



# **Ordinary Meeting of Council**

## **AGENDA**

**14 December 2016**

**Commencing at 5.30pm**

**Council Chambers  
253 Crawford St, Queanbeyan**



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

**List any inspections or indicate “Nil”**

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

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**1 APOLOGIES**

**2 DISCLOSURES OF INTERESTS**

**3 CONFIRMATION OF MINUTES**

3.1 Minutes of the Ordinary Meeting of Council held on 23 November 2016

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

4.1 Presentation of Infrastructure Sustainability Certificate

**5 MAYORAL MINUTES**

Nil

**6 NOTICES OF MOTIONS OF RESCISSION**

Nil

**7 NOTICES OF MOTIONS**

Nil

**8 DETERMINATION REPORTS**

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**11 DELEGATES' REPORTS**

Nil

**12 RESPONSES TO COUNCILLORS' QUESTIONS**

Nil

**13 COUNCILLORS' QUESTIONS FOR NEXT MEETING**

Nil

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**Confidential - Not for Publication**

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**15.1 Quarterly Legal Update Report..... 62**

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

**LIST OF ATTACHMENTS –**

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

**Open Attachments**

**Item 8.1 Development Application 167-2016 For Subdivision Creating 120 Residential Lots, Residue Lot, Public Roads and Earthworks - 36 Googong Road, Googong**

*Attachment 1 Council Meeting - 14 December 2016 - DA 167-2016 - Stage 7 Subdivision, Googong - Section 79C Table (Under Separate Cover)*

*Attachment 2 Plan - Stage 7 - General Arrangement (Under Separate Cover)*

*Attachment 3 Plan - Stage 7 - Lot Layout and Sizes (Under Separate Cover)*

*Attachment 4 Plan - Stage 7 - Staging (Under Separate Cover)*

*Attachment 5 Plan - Stage 7 - Road Information (Under Separate Cover)*

*Attachment 6 Plan - Stage 7 - Services (Under Separate Cover)*

*Attachment 7 Plan - Stage 7 - Riparian Zone (Under Separate Cover)*

*Attachment 8 Council Meeting -14 December 2016 - Draft Conditions - DA 167-2016 - Stage 7 Subdivision, Googong (Under Separate Cover)*

**Item 8.3 North Tralee Planning Proposal**

*Attachment 1 QPRC Planning Proposal North Tralee Nov 2016 (Under Separate Cover)*

*Attachment 2 Attachment - Council Meeting - 14 December 2016 - Draft North Tralee Zoning Map October 2016 - Zoning Map (Under Separate Cover)*

- Item 8.4 Planning Proposal to Reclassify Certain Council Land from Community to Operational Status and Amendments to Existing Plans of Management to Include Newly Identified Community Land.

*Attachment 1 Public Hearing Report and Recommendation - Proposed re-classification of community lands to Operational Status and Amendments to existing Plans of Management to include newly identified community lands (Under Separate Cover)*

- Item 8.5 Googong Water Recycling Plant - Stage C Extension - Determination of Environmental Impact Statement

*Attachment 1 EPA Comments - Googong WRP Stage C EIS (Under Separate Cover)*

*Attachment 2 EIS - Googong Water Recycling Plant - Provided Under Special Cover (Under Separate Cover)*

- Item 8.6 Proposed Road Names

*Attachment 1 Attachment 1A - Road 1 - Proposed Road Names (Under Separate Cover)*

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

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

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

*Attachment 5 Attachment 1E - Road 5 - Proposed Road Names (Under Separate Cover)*

*Attachment 6 Attachment 1F - Road 6 - Proposed Road Names (Under Separate Cover)*

*Attachment 7 Attachment 1G - Road 7 - Proposed Road Names (Under Separate Cover)*

*Attachment 8 Attachment 2B - Road 2 - Submission - Proposed Road Names (Under Separate Cover)*

*Attachment 9 Attachment 2D - Road 4 - Submission - Proposed Road Names (Under Separate Cover)*

*Attachment 10 Attachment 2E - Road 5 - Submissions - Proposed Road Names (Under Separate Cover)*

*Attachment 11 Attachment 2F - Road 6 - Submission - Proposed Road Names (Under Separate Cover)*

*Attachment 12 Attachment 2G - Road 7 - Submission - Proposed Road Names (Under Separate Cover)*

- Item 8.7 QPRC Investment Report - November 2016

*Attachment 1 Investment Report - November 2016 - Attachment 1 - 14 December 2016 (Under Separate Cover)*

Item 8.9 Royalla Common s.355 Committee minutes 28 September 2016

*Attachment 1 Royalla 355 Minutes 28 September 2016 (Under Separate Cover)*

Item 8.10 Braidwood Showground Reserve Trust s.355 Committee minutes

*Attachment 1 Braidwood Showground 355 Minutes 27 September 2016 (Under Separate Cover)*

Item 8.11 Report on Audit, Risk and Improvement Committee

*Attachment 1 Draft of Minutes - Audit, Risk and Improvement Committee meeting - 8 November 2016 (Under Separate Cover)*

*Attachment 2 Queanbeyan Palerang Regional Council Audit, Risk and Improvement Committee Charter - submitted to Administrator (Under Separate Cover)*

*Attachment 3 Committee Work plan - aligned to Committee Charter as submitted to the Administrator (Under Separate Cover)*

*Attachment 4 Queanbeyan-Palering Regional Council Internal Audit Charter - submitted to GM and Administrator for approval (Under Separate Cover)*

*Attachment 5 QPRC 2016 onwards Internal Audit Program - FINAL Discussion Paper to QPRC (Under Separate Cover)*

Item 8.12 Services Review

*Attachment 1 Service Review (Under Separate Cover)*

*Attachment 2 Service Framework (Under Separate Cover)*

*Attachment 3 Service Statements (Under Separate Cover)*

Item 9.2 Outcome of Appeal to the Land and Environment Court - Spacelab vs QPRC - 2 High Street

*Attachment 1 14 December 2016 - 2 High Street - Section 34 Agreement & Amended Plans & Conditions - Spacelab Studios Pty Limited (Under Separate Cover)*

**Closed Attachments**

Item 10.2 Report of the Queanbeyan Heritage Advisory Committee - 21 November 2016

*Attachment 1 Confidential - Heritage Grant Recommendations - Heritage Advisory Committee 21 November 2016 (Under Separate Cover)*

Item 10.3 The Q Board Meeting - 28 November 2016

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





MINUTES OF THE ORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held at the Council Chambers, 10 Majara Street, Bungendore on Wednesday, 23 November 2016 commencing at 5:30pm.

### ATTENDANCE

**Administrator:** T. Overall (Chair)

**Staff:** P Tegart, Interim General Manager; P Bascomb, Deputy General Manager; M Thompson, Acting Director Environment, Planning and Development; G Cunningham, Acting Director of Works and Utilities; P Hansen, Acting Director Assets and Projects; P Spyve, Acting Director Economic and Community and S Taylor, Acting Executive Manager Systems.

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

#### 1. APOLOGIES

No apologies were received.

#### 2. DISCLOSURES OF INTERESTS

287/16

##### 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.

Nil.

#### 3. CONFIRMATION OF MINUTES

##### 3.1 Minutes of the Ordinary Meeting of Council held on 9 November 2016

288/16

##### RESOLVED (Overall)

The Administrator resolved that the Minutes of the Ordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday 9 November 2016 be confirmed.

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

Nil

**5. MAYORAL MINUTES**

Nil

**6. NOTICES OF MOTIONS OF RESCISSION**

Nil

**7. NOTICES OF MOTIONS**

Nil

**8. DETERMINATION REPORTS****8.1 QPRC Investment Report - October 2016**

289/16

**RESOLVED (Overall)**

The Administrator resolved that Council:

1. Note the investment income for October 2016 is \$357,363 bringing the total interest earned on Cash and Cash Equivalent Investments for the 2016/17 Financial Year to \$1,966,842 which is \$93,511 above the September adjusted budget;
2. Note the investments have been made in accordance with the Local Government Act 1993, the Local Government General Regulations, and Council's proposed investment policy;
3. Adopt the Investment Report for the month of October 2016.

**8.2 Carry Forward/Revote of Expenditure to Financial Year 2016/17**

290/16

**RESOLVED (Overall)**

The Administrator resolved that Council:

1. Note the Carry Forward works funding requirements identified in Attachment 1 proposed to be completed in 2016/2017.
2. Approve the Revote works funding requirements identified in Attachment 1 proposed to be completed in 2016/2017.

**8.3 Financial Statement by Council**

291/16

**RESOLVED (Overall)**

The Administrator resolved that:

1. the financial statements to 12 May 2016 for the former Queanbeyan and Palerang Councils be presented for audit and invite submissions for the public.
2. the statement required by Section 413(2)(c) of the Local Government Act 1993 in relation to former Queanbeyan City Council's and former Palerang Council's Financial Statements for the period ending 12 May 2016 be completed on receipt of the Auditor's Certificate.
3. Hill Rogers Auditors be invited (in accordance with regulations) to complete the audit and present to Council.

**8.4 Quarterly Budget Review Statement for the Quarter Ending 30th September 2016**

292/16

**RESOLVED (Overall)**

The Administrator resolved that Council:

1. adopt the September 2016 Quarter Budget Review Statement and variations as outlined in this report.
2. note the predicted deficit of \$275k.
3. as a matter of policy, apply thresholds of 10% or \$100,000 (whichever is the greater) in relation to variation reporting.

**8.5 Tender T251617HUN Supply and Delivery of Bulk Water Treatment Chemicals**

293/16

**RESOLVED (Overall)**

The Administrator resolved that:

1. the following tenderers as listed by Schedule in the table below be appointed as the preferred supplier to Queanbeyan – Palerang Regional Council for the period 1 January 2017 to 31 December 2018, and
2. a provision be allowed for a 12 month extension based on satisfactory supplier performance, which may take this contract through to 31 December 2019.

Schedule	Product Description	Vendor
A	Chlorine (70 Kgs Cylinders)	Ixom Operations Pty Ltd
B	Aluminium Sulphate (Ltrs)	Nowra Chemical Manufacturers Pty Ltd
C (1)	Sodium Hydroxide 30% (Caustic Soda)	Nowra Chemical Manufacturers Pty Ltd
C (2)	Sodium Hydroxide 25% (Caustic Soda)	Nowra Chemical Manufacturers Pty Ltd
D	Hydrated Lime (BULK)	Ixom Operations Pty Ltd
E	Sodium Hypochlorite 13%	Nowra Chemical Manufacturers Pty Ltd
F	Polymer (LT20) 25kg BAGS	SNF Australia Pty Ltd
G	Acetic Acid 75%	Nowra Chemical Manufacturers Pty Ltd
J	Aluminium Chlorohydrate Solution - ALCHLOR AC	Nowra Chemical Manufacturers Pty Ltd
K	Ferric Sulphate 45%	Omega Chemicals
L	Nitric Acid 68%	Redox Pty Ltd
M	Sodium Fluoride (GRANULAR)	Redox Pty Ltd
N	Potassium Permanganate (25 kg Pail)	Ixom Operations Pty Ltd
O	Sodium Metabisulphite 31%	Ixom Operations Pty Ltd
Q	Sulphuric Acid 70% strength	Redox Pty Ltd
R	Citric Acid 50%	Redox Pty Ltd

## 8.6 Council Meetings - December 2016 and January 2017

294/16

### **RESOLVED (Overall)**

The Administrator resolved that -

1. the Ordinary Meeting to be held on 28 December 2016 and the Ordinary Meeting to be held on 11 January 2017 be cancelled.
2. advertisements be placed in the local press and the information made available on Council's website in accordance with Council's Code of Meeting Practice.

**8.7 Review of Council Meeting Frequency and Council's Meeting Terms of Reference**

295/16

**RESOLVED (Overall)**

The Administrator resolved that:

1. Council replace the first Ordinary Meeting of Council held on the second Wednesday of each month with a "Planning and Strategy Committee of the Whole" meeting as outlined in this report.
2. Council adopt the terms of reference for the Committee, noting the Code of Meeting Practice and Code of Conduct applies to the Committee.
3. The Planning and Strategy Committee of the Whole be delegated authority in accordance with Section 377 of the Local Government Act 1993 to determine matters pursuant to the:
  - Environmental Planning and Assessment Act 1979
  - Local Government Act 1993
  - Swimming Pools Act 1992.
  - Roads Act 1993
  - Public Health Act 2010
  - Heritage Act 1977
  - Protection of the Environment Operations Act 1997
4. The first Planning and Strategy Committee of the Whole meeting be held on the second Wednesday in February, then the second Wednesday of each month thereafter.
5. Council place the changes on exhibition for 28 days.
6. Terms of Reference to include meeting commencement time of 5.30pm and conclude at 7.30pm.

**8.8 Vacant Community Representatives - Palerang Heritage Advisory Committee**

296/16

**RESOLVED (Overall)**

The Administrator resolved that nominations be called from persons in the Queanbeyan-Palerang Regional Council local government area to fill the vacant community representative positions on the Palerang Heritage Advisory Committee for the period ending September 2017.

**8.9 Nomination of Alternate Councillor as Delegate on Joint Regional Planning Panel for Consideration of Development Application for Solar Farm**

297/16

**RESOLVED (Overall)**

The Administrator resolved that Council advise the Minister for Planning that the Administrator, Tim Overall has stood down as Council's alternate appointee to serve on the Southern Region Joint Regional Planning Panel and that Council has nominated Mr Pete Harrison as an alternate appointee to serve on the JRPP in the event that the council nominated members are unable to sit on the Panel through absence or conflict of interest.

**8.10 Canning Close s.355 Committee AGM Minutes - 29 September 2016**

298/16

**RESOLVED (Overall)**

The Administrator resolved that Council:

1. note the unconfirmed minutes of the Canning Close s.355 Committee's Annual General Meeting held on 29 September 2016 and Chairperson's report;
2. approve the following persons as office-bearer and Committee members of the Canning Close s.355 Committee:

Office-bearers:

- a. Peter Evans (Chair and Secretary)

Committee:

- b. Pete Harrison
- c. Toni Cuthbertson (Wamboin Pony Club)

**8.11 Greenways s.355 Committee AGM Minutes - 1 November 2016**

299/16

**RESOLVED (Overall)**

The Administrator resolved that Council:

1. note the unconfirmed minutes of the Greenways s.355 Committee's Annual General Meeting and Committee meeting held on 1 November 2016, together with its major works program;
2. approve the following persons as office-bearers and Committee members of the Greenways s.355 Committee:

Office-bearers:

- a. Bill Taylor (Chair)
- b. Pete Harrison (Secretary)
- c. Maria Taylor (Treasurer)

Committee:

- d. Kathy Handel (Landcare)
- e. Kerry Cox (Geary's Gap Pony Club)
- f. Peter Evans

**S.1 Captains Flat Floodplain Risk Management Study and Plan**

300/16

**RESOLVED (Overall)**

The Administrator resolved that Council:

1. adopt the Captains Flat Floodplain Risk Management Study and Captains Flat Floodplain Risk Management Plan as attached;
2. thank the Captains Flat Floodplain Risk Management Committee, particularly the community members, for their efforts in assisting to produce the Floodplain Risk Management Plan;
3. pursue funding through the NSW Office of Environment and Heritage Floodplain Risk Management grants process to undertake options identified as High and Medium in the Plan on the basis that Council will provide one-third of the costs in its 2017-18 budget;
4. pursue funding through the NSW Office of Environment and Heritage Floodplain Risk Management grants process to undertake the voluntary purchase scoping study on the basis that Council will provide one-third of the costs in its 2017-18 budget;
5. note the voluntary purchase program is an option of last resort and will refrain from implementing any program until community attitudes are more supportive; and
6. make provision for the construction of the recommended projects in future budgets when funding can be provided by the State and Council under the NSW Office of Environment and Heritage Floodplain Risk Management grants program.

