



Ordinary Meeting of Council

AGENDA

22 June 2016

Commencing at 5.30pm

**Council Chambers
10 Majara St, Bungendore**

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

CITIZENSHIP CEREMONY

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3.2 Minutes of the Extraordinary Meeting of Council held on
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Nil

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Nil

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Nil

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Nil

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Nil

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Nil

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Confidential - Not for Publication

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Item 15.1 is confidential in accordance with s10(A) (b) of the Local Government Act 1993 because it contains discussion in relation to the personal hardship of a resident or ratepayer and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.
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Item 15.2 is confidential in accordance with s10(A) (e) (g) of the Local Government Act 1993 because it contains information that would, if disclosed, prejudice the maintenance of law; AND advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

LIST OF ATTACHMENTS –

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

Open Attachments

- Item 6.1 Development Application DA.2016.081 – 317 Royalla Drive, Royalla – Community Hall

*Attachment 1 Royalla Community Hall - DA.2016.081 - 79C
Matters for consideration (Under Separate Cover)*

*Attachment 3 Royalla Community Hall - DA.2016.081 - Schedule
of conditions (Under Separate Cover)*

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

*Attachment 1 Staff Report on Building Certificate Application on
Riverside North Carpark Fence - Agenda of the
Ordinary Meeting of the Queanbeyan City Council
on Wednesday 27 January 2016 (Under Separate
Cover)*

*Attachment 2 Vicinity Centres (Riverside Plaza) Response
(Under Separate Cover)*

*Attachment 3 Approved Plans for DA950035 (Under Separate
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*Attachment 4 Extract - Minutes of the Ordinary Meeting of the
Queanbeyan City Council on Wednesday 17 May
1995 - Riverside Plaza (DA950033) (Under
Separate Cover)*

- Item 6.3 Exhibition Draft South Tralee Local Planning Agreement

*Attachment 1 Summary of submissions - South Tralee Local
Planning Agreement (Under Separate Cover)*

*Attachment 2 Combined submissions - South Tralee Local
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- Item 6.7 QPRC Consolidated Investment Report - 13 May 2016 to 31 May 2016

*Attachment 1 Investment Report - 13 May 2016 to 31 May 2016 -
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Cover)*

- Item 6.8 QPRC Consolidated Investment Policy

*Attachment 1 Draft QPRC Investment Policy (Under Separate
Cover)*

- Item 6.9 Basin Priority Projects - Queanbeyan

*Attachment 1 Basin Priority Projects - Upper Molonglo
Catchment (Under Separate Cover)*

Item 6.10 Proposed Hot Rod Event 2018

Attachment 1 Economic return estimate. (Under Separate Cover)

Item 6.11 General Donations Distribution 2016/17

Attachment 1 220616-Attachment 1_General_Donations_2016 (Under Separate Cover)

Item 6.12 Potable and Recycled Water Supply Policy

Attachment 1 Potable and Recycled Water Supply Policy (Under Separate Cover)

Item 6.14 Local Representation Committee establishment

Attachment 1 Attachment 1 Terms of Reference (Under Separate Cover)

Item 6.15 Council Property Strategy and Policy

Attachment 1 Property Strategy (Under Separate Cover)

Attachment 2 Property Policy (Under Separate Cover)

Attachment 3 Rental Rebate Policy (Under Separate Cover)

Item 6.16 Asset and Financial Sustainability Review

Attachment 1 Stocktake (Under Separate Cover)

Attachment 2 Narrow the Gap (Under Separate Cover)

Attachment 3 Asset Condition and Intervention Levels (Under Separate Cover)

Attachment 4 Summary of Financial Findings (Under Separate Cover)

Attachment 5 Financial Scenarios (Under Separate Cover)

Attachment 6 Financial Goalposts (Under Separate Cover)

Attachment 7 Existing v Responsible Forecasts (Under Separate Cover)

Attachment 8 Financial Strategy (Under Separate Cover)

Closed Attachments

- Item 6.1 Development Application DA.2016.081 – 317 Royalla Drive, Royalla – Community Hall

*Attachment 2 Royalla Community Hall -DA.2016.081 - Plans
(Under Separate Cover)*

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

*Attachment 1 RTC 22 June 2016 - Submissions on Dunn Place
Renaming - Attachment 1 (Under Separate Cover)*

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

*Attachment 1 152 Bicentennial - Request for financial assistance
after Water Loss (Under Separate Cover)*

*Attachment 2 10 Cassidy - Request for financial assistance after
Water Loss (Under Separate Cover)*

*Attachment 3 44 Tennyson - request for financial assistance after
water loss (Under Separate Cover)*

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

*Attachment 1 Request for Review of Penalty Notice 3043054044
(Under Separate Cover)*



MINUTES OF THE ORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held at the Council Chambers, 253 Crawford St, Queanbeyan on Wednesday, 8 June 2016 commencing at 5:30pm.

ATTENDANCE

Administrator: Tim Overall (Chairperson).

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

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

1. APOLOGIES

The Administrator welcomed all present at the meeting and acknowledged past Councillors present.

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

Mr Overall then made a statement in regard to this meeting and the holding of future meetings.

2. PRESENTATIONS/DEPUTATIONS/PETITIONS

Mr Les Manning – Item 6.11 – Council Committees and Delegates to External Bodies/Committees.

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

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

Mr Peter Bray – Item 6.10 – Code of Meeting Practice and Public Forum and 6.12 – Expression of Interest Local Representation Committee.

Mr Adam Sutton – Item 6.15 – Alcohol Free Zones and Alcohol Prohibited Areas – Queanbeyan CBD and Jerrabomberra Shopping Centre.

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

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

3. CONFIRMATION OF MINUTES

3.1a Minutes of the Ordinary Meeting of Council held on 27 April 2016 (Queanbeyan)

013/16

RESOLVED (Overall)

The Administrator resolved that the Minutes of the Ordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday 27 April 2016 be noted.

3.1b Minutes of the Ordinary Meeting of Council held on 28 April 2016 (Palerang)

014/16

RESOLVED (Overall)

The Administrator resolved that the Minutes of the Ordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday 27 April 2016 be noted.

3.2 Minutes of the Planning and Development Review Committee held on 11 May 2016

015/16

RESOLVED (Overall)

The Administrator resolved that the Minutes of the Planning and Development Review Committee held in the Queanbeyan Council Chambers on Wednesday 11 May 2016 be noted.

3.3 Minutes of the Extraordinary Meeting of Council held on 19 May 2016

016/16

RESOLVED (Overall)

The Administrator resolved that the Minutes of the Extraordinary Meeting of Council held in the Bungendore Council Chambers on Thursday 19 May 2016 be confirmed.

4. DECLARATIONS OF INTEREST

017/16

RESOLVED (Overall)

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

Mr Overall declared a conflict of interest in regard to Item 6.23 – CBD Masterplan Refresh. He has an ownership interest in a property in the CBD. He will delegate the matter to the General Manager in accordance with S.377 of the Local Government Act.

6. GENERAL MANAGER'S REPORTS**6.1 Development Application 64-2016 - For a Place of Public Worship (Mosque) - 183-185 Gilmore Road, Queanbeyan West**

018/16

RESOLVED (Overall)

The Administrator resolved:

1. That approval be granted to a variation to Part 8.2.1 – Setbacks of Queanbeyan Development Control Plan 2012 to allow for the installation of three car parking spaces within the front setback area instead of the prescribed no car parking in this area for the following reasons:
 - (a) The car parking spaces are for the use of disabled persons and delivery vehicles. The site is constrained by its steep slope, meaning that the most practical location for these parking spaces is within the front setback adjacent to the building entries;
 - (b) The front setback is provided with sufficient amounts of soft landscaping to contribute to an attractive development and presentation to the street;
 - (c) The proposed development is considered to satisfy the objectives of the relevant control; and
 - (d) Council has permitted this variation for other new developments on Gilmore Road that are subject to similar constraints, particularly for disabled car parking spaces.
2. That approval be granted to a variation to Part 8.2.4 – Earthworks of Queanbeyan Development Control Plan 2012 to allow for cut of up to 3.8 metres and fill of up to 3.0 metres instead of the prescribed maximum of 2.0 metres for the following reasons:
 - (a) The site is constrained by its steep slope and requires substantial amounts of cut and fill to be able to construct a functional building, car parking area, and access to it;
 - (b) Areas of cut and fill not retained by the building will not be highly visible from the street and will not negatively impact on adjoining properties;
 - (c) The proposed development is considered to generally satisfy the objectives of the relevant control; and

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

6.2 Development Applications 67-2015 - Request for Variation to Advertising Signage Standard - Temporary Vehicle Sales Premises - 88 Macquoid Street, Queanbeyan East

019/16

RESOLVED (Overall)

The Administrator resolved:

- 1. That pursuant to Clause 4.6 of the Queanbeyan Local Environment Plan 2012, approval be granted to a variation to Section 21(1)(b)(i) of State Environmental Planning Policy No.64 – Advertising and Signage (SEPP 64) to allow roof signs to be installed above the highest point of the approved demountable buildings for the following reasons:

- a) The proposed signs are considered to be consistent with the objectives of SEPP 64 and the objectives of the B4-Mixed Use Zone.
 - b) The proposed signs are appropriately located on the site, are consistent with the established character of the locality and are considered to contribute positively to the site and streetscape.
 - c) The proposed signs are temporary in nature and are proposed to be conditioned to limit the time that they may be displayed and are therefore unlikely to result in any ongoing long term impact.
 - d) The total height of the temporary buildings including the proposed signs is 3m from ground level. It is noted that the rear of the subject site is approximately 500-800mm lower than ground level at Macquoid Street, thereby further reducing the visual impact of the proposed signs.
 - e) Due to the nature of the buildings on which the signs are proposed to be placed it would not be possible to locate a sign of suitable size that would comply with the standard. The only reasonable alternative would be a freestanding sign which is considered to be an undesirable option for the site. As the signs are attached to the buildings and the buildings are temporary, the signs will in time be removed from the site with the buildings.
 - f) It is considered that in the context of the site and locality that the proposed roof signs are appropriate and that compliance with the development standard would be unreasonable and unnecessary in this particular instance.
2. That the signage component of Development Application 67-2016 for a Temporary Vehicle Sales Premises and Signage on Lot 1 DP 815925, No. 88 Macquoid Street be granted approval subject to the following additional condition of consent:
- EXPIRATION OF ADVERTISING SIGNS
Consent for the advertising signs expires 2 years after the date of consent.
- REASON: To ensure compliance with Clause 14 of State Environmental Planning Policy 64 – Advertising and Signage. (72.03)
3. That the Department of Planning & Environment be forwarded a copy of Council's Notice of Determination.

6.3 Development Application - DA2016.058 - Bungendore Park, 6-14 Butmaroo Street, Bungendore - Outdoor Gym

020/16

RESOLVED (Overall)

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

6.4 Development Application - DA2015.270 - 888 Monga Lane, Reidsdale - Dwelling House

021/16

RESOLVED (Overall)

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

6.5 Road Naming - Bungendore - DA.2015.039

022/16

RESOLVED (Overall)

The Administrator resolved the following:

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

6.6 Former Queanbeyan Investment Report - April 2016

023/16

RESOLVED (Overall)

The Administrator resolved:

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

6.7 Former Palerang Quarterly Budget Review Statements - March 2016

024/16

RESOLVED (Overall)

The Administrator resolved:

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

6.8 Former Queanbeyan Quarterly Budget Review Statement for the Quarter Ending 31 March 2016

025/16

RESOLVED (Overall)

The Administrator resolved to:

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

6.9 Localised Natural Disaster Relief Policy 2016

026/16

RESOLVED (Overall)

The Administrator resolved to adopt the draft Localised Natural Disaster Relief Policy 2016 as amended (Attachment 1 to this report).

6.10 Code of Meeting Practice and Public Forum

027/16

RESOLVED (Overall)

The Administrator resolved to:

1. Note that the draft Code of Meeting Practice has been placed on public exhibition for public comment in line with the resolution of the Extraordinary Meeting of 19 May 2016.
2. Adopt the Public Forum Policy to allow for the creation of a Public Forum prior to the commencement of Ordinary Council meetings to allow for questions from the community.

With the following additional dot point to Section 5 Point 4

- A matter that is the subject of litigation, potential litigation or that requires a legal opinion to be obtained.
3. Agree that the Public Forum become operative as of the 22 June meeting.

6.11 Council Committees and Delegates to External Bodies/Committees

028/16

RESOLVED (Overall)

1. That the Administrator or his delegate be Council's representative on all those committees so indicated in Attachment 1 to this Report.
2. That the General Manager or his delegate be Council's representative on all those committees so indicated in Attachment 1 to this Report.
3. That all community or organisational representatives previously nominated to represent the community or their organisation on any committee mentioned in Attachment 1 continue to act in that role until September 2017.
4. That the Director Economic & Community Development examine the relationship between the Queanbeyan Economic Development Strategy Group (QEDSG) and the Palerang Business Advisory Board (PBAB) to determine how Council will approach the promotion of economic development across the wider local government area.

6.12 Expression of Interest - Local Representation Committee

029/16

RESOLVED (Overall)

The Administrator resolved to receive and note this report.

6.13 Nomination for Council Representatives on Southern Joint Regional Planning Panel

030/16

RESOLVED (Overall)

1. The Administrator resolved to nominate Mr Peter Bray as one of the Council appointed members to the Southern Region Joint Regional Planning Panel.
2. That Consultant Planner, Mr Philip Gibbons be nominated as the second Council appointed member and planning expert on the Southern Region Joint Regional Planning Panel.
3. That Council nominate the Administrator as an alternate appointee to serve on the Southern Region Joint Regional Planning Panel in the event that the nominated members are unable to sit on the JRPP through absence or conflict of interest.
4. That the Minister for Planning be notified accordingly.
5. That the remuneration level for both representatives on the Southern Joint Regional Planning Panel be set as follows:

A flat minimum of \$600 per meeting plus \$120 per hour of meeting time up to a maximum total of \$1440 per meeting (inclusive of the base \$600 payment). This is inclusive of all incidental costs including travel and accommodation. The \$120 per hour would be paid in relation to any briefing meetings or site visits held as well as the main JRPP meeting. All fees are exclusive of GST.

6. That Council review the nominations following the election of the new Council in September 2017.

6.14 Appointment of External Auditor

031/16

RESOLVED (Overall)

The Administrator resolved to appoint the auditors of the former Queanbeyan City Council, Hill Rogers to be the Queanbeyan-Palerang Regional Council external auditors on an interim basis.

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

032/16

RESOLVED (Overall)

The Administrator resolved:

1. That existing alcohol-free zones be re-established for a further four year period as set out below:

Roads

- ☐ Monaro Street – between Lowe Street and Queanbeyan River Bridge both sides;
- ☐ Crawford Street – between Antill Street and Rutledge Street on both sides;
- ☐ Collett Street – between Rutledge Street and Morisset Street on both sides;
- ☐ Crawford Street – between Uriarra Road and Henderson Road on both sides;
- ☐ Uriarra Road – from Crawford Street to Ross Road on both sides;
- ☐ Tamarind Place Jerrabomberra waterfall reserve;
- ☐ Southbar Road - from Cooma Street to Candlebark Road on both sides;
- ☐ Queenbar Road - from Cooma Street to Gray Place on both sides.

Public Carparks

- ☐ Lowe Street public carpark;
 - ☐ Morisset Street public carpark; and
 - ☐ Rutledge Street public carpark.
2. That new alcohol-free zones be established for a four year period as set out below:
 - ☐ Main carpark outside the shopping centre on Limestone Drive Jerrabomberra
 - ☐ Carpark adjacent to the Jerrabomberra Hotel
 3. That Alcohol Prohibited Areas be established for a four year period in the parks and reserves set out below:
 - ☐ Ray Morton Park
 - ☐ Waniassa Park
 - ☐ Axis Youth Centre Park- between Lowe Street tennis courts and Axis Youth Centre
 - ☐ Queanbeyan River bank- From Waniassa Street to Mowatt Street on both sides

- ☐ Creek bank around the waterhole at Tamarind place Jerrabomberra.
- 4. That the alcohol free zones and alcohol prohibited areas operation commence on the 1st July 2016 for a period of 4 years to the 30th June 2020; for Alcohol Free Zones in accordance with Section 644B(1) and 644B(4) of the Local Government Act NSW 1993, and for Alcohol Prohibited Areas in accordance with Section 632A(4) of the Local Government Act NSW 1993.
- 5. That the Council publicly advise the establishment of the alcohol-free zones and alcohol prohibited areas by notice published in a newspaper circulating in the area that includes the zones.
- 6. That the alcohol-free zones and alcohol prohibited areas be signposted in accordance with the requirements of Section 644C(3)(4) of the Local Government Act NSW 1993 and the Ministerial Guidelines.
- 7. That, in accordance with the Ministerial Guidelines on the matter, Council inform interested parties that the Council's proposed Alcohol Free Zones and Alcohol Prohibited Areas have been established and that notification be issued to the local Police Commander, affected liquor licensees and Club Secretaries and other organisations originally advised of the Council's proposed alcohol-free zones.
- 8. That an Alcohol Prohibited Area (APA) be established for the whole of Queen Elizabeth Park and that the appropriate exhibition and consultation be commenced to put the APA into effect.

