly assess certain flora species. This CPVP does not prevent the application from being determined as is the case for Integrated Approvals, however, it is considered prudent to not issue any development consent until the CPVP is issued. This will avoid the case where the CPVP may require alteration to part of the road design that then requires changes to the development. Should the CPVP require amendments to the current lot layout or road design, amended plans will be brought back to Council for approval. It should be noted that a CPVP allows for the clearing of vegetation to create a public road and is essentially a one off approval. This differs from the Property Vegetation Plans (PVPs) entered into with individual property owners in stage 5 of Royalla. These PVPs operate to protect the native vegetation for future generations and run with the land

TransGrid were notified in accordance with clause 45(2) of the State Environmental Planning Policy (Infrastructure) 2008 as the subject site contains an electricity easement for transmission lines. Changes were made to the lot layout in order to provide a suitable clearance around the TransGrid tower. TransGrid are now satisfied with the proposed lot layout and note will be included in the conditions of any consent issued to alert the applicant to future approval requirements from TransGrid.

**Engagement**

The proposal required notification under Queanbeyan DCP 2012. Three submissions were received and the relevant issues raised are as follows:

***Issue:* Management of Community Land**

*Comment:* Concern was raised in relation to management of the community land. Specific concerns include management of weeds, management of pests and management of fuel loads. At the time of notification a draft community management statement had not been made available. This information has since been made available and along with the vegetation management plan addresses many of the concerns raised in relation to the ongoing management of the community parcel. The Community Association will be responsible for the maintenance of the community land including weed, pest and fuel maintenance. It is the responsibility of the Community Association to levy sufficient funds to maintain the community land. The Vegetation Management Plan includes a number of maintenance tasks and goals including management of current pest populations. Grazing will not be permitted in the community lot.

**8.1 Development Application 105-2015 - 102 Burra Road Googong - Rural Residential Subdivision - 42 lots (Ref: C16137296; Author: Thompson/Templeman) (Continued)**

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**Issue:** Further Subdivision of Community Land

*Comment:* Concern was raised that the proposed community lot would be further subdivided. The proposed subdivision utilises provisions contained in Clause 4.1C of the LEP regarding the use of average lot sizes. As a result the proposed community lot will be considered a resulting lot in accordance with that clause. Clause 4.1C(7) limits the subdivision of a resulting lot created under the clause and reads as follows:

- (7) *Development consent must not be granted for the subdivision of a resulting lot unless the consent authority is satisfied that:*
- (a) *the lots that would be created will not be used for the purposes of residential accommodation, and*
  - (b) *the subdivision will not result in any significant adverse environmental impacts on the land being subdivided.*

Any future subdivision of the lot would not be permissible if its intent was to create additional residential lots. In addition, the lot is considered to be environmentally sensitive, any subdivision of the lot would have the potential to significantly impact on the environmental qualities of the site and would not be supported.

**Issue:** Traffic Management

*Comment:* Concern has been raised in relation to the impact of the proposed development on existing traffic and the location of the proposed entry road on Burra Road. It has been suggested that current driver behaviour in the area is such that speed limits are not rigorously observed and that the site is subject to fog and kangaroo activity. The application has been rigorously assessed by Council's Development Engineers. The proposed intersection complies with the relevant standards and has been designed to meet the requirements for the existing speed limit. Council's Development Engineer is satisfied with the design of the road and the anticipated increase in traffic which is able to be accommodated by the existing and proposed road network.

**Issue:** Lots with access to Burra Road

*Comment:* Concern was raised over lots with proposed access to Burra Road. Since notification of the application, lot AO which proposed a direct access to Burra Road has been removed from the plans. All new lots take their access from a new road with the exception of Lot b which is accessed from Binowie Drive. The access to the existing farmhouse will be redirected to proposed road 1, thus removing its access from Burra Road.

**Issue:** Traffic Noise to new lots

*Comment:* Concern was raised that lots adjacent to Burra Road would be subject to substantial traffic noise. Whilst this concern is acknowledged, it is considered that the proposed building envelopes are located a suitable distance from the road to limit noise impacts.

**8.1 Development Application 105-2015 - 102 Burra Road Googong - Rural Residential Subdivision - 42 lots (Ref: C16137296; Author: Thompson/Templeman) (Continued)**

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**Issue:** Management of individual lots

*Comment:* Concern was raised over management of individual lots including keeping of animals, fencing and motorbikes. At the time of notification a draft community management statement had not been prepared. The draft statement has since been submitted and addresses the concerns raised in relation to keeping of animals, fencing and motorbikes. In addition to the community management statement, the vegetation management plan places further restrictions on lots with sensitive environmental issues. This includes further restrictions on the keeping of certain animals and restrictions on the removal of vegetation including ground cover.

**Issue:** Provision of parks and recreational facilities.

*Comment:* It was suggested that the development does not provide sufficient facilities for families such as parks and playgrounds and that reliance on facilities at Googong was not sufficient to cater for new families. The proposed development is a community title subdivision, areas of common land are managed by the community association. In this instance the community land includes a large area of reserve on Mt Pleasant as well as a smaller reserve adjacent to the entry to the estate to Burra Road. These areas will be managed and maintained by the Community Association. Council does not require the developer to provide additional open space and there is currently no requirement for the developer to provide facilities such as parks which would need to be dedicated to Council. The recommendation is noted.

**Issue:** Entry Signage and lighting

*Comment:* A suitable entry sign is proposed to the entry on Burra Road. Lighting has not been detailed in the Development Application documents but will be addressed in any future construction certificate application.

**Issue:** Construction Management Plan

*Comment:* The application is for development consent only at this stage. A detailed construction management plan will be developed for any future construction certificate and will include a traffic management plan addressing vehicle movements in and out of the site. Request to limit trucks using roads in the Little Burra Estate is noted.

**Conclusion**

The submitted proposal for subdivision to create 42 lots including 40 rural residential lots, 1 community lot and 1 rural lot and construction of three roads on Lot 1 DP 1209260, No. 102 Burra Road, Googong is Integrated Development and is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and three submissions were received. The relevant issues raised have been addressed and conditions included for any consent issued.

**8.1 Development Application 105-2015 - 102 Burra Road Googong - Rural Residential Subdivision - 42 lots (Ref: C16137296; Author: Thompson/Templeman) (Continued)**

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The required General Terms of Approval from NSW Rural Fire Service, NSW Office of Water, NSW Fisheries and the NSW Office of Environment and Heritage have been received for the development.

An assessment under Section 5A *Environmental Planning & Assessment Act 1979* has been completed and the measures proposed to avoid, mitigate and offset the impact of the proposed development are considered to be acceptable in this instance and subject to appropriate conditions. No Species Impact Statement is required for the proposed development.

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

The proposed development is considered suitable for the site, is compatible with the neighbourhood and can be conditioned to mitigate any potential impacts. It is recommended that the proposal be granted development consent when the Clearing PVP is issued by Local Land Services.

**Attachments**

- |              |   |
|--------------|---|
| Attachment 1 | Council Meeting - 12 October 2016 - DA 105-2015 - 102 Burra Road, Googong - Rural Residential Subdivision - Attachment - Section 79C report ( <i>Under Separate Cover</i> ) |
| Attachment 2 | Council Meeting - 12 October 2016 - DA 105-2015 - 102 Burra Road - Subdivision - Attachment - Subdivision Plans ( <i>Under Separate Cover</i> )                             |
| Attachment 3 | Council Meeting - 12 October 2016 - DA 105-2015 - 102 Burra Road - Subdivision - Attachment - Plans - Building envelopes ( <i>Under Separate Cover</i> )                    |
| Attachment 4 | Council Meeting - 12 October 2016 - DA 105-2015 - 102 Burra Road - Subdivision - Attachment - Flora and Fauna Assessment ( <i>Under Separate Cover</i> )                    |
| Attachment 5 | Council Meeting - 12 October 2016 - DA 105-2015 - 102 Burra Road - Subdivision - Attachment - Submissions ( <i>Under Separate Cover</i> )                                   |
| Attachment 6 | Council Meeting - 12 October 2016 - DA 105-2015 - 102 Burra Road - Subdivision - Attachment - Draft Conditions ( <i>Under Separate Cover</i> )                              |

## DETERMINATION REPORTS

**8.2 Development Application 304-2016 - Carport and Studio - 5 Barnett Close Greenleigh (Ref: C16149727; Author: Blacklock/Dixon)**

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

This application has been referred to Council because the application involves a variation to a requirement in a development control plan in relation to side setbacks.

Proposal:	Erection of a carport and conversion of existing carport to a studio
Applicant/Owner:	Mr C R O'Rourke and Ms M L Azoury / Ms M L Azoury
Subject Property:	Lot 10 DP 264202 - No. 5 Barnett Close Greenleigh
Zoning and Permissibility:	E4 Environmental Living under <i>Queanbeyan Local Environmental Plan 2012</i> Proposal is permitted with development consent
Public Submissions:	1
Issues Discussed:	Planning Requirements Side setback impacts
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

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**Recommendation**

- 1) That approval be granted to a variation to Part 5.3 c) iii) of Queanbeyan Development Control Plan 2012 to allow a side setback of 5 metres instead of the required 10 metres for the proposed carport for the following reasons:
    - a) The site is constrained by its slope, significant cover of native vegetation, irregular shape and the presence of a large easement.
    - b) The carport has been sited taking the site constraints into account and to avoid the need for vegetation clearing and earthworks;
    - c) There will be no impacts on the amenity of adjoining properties of the locality; and,
    - d) The development satisfies the objective of maintaining the bushland character of Greenleigh as the vegetation, the bushland streetscape and bushland character when viewed from the city is maintained.
  2. That development application 304-2016 for the erection of a carport and conversion of existing carport to a studio on Lot 10 DP 264202, No. 5 Barnett Close, Greenleigh be granted conditional approval.
  3. That those persons who lodged a submission on the application be advised in writing of the determination of the application.
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**8.2 Development Application 304-2016 - Carport and Studio - 5 Barnett Close  
Greenleigh (Ref: C16149727; Author: Blacklock/Dixon) (Continued)**

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**Background*****Proposed Development***

The development application is for the conversion of an existing carport to a studio and the erection of a new carport to accommodate two cars. The existing carport is connected to the existing dwelling and the conversion will involve the enclosure of the structure, installation of a bathroom, bar area and cupboards. The new carport will be a detached structure located 5m from the side boundary and will involve the removal of some stone steps and garden beds.