**9. INFORMATION REPORTS****9.1 Pre-Gateway Review 3R Kavanagh Street Jerrabomberra**

301/16

**RESOLVED (Overall)**

The Administrator resolved that the report be received for information.

**9.2 2016 Queanbeyan River Festival**

302/16

**RESOLVED (Overall)**

The Administrator resolved that the report be received for information.

**10. COMMITTEE REPORTS**

Nil

**11. DELEGATES' REPORTS**

Nil

**12. RESPONSES TO COUNCILLORS' QUESTIONS**

Nil

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

Nil

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

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

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

**PRESENTATIONS**

No presentations were made.

303/16

**RESOLVED (Overall)**

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

**Item 15.1 Queanbeyan CBD Property Proposal and Queanbeyan Office**

*Item 15.1 is confidential in accordance with s10(A) (dii) of the Local Government Act 1993 because it contains information that would, if disclosed, confer a commercial advantage on a competitor of the council and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

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

The meeting returned to Open Sessions by virtue of Resolution No. 305/16 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.

### **15.1 Queanbeyan CBD Property Proposal and Queanbeyan Office**

The Administrator resolved that Council -

1. Receive the report on the unsolicited proposal to acquire and redevelop Council's Morisset carpark, Council's part Lowe Street Car Park, Council owned properties on the Rutledge Street frontage between Lowe and Crawford Streets and Council owned properties on the Crawford Street frontage between Rutledge and Monaro Streets (the Land).
2. Note that the redevelopment proposal involves a mix of commercial, cinema, office, residential and carpark developments.
3. As a catalyst to investment in QCBD, and to assist funding of public domain works in the CBD. Advise the proponent that Council is prepared to enter into a Heads of Agreement, in conformity with the "Unsolicited Proposals Procedure for Submission and Assessment" adopted on 24 August 2016, and is prepared to deal exclusively with the proponent concerning the sale and development of the Land but on a staged development basis, being stage by stage.
4. Invite the proponent to resubmit its proposal on a staged basis detailing its preferred Stage 1, the associated council land for redevelopment, the consortium involved and the likely sequencing of subsequent stages.
5. Advise the proponent that 253 Crawford Street and Bicentennial Hall be excluded from the proposal.
6. Decline the proposal to acquire 257 Crawford Street, to construct a new office complex with leaseback to Council.
7. Note a masterplan for the proposed sites redevelopment is to be prepared and will inform a planning agreement.
8. Authorise the General Manager to progress design and construction of 257 Crawford Street to accommodate the council offices, library, technology centre and tenancies.
9. Authorise the General Manager to negotiate price for rental or sale of part of 257 Crawford Street in accord with attachment 6.
10. Defer consideration of the possible acquisition of CBD sites for vehicular and pedestrian access until such time as a Heads of Agreement is executed in regard to the proposed Morisset carpark redevelopment.

11. Not accept any cinema development proposal emanating from the EOIs for the Morisset carpark and advise the cinema proponents accordingly.
12. Progress a city deal with ACT Government in accord with the Letter of Intent executed with the Chief Minister and the Commonwealth Smart Cities Program
13. Authorise the General Manager to negotiate development uses and contribution options for the council owned Morisset North carpark and the council owned Rutledge carpark, for further reports to council.
14. Note that a probity plan will be prepared in accordance with the adopted framework for the CBD property proposal.

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

**TIM OVERALL**  
**ADMINISTRATOR**  
**CHAIRPERSON**

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

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

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

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

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

**Recommendation**

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



## DETERMINATION REPORTS

**8.1 Development Application 167-2016 For Subdivision Creating 120 Residential Lots, Residue Lot, Public Roads and Earthworks - 36 Googong Road, Googong (Ref: C16188682; Author: Thompson/Kunang)**

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

This application has been referred to Council because it is for a major subdivision exceeding 50 or more lots and the application involves a number of variations to a requirement in the Googong Development Control Plan.

Proposal:	Subdivision of land to create 120 residential lots, residue lot, public roads and earthworks
Applicant/Owner:	Googong Township Pty Limited
Subject Property:	Lot 5 DP 1217396, Lot 101 DP 616217 and Lot 1367 DP 1217419, No. 36 and 44 Googong Road, Googong
Zoning and Permissibility:	R1 – General Residential and RE1 – Public Recreation under the Queanbeyan Local Environmental Plan 2012 Subdivision is permissible with consent
Public Submissions:	Nil
Issues Discussed:	Planning Requirements Variations to the requirements under Parts 3, 5 and 8 of the Googong DCP
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

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**Recommendation**

1. That approval be granted to the following variations to the Googong DCP for reasons detailed in this report and the attached Section 79C Matters for Consideration:
    - a) The non-compliance with the requirements of Part 3 – The Master Plan of the Googong DCP in relation to the street trees by allowing street trees for the half length of the Hearne Street to be 100% exotic instead of 50% exotic and 50% native.
    - b) The non-compliance with the requirements of Part 5 – Design Guidelines and Controls for Public Domain of the Googong DCP in relation to the carriageway width (less than 8m requirement) for local street Type 3.
    - c) The non-compliance with the requirements of Part 5 – Design Guidelines and Controls for Public Domain of the Googong DCP in relation to the verge width (less than 2m requirement) for laneway.
    - d) The non-compliance with the requirements of Part 8 – Environmental Management of the Googong DCP in relation to the maximum cut and fill within Googong Common which exceeds 1.5m requirements.
-

**8.1 Development Application 167-2016 For Subdivision Creating 120 Residential Lots, Residue Lot, Public Roads and Earthworks - 36 Googong Road, Googong (Ref: C16188682; Author: Thompson/Kunang) (Continued)**

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- 2. That determination of Integrated Development Application 167- 2016 for subdivision of land and associated works to create 120 residential lots on Lot 101 DP 616217, Lot 5 DP 1217396 and Lot 1367 DP 1217419 No. 36 and 44 Googong Road, Googong, be delegated to the General Manager when the NSW Department of Planning has advised that the applicant has made adequate arrangements for the provision of State infrastructure.**
  - 3. That the Department of Primary Industries (Water) and Office of Environment and Heritage be forwarded a copy of Council's Notice of Determination when it has been issued.**
- 

**Background**

***Proposed Development***

The development application is for:

1. Subdivision of land (Torrens Title) to create 120 residential lots and residue lot;
2. Public roads; and
3. Earthworks to prepare the site and create the sports fields within future Googong Common.
4. All subdivision works to prepare the land for the future development comprising site preparation and grading, stormwater and drainage works, road construction, tree removal, public domain landscaping and utilities augmentation.

Dwelling construction on the proposed residential lots and future development within the identified sports fields preparation area will be subject to future structure planning and development applications.

The proposed development is shown in Figure 1 below.

**8.1 Development Application 167-2016 For Subdivision Creating 120 Residential Lots, Residue Lot, Public Roads and Earthworks - 36 Googong Road, Googong (Ref: C16188682; Author: Thompson/Kunang) (Continued)**



**Figure 1 – Proposed development (stage 7)**

**Subject Property**

The subject site is shown highlighted in red in Figures 2 and 3 below and is known as the Stage 7 Subdivision. The subject site is located within Neighbourhood 1A. The site is located adjacent to a new Bunyip subdivision (DA 275-2016). The site is part of the Googong urban release area, zoned for urban residential development and public recreation (Googong Common). A Structure Plan for Neighbourhood 1A was adopted by Council in November 2014. It shows the indicative road layout and public open space envisioned for the subject site and adjoining lands within Neighbourhood 1A of the Googong Township.

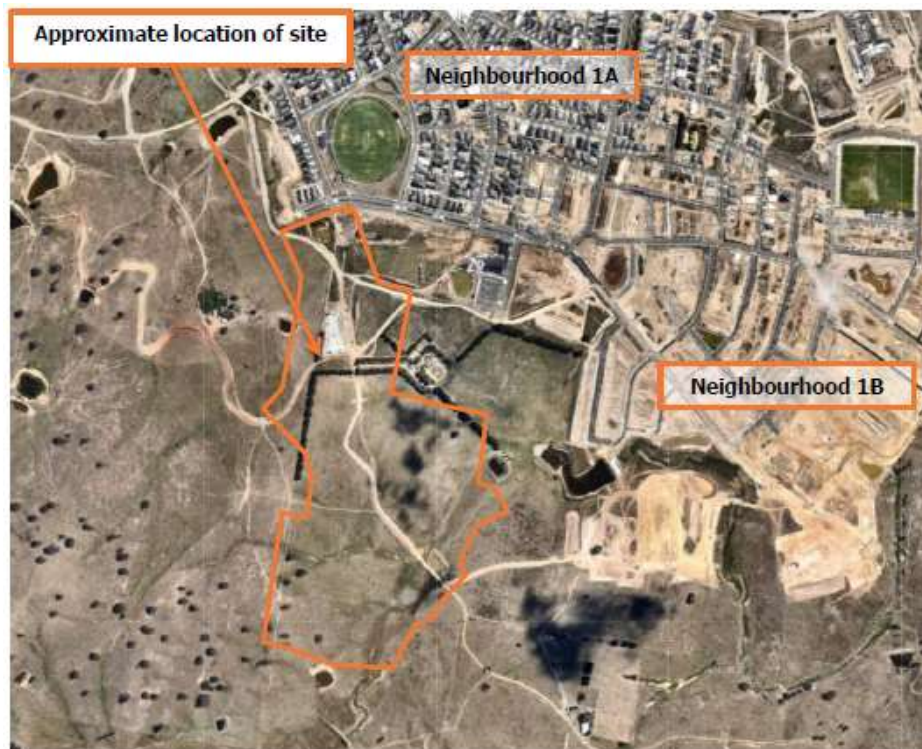
The granting of consent to the subject application is reliant on consent first being granted to another development application (DA 228-2016). DA 228-2016 is for the subdivision of land and creation of roads to facilitate an orderly boundary between the different sub-stages of Stage 7.

The subject DA is for the subdivision of land for residential development and creation of roads based on the boundary changes and perimeter roads proposed within DA 228-2016 and DA 275-2016. It is effectively a subdivision of the new lots proposed to be created as part of DA 228-2016. Therefore, there are small sections of land that are currently outside of the Bunyip parcel that form a part of the subject site.

Access to the site is currently from Googong Road approximately 1 kilometre east of its junction with Old Cooma Road via a registered Right-of-Carriageway. Figures 2 and 3 below show the site and its locality.

8.1 Development Application 167-2016 For Subdivision Creating 120 Residential Lots, Residue Lot, Public Roads and Earthworks - 36 Googong Road, Googong (Ref: C16188682; Author: Thompson/Kunang) (Continued)

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*Figure 2 – Location of the subject site*

8.1 Development Application 167-2016 For Subdivision Creating 120 Residential Lots, Residue Lot, Public Roads and Earthworks - 36 Googong Road, Googong (Ref: C16188682; Author: Thompson/Kunang) (Continued)



*Figure 3 – The subject site within the context of Neighbourhood 1A*

**8.1 Development Application 167-2016 For Subdivision Creating 120 Residential Lots, Residue Lot, Public Roads and Earthworks - 36 Googong Road, Googong (Ref: C16188682; Author: Thompson/Kunang) (Continued)**

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***Planning R Planning requirements***

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

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

1. State Environmental Planning Policy No 44 – Koala Habitat Protection
2. State Environmental Planning Policy No 55 – Remediation of Land
3. State Environmental Planning Policy (Infrastructure)
4. State Environmental Planning Policy (State and Regional Development) 2011
5. Queanbeyan Local Environmental Plan 2012 (LEP)
6. Googong Development Control Plan
7. Queanbeyan Development Control Plan 2012 (DCP)

The development generally satisfies the requirements and achieves the objectives of these planning instruments. The significant issues relating to the proposal for Council's consideration are variations to the requirements under Part 3, 5 and 8 of the Googong DCP.

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

The proposed development is consistent with the requirements of the Queanbeyan Local Environmental Plan 2012. Subdivision is permissible with consent in the R1 and RE1 zone and the minimum lot size requirements have been achieved.

For an assessment of the Queanbeyan Local Environmental Plan 2012 see the attached *Section 79C(1) Table – Matters for Consideration*. Refer also to the "Other Comments" section of this report for details on compliance with Satisfactory Arrangements for State and Territory Infrastructure required under Clause 6.1.

***(b) Compliance with DCP***

The application has been assessed against the relevant parts of the Googong Development Control Plan and Queanbeyan Development Control Plan 2012. To view the detailed assessment of the DCP see the attached *Section 79C(1) Table – Matters for Consideration*.

The significant issues relating to the proposal for Council's consideration are variations to the Googong DCP Part 3, Part 5 and Part 8 as follows:

***Variation 1 – Street Trees***

The Neighbourhood 1A Structure Plan identifies a mix of native and exotic street trees. The streets proposed as part of the subject development application are identified on the Structure Plan as having a mix of 100% exotic trees, 50% exotic and 50% native trees, and 20% exotic and 80% native trees. The Street Tree Masterplan submitted with this development application shows these streets being planted with a mix of exotic and native trees except trees along Hearne Street being planted with 100% exotic deciduous trees. The Master Plan above shows Hearne Street should be planted with 100% exotic trees for the first 50% length and the remaining length should be planted with a mix 50% exotic and 50% native trees. The applicant has submitted the following in support of the variation:

**8.1 Development Application 167-2016 For Subdivision Creating 120 Residential Lots, Residue Lot, Public Roads and Earthworks - 36 Googong Road, Googong (Ref: C16188682; Author: Thompson/Kunang) (Continued)**

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*"The street tree strategy for Stage 7 aims to ensure that an attractive and well-functioning streetscape will be delivered. The strategy comprises a combination of native and exotic plantings in an even and parallel arrangement. Proposed tree species include:*

- Eucalyptus polyanthemus (commonly known as the Red Box) bordering Streets along the Common*
- Eucalyptus leucoxylon 'Macrocarpa' (commonly known as Yellow Gum) to select North / South residential streets*
- A mixture of exotic trees along the residential streets Fraxinus oxycarpa 'Raywood', Pyrus calleryana 'Bradford', Zelkova serrata, and Pistacia chinensis.*

*Vegetation has been selected to maintain a low impact on the environment and natural resources. To achieve this plant material that is endemic to the region or exotic plants that will complement the desired character or other aesthetic or functional needs (e.g. solar access) have been selected.*

*Plant species have also been selected to survive and revive after periods of drought, cold and high winds. As such maintenance for all species is very low to no maintenance, with a specific requirement for active watering to be low. In addition to this a combination of native and exotic trees have been proposed to ensure that in winter there is a green spine of evergreen trees running through Googong. This is consistent with the Googong Landscape and Open Space Strategy (LOSS) and previous design approvals received from QCC."*

The applicant's justifications are noted. Council's Manager of Parks and Recreation has assessed the proposed street trees as being satisfactory. The proposal for the street trees to consist of 100% exotic deciduous species along Hearne Street is supported.