6.16 South Jerrabomberra Planning Proposal - Current Status

033/16

RESOLVED (Overall)

The Administrator resolved to submit the revised Planning Proposal to the NSW Department of Planning and Environment for a decision incorporating the following amendments:

1. That the width of the buffer be changed from 105 metre to 150 metre, measured from the ACT border.
2. The 100 metres of land to the east of the 150 metre buffer be formally deferred for the purposes of this Planning Proposal and be revisited in the future subject to the outcome of further acoustic and odour studies.

6.17 Queanbeyan Art Society Special Heritage Funding

034/16

RESOLVED (Overall)

The Administrator resolved that the \$15,000 allocated from the special heritage fund scheme for proposed extensions at the Queanbeyan Art Society be rolled over to the 2016-17 Operational Plan to enable the Society to obtain the necessary approvals and to construct their proposed extensions at 8 Trinculo Place, Queanbeyan East, subject to all work being completed and all funding being claimed by 30 June 2017.

6.18 Queanbeyan District Preschool Association - Renewal of Lease - Waratah Preschool, 27 Alanbar Street, Queanbeyan

035/16

RESOLVED (Overall)

The Administrator resolved that:

1. The Officer's Report be noted.
2. The Administrator supports issuing a Licence Agreement for a five year term, commencing on 01 October 2016 and ending on 30 September 2021 for the Waratah Preschool.
3. That the rental be as outlined in this Report.
4. General Manager be authorised to execute the Licence Agreement on behalf of the Council.

6.19 Land Classification - Lots 1 and 2 DP 1215591 (Closure and Acquisition of Roads) at Mt Jerrabomberra

036/16

RESOLVED (Overall)

The Administrator resolved to classify Lots 1 and 2 in Deposited Plan 1215591 at Mt Jerrabomberra as Community Land.

6.20 Land Classification - Lot 1366 DP 1217419 Googong

037/16

RESOLVED (Overall)

The Administrator resolved that in accordance with section 31(2) of the Local Government Act 1993 (NSW), resolve that Lot 1366 DP 1217419 (19 Saphira Street, Googong) be classified as "Community Land".

6.21 Land Classification - Lot 1365 DP 1217419 Googong

038/16

RESOLVED (Overall)

The Administrator resolved that in accordance with section 31(2) of the Local Government Act 1993 (NSW), resolve that Lot 1365 DP 1217419 (44 Helen Circuit, Googong) be classified as "Community Land".

6.22 Land Classification - Lot 3 DP 1217396 (Aprasia Conservation Area) Googong

039/16

RESOLVED (Overall)

The Administrator resolved that in accordance with section 31(2) of the Local Government Act 1993 (NSW), resolve that Lot 3 DP 1217396 ("Aprasia Conservation Area", 29 Connolly Street, Googong) be classified as "Community Land".

6.23 CBD Master Plan Refresh

040/16

Mr Overall declared a conflict of interest in regard to Item 6.23.

RESOLVED (Overall)

The Administrator delegated Item 6.23 CBD Master Plan Refresh to the General Manager in accordance with S.377 of the Local Government Act.

7. COMMITTEE REPORTS**7.1 Report of the Queanbeyan Sports Council - 2 May 2016**

041/16

RESOLVED (Overall)

The Administrator resolved that the Report of the Queanbeyan Sports Council Committee held on 2 May 2016 be received and the recommendations contained therein be adopted.

QSC002/16 Duncan fields be allocated to Monaro panthers for the 2016 winter season and allocated to Queanbeyan junior cricket club for 2016-17 summer season. Allocations from 2017 winter season to be allocated as per all other grounds through the Queanbeyan Sports Council.

QSC003/16 that the money allocation to Letchworth oval to retain embankments to be transferred to David Madew playing fields for improved drainage on the fields and around the amenities block.

8. NOTICES OF RESCISSION

Nil

9. NOTICES OF MOTION

Nil

10. QUESTIONS ON NOTICE

Nil

11. RESPONSES TO QUESTIONS ON NOTICE

Nil

12. COUNCILLORS' REPORTS

Nil

13. INFORMATION ITEMS**13.1 Former Palerang Investment Report**

042/16

RESOLVED (Overall)

The Administrator resolved that the report be received for information.

13.2 Pedestrian Safety at Jerrabomberra Circle

043/16

RESOLVED (Overall)

The Administrator resolved that the report be received for information.
That a further report be received on the results of the state government pedestrian infrastructure around schools program funding round and the installation of pedestrian fencing at the Jerrabomberra roundabout.

13.3 Queanbeyan Heritage Festival 2016 - Report

044/16

RESOLVED (Overall)

The Administrator resolved that the report be received for information.

13.4 Submission for IPART Rating Issues Paper

045/16

RESOLVED (Overall)

That the report on the submission from the former QCC for the IPART rating issues paper be received for information.

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

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

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

PRESENTATIONS

No presentations were made.

046/16

RESOLVED (Overall)

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

Item 15.1 Unauthorised Work Within Council Verges at Googong Township

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

Item 15.2 Expressions of Interest Morisset Street Carpark Redevelopment

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

Item 15.3 Supply and Install Photovoltaic System Tender

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

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

The meeting returned to Open Sessions by virtue of Resolution No. 050/16 made in Closed Session.

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

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

Item 15.1 Unauthorised Work Within Council Verges at Googong Township

The Administrator adopts the following plan of action to address non-compliant verges at Googong:

- a) Commence community education program targeting properties that have an existing non-complying verge and then a broader campaign for Googong residents.
- b) Issue warning letters to properties identified as having non-complying verges and allowing them a chance to put forward a plan to rectify the non-compliance.
- c) Commence enforcement action by the issuing of a Notice of Proposed Order (NOPO) where:
 - i. No response is received within 4 weeks of issuing the warning letter; or
 - ii. No action has been taken after the agreed timeframe.
- d) Impose more punitive enforcement action on repeat offenders including the issuing of Penalty Notices without further warning.
- e) Enforce the recently adopted Street Verge Maintenance Policy.

Item 15.2 Expressions of Interest Morisset Street Carpark Redevelopment

The Administrator resolved:

1. As per the terms of its resolution of 27 April 2016 authorise the General Manager to assess the two Expressions of Interest for a mixed use commercial residential development including a multiplex cinema and for a cinema operator and enter into negotiations with the successful candidates, and
2. That the outcome of these negotiations be workshopped with the Administrator and council staff before being brought back to Council for endorsement.
3. That any consideration of the acquisition of private property be workshopped with the Administrator and council staff before being submitted to a meeting of council for determination.

Item 15.3 Supply and Install Photovoltaic System Tender

The Administrator accepts the tender submitted by Autonomous Energy under Council contract CD004-2015 for the solar photovoltaic services detailed as sites 2, 3, 4, 5, 6 & 7 in the report for the lump sum price of \$228,507 (inc GST).

Mr Overall thanked staff involved for their effort in the preparation of the reports for this meeting.

At this stage in the proceedings, the time being 7.05pm Mr Overall announced that the Agenda for the meeting had now been completed and declared the meeting closed.

**TIM OVERALL
ADMINISTRATOR
CHAIRPERSON**



MINUTES OF THE EXTRAORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held at the Council Chambers, 253 Crawford St, Queanbeyan on Wednesday, 15 June 2016 commencing at 5.30pm.

ATTENDANCE

Administrator: Tim Overall (Chairperson).

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

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

1. APOLOGIES

No apologies were received.

2. PRESENTATIONS/DEPUTATIONS/PETITIONS

Ms Margot Sachse – Item 4.2 – Appointment of Advisory Committee – Consideration of EDE Determination.

Ms Katrina Willis – Item 4.2 – Appointment of Advisory Committee – Consideration of EDE Determination.

051/16

RESOLVED (Overall)

That an extension of one minute be given to Ms Willis to complete her presentation.

Mr Dave Lavers – Item 4.2 – Appointment of Advisory Committee – Consideration of EDE Determination.

PETITIONS

Ms Katrina Willis – tabled a petition containing a further 27 signatures opposed to the proposed Ellerton Drive Extension.

3 DECLARATIONS OF INTEREST

052/16

RESOLVED (Overall)

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

No declarations were presented.

4. GENERAL MANAGER'S REPORTS**4.1 Draft Operational Plan 2016-17**

053/16

RESOLVED (Overall)

That Council:

1. note the review of the Delivery Program 2013-17 for the former Queanbeyan City and Palerang councils.
2. place the draft Operational Plan 2016-17, including Fees and Charges and Revenue Policy on exhibition and seek the community's comments on the contents of the documents.
3. note that as resolved by Queanbeyan City Council on 27 April 2016 and included in the draft Operational Plan that was publicly exhibited from 29 April 2016 until 27 May 2016, Council has included funding (reserves and borrowings) in the draft Operational Plan to enable the re-development of 257 Crawford Street.
4. consider submissions made on the draft plans at the Council meeting on 27 July, 2016.
5. staff investigate and report back to Council based on prior discussions with the former Queanbeyan Rates and Charges Committee regarding a transition mechanism to assist non-residential customers significantly affected by the proposed changes to water and sewer charges.

4.2 Appointment of Panel - Consideration of EDE Determination

054/16

RESOLVED (Overall)

1. That the report be received and noted.
2. That the Council establish a Panel for the purpose of considering the Determination Report for the Ellerton Drive Extension, the associated material and the concurrence of the Chief Executive of the Office of Environment and Heritage, and delegate authority to the Panel to make a determination on the matter.
3. The Panel comprise the QPRC Administrator, Tim Overall, and two other NSW Local Government Administrators appointed by the Administrator, being Richard Colley and Viv May.
4. That at the meeting of the Panel, members of the public be provided with the opportunity to make a 5 minute oral submission to the Panel in support of their submission or position in respect of the Ellerton Drive Extension project, such forum to be independently facilitated.

5. INFORMATION ITEMS**5.1 Interim Organisational Structure**

055/16

RESOLVED (Overall)

That the report be received for information.

At this stage in the proceedings, the time being 6.03pm Cr Overall announced that the Agenda for the meeting had now been completed and declared the meeting closed.

**TIM OVERALL
ADMINISTRATOR
CHAIRPERSON**

ITEM 4 DECLARATION OF CONFLICTS/PECUNIARY INTERESTS

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

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

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

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

Recommendation

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

GENERAL MANAGER'S REPORTS

6.1 Development Application DA.2016.081 – 317 Royalla Drive, Royalla – Community Hall (Ref: C1688635; Author: Wright/Coe)

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

This application has been referred to Council for determination because Council is the applicant and has a direct interest (Owner of Land).

Proposal:	Community Hall
Applicant:	Queanbeyan-Palerang Regional Council
Owner:	Queanbeyan-Palerang Regional Council
Subject Property:	Lot 33 DP 1037260, 317 Royalla Drive, Royalla
Zoning and Permissibility:	RE1 - Public Recreation under Palerang Local Environmental Plan 2014. The proposed development is permitted in the zone with development consent.
Public Submissions:	Nil
Issues Discussed:	Planning Requirements
Disclosure of Political Donations and Gifts:	Applicant Declared that no Donations or Gifts to any Councillor or Staff have been made

Recommendation

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

Background***Proposed Development***

The development application is for the construction of a Community Hall. This is a community project to provide a suitable meeting place for the residents of Royalla.

The building will consist of a kitchen, storage space, meeting room and toilet facilities. The proposal includes parking and a report has been provided addressing the disability access requirements of the Building Code of Australia.

The installation and operation of an Onsite Sewage System of Management for the facilities in the Community Hall has already been approved on under LGA.2015.239.

6.1 Development Application DA.2016.081 – 317 Royalla Drive, Royalla – Community Hall (Ref: C1688635; Author: Wright/Coe) (Continued)***Subject Property***

The subject land (Royalla Reserve) Lot 317 DP 1037260 has an area of 12.55 ha and is located at 317 Royalla Drive, Royalla. The development has been previously been used as a storage area of plant and materials as part of the construction of the Royalla Estate. It has also been used intermittently by Palerang Council for storage of road repair and resurfacing materials. Consequently the proposed building site has no vegetation growing on it and can only be described as a disturbed site with no remnant flora or fauna.

The site is owned by Queanbeyan-Palerang Regional Council and currently has on it an existing stone ruin, which has been identified as being an item of heritage or cultural significance. The proposed works will not impact on this ruined cottage, as there is a buffer of 35 metres, and the site of the ruin will be fenced.

Access to the site is off Royalla Drive from the two existing driveway entrances. These are considered to meet all relevant sight distance requirements.

The land in question has a split zoning of RE1 and E2, with the development site being wholly within the RE1 area.



Figure 1 - Location Plan

6.1 Development Application DA.2016.081 – 317 Royalla Drive, Royalla – Community Hall (Ref: C1688635; Author: Wright/Coe) (Continued)

Planning Requirements

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

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

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

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

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

The proposed building fits in with the existing site context, being situated well within the Common site and approximately midway between the existing elm grove, and the existing stone ruin, which is about 35 metres to the east. The site has been extremely modified in the past, and has no vegetation growing on it. The proposed building will be located approximately 40 metres from the road reserve, as this will enable it to be placed on a slightly higher part of the land and will provide clear lines of sight from passing traffic. The proposal is considered suitable for the site having regard to context and setting.

Access and Traffic

Site access will be off Royalla Drive from the two existing driveway entrances. The existing entrances comply with the objectives of the Palerang Development Control Plan 2015 (DCP), and are generally compliant with the controls of the DCP. Upgrades to the existing entrances are not required. Existing traffic volumes, the low speed environment and the extensive sight distance available at each entrance and the intermittent use of the facility, render the existing entrances suitable for the proposed development.

Provision of Services and Infrastructure

The proposed building has been designed to capture rainfall from its roof for storage in water tanks adjacent to the building. Any excess overflow water from the water tank will be directed away from the building as surface water drainage. The captured water will be used in the building for potable purposes.

Waste water treatment will be by on site disposal through a septic tank and absorption trenches, already approved under LGA.2015.239. This is considered the most suitable form of disposal due to the intermittent use of the system.

Electricity will be provided to the building from an existing overhead mains located on Royalla Drive.

6.1 Development Application DA.2016.081 – 317 Royalla Drive, Royalla – Community Hall (Ref: C1688635; Author: Wright/Coe) (Continued)

Environmental Impacts

The proposed development will not cause the removal of vegetation, affect any habitats or disturb any aboriginal artefacts/relics. There will be minor excavation and filling on the building site of up to one metre. The Royalla Landcare Group have inspected the site and agreed that there are no threatened species on the site.

The building is not subject to natural hazards such as flooding or subsidence. It is over 200 metres from Whisperer Creek and over 300 metres from Jerrabomberra Creek.

A bushfire assessment has been conducted for the site. The assessment has determined that the building requires a BAL12.5 building level. This requirement has been included in the recommended conditions of consent.

Social and Economic Impacts

Impacts on surrounding residents will be minimal, with the nearest residence being approximately 150 metres from the building location. The building will be a community managed asset, and will be managed to ensure that the community is not adversely affected by activities at the building.

It is not expected that the proposed development will have any negative impact on Royalla and its residents, but is expected to have a positive social impact by providing a local meeting place which enables the building of social capital within the locality.

Waste Disposal

Waste generated during construction will be disposed of appropriately in licenced facilities. Once the Community Hall is completed, residual waste and recyclable material generated by use of the facility will be collected through the Council's normal kerbside collection.

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

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

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

The development subject to the attached conditions of consent, is considered to benefit the public interest by providing a suitable meeting place for the residents of Royalla.

Other Comments The application was referred to Council's Development Engineer, who did not object to the proposal.

6.1 Development Application DA.2016.081 – 317 Royalla Drive, Royalla – Community Hall (Ref: C1688635; Author: Wright/Coe) (Continued)

Financial Implications

The project is funded in the Palerang 15/16 Operational Plan in the amount of \$250,287 (sufficient for completion of Stage 2 to lockup).

- Revenue - \$12,000
- Section 94 contributions - \$190,000
- Grant (Veolia Mulwaree Trust) – \$48,287
- Grant (The Hon. Dr Peter Hendy) - \$10,000 (specifically for kitchen fitout)

Additional funding is likely to be sought by the Committee to complete the project.

Development Contributions are not required for this proposal as it does not increase the demand for public amenities or services.