***Subject Property***

The subject site is located at the north-western end of Greenleigh. The locality is an established residential bushland estate (See Figure 1 below showing the subject site highlighted in purple). The site has a total area of 1.060ha and has an existing dwelling house which was approved in 1988.

The site is bushfire prone and has a bushfire attack level (BAL) of 29. It is heavily vegetated with dry forest and non-native species. The site is also traversed by a 10m wide easement to drain sewer. The easement is located at the rear of the dwelling. Past this point the land the land slopes to a tennis court and beyond more steeply to a gully located to the west of the site.



***Figure 1: Subject Site***

**8.2 Development Application 304-2016 - Carport and Studio - 5 Barnett Close  
Greenleigh (Ref: C16149727; Author: Blacklock/Dixon) (Continued)**

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***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 – (Building Sustainability Index: BASIX) 2004;
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 issue relating to the proposal for the consideration of Council is a variation to the side setback.

***(a) Compliance with LEP***

The proposed development is consistent with the requirements of the Queanbeyan Local Environmental Plan 2012. Dwelling additions and alterations (involving the conversion of existing carport and erection of a new detached carport) are permitted with consent in the zone and the full assessment of the Queanbeyan Local Environmental Plan 2012 is provided in the attached *Section 79C (1) Table – Matters for Consideration.***(b)**

***Compliance with DCP***

The Queanbeyan Development Control Plan 2012 (QDCP 2012) applies to this development and site. The proposal has been assessed against the relevant parts of the Queanbeyan Development Control Plan 2012 and the full assessment is included in the attached *Section 79C (1) Table – Matters for Consideration*. The main issue arising from this assessment relates to the non-compliance with the setback provisions for Greenleigh and is detailed below.

***Side setbacks in Greenleigh***

Under the QDCP2012 development in Greenleigh requires a 10 metre side setback. This requirement is also reflected in the Section 88B instrument that applies to the land. The purpose of the setback as described in the DCP is to preserve the bushland area and preserve its value by only allowing development which will:

- Not give rise to harmful erosion or siltation of the Queanbeyan River;
- Not give rise to garish colours, building bulk and high reflectivity; and
- Retain the single dwelling bushland character of the area.

**8.2 Development Application 304-2016 - Carport and Studio - 5 Barnett Close Greenleigh (Ref: C16149727; Author: Blacklock/Dixon) (Continued)**

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The proposed detached carport is setback 5 metres from the side boundary. It is noted that the original proposal included a setback down to 2 metres and has been subsequently redesigned to achieve the 5 metres.

The DCP allows for Council to consider variations to the development controls in outstanding circumstances or where the variation is minor. In considering a request Council must consider whether the applicant and the proposal have demonstrated that the objectives of the DCP and the objectives of the particular development standard can be achieved without detriment and that a better design outcome will be result from the outcome. The applicant has submitted a request for the variation to the 10m side setback.

*Applicant's justification for variation*

Due to the shape and slope of the site and the fact that there is an easement running through the back of the block the proposed location is best for the carport. With this location the driveway will not be altered. Informal parking is currently used in the front setback and by having the carport in the proposed location the parked cars will actually be further away from the neighbours. The design of the carport has been done as to blend in with the bushland character and of a high standard. The proposed studio is going to be used as a space for the applicant's elderly family member. The placement of the carport near the studio will mean that the family member will be able to access the studio without having to go upstairs and will be much quicker than going through the existing dwelling.

*Assessing Officer's Summary and Recommendation*

The objectives of the Part 5 Local Areas Provisions of the QDCP are:

- 1) Encourage development that complements the character of the local area and ensures that the amenity of localities is not impaired.*
- 2) Create a high quality urban environment where development is designed to consider issues of topography, vegetation and streetscape.*
- 3) Provide guidance with regard to residential densities as are appropriate in different localities.*
- 4) Provide guidance with regard to appropriate height in different localities.*
- 5) Ensure development preserves the unique character of localities and visual quality of specific local areas.*
- 6) Maintain a balance of existing natural site features and any future residential development.*
- 7) Protect the existing environment from clearance, soil loss, erosion and degradation.*
- 8) Maintain the status of the Queanbeyan CBD as the major commercial centre for the city and surrounding regions.*

The objectives of the setback standard are:

*To preserve this bushland area and to preserve its value by allowing only development which will:*

- Not give rise to harmful erosion or siltation of the Queanbeyan River;*
- Not give rise to garish colours, building bulk and high reflectivity; and*
- Retain the single dwelling bushland character of the area.*



**8.2 Development Application 304-2016 - Carport and Studio - 5 Barnett Close Greenleigh (Ref: C16149727; Author: Blacklock/Dixon) (Continued)**

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The applicant's justification is noted, as is the redesign to pull the original proposed setback of 2m back to 5m. It is considered that the proposal does achieve the objectives of the plan. The subject site has a number of constraints that limit the achievement of a 10m setback to the northern boundary. These include heavy native vegetation, an irregular shape, steep slopes and a 10 metre wide easement immediately to the rear of the existing dwelling. It would be difficult to locate the carport to another spot without impacting on the easement or requiring significant earthworks and the removal of native vegetation. This tree clearing and earthworks would impact upon the bushland character when viewed from the city and also from neighbouring properties in the Greenleigh estate. Such an impact would not meet the intent of the other controls relating to bushland character, preservation of trees and avoiding impacts through erosion and siltation.

The proposed location for the carport is already cleared and would not require extensive earthworks to construct the carport. Although it will be visible from 3 Barnett Close it is a light weight structure, non-habitable with low activity that would not give rise to adverse privacy impacts. The open style design and colours will also ensure it is not a dominant structure in the landscape. It will not be visible from the streetscape nor on the escarpment due to heavy vegetation.

In this circumstance it is considered that a better outcome is achieved in terms of maintaining native vegetation and limiting earthworks on the site. It negates the need for vegetation removal, will not give rise to harmful erosion, will be designed in sympathy with the bushland character of Greenleigh and retains the single dwelling bushland character of the area. The proposed variation and location of the carport is appropriate in this case and is unlikely to create a precedent. It is recommended that the variation be supported for the following reasons.

- a) The site is constrained by its slope, vegetation, irregular shape, slope and the presence of a large easement.
- b) The carport has been sited taking the site constraints into account and to avoid the need for vegetation clearing and earthworks;
- c) There will be no impacts on the amenity of adjoining properties of the locality; and,
- d) The development satisfies the objective of maintaining the bushland character of Greenleigh as the vegetation, the bushland streetscape and bushland character when viewed from the city is maintained.

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

Council's Building Surveyor has assessed the proposal and has no objection subject to the imposition of appropriate conditions.

***Development Engineer's Comments***

Council's Development Engineer has assessed the proposal and has no objection subject to the imposition of appropriate conditions. The Development Engineer has also advised that water, sewer and stormwater services are available.

**8.2 Development Application 304-2016 - Carport and Studio - 5 Barnett Close  
Greenleigh (Ref: C16149727; Author: Blacklock/Dixon) (Continued)**

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***NSW Rural Fire Service Comments***

The site is identified as bushfire prone land and was referred to the Rural Fire Service for comment. The RFS determined that the site was classed as Bushfire Attack Level 29 and the following requirements needed to be imposed:

1. *The following vegetation clearing is required:*  
North: 16 metres  
East: 16 metres  
South: 49 metres  
West: 49 metres
2. *New construction shall comply with Sections 3 and 6 (BAL29) AS3959-2009 'Construction of buildings on bushfire prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.*
3. *Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for bushfire protection 2006'.*

Council's Building Surveyor has assessed the proposal and has determined that it meets the requirements of the RFS given that standard bushfire conditions are imposed.

**Financial Implications**

There are no financial implications associated with this proposal.

**Engagement**

The proposal required notification under Queanbeyan DCP 2012. One submission was received and simply stated its support of the application.

**Conclusion**

The submitted proposal for the erection of a carport and conversion of existing carport into a studio on Lot 10 DP 264202, No. 5 Barnett Close, Greenleigh is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and one submission in support of the development was received.

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 achieves the objectives of these instruments and satisfies the requirements except for the side setback requirement under the QDCP. However, the variation to allow a side setback of 5 metres instead of the required 10 metres for the proposed carport is supported in this instance for the following reasons:

- a) The site is constrained by its slope, vegetation, irregular shape and the presence of a large easement.
- b) The carport has been sited taking the site constraints into account and to avoid the need for vegetation clearing and earthworks;
- c) There will be no impacts on the amenity of adjoining properties of the locality; and,
- d) The development satisfies the objective of maintaining the bushland character of Greenleigh as the vegetation, the bushland streetscape and bushland character when viewed from the city is maintained.

