



# **Ordinary Meeting of Council**

## **AGENDA**

**13 July 2016**

**Commencing at 5.30pm**

**Council Chambers  
253 Crawford St, Queanbeyan**



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

List any inspections or indicate “Nil”

<b>1</b>	<b>APOLOGIES</b>	
<b>2</b>	<b>PRESENTATION / DEPUTATIONS / PETITIONS</b>	
<b>3</b>	<b>CONFIRMATION OF MINUTES</b>	
3.1	Minutes of the Ordinary Meeting of Council held on 22 June 2016	
3.2	Minutes of the Ellerton Drive Extension Proposal Determination Panel Meeting held on 30 June 2016	
3.3	Minutes of the Extraordinary Meeting of Council held on 30 June 2016	
<b>4</b>	<b>DECLARATION OF CONFLICTS/PECUNIARY INTERESTS.....</b>	<b>1</b>
<b>5</b>	<b>MAYORAL MINUTES</b>	
	Nil	
<b>6</b>	<b>GENERAL MANAGER’S REPORTS</b>	
6.1	Development Application DA.2016.031 – Self Storage Facility - Lot 4 DP841326 - 212 Bombay Road, Braidwood .....	3
6.2	Alcohol Free Zones at Jerrabomberra .....	11
6.3	Rabbit Control on the Queanbeyan Golf Course on Adjacent River Banks.....	15
6.4	Removal and Replacement of Street Trees in Crawford St and Farrer Place .....	21
6.5	Googong Dog Parks.....	25
6.6	Renewal of Lease - Queanbeyan Players - 18 Barrow Place, Queanbeyan.....	27
6.7	Event Review .....	31
6.8	Economic Evaluation of the Queanbeyan Gift.....	35
6.9	South Western Wireless.....	39
6.10	Minutes of the Local Representation Committee Meeting - 17 June 2016 .....	45
6.11	Council representation at 2016 LGNSW Conference .....	49
6.12	Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy .....	51
6.13	Mobile Communications Tower Margaret Donoghoe Sportsground.....	53

6.14	Formation of Audit Committee .....	57
6.15	General Donations Distribution - Amended.....	61
6.16	Stronger Communities Fund .....	63

**7 COMMITTEE REPORTS**

7.1	Report of the Queanbeyan Heritage Advisory Committee - 20 June 2016 .....	67
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**8 NOTICES OF RESCISSION**

Nil

**9 NOTICES OF MOTION**

Nil

**10 QUESTIONS ON NOTICE**

Nil

**11 RESPONSES TO QUESTIONS ON NOTICE**

Nil

**12 COUNCILLORS' REPORTS**

Nil

**13 INFORMATION ITEMS**

13.1	State of City and End of Term Report .....	69
13.2	Loose-Fill Asbestos Insulation Update .....	70
13.3	Proposed Local Government Legislation Changes .....	73

14	NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION .....	78
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**Confidential - Not for Publication**

**15 REPORTS FOR CLOSED SESSION**

15.1	Potential Land Acquisition - Queanbeyan River Floodplain. ....	78
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*Item 15.1 is confidential in accordance with s10(A) (c) (di) of the Local Government Act 1993 because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct); AND commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the*

*matter in an open meeting would be, on balance, contrary to the public interest.*

15.2 Write off of water consumption charges due to concealed leak ..... 78

*Item 15.2 is confidential in accordance with s10(A) (a) of the Local Government Act 1993 because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

15.3 Bungendore Property - Loose Fill Asbestos ..... 78

*Item 15.3 is confidential in accordance with s10(A) (b) of the Local Government Act 1993 because it contains discussion in relation to the personal hardship of a resident or ratepayer and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

15.4 Staff Matter..... 78

*Item 15.4 is confidential in accordance with s10(A) (a) of the Local Government Act 1993 because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**LIST OF ATTACHMENTS –**

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

**Open Attachments**

Item 6.1 Development Application DA.2016.031 – Self Storage Facility - Lot 4 DP841326 - 212 Bombay Road, Braidwood

*Attachment 1 Attachment 1 - 212 Bombay Road Braidwood - Section 79C(1) Table (Under Separate Cover)*

*Attachment 3 Attachment 3 - 212 Bombay Road Braidwood - Draft Conditions of Consent (Under Separate Cover)*

*Attachment 4 Attachment 4 - 212 Bombay Road Braidwood - Submissions (Under Separate Cover)*

Item 6.4 Removal and Replacement of Street Trees in Crawford St and Farrer Place

*Attachment 1 Crawford Street (Under Separate Cover)*

Item 6.5 Googong Dog Parks

*Attachment 1 Proposed Dog Park site (Under Separate Cover)*

Item 6.7 Event Review

*Attachment 1 Event Review Report - May 2016 (Under Separate Cover)*

Item 6.8 Economic Evaluation of the Queanbeyan Gift

*Attachment 1 Queanbeyan Gift Evaluation May 2016 v2 pdf (Under Separate Cover)*

Item 6.9 South Western Wireless

*Attachment 1 South Western Wireless Cost/Benefit Analysis Report (Under Separate Cover)*

*Attachment 2 South Western Wireless Proposal - Queanbeyan (Under Separate Cover)*

*Attachment 3 Use of Revenue from Mobile Communication Infrastructure Policy (Under Separate Cover)*

Item 6.10 Minutes of the Local Representation Committee Meeting - 17 June 2016

*Attachment 1 Minutes of the LRC meeting of 17 June 2016 (Under Separate Cover)*

*Attachment 2 Committees and nominated delegates (Under Separate Cover)*

Item 6.12 Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy

*Attachment 1 Attachment 1: Palerang Council Policy for the Payment of Expenses and Provision of Facilities for the Mayor and Councillors (Under Separate Cover)*

*Attachment 2 Attachment 2: Draft QPRC Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy (Under Separate Cover)*

Item 6.16 Stronger Communities Fund

*Attachment 1 DPC Stronger Communities Fund Guidelines (Under Separate Cover)*

**Closed Attachments**

Item 6.1 Development Application DA.2016.031 – Self Storage Facility - Lot 4 DP841326 - 212 Bombay Road, Braidwood

*Attachment 2 Attachment 2 - 212 Bombay Road Braidwood - Development Plans (Under Separate Cover)*

Item 15.2 Write off of water consumption charges due to concealed leak

*Attachment 1 3 Bluestone Gardens - request for financial assistance due to water loss*

*Attachment 2 27 Taylor Place request for assistance with water charges*



MINUTES OF THE ORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held at the Council Chambers, 10 Majara Street, Bungendore on Wednesday, 22 June 2016 commencing at 5.30pm.

## ATTENDANCE

**Administrator:** T Overall (Chair)

**Staff:** P Tegart, General Manager; P Bascomb Deputy General Manager; J. Wright, Director of Planning and Environmental Services; G. Cunningham, Director of Works; M Thompson, Director Environment, Planning & Development; P Hansen, Director Infrastructure; P Spyve, Acting Director Economic and Community Development; S-J Abigail, Chief Financial Officer and S Taylor, Acting Finance Manager.

**Also Present:** W Blakey, Management Accountant (Clerk of the Meeting) and H. Hone (Minute Secretary) and Mrs L. Ison (Team Leader – Customer Service).

### 1. APOLOGIES

There were no apologies.

### 2. PRESENTATIONS/DEPUTATIONS/PETITIONS

**Mr Richard Graham** – Conduct of Extraordinary Council Meeting 15 June 2016.

**Mr Paul Bombardier** – Item 6.1 - Development Application DA.2016.081 – 317 Royalla Drive, Royalla – Community Hall.

**Mr Paul Cockram** – Item 6.14 - Local Representation Committee establishment.

**Mr Des Page** – Item 15.2 - Review of Penalty Notice - 1291 Old Cooma Road, Royalla.

**3. CONFIRMATION OF MINUTES****3.1 Minutes of the Ordinary Meeting of Council held on 8 June 2016**

056/16

**RESOLVED (Overall)**

The Administrator resolved that the Minutes of the Ordinary Meeting of Council held in the Queanbeyan Chambers on Wednesday 8 June 2016 be confirmed.

**3.2 Minutes of the Extraordinary Meeting of Council held on 15 June 2016**

057/16

**RESOLVED (Overall)**

The Administrator resolved that the Minutes of the Extraordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday 15 June 2016 be confirmed.

**4. DECLARATIONS OF INTEREST**

058/16

**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.

Mr Overall declared a conflict of interest in regard to Item 6.11 being donations numbers 9 and 26. He is a Life Member of the Queanbeyan Red Cross and his wife is the President of Meals on Wheels Queanbeyan Inc. He will delegate this part to the General Manager in accordance with S.377 of the Local Government Act.

**5. MAYORAL MINUTES**

Nil

**6. GENERAL MANAGER'S REPORTS****6.1 Development Application DA.2016.081 – 317 Royalla Drive, Royalla – Community Hall**

059/16

**RESOLVED (Overall)**

The Administrator resolved that as the consent authority, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, grant consent for Development Application DA.2016.081 for the construction of a Community Hall on Lot 33 DP 1037260, 317 Royalla Drive, Royalla, subject to the conditions in Attachment 3.



**6.2 Determination of Building Certificate for Riverside North Carpark Fence - 50 Morisset Street, Queanbeyan**

060/16

**RESOLVED (Overall)**

The Administrator resolved:

1. That the Building Certificate Application for the fence at Riverside Plaza North Carpark be refused for the following reasons:
  - a. The fence contravenes Development Consent DA95003 in which the fence was deleted from the proposed plans by a resolution of Council. The reason for the deletion of fence in DA95003 was to ensure adequate pedestrian access between the carpark. This reason is still valid today.
  - b. Development Consent would not have been granted if a Development Application had been lodged with Council as it obstructs informal pedestrian access between the carpark. It is in the public interest for the access to be kept open.
  - c. The fence has the potential to impact on safety by obstructing the escape route for pedestrians during flood events.
  - d. The fence has the potential to impact on safety as it reduces passive surveillance that is generated by the pedestrians utilising the informal linkages through the carpark or users of the carpark.
  - e. The fence has the potential to impact on safety as it may trap victims of crime with the low turnover of cars and restricted escape options.
  - f. The installation of the fence is neither maintenance nor like-for-like replacement of the previous log barriers.
2. That Council note that the fence is therefore unauthorised development and will be required to be removed to comply with Development Consent DA95003.
3. That enforcement action be commenced by issuing a Notice of Proposed Order (NOPO) under the Environmental Planning and Assessment Act 1979 requiring the fence to be removed (or altered by agreement) in order to comply with development consent DA95003.

**6.3 Exhibition Draft South Tralee Local Planning Agreement**

061/16

**RESOLVED (Overall)**

The Administrator resolved to execute the South Tralee Local Planning Agreement subject to incorporating the recommended changes specified in Attachment 1 to this report and any other minor administrative or housekeeping changes identified noting that the recommended action for Item 29 has been amended to read 'no change be made to LPA as result of this submission'.

**6.4 Pobje Lane - Naming of Unnamed Laneway - Queanbeyan East**

062/16

**RESOLVED (Overall)**

The Administrator resolved:

1. That the unnamed laneway adjacent to the western boundary of 47 Mowatt Street be named Pobje Lane.
2. That the name change be gazetted as soon as possible.

**6.5 Renaming of Dunn Place to Clara Place - Proposed Gazettal**

063/16

**RESOLVED (Overall)**

The Administrator resolved:

1. To approve a change of street name from Dunn Place to Clara Place.
2. That the name change be gazetted as soon as possible.

**6.6 Draft Variation to ACT Territory Plan (Draft Variation No 353)**

064/16

**RESOLVED (Overall)**

The Administrator resolved:

1. To lodge a submission on ACT Territory Plan Draft Variation No 353 in terms of the matters raised in this report.
2. That the ACT Environment and Planning Directorate be advised that Council would like to establish a more robust protocol for early consultation and public notification of land use proposals that could impact on nearby areas on either side of the ACT/NSW border.
3. That the Administrator and the General Manager raise the matters with the ACT Chief Minister informing him of Council's concerns and the potential impact on Queanbeyan businesses.

**6.7 QPRC Consolidated Investment Report - 13 May 2016 to 31 May 2016**

065/16

**RESOLVED (Overall)**

The Administrator resolved to:

1. Note the investment income from 13 May 2016 to 31 May 2016 is \$181,410 bringing the total interest earned on Cash and Cash Equivalent Investments for the 2016/17 Financial Year to \$181,410 which is \$52,017 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 period 13 May 2016 to 31 May 2016.

**6.8 QPRC Consolidated Investment Policy**

066/16

**RESOLVED (Overall)**

The Administrator resolved that the Draft QPRC Investment Policy be placed on public exhibition for 28 days.

**6.9 Basin Priority Projects - Queanbeyan**

067/16

**RESOLVED (Overall)**

The Administrator resolved to endorse the project sites within Queanbeyan and approve ACT TAMS to proceed, subject to relevant approvals and continued community engagement.

**6.10 Proposed Hot Rod Event 2018**

068/16

**RESOLVED (Overall)**

The Administrator resolved to endorse the Canberra Hot Rod Association (CHRA) event and staff continue to work with organisers to facilitate the event in 2018.

**6.11 General Donations Distribution 2016/17**

Mr Overall declared a conflict of interest in regard to Item 6.11 donations numbers 9 and 26. He will delegate this part to the General Manager in accordance with S.377 of the Local Government Act.

069/16

**RESOLVED (Overall)**

The Administrator resolved with the exception of Donation Numbers 9 and 26: that:

1. Council make donations as listed in Attachment 1 with the following adjustments  

Donation No1. allocation: \$2,000  
Donation No.6 allocation: \$2,000  
Donation No.7 allocation: \$1,500  
Donation No.8 allocation: \$1,500  
Donation No.33 allocation: \$3,000
2. Council note the amount is \$45,368.81.
3. Council agree to increase the allocation by \$5,368.81 for the financial year 2016/17.
4. Funds allocated to Schools as Community Centres for the financial year 2015/16 be transferred for use in the 2016/17 financial year.
5. All recipients of donations under Category A be required to complete an acquittal form.
6. Unallocated funds (\$4,631.19) be retained for the "Emergency" Vote and/or other defined Donations as agreed to by Council.
7. Staff consolidate the general donations grant schemes of the former Queanbeyan City and Palerang Councils for the 2017/18 financial year and a report be submitted to a meeting of Council.

**6.12 Potable and Recycled Water Supply Policy**

070/16

**RESOLVED (Overall)**

The Administrator resolved to adopt the attached Potable and Recycled Water Supply policy document as amended.

**6.13 Councillor Fees - Local Government Remuneration Tribunal Determination for 2016**

071/16

**RESOLVED (Overall)**

The Administrator resolved:

1. To note that the Local Government Remuneration Tribunal set new remuneration levels for Mayors and Councillors in its 29 March 2016 Determination.
2. That in accordance with the Tribunal's Determination adopt the remunerations levels as follows:
  - ☐ Councillors - \$18,840;
  - ☐ Mayor - \$41,090 in addition to the Councillor fee;and apply 'Councillor' remuneration levels to the members of its Local Representation Committee as of 1 July 2016.

**6.14 Local Representation Committee establishment**

072/16

**RESOLVED (Overall)**

The Administrator resolved to:

1. Note the establishment of the Queanbeyan-Palerang Local Representation Committee, and
2. Note the remuneration of the LRC members has been established as per the Committee's Terms of Reference and in line with the Local Government Remuneration Tribunal's determinations for the former Queanbeyan City Councillors.

**6.15 Council Property Strategy and Policy**

073/16

**RESOLVED (Overall)**

The Administrator resolved:

1. To adopt the Property Strategy and Policy and Rental Rebate Policy as amended.
2. That a review of operational properties surplus to the new QPR Council be undertaken and assessed against the criteria established with the Property Strategy and Policy.
3. That a schedule be brought to Council outlining properties proposed for sale or acquisition, with respective development options.

**6.16 Asset and Financial Sustainability Review**

074/16

**RESOLVED (Overall)**

The Administrator resolved:

1. To adopt the Financial Strategy and Policy
2. To endorse the Narrow the Gap principle to progressively map and match asset and service expenses to related revenue sources
3. To engage Percy Allan and Associates to undertake an Asset and Financial Sustainability Review of the former Palerang Council
4. Following that review, revise Council's Revenue and Pricing policies to reflect the Optimal Scenario; and revise the Asset Strategy and Asset Management Plans and policies to reflect the condition, values and intervention levels outlined in the GHD report on infrastructure assets, and align with Special Schedule 7 in the Financial Statements.

**S.1 Merger - Transitional Staffing Arrangements**

075/16

**RESOLVED (Overall)**

The Administrator resolved to:

1. note the report on transitional staffing arrangements, and
2. adopt the interim organisational structure 2016/17.

**7. COMMITTEE REPORTS**

Nil

**8. NOTICES OF RESCISSION**

Nil

**9. NOTICES OF MOTION**

Nil

**10. QUESTIONS ON NOTICE**

Nil

**11. RESPONSES TO QUESTIONS ON NOTICE**

Nil

**12. COUNCILLORS' REPORTS**

Nil

**13. INFORMATION ITEMS****13.1 Site Inspection - DA 64-2016 - For a Place of Public Worship (Mosque) - 183-185 Gilmore Road, Queanbeyan**

076/16

**RESOLVED (Overall)**

The Administrator resolved that the report be received for information.

**13.2 Strategic Land Use Planning Projects - former Queanbeyan area - Status**

077/16

**RESOLVED (Overall)**

The Administrator resolved that the report be received for information.

**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 27 of the Council's Code of Meeting Practice, were there any presentations as to why the matters listed below should not be dealt with in Closed Session.

**Item 15.1 Write off of Water Charges due to water loss from an undetected leak**

*Item 15.1 is confidential in accordance with s10(A) (b) of the Local Government Act 1993 because it contains discussion in relation to the personal hardship of a resident or ratepayer and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**Item 15.2 Review of Penalty Notice - 1291 Old Cooma Road, Royalla**

*Item 15.2 is confidential in accordance with s10(A) (e) (g) of the Local Government Act 1993 because it contains information that would, if disclosed, prejudice the maintenance of law; AND advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

No presentations were made.