Consultation

The application was not required to be notified to adjoining owners in accordance with the provisions of the *Palerang Development Control Plan 2015*.

Compliance or Policy Implications

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

Conclusion

The development application for the construction of a Community Hall on Lot 33 DP 1037260, 317 Royall Drive, Royalla, is consistent with the relevant provisions within the *Palerang Local Environmental Plan 2014*, *Palerang Development Control Plan 2015*, and the matters within section 79C of the *Environmental Planning & Assessment Act 1979*. As a result consent is recommended subject to the attached schedule of conditions of consent.

Attachments

- | | |
|--------------|--|
| Attachment 1 | Royalla Community Hall - DA.2016.081 - 79C Matters for consideration (<i>Under Separate Cover</i>) |
| Attachment 2 | Royalla Community Hall -DA.2016.081 - Plans (<i>Under Separate Cover</i>) -
CONFIDENTIAL |
| Attachment 3 | Royalla Community Hall - DA.2016.081 - Schedule of conditions (<i>Under Separate Cover</i>) |

GENERAL MANAGER'S REPORTS

6.2 Determination of Building Certificate for Riverside North Carpark Fence - 50 Morisset Street, Queanbeyan (Ref: C1680965; Author: Thompson/Cheung)

Summary

At its meeting of 27 January 2016 Queanbeyan City Council deferred the determination of the application for a Building Certificate for the fence between the Riverside Plaza North Carpark and K-Mart's carpark for 3 months. This was to allow Riverside Plaza, under the management of Vicinity Centres (Riverside/Vicinity), to complete works that included the installation of an opening to the fence between the carparks.

Riverside/Vicinity did not comply with Council's request and submitted a letter after the 3 month timeframe to justify the retention of the fence. Further assessment has been carried out as part of this Council report and the options available to Council are outlined together with a recommendation for the determination of the application.

Recommendation

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

6.2 Determination of Building Certificate for Riverside North Carpark Fence - 50 Morisset Street, Queanbeyan (Ref: C1680965; Author: Thompson/Cheung) (Continued)

Background

In July 2015, Riverside/Vicinity installed an unauthorised fence at the Riverside North Carpark which attracted significant public attention due to the obstruction it caused to pedestrian traffic. Riverside/Vicinity subsequently lodged a Building Certificate Application with Council. At the 27 January 2016 Ordinary Meeting of Queanbeyan City Council, Council resolved the following:

1. *That Council advise Riverside Plaza management, that subject to the following works being completed within 3 months, the Building Certificate for the fence will be approved and issued under delegated authority:*
Works Required:-
 - a. *A pedestrian opening consistent with the following specifications shall be installed in the dividing fence between 50 Morisset Street (Riverside Plaza North Carpark) and 30 Morisset Street (Kmart), Queanbeyan*
 - i. *The opening is located near the Kmart building and shall link with the existing pedestrian path/thoroughfare.*
 - ii. *The opening and approaches shall comply with disability access standards (AS 1428.1).*
 - iii. *The opening shall be available for unimpeded pedestrian access during opening hours of Riverside Plaza Shopping Centre.*
 - iv. *That the opening be installed in accordance with the above within 3 months (by 27 April 2016).*
 - b. *The fence must be freestanding and not encroach onto adjoining land. This means the attachment to the Kmart building must be removed and any damage to the wall repaired.*
2. *That in the event that the works required in item 1 are not achieved by 27 April 2016, Council refuse the Application for the Building Certificate for the fence between 50 and 30 Morisset Street and enforcement action commenced. The enforcement action may include either directing the Riverside Plaza Management to make structural changes to achieve item 1 at the Plaza's own cost or demolition of the whole fence at the Plaza's own cost.*
3. *That Council not seek any development contribution for the single carpark lost in providing the required access.*

**6.2 Determination of Building Certificate for Riverside North Carpark Fence - 50
Morisset Street, Queanbeyan (Ref: C1680965; Author: Thompson/Cheung)
(Continued)**

Following the resolution of Council, staff met with Riverside Plaza's Operations Manager on 11 February 2016, to discuss the way forward. In the meeting, Riverside's representative stressed that there had never been pedestrian linkages between both car parks and that the broken log barriers are causing trip hazards. Alternative options on creating an opening to the fence were discussed. Riverside/Vicinity's representative preferred an opening near Woolworths rather than onto the Kmart car parking area, which is Council's preference. A formal written response to the Council resolution and proposed action from Riverside/Vicinity was promised with two weeks of that meeting. This was not forthcoming within the timeframe despite Council staff maintaining contact with and providing reminders to Riverside/Vicinity over the next few months.

On 27 April 2016, which is when Council resolved that the works were to be completed, a Council officer observed that no work had been carried out on the fence to either remove it or amend it to comply with Council's resolution, nor had any formal advice in writing been provided.

On 29 April 2016, Council received a letter from Riverside/Vicinity in which they made the following arguments in support of their intention to retain the fence.

1. The northern part of the carpark (that is near Kmart and Woolworth) is proposed to be used by Riverside Plaza's tenant parking only and not open for public use.
2. The northern car park was being utilised by Woolworth's and Kmart staff (not associated with Riverside Plaza staff) and customers to the detriment of Riverside/Vicinity tenants.
3. The fence was erected to improve safety and reduce risks and hazards including:
 - a. Reduce rubbish and debris from Kmart and Woolworths loading dock
 - b. Pedestrians walking between cars, over kerb and guttering through a garden bed
 - c. Old coppers log barrier was broken in a number of places
4. The 2007 Google Streetview Photo used in the January 2016 Council Report is out of date
5. Riverside/Vicinity agrees to undertake the following:
 - a. Detach the fence from the Kmart building so it is a freestanding structure.
 - b. Meet council requirements for fencing flood zone to allow the free flow of flood water

It is clear from the letter that Riverside/Vicinity has no intention to either remove the fence or make an opening to allow for pedestrian access through the fence.

Implications

Legal

Under the *Environmental Planning and Assessment Act 1979* (EP&A Act), an application can be lodged with Council to seek a Building Certificate for structures that are not approved. Where it is issued, the Building Certificate provides surety to the applicant, that Council will not take any enforcement action (either by an Order or legal proceedings) to require the unauthorised structures to be repaired, demolished, altered, added to or rebuilt for a period of at least 7 years. It is not a "retrospective approval" as it does not have the same legal status as a development consent and/or Construction Certificate.

6.2 Determination of Building Certificate for Riverside North Carpark Fence - 50 Morisset Street, Queanbeyan (Ref: C1680965; Author: Thompson/Cheung) (Continued)

The EP&A Act sets out the obligations for Council in considering Building Certificate Applications. These considerations include that planning and building matters have been taken into account in the assessment of the Building Certificate Application. The general impacts of the fence have been considered in the Council Report for the 27 January 2016.

Consideration of the submission made by Riverside/Vicinity and additional information relating to development consents for the land found in Council's records is detailed below.

Previous Approval for the Carpark (DA95003)

A review of Council's records show that the Riverside North carpark was approved under Development Application DA95003. The consent also included proposed alterations and additions to Riverside Plaza. When it was determined by Council on 17 May 1995, it was resolved on the motion of Crs Hawke and Murphy that if approval is granted [for the carpark] the fence on the southern side adjacent to City Link [now Kmart] be deleted and that adequate pedestrian access be provided between the City Link parking area and the new proposed car parking area.

This resolution is reflected on the approved plan where the following explicit notation is included: "fence to be deleted." (Extract of the plan is attached below):

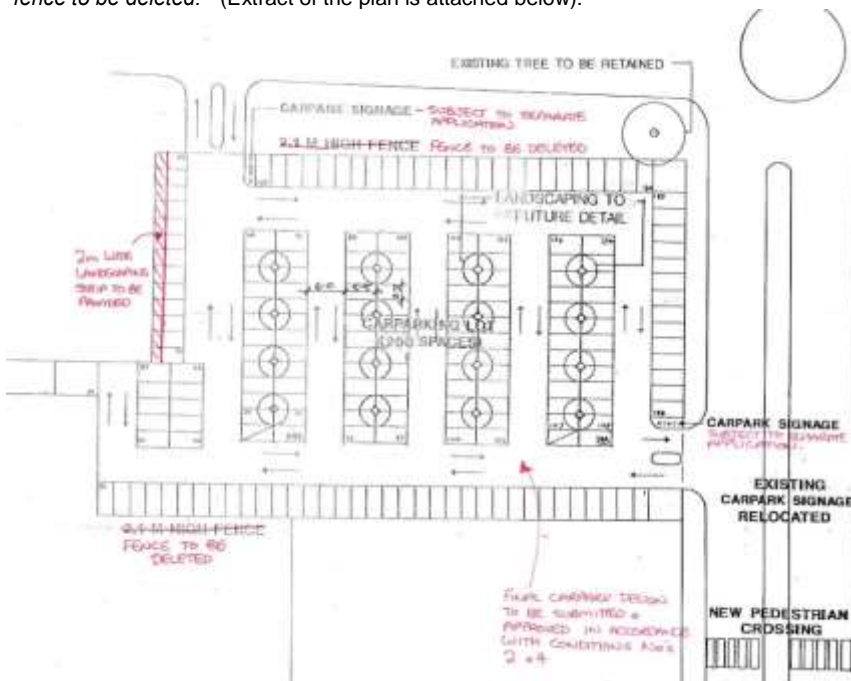


Figure 1 extract from the approved plan (numbered: DA-01) for DA95003

**6.2 Determination of Building Certificate for Riverside North Carpark Fence - 50
Morisset Street, Queanbeyan (Ref: C1680965; Author: Thompson/Cheung)
(Continued)**

This information shows that in 1995 Council considered a proposed 2.1m fence in the location of the current unauthorised fence. It was deleted from the proposal and not included in the consent on the grounds that it would obstruct the pedestrian access between the carpark. It can be argued these grounds are still relevant today. This information also shows that the unauthorised fence is also contravening the relevant development consent for this area.

Car Park Use by Non-Riverside Plaza Customers and Staff

Riverside/Vicinity claims that the carpark has been used by non-Riverside Plaza customers and staff to the detriment of Riverside/Vicinity tenants. While the comments on use are undoubtedly true the carpark is considered to be part of the CBD's public carpark network and it should be open to the public. Many customers would utilise this carpark to visit multiple destinations including Riverside Plaza. No doubt other carparks such as the K-Mart and Woolworth's carparks provide the same service. However, to suggest that by parking in one particular carpark a customer will only visit one particular premises is tenuous and not in the best interests of the CBD as a whole.

Hazard and Risk Reduction for Pedestrians and Carpark Users

The Riverside/Vicinity submission details that Vicinity completed a risk assessment and *"the area in question, Northern car park was identified as a medium risk for two reasons.*

- 1. Pedestrians walking between cars, over kerb and guttering, through a garden bed. Trip/Slip/Fall Hazard*
- 2. Old coppers log barrier was broken in a number of places. Trip/Slip/Fall and Personal Injury Hazard"*

It is acknowledged there was a potential trip hazard caused by the garden bed and the log barriers which were poorly maintained. The fence is one solution to this hazard. In this solution, the public convenience for access between parking areas has not been considered in addressing the potential hazard, nor has the requirement for development consent nor the compliance with the Development Consent DA95003. In addition the major risks could be mitigated with a fence that simply has an opening in it at a sensible location.

Use of Google Streetview Photo, dated 2007

The use of the 2007 Google Streetview photo in the January 2016 Council Report is noted in Riverside/Vicinity's submission to be an *"out of date photo (Nov 2007)"* which *"does not show the large emergency generator in the norther corner of Kmart car park."* The purpose of the photo was to demonstrate that there had been no previous "fence" that was being replaced, as claimed by Riverside/Vicinity and that only the log barriers and garden beds were separating the carparks. The photo shows that the use of the log barriers was intended to prevent vehicles driving over the garden bed rather than preventing pedestrian access between the carparks.

While the large emergency generator at the adjoining carpark has been erected since the 2007 photo, this facility has minimal impact on the pedestrian access between the carparks. Council would have no objection if Riverside/Vicinity carried out a like-for-like replacement of the log barriers rather than erecting a 1.8m chain-wire mesh fence.

6.2 Determination of Building Certificate for Riverside North Carpark Fence - 50 Morisset Street, Queanbeyan (Ref: C1680965; Author: Thompson/Cheung) (Continued)

Riverside/Vicinity's Rights to Fence and Secure Their Property

It should be noted that the fence is between two private properties and Riverside/Vicinity has rights to fence and secure their property. Attempts have been made to allow the fence to stay as long as there is an opening to allow for pedestrian flow. This proposal has been rejected by Riverside/Vicinity. Nonetheless, private property rights should also be considered against the public interest to retain the connectivity between the carparks. This very issue was considered by Council in 1995 when fencing was proposed in this location and it was specifically resolved to require the deletion of the fencing from the approved plans for the shopping centre expansion.

Proposed Tenant's Car Parking and Safety

It is noted that it is Riverside/Vicinity's intention to allocate parking at the Northern end of Riverside North Carpark to Riverside Plaza's tenants only and that in doing so they believe it will free up car parking in the undercover and Morisset St car park for customers. Council's parking requirements and Development Consent DA 95003 detail the total number of car parking spaces required but makes no distinction of where tenants or public car parking spaces are to be located. This is purely a management issue for Riverside/Vicinity. As such, Riverside/Vicinity have considerable flexibility as to how they allocate car parking to tenants and customers.

Riverside/Vicinity suggest that the fence will provide safe secure parking for tenants and customers. Given that there is no fence along the Collett and Morisset Street frontages it is difficult to see how security would be enhanced.

However, in order to objectively assess the potential impact on safety (both positive and negative), the Crime Prevention Through Environmental Design (CPTED) principles can be used. The Queanbeyan Development Control Plan Part 2.9 and the NSW Car Park Guidelines for Crime Prevention provide guidance.

The relevant principles for carparks as outlined in the DCP and Guidelines are:

- *Natural surveillance*: when you can see and be seen by others. Layout, orientation, landscaping, use of security and patrols, and lighting of the car park all contribute to this.
- *Access control*: defined boundaries and clear delineation of vehicle and pedestrian access increase the time and effort associated with a crime.
- *Space and activity management*: encourage legitimate use of space and respect for the space.
- *Maintenance and general upkeep of the facility*: a well-managed facility can contribute to the amenity and lawful use of the car park.

**6.2 Determination of Building Certificate for Riverside North Carpark Fence - 50
Morisset Street, Queanbeyan (Ref: C1680965; Author: Thompson/Cheung)
(Continued)**

Surveillance is essential for safe design as it makes people feel safe in public areas when they can easily see and interact with others. While the mesh wired fencing does allow for people to look through, it also obstructs a linkage between the upper Crawford Street precincts with the Queanbeyan Bus Interchange. This passing pedestrian traffic can provide regular passive surveillance around the area.

The mixture of long term and short term parking also enhances surveillance as vehicles parked in long stay parking are more vulnerable to crime than vehicles in shorter term parking. Short term parking can result in larger numbers of cars entering and exiting the car park, which assists in providing natural surveillance. If Riverside/Vicinity moves the long term tenant car parking from the existing area near Morisset Street to where the fence is, it will decrease the turnover of vehicles; thus further reducing passive surveillance in the area.

The use of a fence is a form of *access control* that uses physical and symbolic barriers to attract, channel or restrict the movement of people. This is achieved by minimising opportunities for crime and increasing the effort required to commit crime. It should be noted that the fence only covers a small section of the perimeter, leaving Collett Street and Morisset Street frontages unsecured. In addition, mesh wired fence can easily be cut. These raise the question on the overall effectiveness of the fence.

The fencing does contribute somewhat to pedestrian access control by limiting the number of pedestrian access and exit points, although it is argued that it fails to accommodate or account for the busy destination points to and from the car park. The fence obstructs the access that was readily available between the Kmart and Riverside carpark and on the basis of the feedback received from the community following the erection of the fence this area was a busy thoroughfare. Council's resolution of the 27 January 2016 recognised this by requiring the inclusion of a gate or pedestrian opening in the fence.

The fence is likely to have negative impact on *territorial reinforcement* as it does not send a positive signal on community ownership of the public space. Territorial reinforcement is important as people often feel comfortable in, and are more likely to visit places which feel owned and cared for.

The fence could contribute to *space management* as it can create a defined area that responsibility can be assigned to. It can also reduce littering as non-tenants are not using this section of the carpark, which may assist Riverside/Vicinity in keeping the area clean and tidy.

Without the full perimeter control, the fence is unlikely to significantly contribute to safe design and crime prevention. By breaking the linkages between the carpark, it will reduce the passive surveillance and territorial reinforcement elements of safe design. Therefore the fence is not expected to have an overall contribution to safe design of the carpark or crime prevention in the area.