*Variation 2 – Carriageway Width (Local Street Type 3)*

The DCP specifies in Table 3: Summary Design Control Hierarchy that Local Street Type 3 have an 8.0m wide carriageway. The applicant has submitted plans with a 7.5m wide carriageway in keeping with similar streets approved in Neighbourhood 1A and 1B, and has requested a variation.

The design objectives of local streets are:

- 1. Local streets will be the most common street type in Googong.*
- 2. They are designed to meet the typical conditions of residential areas.*
- 3. The network of local streets will link neighbourhood areas to the collector.*
- 4. Total number of vehicles is estimated to be 2,000 per day.*

In support of the proposed variation the applicant has submitted the following justifications:

- a. The 7.5m wide carriageway has been previously adopted throughout other sections in Neighbourhood 1A and exceeds best practice which would have the carriageway width at 7.2m.*

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*b. The proposed variations are considered minor and satisfy the objectives as follows:*

- Complements the characteristics of Neighbourhood 1A.*
- Ensure safe and convenient access to all allotments within the site.*
- Create an interconnected and permeable street network that connects seamlessly to neighbourhood 1A.*
- Provides pedestrian and cycle paths along the street network.*
- Provide for WSUD elements within the street network.*

The applicant's justifications are noted. Council's Development Engineer considers the proposed variation to be acceptable, as it will maintain a streetscape uniformly throughout Neighbourhood 1A and is in keeping with the objectives of the overall street network and those specific to the street type. Council's Development Engineers are reviewing road width requirements as part of the current Neighbourhood 2 Structure Plan process. The variation for the proposed laneway is discussed below.

*Variation 3 – Verge width (laneway)*

As mentioned above, laneways within the Googong Township may be either public or private. The proposal involves a laneway with access off Hearne Street, to provide vehicular access to 4 lots facing Gorman Drive. However the applicant has not nominated the type of the proposed laneway with this application. In accordance with the Googong DCP and Engineering Specifications, the proposed laneway must have a minimum road reserve width of 7m with a minimum of 3m carriageway and 2m wide verge on each side.

The plans show the proposed road reserve for the laneway is 7m with 3.3m carriageway and 1.85m wide verge on each side of the laneway. The proposal complies or exceeds the minimum road reserve and carriageway requirements. However, the proposal does not comply with the 2m requirement for the verge as specified in the DCP.

Council's Development Engineer has assessed the application and advised that the proposed 1.85m verge width off Hearne Street is satisfactory as a private lane and if a public laneway is proposed in the future application, the proposed verge width must comply with the 2m width requirement. A recommended condition of consent (if granted) will be imposed to prohibit the laneway to be used/dedicated as a public laneway/public road in a future development application.

The Development Engineer also advised that traffic access to the site is adequate, with an adequate pedestrian footpath network supplied in accordance with the road type cross sections.

In addition to the above this clause requires the signposting of the lane way to be one way. This will be addressed as part of the future development application for the dwellings on 4 lots facing Gorman Drive with vehicular access off the proposed laneway.

*Variation 4 – Cut and fill exceeds 1.5m*

The cut and fill within the sports field area will vary from 2m cut to 2m fill which exceeds the 1.5m maximum requirements in the DCP. This is a variation to the DCP.

**8.1 Development Application 167-2016 For Subdivision Creating 120 Residential Lots, Residue Lot, Public Roads and Earthworks - 36 Googong Road, Googong (Ref: C16188682; Author: Thompson/Kunang) (Continued)**

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As per the submitted SEE, the earthworks within the sports field area will be undertaken progressively and will predominantly be used as a materials handling area for Stage 7. The earthworks area will be temporarily landscaped with top soil and grass. The applicant also advised that the proposed earthworks at the sports fields will be appropriately managed through measures to be implemented during site preparation and throughout construction to ensure no adverse impacts on the development site, adjacent sites or nearby watercourse and riparian land. Geotechnical investigations undertaken in the DA to create lots confirms soils are considered to be appropriate for the proposed development and it is unlikely that any significant impact would be created on soils as a result of carrying out the proposed development. Additionally, a concept of Soil, Water and vegetation Management Plan and Construction Management Plan have been submitted with the application.

Submitted technical reports and plans addresses the extent of cut and fill and site grading. Further details will necessarily need to be provided at Construction Certificate – Subdivision stage and relevant condition will be imposed.

**(c) Other Matters**

The proposed development generally satisfies the other relevant planning matters for consideration under section 79C(1) of the Environmental Planning and Assessment Act 1979 as discussed in detail in the attached *Section 79C(1) Matters for Consideration*.

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

There are no outstanding building issues associated with the development application.

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

**Water** - The reticulated potable and recycled water supply within the concept master plan shows a functioning system meeting the intent of QPRC Googong Design specification D11, primary and secondary feeds have been provided ensuring the system has operation and maintenance function.

**Sewer** - The sewer concept master plan provides servicing at all lots with easements to properties facing Rogers Road. The sewer ultimately discharges via a main crossing Montgomery's Creek. The sewer layout meets functionality that can be further detailed at Construction Certificate submission. The sewer catchment and loading to the system and WRP are unclear. The applicant will be required to the time the release of the subdivision certificate application to demonstrate that the WRP and associated upgrades meet the capacity for the discharge of the subdivision. This will form a non-standard condition.

**Stormwater** - The drainage catchment plans provide catchment calculations which are satisfactory, the over land flow path runs to a proposed drainage reserve on the boundary of the proposed development and GTPL's Neighbourhood 1 Stage 7 subdivision proposal. The piped drainage and sizing within the street network with proposed pit layout is consistent with the adjoining neighbourhood treatments and meets the requirements for the anticipated piped and overland flows the discharge into the drainage reserve and the bio retention pond require treatment via Gross Pollutant Traps.

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*Traffic and Parking* - The road network is satisfactory and the layout show a functionality that can be applied to the site. The site allows for manoeuvrability for design and checking vehicles. Any variation to the road widths from the DCP or QPRC design specification requirements must be applied for as a variation to the DCP at CC stage.

*Access* - Traffic access to the site is adequate, with an adequate pedestrian footpath network supplied in accordance with the road type cross sections.

*Other Comments* - The earth works within the Googong common should meet DPI requirements and be clear of the riparian zone.

**(c) Environmental Health Comments**

There are no outstanding environmental health issues associated with the development application subject to the imposition of standard conditions.

**(d) Strategic Planning's Comments**

The application is considered consistent with Googong Local Planning Agreement.

**(e) Parks & Recreation Comments**

There are no outstanding issues associated with the development application subject to the imposition of standard conditions.

**(f) NSW Police Comments**

The proposed development was referred to the NSW Police for comment in relation to Crime Prevention Through Environmental Design (CPTED) principles. The Police have assessed the proposal as being a moderate crime risk. Detailed response to Police comment is included in the attached *Section 79C(1) Table – Matters for Consideration*.

**(g) NSW Department of Primary Industries (Water)**

The application was referred as Integrated Development to the NSW Department of Primary Industries (DPI) – Water under Section 91 of the *Water Management Act 2000* for works within 40 metres of Montgomery's Creek. The *Water Management Act 2000* allows for works within riparian corridors provided they undergo the required assessment and obtain the necessary approvals / licenses.

DPI – Water issued their General Terms of Approval (GTAs) for the proposed development on 22 November 2016. A condition will be imposed on the development consent (if granted) requiring compliance with the GTAs.

**(h) NSW Office of Environment and Heritage**

The application was referred to the NSW Office of Environment and Heritage (OEH) as Integrated Development under Section 90 of the *National Parks and Wildlife Act 1974*. This was required because there are known Aboriginal objects on the site, and therefore the OEH would need to issue their General Terms of Approval (GTAs) for any required permits to impact on Aboriginal objects. The OEH issued their GTAs for the proposed development on 15 July 2016. A condition will be imposed on the development consent (if granted) requiring compliance with the GTAs

**8.1 Development Application 167-2016 For Subdivision Creating 120 Residential Lots, Residue Lot, Public Roads and Earthworks - 36 Googong Road, Googong (Ref: C16188682; Author: Thompson/Kunang) (Continued)**

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**(i) NSW Department of Planning**

Clause 6.1 of the LEP requires satisfactory arrangements to be made for the provision of designated State and Territory public infrastructure before the subdivision of land in an urban release area. The Development Application was therefore referred to the Department of Planning requesting the issue of a Satisfactory Arrangements Certificate.

At the time of writing the DPE have not issued a Satisfactory Arrangements Certificate and have advised that they will be working with the applicant to enter into an appropriate arrangement.

Council staff are satisfied that Clause 6.1 of the LEP is applicable to the proposed development. The DPE's response means that Council is currently unable to determine the development application. However, this is the only outstanding matter in relation to this application and as such the application has been referred to Council for the consideration of all other issues raised as part of the assessment.

By delegating the determination of the application to the General Manager the application can be finalised as soon as the Department has advised that satisfactory arrangements have been made for State infrastructure, rather than have the matter return to Council for determination.

**(j) Commonwealth Department of Infrastructure and Regional Development (DIRD)**

Clause 7.6 of the LEP requires consultation with DIRD for the erection of structures that will penetrate the Obstacle Limitations Surface of the Canberra Airport. DIRD do not object to the proposed development. A Controlled Activity Approval under the Commonwealth Airports (Protection of Airspace) Regulations 1996 has been issued by the Commonwealth for the proposed development. This will ensure that any future structures that are compliant with the height limitations of the LEP will not require any further approval from the Commonwealth.

**(k) Roads and Maritime Services (RMS)**

The proposal was referred to the RMS for comment due to the impacts on the Old Cooma Road (classified regional road) intersection and RMS requirements for reports a certain lots release thresholds. The RMS comment was received on 19 July 2016. Details of RMS comments are included in the attached *Section 79C(1) Table – Matters for Consideration*.

**(l) Essential Energy**

The subject site is located within 5m of an exposed overhead power line. Therefore the application was required to be referred to the electricity supply authority (Essential Energy) for comment. Details have been included in the attached *Section 79C(1) Table – Matters for Consideration*.

## **Financial Implications**

The proposed development is subject to the Voluntary Planning Agreement (VPA). Contributions security and cash contributions are applicable under this agreement to the proposed development. Contributions will be levied at the applicable rate for each new residential lot. A condition will be placed on the development consent requiring the payments be made prior to the issuing of the subdivision certificate for this subdivision.

**8.1 Development Application 167-2016 For Subdivision Creating 120 Residential Lots, Residue Lot, Public Roads and Earthworks - 36 Googong Road, Googong (Ref: C16188682; Author: Thompson/Kunang) (Continued)**

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**Engagement**

The proposal required notification under Queanbeyan DCP 2012. No submissions were received.

**Conclusion**

The submitted proposal for subdivision of land and associated works to create 120 residential lots on Lot 101 DP 616217, Lot 5 DP 1217396 and Lot 1367 DP 1217419 No. 36 and 44 Googong Road, Googong is Integrated Development and is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and no submissions were received.

The proposal has been assessed under Section 79C *Environmental Planning & Assessment Act* 1979 including the relevant provisions of *Queanbeyan Local Environmental Plan 2012*, the Googong Development Control Plan and the Queanbeyan Development Control Plan 2012.

The development satisfies the requirements and achieves the objectives of these instruments. Four variations to the Googong Development Control Plan relating to street tree species, street width, laneway width and cut and fill are consistent with previous subdivisions within Googong and are supported.

The proposed development is considered suitable for the site, is compatible with the neighbourhood and can be conditioned to mitigate any potential impacts. The Integrated Development agencies (DPI Water and Office of Environment and Heritage) have both issued their General Terms of Approval.

Subject to Council supporting the proposed DCP variations there is no reason why Council should not delegate determination of the application to the General Manager. On receipt of advice from the NSW Department of Planning that satisfactory arrangements have been made for the provision of State infrastructure this will allow the application to be determined without the need to report back to Council.

**Attachments**

Attachment 1	Council Meeting - 14 December 2016 - DA 167-2016 - Stage 7 Subdivision, Googong - Section 79C Table ( <i>Under Separate Cover</i> )
Attachment 2	Plan - Stage 7 - General Arrangement ( <i>Under Separate Cover</i> )
Attachment 3	Plan - Stage 7 - Lot Layout and Sizes ( <i>Under Separate Cover</i> )
Attachment 4	Plan - Stage 7 - Staging ( <i>Under Separate Cover</i> )
Attachment 5	Plan - Stage 7 - Road Information ( <i>Under Separate Cover</i> )
Attachment 6	Plan - Stage 7 - Services ( <i>Under Separate Cover</i> )
Attachment 7	Plan - Stage 7 - Riparian Zone ( <i>Under Separate Cover</i> )
Attachment 8	Council Meeting -14 December 2016 - Draft Conditions - DA 167-2016 - Stage 7 Subdivision, Googong ( <i>Under Separate Cover</i> )

## DETERMINATION REPORTS

**8.2 Amendment to Googong Development Control Plan - Neighbourhood Structure Plans for Neighbourhood 2 (Ref: C16182834; Author: Thompson/Jansen)**

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**Summary**

The amendments to the Googong Development Control Plan incorporating the Neighbourhood Structure Plans for Neighbourhood 2 were exhibited until 30 November 2016 and the amendments are now being referred back to Council for adoption. No submissions were received.

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**Recommendation**

**That Council adopt pursuant to the *Environmental Planning and Assessment Act 1979 and Regulations 2000* the draft amendments to the Googong Development Control Plan.**

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**Background**

Council at its meeting on 26 October 2016 adopted the draft amendments to the Googong Development Control Plan (DCP) in principle and resolved that the document be placed on public exhibition for a minimum period of 28 days (Minute No 258/16). The draft document amended the plan by adding Neighbourhood Structure Plans for Neighbourhood 2 at Googong (contained within new Appendix 8). Other amendments included:

1. Updating the combined table of contents
2. Updating the amendment schedule (Parts 1 & 2)
3. Change in the wording to clause 6.14 (requiring two outside taps)
4. Incorporating additional clauses to address Principal Private Open Space in front of dwellings (Clause 7.10 Part 7).

The exhibition period finished on 30 November 2016 and since no submissions were received the draft amendments to the Googong Development Control Plan can now be adopted.