078/16

**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:

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

The meeting returned to Open Sessions by virtue of Resolution No. 081/16 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 Write off of Water Charges due to water loss from an undetected leak**

The Administrator resolved to write off Water Consumption Charges of:

- 1        \$298.66 from Resident 1's water account,
- 2        \$863.78 from Resident 2's water account, and
- 3        \$7,271.56 from Resident 3's water account.

**Item 15.2 Review of Penalty Notice - 1291 Old Cooma Road, Royalla**

The Administrator resolved:

1. That Council advise the State Debt Recovery Office that it has reviewed Penalty Notice (PN 3043054044) in relation to unauthorised works carried out at 1291 Old Cooma Road and has determined that the penalty should stand.



2. That Council take no action to enforce the removal of the unauthorised fill at the above mentioned address until such time as Council is satisfied that the applicant has had an opportunity to lodge a development application for proposed works utilising the fill material.

At this stage in the proceedings, the time being 6.44pm Mr Overall announced that the Agenda for the meeting had now been completed and declared the meeting closed.

**TIM OVERALL  
ADMINISTRATOR  
CHAIRPERSON**





MINUTES OF THE ELLERTON DRIVE EXTENSION PROPOSAL DETERMINATION PANEL MEETING held at the Bicentennial Hall, 253 Crawford St, Queanbeyan on Thursday, 30 June 2016 commencing at 5:30pm.

**ATTENDANCE**

Tim Overall (Administrator), Richard Colley (Panel Member) and Viv May (Panel Member).

**Staff:**

P Tegart, General Manager; P Bascomb, Deputy General Manager; P Hansen, Director Infrastructure; D Tooth, Manager Engineering Services; Lorena Blacklock, Manager Development Control; Scott Forsythe, Dept Premier & Cabinet; Linda Kirchener, AECOM; Tim Alexander, Public Works; David Moore, SMEC; David Maynard, NGH Environmental and Julian Watson RMS.

**Also Present:**

Diana Forrester (Facilitator); W Blakey, Management Accountant (Clerk of the Meeting) and H. Hone (Minute Secretary).

**1. APOLOGIES**

No apologies were received.

**2. PRESENTATIONS/DEPUTATIONS/PETITIONS**

Presentation by Mr P Hansen to the meeting on the background of the EDE Project and an overview of the route and design of the road.

Presentations were made to the panel by the following:

Mr Peter Bray

Mr Spence Powell

Ms Sylvia Tulloch

Mr Dave Lavers

Ms Frankie Seymour

Mr Malcolm Leslie

Ms Julia Worboys

Ms Leanne Parkinson

Mr Harvey Worboys

Mr Hugh Paterson

Mr John Wilshire

Mr Frank Bresnik

Ms Trudy Taylor

Ms Judith Burfoot

Mr Greg Cummins

Ms Nerida King

Mr Peter Kontis

Ms Claire Cooper

Mr Ed Cory

Ms Margaret Higgins

001/16

**RESOLVED (May/Colley)**

That the meeting be adjourned at 7.32pm for 10 minutes to allow the Extraordinary Meeting to commence proceedings.

The meeting was reconvened at 7.42pm.

Mr Wayne Dalton

Mr Brian Vincent

Ms Asha Gare

Ms Cydde Miller

Mr Jim Duggan

Mr Peter Lindbeck

Mr Allan Gray

Mr Richard Graham

Ms Katrina Willis

Mr Greg Buckmon

Ms Jenny Warren

Mr Andrew Grant

Mr Michael Ziebell

Mr Rodger Clement

Mr Kenrick Winchester

Ms Margot Sachse

Mr Denis French

Ms Toni McLennan

Mr Malcolm Paterson

Ms Valerie Moran

### **PETITIONS**

No petitions were presented.

### **3. DECLARATIONS OF INTEREST**

002/16

#### **RESOLVED (Colley/May)**

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

No declarations were presented.

### **4 GENERAL MANAGER'S REPORTS**

#### **4.1 Ellerton Drive Extension Proposal - Determination Report**

003/16

#### **RESOLVED (May/Colley)**

That the meeting be adjourned for 10 minutes to allow the Panel time for discussion.

The meeting was reconvened at 9.38pm.

004/16

**RESOLVED (May/Colley)**

- A. For the purposes of Part 5 of the EP&A Act, that the Ellerton Drive Extension Proposal proceed as described in the Review of Environmental Factors (REF), supporting documentation and this Determination Report (subject to Conditions of Concurrence from Chief Executive of the Office of Environment and Heritage (OEH) and approval under the Environment Protection Biodiversity Conservation Act 1999, and any other relevant conditions that may result). Any significant modification to the Proposal will be subject to further assessment.
- B. That the Proposal be implemented in accordance with the REF, Species Impact Statement (SIS) and SIS Addendums (particularly Mitigation Measures in Chapter 6 and Offsets in Chapter 7 of SIS Addendum 2), and specifically the environmental management framework described in Chapter 7 of the REF and the site specific environmental safeguards outlined in Table 32 of the REF. In addition the following safeguards are also recommended:
- 1a. The owners of the individual properties identified in table 15 of the SLR (2016) report are to be consulted about the treatments required to meet the Road Noise Policy as per Section 6.1.8 of the REF and expected time frame for construction of these treatments.
  - b. Noise monitoring shall be carried out within 12 months of the road opening to confirm compliance with the Road Noise Policy.
  2. Prior to construction, Council will ensure that dilapidation surveys as per section 6.1.5 of the REF are undertaken of all buildings potentially subject to construction vibration effects.
  3. A detailed landscape plan for the Proposal is to be prepared in collaboration with the OEH that addresses all the safeguards listed in Table 22 of the REF and includes suitable species in locations that contribute to the visual and environmental enhancement of the road corridor.
  4. The Aboriginal Cultural Heritage Archaeological Report (Cultural Heritage Management Australia, 2012) must be updated to include any sites within the increased footprint so that a correct assessment is submitted for the s90 Aboriginal Heritage Impact Permit from the OEH.

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

The 'Ayes'            Overall, May and Colley

The 'Nayes'        Nil

Mr Overall expressed appreciation for all the work put into this project by the General Manager, Phil Hansen and staff over many years.

At this stage in the proceedings, the time being 10.14pm The Administrator announced that the Agenda for the meeting had now been completed and declared the meeting closed.

**TIM OVERALL  
ADMINISTRATOR  
CHAIRPERSON**







MINUTES OF THE EXTRAORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held at the Bicentennial Hall, 253 Crawford St, Queanbeyan on Thursday, 30 June 2016 commencing at 7.34pm.

## ATTENDANCE

<b>Councillors:</b>	T Overall (Chair).
<b>Staff:</b>	P Tegart, General Manager; P Bascomb, Deputy General Manager; P Hansen, Director Infrastructure; D Tooth, Manager Engineering Services; Lorena Blacklock, Manager Development Control; Scott Forsythe, Dept Premier & Cabinet; Linda Kirchener, AECOM; Tim Alexander, Public Works; David Moore, SMEC; David Maynard, NGH Environmental and Julian Watson RMS.
<b>Also Present:</b>	Diana Forrester (Facilitator); W Blakey, Management Accountant (Clerk of the Meeting) and H. Hone (Minute Secretary).

### 1. APOLOGIES

No apologies were received.

082/16

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

The Administrator resolved that the meeting be adjourned until such time as the determination meeting for Ellerton Drive Extension has concluded.

The meeting reconvened at 10.15pm.

### 2. PRESENTATIONS/DEPUTATIONS/PETITIONS

Mr Peter Bray – Item 4.1

Mr Bill Willis – Item 4.1

Mr Peter Kontis - Item 4.1

Mr Dave Lavers - Item 4.1

Ms Katrina Willis - Item 4.1

Mr Alan Gray - Item 4.1

**PETITIONS**

No petitions were presented.

**4. DECLARATIONS OF INTEREST**

083/16

**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 declarations were presented.

**4. GENERAL MANAGER'S REPORTS****4.1 Ellerton Drive Extension Funding**

084/16

**RESOLVED (Overall)**

The Administrator resolved to:

1. Fund up to \$36m being the outstanding amount required to construct the Ellerton Drive Extension Project, based on final estimates.
2. Endorse the borrowing of the outstanding amount required to construct the Ellerton Drive Extension Project from New South Wales Treasury Corporation.
3. Note that the repayment of the loan for the Ellerton Drive Extension Project is to be funded from developer contributions.
4. Authorise the General Manager to sign the Memorandum of Understanding between Council and Roads and Maritime Services for the delivery of the Ellerton Drive Extension Project when the document is completed.
5. Endorse the Roads and Maritime Services proceeding to tender and award the contract to construct the Ellerton Drive Extension Project.

**4.2 Adoption of QPRC Budget for July**

085/16

**RESOLVED (Overall)**

The Administrator resolved to adopt the budget for July 2016 of \$7,810,708 including 1/12<sup>th</sup> of the yearly expenditure, 1/12<sup>th</sup> of the fees/charges income and 1<sup>st</sup> instalment of rates and annual charges.

At this stage in the proceedings, the time being 10.50pm 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 4 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 Councillors disclose any interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.**



## GENERAL MANAGER'S REPORTS

**6.1 Development Application DA.2016.031 – Self Storage Facility - Lot 4 DP841326 - 212 Bombay Road, Braidwood (Ref: C16100350; Author: Wright/Murdoch)**

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

This application has been referred to Council as the application has been locally controversial, is connected to planning errors by former Councils in 2004, 2008 and 2013, and former Palerang councillors had given assurances that the DA would be determined by Council.

Proposal:	Continued Use of Self-Storage business, Alterations and Additions to self-storage business and continued use of fence
Applicant/Owner:	T G and R M Richardson
Subject Property:	Lot 4 DP841326, 212 Bombay Road, Braidwood
Zoning and Permissibility:	E4 Environmental Living under Palerang Local Environmental Plan 2014
Public Submissions:	2
Issues Discussed:	Planning Requirements Visual amenity Section 94 Contributions
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 development application DA.2016.031 for Continued Use of Self-Storage Business, Alterations and Additions to Self-storage Business and Continued Use of Fence on Lot 4 DP841326, 212 Bombay Road, Braidwood be approved subject to the conditions at Attachment 3, and**
  - 2. That those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.**
-

**6.1 Development Application DA.2016.031 – Self Storage Facility - Lot 4 DP841326 - 212 Bombay Road, Braidwood (Ref: C16100350; Author: Wright/Murdoch) (Continued)**

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**Background***History of the Site*

In 1989 an application was lodged for a water bottling plant on Portion 201, Bombay Road, Parish of Boyle. At that time the land was zoned non-urban 1(a) under the Tallaganda Interim Development Order No. 1, which was the planning instrument which covered the site. The proposal was classified as light industrial and was approved. The approval involved the construction of a light industrial building, which was then used to bottle water which had been extracted from an approved site at Monga. Consent was issued for this activity on 23 June 1989.

On 22 November 1991 the Tallaganda LEP 1991 (TLEP 1991) came into effect, zoning the land 1(c) Rural Small Holdings.

In 1994 an application was received for a four lot subdivision under the provisions of the TLEP 1991 (TSC/012/1994/DA). This application was approved and the plan registered on the 12 July 1994.

In 1997 Council received an application for a vermiculture farm on one of the lots created in the 1994 subdivision, Lot 4 DP841326. The application proposed to utilise the existing shed on the site by placing 13 bins inside the building for use as worm farms, for the production of worms, collection of solid worm castings and liquid worm fertilizer.

In its consideration of the application Tallaganda Council sought legal advice as to what classification a worm farm would come under in the provisions of the TLEP 1991. This advice reached the conclusion that the proposed worm farm could be properly classified as a "rural industry", a permissible use in the 1(c) zone under the TLEP 1991. Consent was issued for this activity on the 18 August 1997.

In 2003 Tallaganda Council received a development application to develop a self-storage business on Lot 4 DP841326 (TSC/216/2003/DA). The proposal involved the use of the existing building, as well as an extension to create additional storage units.

In his assessment of the application the planner considered the vermiculture use to be a commercial use. While a commercial use was a prohibited use under the TLEP 1991 it was considered that the vermiculture use had enjoyed existing use rights since the coming into effect of the TLEP in 1991.

Following on from this decision he classified the new application as a change of use from one prohibited commercial use to another, and therefore permissible under section 107 of the *Environmental Planning and Assessment Act 1979* – Continuance of and Limitations on Existing Use. Note that in 2004 clause 41 of the Environmental Planning and Assessment Regulation 2000 allowed an existing use to be changed to another use that would otherwise be prohibited. This changed in February 2007 and today an existing use can only be changed to another use if that new use is permissible.

The planner's attribution of existing use rights was in error since when the vermiculture farm was approved it was in fact approved as a "rural industry", not as commercial premises. Rural industries were permissible in the relevant zone under the TLEP and existing use rights did not apply.



**6.1 Development Application DA.2016.031 – Self Storage Facility - Lot 4 DP841326 - 212 Bombay Road, Braidwood (Ref: C16100350; Author: Wright/Murdoch) (Continued)**

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Consent was granted to the application on 9 March 2004. A subsequent modification application was lodged on the 17 December 2007 to amend the proposed shed additions. This modification was determined and approved on the 30 May 2008.

In 2013 Council received an application for the expansion of self-storage units on Lot 4 DP841326. As required under Council's Notification Policy, adjoining owner notification was undertaken, and two submissions were received.

Consent was issued for this application on the 29 August 2013. Copies of the consent were sent to the people who made submissions.

Subsequent to this, one of the people who lodged a submission requested copies of all of the approvals attached to the land. It was this request that alerted staff to the potential issue of errors in the previous assessment, as a search of the property files and a subsequent search of the DA files revealed the previous legal advice that quite clearly defined the vermiculture farm as a "rural industry".

Advice was sought from Council's solicitor on the permissibility of the self-storage facility and on the status of the consents that have been issued for this land use. The advice confirmed that Council erred in 2004 in granting consent to the self-storage facility which, as 'commercial premises' is prohibited development in the 1(c) zone. Council thus did not have power to grant the consent in 2004 and also lacked power to grant the 2008 modification consent and the 2013 development consent for the expansion of the facility.

It is noted that unless set aside by the Land and Environment Court the issued approvals remain valid and can be acted on by the owner. However, the uncertainty associated with the fact that a challenge to the validity of the approvals could be lodged by any person at any time significantly affects the value of the development and the owner was keen to have the matter resolved.

The existing self-storage facility has not generated complaints (although concerns were raised in response to the proposal for its expansion) and Palerang Council prepared and completed a planning proposal under Part 3 of the *NSW Environmental Planning and Assessment Act 1979* to amend the *Palerang Local Environmental Plan 2014* (PLEP) to permit self-storage units on Lot 4 DP 841326, Bombay Road, Braidwood. The effect of this amendment is that self-storage units are now a permissible use at the site.

***Proposed Development***

The development application is for:

- The continued use of an existing self-storage business (32 self-storage units). As outlined above the self-storage business was granted consent in 2003.
- The erection of 34 additional storage units, totalling 66 storage units with an area of approximately 1291m<sup>2</sup>. 15 storage units will be erected at the rear of the existing building and 19 storage units will be scattered around the site. The separate units will consist of five separate structures (dimensions below) and will be setback 1.5m from the eastern boundary and 2m from the western boundary.

**6.1 Development Application DA.2016.031 – Self Storage Facility - Lot 4 DP841326 - 212 Bombay Road, Braidwood (Ref: C16100350; Author: Wright/Murdoch) (Continued)**

Structure	Floor Area m <sup>2</sup>	Height
Block A	89.71	2.9m
Block B	55.08	2.9m
Block C	55.08	2.9m
Block D	89.71	2.9m
Block E	55.08	2.9m
Rear Additions	302.22	3.0m
Existing Structure	615	4.0m

- The continued use of an existing 1.8m-2m colorbond fence (currently coloured 'surf mist') along the western property boundary approximately 80m in length, which is to be painted 'wallaby'.

### ***Subject Property***

The subject land has an area of 5410m<sup>2</sup> and is located on lot 4 DP841326, 212 Bombay Road, Bombay. The site contains a gentle slope downwards toward the rear of the property and no significant vegetation. The site was created as part of a subdivision (DP841326) in 1994. Surrounding development is of a rural and rural residential nature. Council's storage yard, sewage treatment plant, proposed waste transfer facility and depot site are located about 1 km to the east and the current Braidwood tip is located about 1.5km to the west. The Braidwood light industrial area and the saleyards are about 2 km south east of the site.

### ***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* (Attachment 1). The following planning instruments have been considered in the planning assessment of the subject development application:

1. State Environmental Planning Policy (Rural Lands) 2008
2. State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
3. Palerang Local Environmental Plan 2014 (PLEP).
4. Palerang Development Control Plan 2015 (PDCP)

**6.1 Development Application DA.2016.031 – Self Storage Facility - Lot 4 DP841326 - 212 Bombay Road, Braidwood (Ref: C16100350; Author: Wright/Murdoch) (Continued)**

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

- Amenity impacts on adjoining rural residential properties, namely visual impacts.

**(a) Compliance with LEP**

The development application complies with the Palerang Local Environmental Plan 2014. For an assessment of the Palerang Local Environmental Plan 2014 see attached *Section 79C(1) Table – Matters for Consideration*.

**(b) Compliance with DCP**

The development application complies with the Palerang Development Control Plan 2015. For an assessment of the Palerang Development Control Plan 2015 see attached *Section 79C(1) Table – Matters for Consideration*.

**(c) Other Matters**

It is considered that due to the location, design, proposed building materials and the proposed landscaping of the additional storage areas the development will not adversely affect the natural or built environments, and social and economic impacts in the locality will be minimal.