In summary it is considered that Riverside Plaza/Vicinity have erected the fence primarily to inhibit customers using their carpark to access competitors nearby businesses at the expense of their own tenants. While this is understandable it is not in the public interest or the interests of the overall operation of the CBD to have these publicly utilised carpark separated from one another. Other issues related to risk management and security can be managed effectively by a fence that contains an opening or gate for pedestrian access.

6.2 Determination of Building Certificate for Riverside North Carpark Fence - 50 Morisset Street, Queanbeyan (Ref: C1680965; Author: Thompson/Cheung) (Continued)

Options Available to Council in Determining the Building Certificate Application

Under section 149D of the EP&A Act, Council has the following options in making a determination on the Building Certificate Application:

1. Option 1 - *Approve* the Application: Council must approve the Application unless it is intending to issue an Order for the unauthorised fence to be demolished, altered, added to or rebuilt or undertake legal proceedings.
2. Option 2 - *Refuse* the Application: Council can refuse the Application. A reason must be given for the refusal and this can include that Council is intending to issue an Order or undertake legal proceedings.
3. Option 3 - *Defer* the determination of the Application: Council can defer its determination allowing the applicant to address outstanding matters. Once the matters have been resolved, the Building Certificate can be issued without delay.

In addition Council must not refuse or delay the issue of a building certificate if Council is not able to issue an Order for the fence to be demolished, altered, added to or rebuilt; or take legal proceedings on the fence.

Based on Riverside/Vicinity letter, agreement on creating an opening in the fence has not been achieved. Therefore this leaves Council with the options to either approve (Option 1) or refuse (Option 2) the Application. Both of these options are explored below.

Justification and Legal Implications for Approval

There is a case for the Building Certificate Application to be approved because:

1. The fence is between private properties.
2. The fence complies with Council requirements within a flood affected area.
3. While the fence causes inconvenience, it does not result in significant impacts to the environment.
4. While there has been an informal access through the carpark, it has never been formalised.
5. The fence would be exempt development if it were not located within the flood affected area. This means that no development consent would have been required except that it is in a flood affected area.
6. The garden bed and log barrier created a trip hazard for pedestrians who crossed the area.

If the Building Certificate Application is approved, Council will generally (with a few exceptions) not be able to take any action under the EP&A Act or the Local Government Act 1993 (LG Act), to order or take proceedings for an order to have the fence demolished, altered, added to or rebuilt for a period of seven years

This also means Council supersedes the previous decision under DA95003 on no fencing between the carpark. Council can make such decision that supersedes or amends previous decision(s) on development after its impacts have been considered.

**6.2 Determination of Building Certificate for Riverside North Carpark Fence - 50
Morisset Street, Queanbeyan (Ref: C1680965; Author: Thompson/Cheung)
(Continued)**

Third parties (i.e. other than the applicant or Council) have very limited appeal rights relating to Council's decision on a Building Certificate Application. However, under section 123 of the EP&A Act any person may bring proceedings in the Land and Environment Court if they feel there has been a breach of law in the administration of the EP&A Act.

Justifications and Legal Implications for Refusal

There is also a case for the Building Certificate Application to be refused because:

1. The fence is not exempt development, thus Development Consent from Council should have been obtained prior to its installation. Therefore the fence is an unauthorised development.
2. The fence contravenes DA95003, as the fence was deleted by a resolution of Council when the Development Application for the Riverside Plaza alteration and addition was determined.
3. The reason for the deletion of fence in DA95003 was to ensure adequate pedestrian access between the carparks. This reason is still valid today.
4. The fence reduces passive surveillance that is generated by the pedestrians utilising the informal linkages through the carparks or users of the carpark.
5. While the previous garden bed and log barrier created a barrier for vehicle access, it did not prevent pedestrian access.
6. The installation of the fence cannot be justified on the basis that it is either maintenance, or like-for-like replacement of the log barrier.

If Council refuses the Building Certificate Application, it must provide the reasons for refusal. Based on the above assessment, these reasons are:

1. The fence contravenes Development Consent DA95003 in which the fence was deleted from the proposed plans by a resolution of Council. The reason for the deletion of the fence in DA95003 was to ensure adequate pedestrian access between the carparks. This reason is still valid today.
2. Development consent would not have been granted if a development application had been lodged with Council as it obstructs an informal pedestrian access between the carparks. It is in the public interest for the access to be kept open.
3. The fence reduces passive surveillance that is generated by the pedestrians utilising the informal linkages through the carparks or users of the carpark
4. The installation of the fence is neither maintenance, or like-for-like replacement of the previous log barriers.

A refusal will then require the fence to be removed to comply with Development Consent DA95003. Section 121B of the EP&A Act allows Council to issue an order to Riverside/Vicinity to comply with the development consent (DA95003), which involves the removal of the fence that was deleted from the approved plan by a Council resolution. Enforcement action would commence by the issuing of a Notice of Proposed Order (NOPO) at the same Riverside/Vicinity is notified of the refusal in writing. Riverside/Vicinity will be given a period of 28 days to make representation on the NOPO. Council would then consider whether to the Order will be issued or amended after the 28 day period.

6.2 Determination of Building Certificate for Riverside North Carpark Fence - 50 Morisset Street, Queanbeyan (Ref: C1680965; Author: Thompson/Cheung) (Continued)

Riverside/Vicinity has the right to appeal any refusal decision in the Courts. On hearing the appeal, the Court may do any one or more of the following:

1. it may direct the Council to issue a Building Certificate in such terms and on such conditions as the Court thinks fit,
2. it may revoke, alter or confirm a notice under section 149C (i.e. to supply information),
3. it may make any other order that it considers appropriate

It should also be noted that in addition to lodging an appeal against the refusal of the building certificate, Riverside/Vicinity can also appeal against the issue of any Order to demolish the fence if it is issued.

Policy

Council's *Development Compliance Policy* (the Policy) has been followed in investigating and resolving the issue with the unauthorised fence. Consideration of a Building Certificate application is a normal way for Council to resolve unauthorised building without resorting to enforcement action.

Environmental

The fence is located within flood prone land but outside the floodway of the Queanbeyan River. There is a minor potential for the fence to obstruct the escape route for pedestrians during flood events.

Social / Cultural

The fence removes the convenient pedestrian access between the upper Crawford Street Precinct, where the Queanbeyan Aquatic Centre, the Post Office, a medical clinic and two supermarkets are located and the Riverside Precinct where the Queanbeyan Bus Interchange and Queen Elizabeth Park is located. The fence also obstructs a future 'Friendly Town' linkage identified in the Queanbeyan CBD Master Plan Cultural Map. This linkage was acknowledged when DA95003 was considered with the fence on the plan being removed to ensure adequate pedestrian access between the carparks. The informal linkage still exists as evidence from the hole that has been cut through the fence.

Consultation

Council received a number of complaints from the community when the fence was first erected. The matter was also reported in the Queanbeyan Age on 18 August 2015, 2 October 2015 and 13 February 2016 demonstrating the high level of community concern.

6.2 Determination of Building Certificate for Riverside North Carpark Fence - 50 Morisset Street, Queanbeyan (Ref: C1680965; Author: Thompson/Cheung) (Continued)

Councillors from the former Queanbeyan City Council have also raised concerns about the fence at the Council meeting on 23 September 2015 where it was resolved to negotiate with Riverside/Vicinity to install a gate or opening to allow for continued pedestrian access. Despite numerous attempts to negotiate a satisfactory outcome with Riverside/Vicinity they are not prepared to provide a commitment to install a permanent opening or gate in the fence.

It is in the public interest to take into account the following concerns raised by the public:

- a. The fence causes a hindrance for customer traffic between Woolworth's supermarket, the medical centre, the bus station and Riverside Plaza.
- b. The safety of high school students is at risk as they are jumping the fence to get to and from the bus station.
- c. The public are using private property to cut through into the Woolworths loading dock, placing themselves at risk due to high volume of semi-trailer deliveries, delivery trucks and vans in this area.
- d. The purpose of the fence is unclear.

Financial

It should be noted that Riverside/Vicinity did not take up Council's offer to contribute to the installation of the access ramp and kerb work that would accompany any opening in the fence. Council also agreed to waive any developer contributions resulting from the loss of the carpark to provide the access opening in the fence. If the applicant agrees to install the opening this offer still stands. However, if Council refuses the application and the applicant loses an appeal against the refusal the applicant will be required to pay the cost of constructing the accessways and the developer contribution for the lost parking space.

There are also significant financial implications in the event that Riverside/Vicinity choose to appeal the determination of the Building Certificate Application.

Conclusion

The wire mesh fence erected at Riverside North Carpark at 50 Morisset Street Queanbeyan in July 2015 required Development Consent. The fence is not exempt development as fences within flood affected areas are excluded from exempt development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (the Codes SEPP). Fencing in this location is also in breach of development consent DA99033, dated 23 May 1995, which specifically excluded a proposal for a 2.1m fence in this location.

To rectify this situation Riverside/Vicinity lodged an application for a Building Certificate. By this time there was significant community interest and objection to the fence. The Building Certificate was considered at the Ordinary Meeting of Council on 27 January 2016 where Council resolved to defer the determination of the Building Certificate Application for 3 months to allow Riverside/Vicinity to:

- a. Create an opening in the fence
- b. Detach the fence from the Kmart building
- c. Ensure the fence was constructed so as to allow the free flow of flood water

**6.2 Determination of Building Certificate for Riverside North Carpark Fence - 50 Morisset Street, Queanbeyan (Ref: C1680965; Author: Thompson/Cheung)
(Continued)**

After the 3 month timeframe Riverside/Vicinity advised in writing that while they agreed to detach the fence from the Kmart building and that the fence would allow the free flow of flood water, they did not agree to complete works to provide a pedestrian opening.

The assessment of the Building Certificate Application has now included the issues raised in the written response received by Riverside/Vicinity on the 29 April 2016 and further information from Council's records. Essentially, while there are reasons that could support the approval of the Certificate, being that the fencing is not unreasonable given it is between private land, it allows for the reduction of trip hazards and would have been exempt from approval had it not been located within a flood affected area, there is a stronger case for the refusal of the application. There are enough grounds to support a refusal which relies on the contravention of the Development Consent DA95003, the removal of public access and potential safety impact.

It is recommended that the Building Certificate Application for the fence erected at Riverside North Carpark at 50 Morisset Street Queanbeyan be refused (this is in line with previous resolution of Council on 27 January 2016) for the reasons outlined in this report. As a consequence it is recommended that the following subsequent actions include:

1. Council advises Riverside/Vicinity in writing that the Building Certificate Application has been refused.
2. Council commences enforcement action by issuing a Notice of Proposed Order (NOPO) requiring the removal of the fence to comply with the development consent issued under DA95003.
3. Riverside/Vicinity can either complete the work in the Notice of Proposed Order or make representations as to the terms or timing of the proposed order. This would include the option of amending any future Order to allow for the fence to remain with an opening to allow pedestrian access.
4. After considering the representations Council will determine:
 - i. Whether to issue the Order
 - ii. Whether to amend the terms of the Order
 - iii. Whether to amend the timeframe for the compliance with the Order

It is noted that this decision can be subject to an appeal to the Court and that there are financial implications for Council.

Attachments

- | | |
|--------------|--|
| Attachment 1 | Staff Report on Building Certificate Application on Riverside North Carpark Fence - Agenda of the Ordinary Meeting of the Queanbeyan City Council on Wednesday 27 January 2016 (<i>Under Separate Cover</i>) |
| Attachment 2 | Vicinity Centres (Riverside Plaza) Response (<i>Under Separate Cover</i>) |
| Attachment 3 | Approved Plans for DA950035 (<i>Under Separate Cover</i>) |
| Attachment 4 | Extract - Minutes of the Ordinary Meeting of the Queanbeyan City Council on Wednesday 17 May 1995 - Riverside Plaza (DA950033) (<i>Under Separate Cover</i>) |

GENERAL MANAGER'S REPORTS

6.3 Exhibition Draft South Tralee Local Planning Agreement (Ref: C1667192; Author: Thompson/Carswell)

Summary

The purpose of this report is to summarise the results from the exhibition of the draft South Tralee Local Planning Agreement (draft LPA) (Attachment 1). This was placed on exhibition from Friday 29 April 2016 until Friday 27 May 2016. As a result five submissions have been received. These include submissions from the representatives of the owners/developers of various areas within South Jerrabomberra including South Tralee as well as a number of comments from staff of Council and legal advice from Council's legal advisers.

Recommendation

That Council agree to execute the South Tralee Local Planning Agreement subject to incorporating the recommended changes specified in Attachment 1 to this report and any other minor administrative or housekeeping changes identified.

Background

The South Tralee Local Planning Agreement (draft LPA) was last reported to Council at its meeting of 27 April 2016 where Council in part resolved (Minute No. 120/16):

3. *That Council adopt the draft South Tralee Local Planning Agreement in principle and generally in accordance with Attachment 1 and agree to exhibit it for a minimum period of 28 days.*

The draft LPA was subsequently placed on exhibition from Friday 29 April 2016 until Friday 27 May 2016. As a result five submissions were received. These include submissions from the representatives of the owners/developers of various areas within South Jerrabomberra including South Tralee as well as a number of comments from Council staff and legal advice from Council's legal advisers. Submissions and responses are addressed in detail in Attachment 1.

Implications**Legal**

The draft LPA for South Tralee has been drafted and progressed in accordance with Section 93F of the *Environmental Planning and Assessment Act 1979* and the relevant regulations from the *Environmental Planning and Assessment Regulations 1980*. As part of this process it now requires to be executed with appropriate changes as a deed.

Finalisation of the draft LPA is important in allowing the Stage 1 and 2 development applications currently before Council to progress.

6.3 Exhibition Draft South Tralee Local Planning Agreement (Ref: C1667192; Author: Thompson/Carswell) (Continued)

Policy

As a broad policy matter Council agreed to pursue the draft LPA through its resolution at the Planning and Development Review Committee meeting of 9 September 2015 (PDRC 077/15).

Council's resolution of 27 April 2016 (Minute No 120/16) has further set down its policy position in relation to two matters:

1. *That Council agree in relation to any provision requiring repayment of outstanding development contributions by 2036 in the South Tralee Local Planning Agreement that these be limited to those contributions which Council can actually collect.*
2. *That Council agree in relation to the surplus value for the Northern Entry Road that development contributions to be paid back to CEC4 as surplus value be limited to what can actually be collected and that it be paid off in the proportion attributable to the surplus value of the Northern Entry Road.*

Asset

As a result of the execution of the draft LPA, Council will inherit over the life of the development a range of assets. These will include the Northern Entry Road (NER), water and sewer infrastructure, part of the corridor for the future Dunns Creek Road, open space areas, sporting areas and their embellishments and a community hall. All of these will eventually require maintenance and other expenditures.

Social / Cultural

The execution of the draft LPA for South Tralee will enable infrastructure and services to be delivered at specified times during the development of South Tralee, therefore benefitting a new community.

This will include open space areas, sporting areas and their embellishments, land for a community hall and a community hall.

Economic

As a consequence of the draft LPA there will be employment opportunities created through the construction of the facilities in it.

Strategic

The draft LPA is an important part of giving effect to the *Queanbeyan Residential and Economic Strategy 2031* as well as to its principles.

This draft LPA includes public utility infrastructure i.e. that required for the supply of water and disposal and management of sewerage. This is consistent with clause 6.2 Public Utility Infrastructure of *Queanbeyan Local Environmental Plan (South Tralee) 2012* which requires that satisfactory arrangements be put in place for urban release areas such as South Tralee before development consent is granted.

The draft LPA also provides for future access to the remainder of South Jerrabomberra following construction of the NER, a corridor for the future Dunns Creek Road and open space and recreational facilities that will be used by residents throughout the South Jerrabomberra area.

6.3 Exhibition Draft South Tralee Local Planning Agreement (Ref: C1667192; Author: Thompson/Carswell) (Continued)

Consultation

As previously noted five submissions were received during the exhibition period. A summary of submissions and Council's response is shown in Attachment 1. Copies of each of the external submissions are provided in Attachment 2

The main focus of the submissions question what implications the draft LPA have on the land in terms of the costs and surplus values of the NER and other regional roads for each of the other developers. Also raised is the difficulty in assessing whether these costs and surplus values of the draft LPA are reasonable or not when there is no Section 94 Contributions Plan in place to use as a base and which is dependent on having a nexus between the need for the facility and the new population.

Information provided in Schedule 7 of the LPA and exhibited on these includes the estimated costs (contribution values) for off-site roads works in Items 2.02 (Design and Construction of Northern Entry Road), 2.03 (Design and Construction of the intersection between the Northern Entry Road and Tompsitt Drive), 2.05a (Design and Construction of Dunns Creek Road (Road 2)) and 2.05b (Design and Construction of Dunns Creek Road (Road 5)) of Schedule 2.