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

The amendments to the draft Googong DCP were made in accordance with the *Environmental Planning and Assessment Act 1979 and Regulations*.

***Policy***

The amendments to the Googong DCP will be an ongoing process as new Neighbourhoods come online.

***Environmental***

The amendments to the DCP will contribute to ensuring that the development at Googong has a positive impact on the urban environment.

**8.2 Amendment to Googong Development Control Plan - Neighbourhood Structure Plans for Neighbourhood 2 (Ref: C16182834; Author: Thompson/Jansen)  
(Continued)**

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***Sustainability***

The development at Googong incorporates principles of environmental sustainability in the design.

***Asset***

Neighbourhood 2 will comprise assets in the form of roads, open space embellishments and the like which will be acquired by Council.

***Social / Cultural***

The development at Googong provides for the expansion and future growth of the Queanbeyan and Palerang region.

***Economic***

The township of Googong will have a positive impact in terms of economic development and will provide for a town centre in Neighbourhood 2 in the future.

***Strategic***

The development at Googong meets the housing needs for the region into the future and economic opportunities are provided in the neighbourhood centres and the town centre.

***Engagement***

Consultation has occurred previously with relevant agencies and their feedback has not resulted in any issues being raised with regard to the proposed amendments. The draft amendments were placed on public exhibition for a period of at least 28 days and no submissions were received.

***Financial***

The required fee for a variation to a DCP was charged and this covers part of the administrative and other costs associated with this type of DCP administration.

***Resources (including staff)***

Resources include administrative staff costs of assessment, preparation of draft amendments, costs of public notification and finalisation of the amendments. These costs can be absorbed within the existing cost centres.

**Conclusion**

The draft amendments to the Googong Development Control Plan were placed on public exhibition until 30 November 2016. No submissions were received and so it is recommended that the draft amendments be adopted.

**Attachments**

Nil

## DETERMINATION REPORTS

**8.3 North Tralee Planning Proposal (Ref: C16186705; Author: Thompson/Jansen)**

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**Summary**

On 26 October 2016 (Minute No 259/16) Council considered a report on the Planning Proposal to rezone land at North Tralee. Following the report the Department of Planning and Environment has requested that an amended Planning Proposal be submitted for a further Gateway approval.

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**Recommendation**

**That Council endorse the amended Planning Proposal and that all necessary steps be taken to progress and finalise the Planning Proposal for the rezoning of the land at North Tralee.**

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**Background**

Council at its meeting on 26 October resolved to place the Planning Proposal and supporting documents to rezone the land at North Tralee on public exhibition for a minimum period of 28 days. The Planning Proposal had been amended as the flood prone land on the site was no longer proposed to be deferred but rather zoned to RU2 Rural Landscape. The Planning Proposal had also confirmed the proposed locations of the IN2 Light Industrial and B7 Business Park zones on the site.

The Department of Planning and Environment has since requested that an amended Planning Proposal be submitted to them taking into account the proposed changes. This has now been prepared and is attached and covers the matters raised by the Department.

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

The Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the relevant guidelines issued by the NSW Department of Planning and Environment.

***Policy***

The finalisation of this Planning Proposal assists with implementing part of the revised Queanbeyan Residential and Economic Strategy 2031.

***Environmental***

Following the original Gateway determination further noise studies were carried out by Renzo Tonin and Associates to determine an appropriate buffer and treatment taking into account the distance of residences at Jerrabomberra, the proposed zoning and likely land uses, potential building siting and design and also proposed acoustic mounding.

**8.3 North Tralee Planning Proposal (Ref: C16186705; Author: Thompson/Jansen)  
(Continued)**

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A supplementary report to the Local Environmental Study by Willana and Associates was commissioned in May 2015 to update the findings from the noise studies. The addendum analyses the additional information and incorporates appropriate recommendations for the rezoning of the site. The report concludes that it is considered appropriate to extend the employment lands to the east on the basis that mitigation measures are implemented. This was the result of the investigations into the extent of the open space/buffer zone, giving consideration to the amenity impact of existing residential areas to the east of the site and the desire not to hamper the development of the site. The mitigation measures include acoustic mounding, and controls in a future DCP addressing the siting and design of buildings as well as relevant controls in the future Local Environmental Plan requiring mitigation of any potential noise impacts.

Following discussions with the NSW Office of Environment and Heritage further reviews of the flood prone land were completed to determine the 1 in 100 ARI flood level plus 0.5m freeboard. This is now reflected on the preliminary zoning map.

**Asset**

The Northern Entry Road traverses North Tralee. Once finished the road, including any other roads associated with the development of this area will become vested in Council.

**Economic**

Rezoning of the land for employment purposes will result in new economic activities for the region.

**Strategic**

The Planning Proposal complies with the revised *Queanbeyan Residential and Economic Strategy 2031* which identifies the land as suitable for employment purposes.

**Consultation**

The previous Gateway determination required that the Planning Proposal Report and relevant background documents be exhibited for a minimum period of 28 days. It is also stipulated that consultation is required with the following agencies:

1. ACT Department of Territory and Municipal Services
2. ACT Planning and Land Authority
3. ACT Chief Ministers Office
4. NSW Office of Environment and Heritage
5. NSW Department of Primary Industries
6. NSW Department of Water
7. NSW Roads and Maritime Services
8. Australian Rail Track Corporation.

It is likely that a new Gateway determination will require the consultation with the same agencies. An updated Local Environmental Study that informed the Planning Proposal and an indicative zoning plan will be included as part of the exhibition process.

**8.3 North Tralee Planning Proposal (Ref: C16186705; Author: Thompson/Jansen)  
(Continued)**

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***Financial***

The costs associated with the review of the flood data and updating of the Local Environmental Study and supplementary reports were borne by the applicant and Council each paying 50% of the costs. Council's costs also include administrative costs including the costs of public notification. There are also administrative costs associated with re-exhibiting this Planning Proposal which come from the relevant budget.

***Resources (including staff)***

Resources will include staff resources in placing the Planning Proposal on exhibition, assessing any submissions and reporting back to the Administrator.

***Integrated Plan***

This is a Delivery Program Project.

**Conclusion**

The site at North Tralee has been identified as suitable for being rezoned for employment lands and other uses in the revised *Queanbeyan Residential and Economic Strategy 2031*. Noise studies and reviews of the flood data have now been completed and the Local Environmental Study is being updated to reflect the additional information. The NSW Department of Planning and Environment have requested that an amended Planning Proposal document be submitted, so that a new Gateway determination can be issued. It is therefore recommended that the amended Planning Proposal be endorsed which is attached.

**Attachments**

- |              |   |
|--------------|---|
| Attachment 1 | QPRC Planning Proposal North Tralee Nov 2016 ( <i>Under Separate Cover</i> )  |
| Attachment 2 | Attachment - Council Meeting - 14 December 2016 - Draft North Tralee Zoning Map October 2016 - Zoning Map ( <i>Under Separate Cover</i> ) |



## DETERMINATION REPORTS

**8.4 Planning Proposal to Reclassify Certain Council Land from Community to Operational Status and Amendments to Existing Plans of Management to Include Newly Identified Community Land. (Ref: C16188637; Author: Thompson/Kurzyniec)**

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**Summary**

The purpose of this report is:

1. To inform Council that the public exhibition for the Planning Proposal to reclassify land and amendments to plans of management (PoMs) to include newly identified community land have now been completed. A public hearing was also conducted by an independent chairperson on 22 November 2016 and no submissions were received.
  2. To update Council in respect of the Planning Proposal to reclassify five (5) Council owned lots from 'community' land to 'operational' land, and to seek Council's endorsement to now finalise the draft plan.
  3. To recommend that the Council endorse the amended plans of management (PoMs) where appropriate and to seek Council's agreement that all necessary action be undertaken to now amend and finalise the PoMs in accordance with the *Local Government Act 1993*.
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**Recommendation**

That Council -

1. **Note the actions taken to date.**
  2. **Finalise the planning proposal to reclassify certain Council owned land from 'community' to 'operational' status under the *Local Government Act 1993*.**
  3. **Adopt the following amended plans of management:**
    - a. **Plan of Management – Sportsgrounds – Amendment No.4.**
    - b. **Plan of Management – Parks – Amendment No. 5.**
    - c. **Plan of Management – General Community Use – Amendment No. 2.**
    - d. **Plan of Management – Ray Morton Park (including Queanbeyan Arts Society) – Amendment No. 3.**
    - e. **Plan of Management – Natural Areas – Addendum 1.**
    - f. **Plan of Management – Mount Jerrabomberra – Addendum 1.**
  4. **Give public notice regarding the adoption of the amended plans of management in the local newspaper and place the amended documents on Council's website.**
- 

**Background**

Council previously resolved to reclassify a number of lots from 'community' to 'operational' and to amend a number of existing plans of management to include newly identified community land. It was also resolved that a Planning Proposal be prepared to reclassify a number of 'community' lots to 'operational' status. This occurred at Council's Planning and Development Review Committee Meeting on 11 May 2016 (Item 5.1).

**8.4 Planning Proposal to Reclassify Certain Council Land from Community to Operational Status and Amendments to Existing Plans of Management to Include Newly Identified Community Land. (Ref: C16188637; Author: Thompson/Kurzyniec)**  
**(Continued)**

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A further report was presented on 24 August 2016 (Item 8.4) at the Ordinary Meeting of Council where Council resolved to amend a number of plans of managements with the addition of recently acquired community land.

Council owned land is required to be classified as 'community' or 'operational' under the *Local Government Act 1993*. Where land is designated as 'community' land it is required to be covered by an appropriate plan of management. It is important that this land be placed in an appropriate PoM or be reclassified to 'operational' if not required for community purposes. Where land is dedicated to Council, the Council must resolve within 3 months to accept the land as 'operational' otherwise it automatically defaults to 'community' status.

In general, 'community' classified land must be managed for the use of the community whereas 'operational' land may be sold, leased, developed or used for any other purpose considered appropriate by Council. In this case Council would have no financial gain from the reclassification the five (5) lots as many of the sites have limited community access or contain operational infrastructure.

The Planning Proposal to reclassify Council land from 'community' to 'operational' status applies to the following parcels of land:

- Site 1 - 4 Gregg Place Crestwood (Lot 64 DP 1150423).
- Site 2 - 17 Dunn Street Queanbeyan West (Lot 52 DP 262335).
- Site 3 - 2 Faunce Street Queanbeyan East (Lot 24 DP 241159).
- Site 4 - 500 Trigg Lane Carwoola (Lot 6 DP 270584).
- Site 5 - 6655 Kings Highway Carwoola (Lot 7 DP 270584).

A Gateway determination was issued by the Department of Planning and Environment on 15 July 2016 to proceed with the Planning Proposal.

The Department decided not to issue an authorisation for Council to exercise its delegations to make the plan. Council is now in a position to forward the Planning Proposal and relevant supporting information to the Department requesting that the final plan be made.

### **Implications**

#### ***Legal***

Plans of management (PoM) are legislative requirements for community land under the care, control and management of Council. These plans outline the management and use of community land and in the case of this Council generally indicate that Crown Land, where Council is the Trustee, will be managed in the same manner. Council has to update their plans periodically and it is a requirement of the Delivery Program 2013 - 17.

Amending the various plans of management need to be done in accordance with the *Local Government Act 1993* and the *Local Government (General) Regulations 2005*.

**8.4 Planning Proposal to Reclassify Certain Council Land from Community to Operational Status and Amendments to Existing Plans of Management to Include Newly Identified Community Land. (Ref: C16188637; Author: Thompson/Kurzyniec) (Continued)**

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Reclassifying land needs to be undertaken in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulations 2000* and the *Local Government Act 1993*. For this Planning Proposal, Council does not have delegation to make this plan. Consequently the Planning Proposal needs to be forwarded to the Department of Planning and Environment for notification.

***Policy***

The proposal is consistent with the ongoing program of updating existing PoMs as identified in Council's Delivery Program 2013/17 as well as Council's broader duties under the *Local Government Act 1993*.

***Environmental***

Environmental implications are considered minimal for the placement of Council community land in various plans of managements or to be reclassified as operational land.

***Asset***

Council is required to manage its assets on public land in accordance with the *Local Government Act 1993* (section 36) and to place new acquired community land into an appropriate PoM.

Council would have no financial gain from the reclassification as many of the sites have limited community access or contain operational infrastructure. Council would like to have a greater number of options available for the management of the land ensuring the land is classified for its highest and best use.

***Social / Cultural***

There are considered to be no adverse social or cultural implications associated with the subject proposal. Ensuring community land is covered by an appropriate PoM ensures the community have greater certainty as to how that land will be managed into the future.

***Economic***

As noted, reclassifying the subject land will give the Council the flexibility to use the asset for its highest and best use. However, there has been no legal agreement entered into for the sale or lease of any of the lots in the Planning Proposal.

***Strategic***

This is consistent with Council's requirements to have community land contained in PoMs. Finalising the planning proposal will entail minor changes to *Queanbeyan Local Environmental Plan (LEP) 2012*.

***Engagement***

The draft Planning Proposal and amended plans of management were placed on public exhibition for a minimum of 28 days from Tuesday 20 September 2016 until Friday 21 October 2016 while allowing 42 days for the public to comment on the various plans of management documents.

**8.4 Planning Proposal to Reclassify Certain Council Land from Community to Operational Status and Amendments to Existing Plans of Management to Include Newly Identified Community Land. (Ref: C16188637; Author: Thompson/Kurzyniec) (Continued)**

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A public hearing was conducted on Tuesday 22 November 2016 by an independent chairperson for both the planning proposal and the amended plans of management. One (1) member of the public attended the hearing and no submissions were received.

***Financial***

Financial implications include administrative staff costs to prepare the various plans of management, the Planning Proposal, the costs associated with both the public exhibition and a public hearing chaired by an independent chairperson, advertising costs and hall hire (all which are all covered in the relevant cost centre).

***Resources (including staff)***

This project has been primarily managed by staff. The LIS/GIS branch have also assisted with the preparation of maps and updating the property database. There was also input from the Executive Manager Legal and Governance, Manager for Parks and Recreation and Manager Environment and Health.

***Integrated Plan***

The review of community land plan of management and the Planning Proposal is consistent with the ongoing program of updating existing plans of management as identified in Council's Delivery Program 2013-17 as listed in Theme 6 – Key Direction 6.1.

The Planning Proposal is considered to be consistent with the former Queanbeyan City Council Community Strategic Plan 2013-2023 specifically the relevant sections relating to plans and policies (Theme 6 – The Environment).

**Conclusion**

Council has undertaken all the necessary actions under the relevant legislation to reclassify the five (5) lots. The independent chairperson engaged to run the public hearing has now provided the report and has recommended Council proceed with the reclassification of the land in this instance (Attachment 1).

The plans of management have been updated with input from other Directorates of Council to make them current. They are required to be adopted by the Council and advertised as per the *Local Government Act 1993* and *Local Government (General) Regulations 2005* and will then be placed on Council's web site.