It is considered that the additions to the existing self-storage are suitable for the site as follows:

- The additional development is situated at the rear of the existing self-storage building and will not detract from surrounding visual corridors.
- The development is considered to be a low impact use and will be further conditioned to ensure minimal impacts on the surrounding area.
- Vehicle movements will not significantly increase to detrimentally impact on the surrounding area.

**Other Comments(a) Development Engineer's Comments**

The development was referred to Council's Development Engineer, comments are provided below:

The previous development approvals for the site (bottling plant / storage sheds) have required various upgrades to the site entrance and internal driveway/forecourt areas.

At the current time the site is accessed via a bitumen sealed Type A entrance (without the need for a culvert) and a bitumen sealed BAR right turn on the approach from Braidwood. The proposed additional storage sheds do not require any further upgrade of the site entrance.

The forecourt and driveway area at the front of the property is concrete surfaced and again requires no upgrade for the proposed additional storage sheds.

The proposed loop driveway for the additional storage sheds should be provided with a gravel pavement with runoff directed to the swale drain and on site detention facility recommended by SCA.

**6.1 Development Application DA.2016.031 – Self Storage Facility - Lot 4 DP841326 - 212 Bombay Road, Braidwood (Ref: C16100350; Author: Wright/Murdoch) (Continued)**

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*Traffic Generation* - It is noted that a similar storage facility was approved on Araluen Road at Braidwood (DA.2013.154, with traffic generation assessed as generally 4-6 trips per year.). It is considered that a similar traffic generation rate should be applied to this DA.

The applicant has paid section 94 contributions under the previous approval. That contribution was based on a level of traffic generation that is now (based on information provided by the applicant and other sources) considered too high and as a result the proposed development does not warrant the payment of additional contributions.

**(b) Water NSW**

The application was referred to NSW Water for concurrence. No objection was received, subject to including their conditions of consent. These conditions have been included in the recommended conditions of consent.

**Financial Implications**

There will be no financial implications because of this development application. As noted above additional section 94 contributions are not required.

**Consultation**

The proposal required notification under Palerang DCP 2015 and letters were sent to the owners of 17 adjoining and nearby properties. Two submissions were received as well as a supplementary submission from one of those (see Attachment 4). The relevant issues raised are as follows:

***Issue: The proposed development will have a significant detrimental impact on the visual amenity of the surrounding area.***

*Comment* - The development site is approximately 90m from the nearest dwelling to the west. The submission provides a photograph of the existing development site (with the 'surf mist' colorbond fence erected). It is considered that the likely detrimental impacts on the adjoining property's visual amenity will not be significant subject to:

- the repainting of the fence 'wallaby' (a darker, grey/brown colour) as proposed by the applicant and
- the recommended conditions of consent, including conditions requiring the unapproved colorbond fence to be relocated 1.5m in from the property boundary to allow for additional landscaping to be provided within the area between property boundary and the western side of the fence.

As vegetation is established on the site and along the boundaries, the likely visual impacts on adjoining properties will be minimal. The nature of the development and the low number of people visiting the site ensures minimal impacts on the surrounding area and properties.

**6.1 Development Application DA.2016.031 – Self Storage Facility - Lot 4 DP841326 - 212 Bombay Road, Braidwood (Ref: C16100350; Author: Wright/Murdoch) (Continued)**

***Issue: The proposed development is inconsistent with the aims and objectives of the E4 Environmental Living zone.***

*Comment* - The development application complies with the Palerang Local Environmental Plan 2014 objectives for E4 Environmental Living Zone. For an assessment of the Palerang Local Environmental Plan 2014 see attached *Section 79C(1) Table – Matters for Consideration*.

***Issue: The proposed development will have a significant detrimental impacts on land values in the immediate area.***

*Comment* - The proposal, with the recommended conditions of consent which include requirements to visually screen the development, will be a low impact development. There is no evidence to suggest that the proposed development will significantly impact on the land values within the locality. A business has operated on the site since 1989, and the proposed storage facility has lower traffic movements than the previous two businesses that operated on the property (water bottling and vermiculture).

***Issue: Validity of PLEP amendment.***

*Comment* - The submission raises concerns about the validity of the planning proposal to include the self-storage premises in Schedule 3 of the PLEP 2014. The submission provided no specific reasons outlining why the planning proposal is considered invalid. Council's solicitors were consulted prior to the commencement of the planning proposal and Council is confident that the planning proposal was prepared and determined in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979*. Furthermore, the planning proposal was overseen by the NSW Department of Planning and Environment.

**Compliance or Policy Implications**

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act, Regulations and Council's policies. Refer to Section 79C attachment.

**Conclusion**

The proposal has been assessed under Section 79C *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Palerang Local Environmental Plan 2014* and *Palerang Development Control Plan 2015* and is recommended for conditional approval.

**Attachments**

- |              |  |
|--------------|--|
| Attachment 1 | Attachment 1 - 212 Bombay Road Braidwood - Section 79C(1) Table ( <i>Under Separate Cover</i> )                    |
| Attachment 2 | Attachment 2 - 212 Bombay Road Braidwood - Development Plans ( <i>Under Separate Cover</i> ) - <b>CONFIDENTIAL</b> |
| Attachment 3 | Attachment 3 - 212 Bombay Road Braidwood - Draft Conditions of Consent ( <i>Under Separate Cover</i> )             |
| Attachment 4 | Attachment 4 - 212 Bombay Road Braidwood - Submissions ( <i>Under Separate Cover</i> )                             |



## GENERAL MANAGER'S REPORTS

**6.2 Alcohol Free Zones at Jerrabomberra (Ref: C1697997; Author: Thompson/Abbott)**

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**Summary**

At its meeting of 8 June 2016 Council resolved to establish several alcohol-free zones (AFZ) within Queanbeyan and Jerrabomberra.

At that meeting objection was raised to the establishment of AFZ's in the carpark of the Jerrabomberra Hotel. Among other issues the proprietor of the hotel questioned whether an APZ could be applied to a private carpark.

Noting these concerns, Council therefore sought legal advice as to whether AFZ's can validly be established over privately owned land used by members of the public.

The legal advice confirms that the Local Government Act 1993 enables the Council to establish an alcohol free zone over land which is classified as a public road (or part of a public road) or a public place that is a car park (or part of a car park). However, the advice confirms that the carparks at Jerrabomberra are neither a public road nor a public place. As such it is not possible for Council to create AFZ's over privately owned carparks as the land cannot be considered to be a public place within the meaning of the Act.

The following sites must therefore be withdrawn from the schedule of alcohol-free zones recently approved by Council.

- a) Lot 10 DP1147132, 16 Limestone Drive, Jerrabomberra being the main carpark outside the shopping centre on Limestone Drive, Jerrabomberra; and
- b) Lot 4 DP1037309, 2 Limestone Drive, Jerrabomberra Carpark being the carpark adjacent to the Jerrabomberra Hotel.

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**Recommendation****The Council:**

1. **not proceed with the establishment of alcohol-free zones at the:**
    - **Main carpark outside the shopping centre on Limestone Drive Jerrabomberra**
    - **Carpark adjacent to the Jerrabomberra Hotel**
  2. **thank the proprietor of Jerrabomberra Hotel for making Council aware of its error and confirming that the establishment of an alcohol –free zone will not proceed on the Hotel's carpark.**
  3. **advise the Police that Council is unable to establish an alcohol-free zone over the carparks at the Jerrabomberra Hotel and Jerrabomberra Shops.**
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**Background**

On 8 June 2016 Council considered a report recommending the establishment of several alcohol-free zones and alcohol prohibited areas in the Queanbeyan CBD and Jerrabomberra Shops. During the consultation period Queanbeyan Police made two comprehensive submissions. The first was general in nature. The other addressed specific concerns supporting the need for the establishment of an alcohol free zone to be established at the carparks for the Jerrabomberra

**6.2 Alcohol Free Zones at Jerrabomberra (Ref: C1697997; Author: Thompson/Abbott)  
(Continued)**

Shops and Hotel. For this reason these carparks were included as part of the Alcohol Free Zones and Alcohol Prohibited Area Report.

It was considered by staff at the time that the carparks adjacent to the Jerrabomberra Hotel and shops were able to be classified as a public place.

At the meeting the proprietor of the hotel raised the issue of whether the carparks, being privately owned, could in fact be classified as a public space and questioning whether an AFZ could therefore be validly applied to it.

As a result Council has since sought legal advice to determine whether the carparks can be validly classified as a public place.

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

The establishment of alcohol free zones by the Council is regulated by Part 4 of Chapter 16 of the Act. Sections within this Part relevant to the Solicitors advice are set out below.

Section 644 of the Act:

- (1) *A council may prepare a proposal for the establishment of an alcohol-free zone...*
- (3) *The proposal **must comply** with the guidelines (if any) in force under section 646.*
- (4) *The proposed alcohol-free zone may comprise either or both of the following:*
  - (a) *a public road or part of a public road,*
  - (b) *a public place that is a car park or part of a car park.*

Section 644B(1) provides that *'after complying with the procedures set out in sections 644 and 644A the council may, by resolution, adopt a proposal (with or without modifications) to establish an alcohol-free zone.'*

*For the purposes of [section 644] the Minister may from time to time prepare, adopt or vary guidelines **that must be followed by councils** for the establishment of an alcohol-free zone or the cancellation or suspension of the operation of an alcohol-free zone.*

Relevant terms defined in the Dictionary of the Act are as follows:

*public place means:*

- (a) *a public reserve, public bathing reserve, public baths or public swimming pool, or*
- (b) *a public road, public bridge, public wharf or public road-ferry, or*
- (c) *a Crown reserve comprising land reserved for future public requirements, or*
- (d) *public land or Crown land that is not:*
  - (i) *a Crown reserve (other than a Crown reserve that is a public place because of paragraph (a), (b) or (c)), or*
  - (ii) *a common, or*
  - (iii) *land subject to the Trustees of Schools of Arts Enabling Act 1902, or*
  - (iv) *land that has been sold or leased or lawfully contracted to be sold or leased, or*
- (e) *land that is declared by the regulations to be a public place for the purposes of this definition.*



**6.2 Alcohol Free Zones at Jerrabomberra (Ref: C1697997; Author: Thompson/Abbott)  
(Continued)**

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*Public road means a road which the public are entitled to use.*

*Road includes:*

- (a) highway, street, lane, pathway, footpath, cycleway, thoroughfare, bridge, culvert, causeway, road-ferry, ford, crossing, by-pass and trackway, whether temporary or permanent, and*
- (b) any part of a road and any part of any thing referred to in paragraph (a), and*
- (c) any thing forming part of a road or any thing forming part of any thing referred to in paragraph (a).*

The Guidelines, adopted by the Minister in accordance with section 644, provide, on page 7:

*'An alcohol-free zone may only be established to include a public road, footpath or a public place that is a carpark (i.e. carparks on public land or Crown land). Private carparks (being on private land and not under the control of the council) may not be included.*

The definition of 'public place' within the Act includes different categories or types of land. Council's legal counsel considered whether the land at Jerrabomberra subject to the alcohol free zone falls within any of these categories. Whilst it was noted that 'public land' can include land which is privately owned, the land needs to be under the control of the Council. This is not the case. As such the land cannot be considered to be a public place within the meaning of the Act.

It was also considered whether the car park land is a public road. However, the definition of "road" (set out above) does not include a car park.

Further, section 644(3) provides that a proposal for the establishment of an alcohol free zone must "comply" with the Guidelines in force under section 644 of the Act. Those Guidelines expressly provide that private carparks cannot be included in an alcohol free zone.

**Conclusion**

Council incorrectly determined that the privately owned carparks at the Jerrabomberra Shops and Jerrabomberra Hotel were public places for the purpose of establishing an AFZ. Council should therefore not proceed with AFZ's in these areas and the proprietor of the hotel and the Police should be advised accordingly.

**Attachments**

Nil



## GENERAL MANAGER'S REPORTS

**6.3 Rabbit Control on the Queanbeyan Golf Course on Adjacent River Banks (Ref: C1699423; Author: Thompson/Abbott)**

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**Summary**

Rabbits have infested the upstream end of the golf course along the river bank. They are starting to cause serious damage to the greens and fairways.

The Golf Club have approached Council to work co-operatively to reduce rabbit numbers and minimise damage.

Options for control have been considered and are limited due to complicating factors in urban area such as the sensitivity of the river bank, public access and platypus habitat.

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**Recommendation**

**That Council approve the engagement of a licenced pest controller to undertake a rabbit control program along the Queanbeyan River banks adjacent to the southern end of the Queanbeyan Golf Course.**

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**Background**

Council has been approached by Queanbeyan Golf Club in regard to the nuisance rabbits are creating on the course. They are damaging the greens, digging up the fairways and creating erosion concerns along the river bank.

A site assessment located multiple rabbit warrens, rabbit harbour and feeding areas and identified grazing and scratching areas.



*Figure 1 – Damage to greens and fairways at the southern end of the course*

**6.3 Rabbit Control on the Queanbeyan Golf Course on Adjacent River Banks (Ref: C1699423; Author: Thompson/Abbott) (Continued)**

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The areas of infestation and concern are located at the south end of the golf course backing onto the Queanbeyan River, as shown in figures 2 and 3 below.



*Figure 2 –Overall view of Queanbeyan Golf club and rabbit infestation area (highlighted)*

**6.3 Rabbit Control on the Queanbeyan Golf Course on Adjacent River Banks (Ref: C1699423; Author: Thompson/Abbott) (Continued)**

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*Figure 2 – Close up image of Queanbeyan Golf course. The area of concern is highlighted above in red. The area stretches for approximately 220m along the riverfront, extending approximately 30m back toward the golfing greens.*

Council owns a strip of land approximately 50m wide that separates the back nine of the golf course from the River and provides public access along this section of the River. This reserve connects the Greenleigh fire trail with the driving range adjacent to the suspension bridge. The transition between the Council land and golf course is interchangeable and as such the rabbit control issue is a matter for both parties.



**6.3 Rabbit Control on the Queanbeyan Golf Course on Adjacent River Banks (Ref: C1699423; Author: Thompson/Abbott) (Continued)**

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Staff have been investigating options for control and are limited to techniques available due to the sensitive location of the burrows along the river bank, proximity to platypus burrows, species specificity and public safety.

Rabbits can be difficult to control and there are few available methods that are inherently humane. Regardless of the technique used it must only be carried out by a skilled and competent operator.

Control options should include the following:

- Eliminate the rabbits (trap, poison, fumigate, ferrets)
- Prevent rabbits from entering the area (fencing)
- Limit the amount of damage (harborage modification, tree guards, repellants)

Where rabbits need to be killed, shooting by a licensed professional is one of the most humane methods available. This is a high risk public safety control. Due to the close proximity of residents and public access this is not a preferred option.

Poisoning is also a high risk option. The most suitable poison in urban areas is the anticoagulant, *pindone*. To be effective, *pindone* baits need to be ingested by rabbits over several nights of feeding. The rabbits are encouraged to feed on the bait by free feeding with unpoisoned oats or vegetables before poison baiting commences.

The impact on non-target species will be minimised using the following strategies:

- Use of covered bait stations designed to limit access of non-target species (e.g. platypus, wombat, wallaby, kangaroo, dogs, birds etc.)
- Laying baits in areas identified as being most suitable
- Using bait identified as most appropriate to local populations
- Bait stations to be clearly marked and signposted
- Sign post site – All entrances to the property, all entrances to actual poisoning site and all the extremities of property boundaries fronting public thoroughfare. Council to supply signage to all extremities of property boundaries fronting public thoroughfare as discussed.
- Notification of neighbouring properties – Council to notify neighbours as discussed prior to baiting commencement
- Notification in local paper and on Council website.
- Using bait in strict accordance with manufacturer's directions

*Pindone* can be used in more closely settled areas. There is an antidote for *pindone* available from veterinarians.

All persons walking their dog through the area should have them on lead. Signage advising that dogs are required to be on-lead and temporary "poisoning" in progress signs will be erected on the fire trail and along the golf course.

It was thought that fumigation would be a better form of control along the river. However, this has been dismissed due to the possibility of rabbit burrows interconnecting with platypus burrows and the possibility this impact on platypus.

**6.3 Rabbit Control on the Queanbeyan Golf Course on Adjacent River Banks (Ref: C1699423; Author: Thompson/Abbott) (Continued)**

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In the future any works by Council in regard to walking paths should include rabbit proof fencing which will prevent rabbits and wombats entering the golf course greens. The banks will then need to be stabilised and non-native vegetation such as privet should be removed and replaced.

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

As a Land manager, Council has a legal obligation to control wild rabbits on their property as they are classified as a pest animal.

***Environmental***

If the rabbits are not controlled, they will expand in numbers and further infest and inhabit the river corridor.

Other methods of control have been considered including ripping of burrows. This has been dismissed due to the likely erosion and openness of the banks of the river, the possibility of burrows interconnecting with platypus burrows and the cost of revegetation and stabilisation.

Deceased rabbits will be cleaned up and removed after the baiting program has commenced and noted to have taken effect. Poison typically takes effect within 10 days and clean-up will continue for 10 days after last baiting.

***Sustainability***

Rabbits have the ability to rapidly reinvade and recolonise areas following control. It is recommended that the program be re-evaluated and implemented again after 3 months to ensure rabbit populations remain under control if needed. Unless the action is well conducted, one individual control program is unlikely to have a lasting effect. Ongoing follow up will be required.

***Social / Cultural***

This program will not be welcomed by some residents from an animal welfare perspective. Baiting with *pindone* is the recommended control method, however the poisoned rabbits can suffer for several days prior to death.

**6.3 Rabbit Control on the Queanbeyan Golf Course on Adjacent River Banks (Ref: C1699423; Author: Thompson/Abbott) (Continued)**

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***Consultation***

This is a joint project with Queanbeyan Golf Course who initiated discussions and site inspections with Council.

The issue has also been discussed with:

- Local Land Services - Braidwood
- Queanbeyan Police
- Department of Primary Industries – Water
- Australian Platypus Conservancy

***Financial***

Funds are available within the environmental improvement program “River Maintenance” budget.