**8.2 Development Application 304-2016 - Carport and Studio - 5 Barnett Close  
Greenleigh (Ref: C16149727; Author: Blacklock/Dixon) (Continued)**

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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 - 12 October 2016 DA 304-2016 - 5 Barnett Close - Erection of a carport and conversion of existing carport to a studio - Attachment - 79C Table (*Under Separate Cover*)
- Attachment 2 Council Meeting - 12 October 2016 DA 304-2016 - 5 Barnett Close - Erection of a carport and conversion of existing carport to a studio - Attachment - Plans (*Under Separate Cover*) - **CONFIDENTIAL**
- Attachment 3 Council Meeting - 12 October 2016 - DA 304-2016 - Erection of carport and conversion of existing carport to studio - Attachment - Draft Conditions (*Under Separate Cover*)



## DETERMINATION REPORTS

**8.3 Submission IPART Draft Report on the Review of the Local Government Rating System (Ref: C16146620; Author: Spyve/Spyve)**

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**Summary**

The NSW Government has charged IPART with undertaking a review of the local government rating system as part of its local government reform program. IPART released its draft report to the Minister in August 2016 and is now seeking submissions on its content. Council has drafted a submission commenting on the 34 recommendations within the report. This report is seeking Council approval to submit this submission by the close off date of 14 October 2016.

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**Recommendation**

**That Council make its submission on the Draft Report on the Review of the Local Government Rating System to IPART in line with the attachment.**

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**Background**

The NSW Government 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 2016 with a series of public hearings being held around the State. This was followed by a further report dealing with the Rate Path Freeze Policy in July for the newly merged councils and a further round of public hearings.

IPART has now progressed to the latest stage of community engagement for the review of rating within NSW with the release of its Draft Report in August 2016. Submissions on this draft report close on 14 October 2016. QPRC has developed a submission which is attached to this report and is seeking approval to submit it to IPART by the close-off date.

IPART's Draft Report consists of 34 recommendations. The proposed main changes to rating legislation consist of the following:

- **Integrate the use of the Capital Improved Value (CIV) valuation method into the local government rating system:**
  - **Gives councils the option to use CIV as an alternative to Unimproved Value (UV) as the basis for setting the variable amounts in rates.** The Report notes that CIV is generally more consistent with tax principles, and allowing its use would overcome the major shortcoming of the current system – that the mandatory use of UV inhibits councils' ability to equitably and efficiently raise rates revenue from apartments. Importantly, total rates income would remain unchanged irrespective of the valuation method chosen by councils.

**8.3 Submission IPART Draft Report on the Review of the Local Government Rating System (Ref: C16146620; Author: Spyve/Spyve) (Continued)**

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- **Allows councils' general income to grow as the communities they serve grow.** Councils' rates income would increase over time in line with the growth in CIV arising from new residents or businesses. This would mean that rates per household, on average, would not rise in real terms whilst promoting financial sustainability and encouraging urban renewal. It would allow councils to maintain consistent service levels over time without the need to resort to Special Variation applications.
- **Give councils more options to set rates within rating categories:**
  - **Provides councils with more flexibility to set different residential rates within their local area.** The Report advocates allowing councils with diverse communities to set rates that reflect differences in access to, demand for, and cost of providing council services across their local area would improve equity and efficiency. This would allow councils to better tailor rates to the needs of the local communities. IPART recommends introducing protections to promote equity and transparency when councils set different residential rates. Also, under this draft recommendation, new councils would have the flexibility to establish new structures for residential rates and transition to them in a fair and timely manner at the end of the 4-year rate path freeze.
  - **Allows councils to make new categories for environmental and vacant land, and new subcategories for business and farmland properties.** IPART believes this would allow councils to use their rate structures to take account of different costs that arise from different land uses and better encourage urban renewal and growth.
- **Modify rate exemptions so eligibility is based on land use rather than ownership:**
  - Retain or amend explicit exemptions to be consistent with the general principle of 'land use'.
  - Remove some exemptions on the basis that the land is used for commercial or residential purposes. IPART believes this would better target exemptions, improving the equity, efficiency and sustainability of the rating system.

Council's submission is generally supportive of the proposed changes but does raise some concerns over:

1. The Rate Path Freeze Policy and whether this will cause problems for bedding in the new councils.
2. The phasing in of rate equalisation in the post Rate Path Freeze Policy period.
3. How a Pensioner Rate Deferral Scheme would work, and
4. The prescriptive path IPART is proposing for the management of outstanding rates.

Council also queries the issue of making Local Government subject to state taxes (i.e. payroll tax). Council believes that the imposition of any such tax should be accompanied by an equivalent ability for councils' nominal income to increase so that it does not result in a reduction of income and a consequent reduction in services.

**8.3 Submission IPART Draft Report on the Review of the Local Government Rating System (Ref: C16146620; Author: Spyve/Spyve) (Continued)**

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**Implications*****Engagement***

IPART has undertaken extensive community engagement in the development of the draft Report. This has involved a number of public hearings, the release of an Issues Paper as well as a Rate Path Freeze Policy Report. Councils and members of the community have been invited to participate in this consultation process and provide IPART with their comment.

***Financial***

The final adoption of the Review of the Rating System Report will provide councils with a great deal more flexibility in the operation of their rating systems.

**Conclusion**

The release of the Draft Report is the next step in the review of the Local Government rating system. The feedback from this report will be incorporated into a Final Report which will be provided to the NSW Government in December 2016.

**Attachments**

Attachment 1      QPRC Submission on the review of the Local Government Rating System  
(Under Separate Cover)





## DETERMINATION REPORTS

**8.4 RFT Construction of Rural Fire Service Station at Captains Flat (Ref: C16153522;  
Author: Stewart/Bascomb)**

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**Summary**

Tenders were called for the provision of construction services to deliver a new Rural Fire Service Station in Captains Flat on 7 June 2016 and closed on 14 July 2016. The purpose of the RFT was to replace the existing Fire Station. The Tenders have been assessed and it is recommended that none of the tenders received be accepted (refer attached Confidential Report for detail).

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**Recommendation**

**That Council elect to not accept any of the tenders received.**

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**Background**

The works to be completed under the RFT included the construction of a new purpose built Fire Station facility to replace the existing RFS Station in Captains Flat that has been deemed not suitable for RFS's future operational requirements. The proposed Works involved the construction of storage for plant and equipment, office space, site amenities and provision of associated site services.

Following close of tenders, a detailed tender assessment report was carried out. Two tenders were received for the proposed contract. One tender was reasonably close to the project budget, however that tender was passed over due to unsatisfactory non-price assessment and adverse procurement check. The second tender was significantly above (greater than 50%) the project budget.

The Client (RFS) confirmed that sufficient funds were not available for the proposed contract works and agreed with the preliminary advice that Council pass over the tender and revisit the project at a later stage.

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

The Local Government Act 1993 and the Local Government (General) Regulation 2005 requires that tenders be called for contracts in excess of \$150,000. The tender method was open public advertising. Under the provisions of Clause 178 of the Local Government (General) Regulation, the Council is not bound to accept any tenders, and was reflected in the Conditions of Tendering in the RFT.

***Policy***

The tender for this project has been prepared in accordance with Council's Procurement Policy.

**8.4 RFT Construction of Rural Fire Service Station at Captains Flat (Ref: C16153522;  
Author: Stewart/Bascomb) (Continued)**

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***Financial***

The funding of the construction of the new RFS is to be borne RFS. Advice from RFS on future budget available for this project is being sought.

**Conclusion**

The recommendation is that the tenders for the Contract CW10-2015/16 be abandoned and that the project be re-tendered once the client (RFS) has confirmed available budget in line with the pre-tender estimate.

**Attachments**

Attachment 1      Attachment - RFT Construction of Rural Fire Service Station at Captains Flat  
(Under Separate Cover) - **CONFIDENTIAL**

## DETERMINATION REPORTS

**8.5 Captains Flat Reservoir Replacement (Ref: C16153598; Author: Cunningham/Bascomb)**

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**Summary**

Tenders were recently called for the construction of a new 500 kL concrete water supply reservoir for the village of Captains Flat.

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**Recommendation**

That Council:

- 1. In accordance with clauses 178(1) and (3) of the Local Government (General) Regulation 2005, decline to accept any of the submissions received under contract 10004451; and**
  - 2. Cancel contract 10004451 pending a review of options for the replacement/refurbishment of Keatings Reservoir #1 (Captains Flat) with a view to preparing a revised procurement proposal in early 2017.**
- 

**Background**

In 2013 the former Palerang Council embarked on an audit of five of its water service reservoirs. The audit followed an earlier upgrade of the two Braidwood tanks and aimed to assess those at Bungendore and Captains Flat for compliance in terms of access/egress and security. The principal concern of this latter criterion was from the point of view of drinking water quality (protection from contamination) although protection from vandalism was also considered.

The result of this audit precipitated a capital improvement engagement in 2015/16 that saw the installation of two replacement roofs (one each at Bungendore and Captains Flat) and the upgrade of access/egress arrangements at four tanks across both schemes. Unfortunately, the audit also identified more serious issues with the other tank at Captains Flat – known locally as Keatings Tank #1.

Keatings Tank #1 is a 500 kL steel reservoir. It is the original tank for the Captains Flat water supply scheme and is understood to have been constructed by the Lake George Mining Company and transferred to Yarrowlumla Shire Council (YSC) in the early 1960s when it took over the scheme in its entirety. The tank is about 5.5 metres high and consists of two strakes. It is understood that the second strake may have been added some time after initial construction and this may form part of its fundamental flaw.

Originally there was no roof on this reservoir, this being added by YSC in the late 1980s.