**Attachments**

- |              |   |
|--------------|---|
| Attachment 1 | Public Hearing Report and Recommendation - Proposed re-classification of community lands to Operational Status and Amendments to existing Plans of Management to include newly identified community lands ( <i>Under Separate Cover</i> ) |
|--------------|---|

## DETERMINATION REPORTS

**8.5 Googong Water Recycling Plant - Stage C Extension - Determination of Environmental Impact Statement (Ref: C16191422; Author: Thompson/Thompson)**

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

Queanbeyan-Palerang Regional Council (QPRC) is both the proponent and determining authority for the proposed construction and operation of the Stage C Water Recycling Plant (WRP) – a component of the Googong Water Cycle project. An Environmental Impact Statement (EIS) for the project has been prepared by RPS Manidis Roberts Pty Ltd. To ensure an independent assessment of the proposal, QPRC engaged Eco Logical Australia to prepare this Determination Report.

***Proposal***

The proposed development is the Googong Integrated Water Cycle Project – Stage C WRP. The development comprises:

- Road extensions within the WRP site
- Construction of new inlet works (including removal of existing temporary inlet works)
- Construction of new membrane bioreactor to provide additional flow capacity
- Expansion of existing aerobic digester
- Upgrade odour control systems
- Installation of second off-spec water storage tank and second filtrate storage tank
- Expansion of the tertiary filtration system including new membrane modules and pumps
- Installation of new membrane agitation blowers and associated chemical dosing facilities
- Extension of process piping (above and below ground)
- Upgrade of electrical and site services including:
  - Compressed air and distribution
  - Recycling water distribution
  - Potable water distribution

The Stage C WRP works will support the ongoing development of Googong Township with the capacity to provide recycled water for approximately 9,400 persons. The works are being undertaken by Googong Township Pty Ltd (GTPL) and will be transferred to QPRC upon completion.

The proposed works are permitted without consent and are subject to assessment under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). QPRC is the determining authority. The EIS prepared for the proposed works has been peer reviewed against clause 228 of the EP&A Act, the Part 3A Concept Approval Conditions of Approval, the Secretary's Environmental Assessment Requirements and Schedule 2 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation). This assessment report provides a summary of the findings of that review.

**8.5 Googong Water Recycling Plant - Stage C Extension - Determination of Environmental Impact Statement (Ref: C16191422; Author: Thompson/Thompson) (Continued)**

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**Recommendation**

That Council grant approval to the Googong Integrated Water Cycle Project – Stage C WRP Lot 4 DP 1179941 and Lot 4 DP 1217396 subject to:

1. The management measures contained in the Statement of Commitments numbered SOC01 to SOC48 in the Environmental Impact Statement prepared by RPS Manidis Roberts Pty Ltd dated October 2016 being applied as conditions (as amended in the conclusion to this report); and
  2. The imposition of the additional conditions numbered Add01 to Add09 as detailed in the conclusion to this report.
- 

**Background**

***Proposed Development***

The proposed Stage C WRP works seek to double the capacity of the existing WRP. As such, a number of components of the WRP require upgrades or additions. A detailed description of the proposed works is given below. All works are within the local government area of QPRC.

***Preliminary treatment***

Installation of new inlet works is required as part of Stage C WRP works. As part of the preliminary treatment of wastewater, water is currently pumped into a stainless steel chamber. A concrete chamber with a 200L/s capacity is proposed to replace the existing chamber to increase capacity. From here, a flow splitter will be installed to distribute flows to the membrane bioreactors. Wastewater passes through coarse screening, grit removal and then fine screening. Excess materials are then disposed of at a licenced facility. Following installation and commissioning of the new inlet works, the existing temporary inlet works would be decommissioned and removed.

***Emergency detention tank***

The emergency detention tank (EDT) provides temporary storage of untreated or partially treated wastewater or off-specification recycled water. The EDT is responsible for storing surplus water during wet weather events. The emergency detention tank may also receive unscreened wastewater when flows exceed the WRP capacity or during power outages. The proposed works include the installation of additional emergency detention tank capacity, increasing the total emergency detention tank capacity to 660kL. The installation of an additional emergency detention tank will increase the storage capacity for flows to accommodate a 1 in 10 year wet weather event.

***Secondary treatment***

A second membrane bioreactor is proposed as part of the Stage C WRP works to provide additional flow capacity. The membrane bioreactor will be installed adjacent to existing membrane bioreactor, doubling the existing capacity of the secondary treatment process. The bioreactor forms part of the secondary treatment system for removal of nutrients, organic loads and suspended solids. The bioreactor will contain separate inlets (for wastewater, chemicals and mixed liquor streams) and outlets (for treated water).

**8.5 Googong Water Recycling Plant - Stage C Extension - Determination of Environmental Impact Statement (Ref: C16191422; Author: Thompson/Thompson) (Continued)**

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*Tertiary treatment*

The components of the tertiary treatment system act to disinfect the water. To upgrade the tertiary treatment system, the following works are proposed:

- Upgrade of existing and addition of tertiary feed pumps
- Addition of further microfiltration modules
- Installation of a third Ultraviolet (UV) reactor
- Expansion of existing aerobic digester including duty/standby aeration blowers

*Odour management system*

Upgrades to the odour management system are proposed to assist with the management of additional odour impacts. All inlet works, bioreactor areas, aerobic digesters and biosolids processing equipment will be covered and transferred to an odour control facility for ventilation. All odour control covers, ventilation and air treatment methods are consistent with the Stage AB WRP.

*Upgrade of electrical and site services*

Upgrades to the existing site services, installed as part of the Stage AB WRP works, are proposed. In particular, the general purpose pump station, recycled water distribution, compressed air distribution and potable water distribution will be upgraded as part of the Stage C WRP works.

***Subject Property***

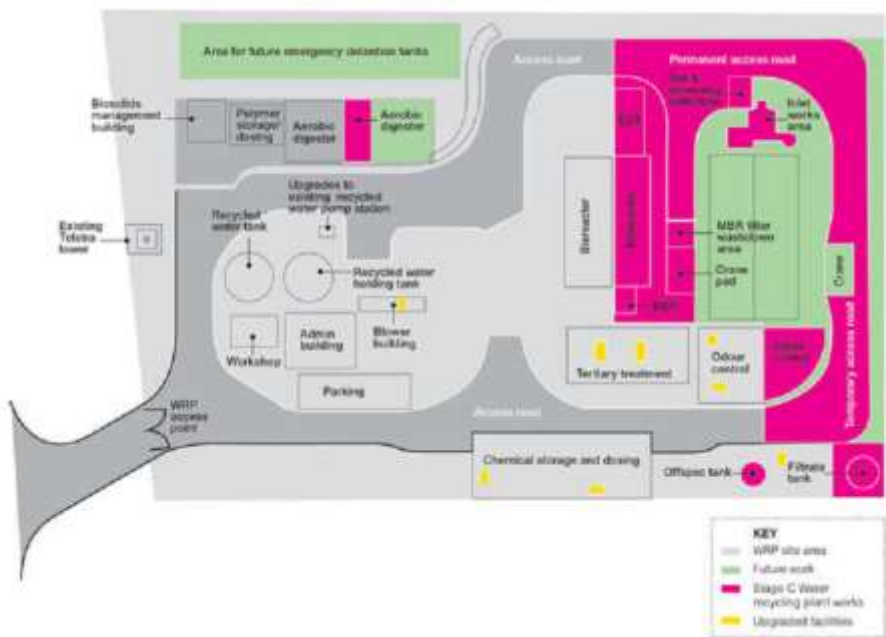
The site is within the new Googong Township, located approximately seven kilometres south of Queanbeyan.

Proposed works are located on the following allotments:

- Lot 4 Deposited Plan (DP) 1179941
- Lot 4 DP 1217396

The extent of the proposed works are shown in Figure 1, below.

## 8.5 Googong Water Recycling Plant - Stage C Extension - Determination of Environmental Impact Statement (Ref: C16191422; Author: Thompson/Thompson) (Continued)



**Figure 1: Proposed Stage C WRP works (sourced from the EIS prepared by RPS Manidis Roberts Pty Ltd)**

### Implications

#### Legal

##### *Environmental Planning and Assessment Act 1979*

QPRC is the determining authority for the proposal. Although development consent is not required for the proposal, section 111 EP&A Act (*Duty to consider environmental impact*) prescribes that a determining authority must examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of a proposed activity that is assessed under Part 5. Accordingly the proposal is subject to an EIS and determination under Part 5 of the EP&A Act.

##### *State Environmental Planning Policy (Infrastructure) 2007*

The proposed works are characterised as a water recycling facility under the *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP). Section 106(2) of the Infrastructure SEPP permits development for the purpose of water recycling facilities without consent on land in a prescribed zone if the development is to be carried out by or on behalf of a public authority.

**8.5 Googong Water Recycling Plant - Stage C Extension - Determination of Environmental Impact Statement (Ref: C16191422; Author: Thompson/Thompson) (Continued)**

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The proposed Googong Integrated Water Cycle Project for Stage C WRP is located on land zoned SP2 which is a prescribed zone in section 105(g) of the ISEPP. The works are for and on behalf of QPRC and therefore may be carried out without consent.

The proposal will also utilise the adjoining E2 zone for temporary storage of equipment and temporary access roads. These works are not permitted without consent and therefore it is recommended that a development application is submitted for these works to be located in adjacent R1 land.

*Queanbeyan Local Environmental Plan 2012*

The proposed water recycling plant is proposed on land zoned SP2 Infrastructure. The water recycling plant is considered ancillary to the Sewage Treatment Plant (infrastructure works) and is therefore permitted with consent in SP2 Infrastructure zone. However, the works are prohibited in the E2 Environmental Conservation zone, as the works are not identified as permitted with consent or permitted without consent.

However, the Infrastructure SEPP allows for the proposed works to be undertaken on SP2 land without development consent and prevails over the *Queanbeyan LEP 2012*.

Mapping accompanying *Queanbeyan LEP 2012* indicates that the locations of the proposed works are affected by terrestrial biodiversity. While this is not discussed in the EIS, impacts of the proposed development on biodiversity are assessed in the biodiversity environmental assessment.

No works are proposed on land subject to the *Palerang LEP 2014*.

*Local Government Act 1993*

In accordance with section 60 of the *Local Government Act 1993*, local water utilities are required to obtain approval from the Minister for Primary Industries regarding water and sewage treatment works. Therefore, QPRC will be required to seek approval from the Department of Primary Industries (DPI). QPRC is undertaking ongoing consultation with the Urban Water Unit of DPI regarding the Googong IWC Management Plan.

*Other*

Other legislation that applies to the proposed works is the *Threatened Species Conservation Act 1995*, *National Parks and Wildlife Act 1974*, *Heritage Act 1997*, *Protection of the Environment Operations Act 1997* and the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. The implications of each piece of legislation have been considered throughout the EIS and in this determination report.

**Environmental**

*Biodiversity*

The proposed development is located on land that is clear of native vegetation. No threatened species have been recorded on the site. The biodiversity impacts of the proposed development are therefore minor.

**8.5 Googong Water Recycling Plant - Stage C Extension - Determination of Environmental Impact Statement (Ref: C16191422; Author: Thompson/Thompson) (Continued)**

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*Natural hazards*

The development site of the proposed works includes Bushfire Prone Land (Lot 4 DP 1217396). While the EIS considers potential bushfire hazard, in response to the SEARs, the EIS incorrectly states that the site is not located within bushfire prone land and accordingly a bushfire assessment was not carried out. Although, *Planning for Bushfire Protection 2006* does not apply to the proposed works, the SEARs require that an assessment is provided in relation to bushfire risks. While the proposed works are separated from the nearest bushfire hazard by 60 m, it is recommended that the construction comply with the Building Code of Australia's AS3959-2009.

The site is not mapped as flood-prone land in the *Queanbeyan LEP 2012*.

*Soils and landscapes*

Contamination investigations did not identify actual or potential contamination within the development site. The mitigation measures and Statement of Commitments in the EIS provide a protocol for potential contamination finds and soil erosion. Conditions regarding construction soil and water management are provided below.

*Noise and vibration*

The assessment of noise impacts in the EIS is considered satisfactory. It is noted that daytime maximum noise levels are predicted to be exceeded due to construction noise at R11 by 19 dBA, and by 17 dBA for residences within Stages 1B, 3B, 4A, 4B, 4D, 5A, 5B, 6A and NH1B Stages 1-5. Council should consider whether negotiated noise agreements may be necessary where construction noise management levels are predicted to be exceeded in accordance with the *Industrial Noise Policy*.

It is recommended that GTPL undertake close consultation with affected residences and make reasonable and feasible efforts to minimise noise impacts, prior to commencement of construction activities. *AS2436:2010 Guide to noise control on construction maintenance and demolition sites* should be used to guide consultation.

The EIS did not model predicted construction related vibration impacts. However, all sensitive receivers are located beyond the minimum vibration safe working distances for vibration intensive equipment and exceedance of vibration criteria is unlikely. Accordingly, the proposed mitigation measures and Statement of Commitments are considered adequate, subject to amendments.

*Traffic and access*

The assessment of traffic and access impacts and management measures proposed in the Statement of Commitments is considered satisfactory.

*Water quality and hydrology*

The assessment of impacts on water quality and hydrology and management measures proposed in the Statement of Commitments are considered satisfactory.

*Air quality*

The assessment of air quality impacts and management measures proposed in the Statement of Commitments are considered satisfactory.

*Waste management*

The proposed waste management measures proposed in the Statement of Commitments are considered satisfactory.

**8.5 Googong Water Recycling Plant - Stage C Extension - Determination of Environmental Impact Statement (Ref: C16191422; Author: Thompson/Thompson) (Continued)**

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*Hazards and risks*

The assessment of hazards and risk is considered satisfactory and the management measures contained in the Statement of Commitments are adequate.

***Sustainability***

The proposed development seeks to achieve ecological sustainability by maximising resource recovery, minimising chemical use and reducing carbon footprint. The key objectives of the project include achieving best practice water conservation outcomes and minimising impacts to the environment associated with wastewater discharge. These objectives align the principle of sustainability.

***Social/Cultural****Visual amenity*

The visual impact assessment provided in the EIS concludes that the impacts on visual amenity from the proposed works will be low as the new infrastructure would be consistent with the size and character of the existing WRP site. Existing visual mitigation such as earth mounds and tree planting would partially screen the proposed works thereby reducing their visual impact. The effectiveness of this screening will increase as planted vegetation matures.

The viewpoint analysis concluded that the most affected sensitive receivers would be those within 200 m of the site, including future residents and users of public recreation areas, with a low to moderate visual impact. It is noted that progressive development of the Googong Township will minimise the view shed of the infrastructure features through further screening and interruption of views. Further management measures including ongoing monitoring of screening trees to ensure success and appropriate design of external lighting have been included as Statements of Commitments.

*Socioeconomic factors*

The EIS adequately assesses the socioeconomic factors associated with the construction and operation of the Stage C WRP. The proposed mitigation measure and Statement of Commitments are considered satisfactory.