Program Code	Expense Type	Funding source	Amount
4110	6650	Environmental Improvement Program	\$ 5,000

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**Conclusion**

It is in Council's best interests to undertake a rabbit control program along the river corridor to prevent rabbits from damaging the bank stability and further infestations along the parkland areas.

**Attachments**

Nil



## GENERAL MANAGER'S REPORTS

**6.4 Removal and Replacement of Street Trees in Crawford St and Farrer Place (Ref: C15190446; Author: Hansen/Geyer)**

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**Summary**

During the first half of the 20<sup>th</sup> century, street tree planting took place throughout Queanbeyan, including a number of Pencil Pines down the centre medians around the CBD. Over the past 80 years many of the street trees have matured to provide the avenues enjoyed around the city today, however, while some of the pencil pines still provide a visual amenity, others have out grown their locations and now present a significant hazard to pedestrians.

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

- 1. immediately remove four (4) pencil pine trees from Crawford St to allow for the pedestrian refuges to proceed and follow on landscape improvements.**
  - 2. advertise the proposal to remove six (6) pencil pine trees from Farrer Place in 2016, remove a further eight (8) in 2017-2018, and replace with an avenue of Manchurian.**
- 

**Background**

Council, over the past few years has engage in an exercise to improve the town approaches and the Queanbeyan CBD. These programmes have resulted in the five entrance signage: "Queanbeyan – Country Living, City Benefits" and extensive landscaping along the major town entrances including Yass Rd, Canberra Avenue part of Bungendore Rd and part Farrer Pl. entrance into Queanbeyan. Additionally CBD beautification has seen the transformation of Crawford St, Monaro St median and Collette St precinct. This ongoing programme is currently looking at options for Bungendore Rd - Yass Rd to Queens Bridge, Farrer Place - Cameron to Showground entrance and Crawford Street – Morisset to Antill. During these design investigations, the issue of pencil pines causing pedestrian hazards was brought to staff's attention.

Crawford Street – Morisset to Antill is an earlier planting with pencil pines and shrubs in small squares cut out of the concrete median. These trees have out grown the location and the now present a visual block to pedestrians in this street. It is proposed to remove sections of the concrete and four pencil pines, replacing these with advanced Manchurian pears, *Pyrus calleryana* – *Chanticleer*, and ground cover plants in mulch. These landscape works are designed to continue the town approach and CBD beautification along Crawford St, from the Lifestyle Precinct and improve pedestrian visibility for the new pedestrian refuges soon to be installed.

Farrer Pl – Cameron St to Showground Entrance, is the missing link between works already complete in Farrer Place and the median further along Canberra Ave. In the section, there are approximately sixteen (16) pencil pines, some of which are in poor condition, while others limit vision for pedestrians crossing from the Park to the Showground. These trees were part of an earlier landscaping dating back to the 1930s. For the first stage of works, it is proposed to remove six of these trees and evenly plant a new avenue of Manchurian pears, *Pyrus calleryana* –

#### 6.4 Removal and Replacement of Street Trees in Crawford St and Farrer Place (Ref: C15190446; Author: Hansen/Geyer) (Continued)

*Chanticleer*, with mulch. As these establish, a further eight pencil pines will be phased out and understorey ground covers and low shrubs will be planted.

### **Implications**

#### ***Policy***

The trees in Farrer Place were originally associated with the Farrer Memorial. While it is proposed to retain the two pencil pines closest to the memorial, it is appropriate to advertise the proposal and seek feedback from the community and the heritage advisor before authorise the Farrer Place tree removal.

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

Although the planting of the Pencil Pines accompany the William Farrer memorial, the original, 1930s, planting plan called for hardy shrubs to be planted in the centre of the road and Plane trees to be planted on either side of the road. Planting pencil pines and other cypress species was a common occurrence, however, they often outgrow their locations. There is no evidence to suggest that retaining the pine trees would be of any historical advantage or detrimental to Queanbeyan's heritage.

#### ***Economic***

A fresh new landscape at Farrer Place and Crawford Street would only enhance the aesthetic appeal of Queanbeyan and leave a positive impression on visitors to the City.

#### ***Consultation***

There has been formal consultation with businesses in Crawford Street, particularly relating to the pedestrian refuges, and there was a strong desire expressed to remove these four trees to improve visibility and enhance the landscape. There has been no community engagement with this stage of Farrer Place and it would be appropriate to exhibit the proposal before approving removal of the trees.

#### ***Financial***

Funding is included in the Town Approaches budget of the current 2013-2017 Delivery Program.

Program Code	Expense Type	Funding source	Amount
500	Contracts Infrastructure	Revenue Funded	\$ \$25,000

**6.4 Removal and Replacement of Street Trees in Crawford St and Farrer Place (Ref: C15190446; Author: Hansen/Geyer) (Continued)**

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***Resources (including staff)***

Council staff will manage contractors to remove trees and implement the new landscape plan.

**Conclusion**

Although the planting of the Pencil Pines was common in the first half of the 20<sup>th</sup> century, many were have deteriorated or out grown their current locations. Further there is no evidence to suggest that retaining the pine trees would be of any historical advantage or detrimental to Queanbeyan's heritage, however the removal and replacement will enhance the city's entrances and improve pedestrian safety.

**Attachments**

Attachment 1      Crawford Street (*Under Separate Cover*)



## GENERAL MANAGER'S REPORTS

**6.5 Googong Dog Parks (Ref: C1697525; Author: Hansen/Geyer)**

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**Summary**

With the development of Googong, a new dog park has been installed at Rockley Oval, in accordance with the Voluntary Planning Agreement (VPA). This dog park is fully fenced and has been in operation for approximately 18 months. As the community grows it has become apparent that this dog park is insufficient to service demand and larger dogs are being exercised on the sports oval. The community have expressed a desire for the dedication of an additional dog park of sufficient size for the larger dogs.

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

- 1. approve the establishment of a large dog park on the Community Land, 46 Duncan Loop.**
  - 2. declare the site a Dog Off-Leash area under the Companion Animals Act 1998.**
- 

**Background**

The current dog park at Googong is strongly supported and popular with small dogs. It has proved so popular it can no longer meet demand and dog owners are turning to other open space to exercise their dogs. This in turn is creating some conflict in use of the sports fields. After a call from the community, staff met with representatives of Googong Township Pty and discussed the options. While there are potential temporary options available, it was agreed the best approach was to secure a long-term option for larger dogs. An area of future community land, currently used as a sediment control site, will be handed over to council as drainage reserve and open space. It is proposed to declare this site as a Dog Off-Leash Area, under the Companion Animals Act 1998, and redesign the landscape as a dog park.

The proposed site is approximately 1.6Ha and located between Duncan Sports Fields and the Googong treatment works. The site has no immediately connected residential neighbours. To achieve the proposed dog park the site will need some form of landscaping and fencing above that what is required for this reserve in the VPA. It is proposed the new Dog Park would be fully fenced, approximately 420 linear metres, and have seating, shade shelter and various items for dog play. It is further proposed that the current "temporary" sediment control pond be modified and remain as part of the landscape.

While site rehabilitation and grass cover is part of the VPA, it is proposed to work with the developer and the community to landscape and prepare the site for commissioning. The larger cost expenditure would be the fencing and furniture. It is proposed, if the site is approved, to finalise the designs and pursue funding options.

**6.5 Googong Dog Parks (Ref: C1697525; Author: Hansen/Geyer) (Continued)**

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

The site is scheduled to be classified Community Lands and transferred to Council. The current zoning and proposed classification is conducive to a dog park.

***Asset***

The addition of 500m of fence and a small amount of park furniture will have a negligible impact on Councils overall Asset System.

***Social / Cultural***

The Googong community is already a vibrant and active community. A tour of Googong at 5.00pm found many people out walking dogs, running and training for sports. The dog owner community at Googong are proactive and have been identifying opportunities to further enhance their lifestyle and avoid conflict due to overcrowding.

***Consultation***

Googong Township Pty have a Community Development Officer that has facilitated various public meetings, from which this issue has come forward. The local dog owners even ran a small survey and petition on social media seeking solutions for the large dog park. This item has become a regular item on the Googong community meetings agenda. There is a strong and growing support for an additional dog park, specifically to cater for large dogs.

***Financial***

This park is not included in any current or projected budgets and funding sources will need to be identified before the project can come through to fruition. It is proposed the design phase will be complete in-house between Council and Googong Township staff. It is estimated that fencing and landscaping would cost between \$60,000-\$75,000.

**Conclusion**

There is a clear and apparent need for an additional dog park in Googong to cater for large dogs. The proposed site in Duncan Loop offers the best opportunity to provide this dog park without any negative impact on neighbours and no need for additional land acquisition. There is still a need to finalise the design and identify accurate costs but the project strongly supported by the Googong community.

**Attachments**

Attachment 1      Proposed Dog Park site *(Under Separate Cover)*

## GENERAL MANAGER'S REPORTS

**6.6 Renewal of Lease - Queanbeyan Players - 18 Barrow Place, Queanbeyan (Ref: C166527; Author: Gibson/Warne)**

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**Summary**

The Lease between the Council and Queanbeyan Players Incorporated for the property at 18 Barrow Place, Queanbeyan is due for renewal.

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**Recommendation**

That :

1. **Council support renewal of the lease for a five year term, to be documented as a Licence Agreement.**
  2. **The General Manager be authorised to execute the Licence Agreement on behalf of the Council.**
- 

**Background**

Queanbeyan Players Incorporated (QP) is a community theatre group based in Queanbeyan bringing high quality plays and musical theatre to the Queanbeyan region. Incorporated in 1987, QP is a not-for-profit group with a membership of approximately 120 people.

In 1992, the Council entered into a Lease with QP for the property at 18 Barrow Place, Queanbeyan (bordered in red on the plan attached). The Lease was for a 21 year term, which has expired.

QP has erected a shed on the property which is used for storing theatrical costumes, props and other equipment used in its productions. The primary use of the property is storage of QP's equipment.

Recent meetings between the Officer and representatives from QP indicates that they are extremely grateful to the Council for the lease of the property and that they are keen to renew the lease arrangement.

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

QP is happy for the arrangement to be captured in a Licence Agreement.

The previous arrangement was for a 21 year term and was documented in a registered Lease.

When a Lease is registered on title, a notation detailing the lease is visible on the title. If the property was sold, any purchaser would be able to see from a title search that the property is subject to a registered lease. Any such lease would automatically transfer to the new owner on settlement. A lease is usually for a longer term, such as 10+ years.

**6.6 Renewal of Lease - Queanbeyan Players - 18 Barrow Place, Queanbeyan (Ref: C166527; Author: Gibson/Warne) (Continued)**

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A Licence Agreement is a legally secure documented arrangement between the property owner and the Licensee. It differs from a lease as it is not registered on the title and is usually for a term of 5 years or less. If the property was sold, the onus would be on the Council to notify any prospective purchaser that the property is subject to a Licence Agreement. Any Licence Agreement would need to be re-negotiated between the new owner and the Licensee after settlement (a Licence Agreement does not automatically transfer to a new owner on settlement).

Registering a lease will incur legal costs and registration fees (for the tenant). The only costs that are likely with a Licence Agreement are legal costs, **if** the Licensee obtains legal advice on the matter. The Queanbeyan Players is a not-for-profit incorporated association and minimising financial outlay is desirable, therefore a Licence Agreement is QP's preferred method of documenting the arrangement.

***Consultation***

The land is zoned "operational", therefore there is no requirement for the proposal to be publicly advertised.

***Financial***

Under the expired Lease, QP is responsible for payment of:

- A nominal rent of \$1.00, if and when demanded
- All services at the property (water, sewerage, electricity, gas, phone etc)
- All rates and charges at the property.

It is recommended that the terms of the new Licence Agreement also reflect the above.

**Conclusion**

The Queanbeyan Players has leased the property since 1992. QP has been a compliant tenant and is keen to continue at the property under a new Licence Agreement for a five year term.



6.6 Renewal of Lease - Queanbeyan Players - 18 Barrow Place, Queanbeyan (Ref: C166527; Author: Gibson/Warne) (Continued)



Attachments

Nil



## GENERAL MANAGER'S REPORTS

**6.7 Event Review (Ref: C1668417; Author: Spyve/Manser)**

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**Summary**

In 2015 the Manager Community and Cultural Development was requested to undertake an Events Review to capture the current situation regarding the delivery of community events for the former Queanbeyan City Council, and identify opportunities for improvement, better coordination and possible economies of scale in the delivery of Council events. The results of this review are summarised in the Event Review Report attached.

In 2015 the former Queanbeyan City Council was the lead organiser in 43 events. It also played a significant role in over 26 events run by community organisations or commercial operations, such as the Show and Rodeo within the city. The Council invested over \$477,150 in events, which included approximately 4,890 staff hours (approx. \$177,150) and over \$300,000 in goods and services.

A number of opportunities for improvement were identified and recommendations were made to improve outcomes and deliver greater return on the resources invested by Council in events. The majority of these improvements are operational and have already been actioned. Some of the recommendations have a strategic or financial implication. The creation of Queanbeyan-Palerang Regional Council on May 12 has opened up opportunities to take a more coordinated region-wide approach to events within the new local government area. These recommendations are being presented for Council endorsement.

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

- 1. receive the Events Review report and note the recommendations contained within it.**
  - 2. endorse the following specific recommendations contained in the Event Review Report:**
    - 2.1 That a specific brand be created and used on all Council events;**
    - 2.2 That a dedicated Civic Events position is created to coordinate and manage Civic Events;**
    - 2.3 That community consultation be undertaken to develop a detailed concept, marketing and strategic plans for a flagship event;**
    - 2.4. That any surplus funds allocated to existing events be used for the development of a series of evaluation tools to measure economic and social impacts of Council events.**
    - 2.5 That the Family Fun Day be moved to the June – August period.**
  - 3 work with the ACT and other LGAs in the Canberra region to calendar coordinate the timing and type of events to minimise conflicts and maximise event participation.**
-

**6.7 Event Review (Ref: C1668417; Author: Spyve/Manser) (Continued)**

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**Background**

In 2015 the Manager Community and Cultural Development was requested to undertake an Events Review. The review was intended to capture the current situation regarding the delivery of community events within the former Queanbeyan City Council, and identify opportunities for improvement, better coordination and possible economies of scale in the delivery of Council events.

In 2015 Queanbeyan City Council was the lead organiser in 43 events. It also played a significant role in over 26 events run by community organisations or commercial operations, such as the Show and Rodeo. The Council invested over \$477,150 in events, which included 4,890 staff hours (approx. \$177,150) and \$300,000 in goods and services delivering these events.

Some of these events clearly delivered value for the community, whilst others were less able to show a positive return on investment, most notably The Gift. A separate report has been developed to provide an assessment of The Gift and whether it is delivering value to the Queanbeyan community.

The majority of the former Queanbeyan City Council events were delivered in the October – February period. The concentration of these events in a short time period has significant impacts on staffing, resourcing and community participation levels. Similarly, some of those events may have conflicted with other events in the regions, drawing away potential visitors or participants.

The review found there was a lack of effective evaluation and review of events. It noted event organisers routinely undertake process evaluations (i.e. what went well, what could be improved), but do not have the resources or skills to undertake more detailed evaluations of issues such as the economic or social impact of events. This means in many instances it is difficult to assess the economic or social impact or value of events.

In late 2015 a community survey was conducted to determine community support for existing events. This was a voluntary online survey where 240 respondents ranked their top 3 and provided specific feedback about each event. The events that were rated most highly in order of popularity are:

1. The River Festival
2. Multicultural Festival - Carnivale
3. Family Fun Day
4. Australia Day
5. ANZAC Day
6. The Street Party

Respondents identified the major reason that they had not attended events in the last 12 months was that they were unaware they were on. This indicates that a more concerted effort to market and promote Council events is needed. Concerns about cost or transport were not identified as barriers to participation in Council events.

**6.7 Event Review (Ref: C1668417; Author: Spyve/Manser) (Continued)**

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**Implications****Key Issues Identified:**

Resources – this is not primarily a budgetary issue, it relates to internal staffing and logistical resources.

Visibility / Differentiation – greater visibility of Council owned events and greater differentiation between these events.

Ad Hoc Events – the inclusion of a range of ad hoc or unplanned events in Council's event calendar creates a range of resourcing issues.

Civic Events – creation of a dedicated Civic Events position to take carriage of a range of Civic Events would enable these events to be managed in a more operationally appropriate way.

The Gift – this event review has identified issues relating to the cost vs benefit of The Gift.

"Event Season" – the concentration of the majority of Council's major events in the October – February period has significant impacts on event staffing and resourcing issues

Communications & Marketing – both staff and the community identified the need for more effective promotion and marketing of Council events.

Evaluation – the effective evaluation of outcomes against strategic objectives for events is critical to ensure they achieve their purpose.

**Flagship Event**

Development of a flagship event could offer significant economic and social benefits for the Queanbeyan community. Development of such an event would need to fit within the CBRJO Destination Management Plan and be able to leverage ACT events and tourism marketing opportunities. Working with Destination NSW to develop and promote a flagship event would also confer significant advantages.

Coupled with this, the Proclamation of the establishment of the Queanbeyan-Palerang Regional Council on 12 May 2016 will require a broader regional approach to be taken for the delivery of events within the newly established local government area. The development of a flagship event will need to reflect this broader regional focus of the new council.

In order for the potential flagship event to develop into an event that has regional and potentially state-wide or national appeal, it would need to have:

- a unique focus in the regional event calendar,
- a strong and broad appeal,
- a clear, unique branding and marketing opportunity,
- the ability to market Queanbeyan as a destination,
- scope to develop and evolve over subsequent years.

**6.7 Event Review (Ref: C1668417; Author: Spyve/Manser) (Continued)**

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Considerable research, planning and community engagement needs to be undertaken to identify a suitable concept and develop a 5 year strategic plan for the event.

***Social / Cultural***

Improved management and delivery of Council events offers significant social and cultural benefits for the community. It will ensure greater value for money and improved opportunities for social connection and participation. Similarly, improved coordination with other events in the region via a calendar may improve participation and socio-economic returns.