The structural report into this tank conducted as part of the 2013 audit highlighted this as its main problem noting:

*‘Evidence of significant permanent deformation (possibly plastic strain) was observed at the top edge of the steel shell. The deformations were observed mainly around the principal beams of the roof structure and above the horizontal stiffener.’*

**8.5 Captains Flat Reservoir Replacement (Ref: C16153598; Author: Cunningham/Bascomb) (Continued)**

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In consideration of the costs likely to be associated with the option of refurbishment, the idea of full replacement with a concrete alternative was generated and included in the former Palerang Council's LTFF.

Tenders for this proposal were developed and called on Council's behalf by NSW Public Works in mid-July. The period for submissions closed on 16 August at which time five tenders were received. Details of the assessment process are contained in the Tender Evaluation Review Panel (TERP) report provided under separate cover.

Suffice to say that of the five submissions received, a number had difficulty in satisfying some key non-price criteria. Arrangements for non-price criteria are such that prospective contractors are required to meet a minimum threshold, else they are passed over in the further assessment process as being 'non-conforming'.

A number of tenderers failed to meet this minimum standard.

Of the remaining conforming tenderers all, unfortunately, submitted lump sum prices in excess of Council's pre-tender estimate and certainly beyond the threshold of what the tender review committee thought was acceptable. Accordingly, the committee recommended to TERP that the contract not be issued and that the available options be reviewed with the potential to again go to tender in autumn 2017. The review will need to investigate firstly why the offers received deviated so much from the pre-tender estimate. It is possible that risks may be identified and mitigated that allows Council's preferred concrete tank option to become more economical. Alternatively, the scope for other materials may need to be revisited or the very concept of refurbishment itself. In the meantime a resolution is required to finalise this current process.

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

NSW Public Works conducted the tender process on Council's behalf and in accordance with the provisions of the Local Government Act 1993 and the Local Government (General) Regulations 2005.

***Policy***

The tender has been conducted in accordance with Council's procurement policy and that of the NSW Government.

***Asset***

The proposal is associated with Council's strategy to improve and enhance the security and reliability of the Captains Flat Water Supply.

**8.5 Captains Flat Reservoir Replacement (Ref: C16153598; Author: Cunningham/Bascomb) (Continued)*****Financial***

Funding to be provided from Palerang Water Fund Asset Renewal Reserve.

Program Code	Expense Type	Funding source	Amount
2722	Capital	Palerang Water Fund Asset Renewal Reserve (RA7600)	\$ 500,000

***Resources (including staff)***

To be provided from contract and consultant resources.

***Integrated Plan***

Initially provided for in the former Palerang Council's adopted 2015/16 Operational Plan, funds to be revoked in QPRC 2016/17 Operational Plan.

**Conclusion**

The contract in its current form should be abandoned in favour of a review of additional options.

**Attachments**

Attachment 1 Attachment - Captains Flat Reservoir Replacement (*Under Separate Cover*) - **CONFIDENTIAL**



## DETERMINATION REPORTS

**8.6 Adoption and Gazettal of Road Names in Bungendore, Braidwood, Araluen and Boro (Ref: C16153633; Author: Bateman/Cunningham/Bascomb)**

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**Summary**

This report proposes the adoption and gazettal of road names for four unnamed roads located in Bungendore, Braidwood, Araluen and Boro.

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**Recommendation****That Council:**

- 1. Adopt in principle the names detailed below as the proposed road names:**
    - a. 'Gilberts Lane' for the unnamed Crown Road running between Jinglemoney Lane and Sandholes Road, Braidwood.**
    - b. 'Silver Lane' for the unnamed Crown Road off Boro Road approximately 3.3km from the intersection with Goulburn Road, Boro.**
    - c. 'Salvia Lane' for unnamed road reserve from Naughtons Close to end of road reserve, Araluen**
    - d. 'Easton Lane' for unnamed laneway running between Gibraltar Street and Rutledge Street east of Modbury 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.**
- 

**Background**

Under clause 162(1) of the *Roads Act 1993*, Council is the authority responsible for road naming. In general, unnamed roads are considered confusing and need to be formalised to ensure response times are minimised for emergency services and to ensure services can be readily provided to the area (such as mail delivery).

**NSW Road Naming Policy**

The NSW Road Naming Policy was adopted by the Geographic Names Board in 2013 and is the basis for standardised and unambiguous road naming procedures across NSW. The policy contains a number of guiding principles to ensure that consistency is achieved when naming roads. A copy of the NSW Road Naming Policy can be found at [http://www.gnb.nsw.gov.au/road\\_naming/nsw\\_road\\_naming\\_policy](http://www.gnb.nsw.gov.au/road_naming/nsw_road_naming_policy).

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**8.6 Adoption and Gazettal of Road Names in Bungendore, Braidwood, Araluen and Boro (Ref: C16153633; Author: Bateman/Cunningham/Bascomb) (Continued)**

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Steps undertaken to date

The following steps have been undertaken as part of the road naming process:

- Potential road names identified in accordance with the NSW Road Naming Policy
- Potential names submitted to the Geographic Names Board (GNB) to confirm compliance with the Policy
- Letter sent to affected residents inviting them to comment on the proposed road name (Attachment 2)
- Letter sent to affected residents informing them that the proposed road name was being sent to Council for determination and inviting them to attend the meeting

Proposed name and resident submissions

The following road names were selected by Council staff and were forwarded to GNB for consideration. Reasons for selecting the names are also shown below.

*Road 1 – Braidwood*

Unnamed Crown Road running between Jinglemoney Lane and Sandholes Road, Braidwood (refer Attachment 1A).

- Gilberts Lane – the road reserve crosses Gilberts Creek. Furthermore, this name has been in local use for the subject road for some time.

*Road 2 – Boro*

Unnamed Crown Road off Boro Road approximately 3.3km from the intersection with Goulburn Road (refer Attachment 1B).

- Gravel Pit Lane – there is a gravel pit located near the start of the unnamed Crown Road.
- Landing Lane – planes spreading superphosphate used a landing strip near the unnamed Crown Road.
- Silver Lane – silver has been historically mined in the area.



**8.6 Adoption and Gazettal of Road Names in Bungendore, Braidwood, Araluen and Boro (Ref: C16153633; Author: Bateman/Cunningham/Bascomb) (Continued)**

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*Road 3 – Araluen*

Council road reserve off Naughtons Close, Araluen to end of road reserve (refer Attachment 1C).

- Burnell Lane – Henry Burnell was one of the first settlers in the Araluen area.
- Salvia Lane – Felice Salvia owned several lots in the vicinity of the road.
- Blatchford Lane– JH Blatchford owned several parcels of land in Araluen.

*Road 4 – Bungendore*

Unnamed laneway running between Gibraltar Street and the Kings Highway, east of Modbury Street (refer to Attachment 1D)

- Easton Lane – Member of the Bungendore Troop, 7<sup>th</sup> Light Horse Regiment.

Submissions Received

The following submissions have been received regarding the road naming proposals.

*Road 1 – Braidwood*

No submissions listed for Road 1

*Road 2 – Boro*

One written submission was received. The submission strongly supported the adoption of Silver Lane' and strongly opposed the remaining two options.

Two verbal submissions were also received. The first requested 'Lower Boro Lane' or 'Barnett Lane' but also supported 'Silver Lane' if the others were not possible. The second verbal submission supported 'Silver Lane'

Submissions are contained in Attachment 2B.

*Road 3 – Araluen*

One verbal submission was received. The resident requested 'Salvia Lane' as the lot he owns was originally owned by Felice Salvia.

Submissions are contained in Attachment 2C.

**8.6 Adoption and Gazettal of Road Names in Bungendore, Braidwood, Araluen and Boro (Ref: C16153633; Author: Bateman/Cunningham/Bascomb) (Continued)**

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*Road 4 – Bungendore*

No submission listed for Road 4

Recommended Name

As a result of the submissions received, it is recommended that the following road names be adopted:

- Road 1 – ‘Gilberts Lane’ for the portion of Crown road shown on Attachment 1A
- Road 2 – ‘Silver Lane’ for road shown on Attachment 1B
- Road 3 – ‘Salvia Lane’ for the portion of Crown Road shown on Attachment 1C.
- Road 4 - ‘Easton Lane’ for the laneway shown in Attachment 1D.

These names have been submitted to GNB for consideration. After submission and assessment, GNB forwards proposed road names to other relevant authorities such as emergency services and Australia Post. No objections from any consulted authority have been received.

Following steps

Should the recommendation be adopted, the following steps will be undertaken:

- Advertising of the road name proposal for public comment
- Notification to the GNB and gazettal (assuming no objections received)
- Installation of a road name sign (assuming no objections received)

If objections are received, a further report will be prepared for Council for determination.

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

Nil

**8.6 Adoption and Gazettal of Road Names in Bungendore, Braidwood, Araluen and Boro (Ref: C16153633; Author: Bateman/Cunningham/Bascomb) (Continued)**

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***Policy***

The suggested road name complies with the *NSW Road Naming Policy 2013*.

The naming process is generally in line with the process detailed in ECCRC *Code of Practice for the Naming of Roads* (adopted 27 July 2004).

***Environmental***

Nil

***Sustainability***

Nil

***Asset***

New signage will be required which will become Council assets. Renewal will be required, however on-going maintenance and renewal costs are minimal.

***Social / Cultural***

The road naming proposal may cause some disruption and inconvenience to local residents as they may have to change their addressing information with a variety of State, Federal and private bodies.

The road naming proposal, however, will have a strong positive impact for residents by clarifying their address and improving emergency response times.

***Economic***

Nil

***Strategic***

Nil

***Consultation***

Consultation with the local community and State and Federal bodies undertaken to date is discussed in the body of the report.