*Human health*

The EIS does not address construction related impacts to human health such as dust pollution and accidental spills or discharges to the environment. It is noted that the existing mitigation measures, Statement of Conditions and recommended conditions would minimise any construction related health impacts.

*Aboriginal and Non-Aboriginal Heritage*

The Aboriginal Heritage Assessment identified one AHIMS site within the proposal area (GWTP2). The site has been subject to an Aboriginal Heritage Impact Permit (AHIP) and was salvaged from the site as part of the Stage AB WRP works. An additional five AHIMS sites are mapped within 200 m of the site boundary. The closest site is an artefact scatter that covers an area of 19 m by 12 m (G1B AS1). However, the extent of the artefact scatter is not mapped in the EIS. It is recommended that the entire extent of the AHIMS sites be mapped on site plans to ensure adequate exclusion zones are provided during construction.

No non-Aboriginal sites were located within or near the project site.

**8.5 Googong Water Recycling Plant - Stage C Extension - Determination of Environmental Impact Statement (Ref: C16191422; Author: Thompson/Thompson) (Continued)**

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***Economic***

The proposed Stage C WRP works would support the continued development of the Googong Township, providing residential and recreational development and water security.

***Strategic***

The proposal is a critical component of the IWC Project and will assist the development of Googong Township in accordance with the Part 3A Concept Approval.

***Consultation***

The Environmental Impact Statement was placed on public exhibition from Friday 28 October until Monday 28 November. One late submission from the NSW Environmental Protection Authority supported the concerns raised earlier in this report relating to noise and vibration. The proposed changes to SoC C31 as indicated in the Conclusion to this report will address the concerns raised.

***Financial***

Development Contributions are not required for this proposal as it is being assessed under Part 5 of the EP&A Act. Review of the financial implications of the project was beyond the scope of ELA's review.

**Conclusion**

The proposed development, the Googong Integrated Water Cycle Project – Stage C WRP, is permitted without consent and is subject to assessment under Part 5 of the EP&A Act. QPRC is the determining authority.

The proposal will also utilise the adjoining E2 zone for temporary storage of equipment and temporary access roads. These works are not permitted without consent and therefore it is recommended that a development application is submitted for these works to be located in adjacent R1 land.

Peer review of the EIS has identified certain deficiencies in the assessment, which have been discussed in this report. The main issues identified are:

- Deficiencies in the Flora and Fauna Assessment. However it is acknowledged that additional information was provided and that impacts to threatened species, communities or populations are unlikely due to a lack of significant habitat features within the site.
- Incomplete mapping of the outcomes of the Aboriginal Heritage Assessment. It is recommended that the extent of sites and exclusion areas be clearly mapped on construction management plans.
- Deficiencies in the Human Health Assessment however it is noted that mitigation measures associated with soil, water and air quality would be sufficient to minimise impacts.
- The site is located on bushfire prone land and a bushfire assessment was not undertaken.
- Vibration impacts were not modelled. However it is acknowledged that all sensitive receivers are beyond the minimum vibration safe working distances for vibration intensive equipment and exceedances of vibration criteria is unlikely.

**8.5 Googong Water Recycling Plant - Stage C Extension - Determination of Environmental Impact Statement (Ref: C16191422; Author: Thompson/Thompson) (Continued)**

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On balance, it is considered that the proposed works would not have an unacceptable impact on the natural or built environment and it is recommended that QPRC approve the proposed works. It is recommended that the management measures contained in the Statement of Commitments in the Googong IWC Project – Stage C WRP EIS prepared by RPS Manidis Roberts Pty Ltd dated October 2016 be applied as conditions subject to the following amendments and additional conditions:

SoC 28 be amended to read:

- *Weed control measures would be implemented in line with the Noxious Weed (Control Order) 2014. Measures to treat and manage all noxious weeds would be implemented in accordance with the Pesticides Act 1999 and the Pesticides Regulation 2009 on site at the start of throughout construction to limit the growth, spread and reproduction of these species.*

SoC C31 be amended to read:

- *A Construction Noise and Vibration Management Plan would be prepared in accordance with AS2436:2010 to guide noise control on construction, maintenance and demolition sites for all construction activities in order to meet the EPA's Interim Construction Noise Guidelines (2009). The plan is to be included in the Construction Environment Management Plan (CEMP). It would outline measures to minimise construction noise and vibration impacts on sensitive receivers and procedures for responding to complaints.*

SoC C32 be amended to read:

- *Works would generally be carried out during normal work hours (i.e. 7.00 am to 6.00 pm Monday to Friday; 8.00 am to 1.00 pm Saturdays). Any works outside these hours may be undertaken if approved by the EPA and any other relevant authorities. Out-of-hours construction works would satisfy criteria in Interim Construction Noise Guidelines (2009).*

*Additional conditions:*

**Add01:** *A Construction Environmental Management Plan (CEMP) is to be prepared and submitted to Council prior to construction works commencing that compiles with the requirements and findings of all management plans required in the Statement of Commitments and the additional conditions. The CEMP is to include:*

- *details of measures to ensure effective erosion and sediment control in accordance with the EPA's Blue Book*
- *measures for detection, management and disposal of soil contamination and any wastes generated or encountered during construction.*
- *measures to treat and manage all noxious weeds in accordance with the Pesticides Act 1999 and the Pesticides Regulation 2009 on site at the start of throughout construction to limit the growth, spread and reproduction of these species.*
- *an emergency management plan to detail the notification requirements for incidents in accordance with sections 148-152 of the POEO Act.*
- *standard operating procedure (SOP) for dewatering of sediment basins/dams at the site including incident reporting in accordance with the requirements of 148 of the POEO Act.*

**8.5 Googong Water Recycling Plant - Stage C Extension - Determination of Environmental Impact Statement (Ref: C16191422; Author: Thompson/Thompson) (Continued)**

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**Add02:** To manage potential erosion caused by excess recycled water discharges, site specific erosion and sediment control plans are required where there is land disturbance associated with works along the drainage line prepared in accordance with Managing Urban Stormwater: Soils and Construction Vol 1 and included in the Construction Environmental Management Plan. Detailed erosion and sediment control plans should also refer to relevant Volume 2 guidance including installation of gas and water pipe lines in Managing Urban Stormwater: Soils and Construction, Vol 2A Installation of Services; and for access roads and creek crossings in Managing Urban Stormwater: Soils and Construction, Vol 2C Unsealed Roads.

**Add03:** All wastes generated during the project must be managed in a manner that prevents the pollution of waters and air. Waste must be classified in accordance with the POEO Act and Waste Classification Guidelines (DECCW, 2010). All waste materials must be taken to a place which can lawfully receive them in accordance with the requirements of the POEO Act.

**Add04:** All works on waterfront land, including the stormwater outlet and energy dissipation structure associated with excess water discharges and any reconfiguration of the natural drainage line, be designed in accordance with the "Guidelines for Controlled Activities on Waterfront Land (DPI 2012).

**Add05:** Construction works are to comply with the Building Code of Australia's AS3959-2009 – Construction of Buildings in bushfire-prone areas.

**Add06:** Storage areas for fuels, oils and chemicals used during construction will be covered and contained within an impervious bund to retain any spills of more than 110% of the volume of the largest container in the bunded area. Any spillage will be immediately contained and absorbed with a suitable absorbent material. The contaminated material will be disposed of according to manufacturers and OEH requirements.

**Add07:** Prior to operation, the Essential Sewage and Recycled Water Quality Management Plan is to be updated to include the Stage C WRP works and ensure consistency with the Australian Guidelines for Water Recycling: Managing Health and Environmental Risks.

**Add08:** Site plans must include the entire extent of AHIMS sites and identify adequate exclusion zones to avoid construction impacts.

**Add09:** A development application is to be submitted for temporary storage of equipment and temporary access roads be located in adjacent R1 land as opposed to the currently proposed E2 zone.

### **Attachments**

Attachment 1	EPA Comments - Googong WRP Stage C EIS (Under Separate Cover)
Attachment 2	EIS - Googong Water Recycling Plant - Provided Under Special Cover (Under Separate Cover)

## DETERMINATION REPORTS

**8.6 Proposed Road Names (Ref: C16191678; Author: Thompson/Bateman)**

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**Summary**

This report proposes adopting and gazetting road names for seven unnamed roads located in Bungendore, Wyanbene, Tomboye, Kwarree and Charley's Forest.

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

1. **Adopt in principle the names detailed below as the proposed names:**
    - a. **'Brittle Gum Road' for the Right of Carriageway accessed from Griffins Road approximately 1.9km from the intersection with Wyanbene Road.**
    - b. **'Houghton Road' for the unnamed Council road/ Right of Carriageway approximately 4.4km south-west from the intersection with Charley's Forest Road.**
    - c. **'Ribbon Gum Road' for the portion of unnamed Crown Road accessed from Kain Cross Road approximately 5km from the intersection with Hereford Hall Road.**
    - d. **'Champion Lane' for the laneway running between Rutledge Street and Kings Highway east of Butmaroo Street.**
    - e. **'Blue Bush Road' for the Right of Carriageway accessed from Wyanbene Road approximately 1.6km south-east from Wallaby Hill Road.**
    - f. **'Webbs Fire Trail' for Right of Carriageway accessed from Charley's Forest Road approximately 4.4km South of the intersection with Killarney Road.**
    - g. **'Tall Timbers Road' for the unnamed Right of Carriageway off Nerriga Road approximately 6.9km South West from the intersection with Charley's Forest Road.**
  2. **Advertise the names for public comment in accordance with Section 162 of the Roads Act 1993.**
  3. **Publish a notice in the NSW Government Gazette if no objections are received.**
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**Background**

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

*NSW Road Naming Policy*

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

**8.6 Proposed Road Names (Ref: C16191678; Author: Thompson/Bateman) (Continued)**

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*Steps undertaken to date*

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

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

*Proposed name and resident submissions*

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

*Road 1 – Wyanbene* - Right of Carriageway accessed from Griffins Road approximately 1.9km from the intersection with Wyanbene Road. (refer Attachment 1A).

- Brittle Gum Road – Brittle Gums are a species of gum tree that grow in the Deua National Park.

*Road 2 – Tomboye* - Unnamed Council road approximately 4.4km South West from the intersection with Charley's Forest Road (refer Attachment 1B).

- Haughton Road – Arthur Haughton is an early Landowner in the area.

*Road 3 – Krawarree* - Portion of unnamed Crown Road accessed from Kain Cross Road approximately 5km from the intersection with Hereford Hall Road (refer Attachment 1C).

- Ribbon Gum Road – Ribbon Gums are native to the local area.

*Road 4 – Bungendore* - Laneway running between Rutledge Street and Kings Highway East of Butmaroo Street (refer to Attachment 1D)

- Champion Lane – Three sons of the Reverend Arthur Champion (the rector of St Phillips Anglican Church Bungendore) were enlisted in the Great War. Only one returned after being wounded at Gallipoli.

*Road 5 – Wyanbene* - A Right of Carriageway accessed from Wyanbene Road approximately 1.6km South East from Wallaby Hill Road (refer to Attachment 1E)

- Blue Bush Road – Blue Bush Wattle grows in the Deua National Park.

*Road 6 – Charley's Forest* - A Right of Carriageway accessed from Charley's Forest Road approximately 4.4km South of the intersection with Killarney Road (refer to Attachment 1F)

- Webbs Fire Trail – This name has been suggested by the majority of residents after they reviewed Council's previous suggested names. This name has been approved by GNB (Geographical Names Board).

**8.6 Proposed Road Names (Ref: C16191678; Author: Thompson/Bateman) (Continued)**

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*Road 7 – Tomboye* - Unnamed Right of Carriageway off Nerriga Road approximately 6.9km South West from the intersection with Charley's Forest Road (refer to Attachment 1G)

- Tall Timbers Road – This name has been suggested by majority of residents after they reviewed Council's previous suggested names. This name has been approved by GNB (Geographical Names Board).

**Implications*****Policy***

The suggested road names comply with the *NSW Road Naming Policy 2013*.

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

***Asset***

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

***Social / Cultural***

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

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

***Consultation***

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

*Road 1 – Wyanbene* - No submissions listed for Road 1

*Road 2 – Tomboye* - There was a written submission made for this road. (Attachment 2B)

*Road 3 – Krawarree* - No submissions listed for Road 3

*Road 4 – Bungendore* - There were verbal and written submissions received for this road. (Attachment 2D)

*Road 5 – Wyanbene* - There were verbal and written submissions received for this proposed road name. (Attachment 2E)

*Road 6 – Charley's Forest* - There were verbal and written submissions received for this proposed road name. (Attachment 2F)

*Road 7 – Tomboye* - There were verbal and written submissions received for this road name. (Attachment 2G)

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

**8.6 Proposed Road Names (Ref: C16191678; Author: Thompson/Bateman) (Continued)**

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

***Financial***

Financial impact on the Council is minimal. Fees associated with the gazettal are payable (\$1 per word plus GST and \$30 per map plus GST) and costs are also associated with manufacture and installation of a new road name sign (expected to be in the order of \$250).

**Conclusion**

Having considered the submissions received this report proposes adopting and gazetting road names for seven unnamed roads located in Bungendore, Wyanbene, Tomboye, Krawarree and Charley's Forest.

The recommended road names are:

- Road 1 – 'Brittle Gum Road' for the Right of Carriageway shown on Attachment 1A
- Road 2 – 'Haughton Road' for the unnamed Council road shown on Attachment 1B
- Road 3 – 'Ribbon Gum Road' for the portion of Crown Road shown on Attachment 1C.
- Road 4 - 'Champion Lane' for the laneway shown in Attachment 1D.
- Road 5 – 'Blue Bush Road' for the Right of Carriageway shown on Attachment 1E.
- Road 6 – 'Webbs Fire Trail' for the portion of Crown Road and Right of Carriageway shown on Attachment 1F.
- Road 7 – 'Tall Timbers Road' for the Right of Carriageway shown on Attachment 1G.

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

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

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

**Attachments**

Attachment 1	Attachment 1A - Road 1 - Proposed Road Names <i>(Under Separate Cover)</i>
Attachment 2	Attachment 1B - Road 2 - Proposed Road Names <i>(Under Separate Cover)</i>
Attachment 3	Attachment 1C - Road 3 - Proposed Road Names <i>(Under Separate Cover)</i>
Attachment 4	Attachment 1D - Road 4 - Proposed Road Names <i>(Under Separate Cover)</i>
Attachment 5	Attachment 1E - Road 5 - Proposed Road Names <i>(Under Separate Cover)</i>
Attachment 6	Attachment 1F - Road 6 - Proposed Road Names <i>(Under Separate Cover)</i>
Attachment 7	Attachment 1G - Road 7 - Proposed Road Names <i>(Under Separate Cover)</i>
Attachment 8	Attachment 2B - Road 2 - Submission - Proposed Road Names <i>(Under Separate Cover)</i>
Attachment 9	Attachment 2D - Road 4 - Submission - Proposed Road Names <i>(Under Separate Cover)</i>
Attachment 10	Attachment 2E - Road 5 - Submissions - Proposed Road Names <i>(Under Separate Cover)</i>
Attachment 11	Attachment 2F - Road 6 - Submission - Proposed Road Names <i>(Under Separate Cover)</i>
Attachment 12	Attachment 2G - Road 7 - Submission - Proposed Road Names <i>(Under Separate Cover)</i>

## DETERMINATION REPORTS

**8.7 QPRC Investment Report - November 2016 (Ref: C16191748; Author: Abigail/Drayton)**

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***Summary***

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

This report presents the investment result for November 2016.