***Economic***

The recommendations contained in this report will result in economic benefits for Council through the more efficient management of resources and an improved return on the resources involved in event delivery.

Creation of a successful flagship event that draws participants from across the region and beyond would also deliver significant economic returns for Council, local businesses and the community. Regional tourism is a significant contributor to economic development not only through direct economic contribution and a significant multiplier effect but also through job creation. According to Destination NSW;

- *Tourism plays an important role in the economic development of regional Australia, with 46 cents in every tourist dollar spent in regional Australia*
- *Every dollar spent on tourism generates an additional 91 cents in other parts of the economy – higher than multipliers in mining, agriculture and financial services*

***Consultation***

Recommendations within this report are based on the results of both external and internal consultation. Internal consultations involved in depth interviews and a workshop with staff involved in event delivery, and a voluntary community survey that had 240 respondents.

***Financial***

Recommendations in this report are cost neutral in 2016/2017. Any budget implications in future financial years will be addressed via normal budget processes.

**Conclusion**

The event review identified a range of potential improvements in the delivery of Council events. Many of the recommendations in the report have already been implemented by the newly created Community Events team and other staff across Council. Some recommended actions remain to be actioned as they require Council endorsement.

**Attachments**

Attachment 1      Event Review Report - May 2016 (*Under Separate Cover*)

## GENERAL MANAGER'S REPORTS

**6.8 Economic Evaluation of the Queanbeyan Gift (Ref: C1669910; Author: Spyve/Darcy)**

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**Summary**

A review undertaken by the former Queanbeyan City Council found the Council invested significant money and resources into the staging of the Queanbeyan Gift each year. An evaluation of the Queanbeyan Gift identified the event was not meeting a number of its objectives of economic benefit and community support and attendance. This report is recommending that the Council reassess its involvement in the Gift so that it can realign its resources to promote economic development initiatives across its newly established local government area.

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

- 1. advise the organisers of the Gift that Council will continue supporting the event for 2016/17 by providing the venue for the event along with \$22,000 to be used for prize money and that they will need to be responsible for the provision of all other activities associated with running the event.**
  - 2. approve a realignment of budget (of \$65,000) to fund two additional Street Parties (Bungendore and Braidwood) and tourism promotion within the Economic Development section.**
- 

**Background**

The Queanbeyan Gift was revived in 2000 when Council provided the necessary stimulus and resources to conduct the races in the Queanbeyan Park. Currently, the Queanbeyan Gift offers the fourth largest total prize pool in the country at \$45,000. The Stawell Gift is the richest footrace in Australia with a prize pool of \$120,000 for the Men's and Women's final.

The objective of the Queanbeyan Gift is:

*To raise the profile of the Queanbeyan Gift Carnival into one of the premier sporting events in the region / state that is supported and well attended by participants, the community and visitors alike and generates an economic benefit to the City of Queanbeyan.*

Whilst it can be claimed that the Queanbeyan Gift has met its objective of it being one of the premier athletic events in the region by being named the 2013 NSW Athletics League Carnival of the Year and the 2014 Australian Athletics Confederation Australian Carnival of the Year, there is indication that the Queanbeyan Gift may not be returning the economic benefits back to the Council and wider community for the considerable amount of funds and resources spent each year and that interest and attendance in the event is generally sustained by a select and small audience being the athletic community.

However, best practice would recommend that any event with the significant level of investment that is devoted to the Queanbeyan Gift should undergo evaluation and analysis. Whilst no formal event economic evaluation has been conducted in the past for the Queanbeyan Gift due to costs, this evaluation used available tools, information and data to appraise the economic value of the Gift and the support for the event.

## 6.8 Economic Evaluation of the Queanbeyan Gift (Ref: C1669910; Author: Spyve/Darcy) (Continued)

In the Attachment to this report is a summary of the Costs, Revenues, Local Support, Community Participation and Economic Benefit. Included in this evaluation were the indicators of costs that were attributable to the Queanbeyan Gift to prepare, plan and conduct the event, the revenue received, the participation levels by athletes and the support for the event in the local and wider community expressed through visitation to the event.

### **Implications**

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

Although the Queanbeyan Gift has been funded and managed by Council for 15 years, the lack of spectators and with no growth in participation of the event indicates that there would be low social or cultural implications for the community. Other events that are run in conjunction with the Gift such as the Street Party and the Family Fun Day will continue.

#### ***Economic***

This evaluation has shown that the Queanbeyan Gift does not return significant or satisfactory economic benefits to the community. The economic evaluation has shown that the Gift is returning \$0.92c in direct and indirect benefits for every \$1 provided in support. Thus it is not generating any additional economic returns to the Queanbeyan community. It is proposed that the 2016/17 proposed budget allocation for the Gift be reduced to cover a proportion of the prize money only with Council continuing to provide Athletics NSW access to the venue (Queanbeyan Park) if they wish to continue with the event.

### **Summary of Costs, Revenue and Benefit**

#### **Costs:**

\$94,303	<b>Direct Costs</b>
\$26,926	<i>add Indirect Cost</i>
-\$121,229	<i>equals Total Cost</i>
<u>\$24,784</u>	<i>less Revenue</i>
<b>-\$96,445</b>	<i>equals Total Net cost</i>

#### **Benefit**

\$46,046	<b>estimated Total Visitor Spend</b>
<u>\$42,567</u>	<i>add indirect benefits</i>
<b>\$88,613</b>	<i>equals Total Benefit (output)</i>

#### **Total**

- \$88,613	<b>Total Benefit</b>
<u>\$96,445</u>	<i>less Total Net Cost</i>
<b>-\$ 7,832</b>	<b>GRAND TOTAL BENEFIT (estimated)</b>



**6.8 Economic Evaluation of the Queanbeyan Gift (Ref: C1669910; Author: Spyve/Darcy)  
(Continued)**

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With these figures, The Queanbeyan Gift cannot be considered as meeting the objective of being an event that “generates an economic benefit to the City of Queanbeyan.”

For example, the Lithgow Flash Gift was cancelled in 2014 by the Lithgow Council and sponsors due to the lack of economic benefit to the Lithgow Community and the required resources to run the event. There is also suggestion that a number of other events are struggling to attract the desired sponsorship and attract visitation to the host destination.

In light of the recent merger of Queanbeyan City with Palerang to form the Queanbeyan-Palerang Regional Council, it is recommended that the remainder of the funds budgeted for the Gift be redirected into other economic development activities which will deliver economic outcomes on a regional basis. This approach is supported by the recently completed Events Review Report which is also advocating that Council engage with the community to identify a regionally significant event.

***Strategic***

Redirecting previously allocated funds for the Gift could be used to develop other activities that may have a far greater economic benefit for the wider regional community.

***Consultation***

A Council workshop was held on 11<sup>th</sup> May 2016 to present the findings of the Economic Evaluation.

***Financial***

It is proposed that a proportion of the 2016/17 budget allocation for the Gift will be realigned towards other economic development activities which will deliver regional outcomes for the newly established Queanbeyan-Palerang Regional Council. This approach is supported by the recently completed Events Review Report.

***Resources (including staff)***

Significant staff resources including 12 weeks FTE for the Place Management Coordinator will be freed up to be dedicated to economic development activities for the wider regional community. A summary of the hours currently allocated to this event is noted above in section a) Costs

**Conclusion**

The economic evaluation of the Queanbeyan Gift has shown that whilst it meets its objective of being one of the premier athletic events in the region, it does not meet its objective of being an event that is supported and well attended by participants, the community and visitors alike and only generates a negligible economic benefit to the local Queanbeyan economy. It is recommended that in recognition that it is still a premier athletic event that funding and a venue continue to be provided by the Council but that a proportion of the budget be realigned to deliver broader regional economic outcomes for the newly established Queanbeyan-Palerang local government area.

**Attachments**

Attachment 1      Queanbeyan Gift Evaluation May 2016 v2 pdf (*Under Separate Cover*)



## GENERAL MANAGER'S REPORTS

**6.9 South Western Wireless (Ref: C1671699; Author: Spyve/Darcy)**

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**Summary**

South Western Wireless approached the former Queanbeyan City Council with an unsolicited bid for a proposal to install wireless services in the Queanbeyan and Jerrabomberra urban area. They are seeking access to Council land to install the required infrastructure and facilities at no charge to the Council. This would provide benefits to the community via free wi-fi in the Queanbeyan CBD as well as enhanced or alternative access to high-speed internet services within the Queanbeyan and Jerrabomberra areas.

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

- 1. Approve the use of Council owned land by South Western Wireless to install infrastructure required to deliver wireless services in Queanbeyan and Jerrabomberra**
  - 2. Approve the provision of wireless service by South Western Wireless pending satisfying any Development Application requirements.**
- 

**Background**

The former Queanbeyan City Council received a formal application from South Western Wireless (SWW) in April 2016 to implement wireless services across Queanbeyan and Jerrabomberra for a six month trial period. The proposal is attached.

SWW is proposing:

- a) To implement wireless service across the Queanbeyan and Jerrabomberra jurisdiction to provide a service to residents and business where there is currently poor connectivity or no connectivity accessed through customer plans.
- b) To implement free wireless service in the CBD of Queanbeyan (as identified by QPRC).
- c) To implement free service for some Not for Profit organisations (identified by QPRC) including web hosting, email hosting, data storage and backup, file storage, chat and messaging, disaster recovery and application processing.
- d) To work with QPRC and business to build a delivery model to attract business to Queanbeyan knowing that business grade communications will exist in Queanbeyan.
- e) To provide data storage, processing capability, disaster recovery capability and other resource centre capacity at commercial rates.

**6.9 South Western Wireless (Ref: C1671699; Author: Spyve/Darcy) (Continued)**

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- f) To explore possibility of expanding the service out to other regions of QPRC where service is poor or non-existent and would consider partnerships with QPRC to deliver services that QPRC would see as advantageous or strategic in nature.
- g) To use local skills and labour where possible.
- h) To not provide the data or information it captures to third parties.

In exchange, SWW is asking QPRC to provide at no cost:

- a) Access to QPRC owned land to install repeater stations.
- b) Access to QCC infrastructure where appropriate (towers, solar light poles etc.)
- c) Installation of a repeater station where lease agreement is acknowledged.

The provision of wireless connectivity will act as both a complementary service to the current NBN/ADSL services offered by ISP's (Internet Service Providers) that will provide additional connectivity options for residents and businesses alike. Wireless provisioning will also provide a new service for those who have limited or very poor access to high speed connectivity. There is currently no other competing wireless system like this operating in the Queanbeyan/Jerrabomberra urban area. NBN have confirmed that they have no plans to roll out fixed wireless service into Queanbeyan and Jerrabomberra. SWW have also rolled out their wireless network in Harden / Murrumburrah, Galong, Cootamundra and Temora as well as many destinations in remote Queensland.

SWW are committed to spending approximately \$200,000 on infrastructure to implement wireless in the region and would use the trial period to examine further opportunities to integrate communication services for businesses and the community. The wireless technology will provide enhanced internet and communications services to areas with poor or limited options and alternatives using repeater antennas to deliver signals to customers.

A Cost Benefit Analysis was completed by SWW and some opportunities are summarised below:

- i. To provide improved access to internet connectivity to all residents
- ii. To provide free Wi-Fi access in the Queanbeyan CBD where it may otherwise be unaffordable for council to fund on its own.
- iii. To use the Wi-Fi platform to help stimulate economic activity in the CBD
- iv. To provide a competitive advantage to attract new businesses to Queanbeyan
- v. To position Queanbeyan as a smart city
- vi. To drive citizen engagement through greater access to city services

**6.9 South Western Wireless (Ref: C1671699; Author: Spyve/Darcy) (Continued)**

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- vii. To use the free Wi-Fi in the CBD to provide a distribution channel for QPRC to disseminate information to the public
- viii. To improve quality of life and livability, making it easier to attract and retain businesses and talent
- ix. To provide a platform the QPRC can leverage to implement intelligent sensor based innovations in utilities, public safety, environmental monitoring and real time decision making. For example, smart parking, wireless sensor networks to monitor traffic and automated meter reading infrastructure.
- x. To allow further leveraging of the Wi-Fi service by QPRC to improve its own corporate connectivity service and reduce its direct financial costs. For example; it is estimated that by leveraging the services just in Queanbeyan has a potential savings of \$60,000 - \$80,000 in year 1 by removing copper dependences and routing network service. Additionally, QPRC staff (across many different sections) will be able to leverage the use of Wi-Fi in the field to conduct and report their job function/activities and consequently improving productivity and customer service.
- xi. To deploy location based services with geo-spatial capabilities which can contribute to better long term planning decisions
- xii. To leverage location analytics so tourist/visitors can receive 'push' information regarding their surroundings to help them better understand Queanbeyan and its environment.
- xiii. To create opportunities for the development of a business model using this technology layer to help revitalise local commerce and added revenue streams for businesses. For example, local traders can have the ability to publish targeted offers and deals to citizens directly or through social networks

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

The facility will be required to meet any Development Application requirements and meet any plans of management related to the proposed sites. In respect of any risk of any implications that may arise if by providing SWW access to council land / facilities at a lesser cost or neutral cost (contra) in exchange for free Wi-Fi and other services that benefit the community, the *NSW Local Government Act 1993* Council Charter provide surety:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively
- to exercise community leadership
- to have regard to the long term and cumulative effects of its decisions
- to bear in mind that it is the custodian and trustee of public assets and to effectively plan for, account for and manage the assets for which it is responsible

**6.9 South Western Wireless (Ref: C1671699; Author: Spyve/Darcy) (Continued)**

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If a facility or land was made available under a lease or licence agreement and that facility or land was located on 'community land' then there are specific public notification and appeal processes in place that are required to approval being granted.

As described in the *Use of Revenue from Mobile Communications Infrastructure Policy*, Council's agreement to the location of the facility and appropriate planning approval would be required or the processes laid down in the *Telecommunications Act 1997* for establishment of a low impact facility are required to be observed.

**Policy**

The policy that may require consideration is the *Use of Revenue from Mobile Communications Infrastructure Policy*. The objective of this policy is to ensure that any revenue derived from the rental or licence fees for the placement or location of mobile telecommunications infrastructure upon Council parks, reserves roadways or other land is used for the embellishment and improvement to Council parks and reserves within the city, complies with appropriate legislative requirements and obtains best value results for the entire Queanbeyan community.

The SWW proposal suggests that the agreement to access to land is at no cost in exchange for the benefits as described in the Cost Benefit analysis attached. These benefits could constitute the "best value results for the entire Queanbeyan community" as it is estimated that in monetary terms the benefits would be in excess of that received in revenue through standard lease arrangements.

**Asset**

Any infrastructure asset will be the responsibility of SWW and all capital and operational expenses will be met by SWW.

**Social / Cultural**

The provision of wireless service in Queanbeyan is a proactive step to closing the so-called 'digital divide' and ensure social inclusion and equal access to internet services, especially for those where internet access is of a poor standard or not accessible at all. At the same time it will provide new opportunities for economic stimulus, business retention and attraction. Additionally, wireless services implementation can respond to the need to deliver new smart and innovative services for residents and businesses alike.

**Economic**

Activating wireless services in Queanbeyan would provide numerous economic benefits including:

- Activating a platform for various types of economic development activity that would support existing business and CBD initiatives such as e-commerce, business promotion, marketing and advertising initiatives, tourism promotion and visitor information distribution.

- Implementing a basic standard (wireless provisioning) that will act as a catalysts for business retention and attraction and positioning the city as a smart city.

It is acknowledged other providers may operate or propose similar ventures in the former Palerang area.

### ***Strategic***

Any facility would be required to meet relevant planning or development requirements.

### ***Consultation***

Feedback for the Cost / Benefit Analysis was sought from the IT Business Analysis Unit (BAU), Community Businesses and Integrated Planning and Communications.

### ***Financial***

Council currently receives approximately \$40,000 p.a. in rental revenue for communications towers. Access to council land to install communications infrastructure could be expected to yield between \$2,000 to \$10,000 p.a. per site dependant on location. It is anticipated that providing SWW access to council land / facilities at a neutral cost (contra) in exchange for free Wi-Fi and other services will provide financial and social benefits to the community that outweigh potential rental revenue.

In the absence of SWW offer to provide free Wi-Fi services in the CBD, it is unlikely that QPRC would fund the capital and operational costs to install the required infrastructure itself.

### ***Integrated Plan***

The Provision of wireless services will contribute to meeting the following key strategic outcomes of the Community Vision in the former QCC community strategic plan.

#### **Theme 1 – Image and Influence**

- 1.1 Raise the local profile
- 1.2 Improve and promote Councils image
- 1.3 Promote Queanbeyan as a destination
- 1.4 Enhance the CBD – the civic heart
- 1.5 Encourage community and business leadership
- 1.9 Promote and encourage an engaged community

**6.9 South Western Wireless (Ref: C1671699; Author: Spyve/Darcy) (Continued)**

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Theme 2 – Business and Industry

- 2.1 Continue progress towards delivery of local economic development initiatives
- 2.4 Revitalisation of the CBD
- 2.5 support existing businesses

Theme 3 – Culture and Leisure

- 3.2 Create excellence in recreation and lifestyle opportunities
- 3.4 Promote and expand cultural activities within Queanbeyan

Theme 4 – Infrastructure, Access and Transport

- 4.1 Undertake planning to ensure infrastructure is prepared for future growth

Theme 5 – The Community

- 5.3 Provide quality services to the community

**Conclusion**

There is sufficient indication that the SWW proposal for the provision of wireless services will provide substantial community benefits that will outweigh any forfeiture of potential rental income from access to Council owned facilities. If the required infrastructure can be appropriately located and it meets any Development Application requirements, it is recommended that Council support the SWW proposal.