Further consultation will occur through publication of notices in local papers advising of the proposed road names and inviting comment.

**8.6 Adoption and Gazettal of Road Names in Bungendore, Braidwood, Araluen and Boro (Ref: C16153633; Author: Bateman/Cunningham/Bascomb) (Continued)**

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***Financial***

Financial impact on the Council is minimal. There are costs associated with manufacture and installation of a new road name sign (expected to be in the order of \$250).

***Resources (including staff)***

Minimal staff resources are required to complete the naming process.

***Integrated Plan***

Nil.

**Conclusion**

This report proposes adopting and gazetting road names for four unnamed roads located in Bungendore, Braidwood, Araluen and Boro.

The recommended road names are:

- Road 1 – ‘Gilberts Lane’ for the portion of Crown road shown on Attachment 1A
- Road 2 – ‘Silver Lane’ for the portion of Crown road shown on Attachment 1B
- Road 3 – ‘Salvia Lane’ for the portion of Crown Road shown on Attachment 1C.
- Road 4 – ‘Easton Lane’ for the laneway shown in Attachment 1D.

**Attachments**

Attachment 1	Attachment 1A - Road 1 Braidwood ( <i>Under Separate Cover</i> )
Attachment 2	Attachment 1B - Road 2 Boro ( <i>Under Separate Cover</i> )
Attachment 3	Attachment 1C - Road 3 Araluen ( <i>Under Separate Cover</i> )
Attachment 4	Attachment 1D - Road 4 Bungendore ( <i>Under Separate Cover</i> )

## DETERMINATION REPORTS

**8.7 Captains Flat Dam 6th Surveillance Report (Ref: C16153780; Author: Cunningham/Bascomb)**

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**Summary**

Council is the owner of the Captains Flat Dam, an 820 ML on stream storage reservoir located on the Molonglo River at Captains Flat. The dam forms the principal source for the Captains Flat water supply and was constructed in 1938 by the former Lake George Mining Company. In accordance with the provisions of the Dam Safety Act 1978, the Captains Flat Dam is prescribed and as such is subject to mandatory and periodic provisions in respect of surveillance and safety.

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**Recommendation****That Council:**

- 1. Receive and note the report *Captains Flat Dam five yearly Surveillance Report (July 2016) – Report No. DC16071*; and**
  - 2. Authorise submission of this report to the NSW Dams Safety Committee in satisfaction of Council's obligations under the Dams Safety Act 1978.**
- 

**Background****Captains Flat Dam five yearly Surveillance Report (6<sup>th</sup> Edition)**

According to the Dam Safety Committee (DSC) there are around 350 prescribed dams located throughout NSW. A prescribed dam is defined by schedule 1 of the Dam Safety Act 1978 with prescription being determined by an assessment against a number of risk and physical criteria.

The Captains Flat Dam is a post-tensioned concrete gravity structure 16 metres high with a crest length of 65 metres and a capacity of 820 ML.

In terms of risk rating, it has been assessed as HIGH A for Flood and HIGH C for Sunny Day Dambreak making it a prescribed dam in terms of the Act.

The DSC requires all owners of prescribed dams to prepare formal Surveillance Reports on their dams on at least a five yearly basis and further that these be submitted to the DSC as soon as reasonably practicable after its preparation.

Dam surveillance reports are specialised and correspond with 'Comprehensive' reports as described in the Australian National Committee on Large Dams (ANCOLD) *Guidelines on Dam Safety management*, August 2003. Traditionally Council has engaged the services of NSW Public Works to undertake this role on its behalf and the preparation of this report, the sixth in the series, has been prepared on this same basis. The previous report (fifth) was prepared in July 2012 and as such this revised report is due for submission to DSC by the end of this current financial year.

**8.7 Captains Flat Dam 6th Surveillance Report (Ref: C16153780; Author: Cunningham/Bascomb) (Continued)**

In terms of recommendations, the updated report identifies the following for specific and ongoing attention:

1. Repair cracks in concrete on spillway left training wall.
2. Repair crack in concrete on the upstream crest face located at the right end of the raised crest section between the old and new concrete.
3. Transmit monitoring results and plots electronically to NSW Water Solutions Dams and Civil (within Public Works) at three monthly intervals; i.e, storage level, seepage and rainfall. NSW Water Solutions Dams and Civil should also be advised in the event of any unusual dam safety related incidents.
4. Next lift off testing/restressing of the post-tensioned cables is due to be carried out in the year 2020.
5. Provide all Council engineers and operations personnel involved in the day to day operation, maintenance and monitoring procedures at the dam with suitable training in dam surveillance techniques and ensure that their training remains current by providing refresher training every five years.
6. Continue monitoring all existing seepage areas and include concurrent recording of storage level and rainfall in routine inspections and report any unusual observations to the dam designer (Public Works, NSW Water Solutions, Dams and Civil) or any other qualified consultant for review.
7. Maintain appropriate surveillance on the movement characteristics of the dam by carrying out 'control' deformation surveys every five years in accordance with DSC letter advice to Council dated 7<sup>th</sup> September 2012 and with ANCOLD requirements.
8. Update the DSEP annually to reflect any new names and contacts or organisations and personnel to comply with the requirements of the DSC.

Items 3 through 8 are ongoing and have been included in operational and LTFFP as appropriate. Items 1 and 2 will be programmed for attention during the current year and from within existing water supply operational votes.

The recommendation above is for this sixth edition report to be received and for it to be authorised for formal submission to the Dam Safety Committee in satisfaction of the Dam Safety Act 1978.

The next surveillance report will be due in 2021/22.

**Dam Safety Emergency Plan (DSEP)**

In addition to the five yearly surveillance reports, the DSC requires a quality controlled DSEP to be prepared for prescribed dams where persons may be at risk downstream if the dam failed. Captains Flat Dam, with its high consequence risk ratings for both flood and sunny day failure, is required to have such a DSEP.

The current DSEP was last comprehensively reviewed in July 2013 as version 3. Version 4 of this document is currently being prepared and will now be distributed to SES and DSC for their initial comment in accordance with DSC info sheet DSC2G.

The final document is expected to be ready for distribution by the end of the year or early in 2017, depending upon the timeliness and number of any return comments.

## Legal

Both documents have been prepared in accordance with Dam Safety Committee requirements and in accordance with the provisions of the Dam Safety Act 1978.

Associated with the Captains Flat Dam – a significant asset within the Palerang Water Fund.

Funding for both engagements has been provided in the adopted 2016/17 Operational Plan and Budget.

Reports to be delivered through a combination of external consultancy and internal (staff) resources.

That the sixth five yearly Dam Surveillance report for Captains Flat Dam be received and authorised for submission to NSW Dam Safety Committee.

Attachment 1 Attachment - Captains Flat Dam 6th Five Yearly Dam Surveillance Report  
(Under Separate Cover)





## DETERMINATION REPORTS

**8.8 Braidwood Show Society Inc - Request for Donation of Rates (Ref: C16153980;  
Author: Ferguson/Bascomb)**

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**Summary**

The Braidwood Show Society Inc has requested that it be included in the group of registered not-for-profit organisations that have rateable land within the former Palerang Council area and receive a donation equivalent to their rates each year under the former Council's Donations Policy.

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**Recommendation**

**That:**

- 1. For 2016/17, the former Palerang Council's Donations Policy be amended to include the Braidwood Show Society Inc in the list of organisations within the former Palerang Local Government Area that receive a donation equivalent to the ordinary rates levied for the year;**
  - 2. The matter of donations to eligible organisations be considered during the review of the Donations policies of the former Queanbeyan City and Palerang Councils.**
- 

**Background**

Schedule 1.1 – Annual Donations of the former Palerang Council's Donations Policy includes a list of organisations and facilities that receive an automatic donation equivalent to the ordinary rates levied for the year. These organisations and facilities are:

- a. Araluen Hall
- b. Any Scouts Australia group
- c. Braidwood & District Historical Society
- d. Any Country Women's Association branch
- e. Any service club including Lions and Rotary
- f. Any registered pre-school
- g. Bungendore War Memorial Hall
- h. Charleys Forest Hall
- i. Gundillion Hall
- j. Majors Creek Hall
- k. Nerriga Hall
- l. Any men's shed registered with the Australian Association of Men's Sheds

The former Palerang Council had not previously received a request from the Braidwood Show Society Inc for a donation under this section of the policy.

The parcel of rateable land in question adjoins the Braidwood Showground Reserve Trust, and was bequeathed to the Society by a local resident many years ago. The purpose of the bequest was to enable the Show Society and sporting bodies such as the Braidwood Campdraft Association, the Braidwood Polocrosse Club and the Braidwood Pony Club to hold events and other activities in close proximity to the Showground and Pavilion.

**8.8 Braidwood Show Society Inc - Request for Donation of Rates (Ref: C16153980;  
Author: Ferguson/Bascomb) (Continued)**

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Although the land is freehold, it is used as part of the Showground Reserve Trust.

The Show Society has been able to raise funds to pay the rates on the land up until now through grazing sheep and leasing the land to the Braidwood Central School for their agricultural activities. However, this is now not an option due partly to increased camping at the Showground, the income from which is retained by the Braidwood Showground Reserve Trust s.355 Committee, and partly to an increase in regional zone campdraft and polocrosse competitions. These competitions could not be held in Braidwood if the respective clubs did not have access to the land owned by the Show Society.

**Implications*****Financial***

The 2016/17 rates for the land owned by the Braidwood Show Society Inc amount to \$1,220.40. The former Palerang Council had not previously made any donation of these rates to the Society.