In addition a number of assumptions in regard to traffic generation rates were made with the key ones being found in the second table of Schedule 12 of the draft LPA. These are based on equivalent dwellings and are consistent between various types of non-residential development and residential development irrespective of development area.

In addition there are a number of issues which have been raised internally or on the basis of legal advice. These include changes to the wording of various clauses, the addition of a sub-clauses to the clause on Payments to Developers inserting references to development services plans and updates to figures in the Work Schedule in relation to the water and sewerage infrastructure items. A summary of the submissions is provided in Attachment 1 to this report which includes a response to the submission and recommended action by way of whether there will be a change to the draft LPA or not or other appropriate action.

In the instances where background information is missing, Council staff are confident that the costs and apportions are reasonable. However, it should be noted that upon completion of the Section 94 Contributions Plan for South Jerrabomberra should there be any costs that differ significantly these can be adjusted at the LPA's first review and before any other LPA's are entered into between any developer of South Jerrabomberra and Council.

Financial

For this stage of the project financial considerations have involved administrative and advertising costs associated with exhibiting the draft LPA as well as staff costs associated with consideration of submissions.

As previously reported this is partly offset against the inclusion of \$35,000 in the draft LPA for administration.

6.3 Exhibition Draft South Tralee Local Planning Agreement (Ref: C1667192; Author: Thompson/Carswell) (Continued)

In the draft LPA being proposed for execution, the approach has been taken to minimise Council's future financial exposure to financial risk if the development of South Jerrabomberra does not proceed at the expected rate or does not achieve the expected development yield or the expected development type mix, while respecting the considerable investment and risk of CEC4.

Notwithstanding this there remains some risk to Council.

Agreeing to pay back all lawfully collected surplus values to CEC4 by 31 December 2036 also carries some risk. The risk to Council of this approach is that all development in South Jerrabomberra may not be completed by the 31 December 2036 and a future Council will be faced with paying CEC4 the balance of surplus values by taking out a loan which would then have to be recouped by Council after 2036.

Other financial implications include the cost of extra land for the Dunns Creek Road Corridor. This means Council must remit either \$100,725.77 or \$611,741.22 at the appropriate stage of development to CEC4 depending on whether the final route into the ACT is via Sheppard Street or Isabella Drive.

There may also be a need for a future review of the contribution and surplus values for the open space embellishments for the southern part of the Poplars Open Space embellishments as there remains a significant difference in the estimated contribution and surplus values of CEC4 and Council.

Resources (including staff)

This stage of the project has involved three staff working part time on it.

Integrated Plan

The execution of the draft LPA for South Tralee is consistent with the current Operational Plan and Delivery Program. In the current Operational Plan it is found in Operational Projects 2015-16 – Theme 6 Key Direction 6.1, while in the current Delivery Program it is found in Operational Projects in this Council term – Theme 6 Key direction 6.1.

Conclusion

The draft LPA has reached a point where Council is in a position to execute it with appropriate changes. It is an important agreement which will facilitate the provision of physical, recreational and community infrastructure of a major part of South Jerrabomberra which is a new community. Progressing it will also be an important part of giving effect to the *Queanbeyan Residential and Economic Strategy 2031* and its principles as well as giving effect to projects in the Operational Plan and Delivery Program. Consequently it is concluded that the draft LPA should now be executed although further minor and housekeeping changes might be necessary.

Attachments

- | | |
|--------------|--|
| Attachment 1 | Summary of submissions - South Tralee Local Planning Agreement (<i>Under Separate Cover</i>) |
| Attachment 2 | Combined submissions - South Tralee Local Planning Agreement (<i>Under Separate Cover</i>) |

**6.4 Pobje Lane - Naming of Unnamed Laneway - Queanbeyan East (Ref: C1688716;
Author: Thompson/Thompson)**

Summary

The redevelopment of the site at 47 Mowatt Street, Queanbeyan East for 100 residential units has resulted in the creation of a new public laneway. This laneway needs to be formally named so that it can be registered as part of the final subdivision of this property. Council has nominated Pobje Lane as the new name which has been exhibited for public submissions. This report details the outcome of those submissions.

Recommendation

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

Background

The development of 100 residential units at 47 Mowatt Street, Queanbeyan East has resulted in the need to formally recognise the creation of a laneway which will provide access to the rear of premises located in the adjacent Buttle Street. The laneway also provides access to sections of the new residential unit development.

Figure 1 below shows the location of the previously unnamed laneway.



Figure 1 – Location of Previously Unnamed Laneway

**6.4 Pobje Lane - Naming of Unnamed Laneway - Queanbeyan East (Ref: C1688716;
Author: Thompson/Thompson) (Continued)**

At its meeting of 9 March 2016 Queanbeyan City Council resolved;

1. *That the unnamed laneway adjacent to 47 Mowatt Street Queanbeyan East be named Pobje Lane.*

That the naming proposal be placed on public exhibition for a period of 21 days. That a report be brought back to Council for consideration following the public exhibition period. The exhibition period has been completed and no public submissions were received.

The Geographical Names Board was also notified and have indicated their concurrence with the proposal.

As there are no objections to the proposal the renaming can be progressed to the final phase which requires formal gazettal of the name.

Attachments

Nil

GENERAL MANAGER'S REPORTS

6.5 Renaming of Dunn Place to Clara Place - Proposed Gazettal (Ref: C1688323; Author: Thompson/Thompson)**Summary**

At its meeting of 9 March 2016 Council resolved to place the renaming of Dunn Place to Clara Place on public exhibition. The exhibition period has now closed and six submissions were received. This report details the outcome of the exhibition period and recommends that the name change proceed.

Recommendation

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

Background

Dunn Place is a small cul-de-sac off Dunn Street in Queanbeyan West. The map below shows the location of the street.



6.5 Renaming of Dunn Place to Clara Place - Proposed Gazettal (Ref: C1688323; Author: Thompson/Thompson) (Continued)

Council has previously received written support from several residents of Dunn Place requesting that the name be changed to avoid confusion with Dunn Street. Typical comments in the letters of support include:

"Over three years, many mail items and some parcels have been delivered to 3 Dunn Street instead of to my address"

"I have experienced difficulties over the years of having lost mail, service people turning up at the wrong address and visitors getting lost. Only the other day a firm...delivered a food order and left it on my front verandah....The food order was meant for 7 Dunn Street."

After an initial period of consultation with residents on a suitable name Council gave consideration to renaming Dunn Place at its meeting of 9 March 2016 and resolved:

1. *That following feedback from the community the renaming of Dunn Place to Pobje Place not be pursued.*
2. *That a new proposal to rename Dunn Place to Clara Place be placed on public exhibition for a period of 21 days and that the outcome of the exhibition period be reported to Council.*

That exhibition period has now been completed and six submissions from four different premises were received (see attachment 1). The majority of submissions expressed support for the proposed renaming and reiterated strong backing for the proposal when residents were initially consulted on the issue.

One objection to the proposal was received. The main objection was that Pobje Place would have been a more appropriate name. The name of Pobje was not previously supported by the majority of residents in Dunn Place. However, another street in Queanbeyan East is proposed to be named in honour of Hilda Pobje and as such her contribution to the community and her tireless character will be not be overlooked.

The proposed name change also needed to be referred to the Geographical Names Board for consideration. The Board has confirmed its concurrence with the proposed name change.

Given the strong support for this renaming proposal the next step is to formally recognise the name change through gazettal of the new name. It is recommended that gazettal be approved as soon as possible.

Conclusion

The residents of Dunn Place have suffered address confusion with their Dunn Street neighbours for many years. The majority of residents have confirmed their support to change the street name to Clara Place. The proposal should now proceed to gazettal to formalise the name change.

Attachments

Attachment 1 RTC 22 June 2016 - Submissions on Dunn Place Renaming - Attachment 1
(Under Separate Cover) - **CONFIDENTIAL**

GENERAL MANAGER'S REPORTS

6.6 Draft Variation to ACT Territory Plan (Draft Variation No 353) (Ref: C1680252; Author: Thompson/Jansen)

Summary

Draft Variation No 353 to the ACT Territory Plan (Draft Variation) is currently out on exhibition with submissions due by 4 July 2016. This proposes to affect both the Canberra Outlet Centre at 337 Canberra Avenue Fyshwick and Beard Estate at Oaks Estate. Simultaneously DA 201629572 for *a variation of Clause 3 (e) of the Crown Lease for the subject site to increase the maximum gross floor area for any supermarket on the site from 200 square metres to 1,000 square metres* is also currently on exhibition until 4 July 2016.

The purpose of this report is to recommend making a submission on Draft Variation No 353 as well as to advise ACT Environment and Planning Directorate that Council supports the establishment of a protocol for early consultation and public notification of land use proposals that could impact on nearby areas on either side of the ACT/NSW border.

Recommendation

- 1. That Council lodge a submission on ACT Territory Plan Draft Variation No 353 in terms of the matters raised in this report.**
 - 2. That the ACT Environment and Planning Directorate be advised that Council would like to establish a more robust protocol for early consultation and public notification of land use proposals that could impact on nearby areas on either side of the ACT/NSW border.**
-

Background

The ACT Environment and Planning Directorate is currently inviting comment on Draft Variation No 353 to the Territory Plan. The Draft Variation, proposes amongst other things, the following two changes:

1. Allowing for development of 'take-away food shops' and 'restaurants' in zone Non-Urban Zone 1 (NUZ1) Broadacre within the Beard Industrial Estate.
2. Increasing the maximum permitted floor area for a 'shop' selling food or supermarket within zone IZ2 Industrial Mixed Use zone at the Canberra Outlet Centre from 200 square metres to 1,000 square metres.

Beard Estate adjoins the border at Oaks Estate and the Canberra Outlet Centre is approximately six kilometres from the Queanbeyan Central Business District (CBD).

**6.6 Draft Variation to ACT Territory Plan (Draft Variation No 353) (Ref: C1680252;
Author: Thompson/Jansen) (Continued)**

1. *Allowing for development of 'take-away food shops' and 'restaurants' in zone Non-Urban Zone 1 (NUZ) Broadacre within the Beard Industrial Estate.*

The supporting documentation states that currently a take-away food shop or any other form of eating establishment is not permitted at the Eastern Industrial Estate of Beard despite there being a clear need to provide these services for local employees and visitors. It goes on to say that the demand for services providing food and beverages will continue to increase as the estate develops.

At present, the nearest conveniences are located in Fyshwick and Queanbeyan, which requires employees to drive to these locations to purchase any food or drink products. A 'shop' (including take-away food shop) and 'Restaurant' are permitted prohibited in the NUZ1 Broadacre zone (which is the applicable zone) and not listed as 'Additional merit track development' in the Beard Precinct Code.

It is proposed to include 'Take-away food shop' and 'Restaurant' in the Beard Precinct Map and Code as an additional merit track development to serve the needs of workers and visitors to the area bringing it into closer alignment with the uses ordinarily permitted in a mixed use industrial area.

Whilst there is no issue with a small take-away food outlet at Beard Estate to service the needs of local employees, such an outlet should be restricted in size. Council should not support any variation which would enable large take-away premises (typical of many of the national and international food chains) capturing through traffic and/or operating drive through facilities for extended hours. The increased traffic and economic impact on existing Queanbeyan businesses could be significant and while Council has accepted the placement of an industrial precinct right on its border it should object to any proposal which results in a change that promotes major retail development that is clearly already catered for by Queanbeyan retail outlets that are close by.

By way of comparison, a limitation of 200 square metres would seem to achieve this. Approximate floor areas of existing major take-away premises in Queanbeyan are:

- McDonalds – 370m²
- KFC – 260m²
- Hungry Jacks – 250m²
- Red Rooster – 295m²

It is recommended Council advise the ACT Government that it has no objection to Take-away food shop' and 'Restaurant' being added to the additional merit track development in the Beard Precinct Map and Code subject to such development having a maximum floor area of 200m².

**6.6 Draft Variation to ACT Territory Plan (Draft Variation No 353) (Ref: C1680252;
Author: Thompson/Jansen) (Continued)**

2. *Increasing the maximum permitted floor area for a 'shop' selling food or supermarket within zone IZ2 Industrial Mixed Use zone at the Canberra Retail Outlet Centre from 200 square metres to 1,000 square metres*

Block 8 section 48 Fyshwick is the location of the Canberra Outlet Centre, it is located within the IZ2 Industrial Mixed Use zone and subject to the Fyshwick Precinct Map and Code. The site is bounded by Canberra Avenue to the south, Newcastle Street to the west and Iron Knob Street to the north. Because the block is immediately adjacent to the intersection of Canberra Avenue/Newcastle Street/Hindmarsh Drive, it is identified as part of a Major Avenue and Approach Route under the National Capital Plan. Therefore, the block is also subject to the relevant Development Control Plan (DCP 11/03) of the National Capital Plan.

A 'shop' selling food or supermarket (except produce market) of 200 square metres is currently permitted for the subject block in the Fyshwick Precinct Code. It is proposed to increase the maximum gross floor area for a 'shop' selling food or supermarket (except produce market) to 1,000 square metres for one shop only. It is anticipated that this change will broaden the range of retail facilities offered in the Centre by allowing a local centre sized supermarket. This will also serve the needs of workers and visitors to the Centre and Fyshwick, and it is expected to enhance the ongoing financial viability of the Centre.

In terms of impacts under the ACT Territory Plan, a 'shop' is the umbrella term and is defined as meaning *the use of land for the purpose of selling, exposing or offering the sale by retail or hire, goods and personal services*. Take-away food shop and supermarket fall under this umbrella term. 'Take-away food shop' is defined as meaning a shop, predominantly for the preparation of food or refreshments for the consumption elsewhere. 'Supermarket' is defined as meaning a large shop selling food and other household items where the selection of good is organised on a self-service basis. 'Restaurant' is defined as the use of land for the primary purpose of providing food for consumption on the premises, whether or not the premises are licensed under the Liquor Act 2010, and whether or not entertainment is provided.

An Economic Impact Report is one of the supporting documents to the Draft Variation. The document is dated October 2015 and was prepared by MacroPlan Dimasi. Whilst the Economic Impact Report includes a 'Regional Context Map' which includes Queanbeyan, no detail appears to have been included as to what the economic impact of a 1,000 square metre supermarket at the Canberra Outlet Centre will be on Queanbeyan. The report states that there are no supermarkets located in Fyshwick, with the closest supermarkets located over 4km away at Narrabundah, Griffiths and Manuka. The ACT Government has advised that there is additional information available which incorporates impacts on Queanbeyan and that they will make this information available. When this information is received staff will make comments on the possible economic impacts on the Queanbeyan CBD about six kilometres away.

**6.6 Draft Variation to ACT Territory Plan (Draft Variation No 353) (Ref: C1680252;
Author: Thompson/Jansen) (Continued)**

Implications***Legal***

The ACT Territory Plan guides development in the ACT and is the relevant statutory planning document. Updates and changes to the document are made via 'Variations', initially published as 'Draft Variations' for consultation purposes. The document distinguishes between 'exempt development' and 'assessable development'. Assessable development falls into three categories, code assessment track, merit assessment track and impact assessment track. In addition there is 'prohibited development'.

Policy

As indicated above one of the purposes of this report is to recommend and support the establishment of a protocol for early consultation and public notification of land use proposals that could impact on nearby areas on either side of the ACT/NSW border.

This is considered to be consistent with the objectives of the Australian Capital Territory and New South Wales Memorandum of Understanding for Regional Collaboration and the role and functions of the Canberra Regional Joint Organisation. It would also provide a clear guide to both the ACT Environment and Planning Directorate and to Queanbeyan-Palerang Regional Council on the circumstances when consultation would be undertaken on land use proposals. At the moment consultation by each authority is inconsistent or non-existent as in the case of this Draft Variation.

Economic

As discussed above.

Strategic

Should the protocol proposed and discussed above under "Policy" be established then this may have future strategic land use planning implications.

Consultation

The Draft Variation is currently out on public exhibition with submissions due by 4 July 2016. Also on exhibition until 4 July 2016 is a development application for a lease variation to permit one supermarket from 200 square metres to 1,000 square metres. Council has not been directly consulted on either of these and the implications on the Queanbeyan CBD and other shopping centres in Queanbeyan are not clear. It is recommended that Council work with the ACT Government to develop a more robust protocol for advising of developments which have the potential to have significant impacts on the neighbouring jurisdiction.

Financial

The costs include the administrative costs associated with reviewing the relevant material, preparing the report and making a submission if the latter is resolved.

**6.6 Draft Variation to ACT Territory Plan (Draft Variation No 353) (Ref: C1680252;
Author: Thompson/Jansen) (Continued)**

Conclusion

Whilst the establishment of a small take-away food shop at Beard Estate can be supported, such a shop should be restricted to serve only the immediate locality. Accordingly a proposal to limit the gross floor area for each 'take-away food shop' or 'restaurant' to a maximum of 200m² under the Beard Precinct Code can be supported. However if a larger floor space maximum is considered in the future, Council would like to be consulted and be able to comment on it at any early stage, prior to formal community consultation.