**Attachments**

- |              |  |
|--------------|--|
| Attachment 1 | South Western Wireless Cost/Benefit Analysis Report ( <i>Under Separate Cover</i> )            |
| Attachment 2 | South Western Wireless Proposal - Queanbeyan ( <i>Under Separate Cover</i> )                   |
| Attachment 3 | Use of Revenue from Mobile Communication Infrastructure Policy ( <i>Under Separate Cover</i> ) |



## GENERAL MANAGER'S REPORTS

**6.10 Minutes of the Local Representation Committee Meeting - 17 June 2016 (Ref: C1692415; Author: Spyve/Spyve)**

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**Summary**

In line with the recommendation of the Department of Premier & Cabinet, Council has established a Local Representation Committee to advise the Administrator with the establishment of the new Council. The Committee held its inaugural meeting on 17 June 2016. The minutes of this meeting are attached for Council's information and endorsement.

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

- 1. Note the minutes of the Local Representation Committee meeting of 17 June 2016.**
- 2. Endorse the recommendations of the Committee consisting of:**

**LRC 001/16 The Committee:**

- 1. Agreed to the members of the LRC being Council representatives on the committees as set out in Attachment 2 of this report.**
- 2. That the Council explore establishing a committee for the management of all of Mick Sherd Oval rather than just the canteen.**
- 3. That a review be undertaken of the S355 sporting grounds committees to examine how differently they could be managed.**
- 4. That an examination of the various facilities within the Local Government Area be undertaken to see whether they could be subject to license agreements.**

**LRC 002/16 The Committee:**

**Agreed that the Committee Chair will consult with the Administrator to establish a schedule of meetings.**

**LRC 003/16 The Committee:**

**Agreed that the next meeting of the Local Representation Committee will be held on Friday 15 July at 2.00pm at the Bungendore Office.**

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**Background**

The Government has recommended that it is important to establish a Local Representation Committee to provide an advisory support role to the Administrator as the organisation works through the establishment of the new Queanbeyan-Palerang Regional Council. These key results are:

- 1. Service continuity with smart service improvements**
- 2. Robust governance that delivers confidence to communities**
- 3. Easy to do business with, in person and online**

**6.10 Minutes of the Local Representation Committee Meeting - 17 June 2016 (Ref: C1692415; Author: Spyve/Spyve) (Continued)**

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4. Engaged staff who understand their roles and how they contribute to the new council
5. Involved communities who have their say
6. Communities can readily identify with their new council
7. A shared vision and direction for the whole community
8. Rates maintained within existing pathways and resources used wisely to serve the entire council area
9. Expected benefits which are clear, measureable and on target, and
10. A newly elected council working for the whole community

The role of the Local Representation Committee in helping to achieve these key results will be to:

- Provide advice on local views and issues
- Provide input to the operational plans 2016-17 and 2017-18
- Advise on the communication and engagement plan for the community
- Provide input to the statement of vision and priorities
- Assist to engage communities and partners in planning for the new council

Queanbeyan-Palerang Regional Council went through an extensive expression of interest process with both former councillors and members of the community. The council received a strong level of response to the EOI process with 30 applications being received for the eight positions available. Committee members were endorsed through the Local Member.

The first meeting of the Local Representation Committee was held on Friday 17 June 2016. This meeting provided for the induction of the eight members of the committee and also dealt with the allocation of its members to being council representatives on a range of community committees operated by the former Queanbeyan and Palerang councils. Attached to this report are the minutes for that meeting along with a Schedule detailing who will be QPRC's representatives on a number of community committees. The recommendations arising from the meeting have been included in the resolution above for Council's adoption.

## **Implications**

### ***Consultation***

It is envisaged that the Local Representation Committee members will provide an important conduit for community engagement across the local government area. Members of the Committee will continue to act as Council delegates on a number of important community committees.

### ***Financial***

Committee members will be remunerated at the same level as for former Queanbeyan City councillors and will be entitled to claim travelling expenses in performing their role.

**6.10 Minutes of the Local Representation Committee Meeting - 17 June 2016 (Ref: C1692415; Author: Spyve/Spyve) (Continued)**

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**Conclusion**

The Local Representation Committee held its first meeting on Friday 17 June. The minutes of the LRC are attached for Council's endorsement.

**Attachments**

- |              |  |
|--------------|--|
| Attachment 1 | Minutes of the LRC meeting of 17 June 2016 ( <i>Under Separate Cover</i> ) |
| Attachment 2 | Committees and nominated delegates ( <i>Under Separate Cover</i> )         |



## GENERAL MANAGER'S REPORTS

**6.11 Council representation at 2016 LGNSW Conference (Ref: C1692677; Author: Spyve/Spyve)**

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**Summary**

Local Government NSW will be holding its annual conference from 16-18 October in Wollongong. Council needs to approve its delegate and the Interim GM attending the conference. The Association has advised that it is addressing the issues relating to the newly established councils to look at mechanisms to allow them to fully participate in the business of the Conference.

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

- 1. nominate the Administrator to attend the 2016 LGNSW Conference as its delegate**
  - 2. approve the General Manager attending the conference.**
- 

**Background**

Local Government NSW has advised that its Annual Conference will be held from Sunday 16 to Tuesday 18 October 2016 at the WIN Entertainment Centre, Wollongong. The Association has circulated an invitation to councils inviting them to send delegates to the event. The Association notes that the Conference is the annual policy-making forum for councils in NSW, its Associate members and the NSW Aboriginal Land Council.

However, the Proclamation of the new Councils on 12 May has raised some questions in respect of eligibility to attend and the voting rights of the newly established councils. Discussions have been held with the legal section of the Association to seek clarification on the status of the new councils and whether they can fully participate in the upcoming LGNSW Conference. The Association has advised the following:

1. Under the Association's constitution their rules state that for a council to vote at the conference they must be a member at the 'calculation date' which for the current conference is 1 March 2016.
2. As the new councils were not constituted until 12 May 2016 they cannot vote at the conference as they were not members as of the 'calculation date'. The Association engaged lawyers to examine this issue and found that it does not have a mechanism which would allow the Association to change the voting rules in time.
3. However LGNSW advised that it is trying to address this situation by looking at other mechanisms. For example they are considering at having the Conference open up in its formal sense and then move into Committee which would therefore allow the Administrators to participate and vote in debates. The Committee would then report back to the Conference.
4. The LGNSW Board is meeting on 30 June 2016 to look at the possibility of utilising this mechanism.
5. Only the Administrator and General Manager have legal status in respect of the conference. If it is proposed to send Local Representation Committee members or other representatives the Constitution does not recognise their status to participate in the conference.

**6.11 Council representation at 2016 LGNSW Conference (Ref: C1692677; Author: Spyve/Spyve) (Continued)**

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The Association advised that the Administrator received a letter from the LGNSW setting out how the membership the new councils can be accommodated. The Association warned that if one or other of the councils hadn't renewed their membership by 1 March 2016 this could restrict a council's voting status.

LGNSW advised if Council wishes to participate in the Conference:

1. The Local Representation Committee (LRC) members have no status at the LGNSW conference as the rules state that you must be a councillor or a GM to participate. Therefore QPRC cannot consider sending LRC members to represent the Council on its behalf.
2. The Administrator and the GM are technically the council's delegates and the Association is looking at ways to allow the Administrator to participate in debate and vote by moving into Committee.

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

The Association's rules exclude organisations participating in the business of the Conference if they were not a member at the 'Calculation Date' (1 March 2016). As the newly merged councils were not proclaimed until 12 May 2016 this means that technically they were not members by the 'Calculation Date'. The Association's Board is meeting to determine options they could employ to allow for Administrators to participate and vote in debates of importance to the sector.

**Conclusion**

Local Government NSW is inviting councils to attend the 2016 conference in Wollongong on 16-18 October. The participation of the newly merged councils is raising constitutional issues as the new entities were constituted after the 'calculation date' of 1 March 2016 which determines councils' ability to vote in the conference's debates. The Association is looking at possible mechanisms which will allow Administrators from financial councils to fully participate in the business of the conference. In the meantime, QPRC needs to determine who will be attending the conference to represent the organisation and also determine whether it is a financial member of the Association.

**Attachments**

Nil

## GENERAL MANAGER'S REPORTS

**6.12 Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy (Ref: C1699421; Author: Spyve/Spyve)**

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**Summary**

A new expenses and facilities policy is required to allow for the reimbursement of expenses for the Administrator and the members of the Local Representation Committee following the creation of Queanbeyan-Palerang Regional Council (QPRC). As an interim measure the *Policy for the Payment of Expenses and Provision of Facilities for the Mayor and Councillors* of the former Palerang Council is to be utilised until a new policy for QPRC has gone through the consultation process.

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

- 1. Agree to use the existing *Policy for the Payment of Expenses and Provision of Facilities for the Mayor and Councillors* of the former Palerang Council as an interim measure for the reimbursement of expenses incurred by the Administrator and the members of the Local Representation Committee.**
  - 2. Agree to place the Draft *Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy* on public exhibition for the statutory period as per the requirements of S252 of the Local Government Act.**
- 

**Background**

The Department of Premier and Cabinet (DPC) has advised that some critical policies need to be reviewed and put in place within the first month of the new Council's existence. One of the policies identified is the 'expenses and facilities for councillors' policy. The reason for this is to allow for the payment of expenses relating to the Administrator and members of the Local Representation Committee.

A review has been undertaken of the policies of the former Queanbeyan City and Palerang councils. This review has resulted in the drafting of a new Payment of Expenses and Provision of Facilities for the Mayor and Councillors Policy (see Attachment 2).

Before implementing a new expenses and facilities policy Council must place its draft on public exhibition for 28 days to receive public comment on such. To meet this statutory requirement means that Council would not have a new policy in place until at least the end of August 2016. As an interim measure it is recommended that the policy for the payment of expenses and the provision of facilities of the former Palerang Council be utilised (See Attachment 1). This policy is recommended for use as it contains provisions for the claiming of vehicle usage (size of vehicle/per kilometre travelled) based upon the Local Government (State) Award. As the Administrator and members of the Local Representation Committee will have extensive internal travel requirements within the 5300km<sup>2</sup> area of the Council, it will be important that they have in place a mechanism to recoup the costs of this travel.

**6.12 Payment of Expenses and Provision of Facilities to the Mayor and Councillors  
Policy (Ref: C1699421; Author: Spyve/Spyve) (Continued)**

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

A policy for the reimbursement of expenses and the provision of facilities will allow a framework to reimburse costs associated with the Administrator performing his duties and for members of the Local Representation Committee who are performing a key community engagement role for the new Council during its formative phase.

Section 253 of the Local Government Act states:

*1 A Council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*

*2 Before adopting or amending the policy, the Council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.*

***Consultation***

The draft expenses and facilities policy for QPRC will be placed on public exhibition for the statutory period of 28 days as per the requirements of the Local Government Act. Public comment will be reported back to Council prior to the adoption of the policy.

**Conclusion**

A new policy has been drafted and will be placed on public exhibition for a minimum of 28 days. As the Council already has in place an Administrator and a Local Representation Committee it is recommended that the expenses policy for the former Palerang Council be utilised as an interim measure until a new policy can be adopted.

**Attachments**

- |              |   |
|--------------|---|
| Attachment 1 | Attachment 1: Palerang Council Policy for the Payment of Expenses and Provision of Facilities for the Mayor and Councillors <i>(Under Separate Cover)</i> |
| Attachment 2 | Attachment 2: Draft QPRC Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy <i>(Under Separate Cover)</i>                   |



## GENERAL MANAGER'S REPORTS

**6.13 Mobile Communications Tower Margaret Donoghoe Sportsground (Ref: C1690530;  
Author: Gibson/Warne)**

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**Summary**

The Council has tentatively approved the location of a Vodafone telecommunications facility at Margaret Donoghoe Sportsground and had publicly advertised the proposal in accordance with s47 of the *Local Government Act 1993* with objections being received from the Queanbeyan Tigers AFL Football Club.

After consideration of the issues involved, it is not considered appropriate that the licence agreement be progressed. If this position is supported it also would be pointless to lodge the Development application for the facility.

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**Recommendation**

- 1. That Service Stream Mobile Communications be advised that after public consultation and objection received, that the Council is not prepared to progress the execution of a twenty year Licence Agreement for a telecommunications facility at Margaret Donoghoe Sportsground.**
  - 2. That approval for the lodgement of the Development Application for the erection of a Mobile Communication facility at Margaret Donoghoe Sportsground be withdrawn.**
- 

**Background**

In 2011 DA No 208/2011 was approved to provide a 23m tower and communications facility at Margaret Donoghoe Sportsground for use by Optus. It is understood that for commercial reasons the project did not proceed but the DA is still valid until October 2016.

In August 2015 the Council was approached by Service Stream Mobile Communications (*Service Stream*) on behalf of Vodafone to erect a Mobile Communication facility at Margaret Donoghoe Oval for the use of Vodafone. The Council were supportive of the proposal in principle and the following recommendation was adopted:

- 1. That Council agree to the lodgement of the DA for the erection of a Mobile Communication facility at Margaret Donoghoe Oval for the use of Vodafone.*
- 2. That the Council agree in principle to enter into a 20 year Licence Agreement with Vodafone for the erection and operation of a Mobile Communication facility at Margaret Donoghoe Oval, subject to development consent.*
- 3. That these Licence Agreement proposals be advertised in accordance with S47 and 47A of the Local Government Act 1993.*
- 4. That if no objection to the proposals is received the Licence Agreement be executed.*

**6.13 Mobile Communications Tower Margaret Donoghoe Sportsground (Ref: C1690530;  
Author: Gibson/Warne) (Continued)**

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5. *That the Council authorise the Mayor and the General Manager to execute the Licence Agreements on the Council's behalf.*

The proposal was duly advertised and the Queanbeyan Tigers AFL Club, the tenant at Margaret Donoghoe Sportsground expressed reservations about the proposal. An on-site meeting was held with Service Stream late last year where the club expressed concern about the scale of the proposal and the location of the communications building.

It was explained at the meeting the 2011 DA was still "live" and could be acted upon, but general opinion was that the Vodafone proposal was too large and was inappropriate.

Service Stream have now proposed a revised concept whereby the height of the tower has been reduced to 25 metres and the communications building will be located in the same position as the Optus DA. Advice from the planning section is that the proposal is a permissible variation to the existing DA and most likely would be approved.

The matter has again been discussed with the Queanbeyan Tigers AFL Club who advise the Club is now opposed to any mobile telecommunication facility at the ground. The rationale is that it is not needed, there are better locations for such a facility and there are health concerns about the location of the facility.

**Implications*****Consultation***

As required by S47 and 47A of the *Local Government Act 1993* the proposal to grant a Licence Agreement for use of "community land" as classified by the *Local Government Act 1993* must be publicly advertised and the Council must consider any public comment that is received.

The only comment received has been from the Queanbeyan Tigers AFL Club, as outlined.

The Plan of Management for Margaret Donoghoe Sportsground has not been finalised but it is not seen that the presence of mobile telecommunication facility would be a critical part of the Plan although Telstra already has such a facility at this location.

***Financial***

The Licence Agreement proposed was as follows:

Term – 20 Years and Rental - \$22K per annum; indexed by 3% per annum with a rental review every five years

The return to the Council for the use of the site is reasonable. An independent valuation last year assessed as reasonable a fee of \$22,000 per annum of the site rental. Normal indexation (3%) and rental review provisions shall apply. This revenue has not been budgeted and will be recognised if Council approval is received and the appropriate development approval is finalised. Once the facility is operational, rental would be levied and recognised.

**6.13 Mobile Communications Tower Margaret Donoghoe Sportsground (Ref: C1690530;  
Author: Gibson/Warne) (Continued)**

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**Compliance or Policy Implications**

Council consent to the lodgement of the Development application is needed. If planning approval is received then a Licence for the usage can be entered into by the Council. Such usage would be in accordance with the *Local Government Act 1993*. Planning staff advise that the current proposal can be considered an amendment to the 2011 DA and can be dealt with under delegation.

In accordance with S 47 because the term proposed is 20 years and as an objection has been received the Licence Agreement can only be approved with the consent of the Minister for Local Government. Below is the process required to progress the proposal for ministerial consent.

An application must include:

- a copy of the plan of management for the land
- details of all objections received and a statement setting out, for each objection, the council's decision and the reasons for its decision
- a statement setting out all the facts concerning the proposal to grant the lease, licence or other estate
- a copy of the newspaper notice of the proposal
- a statement setting out the terms, conditions, restrictions and covenants proposed to be included in the lease, licence or other estate
- if the application relates to a lease or licence for a period (including any period for which the lease or licence could be renewed by the exercise of an option) exceeding 21 years, a statement outlining the special circumstances that justify the period of the lease or licence exceeding 21 years
- a statement setting out the manner in which and the extent to which the public interest would, in the council's opinion, be affected by the granting of the proposed lease, licence or other estate, including the manner in which and the extent to which the needs of the area with respect to community land would, in the council's opinion, be adversely affected by the granting of the proposed lease, licence or other estate.

On receipt of the application, the Minister must request the Director of Planning to furnish a report concerning the application within such period as the Minister specifies.

After considering the application and any report of the Director of Planning, the proposal will only be approved if the Minister is satisfied that all the statutory requirements have been complied with and in all the circumstances, it is desirable to grant consent the licence agreement.

**Conclusion**

Considering the objection received and that the primary purpose of the Margaret Donoghoe Sportsground is as a sports ground it is not considered appropriate to progress the application to the Minister for Local Government to seek approval to enter into a Licence agreement as outlined.

**Attachments**

Nil



## GENERAL MANAGER'S REPORTS

**6.14 Formation of Audit Committee (Ref: C1693750; Author: Gibson/Warne)****Summary**

With the proclamation of the Queanbeyan-Palerang Regional Council (QPRC) the establishment of a new Audit Committee is required.

Both the former Councils had Audit Committees and it is considered that on-going external members should be invited to form the new body.