The situation of private land adjoining a Crown reserve, for which Council is the trustee, being used entirely in conjunction with that Trust is unique in the former Palerang Council area. There is therefore no likelihood of setting a precedent for similar requests if a donation equivalent to the ordinary rates for the land is made.

The matter of donations equivalent to ordinary rates being made to eligible organisations and facilities will be considered during the review of the Donations policies of both the former Palerang and Queanbeyan City Councils.

**Conclusion**

It is recommended that, for 2016/17, Council agree to the Braidwood Show Society Inc's request to be included in the list of organisations in the former Palerang Council area that receive a donation equivalent to the ordinary rates levied.

**Attachments**

Attachment 1      Attachment - Donation of Show Society Rates - Letter from Braidwood Show Society (*Under Separate Cover*)

## DETERMINATION REPORTS

**8.9 Adoption of an Interim Policy (Ref: C16154010; Author: Ferguson/Bascomb)**

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**Summary**

The report recommends the adoption of an interim policy that applies to situations where both the former Palerang and Queanbeyan City Councils had a policy on a given matter, or where only one Council had a policy on a given matter.

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**Recommendation**

**That as an interim measure pending harmonisation of the two predecessor Councils' policies, Council adopt the following:**

- 1. Where the former Palerang or Queanbeyan City Councils had an adopted policy on the same matter, those policies apply to their respective Local Government Areas;**
  - 2. Where one of the former Councils had an adopted policy on a given matter, and the other did not, the adopted policy apply to the whole of the new Queanbeyan-Palerang Regional Council Local Government Area.**
- 

**Background**

Following the formation of the Queanbeyan-Palerang Regional Council (QPRC) by amalgamation in May 2016, several situations have come to light where both, or only one, of the predecessor councils had policies on a given matter. For example, the former Palerang Council had a policy authorising the General Manager to write off debts up to \$2,000. The former Queanbeyan City Council did not have such a policy.

Some policies were created by the previous Councils as a result of a specific need for a particular area or function, and therefore do not apply to other areas. On the other hand, policies on the same matter, but with differing provisions, have been created by both Councils and should still apply in their respective areas until new QPRC policies can be created.

**Implications*****Statutory***

The newly-formed QPRC has brought together two Councils that may or may not have had policies governing the conduct of particular day-to-day business.

As an interim measure, the proposed policy will provide a formal basis for conducting the new Council's business in both the former Local Government Areas until the scheduled review and harmonisation of all the policies of the previous Councils has concluded.

**Conclusion**

It is recommended that Council adopt an interim policy that allows the former Palerang and Queanbeyan City Councils to apply their adopted policies in their respective areas, or, where one

**8.9 Adoption of an Interim Policy (Ref: C16154010; Author: Ferguson/Bascomb)  
(Continued)**

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Council had a policy and the other did not, the one in existence should apply to the whole of the QPRC Local Government Area. The situation will be remedied by the forthcoming review and harmonisation of both the former Councils' policies.

**Attachments**

Nil

DETERMINATION REPORTS

**8.10 Royalla Common s.355 Committee Minutes - 24 August 2016 (Ref: C16154033;  
Author: Ferguson/Bascomb)**

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**Summary**

The Royalla Common s.355 Committee has submitted for Council's information the minutes of its meeting held on 24 August 2016.

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**Recommendation**

**That Council note the confirmed minutes of the Royalla Common s.355 Committee's meeting held on 24 August 2016.**

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**Background**

The attached minutes were confirmed at the Committee's meeting on 28 September 2016.

**Implications**

***Statutory***

Section 355 committees are required to submit the minutes of their meetings to Council. Recommendations contained within the minutes may be adopted, amended or not adopted by Council.

The Royalla Common s.355 Committee has responsibility for the care, control and management of the Royalla Common, including the area known as Elm Grove. This comprises an area of 12.55ha, identified as Lot 33, DP1037260, Parish of Burra.

The Committee also has delegated authority to coordinate arrangements for the construction of an amenities building on the site.

**Conclusion**

It is recommended that Council note the confirmed minutes of the Royalla Common s.355 Committee's meeting held on 24 August 2016.

**Attachments**

Attachment 1      Royalla Common s.355 Committee Minutes 24 August 2016 (*Under Separate Cover*)



## DETERMINATION REPORTS

**8.11 Local Representation Committee Minutes - 13 September 2016 (Ref: C16153968; Author: Ferguson/Bascomb)**

## Summary

The minutes of the third meeting of the Local Representation Committee (LRC), held on 13 September 2016, are attached for Council's information and endorsement.

## Recommendation

**That Council:**

1. **Note the minutes of the Local Representation Committee's meeting held on 13 September 2016;**
2. **Adopt Recommendations LRC 012 - 015/2016 from the meeting held on 13 September 2016.**

## Background

The LRC meetings are generally held on a monthly basis.

## Implications

## Consultation

The LRC members provide an important conduit for community engagement in the newly-amalgamated local government area. They have been appointed Council's delegates on a number of committees and external organisations.

## Conclusion

The minutes of the third meeting of the LRC held on 13 September 2016 are attached for Council's endorsement.

## Attachments

- Attachment 1      Attachment - Minutes Local Representation Committee - 13 September 2016  
(Under Separate Cover)





## DETERMINATION REPORTS

**8.12 Adoption of Model Code of Conduct - Resubmitted (Ref: C16154257; Author: Tegart/Warne)**

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**Summary**

This report was presented to the Council meeting of 28 September 2016, however there was an incorrect attachment. The draft Code of Conduct is now attached to this report. The Procedures for the Administration of the Model Code of Conduct were distributed with the previous Business Paper.

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**Recommendation****That Council:**

- 1. Adopt the Code of Conduct.**
  - 2. Council adopt the Procedures for the Administration of the Code of Conduct.**
- 

**Background**

The Proclamation for the Queanbeyan-Palerang Regional Council provides that the Code of Meeting Practice of the former Palerang Council was to be used by the new Council until amended (*this is now the case*) but no guidance was provided in respect of the Code of Conduct.

It is now appropriate that the Model Code as amended be adopted by the new Council. A draft Code of Conduct and Procedures for Administration of the Code are attached.

The Model Code was been followed in the preparation of the draft with a few minor variations made to specifically relate the Code to the Queanbeyan-Palerang Regional Council.

Both the former Council codes were formatted on the 2013 template and the most current version (*November 2015*) has now been used for the proposed Code for the new Council.

The Code of Conduct provides a framework and sets minimum requirements for good conduct by Councillors and Council staff. It prescribes standards of good behaviour, integrity and conduct, advice in dealing with conflicts of interest and personal benefit, and access to information. In summary, the Code is integral to the good governance of the Council.

The Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW has also been adapted for use by the new Council.

**8.12 Adoption of Model Code of Conduct - Resubmitted (Ref: C16154257; Author: Tegar/Warne) (Continued)**

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**Implications**

***Legal***

It is a legal requirement of the *Local Government Act 1993* that a Council adopt a Code of Conduct in accordance with S440.

The Procedure for the Administration of the Code of Conduct developed by the Office of Local Government is used in respect of claims of a potential breach of the Code by Councillors or staff.

Recent amendments to the *Local Government Act 1993* made by the *Local Government Amendment ( Councillor Misconduct and Poor Performance) Act 2015* have been reported to the Council and the Model Code and Procedures have been updated to reflect these changes.

***Policy***

Both the Code of Conduct and the Procedures for the Administration of the Model Code of Conduct form part of the Council's policies.

***Financial***

There are no financial implications in respect of these requirements.

**Conclusion**

It is a requirement that the Council adopt the Model Code of Conduct and the Model Procedure for Administration of the Model Code of Conduct and the attached drafts have been adapted for use by the Queanbeyan- Palerang Regional Council.

**Attachments**

Attachment 1      QPRC Draft Code of Conduct (*Under Separate Cover*)

**9.1 Engagement of SMEC Australia Pty Ltd for Hydrogeological and Consulting Services – Googong (Ref: C16142359); Author: Hansen/Damo**

**Report**

SMEC Australia Pty Ltd (SMEC) have been awarded Contract No. 06/2016 to provide hydrogeological and consulting services for groundwater and surface water monitoring and reporting at Googong on the basis of being on the NSW Local Government Procurement Panel 1208-3.

**Background**

Ministers Condition of Approval for the Googong NSW Department of Planning and Environment requires that a Water Management Plan be prepared. The Water Management Plan Googong Township Integrated Water Cycle Project, October 2015 (version 10) was prepared by RPS Manindis Roberts Pty Ltd for Googong Township Pty Ltd and approved by Department of Planning Environment on 10 November 2015. QPRC is now responsible for the ongoing monitoring and reporting, after the Googong Water Recycling Plant was handed over.

**Implications**

***Legal***

The objectives of the program of works are to undertake required monitoring to ensure QPRC complies with the approved Water Management Plan, including:

- monitoring of groundwater level and quality during the operational stage of the Water Recycling Plant (WRP) and irrigation with recycled water as per the requirements of the Groundwater Monitoring Program;
- monitoring the surface water quality during the operational stage of the WRP;
- undertake geophysical assessment of open spaces during the first year of irrigation with recycled water to assess potential changes;
- respond to (quality) exceedances in accordance with the Surface and Groundwater Response Plan; and
- reporting.

***Engagement***

Annual reports prepared by the consultant will be published on Council's website and may generate enquiries from the public. Queries put to Council will be dealt with via Council's customer service procedures.

***Financial***

SMEC were invited to submit a proposal directly by reason of being on the NSW Local Government Procurement Panel – Professional Consulting Services LGP 1208-3 (LGP1208-3). Panel 1208-3 allows procurement of consultants with contract values up to \$750,000 inclusive of GST.