Due to the timing of the December 2016 meeting, not all information/data customarily included in investment reports was at hand at the time of preparation of this report.

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

- 1. Note the investment income for November 2016 is \$335,981 bringing the total interest earned on Cash and Cash Equivalent Investments for the 2016/17 Financial Year to \$2,302,822 which is \$520,704 above the original budget;**
  - 2. Note the investments have been made in accordance with the Local Government Act 1993, the Local Government General Regulations, and Council's proposed investment policy;**
  - 3. Adopt the Investment Report for the month of November 2016.**
- 

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

The November 2016 return of \$335,981 brought the total return on Cash and Cash Equivalent Investments for the 2016/17 Financial Year (commencing 13 May 2016) to \$2,302,822 which is \$520,704 above the year to date budget.

The principal investment amount as at 30 November 2016 was \$151,446,736.

Refer to Attachment 1 for the following supporting information:

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

**8.7 QPRC Investment Report - November 2016 (Ref: C16191748; Author: Abigail/Drayton) (Continued)**

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***Market Update***

The average 30 day BBSW rate for November 2016 was 1.62%.

The Reserve Bank of Australia (RBA) has been hinting to the market that the interest rate cycle has finished. They appear to be more optimistic on the outlook for inflation, highlighting higher commodity prices and expected upward pressure on global inflation.

Money markets have now all but erased any hopes of an interest rate cut next year; a strong turnaround from previous months. (*Source: CPG Research and Advisory*)

**Implications*****Policy***

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

Sally-Jane Abigail

Executive Manager - Finance

***Financial***

Investment income for the 2016/17 Financial Year as at 30 November 2016 amounts to \$2,302,822. This return was \$520,704 above the year to date budget; a decrease in the budget surplus from the previous month by \$22,807 due to a revision increase to the year to date budget. Refer to Attachment 1 - Graph 1 and Table 5.

**Attachments**

Attachment 1      Investment Report - November 2016 - Attachment 1 - 14 December 2016  
(Under Separate Cover)

## DETERMINATION REPORTS

**8.8 Application for the QPRC Cultural Arts Assistance Scheme - Queanbeyan Pipes & Drums (Ref: C16180792; Author: Spyve/Perri)**

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**Summary**

An application has been received from the Queanbeyan Pipes & Drums Inc. for funding from the Cultural Arts Assistance Scheme of \$1,473.40 for the annual 'Queanbeyan Ceilidh' community event in March 2017. The application has been assessed and satisfies the scheme's guidelines and criteria.

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**Recommendation**

**That Council approve the allocation of a grant of \$1,473.40 from the Cultural Arts Assistance Scheme to the Queanbeyan Pipes & Drums Inc. to assist in the presentation of the annual 'Queanbeyan Ceilidh' event in March 2017.**

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**Background**

The Council Cultural Arts Assistance Scheme provides grant funding for community cultural projects that meet the following criteria:

1. Community based non- profit organisations, working in or with the Queanbeyan community
2. Able to demonstrate a matching dollar amount either financial, or in-kind, including voluntary labour or other contributions
3. Able to demonstrate that it is of benefit to the Queanbeyan-Palerang community through its cultural or artistic outcomes, and is able to be completed within 12 months

Grants of up to \$1,500 will be considered if the project meets one or more of the following criteria:

1. employs a professional artist;
2. Attracts matching funding from another source outside of Council, and/or
3. Works in partnership with other community groups/government bodies.
4. A festival, event or project that will engage the broader Queanbeyan-Palerang community

A grant application for \$1,473.40 has been received from the **Queanbeyan Pipes & Drums Inc.** to assist in the presentation of a community event in the Queanbeyan-Palerang region, the 'Queanbeyan Ceilidh'. The group is a Queanbeyan based, not-for-profit organisation that regularly participates and performs at a host of community events, including the Queanbeyan Multicultural Festival, Australia Day and ANZAC Day events. The 7<sup>th</sup> annual Ceilidh is a Celtic gathering enabling the community to celebrate and experience traditional Celtic music, dance and storytelling. The free event is held each year in the Queanbeyan Bicentennial Hall.

The total cost for the event is estimated at \$5,352, which includes production and venue costs, promotion and marketing, and artist / performer fees. The grant application meets the criteria for the award of a grant of \$1,473.40 as the project works in partnership with other community groups, and is a major event that engages with the broader Queanbeyan-Palerang community.

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**8.8 Application for the QPRC Cultural Arts Assistance Scheme - Queanbeyan Pipes & Drums (Ref: C16180792; Author: Spyve/Perri) (Continued)**

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**Implications**

***Social / Cultural***

The annual Ceilidh allows the local and regional community the opportunity to experience 'all things Celtic'; from performances, participation, storytelling, and cuisine.

***Economic***

**Conclusion**

The annual 'Queanbeyan Ceilidh' satisfies the guidelines and criteria of Council's Cultural Arts Assistance Scheme and is a highly successful community driven event.

**Attachments**

Nil

**DETERMINATION REPORTS**

**8.9 Royalla Common s.355 Committee minutes 28 September 2016 (Ref: C16191607;  
Author: Bascomb/Ferguson)**

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**Summary**

The Royalla Common s.355 Committee has submitted for Council's information the minutes of its meeting held on 28 September 2016

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**Recommendation**

**That Council note the confirmed minutes of the Royalla Common s.355 Committee's meeting held on 28 September 2016.**

---

**Background**

The attached minutes were confirmed at the Committee's meeting on 31 October 2016.

**Implications**

***Statutory***

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

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

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

**Conclusion**

It is recommended that Council note the confirmed minutes of the Royalla Common s.355 Committee's meeting held on 28 September 2016.

**Attachments**

Attachment 1 Royalla 355 Minutes 28 September 2016 (*Under Separate Cover*)



DETERMINATION REPORTS

**8.10 Braidwood Showground Reserve Trust s.355 Committee minutes (Ref: C16191650; Author: Bascomb/Ferguson)**

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**Summary**

The Braidwood Showground Reserve Trust s.355 Committee has submitted for Council's information the minutes of its Committee meeting held on 27 September 2016.

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**Recommendation**

**That the minutes of the Committee Meeting of the Braidwood Showground Reserve Trust s.355 Committee, held on 27 September 2016, be noted.**

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**Implications**

***Statutory***

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

The Braidwood Showground Reserve Trust s.355 Committee has responsibility for the care, control and management of an important and historic facility in Braidwood.

**Conclusion**

It is recommended that Council note the minutes of the Committee Meeting of the Braidwood Showground Reserve Trust s.355 held on 27 September 2016.

**Attachments**

Attachment 1      Braidwood Showground 355 Minutes 27 September 2016 (*Under Separate Cover*)



**DETERMINATION REPORTS****8.11 Report on Audit, Risk and Improvement Committee (Ref: C16192448; Author: Warne/Bozzato)**

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**Summary**

This report provides Council with an update on the outcomes of the 8 November 2016 meeting of the Audit, Risk and Improvement Committee, and seeks approval of the Audit, Risk and Improvement Committee and Internal Audit Charters.

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

- 1. note the outcomes of the 8 November 2016 meeting of the Audit, Risk and Improvement Committee**
  - 2. approve the Audit, Risk and Improvement Committee and Internal Audit Charters**
  - 3. note the 2016-17 Audit, Risk and Improvement Committee meeting plan**
  - 4. note the 2016-17 Internal Audit Program**
- 

**Background**

The second meeting of the Queanbeyan-Palerang Regional Council Audit, Risk and Improvement Committee was held on 8 November 2016. The Committee considered papers on:

- progress against the 2015-16 Queanbeyan City Council Internal Audit Program, including Internal Audit Reports dealing with implementation of internal audit recommendations, selection of suppliers, project management, and compliance with the NSW 'Best Practice Management of Water Supply and Sewerage Guidelines 2007'
- Council's risk management framework and insurance arrangements, and management of risks inherent to the Ellerton Drive and Sewage Treatment Plant projects
- preparation of the 2015-16 financial statements for the two predecessor Councils
- implementation of recommendations arising from the interim audit of the 2015-16 financial statements of the two predecessor Councils
- the framework to be implemented to assess and report on the performance of the Internal Audit function
- the proposed 2016-17 Internal Audit Program.

**8.11 Report on Audit, Risk and Improvement Committee (Ref: C16192448; Author: Warne/Bozzato) (Continued)**

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Out of session, the Committee:

- considered and endorsed for Council approval the Audit, Risk and Improvement Committee, and the Internal Audit, Charters
- endorsed the Committee's 2016-17 meeting plan, which sets matters to be considered by the Committee in accordance with its charter responsibilities.

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

Recent changes to the Local Government Act 1993 required Councils to establish an Audit, Risk and Improvement Committee (ARIC) 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.

The Audit, Risk and Improvement Committee Charter reflects these requirements.

***Integrated Plan***

The Internal Audit Charter and 2016-17 Internal Audit Program give effect to the following project included in QPRC Operational Plan 2016-17:

- 1.8 Strategic four-year Internal Audit Workplan updated and adopted annually

**Conclusion**

Approval of the Audit, Risk and Improvement Committee and Internal Audit Charters will enable Council to meet legislative and integrated plan governance requirements.

**Attachments**

Attachment 1	Draft of Minutes - Audit, Risk and Improvement Committee meeting - 8 November 2016 ( <i>Under Separate Cover</i> )
Attachment 2	Queanbeyan Palerang Regional Council Audit, Risk and Improvement Committee Charter - submitted to Administrator ( <i>Under Separate Cover</i> )
Attachment 3	Committee Work plan - aligned to Committee Charter as submitted to the Administrator ( <i>Under Separate Cover</i> )
Attachment 4	Queanbeyan-Palerang Regional Council Internal Audit Charter - submitted to GM and Administrator for approval ( <i>Under Separate Cover</i> )
Attachment 5	QPRC 2016 onwards Internal Audit Program - FINAL Discussion Paper to QPRC ( <i>Under Separate Cover</i> )

## DETERMINATION REPORTS

**8.12 Services Review (Ref: C16192550; Author: Tegart/Spyve)**

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**Summary**

As part of its 'stocktake' program, Council commenced a review of its services to establish current levels of service and costs, and identify options to modify those levels of service following community engagement.

The services review, together with the assets review, is pivotal in informing the levels of service, modes of delivery, resourcing and in turn influencing the structure of the organisation and accounting framework.

This report outlines the process of that review, recommends adoption of the services framework and outlines the next steps to establish levels of service.

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**Recommendation**

**That Council note the services review report and endorse the Services Framework.**

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**Background**

With reference to Attachment 1, staff collated information on the range, costs and scope of services delivered by the former Queanbeyan and Palerang Councils. By mapping those services against the legislative and policy drivers, then differentiating the services from the activities that support those services, the current resource levels and budget was established. That information will be uploaded into the CAMMS software package.

Taking a systems design approach, the services and activities will be linked to the assets by locality and reflect the general ledger for accounting purposes. The service framework is structured in such a way so services can be organised under the 'strategic pillars' established by Council at its November meeting, and the activities supporting the services are aligned to staff position descriptions and performance arrangements.

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

Having established the current range and scope of services, a community engagement program has been arranged for February/March 2017 to discuss the levels of service and the asset standards established through the 'asset and financial sustainability review' conducted by Prof Percy Allan. That program should then guide the opportunities (and costs) of expanding services across the new LGA, or of alternate methods of delivery (ie in-house, contract, shared service with CBRJO etc) to inform the next budget cycle with the new council on board.

**8.12 Services Review (Ref: C16192550; Author: Tegart/Spyve) (Continued)**

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***Financial***

The review has been based on current levels of service and costs. Changes to levels of service or asset standards will be explored in future reports following the community engagement.

***Integrated Plan***

Council recently adopted the five 'pillars' of Community, Choice, Character, Connection and Capability following a review of the strategic directions of the former councils as set out in their respective Community Strategic Plans.

Those directions seek:

- A safe, harmonious and healthy *community*
- A diverse, resilient and smart economy that creates *choice* and job opportunities
- A clean, green community that cherishes its natural and physical *character*
- A well *connected* community with good infrastructure enhancing quality of life
- A *capable* organisation that leads a community which is engaged and participative

The services have been arranged under those pillars to provide line of sight to the objectives of Council. A sixth 'pillar' of 'Council' has been added to capture the organisation-specific services.

**Conclusion**

A draft Service Framework (attachment 2) has been designed to capture the 26 services under the strategic pillars. The organisation structure, accounting and budget frameworks will be designed to align with this draft Service Framework.

**Attachments**

Attachment 1	Service Review ( <i>Under Separate Cover</i> )
Attachment 2	Service Framework ( <i>Under Separate Cover</i> )
Attachment 3	Service Statements ( <i>Under Separate Cover</i> )

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**9.1 Waste and Resource Management Facility - Gilmore Road/Bowen Place - Additional Information Received - (Ref: C16185640); Author: Thompson/Tonner**

**Report**

A development application for a Waste or Resource Management Facility was lodged on behalf of SUEZ on 10 September 2015 at 172-192 Gilmore Road, 7-9 Kealman Road and 1 Bowen Place, West Queanbeyan industrial area. The proposed development is Designated Development and Integrated Development under the *Environmental Planning and Assessment Act 1979*.

The facility proposes to recover and transfer:

- general solid waste (putrescible and non-putrescible waste) of up to 70,000 tonnes/year – including building waste but excluding asbestos and medical waste;
- paper, cardboard and plastic recyclables up to 12,000 tonnes/year; and
- waste oil and grease trap waste each up to 2400L.

The application was first advertised early in 2016 and 139 submissions were received. The Joint Regional Planning Panel (JRPP) as the consent authority held a public hearing in March 2016. Following the submissions and Council's initial assessment Council requested additional information from the applicant and on 28 October 2016 amended plans and documentation were received. The revised plans and documentation are on public notification from the 22 November to the 23 December 2016.

The NSW Environmental Protection Agency issued General Terms of Approval on 19 April 2016. An amended approval may be required.

*Additional information received:*

While the amended development proposal does not change the quantity and type of materials to be handled or the 24 hour 7 days a week operation, changes to the proposal include:

- deletion of the public waste disposal element;
- modified site layout so trucks enter from Gilmore Road and exit onto Bowen Place;
- deletion of the basement carpark, an additional weighbridge and a building height increase of 2m;
- revised water and waste water disposal;
- a revised Traffic Management Plan;
- submission of additional odour modelling study and revised noise study;
- submission of an Environmental Management Plan and Emergency Response Plan; and
- response to first round of public submissions.