**Recommendation**

- 1. That Council establish an Internal Audit Committee comprising the following external members: Mr Andrew Cox, Dr Ken Croft and Mr Max Shanahan, with member fees set at \$400 and Chair fee at \$550 per meeting, and an audit budget of \$180,000.**
- 2. That as an immediate priority the Committee review the Committee Charter, the audit program and arrangements to complete the program.**

**Background**

Both the former Queanbeyan and Palerang Councils had Audit Committees which have now been dissolved with the proclamation of the Queanbeyan Palerang Regional Council. In summary, the former Committees were structured as follows:

Queanbeyan	<p>Two Councillors  Three External Members  Mr Andrew Cox – Chair appointed until 30 June 2016  Mr Chris Metha – appointed until 30 June 2016  Mr Rob Johnston – appointed until 30 June 2016</p> <p>General Manager and audit staff attended meeting in ex officio capacity.</p>
Palerang	<p>Mayor and one Councillor  Three External Members  Mr Ken Crofts - appointed until 30 June 2016  Mr Stephen Coates - appointed until 30 June 2016  Mr Max Shanahan - appointed until 30 June 2016</p> <p>General Manager and audit staff attended meeting in ex officio capacity.</p>

The Guidelines issued by OLG provide that the majority of the members should be external (*independent*) of the Council.

In respect of Queanbeyan, both Mr Metha and Mr Johnston have advised that they do not wish to continue on the Committee after 30 June 2016. Mr Cox has expressed an interest in continuing. In respect of Palerang, Mr Coates lives interstate and he has indicated it may be better if he not continue in the role.

**6.14 Formation of Audit Committee (Ref: C1693750; Author: Gibson/Warne) (Continued)**

The Palerang Committee was structured as an "Audit and Risk" Committee whereas the Queanbeyan Committee was established as an "Audit Committee". In many ways the charters of both Committees were similar. The Queanbeyan Council had a separate staff forum to discuss risk management and a report was presented to the Audit Committee for consideration and notation whereas Palerang Risk Management matters were considered by its Audit Committee.

The principle task of an Audit Committee is to determine an Audit Program and consider the audit reports once prepared and recommend a program of audit actions. Other responsibilities included establishment of a control framework, ensure external accountabilities, legislative compliance, enterprise risk management, and broader internal and external audit activities.

In officer discussions prior to the merger it was considered reasonable that the new committee comprise the continuing members. Accordingly, it is suggested that former external members' keen to continue with the new Committee be appointed.

A tentative date for the first meeting of the Committee has been diarised for 28 July 2016.

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

In 2010 the Office of Local Government issued Internal Audit Guidelines regarding the development of an internal audit function creation of an internal Audit Committee. Both Councils have utilised the Guidelines in the establishment and operation of their committees. A charter template has also been used and the charter is currently being revised for presentation to the first meeting of the new Committee.

An internal Audit Function is seen as "Good Governance" and with the review of the Local Government Act greater prominence will be given to Internal Audit.

***Consultation***

Discussion has occurred with the former members of both former Councils and the following are prepared to continue with the new committee.

- Andrew Cox
- Ken Crofts
- Max Shanahan

***Financial***

An attendance fee is paid to external members of the Committee. The fee approved for Queanbeyan was \$400 per meeting for members and \$550 for the Chair. The Palerang fee was similar being \$400 members & \$500 for the Chair.

Program Code	Expense Type	Funding source	Amount
112	Internal Audit	Internal Audit Budget Palerang	<b>52,000</b>
		Internal Audit Budget Queanbeyan	<b>136,923</b>
		<b>Total</b>	<b>\$ 188,923</b>

**6.14 Formation of Audit Committee (Ref: C1693750; Author: Gibson/Warne) (Continued)**

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***Resources (including staff)***

Resources of the internal audit program was treated differently by the two Councils. Palerang undertook the servicing of its Committee and its audit program by using an employee shared with Yass Council. It is understood that this arrangement was for 12 months and finished at 30 June 2016.

Queanbeyan used internal staff (Legal & Governance section) to service the Audit Committee, co-ordinate the Audit Program and follow up audit recommendations. A specialist firm (Oakton) has been retained on a three year contract to undertake the program (*two years remaining*).

It is considered it should be the role of the Committee once established to determine arrangements for undertaking the audit program having considered existing commitments.

***Integrated Plan***

The Operational Plan makes provision of internal audit functions being undertaken.

**Conclusion**

Queanbeyan-Palerang Regional Council needs to establish an Audit Committee and the best way forward is seen to use the expertise available from the former Committees. It is also considered that new Committee should select a chairperson, and review the Committee Charter, the audit program and arrangements to complete the program as an immediate priority.

**Attachments**

Nil





## GENERAL MANAGER'S REPORTS

**6.15 General Donations Distribution - Amended (Ref: C1696713; Author: Tegar/Simonovski)****Summary**

Reporting on revised Donations Schedule further due to miscalculation in the amount approved by the Administrator at the Council Meeting held on 22 June 2016.

**Recommendation**

That Council –

1. **Confirm the donations allocated on 22 June 2016.**
2. **Note that the amount of funds distributed is \$49,791.81**
3. **Agree to increase the allocation by \$9,791.81 for the financial year 2016/17**
4. **Note that the unallocated funds (\$208.19) be retained for the “Emergency” Vote and/or other defined Donations as agreed to by Council.**
5. **Allocate a further \$5,000 to the Emergency Vote.**

**Background**

An error has been identified in the additions of the donations approved at the Council Meeting on 22 June. The figures to be amended are shown in red below -

**6.11 General Donations Distribution 2016/17**

Mr Overall declared a conflict of interest in regard to Item 6.11 donations numbers 9 and 26. He will delegate this part to the General Manager in accordance with S.377 of the Local Government Act.

001/16

**RESOLVED (Overall)**

The Administrator resolved with the exception of Donation Numbers 9 and 26: that:

1. Council make donations as listed in Attachment 1 with the following adjustments

Donation No1. allocation: \$2,000

Donation No.6 allocation: \$2,000

Donation No.7 allocation: \$1,500

Donation No.8 allocation: \$1,500

Donation No.33 allocation: \$3,000

2. Council note the amount is \$45,368.81 (should be \$49,791.81). .

**6.15 General Donations Distribution - Amended (Ref: C1696713; Author: Tegart/Simonovski) (Continued)**

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3. Council agree to increase the allocation by \$5,368.81 (should be \$9,791.81) for the financial year 2016/17.
4. Funds allocated to Schools as Community Centres for the financial year 2015/16 be transferred for use in the 2016/17 financial year.
5. All recipients of donations under Category A be required to complete an acquittal form.
6. Unallocated funds of \$4,631.19 (should be \$208.19) be retained for the "Emergency" Vote and/or other defined Donations as agreed to by Council.
7. Staff consolidate the general donations grant schemes of the former Queanbeyan City and Palerang Councils for the 2017/18 financial year and a report be submitted to a meeting of Council.

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

Funds have been set aside for this purpose. The amount allocated is under \$50,000 and leaves an amount of \$208.19 for emergency situations throughout the financial year 2016/17. It is suggested the Emergency Donations Vote be increased.

**Attachments**

Nil

## GENERAL MANAGER'S REPORTS

**6.16 Stronger Communities Fund (Ref: C16100219; Author: Bascomb/Ferguson)**

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**Summary**

Up to \$10 million is available under the Stronger Communities Fund to new councils created as part of the NSW Government's Fit for the Future reform program. This report outlines the application, assessment and administration processes for the funding.

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**Recommendation**

1. **That, in accordance with the Stronger Communities Fund Guidelines, Council appoint the following persons to the Assessment Panel:**
    - **Mr Tim Overall (Queanbeyan-Palerang Regional Council Administrator)**
    - **Mr John Barilaro (Member for Monaro) (or his representative)**
    - **Ms Heidi Stratford (Illawarra & South East Regional Coordinator of the Department of Premier and Cabinet) (or her delegate)**
    - **Other member/s appointed by the Administrator, as required**
    - **Chair, Internal Audit Committee**
  2. **That Council extend an invitation to its s.355 committees to submit projects for potential funding under the Stronger Communities Fund.**
  3. **That Council endorse the timelines identified in this report.**
- 

**Background**

The NSW Government's Stronger Communities Fund is providing up to \$10 million in grant funding to deliver social, cultural, economic and environmental benefits to communities within newly-created Local Government Areas comprising former councils.

The entire Stronger Communities Fund is to be spent or committed by 30 June 2019, and all funding acquitted before 31 December 2019. However, under the Community Grant stream, Council's announcement of successful organisations is expected in August/September 2016.

Under the Stronger Communities Fund Guidelines (copy attached), the funding is being allocated in two programs as follows:

1. The Community Grant program – up to \$1m in grants of up to \$50,000 to incorporated not-for-profit (NFP) community groups for projects that build more vibrant, sustainable and inclusive local communities.
2. Major Projects program – all the remaining funding to larger scale priority infrastructure and services projects that deliver long-term economic and social benefits to communities.

**6.16 Stronger Communities Fund (Ref: C16100219; Author: Bascomb/Ferguson)  
(Continued)**

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Following consultation with the community, Councils can increase the funding delivered through the Community Grants program by allocating funds from the major projects program. This can enable additional rounds of the Community Grants program to be run in subsequent years.

Any surplus funds from the separate New Council Implementation Fund can be invested through the Stronger Communities Fund in either program.

***Community Grant Program – up to \$1m***

To be successful for funding of up to \$50,000, community projects must meet the following criteria:

- deliver social, cultural, economic or environmental benefits to local communities
- address an identified community priority
- be well defined with a clear budget
- demonstrate that any ongoing or recurrent costs of the project can be met by the NFP group once grant funding has been expended
- the incorporated NFP organisation must demonstrate the capacity to manage funds and deliver the project.

***Major Projects Program – up to \$9m***

Councils are to fund projects that deliver new or improved infrastructure or services to the community. Projects that are prioritised for funding must meet the following criteria:

- have been through a community consultation process
- demonstrate social and/or economic benefits to the community
- consider issues of sustainability and equity across the broader community
- demonstrate project feasibility and value for money, including full lifecycle costs
- did not have funds allocated by the former councils
- give consideration to the processes and procedures outlined in the capital expenditure review guidelines issued by the Office of Local Government

***Ineligible projects***

The Stronger Communities Fund is not to be used for:

- implementation costs of the new council, such as information technology systems, financial management systems or change management programs
- branding for the new council
- upgrading of a council's administration buildings
- ongoing staff or operational costs
- projects where the former councils had previously allocated funding
- retrospective funding for work undertaken prior to the establishment of the new council.

***Eligible applicants***

Any incorporated not-for-profit community organisation is eligible to apply for funding under the \$1m Community Grant Fund.

Council may assign projects for funding under the \$9m Major Projects Fund.

## 6.16 Stronger Communities Fund (Ref: C16100219; Author: Bascomb/Ferguson) (Continued)

Advice has been received from the Department of Premier and Cabinet that councils can, at their discretion, extend the invitation for projects to s.355 committees, subject to the following requirements:

- projects are to be submitted via the same formal process that community groups follow
- projects are to be assessed as per the fund guidelines and against the community grants program criteria
- funding to be provided from the Major Projects Fund, not the Community Grants

### ***Assessment of projects***

The Guidelines require that councils establish a Stronger Communities Fund Assessment Panel to assess projects lodged under both programs and make recommendations to Council for funding.

The Panel is to include:

- Council's Administrator
- Local State Member of Parliament (or representative)
- Regional Coordinator of the Department of Premier and Cabinet (or delegate)
- Other members appointed by the Administrator, as required
- An independent probity advisor, appointed by the Administrator to advise the Panel on their deliberations and assessment process

It is also proposed that Council's Local Representation Committee will have input to the assessment process and the Chair of the Audit Committee provide the probity oversight.

### ***Timelines – Community Grants Fund***

The following timelines are proposed:

14 July – 12 August 2016	Advertisements placed in local media, community newsletters, website and social media announcing funding and calling for nominated projects; all s.355 committees advised of the program and application packs distributed
26 August 2016	Applications close
2 September 2016	Local Representation Committee's overview of applications
5-9 September 2016	Projects assessed by Assessment Panel
28 September 2016	Assessment Panel's recommendations adopted by Council
29 September 2016	Successful projects announced
December 2016	Council to notify the Office of Local Government of its three-year plan for allocating the Stronger Communities Fund; and of the projects that Council has approved for funding

**6.16 Stronger Communities Fund (Ref: C16100219; Author: Bascomb/Ferguson)  
(Continued)**

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**Implications*****Consultation***

The Department of Premier and Cabinet has provided councils with an application form template. Once adapted for Queanbeyan-Palerang Regional Council, including timelines, the form, guidelines and information pack will be made available to all eligible NFP organisations and s.355 committees.

Advertisements and media releases promoting the program has commenced.

Applications will be referred to the Local Representation Committee (LRC) for input. LRC members are being encouraged to liaise with community groups and section 355 committees.

***Statutory***

The Stronger Communities Funding Program has been established by the NSW Government as part of its local government Fit for the Future reform. Newly-amalgamated councils are required to administer the Program.

***Social/Cultural***

The funding provided to Queanbeyan-Palerang Regional Council will deliver social, cultural, economic and/or environmental benefits to its local communities. Projects will be assessed according to identified community priorities.

***Risk***

Applicants will be required to demonstrate that they have a risk management plan in place for the project.

***Financial***

All applications must be accompanied by budgetary documentation, including firm quotes and the calculation of voluntary labour contributions. Successful applicants will need to demonstrate that they can meet ongoing or recurrent costs of the projects following the expenditure of grant funding.

**Conclusion**

The Stronger Communities Fund provides a one-off opportunity for incorporated, not-for-profit community groups, s355 Committees and newly-created councils to access grant funding for high priority projects.

**Attachments**

Attachment 1      DPC Stronger Communities Fund Guidelines (*Under Separate Cover*)

## COMMITTEE REPORTS

**7.1 Report of the Queanbeyan Heritage Advisory Committee - 20 June 2016 (Ref: C1692078; Author: Thompson/Kells)**

**Present:** Sue Whelan (Chair), Brendan O'Keefe, David Loft, Heather Thomson, Jane Underwood

**Also Present:** Mike Thompson (Director Environment, Planning and Development), David Carswell (Executive Manager, Strategic Land Use Planning), Pip Giovanelli (Heritage Advisor), Glenda Kells (Senior Administrative Assistant)

**Others Present:** Sue Robb (Strategic Planning Coordinator Palerang Office), Brigid Whitbread (Librarian Special Services)

The Committee Recommends:

**Apologies:** Nil.

Sue Whelan welcome everyone, and informed the Committee that following the announcement of the merger between Queanbeyan and Palerang Council's, business would now continue as usual and Committee membership would remain status quo until September 2017.

**1. Confirmation of Report of previous meeting held on 18 April 2016**

**Recommendation (O'Keefe/Loft)**

**HAC 009/16 That the Report of the meeting of the Committee held on 18 April 2016 be confirmed.**

**2. Business Arising**

Nil.

**3. Conflicts of Interest**

Nil.

**4. 2017 Heritage Awards**

Ms Whitbread introduced herself and provided the Committee with an overview of her role in coordinating the Queanbeyan Heritage Festival. Queanbeyan will be celebrating its 20<sup>th</sup> year of heritage awards in 2017 and along with the merger of Queanbeyan and Palerang Councils, 2017 provides a unique opportunity to promote and expand the Heritage Festival and Awards. The Committee discussed a number of options for the festival including an open day for churches in the expanded Local Government Area (LGA), guided walking tours and a community generated photographic record of properties and street scapes. The Committee believes the festival and awards could be used as a catalyst to join the two previous council communities. Advertising for the festival and awards will include the expanded LGA. Sue Robb will provide the Palerang Heritage Committee with an outline of the proposal when it reconvenes. The Committee also noted that the restored sulky will be completed by the end of 2016 and the heritage festival would be an opportune time to unveil the sulky to the community.

Ms Witbread left the meeting.

**7.1 Report of the Queanbeyan Heritage Advisory Committee - 20 June 2016 (Ref: C1692078; Author: Thompson/Kells) (Continued)**

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**5. Queanbeyan Art Society**

Mr Thompson provided the Committee with an update on the Development Application (DA) for the extension at the Art Society. Approval for the DA has not been granted because the applicant has been unable to provide certification from a hydraulic engineer that the building will be able to withstand flood forces as a result of it being located within the flood zone. It was also noted that at its meeting of 8 June 2016 Council resolved to roll over the \$15,000 Special Heritage funding to the 2016-17 financial year to allow additional time for the completion of the project.

**6. Development Application 3 McKeahnie Street**

Mr Thompson outlined the proposed alterations to the existing heritage dwelling. The application involves the removal of some of the 1940's-1950's additions at the rear of the property including a laundry, garage and closed in verandahs. The heritage advisor informed the Committee that the proposed modifications are sympathetic to the heritage character of the cottage and are supported, but cautioned that a precedent may be set by allowing a second residence to be built behind the heritage dwelling. However, at the same time the particular circumstances of this site were noted.

**Recommendation (Loft/Thomson)**

**HAC 010/16 The Committee supports the modifications to 3 McKeahnie Street and the construction of a new dwelling and garage to the rear of the site.**

**7. State Listing Nomination – St Stephens Church Update**

Mr O'Keefe informed the Committee that the nomination to list St Stephens Church on the state heritage register went to the Office of Environment and Heritage's April meeting. No consensus for listing the church was forthcoming, therefore the nomination will go to the next meeting on 6 July 2016 for reconsideration.

As a matter arising from the St Stephens discussion Mr Giovanelli informed the Committee that St Paul's Church in Burra had successfully completed their Special Heritage Fund project and that the work had been done to a high standard.

Ms Whelan informed the Committee that Council had successfully procured two heritage grants for 2016-2017. One grant is for the continuation of the heritage advisor position and the other grant is for the local government heritage places. Council's third application for a grant to review the Queanbeyan City Council Heritage study was unsuccessful.

**8. Next Meeting**

The next meeting of the Queanbeyan Heritage Advisory Committee will take place on Monday 18 July 2016 at 5.30pm in the Committee room.

There being no further business, the meeting closed at 6.15pm.

**Attachments**

Nil



**13.1 State of City and End of Term Report (Ref: C1643159); Author: Tegart/Tegart**

**Report**

The former Queanbeyan City Council endorsed the preparation of a 'State of the City' (SoC) report in September 2015.