SMEC were previously engaged by GTPL and was therefore familiar with the work.

NSW Local Government Procurement (LGP) conducts a full tender process for all contracts that complies with all requirements of the *Local Government Act 1993* (NSW) and the *Local Government (General) Regulation 2005* (NSW) QPRC procurement procedures allows use of LGP for engagement of consultants.

Program Code	Expense Type	Funding source	Amount
250/255	Operational	Water & Sewer	\$ 343,453

***Resources (including staff)***

Existing QPRC Water and Sewer staff will liaise and coordinate with the consultant to monitor their progress and be the point of contact for queries during the period of their engagement.

**Conclusion**

SMEC have been engaged in accordance with Council's procurement policies via NSW Local Government Procurement Panel – Professional Consulting Services LGP 1208-03 to carry out investigations and reporting in accordance with the Water Management Plan Googong Township Integrated Water Cycle Project, October 2015 required by Department of Planning and Environment Minister's Conditions of Approval.

**Recommendation**

**That Council note the engagement of SMEC Australia Pty Ltd via NSW Local Government Procurement Panel – Professional Consulting Services 1208-3 for hydrogeological and consulting services for groundwater and surface water monitoring and reporting at Googong.**

**Attachments**

Nil

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**9.2 Swimming Pool Inspection Program 2016/2017 (Ref: C16150382); Author: Thompson/Spinks****Report**

Council will once again be conducting its annual Swimming Pool Safety Inspection Program for the Queanbeyan urban area from October 2016 until the end of 2016 with some follow-up and enforcement inspections taking place in early 2017. Council has been carrying out this program since 1996 in order to fulfil its requirements under Section 5 of the Swimming Pools Act 1992 (as detailed below).

The inspection program referred to in this information report will only be conducted for premises located within the former Queanbeyan City Council area. The former Queanbeyan City Council and Palerang Council, both had policies regarding inspection of swimming pool fences, and until those two policies have been merged into a single unified policy, Queanbeyan-Palerang Regional Council will continue to inspect the two former council areas under their respective policies. The policy for the former city area recommends pools be inspected every 3 years to assess their compliance with safety standards. The policy for the former Palerang Council does not require advisory inspections to be conducted.

Council fulfils the requirements of its swimming pool policy by conducting annual information mail-outs to swimming pool and spa pool owners, coupled with 3-yearly pool safety inspections. Letters and brochures with self-assessment checklists have been sent out to all pool owners reminding them of their responsibilities to ensure their pool is safe for summer.

At present there are approximately 875 swimming pools listed on the database for the former city council area. During the course of the 2016/2017 inspection program, there are approximately 300 pools programmed for inspection.

The inspection program will be targeting the following categories of pools:

- Those due for their 3 yearly inspection;
- Those with locked gates or restricted access during the 2014/15 and 2015/16 programs; and
- Those inspected last year which have works outstanding and require a reinspection.

The swimming pool safety inspections will be carried out by the Environment and Health team. In addition to Council's proactive inspection program, Council Officers will also be looking for any unfenced portable and inflatable pools which are required to be fenced.

There is no fee for the swimming pool inspection program as they are advisory inspections only and will not result in a Compliance Certificate being issued. As such the safety inspection program does not circumvent the need to obtain a valid Compliance Certificate for properties that are being sold, leased or used for a temporary or short term accommodation.

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**Recommendation**

**That the report be received for information.**

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**Attachments**

Nil

**9.3 Performance of Council's Road Network in the current period of extended wet weather (Ref: C16153797); Author: Cunningham/Bascomb****Report**

For that part of 2016 ending 31 August 2016, much of the Local Government Area (LGA) has received above average rainfall. Using the Bungendore area as a case in point, the total rainfall measured to this period (BOM) has been some 591.8mm. This represents just over 92% of the area's long term average annual rainfall. The trend for September has been similarly wet with a further 102mm being unofficially recorded by Council to 23 September 2016.

While mostly welcomed from a district point of view, such high and persistent rainfall does present some significant challenges for Council's road maintenance/construction endeavours.

**Background**

As part of its portfolio of infrastructure assets, Council has ultimate care and control of around 1,614 kilometres of road. 763 kilometres of which are unsealed with the remaining 851 kilometres being sealed in various formats. In addition to this, it holds an ongoing contract with NSW Roads and Maritime Services (RMS) for the provision of road maintenance and construction services on that part of the State Road network within its LGA and part of the Goulburn Mulwaree LGA. This responsibility extends to a further 169 kilometres of higher traffic volume sealed pavement.

The basic science behind road design revolves around an assessment of traffic loadings. These determine pavement specifications which, together with a whole raft of other geometrical standards, manifest themselves as the roads that we make use of every day. Naturally, standards and specifications change with time as we move to accommodate improvements in safety and strive for greater network efficiency.

Notwithstanding these developments, the geometrical and structural state of Council's network is, and will always be, a historical catalogue of these design and construction standards over time.

The challenge for Council as a road authority is to manage its network according to these nuances and to extract the maximum design life possible for each road.

The single biggest environmental threat to achieving this strategy is water. Water is 'public enemy number one' for the longevity of any road pavement – sealed or unsealed.

If the pavement is the key *structural* component of the road, it is the job of the seal to protect the pavement from the ingress of water. The majority of Council's sealed road network consists of a spray sealed surface. The bitumen being the key component (the seal), the stone chip inlaid surface serving only as texture/grip for vehicles.

Whereas there are any defects in this thin bitumen layer, there are then opportunities for water to penetrate the pavement and create defects mostly observed as potholes or perhaps more dramatically as localised shove failures.

*Figure 1 – Unsealed Road Potholed Pavement - Potholes*



***Figure 2 – Sealed Road Pavement – Pavement Failure***



While strategies such as Council's recurrent reseal program are a vital antidote, with in excess of 6 million square metres of sealed pavement throughout the LGA at various stages in their lives and in various geometrical configurations, it is near on impossible to insure against every potential ingress attack. Particularly given the concentration of the recent wet weather events and even more so given that it is over the least optimal winter months.



According to the Bureau of Meteorology, a total of 591.8mm of rain fell in the Bungendore region for the YTD 31 August; notably representing some 92% of the area's long term average annual rainfall. Just over 64% of this has fallen over the months of May, June, July and August; with June receiving 199.4mm alone, a large portion of which was associated with the east coast low event that precipitated the natural disaster declaration for the QPRC LGA. The impact on Council's road infrastructure of this event alone has initially been estimated at in excess of \$2m and an application is currently being finalised through RMS for financial assistance under the standing Natural Disaster Arrangements. Notwithstanding this, rectification works have already commenced and Council will continue to carry the financial burden of these works until such time as the schedule of works is formally resolved. It is hoped that this will be within the next few weeks.

**Figure 3 – June 2016 Flood Damage – Deep Creek Bridge**



The other aspect of the continuing season of wet weather is its persistency. For the period May to August there were 53 days of rain from a total of 123 days. In winter months, with the least potential for evaporation, this means that the effects of wet weather tend to be felt well beyond than just the day of rain itself. Nowhere is this more relevant than Council's principal capital projects like Stony Creek (Captains Flat Road), Wanna Road and River Forest Road (MR51). Whilst it is true that Council's ability to redeploy its internal resources works effectively to minimise any resultant financial burden, costs are incurred for some unavoidable establishment commitments and, perhaps more significantly, those associated with rework. An equally frustrating outcome for both Council and its community, particularly when you consider the volume of work planned for the 2016/17 year.

In light of the continuing adverse weather conditions there is now a concentrated focus on the reactive maintenance activities of bitumen patching and maintenance grading. As far as Council's rural area is concerned, the majority of customer requests currently being received are associated with these two activities. This is to be expected.

In light of the size of the network, staff continue to rely heavily on this customer advice and react on a triage system as in the past. Sometimes these aim for a temporary solution in the first instance until such time as conditions improve and more permanent arrangements can be deployed. The patience of Council's customers is appreciated while staff work through this strategy.

## **Implications**

### ***Legal***

Council is a Road Authority under section 7(a) of the Roads Act 1993. Additionally it has obligations under Common Law in relation to public safety.

### ***Asset***

The total replacement cost of Council's road infrastructure assets is estimated at \$650.6m, almost certainly the largest single asset class within its portfolio. The timely maintenance of the components within this class represents an important strategy in maximising useful life.

### ***Social / Cultural***

For many of Council's constituents, access to a safe and reliable road network is the most tangible expectation from their local government. The prompt reaction to emerging issues in special environmental conditions such as now, is the most effective way in continuing to meet these expectations.

### ***Engagement***

The circumstances in play at the moment are somewhat extraordinary. For the most part, engagement is initiated from the customer in the form of a customer request. Timely feedback to these will continue to be the primary engagement avenue.

### ***Financial***

In a road maintenance sense there is little doubt that the continuing wet weather has had a direct impact on its financial position. By way of comparison, current expenditure for routine maintenance activities within the former Palerang network are currently tracking at around 4% higher than they should be for this time of year.

As might be expected, bitumen patching activities are featuring as the predominant influence in this trend with current costs of \$69,621 already representing around 55% of the total activity expenditure for 2015/16.

The ongoing commitment for these costs, and others, cannot be avoided and will have to be brought to account as required. As in the past, strategies to fund these are in place potentially from a reallocation of revenue funds associated with recurrent capital projects like resheeting. There is no urgency for this at this stage with the matter to be monitored in future quarterly reviews.