In regard to the proposed Draft Variation and establishment of a supermarket at the Canberra Outlet Centre further assessment of the economic impacts of the proposed development on the Queanbeyan CBD need to be considered. Council has requested additional information on these potential economic impacts and looks forward to receiving these in due course. Once received staff will make an assessment of impacts and respond accordingly.

Attachments

Nil

GENERAL MANAGER'S REPORTS

6.7 QPRC Consolidated Investment Report - 13 May 2016 to 31 May 2016 (Ref: C1687624; Author: Taylor/Drayton)**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 represents the combined investment portfolio of the former Queanbeyan and Palerang Councils.

This report presents the investment result from 13 May 2016 (proclamation date) to 31 May 2016.

Recommendation**That Council:**

1. **Note the investment income from 13 May 2016 to 31 May 2016 is \$181,410 bringing the total interest earned on Cash and Cash Equivalent Investments for the 2016/17 Financial Year to \$181,410 which is \$52,017 above the year to date budget;**
2. **Note the investments have been made in accordance with the Local Government Act 1993, the Local Government General Regulations, and Council's proposed investment policy;**
3. **Adopt the Investment Report for the period 13 May 2016 to 31 May 2016.**

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

The 13 May 2016 to 31 May 2016 return of \$181,410 on Cash and Cash Equivalent Investments was the first for the 2016/17 Financial Year and was \$52,017 above the year to date budget.

The principal investment amount as at 31 May 2016 was \$129,478,963.

Council's investment portfolio's annualised monthly return of +3.35% (net actual) to 31 May 2016 outperformed the AusBond Bank Bill Index return of +2.03%.

Refer to Attachment 1 for the following supporting information:

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

Market Update

The average 30 day BBSW rate for May 2016 was 1.86%.

6.7 QPRC Consolidated Investment Report - 13 May 2016 to 31 May 2016 (Ref: C1687624; Author: Taylor/Drayton) (Continued)

The Reserve Bank of Australia (RBA) kept the official cash unchanged at 1.75% in its June 2016 board meeting. The surprising aspect from the meeting was the removal of their previous language that left room for more cuts. The governor indicated that "holding the stance of policy unchanged at this meeting would be consistent with sustainable growth in the economy and inflation returning to target over time".

The board noted that while domestic growth was continuing, they also expect that inflation would remain weak for some time due to low wage growth and the ongoing headwinds from the global economy.

Although the RBA's explicit easing bias was removed, money markets continue to price in another 25bp rate cut by the beginning of 2017. (*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 proposed investment policy.

Sally-Jane Abigail
Chief Financial Officer

Financial

Investment income for the 2016/17 Financial Year as at 31 May 2016 amounts to \$181,410. This return was \$52,017 above the year to date budget. Refer to Attachment 1 - Graph 1 and Table 5.

Attachments

Attachment 1 Investment Report - 13 May 2016 to 31 May 2016 - Attachment 1 - 22 June 2016 (*Under Separate Cover*)

GENERAL MANAGER'S REPORTS

6.8 QPRC Consolidated Investment Policy (Ref: C1686750; Author: Abigail/Taylor)

Summary

The draft QPRC Investment Policy is a consolidated version between the:

- Former Palerang Council Investment Policy and
- Former Queanbeyan City Council draft Investment Policy.

Recommendation

That Council place the Draft QPRC Investment Policy on public exhibition for 28 days.

Background

The background of the main amendments from the current Investment Policy of the former Queanbeyan City Council are:

The current Investment Policy was adopted by Council on 23 February 2011. During November and December 2015 Oakton conducted an internal audit into Investment Management. The auditor provided six recommendations into the management of investments.

- One recommendation has been implemented as part of the monthly Investment report.
- One recommendation has been implemented as part of yearly declaration process.
- One recommendation is for Council to go market for the investment advisory service.
- One recommendation is to document the process of investment management.
- Two recommendations relate to modifying the Investment Policy.

The first recommendation is to modify the policy in accordance with the revised Ministerial Investment Order dated 17 February 2011. The changes to the investment order include the removal of the ability to:

- Invest in the mortgage of land (part (c) of the Investment order dated 31 July 2008).
- Make a deposit with the Local Government Financial Services Pty Ltd (part (f) of the order dated 31 July 2008)

This recommendation is included as part of Section 5(d) Authorised Investments of the attached policy.

**6.8 QPRC Consolidated Investment Policy (Ref: C1686750; Author: Abigail/Taylor)
(Continued)**

The second recommendation is to establish an annual process to review, update (if necessary) and approve the QCC's Investment Policy. This recommendation is included as part of Section 5(n) Review of Policy and Investments of the attached policy.

Revising the policy has allowed Council to modify the policy, bringing the policy in line with the recommended Office of Local Government Investment Policy Guidelines.

CPG Advisory (Council's current Investment advisor) has reviewed the policy and made recommendations to include:

- Removing the requirement to restrict Council's investment decision based on the 'Short Term Credit Ratings'. CPG Advisory commented:

If Council is happy to invest with an ADI based on its long-term rating, then it should be comfortable investing with that ADI regardless of its short-term rating. This was a relic of the past (pre-GFC) when assets such as deposits were almost entirely invested for short-terms.

The main amendments to the former Palerang Council Investment Policy are:

- Removal of the limit of 10% of total investments to be held with any one financial institution – replaced with a maximum 40% investment in AAA category.
- Removal of the 12 month restriction on time to maturity on the basis that investing over longer terms can reduce interest rate risk.
- Replacement of the benchmarking against the RBA official cash rate with the Bloomberg AusBond Bank Bills Index, consistent with other local councils and institutional investors.
- Removal of the requirement to obtain 3 quotes, and replacement with the engagement of an investment advisor.
- Removal of the statement that ethically or socially responsible investments may be given preference if financial results are similar, on the basis that doing so rules out investments in major banks and is inconsistent with the objective of the policy, and not practically achievable without a significantly unfavourable impact on income earned.

Implications***Legal***

All investments are to comply with the following:

- Local Government Act 1993;
- Local Government (General) Regulation 2005;
- Ministerial Investment Order;
- The Trustee Amendment (Discretionary Investments) Act (1997) – Section 14;
- Local Government Code of Accounting Practice and Financial Reporting;

**6.8 QPRC Consolidated Investment Policy (Ref: C1686750; Author: Abigail/Taylor)
(Continued)**

- Australian Accounting Standards;
- Office of Local Government Investment Policy Guidelines; and
- Office of Local Government Circulars.

Conclusion

The amendments of the Investment Policy, allows for the consolidation of the two former investment policies and for the policy to be in accordance with the Ministerial Investment Orders in accordance with the auditor's recommendations.

Attachments

Attachment 1 Draft QPRC Investment Policy (*Under Separate Cover*)

GENERAL MANAGER'S REPORTS

6.9 Basin Priority Projects - Queanbeyan (Ref: C1680684; Author: Hansen/Geyer)

Summary

Over the past two years, the ACT Government has been investigating options of improving water quality within the upper Molonglo and Upper Murrumbidgee catchment, which flow on into the Murray-Darling Basin. The project identified and investigated many sites across the ACT and Queanbeyan. Council staff have contributed to these investigations by providing storm water asset data and feedback to the consultants. The ACT Government has been successful in securing Australian Government funds for the Basin Priority Project, including two locations within Queanbeyan.

Recommendation

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

Background

In 2014 a joint initiative was announced, between the Australian Government and the ACT Government, to embark on improving the water quality flowing out of the upper catchment, down into the Murrumbidgee River and the Murray-Darling Basin. \$93.5million was to be invested over a five year period. The Basin Priority Project aims to improve long-term water quality in the ACT's lakes and waterways, and the overall environmental health of the Murrumbidgee River system. The Basin Priority Project was broken up into six priority catchments, one of which was the Upper Molonglo and included storm water runoff from Queanbeyan.

Several sites were investigated in and around Queanbeyan and assessed against criteria designed to secure the greatest sediment and nutrient load reduction for funds invested. The sites also needed to function in conjunction with the existing storm water infrastructure. Two sites within Queanbeyan have been identified to proceed as part of the project.

Upper Molonglo UM004 – Alanbar St to Kenneth Place, bio-retention system, (see attached). It is proposed this site be converted to a bio-retention system, where low flow water is fed through a series of rain garden cells, removing nutrients and releasing clean water. Native plants are to be used, improving the local environment and urban habitat. Due to proximity to houses, there will be no free standing water on this site. During times of high flow, the existing storm water system will continue to function as designed.

Upper Molonglo UM015 – Queanbeyan River Morisset St, wetlands treatment, (see attached). It is proposed to capture low flow water from the major storm water mains off Carinya St, Riverside Oval, and divert into a wetland system on the river flats below the low level bridge off Morisset St. At present the storm water main discharges directly into the river below the fields. This project would create an artificial wetland and sediment trap planted out with appropriate native species. The site, while within the river flats is on the inside of a bend and acts as a natural sediment deposit site during times of flood. The project will enhance this function as well as remove nutrients for the watercourse. In addition to the water quality improvements, the increased wildlife

**6.9 Basin Priority Projects - Queanbeyan (Ref: C1680684; Author: Hansen/Geyer)
(Continued)**

habitat and carefully placed interpretive signage, this wetlands project will add to the existing river trail experience currently enjoyed by the community.

Implications***Legal***

The works proposed for the two sites are authorised without development consent, under S110 SEPP (Infrastructure) 2007. A Review of Environmental Factors will be needed and for both sites and site UM015, will also require a NSW Fisheries Permit.

Environmental

Both sites are designed to remove sediment and nutrients from storm water runoff and improve the water quality flowing into the Queanbeyan River, the Upper Molonglo River and other river systems downstream. Research indicates the combined sites will remove 3% of suspended solids and 3% phosphorus and 2% nitrogen from the Queanbeyan and Molonglo Rivers.

Site UM004 has potential of improving the aesthetics of the Karabar area and will complement other beautification works currently at the design phase. Additionally this site will provide a potential environmental education opportunity for nearby schools. Site UM015 is designed to enhance the recreational activities in this open space by adding seating, bird watching opportunities and still retain space for walking the dog and general exercise.

Asset

Both facilities, when complete, will become Council's assets and will form integral components of the stormwater network. They will then be included on the assets register and require maintenance.

Consultation

Extensive community consultation was conducted during the process, including community engagement workshops in Queanbeyan, and through electronic media.

Financial

The project will invest \$3.4 million over a three year period, which will include the full design, construction and project management of the two sites. This grant funding will be administered by the ACT Government. Council will continue to provide technical input through Infrastructure Services within existing budgets. All procurement, project management and community engagement will be conducted by TAMS – Environmental Services.

Conclusion

The two proposed Basin Priority Projects have potential of improving water quality within the catchment and add to the aesthetic appeal and recreational opportunities for the community. All works and project management will be covered by the grant and the ACT Government. This is a

**6.9 Basin Priority Projects - Queanbeyan (Ref: C1680684; Author: Hansen/Geyer)
(Continued)**

good outcome for the community and a positive improvement to Queanbeyan's storm water system.

Attachments

Attachment 1 Basin Priority Projects - Upper Molonglo Catchment (*Under Separate Cover*)

GENERAL MANAGER'S REPORTS

6.10 Proposed Hot Rod Event 2018 (Ref: C1682275; Author: Hansen/Geyer)

Summary

Council has been approached by members of the Canberra Hot Rod Association (CHRA), seeking approval and support for an event over Easter 2018 based in and around Queanbeyan. Staff have held initial meetings and discussed options for the event.

Recommendation

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

Background

Council has been approached by members of CHRA seeking approval for a community based event over Easter 2018. The 2018 Easter Rod Run, is an ACT State event and aims to capture Rodders not wishing to attend, or returning from, the National Run in South Australia the week prior. The event will utilise the Queanbeyan Showground as a base for marshalling, trade displays and some camping and entertainment. The event has the approval of the Australian Street Rod Federation, the overarching governance body covering the Hot Rod movement throughout Australia. CHRA is a Canberra region base club with a number of members within the Queanbeyan Palerang area. Club demographic are middle aged to mature members with a strong family focus. The club currently hosts a successful show and shine event in Queanbeyan Park each Australia Day weekend.

It is proposed the 4 day event will run from Friday 30 March to Monday 2 April 2018. Activities over these four days include Show and Shine, Street Parade and Cruise, a Rock-a-Billy Awards Dinner night and day runs out to nearby sights and villages. It is expected 400 vehicles and associated visitors will take part in the event. Other activities being investigated include Trade displays, drive-in movie night and possible markets.

Although the event is two years away, organisers wish to firm up the programme and activities, including approvals to allow for marketing throughout 2017.

Implications***Legal***

The event is in keeping with the purpose of Queanbeyan Showground. All motor vehicles will be registered and insured for road use, however approvals will be required for any street closures associated with the street parade and cruise. If the event is endorsed, a reports will be prepared for the traffic committee and NSW Police will be consulted.

6.10 Proposed Hot Rod Event 2018 (Ref: C1682275; Author: Hansen/Geyer) (Continued)

Social / Cultural

An event of this nature introduced the community to a specialised cultural activity. Whether a participant or spectator, the spectacle of the vehicles and associated activities is entertainment for the whole community. Similar events held in Goulburn and Narromine, drew large crowds of the community into the CBD to view the cars in the cruise and enjoy the bands and markets. The whole event has a festive atmosphere and is targeted at families.

Economic

While the event will include some camping on the showground, the demographic of Hot Rod owners means many will book into motels and eat in local restaurants. The day runs will extend this economic return to other locations including Bungendore and Braidwood. Council's Economic Development team modelled the event as a state sports activity, see attached, and the projected local returns are significant.

Consultation

As this proposal is only in its infancy, only initial consultation has occurred so far. It is proposed consultation continue throughout the planning process, particularly with Police and the business community.

Financial

Apart from a small amount of time and salaries from existing budgets, it is not proposed to expend funds in the 2016-2017 financial year. Once a firm and detailed event programme has been finalised and the organisers may approach Council to consider a donation or sponsorship in the 2017-2018 budget.

Resources (including staff)

It is envisaged staff involvement in the actual event will only be in the initial planning phase and assistance with business consultation.

Conclusion

The proposed Easter 2018 Hot Rod Run has the potential of significant economic return to Queanbeyan and the Queanbeyan Palerang region. The opportunity to show case the district and demonstrate the facilities available may attract further events.

Attachments

Attachment 1 Economic return estimate. (*Under Separate Cover*)

GENERAL MANAGER'S REPORTS

6.11 General Donations Distribution 2016/17 (Ref: C1688802; Author: Tegart/Simonovski)

Summary

Applications for donations closed on 13 May 2016 for the Financial Year 2016/17. The distribution of funds has been calculated in accordance with the (*former Queanbeyan*) Council's Policy.

Recommendation

That -

1. Council make donations as listed in Attachment 1 noting the amount is \$45,338.81.
 2. Council agree to increase the allocation by \$5,338.81 for the financial year 2016/17.
 3. Council consider application Nos. 2, 7, 8 and 16 under Category A Funding Part (c).
 4. funds allocated to Schools as Community Centres for the financial year 2015/16 be transferred for use in the 2016/17 financial year.
 5. all recipients of donations under Category A be required to complete an acquittal form.
 6. unallocated funds (\$4,661.19) be retained for the "Emergency" Vote and/or other defined Donations as agreed to by Council.
 7. all successful applicants be invited to an afternoon tea on a date to be determined.
 8. Council bring the advertising period forward to April/May of each year.
-

Background

An amount of \$40,000 has been allocated and is available for distribution with \$10,000 generally being withheld to cover emergency situations, the total donation vote being \$50,000. Emergency has been defined "as an event of serious financial consequences that was not foreseen at the time when applications for donations were called and can be classified as a natural disaster such as flood, fire, storm, tempest and catastrophe for which there is a one off plea for funding; or some other emergency situation which has arisen and which affects a local charitable organisation having a base or affiliation in the (*former*) City of Queanbeyan."

Applications for Emergency Funding (Donations) are considered on their merits when lodged.

To comply with Council's policy, applications for donations are required to meet various conditions:

1. Applicants must be non-profit or charitable organisations or groups based in, or affiliated with Queanbeyan.
2. Only one application per organisation will be accepted.

The Donations Scheme has been split into two categories as listed below –

Category 'A' Funding

- (a) For the relief of poverty or provision of assistance to the less advantaged through welfare services and facilities, public health services and facilities, education services and facilities, transport services and facilities and housing, and
- (b) For the advancement of education through education services and facilities and
- (c) For any other purpose which there is agreement by resolution of Council.