The SoC aims to capture the economic and demographic statistical profile of the City at 2012/13 and 2015/16 (prepared by ID Profiler) and provide narrative on key drivers or influencers of change (at a regional or national scale) across that period – ie broadly the Council term.

Staff then utilise the state of the environment reports and asset condition reports (including those prepared by GHD with the Prof Allan review) to describe the condition and changes to the natural and built environment across that period.

Drawing on the community surveys, annual reports and results against performance indicators, staff then identify the key programs and interventions deployed by Council in the period, and provide narrative on the success (or otherwise) of those initiatives.

Following the merger, it is now proposed to prepare a similar report for the former Palerang Council.

With its mix of charts, analysis, images and narrative, the State of the City report will also serve as an 'end-of-term' report for the current Council, likely to be available later in 2016.

While it is noted the terms of the Proclamation do not require an annual report for either council for 2015/16, once published the State o/end of term reports documents will be also be presented to the former councillors of the Queanbeyan and Palerang Councils.

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**Recommendation**

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

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**Attachments**

Nil

**13.2 Loose-Fill Asbestos Insulation Update (Ref: C1696179); Author: Thompson/Abbott****Report**

The NSW Government's Loose-Fill Asbestos Insulation (LFAI) program has made some recent progress. This includes the following matters:

- A public register of residential properties affected by loose-fill asbestos insulation has been established. The Loose-Fill Asbestos Insulation Register may be viewed online at the NSW Fair Trading website, and specifies the local government area that an identified property falls within. Users must search a specific address to determine if it is on the register;
- Section 149 Planning Certificates are required to disclose that a property is listed on the public register;
- Identified properties must display a warning tag at its main switchboard;
- The first two properties within the Council area are about to be acquired by the NSW Government.

The NSW Government's free sample testing to owners of pre-1980s residential premises finishes in August. Home owners must be registered for this service before **1 August 2016**. Uptake of the program has slowed and letters from NSW Fair Trading have recently been sent to home owners to encourage them take up of the free program. Owners who do not register to have their homes checked and subsequently find that their home contains loose-fill asbestos will not be eligible for the NSW Government's buy back scheme.

Take up of the program in the Council area is as follows:

Area	Free Test Registrations	Positive Results
Queanbeyan	1,689	60
Palerang	498	1

A Voluntary Purchase and Demolition Program has been established for properties affected by loose-fill asbestos insulation. The program provides for two options. The first involves the NSW Government purchasing both the premises and land. The Government cleans the site and can the resell the land. The second option involves the purchase of dwelling only. The Government demolishes the dwelling then the land is returned to the owner who can rebuild at their own expense. Under Option 1, homeowners will sign a Contract for Sale of Land, and under Option 2, homeowners will sign a License Agreement.

The first of the affected properties in the Council area are about to transfer ownership to the State. Settlement dates are 20 July and 3 August. The NSW Government will then be responsible for maintaining the vacated properties, fencing around the perimeter, demolishing the premises and remediating the block of land.

NSW Fair Trading will be engaging with the immediate neighbours of affected properties at least one week prior to acquisition. Immediate neighbours will be provided with a letter about what they can expect to see at the affected property as well as contact details in cases of emergencies.

Homeowners and tenants of affected properties can apply for financial assistance up to 12 months from the date of the Contract of Sale of Land or Licence Agreement. This includes up to \$10,000, plus an additional \$2,000 per dependent child living in an affected property (to a maximum of two children).

The removal of loose-fill asbestos from the affected property will be done by a Class A Licensed Asbestos Removalist (LAA). An asbestos removal control plan, safe work method statements and oversight by a LAA will be developed for each property. The premises will then be demolished in a controlled manner using dust suppression measures to make sure any non-bonded fibres are not released into the air. Air monitoring will be done during the asbestos removal and demolition to make sure the control measures are effective. Once the premises has been demolished, the contaminated soil on the property and an area surrounding it will be removed. Testing will be undertaken to ensure soil is not contaminated with asbestos and a clearance certificate will be issued by the LAA.

Prior to commencing demolition, NSW Fair Trading will again engage with direct neighbours along with the wider community. Specific information regarding demolition will be provided at this point, including contact details for the demolition contractors.

Changes have also been made to the Environmental Planning and Assessment Regulation 2000 to add a property being listed on the Loose-fill Asbestos Insulation Register as a mandatory notification on planning certificates issued under s149(2) of the Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act). As a section 149(2) certificate must be included in the Contract for Sale of Land and Premises, this will alert potential buyers that a property is listed on LFAI Register

It has been suggested that councils include a notation on the section 149(2) planning certificates issued for properties listed on the register in the following form:

*A residential dwelling erected on this land has been identified in the Loose-Fill Asbestos Insulation Register as containing loose-fill asbestos ceiling insulation. Contact NSW Fair Trading for more information.*

Providing information under section 149(5) is at the discretion of council, but it is recommended that the identified 28 councils provide a general alert regarding the potential for loose-fill asbestos insulation in properties that are not listed on the Register. As such wording along the following lines will be included on any certificates for premises not listed on the Register.

*Some residential homes located in the Queanbeyan-Palerang Regional Council have been identified as containing loose-fill asbestos insulation, for example in the roof space. NSW Fair Trading maintains a Register of homes that are affected by loose-fill asbestos insulation.*

*You should make your own enquiries as to the age of the buildings on the land to which this certificate relates and, if it contains a building constructed prior to 1980, the council strongly recommends that any potential purchaser obtain advice from a licensed asbestos assessor to determine whether loose-fill asbestos is present in any building on the land and, if so, the health risks (if any) this may pose for the building's occupants.*

*Contact NSW Fair Trading for further information.*

Once a property has been removed from the LFAI Register, it is no longer required to be tagged. The section 149(2) certificate will also be updated by local councils to reflect that the property is no longer on the LFAI Register.

**Conclusion**

The NSW Government has determined that demolition, comprehensive site remediation and disposal are the best ways to ensure the health and safety of the NSW community. The Government's assistance program is limited to pre 1980s homes and owners only have until **1 August 2016** to register for testing. This is the home owners' last chance to protect themselves from the financial consequences of loose-fill asbestos insulation.

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**Recommendation**

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

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**Attachments**

Nil

**13.3 Proposed Local Government Legislation Changes (Ref: C1697949); Author: Gibson/Warne****Report**

There are two items of proposed legislation currently before the NSW Parliament that relate to Local Government. These are listed hereunder with the pertinent features being:

**Local Government and Elections Legislation Amendment (Integrity) Bill 2016**

(a) To amend the *Election Funding, Expenditure and Disclosures Act 1981* to impose caps on political donations in respect of local government elections and various related matters. On commencement (having regard to CPI indexation) the caps will be:

- \$5,800 in the case of any such political donation to or for the benefit of a registered party or group,
- \$2,500 in the case of any such political donation to or for the benefit of a party that is not a registered party or an elected member, a candidate, or third-party campaigner.

But the caps on donations for State and local government elections apply separately, with the result that the aggregation provisions for multiple small donations apply separately and separate donations for State and local government elections (up to the respective caps) can be made to parties and third-party campaigners.

(b) To amend the *Local Government Act 1993* to disqualify a person from holding civic office if the person has been:

- convicted of an offence against the *Election Funding, Expenditure and Disclosures Act 1981* relating to unlawful political donations or the failure to disclose donations or electoral expenditure, or
- has been convicted of an offence of any kind that is punishable by imprisonment for 5 years or more.

(c) To repeal section 448 (g) of the *Local Government Act 1993*. Section 448(g) currently exempts councillors, general managers, senior council staff, advisers and certain others from disclosing certain kinds of pecuniary interests. As a result of the amendment, disclosure will be required of a pecuniary interest in a proposal relating to the making, amending, altering or repeal of a local environmental plan or other environmental planning instrument even if it does not change the permissible uses of land in which a councillor or related person has a proprietary interest or land adjoining, adjacent to or in proximity to the land. Matters relating to this exemption have recently featured in the public inquiry into the former Auburn Council and earlier an unsuccessful suspension imposed on its former Councillor Saleem Mehaier (see [\*Mehaier v Director-General of the Department of Local Government\* \[2016\] NSWSC 143](#)).

(d) To enable the Chief Executive of the Office of Local Government to apply to the Supreme Court for an order to recover, from a councillor who has been found to have contravened the disclosure obligations of the *Local Government Act 1993*, the amount of any monetary benefit obtained by the councillor as a result of the decision to which the contravention relates.

**Local Government Amendment (Governance and Planning) Bill 2016**

This legislation is the first phase of broader Local government reforms that flow from the review of the Local Government Act undertaken by the Local Government Act taskforce.

Pertinent features are:

**Purpose of LG Act and principles for councils**

- Proposed section 8A replaces the council's charter with guiding principles for councils in the exercise of their functions generally, decision-making and community participation.
- Proposed section 8B sets out principles of sound financial management that focuses on systems and risk management.
- Proposed section 8C sets out integrated planning and reporting as one of the guiding principles of the LG Act.

**Council governance, wards, councillors and election matters**

- The role of the governing body is expanded to include matters such as to provide effective civic leadership to the local community, to ensure as far as possible the financial sustainability of the Council and to develop and endorse the strategic plans, programs, strategies and policies of the council.
- The role of the mayor is expanded to include matters such as to be the leader of the council and a leader in the local community, to advance community cohesion and promote civic awareness.
- The role of a councillor is revised to include matters such as to uphold and represent accurately the policies and decisions of the governing body and to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of councillor.
- The role of the general manager is expanded to include matters such as the implementation of lawful council decisions and giving advice and administrative professional support to the mayor and other councillors necessary for them to effectively discharge their functions.
- Clarification is made that a vacancy occurs in civic office of a councillor if a councillor is elected as mayor by the electors. Conversely, the office of a mayor elected by councillors becomes vacant if the mayor ceases to hold office as a councillor.
- The term of mayors elected by councillors is increased from 1 year to 2 years.
- The provisions in relation to appointment and management of staff are amended so the council is to determine senior staff positions and reporting lines and the general manager is to determine the balance of the organisation structure of the council.
- The regulation will be able to prescribe a model code of meeting practice and Councils will be required to adopt a code of meeting practice that incorporates the mandatory provisions in the model code within 12 months of an ordinary election of councillors.
- Councils will be able to apply to the Minister to reduce the number of council meetings per year.
- Changes are made to the power of the council to delegate functions. Delegation will now be allowed in relation to the acceptance of tenders other than tenders to provide services currently provided by members of staff of the council. Also the power to grant financial assistance can be delegated in certain circumstances.

**Auditing**

- Provisions in relation to appointment of auditors will be replaced with provisions making the Auditor-General the auditor of a council. Consequential provisions relating to the power of the Auditor-General in performing its functions as auditor of a council are also proposed.
- A council will be required to establish an Audit, Risk and Improvement Committee to review various aspects of the council's operation such as compliance, risk management, fraud control, financial management and governance and implementation of the council's strategic plans and policies.

- A council's auditor will be required to also audit the financial reports of any entity that the council has formed or participated in forming or in which it has a controlling interest.

#### Disciplinary matters and disclosure of pecuniary interests

- New provisions are proposed to enable the Minister to appoint a person as a financial controller to a council if the Minister issues a performance improvement order for the council. The Minister will need to have regard to certain criteria specified in the regulations in deciding whether to appoint a financial controller.
- The financial controller may be appointed in the performance improvement order or by a subsequent order.
- If a financial controller is appointed, then a council cannot make any payment from any funds unless authorised by the financial controller.
- Amendments are proposed to make clear that an administrator appointed for a council after a public inquiry has been held or after the council has been suspended has the functions of all the councillors and the mayor, as well as the functions of the council.
- Amendments are proposed to extend the operation of provisions of the Model Code of Conduct relating to the disclosure of pecuniary interests. The Model Code will now specify which pecuniary interests are to be disclosed and which are excluded. The regulations can prescribe their application to members of council committees and council advisers.
- Amendments are proposed to remove the provision (s440F(2)) which currently provides that a breach of pecuniary interest disclosure provisions in the LG Act is not misconduct. This means that the general disciplinary provisions that apply to councillors for misconduct will apply to breaches relating to the disclosure of pecuniary interests.
- A defence is to be provided that for the purposes of determining whether a person has engaged in misconduct, the person does not breach a provision of a code of conduct that requires the disclosure of a pecuniary interest if the person did not know and could not reasonably be expected to have known that the matter under consideration at a meeting was a matter in which the person had a pecuniary interest.

#### **Local Government Amendment (Councillor Misconduct and Poor Performance) Bill 2015**

In addition *the Local Government Amendment (Councillor Misconduct and Poor Performance) Bill 2015* commenced in November 2015 and provided the following changes to *the Local Government Act 2015*.

- Disqualification from holding civic office - a person shall be disqualified from holding civic officer for 5 years if the person is the subject of three or more orders for suspension from civic office for misconduct. One of the three orders must have been made after commencement of the new section by the Departmental Chief Executive or the Civil and Administrative Tribunal on a referral from the Departmental Chief Executive.
- Response time to investigation report - When a council is subject to an investigation, a council now has 28 days (previously 40 days) to respond to the Minister giving notice of the things done or proposed to be done to give effect to any recommendations contained in the report.
- Wider definition of "misconduct" -Now includes:  
"(e) an act or omission of the councillor intended by the councillor to prevent the proper or effective functioning of the council or a committee of the Council." Examples of conduct may include:

- preventing a council from making a decision by deliberately leaving a meeting to deprive it of a quorum;
  - submitting large numbers of notices or questions on notice with a view to preventing the council from getting through its business, and
  - misusing rescission motions to prevent councils from revisiting a matter for another three months.
- Disclosure - A councillor is no longer required to disclose the nature of a pecuniary interest (s451(1)) or remove themselves from the meeting of the council or committee (s451(2)) where the pecuniary interest arises only because of an interest of the councillor in the councillor's principle place of residence or an interest of another person (whose interests are relevant under s443) in that person's principle place of residence, where the councillor has made a special disclosure in relation to the interest before the commencement of the meeting (s451(4)(a1)). As a result, councillors with property interests, other than their principle place of residence, within a local government area will be precluded from participating in the consideration of planning changes which relate to these areas.

This is a significant change which has been introduced by the Minister in order to prevent councillors from participating in the consideration of changes to a planning instrument affecting an area in which they have a pecuniary interest.

- Performance improvement orders - changes to performance improvement orders including:
- Ability for the Minister to vary an existing performance improvement order by giving 7 days' notice.
  - Reducing consultation periods so that councils now only have 7 days to respond to a notice of intention to issue a performance improvement order.
  - Introduction of s438A(7A) so that it is no longer a requirement for the expiration of performance improvement order to remedy non-compliance.
- Enforcement of performance improvement order against a councillor - section 438HA has been inserted and allows the Chief Executive to arrange for a departmental report to be prepared detailing whether a councillor has failed to take action as required by a performance improvement order. Such a report must be prepared when requested by the Minister. Where a departmental report finds that a councillor has failed to take necessary action under a performance improvement order the Minister may issue a compliance order to the councillor. Such an order may remain in force for a period not exceeding 3 months or where extended in writing by the Minister for a period not extending 6 months. Where a compliance order is in force the councillor is not entitled to:
- (a) exercise any of the functions of the councillor other than is necessary to take the action specified in the compliance order, and
  - (b) any fee or other remuneration, or to the payment of expenses or to the use of council facilities, to which he or she would otherwise be entitled as a councillor, except as specified in the compliance order.

The Minister may request the Chief Executive to refer the matter to the Civil and Administrative Tribunal for consideration. Failure by a councillor to take action as required by a performance improvement order is to be taken to be misconduct.

- Serious corrupt conduct - As a result of the amendments (s440B(1A)) the Governor may disqualify a person from holding civic office for a period not exceeding 5 years where;
- a recommendation has been made by the Independent Commission Against Corruption (ICAC) that consideration be given to the suspension of the person from office with a view to his or her dismissal for serious conduct,



- the person has since ceased to hold civic office, and
- the Minister advised that the disqualification of the person from holding civic office is necessary in order to protect the public standing of councils and the proper exercise of their functions.

Amendments have also been made to s440C and s440D with regard to temporary suspension as a result of serious corrupt conduct.

- Preparation of Departmental report – without investigation - the ability for the Chief Executive to arrange for a departmental report to be prepared about whether a councillor has engaged in misconduct without an investigation being carried out (s440H(5A)). An investigation is no longer required where:
  - (a) the matter has been referred by the council and the Chief Executive is of the opinion that the report may be based on the findings of an investigation conducted by or on behalf of the council, or
  - (b) the Chief Executive is of the opinion that the alleged misconduct, if proven, would be minor in nature and, were it to warrant disciplinary action, the disciplinary action would be compromised only of counselling or reprimanding the councillor, or
  - (c) the Chief Executive otherwise considers it appropriate to do so.
- Notice of disciplinary action - Prior to undertaking disciplinary action for misconduct against a councillor the Chief Executive is required to give written notice under s 440I(3A) of:
  - (a) of the grounds on which it is proposed to take disciplinary action,
  - (b) specifying the disciplinary action that is proposed to be taken, and
  - (c) inviting the councillor to make a submission within a period of not less than 14 days.

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### **Recommendation**

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

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### **Attachments**

Nil

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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 Potential Land Acquisition - Queanbeyan River Floodplain.**

*Item 15.1 is confidential in accordance with s10(A) (c) (di) of the Local Government Act 1993 because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct); AND commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**Item 15.2 Write off of water consumption charges due to concealed leak**

*Item 15.2 is confidential in accordance with s10(A) (a) of the Local Government Act 1993 because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**Item 15.3 Bungendore Property - Loose Fill Asbestos**

*Item 15.3 is confidential in accordance with s10(A) (b) of the Local Government Act 1993 because it contains discussion in relation to the personal hardship of a resident or ratepayer and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**Item 15.4 Staff Matter**

*Item 15.4 is confidential in accordance with s10(A) (a) of the Local Government Act 1993 because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*