In terms of capital works, the situation can be a bit more difficult to resolve – depending upon the ultimate effect of the weather, the degree of contingency within each project's vote and the ability to curtail the project as a last resort. The works at Wanna and Stony Creek will need to be monitored in future quarterly reviews. The River Forest Road project is generally covered under the conditions of the contract with the RMS as they apply for provisions for wet weather.

***Resources (including staff)***

Works associated with Council's road maintenance and construction activities are being undertaken through a mix of internal and external resources as appropriate.

***Integrated Plan***

Works associated with road maintenance and construction are contained within Council's adopted 2016/17 Operational Plan and Budget.

**Conclusion**

The winter of 2016 has been a particularly wet period having been reported locally as the wettest in 25 years. The persistency of the rain events associated with this period have had, and continue to have, a marked effect on the condition of Council's road network; both sealed and unsealed.

Currently there is an unprecedented number of resultant maintenance work orders being generated both internally and externally. Efforts are continuing to treat these on a priority basis and the patience of Council's customers whilst this is occurring is appreciated.

Careful monitoring of the budgetary implications of these works will be required in the near future and through forthcoming quarterly reviews.

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**Recommendation**

**That the report be received for information.**

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**Attachments**

Nil



COMMITTEE REPORTS

10.1 **Report of the Palerang Heritage Advisory Committee - 20 September 2016 (Ref: C16145024; Author: Tegart/Carswell)**

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**Present:** Kirsty Altenburg, David Carswell (Executive Manager Strategic Land Use Planning - Chair), Elizabeth Estbergs, David Hobbes (Heritage Advisor), Richard Johnston, Justine Martin, Sue Robb (Strategic Planning Co-ordinator).

**Others Present:** Brigid Whitbread (Local History and Special Collections Librarian)

The Committee Recommends:

**Apologies:**

Paul Cockhram.

1. **Confirmation of Report of previous meeting held on 5 July 2016**

**Recommendation** (Estbergs/Carswell)

**PHAC 001/16 That the Report of the meeting of the Committee held on 5 July 2016 be confirmed.**

2. **Business Arising**

A number of items were raised and these are dealt with under General Business.

3. **Declarations of Conflict of Interest**

Nil.

4. **Heritage Advisor's Report**

David Hobbes gave an overview of his report for the year 2015/16.

Amongst other things this noted that monthly visits to Bungendore and Braidwood have continued and that these involve both pre development application inquiries and development applications. Overall work has increased in Braidwood particularly in relation to infill development where attempts are made to encourage consistent scale and form and use of compatible materials.

5. **Correspondence**

Nil.

**10.1 Report of the Palerang Heritage Advisory Committee - 20 September 2016 (Ref: C16145024; Author: Tegart/Carswell) (Continued)**

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**6. Heritage Festival 2017**

This project arose from discussion at the previous meeting. Brigid provided an overview of her role in proceedings which is predominantly one of co-ordinator. It was noted that the theme for next year's festival is "Having a Voice" and the Festival will be held between 7 April and 7 May 2017. Examples of the sort of activities traditionally held were discussed with one from Queanbeyan being the Queanbeyan Museum Open Day. A number of other possibilities were discussed with David Hobbes agreeing to put some thoughts together.

**7. Committee Project - Cemeteries**

The character of various cemeteries in the local government area and the community's interaction with them was generally discussed. In particular members of the Committee discussed how to best progress this project. As a result it was agreed that Elizabeth would scope out a project plan and a possible template was subsequently provided to Elizabeth in the days following the meeting.

**8. General Business**

Sue introduced David Carswell to the Committee and noted that from now on David would be chairing and providing administrative support to it. Following discussion of the following matters David thanked Sue on behalf of the Committee for all of her support.

In relation to other general business a number of matters were discussed.

These included the metal balustrades of the Albion Hotel in Braidwood. In relation to these it was noted that a report had been considered by Council at its 19 May 2016 meeting which was subsequently forwarded to members by Sue.

The lack of landscaping of the blisters in Wallace Street in Braidwood was also raised. In relation to these the Committee were advised that staff have met on this and a plan has been prepared and circulated for comment.

The proposed roundabout at the intersection of Wallace/Lascelles Streets Braidwood was raised. In response it was noted that discussions have been held on its design materials such as local granite.

The replacement of members to the Committee was raised and briefly discussed.

The Foxlow bridge project was also briefly discussed as was the Charleyong bridge replacement.

Richard Johnston also advised the Committee of his pending resignation due to a move. Following this David on behalf of the Committee thanked Richard for his years of service.

**9. Next Meeting**

The next meeting is to be held in Meeting Room 2 of the Bungendore Chambers at 2:30 on 22 November 2016.

There being no further business, the meeting closed at 4:04.

**Attachments**

Nil





## COMMITTEE REPORTS

**10.2 Report of The Q Board Meeting - 26 September 2016 (Ref: C16150026; Author: Tozer/Fulton)**

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**Present:** Peter Bray AM (Chair), Peter Lindbeck, Geoff Grey, Deon Myburgh and Daniel Fulton.

**Others Present:** Nil.

The Committee Recommends:

**Apologies:**

Jacqui Richards, Peter Tegart (General Manager), Stephen Pike and Steve White.

**1. Confirmation of Report of previous meeting held on 25 July 2016**

**Recommendation (Bray/Myburgh)**

That the Report of the meeting of the Committee held on 25 July 2016 be confirmed.

**2. Chairperson's Report**

The Chairperson, Peter Bray AM, gave a brief overview of the current structure of the amalgamated Council, and consequent establishment of a Local Representative Committee (LRC). He explained how the members of the LRC were appointed to a number of community Advisory Committees and Boards such as The Q. It was outlined that The Q Board would continue to function in its new capacity until a new Council is elected in September 2017.

**Recommendation (Bray/Fulton)**

**TQB 12/16      The Board recommend that the Chairperson's report be noted.**

**3. Internal Production Review**

Daniel Fulton, Manager Community Businesses, presented the Board with an internal production financial review (Attachment 1). The financial tool is to be used to better benchmark production returns and aids in the selection process for future shows.

**Recommendation (Lindbeck/Grey)**

**TQB 13/16      That the Internal Production Review be accepted.**

**TQB 14/16      That staff review the process for estimating the cost of 'technician equipment and labour hire', to ensure better accuracy in establishing budgets for future shows. It is also recommended that the table name titled 'cost of eclipse' be changed to 'cost of technician equipment and labour hire'.**

**10.2 Report of The Q Board Meeting - 26 September 2016 (Ref: C16150026; Author: Tozer/Fulton) (Continued)**

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**4. External Hirer Review**

Daniel Fulton, Manager Community Businesses, presented the Board with an external hirer financial review (Attachment 1). The review outlined the ticket sales and revenue generated by external hirers.

**Recommendation (Lindbeck/Grey)**

**TQB 15/16 That the External Production Review and comments be noted and that the table titled 'income' be changed to read 'net income'.**

**5. Promotion and Marketing Review**

The Board noted that a PR report will be tabled at the next Q Board meeting scheduled for 28 November 2016.

Deon Myburgh, Marketing Supervisor, presented the Board with a report (Attachment 1) that showed the new marketing channels being used. The report also outlined the marketing channels and campaigns proposed for upcoming productions and events.

**Recommendation (Bray/Grey)**

**TQB 16/16 The Board noted the report, commended Deon and the marketing team on the development of new marketing initiatives such as cinema advertising, text marketing and the upcoming mobile app.**

**6. Matters for Report to Council****Season Launch**

The Board noted that details surrounding the Season Launch will be provided at the next Board meeting.

**Australian Performing Arts Centres Association Conference**

Daniel Fulton, Manager Community Businesses, provided a quick summary of the APACA Conference, attended by himself and Stephen Pike (Program Manager). The conference highlighted a number of concerns being faced nationwide within the Performing Arts sector. A major issue of concern was the recent reduction in Government funding to the Arts. Keynote speakers stressed the importance of further collaboration between theatres and their communities. Collaboration and the benchmarking of the positive societal impact the arts have on the community, not necessarily always financial, need to be recorded and reported.

**Board Resolutions Outcome Report**

The Board noted the update on the progression of previous Board resolutions.

**10.2 Report of The Q Board Meeting - 26 September 2016 (Ref: C16150026; Author: Tozer/Fulton) (Continued)**

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**Potential Westpac Partnership**

The Board noted that a partnership proposal, between The Q and Westpac Queanbeyan, has been approved by the General Manager and will now be sent to Westpac for consideration. This partnership proposal is the first step made by staff towards the establishment of more formalised and measurable partnerships. Other partnerships include Queanbeyan City Travel and Dendy Cinemas.

**Fire Curtain**

The Board noted that staff are investigating alternative options for the fire curtain, due to the continued high cost of maintenance.

**Recommendation (Lindbeck/Grey)**

**TQB17/16 That the reports be noted and that the section 'Board Resolution Outcome Report' be moved to section 2.1 to follow the 'Confirmation of Previous Meeting Minutes'.**

**7. Next Meeting**

The next meeting has been set for 28 November 2016, with the venue being Council Committee Room.

**Closure**

There being no further business, the Chairperson declared the meeting closed at 7.00pm.

**Attachments**

Attachment 1 The Q - Board Meeting - Council Official Agenda - September 2016 (*Under Separate Cover*) - **CONFIDENTIAL**

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

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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 Representation on an Order**

*Item 15.1 is confidential in accordance with s10(A) (e) of the Local Government Act 1993 because it contains information that would, if disclosed, prejudice the maintenance of law and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**Item 15.2 Water Write-Offs due to Undetected Leaks**

*Item 15.2 is confidential in accordance with s10(A) (b) of the Local Government Act 1993 because it contains discussion in relation to the personal hardship of a resident or ratepayer and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*