*Process from here*

Following public exhibition of amended plans and documentation, submissions will be reviewed and considered along with referrals from relevant government agencies. An assessment report will be prepared for the JRPP and submitters will be notified of a future determination meeting.

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**Recommendation**

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

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**Attachments**

Nil

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**9.2 Outcome of Appeal to the Land and Environment Court - Spacelab vs QPRC - 2 High Street (Ref: C16191927); Author: Thompson/Thompson****Report**

On 1 October 2016 Council received a development application for the demolition of an existing motel and erection of a new service station at 2 High Street, Queanbeyan. Council considered the matter and refused the application at its meeting 11 May 2016. The applicant, Spacelab Pty Ltd subsequently exercised their right to appeal Council's refusal to the NSW Land and Environment Court.

Council's statement of contentions in relation to this development centred on the following issues.

- The service station was not compatible with the adjoining land uses and the site was unsuitable for such as use.
- The development would generate unacceptable noise impacts.
- There was insufficient information to assess the likely noise impacts.
- There was insufficient information to assess traffic and pedestrian impacts.
- The DA was not in the public interest.

In submitting these reasons for refusal to the Court, Council acquired the services of an independent planner, traffic engineer and acoustic consultant to support its case.

The applicant subsequently took the opportunity to amend the refused plans. The major change related to the proposal to construct a wall along the boundary with 6 High Street which for the majority of its length had a height which took it to the underside of the roof canopy. This effectively created and enclosed the filling apron which substantially improved the acoustic and lighting impacts of the development on the adjoining premises.

In addition some of the noisier activities such as the waste storage area and the plant and equipment were moved to the Bungendore Road side of the building to reduce noise impacts.

From a traffic perspective the construction of the driveways off Bungendore Road were changed to make it clearer that they were driveways, not an extension of the road pavement, and the proposed footpath was moved closer to the development to prevent vehicles queuing onto the road when giving way to pedestrians.

The amended plans were provided to submitters for comment and a further two submissions were received. One from an individual owner and the other a submission on behalf of all of the owners and occupiers at 6 High Street. No new matters of concern were raised which had not previously been considered by Council.

Over the period of a several months, Council requested a number of changes to the design including improving the appearance of the wall along the boundary and ensuring that all the acoustic concerns were addressed. In addition a number of conditions were reinforced or changed in order to cater for Councils concerns. In particular:

- Restricting the times that heavy rigid and fuel delivery vehicles could visit the site.
- Restricting access of heavy rigid vehicles to only those that made deliveries or serviced the site, rather than those seeking to fill with fuel.
- Restricting the use of carparking adjacent to High Street to prevent its use at night.

- Relocating the footpath closer to the boundary to improve pedestrian safety.
- Requiring the finish of the canopy roof to be non-reflective.

Following consideration of the additional submissions and over two months of negotiations, Council's planning, traffic and planning experts were of the view that Council had no reasonable grounds to continue its objection to the proposal and that as a result of the changes made and the conditions imposed, the service station was no longer an incompatible use of the site. Further, to pursue the appeal would result in the expenditure of many thousands of dollars with little prospect of success.

Accordingly, on the 18 November 2016 the Court ordered that the development be given conditional approval. A copy of the Court Order and conditions imposed is attached for information.

The development is now approved and Council will be writing to submitters to advise them of the outcome and the conditions of consent.

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### **Recommendation**

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

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### **Attachments**

Attachment 1      14 December 2016 - 2 High Street - Section 34 Agreement & Amended Plans & Conditions - Spacelab Studios Pty Limited (*Under Separate Cover*)



## COMMITTEE REPORTS

**10.1 Queanbeyan-Palerang Regional Sports Council - 7 November 2016 (Ref: C16177441; Author: Hansen/Penman)**

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**Present:**

Phill Hawke (QSRUFC, Chair), Robin Von Schelberger (GAFLC), David McDonald (BRUFC), Igor Ilievski (QCFC), Scott Taylor (QJTAFLC), Lynne McKenzie (QJTAFLC), Kelly Lolesio (QNA), Simon Morgan (GRLFC), Simon France (MPFC), Norm Aleksoski (QCFC), Tony Rayner (BSRLFC), Cary Cook (BRUFC), Peter Solway (QDSCC), Peter English (BCSC), Jo Cave (BJRLFC)

**Also Present:**

Tim Geyer (QPRC), Gordon Cunningham (QPRC), Leigh Penman (QPRC)

The Committee Recommends:

**Apologies:**

Annette Thomas-Schumacher (JTA), Malcom Deasey (QJKRLFC), Michael Goiser (QTSAFLC), Jeremy Wyatt (QBSRLFC), Simon Booth (QJRUFC)

**1. Queanbeyan Sports Expo**

General discussion was held regarding the possibility of holding another Queanbeyan Sports Expo in early 2017, with mixed feelings from clubs whether or not it is worth the effort to hold the event. It was decided not to hold the event in 2017. Tim Geyer mentioned to the committee that the Q-One indoor sports centre was looking at the possibility of holding something similar and if they do go ahead with it all clubs will be notified.

**2. Stronger Communities Fund**

Tim Geyer explained to the committee about the \$1 million funds that were available through this programme for community groups to apply for and that there is also \$9 million for infrastructure projects put forward by council.

Leigh Penman read out a list of successful applicants for the \$1 million funds.

**3. Bungendore Sporting Facilities**

David McDonald asked the question as to why combination soccer/rugby goal posts were installed at Mick Sherd oval the day before there Rugby Union Grand final. Gordon Cunningham responded by stating that it was a council resolution from the former Palerang council and that the timing of the installation could have been better. Tony Rayner asked the question on why the clubs were not consulted about these new posts being put up. Gordon Cunningham responded by stating that council will improve the consultation process and for club to keep an eye on the council meeting agendas for these type of items.

Peter English requested that Bungendore community soccer be able to use Warren Little oval for under 11 games that will be entering the Capital Football soccer completion form 2017, this involves removing the AFL posts and having to soccer fields on the oval.

**10.1 Queanbeyan-Palerang Regional Sports Council - 7 November 2016 (Ref: C16177441; Author: Hansen/Penman) (Continued)**

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General discussion was held regarding Mick Sherd oval with the general consensus that it is overused and a solution to ease the use is the best option, with some maintenance also required for Mick Sherd oval. Gordon Cunningham explained that council has started discussion with a land holder in Bungendore for council to purchase land to be converted to sporting facilities.

Tim Geyer explained that all clubs in future are to contact Leigh Penman as their contact person with in council, with any items required to come through this meeting, including grounds booking allocations.

**4. Sport Ground Allocation**

Igor Ilievski requested that Queanbeyan City FC also be allocated Letchworth Oval for training and playing purposes for the 2017 season and beyond due to their club expanding and not suitable for both junior and senior training and playing at high street playing field. Leigh Penman is to liaise with both Queanbeyan Soccer clubs for a suitable solution.

General discussion was held regarding Warren Little Oval and it was agreed that council will work with Bungendore community soccer to be able to use the oval for soccer from 2017 onwards.

Simon Morgan mentioned that Googong Goannas Rugby League Club has been formed and are now looking at grounds to use for home games and training, with Duncan Fields there preferred option for 9 home games. Simon mentioned that they will be entering a senior side in the George Tooke Shield as well as some junior age groups. Tim Geyer commented on that currently there is combination goals posts at Duncan Fields for Soccer, Rugby League and Union so all codes can have the possibility of playing there, as well as a synthetic cricket pitch in the centre of the 2 rectangular fields. Simon France mentioned that Monaro Panthers have planned to use Duncan Fields for premier league games for both men and women for the 2017 season with sharing with another code not ideal for the ground, with Riverside Oval also not ideal with sharing it with Queanbeyan City FC with so many games being played on it. Further discussion was held regarding Duncan Fields with council staff to liaise with clubs to come up with a solution for winter 2017.

**5. Next Meeting is scheduled for 6 February 2017**

There being no further business, the meeting closed at 7.20pm

**Attachments**

Nil

## COMMITTEE REPORTS

**10.2 Report of the Queanbeyan Heritage Advisory Committee - 21 November 2016 (Ref: C16181731; Author: Thompson/Carswell)**

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

**Also Present:** Mike Thompson (Director Environment, Planning and Development), David Carswell (Executive Manager Strategic Land Use Planning), Pip Giovanelli (QPRC Heritage Advisor) and Martin Brown (Team Leader Strategic Land Use Planning).

**Others present:** Barrina South - Heritage Officer - Office of Environment and Heritage

The Committee Recommends:

**Apologies:**

Mr David Loft submitted an apology for non-attendance. Mr Loft's apology be accepted and leave of absence be granted.

**1. Confirmation of Report of previous meeting held on 17 October 2016**

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

**HAC 010/17 That the Report of the meeting of the Committee held on 17 October be confirmed.**

**2. Business Arising from Minutes – Chairperson**

Mr O'Keefe asked about the status of acquisition of Ben Chifley's prime ministerial car. The Chair indicated that this had been raised as a potential matter to be investigated.

**3. Declaration of Conflicts of Interest - Chairperson**

Mr Carswell noted a conflict of interest in respect of a grant application for 17 Albert Street to be considered under Item 6 following.

**4. Presentation - Barrina South - Heritage Officer - Office of Environment and Heritage**

M/s South introduced herself and gave an overview of the projects that she is working on, potential assistance to QPRC in respect of State Heritage Matters and her contact details. Currently there are two heritage officers assigned to the South East Region.

**5. Development Application 413-2016 (96 Uriarra Rd)**

Mr Thompson provided an overview of the subject application. Mr Giovanelli also provided an overview of the heritage aspects of the DA. Feedback was sought from the committee.

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

**HAC 011/17 That the Committee supports the development application subject to consideration of the following matters:**

- 1. Redesigning the roof of the existing carport so that it has a pitched roof consistent with the existing dwelling.**
- 2. Relocating the existing carport further forward than it currently is.**

**10.2 Report of the Queanbeyan Heritage Advisory Committee - 21 November 2016 (Ref: C16181731; Author: Thompson/Carswell) (Continued)**

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3. Reducing the extent of the new concrete paving forward of Unit 1 and at the rear of the existing car ports.

6. **Recommendations for Local Heritage Places Grant Funding 2016/17 – David Carswell**

Mr Carswell provided an overview of the process and then left the room whilst the Committee considered the recommendations for the Local Heritage Places Grants.

A summary sheet was presented to the Committee outlining the applications received and the recommendations in respect of funding for each.

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

**HAC 012/17 That Council adopt the recommendations for the Local Heritage Places Grants (attached).**

7. **Special Heritage Grants – David Carswell**

Funding for Special Heritage Grants are now currently being advertised. This is applicable to the entire Queanbeyan-Palerang LGA. The closing date for applications is 30 November 2016. At this stage there are no firm applications although enquiries have been made and Mr Giovanelli has provided some advice.

Mr Giovanelli noted it would be of value for Council to look at funding some heritage upgrades for buildings in the vicinity of the intersection of Farrer Place and Campbell Street at the edge of the Queanbeyan Park Precinct.

8. **Next Meeting**

The next meeting will be held on Monday 12 December in the Committee Room commencing at 5:30pm.

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

**Attachments**

Attachment 1 Confidential - Heritage Grant Recommendations - Heritage Advisory Committee 21 November 2016 (*Under Separate Cover*) - **CONFIDENTIAL**

## COMMITTEE REPORTS

## 10.3 The Q Board Meeting - 28 November 2016 (Ref: C16189898; Author: Spyve/Fulton)

**Present:** Peter Bray AM (Chair), Peter Lindbeck, Geoff Grey, Jacqui Richards, Paul Spyve, Steve White, Stephen Pike, Deon Myburgh and Daniel Fulton.

**Also Present:**

**Others Present:** Nil.

**Apologies:** Peter Tegart (General Manager).

The Committee Recommends:

1. **Confirmation of Report of previous meeting held on 26 September 2016**

**Recommendation** (Lindbeck/Bray)

That the Report of the meeting of the Committee held on 26 September 2016 be confirmed.

**TQB 18/16 That the Board Resolution Outcome Report be noted.**

2. **Chairperson's Report**

The Chairperson, Peter Bray AM, thanked those involved at The Q for their contributions this year with a special mention to the staff and volunteers.

**Recommendation** (Bray/Lindbeck)

**TQB 19/16 The Board recommend that the Chairperson's report be noted.**

3. **Internal Production Review**

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

**Recommendation** (Richards/Lindbeck)

**TQB 20/16 That the Internal Production Review be accepted.**

**TQB 21/16 That staff investigate further into the opportunity to bring more coach tours to the Q from Cooma.**

4. **External Hirer Review**

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

**10.3 The Q Board Meeting - 28 November 2016 (Ref: C16189898; Author: Spyve/Fulton)  
(Continued)**

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**Recommendation (Grey/Bray)**

**TQB 22/16 That the External Production Review be noted.**

**TQB 23/16 That staff investigate potential opportunities associated with the Canberra Comedy Festival.**

**5. Promotion and Marketing Review**

The Board noted the PR report, and recommend that a heading be included to indicate that the figures shown are of in-kind value.

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

**Recommendation (Grey/Lindbeck)**

**TQB 24/16 The Board noted the Publicist Report and Marketing Report. The Board recommended that a title be added to the publicist report to highlight that the figures shown are of 'in-kind value'.**

**6. Matters for Report to Council****Westpac**

Deon Myburgh, Marketing Supervisor, advised that Westpac's regional manager had placed a freeze on all sponsorship, therefore resulting in Westpac Queanbeyan ceasing negotiations over sponsorship of the 2017 season.

**External Hirers and Audio Visual Technicians**

Daniel Fulton, Manager Community Businesses, explained that a reputational risk was emerging in relation to the delivery of sound and lighting services during external hirer performances. In the most recent example an external hirer provided their own sound and lighting technician. The delivery of that component was so poor, and the resulting complaints so great, that attendees of three performances were offered free tickets to later performances by the hirer. Although this is an external hirer, and not a show purchased or produced by The Q, it poses a real reputational risk for The Q as a venue due to many patrons no distinguishing the difference.

Staff are therefore recommending that a condition of hire be added stipulating that hirers engage the services of a Council approved sound and lighting technician or provider.

**Recommendation (Richard/Lindbeck)**

**TQB25/16 That the reports be noted and that a condition of hire be added for external hirers stipulating the use of a Council approved sound and lighting technician or provider.**

**TQB26/16 That a correspondence be sent to regular external hirers, such as Queanbeyan Players, notifying them of the new condition of hire.**

10.3 The Q Board Meeting - 28 November 2016 (Ref: C16189898; Author: Spyve/Fulton)  
(Continued)

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7. Next Meeting

The next meeting has been set for 30 January 2017, with the venue being Council Committee Room.

Closure

There being no further business, the Chairperson declared the meeting closed at 7.02pm.

Attachments

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

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

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

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

**Recommendation**

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

**Item 15.1 Quarterly Legal Update Report**

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