**6.11 General Donations Distribution 2016/17 (Ref: C1688802; Author: Tegart/Simonovski)
(Continued)**

Category 'B' Funding

To provide financial assistance to community not-for-profit or charitable organisations that wish to hire a Council facility but who are unable to meet the cost of hire. This grant will be non-monetary however, will be recognised financially as a donation and be recognised as income for the facility.

The grant will be considered as either full or partial payment of venue hire.

- (a) Applicants must specify the amount sought, and match dollar for dollar (in cash or in kind).
- (b) Council shall grant only half of the amount of any rates and charges sought by organisations catering for pensioners.
- (c) Applications to cover previous expenditure or arrears shall not be accepted (except where agreed by resolution of council).

Any Notices of Pecuniary/Conflict of Interest forms will be lodged at the Council Meeting.

The amount to be donated has been included in the current budget. This is only part of an extensive support base that Council provides for the community.

Implications**Consultation**

Advertising the donations scheme and responding to both verbal and written requests for information.

Compliance or Policy Implications

A harmonised donations policy has yet to be developed from the former Queanbeyan and Palerang Councils, and will inform the next round of donations.

Financial Implications

Funds have been set aside in the budget.

Consultation

Nil.

Compliance or Policy Implications

Nil.

Attachments

Attachment 1 220616-Attachment 1_General_Donations_2016 (*Under Separate Cover*)

GENERAL MANAGER'S REPORTS

6.12 Potable and Recycled Water Supply Policy (Ref: C1685969; Author: Hansen/Pretorius)

Summary

The attached Water Policy formalises Council's commitments to responsible, safe and sustainable use of both potable and recycled water. This policy provides a basis for developing more detailed guiding principles and implementation strategies.

Recommendation

That Council adopt the attached Potable and Recycled Water Supply policy document.

Background

Queanbeyan-Palerang Regional Council supports and promotes the responsible and sustainable use of water and the application of a management approach that consistently meets the Australian Drinking Water Quality Guidelines and National Guidelines on Water Recycling, as well as recycled water user and regulatory requirements. In keeping with contemporary practice, a supply policy has been prepared.

Implications***Legal***

The Potable and Recycled Water Supply policy is consistent with the following legislative requirements:

- Water Management Act, 2000
- Local Government Act, 1993
- Australian Drinking Water Guidelines
- Australian Guidelines on Water Recycling, 2006
- National Water Quality Management Strategy, 1994

Environmental

Queanbeyan-Palerang Regional Council is committed to ensuring that the protection and environmental health of the public is of paramount importance. Therefore, appropriate scientific expertise will be constantly sought, ensuring correct and required operation of the potable and recycled water schemes. This will also include regular monitoring and reporting of control measures.

6.12 Potable and Recycled Water Supply Policy (Ref: C1685969; Author: Hansen/Pretorius) (Continued)

Consultation

Nil

Financial

Program Code	Expense Type	Funding source	Amount
250, 255 , 300	Operational	4.422, 5.454, 5.472, 5.474	\$ Ongoing

AttachmentsAttachment 1 Potable and Recycled Water Supply Policy (*Under Separate Cover*)

GENERAL MANAGER'S REPORTS

**6.13 Councillor Fees - Local Government Remuneration Tribunal Determination for 2016
(Ref: C1688460; Author: Spyve/Spyve)**

Summary

The Local Government Remuneration Tribunal released a councillor remuneration determination on 29 March 2016. Council needs to determine its remuneration levels as it is wants to use these to set the remuneration of its Local Representation Committee members. This report allows Council to officially adopt the councillor remuneration in line with the March 2016 Determination which will take effect from 1 July 2016.

Recommendation**That Council**

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

Background

Section 241 of the Local Government Act 1993 (the Act), established a Local Government Remuneration Tribunal to determine the category of each Council and the fees to be paid to Mayors and Councillors of Councils as well as chairpersons and members of County Councils. The last determination was released on 29 March 2016 where the Tribunal noted,

"[It] has reviewed the key economic indicators, including the Consumer Price Index and Wage Price Index, and finds that the full increase of 2.5 per cent available to it is warranted. On that basis, and after taking the views of the Assessors into account, the Tribunal considers that an increase of 2.5 per cent in the maximum and minimum fee for each category of councillor and mayoral office, including county councils, is appropriate and so determines."

These new fees were to be applicable from 1 July 2016.

In accordance with Section 248 of the Act, Council must pay Councillors an annual fee and this fee must be fixed annually taking into consideration the determination of the Local Government Remuneration Tribunal. The annual fees fixed by Council must be the same for each Councillor and be paid by monthly instalments in arrears.

Under Section 249 of the Act, the Council must pay the Mayor an annual fee which is in addition to the fee paid to the Councillors.

The Council is in the process of establishing a Local Representation Committee (LRC) to assist with the provision of advice to the Administrator for establishing the new Council. The Government has advised that membership of the LRC should be remunerated for their participation. The Terms of Reference for the Queanbeyan-Palerang LRC state:

**6.13 Councillor Fees - Local Government Remuneration Tribunal Determination for 2016
(Ref: C1688460; Author: Spyve/Spyve) (Continued)**

Members of the LRC who were former councillors of either the former Queanbeyan City or Palerang councils will be remunerated at a rate equal to the former Queanbeyan City Council remuneration rates as applied to a councillor.

The Chairperson of the LRC will be remunerated at an additional rate to be determined by the Administrator.

Members of the LRC that are not former councillors will be remunerated at the same rate as for former councillors as set out above.

Accordingly, although Queanbeyan-Palerang Council is operating under the control of an Administrator until the next elections in September 2017, it is important to adopt the latest remuneration level for councillors as the Council wishes to apply this to the members of its Local Representation Committee.

This means that the annual remuneration for the Mayor and councillors needs to be officially adopted as follows:

	2015 Determination
Mayor	\$41,090
Councillor	\$18,840

Implications

Policy

Most Councils have a policy of adopting the maximum as set by the Tribunal. This approach was followed by the former Queanbeyan City Council. As it is proposed that the remuneration levels for the LRC be based upon the former Queanbeyan City Council levels it is recommended that the adoption of the maximum level be continued.

Consultation

The Local Government Remuneration Tribunal undertook consultation with Local Government NSW in respect of this latest determination and also invited individual councils to make submissions.

Financial

The Government has determined that members of the Local Representation Committee should be remunerated for their participation on the committee. The Terms of Reference for the committee note that *"the Members of the Queanbeyan-Palerang LRC who were former councillors of either the former Queanbeyan City or Palerang councils will be remunerated at a rate equal to the former Queanbeyan City Council remuneration rates as applied to a councillor."* This remuneration is to apply from the date of their first meeting (17 June).

**6.13 Councillor Fees - Local Government Remuneration Tribunal Determination for 2016
(Ref: C1688460; Author: Spyve/Spyve) (Continued)**

The remuneration level will be as follows:

17 June – 30 June 2016 – As per the Local Government Remuneration Tribunal Determination of 15 April 2015 = \$18,380 per annum

1 July 2016 onwards – As per the Local Government Remuneration Tribunal Determination of 29 March 2016 = \$18,840 per annum

The terms of reference note also that the Chairperson of the LRC will be remunerated at a rate to be determined by the Administrator. The Administrator has determined that the Chair will receive remuneration twice the level of a former Queanbeyan Councillor.

Conclusion

This report aims officially adopt remuneration levels as set out in the March 2016 Local Government Remuneration Tribunal Determination. This will allow the Council to apply these remuneration levels to the members of its Local Representation Committee.

Attachments

Nil

GENERAL MANAGER'S REPORTS

6.14 Local Representation Committee establishment (Ref: C1688483; Author: Spyve/Spyve)

Summary

The NSW Government notes that the implementation of the new merged councils arising from the Proclamation of 12 May 2016 will occur in two phases consisting of:

- Phase 1: From commencement of the new councils to September 2017 when the new councillors are elected, and
- Phase 2: From September 2017 onwards.

One of the key aspects of Phase 1 is to establish a Local Representation Committee (LRC) to assist with the implementation and development of the new council. A LRC has been established for Queanbeyan-Palerang Regional Council and held its inaugural meeting on Friday 17 June 2016.

Recommendation**That Council**

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

Background

The Government has recommended the establishment of a Local Representation Committee (LRC) to provide an important advisory support role to the Administrator as the key results of Phase 1 are implemented. These key results are:

1. Service continuity with smart service improvements
2. Robust governance that delivers confidence to communities
3. Easy to do business with, in person and online
4. Engaged staff who understand their roles and how they contribute to the new council
5. Involved communities who have their say
6. Communities can readily identify with their new council
7. A shared vision and direction for the whole community
8. Rates maintained within existing pathways and resources used wisely to serve the entire council area
9. Expected benefits which are clear, measureable and on target, and
10. A newly elected council working for the whole community

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

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

6.14 Local Representation Committee establishment (Ref: C1688483; Author: Spyve/Spyve) (Continued)

In respect of the Queanbeyan-Palerang LRC, the members of the Committee will also assist the Administrator in participation on certain statutory, regional, S355 and organisational committees as well as panels. Both the former Queanbeyan and Palerang councils had extensive community committee networks which provided an important conduit between the respective councils and their communities. The Administrator has stressed it is important that this communication and engagement is continued and as such Local Representation Committee members have been called upon to represent Queanbeyan-Palerang Regional Council on these bodies.

The Government proposed former councillors be involved in progressing the new councils. Accordingly Council invited former councillors from both councils as well as an advertising campaign seeking community members to submit expressions of interest to participate on the LRC. The outcome of this process has seen eight representatives endorsed by the Government to form the Local Representation Committee consisting of:

Mr Pete Harrison (Chair)
Mr Peter Bray (Deputy Chair) AM
Mr Paul Cockram
Ms Trudy Taylor
Mr Mark Schweikert
Ms Sue Whelan OAM
Mr Trevor Hicks
Mr Jamie Cregan

The inaugural meeting of the Committee was held on Friday 17 June 2016. The purpose of the meeting was to induct the members into the Committee by making them familiar with its Terms of Reference (see Attachment), the Codes of Conduct and Meeting Practice and how they will relate to the Administrator in undertaking their duties. The Committee also determined the allocation of representation on a range of statutory, regional and S355 committees.

Members of the committee will be remunerated for their participation. The level of remuneration will be based upon the level received by former Queanbeyan City councillors as determined by the Local Government Remuneration Tribunal.

Implications***Consultation***

Former councillors were invited to submit expressions of interest and an advertising campaign was undertaken inviting community members to also submit EOIs. Council received a strong level of response and as a consequence a selection process was undertaken for the eight positions available.

Financial

The Government has determined that members of the Local Representation Committee should be remunerated for their participation on the committee. The Terms of Reference for the Committee note that *"the Members of the Queanbeyan-Palerang LRC who were former councillors of either the former Queanbeyan City or Palerang councils will be remunerated at a rate equal to the former Queanbeyan City Council remuneration rates as applied to a councillor."* This remuneration is to apply from the date of the Committee's first meeting (17 June).

6.14 Local Representation Committee establishment (Ref: C1688483; Author: Spyve/Spyve) (Continued)

The remuneration level will be as follows:

17 June – 30 June 2016 – As per the Local Government Remuneration Tribunal Determination of 15 April 2015 = \$18,380 per annum

1 July 2016 onwards – As per the Local Government Remuneration Tribunal Determination of 29 March 2016 = \$18,840 per annum

The terms of reference note also that the Chairperson of the LRC will be remunerated at a rate to be determined by the Administrator. The Administrator has determined that the Chair will receive remuneration twice the level of a former Queanbeyan Councillor.

Conclusion

The Local Representation Committee has been established after seeking expressions of interest from former Queanbeyan and Palerang councillors. Members of the community were also invited to submit expressions of interest via an advertising campaign. Eight members have been appointed to form the Local Representation Committee with Mr Pete Harrison being appointed Chair. The inaugural meeting was held on Friday 17 June 2016 to induct committee members and to also set out its meeting schedule.

Attachments

Attachment 1 Attachment 1 Terms of Reference (*Under Separate Cover*)

GENERAL MANAGER'S REPORTS**6.15 Council Property Strategy and Policy (Ref: C1660723; Author: Tegart/Tegart)**

Summary

Queanbeyan Council considered a draft Property Strategy and Policy at its meeting held 27 April 2016. The Draft Property Strategy and Policy and Rental Rebate Policy have been on exhibition for 28 days commencing 4 May 2016 and closed 1 June.

Recommendation**That -**

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

Background

Council has accumulated a broad property portfolio in Queanbeyan over the years, in a range of zones and classified as either operational or community land. Often the purpose of acquisition or intended uses of those properties may have changed over the years, may have yielded minimal returns, or the demographic or strategic drivers have moved.

In the context of the "Asset and Financial Sustainability Review" conducted by Prof Percy Allan, it is apparent the consolidation of some properties, investment or divestment of others, and generation of appropriate returns is required to put downward pressure on rate increases.

The Property Strategy and Policy establishes a governance framework and strategic direction to manage the portfolio.

Implications***Consultation***

The draft Property Strategy and Policy was placed on exhibition for community feedback. No submissions were received.

Conclusion

It is proposed an examination of operational properties surplus to the new QPR Council needs be undertaken and assessed against the criteria established with the Property Strategy and Policy.

**6.15 Council Property Strategy and Policy (Ref: C1660723; Author: Tegart/Tegart)
(Continued)**

A schedule will be brought to Council outlining properties proposed for sale or acquisition with respective development options

Attachments

Attachment 1	Property Strategy <i>(Under Separate Cover)</i>
Attachment 2	Property Policy <i>(Under Separate Cover)</i>
Attachment 3	Rental Rebate Policy <i>(Under Separate Cover)</i>

GENERAL MANAGER'S REPORTS

6.16 Asset and Financial Sustainability Review (Ref: C1660735; Author: Tegart/Tegart)

Summary

Queanbeyan Council considered the Asset and Financial Sustainability Review undertaken by Prof Percy Allan and Associates at its meeting held 27 April 2016. The draft Financial Strategy and informing Responsible Scenario and Asset report by Prof Allan and GHD were exhibited from 4 May 2016 and closed on 1 June. No submissions were received.

Following the merger of the Queanbeyan and Palerang Councils, it is proposed a similar review be undertaken of the former Palerang Council finances and assets at June 2015, to provide a consistent review and planning platform for the new Council.

Recommendation

That Council -

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

Background

Former Queanbeyan Councillors and community were invited to presentations from Prof Percy Allan on 30 and 31 March, where Prof Allan forecast the likely financial and asset backlog position of Queanbeyan Council should the Existing Policy (ie based on adopted 2013 financial plan, 2015 asset plans and 2014/15 financial statements) continue over 10 years, and the robust approach he took to consider a number of scenarios. Based on councillor and staff feedback from those presentations, Prof Allan provided his recommendations for a Responsible Scenario to Council on 15 April 2016.

**6.16 Asset and Financial Sustainability Review (Ref: C1660735; Author: Tegart/Tegart)
(Continued)**

The Council's asset and financial sustainability analysis involved:

- Checking the condition of its existing infrastructure.
- Calculating the cost of:
 - Rehabilitating infrastructure that has failed (the "backlog");
 - Renewing infrastructure when its due for replacement,
 - Enhancing (i.e. expanding) infrastructure to serve a growing community and changing demographics (e.g. ageing population),
 - Maintaining infrastructure during its entire lifecycle;
 - Expanding ordinary services to meet community growth;
 - Paying debt charges on any borrowings used to fund infrastructure and service improvements; and
 - Total spending associated with all of the above transactions

The Asset and Financial Sustainability Review recommended a shift from Existing Policy as outlined in the 2012 LTFP, asset plans and revenue policies to a 'Responsible or Optimal Scenario' to achieve an acceptable compromise between Council's obligations to:

- achieve financial sustainability,
- prevent an growing infrastructure backlog,
- preserve essential public services
- keep rates, fees and charges affordable and
- borrow at affordable levels in line with intergenerational equity

**6.16 Asset and Financial Sustainability Review (Ref: C1660735; Author: Tegart/Tegart)
(Continued)**

Prof Allan suggested that to achieve financial sustainability, Council should attempt to fund:

- ✓ All running costs including infrastructure maintenance, depreciation and interest expenses from operating revenues. Merit and collective services should be funded from taxes, fines and regulatory fees (e.g. rates) and personal or property services from user charges.
- ✓ All infrastructure rehabilitation and renewals from asset depreciation cash provisions in the operating account.
- ✓ All infrastructure enhancements from a combination of operating surpluses, capital revenues and borrowings. Council already funds asset expansions from capital revenues such as grants, developer contributions or gifted assets from newly developed estates

To progress that approach, the 'Narrow the Gap' principle is also proposed for endorsement. The principle aims to progressively map and match asset and service expenses to related revenue sources, and to inform and influence opinion about council funding options.

In this way, councillors and community can see the gap between those costs and revenues and the policy levers to be utilised to have the costs and revenues align by a combination of:

- a) Modifying rates, charges and fees revenues
- b) Accessing more grants
- c) Adjusting asset standards
- d) Changing service levels

It is proposed the 'Narrow the Gap' principle will be utilised in shaping the next Resourcing Strategy.

Council considered the draft Financial Strategy drawn from the Prof Allan recommendations for a Responsible Scenario, having himself taken into account the financial analysis of Council's general, water and sewer operation by Alan Tregiligas and the asset condition and backlog reviews of GHD.

Implications

Following the merger of the Queanbeyan and Palerang Councils, it is proposed a similar review be undertaken of the former Palerang Council finances and assets at June 2015, to provide a consistent review and planning platform for the new Council.

Consultation

The draft Financial Strategy, the Prof Allan public report 'QCC - Achieving sustainable infrastructure, services and finances' and the GHD report were placed on Council's website, in addition to those made available with the report to the Council meeting on 27 April.

**6.16 Asset and Financial Sustainability Review (Ref: C1660735; Author: Tegart/Tegart)
(Continued)**

A presentation was also made at the Community Forums on 4 and 18 May regarding the asset and financial sustainability review and the recommended Responsible/Optimal Scenario.

The documents were exhibited from 4 May to 1 June 2016. No submissions were received.

Following Council's further consideration of the proposed Prof Allan review of the former Palerang 2015 accounts, financial plan and asset plans, and the merging of those reviews with the Queanbeyan results into a consolidated financial position and plan, Council will consult with the community on the most appropriate financial approach for addressing its budget and infrastructure challenges in conjunction with preparing its next Resourcing Strategy (ie LTFP, AMP and Workforce Plan) by June 2016.

The asset and financial sustainability review will also guide the Integrated Water Cycle Management Plan (IWCMP) which will also involve community and agency engagement.

Resources (including staff)

Engineering and finance staff will be involved in preparing data and reviewing results for the consultants.

Integrated Plan

Ultimately, the Financial Strategy, Optimal Scenario and Asset Reports will be used to prepare the next long term financial plan and asset management plans under the Integrated Planning and Reporting Framework.

In accord with the Financial Strategy, a Financial Plan should aim to:

- Rehabilitate required infrastructure whose condition has fallen below an acceptable standard (i.e. the 'backlog');
- Renew required infrastructure when it falls below agreed minimum standards in future;
- Expand the total infrastructure stock by enough to cope with residential and business growth as informed by Council's asset strategy and demographic projections;
- Identify those core services that would be quarantined from any cost cuts to help fund infrastructure rehabilitation and renewal, or be subject to specific SRVs;
- Fund these initiatives through adequate revenue measures, operational savings, re-ordering spending priorities, asset leases or disposals and extra borrowings;
- Fund infrastructure maintenance and renewals from operating revenue and rehabilitation and enhancements from budget surpluses, capital revenues and borrowings in accordance with a 'narrowing the gap' strategy.

**6.16 Asset and Financial Sustainability Review (Ref: C1660735; Author: Tegart/Tegart)
(Continued)**

- Ensure that the outcome by year 10 complies with sustainable financial targets (e.g. the LGI recommended minimum surplus ratio and maximum broad debt ratio).
- Borrow sufficiently between now and 2024/25 to help fund infrastructure renewal under the Responsible/Optimal Scenario

Attachments

Attachment 1	Stocktake <i>(Under Separate Cover)</i>
Attachment 2	Narrow the Gap <i>(Under Separate Cover)</i>
Attachment 3	Asset Condition and Intervention Levels <i>(Under Separate Cover)</i>
Attachment 4	Summary of Financial Findings <i>(Under Separate Cover)</i>
Attachment 5	Financial Scenarios <i>(Under Separate Cover)</i>
Attachment 6	Financial Goalposts <i>(Under Separate Cover)</i>
Attachment 7	Existing v Responsible Forecasts <i>(Under Separate Cover)</i>
Attachment 8	Financial Strategy <i>(Under Separate Cover)</i>

13.1 Site Inspection - DA 64-2016 - For a Place of Public Worship (Mosque) - 183-185 Gilmore Road, Queanbeyan (Ref: C1684517); Author: Thompson/Potter

Report

At the Council meeting held on 8 June 2016 Council considered a report on the proposed place of public worship at 183-185 Gilmore Road, Queanbeyan. The application has been recommended for approval subject to a three variations to the Queanbeyan Development Control Plan (DCP) as outlined in the report to the Council Meeting of 8 June 2016.

A site inspection was arranged for the Administrator to view the site prior to considering the report at its meeting. This took place at 4.00pm on Tuesday, 7 June 2016.

Present were Administrator Tim Overall; Dr Sameer Alam and Mr Gaffar Khan (Applicant); Brian Vincent (Submitter); Michael Thompson (Director - Environment, Planning and Development); Lorena Blacklock (Manager, Development Control); Chelsea Newman (Town Planner); Dirk Jol (Development Engineer) and Rachelle Potter (Minute Taker).

No apologies were received.

Mr Thompson welcomed everyone to the site and invited the applicant to describe the proposal.

Mr Alam explained that the applicant had sought to purchase a property which allowed for development of a place of worship. Approximately three years ago the applicant purchased 185 Gilmore Road. Soon after it became clear that development of a place of public worship would require a larger parcel of land and the adjoining property at 183 Gilmore Road was purchased more recently to cater for the development requirements.

Plans submitted to Council were reviewed and it was noted that the site would require substantial cut and fill and allowed for 24 parking spaces. It was noted that the development was adjacent to a drainage reserve on the southern side boundary.

It was noted the application proposed 200 attendees but that Council recommended the approval be conditioned to 96 attendees. Parking and traffic generated by the development was sighted as a concern. Mr Thompson indicated that if the mosque ever wanted to expand to a larger number of worshippers on a regular basis the applicants would need to establish additional on-site parking in a nearby location. It was noted by the Administrator that it was not unusual for industrial development sites in the area to purchase or lease adjoining properties in order to achieve their parking requirements.

In relation to limitations on attendees it was noted that one of the proposed conditions provided for up to 200 attendees for six special events annually. The events would require the submission of traffic management plans.

Mr Vincent asked about setbacks of the building from the side boundaries. It was noted that driveways effectively surround the building with most being approximately 5m wide.

In response to Mr Vincent's concerns about traffic saturation (all attendees coming and going at once) and visibility for traffic entering and exiting the site, Mr Thompson explained that Gilmore Road had sufficient capacity to accept traffic from this and future development along Gilmore Road and that should it be necessary in the future Council could consider parking restrictions.

Mr Khan noted current plans were for 1 hour Friday prayer sessions between 12 and 2pm. It was noted that the adjacent easement from Gilmore Road to Paterson Parade provided pedestrian access which provided an opportunity for additional off-site parking in Paterson Parade.

Security gates to the front of the development were planned on for the existing front boundary line noting further setback may not allow for required driveway gradients.

At the conclusion of the site inspection Mr Thompson indicated that the Council would be considering a report on this matter at its meeting on Wednesday, 7 June 2016, starting promptly at 5.30pm. The applicant and those present were advised that they were welcome to attend the meeting and make a presentation for up to three minutes on this matter on the Business Paper, in accordance with the former Palerang Council Code of meeting practice which is currently in place for the new Queanbeyan-Palerang Regional Council.

Recommendation

That the report be received for information.

Attachments

Nil

13.2 Strategic Land Use Planning Projects - former Queanbeyan area - Status (Ref: C1679397); Author: Thompson/Carswell

Report

A comprehensive report focussing on major strategic land use projects within the former Palerang Council area was considered by Council at the Extraordinary Meeting held on 19 May 2016. This report focuses on a number of the major strategic land use projects within the former Queanbeyan City Council area. Future reports will focus on projects and activities within the Queanbeyan-Palerang local government area and will be prepared on a regular basis.

Projects and activities are not listed in any particular order and include:

1. *Googong Section 94 Contribution Plan*

This project is identified in the current Operational Plan.

The Googong Section 94 Contribution Plan was approved by Queanbeyan City Council at its meeting of 27 April and notified on 29 April and so has taken effect. The Department of Planning and Environment have also been contacted seeking to include it in the Ministerial Section 94E Direction which sets a maximum cap of \$30,000 per dwelling for urban release areas.

This contribution plan provides the basis for the collection of development contributions payable by developers in Googong other than Googong Township Pty Ltd (GTPL) i.e. about 8% of development.

Actions taken prior to its adoption included:

- Re-exhibition during December 2015 and January 2016 with two comprehensive submissions being received.
- Review and responses to matters raised in submissions.
- Reporting of these to Queanbeyan City Council's meeting of 24 February 2016.
- Holding of a Queanbeyan City Council workshop held on 2 March and a representative from GTPL and M Gorman Holdings, the developer of Bunyip, made submissions to Council.
- Holding of a staff workshop on 3 March with the developer of Bunyip and his consultants.
- Further work being commissioned on the cost of certain facilities and a further review of land valuations.

2. *Googong Structure Plan for Neighbourhood 2*

This is an important project and has been discussed between staff and GTPL for some time. Also workshops have been held and various schemes have been developed and refined. The Structure Plan will cover the western part of the development area adjoining the Old Cooma Road and includes the new town centre of Googong although detailed design guidelines for this sub area will be considered at a future time.

A statutory process will be undertaken over the next few months to put this Structure Plan into the Googong DCP. This will initially involve a report to Council and if supported will involve community consultation.

The insertion of a Structure Plan into the Googong DCP is the first step in future areas of Googong being developed. A development application for Neighbourhood 2 cannot be prepared until the structure plan has been adopted by Council. It is expected to be reported to Council in the next few months.

3. *North Tralee Planning Proposal (LEP)*

This project is in the current Operational Plan and is also identified in the Delivery Program. It has been in train for many years.

Originally it took the form of a draft Local Environmental Plan and a local environmental study was drafted. However, at its meeting of 26 March 2014 Queanbeyan City Council resolved amongst other things to prepare a Planning Proposal to rezone the site (Minute No 054/14). Throughout its rezoning history a major issue has been the treatment of flood prone land adjacent to Jerrabomberra Creek, which as part of the Planning Proposal was the subject of additional investigations by the developer. Also at this time additional work was done on an appropriate noise buffer between the site and existing development in Jerrabomberra.

The previous and new work and the Planning Proposal was exhibited between September and October 2015.

Six submissions were received and have been reviewed and responded to. Amongst other things this identified the need to do still more work on land subject to flooding which is currently being done.

4. *South Tralee Local Planning Agreement*

This project is in the current Operational Plan and is also in the Delivery Program.

The draft Local Planning Agreement is currently on exhibition until 27 May and is likely to be reported to Council during the next month.

It provides the legal basis for the provision of the physical, recreational and community infrastructure necessary to support the new community of South Tralee and other parts of South Jerrabomberra. As such it includes such things as a new Northern Entry Road, a community hall, 5 parks, a large natural open space area, 2 playing fields and additional open space land on the Poplars.

The draft Local Planning Agreement has been negotiated over a two and half year period with intense negotiation over the last 3 months. It has involved many meetings between the parties as well as their respective valuers and lawyers. It has also involved Queanbeyan City Council workshops and reports with the final one being to Queanbeyan City Council's meeting of 27 April 2016 (Minute No 120/16) where Queanbeyan City Council agreed to exhibit it for public comment.

5. *South Jerrabomberra Section 94 Contribution Plan*

Work on this has been on hold for some time as the same consultant was appointed to review the Googong Section 94 Contribution Plan and priority was given to it. However in recent months it has recommenced with research being done on a list of contribution types to be included in the draft plan, the contribution values of these, as well as meetings with some of the major landowners and their consultants. It is intended to continue with work on this project with a report to come to Council in the next few months.

6. *South Jerrabomberra Planning Proposal (LEP)*

This is a Delivery Program project.

It is to be reported to elsewhere in this Business Paper.

7. *Review of Queanbeyan Residential and Economic Strategy 2031*

This is a Delivery Program project and is in the current Operational Plan.

This review was adopted by Queanbeyan City Council at its meeting of the Planning and Development Review Committee of 9 December 2015 (PDRC 113/15) following the preparation of a comprehensive report which considered issues raised by submissions.

The revised Strategy sets out the broad base land use planning strategy for Queanbeyan within its previous boundaries up to 2031 and amongst other things:

- Updates population and household projections.
- Investigates future areas for potential urban development.
- Reviews the supply and demand for employment lands.
- Provides the basis for any future local environmental plan reviews.

Following adoption it was forwarded to the Department of Planning and Environment for its endorsement. Council awaits its formal endorsement although the final funds contributed by the State Government towards this review have been paid.

8. *Review of Community Plans of Management and associated work*

The General Community Use Plan of Management is currently being reviewed. This is in accordance with part of a resolution of Queanbeyan City Council resolved on 11 May 2016 (PDRC 115/15).

These reviews are part of an ongoing program and are identified in the Delivery Program. The current Operational Plan requires a minimum of one plan to be reviewed annually.

Other recent Plans of Management which have been reviewed include:

- Amendment No 4 of the Plan of Management for Parks adopted by Queanbeyan City Council (PDRC 037/15) on 13 May 2015.
- Amendment No 3 of the Plan of Management for Sportsgrounds adopted by Queanbeyan City Council (PDRC 033/16) on 9 December 2015.

An associated piece of work recently completed was the reclassification of 12 Rutledge Street from community to operational. This is an Operational Plan project, involved the preparation of a Planning Proposal to amend *Queanbeyan Local Environmental Plan 2012* as well as consultation with the community, the appointment of an independent Chairperson and the holding of a Public Hearing and was reported to Queanbeyan City Council who resolved to proceed (Minute No 079/16) on 23 March 2015. The resulting amendment to *Queanbeyan Local Environmental Plan 2012* was notified on 13 May 2016.

9. *Obstacle Height Limitations Project*

This project is a joint project with the Commonwealth and Canberra Airport.

It relates to clauses in *Queanbeyan Local Environmental Plan 2012*, *Queanbeyan Local Environmental Plan (South Tralee) 2012* and *Queanbeyan Local Environmental Plan (Poplars) 2013* (Airspace operations) which require referral to a Commonwealth body when a development breaches the Limitation or Operations Surface of Canberra Airport. The purpose of it is speed up the assessment of development applications and so reduce costs by arriving at agreed circumstances (contained in a document similar to a Development Control Plan) whereby development applications do not require referral if they meet these agreed circumstance.

10. *Input into Other Directorate's Projects*

This is a Delivery Program project.

At the current time the Sections input into other Directorate's projects include:

- The Poplars Community Sports Precinct Master Plan.
- The new Cemetery project.
- Oaks Estate Sewerage Treatment Works upgrade.
- Historic Display Boards.

In regard to these projects the first is in the current Operational Plan while the last project was resolved at Queanbeyan City Council's meeting of 25 November 2015 (Minute No 460/15).

In addition support and assistance (along with other Directorates of Council) is provided for the Queanbeyan Excellence Awards. This is a project in the current Operational Plan and Delivery Program.

These have been running for four years and is now run by Southern Region and Canberra BEC.

The launch of the current Awards occurred on Friday 27 May 2016.

11. Participation in Regional Land Use Forums

This is a Delivery Program project. The current Operational Plan also requires participation on a minimum of four forums and workshops annually. This is generally achieved.

Currently the section regularly attends meetings of the ACT Commercial Advisory Committee and the ACT Residential Advisory Committee. Meetings of these Committees were held in May.

Over the last six months staff have also attended meetings of the Canberra Airport Community Consultative Group, the Canberra Airport Planning Coordination Forum and a meeting with the Department of Planning and Environment. The latter was organised by the Department to discuss the South Jerrabomberra Planning Proposal and outstanding issues of the buffer width and the second access into the ACT from the future South Jerrabomberra Development.

12. Provision of Advice on Discussion Papers and the Like

In recent times input from the section has included input into a wide range of discussion papers and other types of proposals. These generally result in a submission and include:

Current plans/discussion papers being reviewed with a view to making a submission include:

- The Draft South East and Tablelands Regional Plan.
- The review of 16 State Environmental Planning Policies along with the Development Assessment section of the Directorate.
- The draft Biodiversity Conservation Bill and draft Local Land Services (Amendment) Bill (NSW).
- Draft Variation 353 (of the ACT Territory Plan)

Advice was also provided internally on the recent Review of Complying Development for Inland NSW.

In addition the Department of Planning and Environment's Guidance for merged Councils on planning functions is also being reviewed with a view to implementing its outcomes and actions.

13. Heritage Matters

The Section also generally manages the Heritage Advisor and provides administrative support to the Heritage Advisory Committee.

Recommendation

That the report be received for information.

Attachments

Nil

14 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION

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

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

Recommendation

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

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

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

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

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