



**Planning and Strategy
Committee of the Whole**

AGENDA

11 August 2021

Commencing at

**Council Chambers
253 Crawford St, Queanbeyan**

Site Inspection

Item 8.2 – Tree Removal Application – 115 Gum Flat Lane, Bywong

Council at its meeting of 23 November 2016 resolved (M/N 295/16) as follows:

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

- *Environmental Planning and Assessment Act 1979*
- *Local Government Act 1993*
- *Swimming Pools Act 1992*
- *Roads Act 1993*
- *Public Health Act 2010*
- *Heritage Act 1977*
- *Protection of the Environment Operations Act 1997*

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LIST OF ATTACHMENTS –

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

Open Attachments

- Item 8.1 Development Application DA.2021.1081 - Continued Use of an Outdoor Recreation Facility (Motocross Track) - 621 Larbert Road, Larbert
 - Attachment 1 DA.2021.1081 - Section 4.15 Assessment Report - 621 Larbert Road, Larbert (Under Separate Cover)*
 - Attachment 2 DA.2021.1081 - Site Plan Amended - 621 Larbert Road (Under Separate Cover)*
 - Attachment 3 DA.2021.1081 - Toilet and Amenities Block Plans - 621 Larbert Road, Larbert (Under Separate Cover)*
 - Attachment 4 DA.2021.1081 - Acoustic Report - 621 Larbert Road (Under Separate Cover)*
 - Attachment 5 DA.2021.1081 - Submission From Crown Lands - 621 Larbert Road, Larbert (Under Separate Cover)*
 - Attachment 6 DA.2021.1081 - Combined Redacted Submissions - Motocross Track - 621 Larbert Rd Larbert (Under Separate Cover)*
 - Attachment 7 DA.2021.1081 - Applicant's Response to Submissions - 621 Larbert Road, Larbert (Under Separate Cover)*
 - Attachment 8 DA.2021.1081 - Draft Conditions of Consent - 621 Larbert Road, Larbert (Under Separate Cover)*
- Item 8.2 Tree Removal Application - Proposal to Remove Trees for Above Ground Power Supply - Road Reserve Adjacent to 115 Gum Flat Lane, Bywong
 - Attachment 1 Accepted Power Supply Design (Under Separate Cover)*
 - Attachment 2 Deposited Plan Showing Electrical Easement (Under Separate Cover)*
 - Attachment 3 Alternative Power Supply Design (Under Separate Cover)*
 - Attachment 4 Applicant's Vegetation Assessment Report (Under Separate Cover)*
- Item 8.3 Priority List for QPRC Applications under the Black Summer Bushfire Recovery Program
 - Attachment 1 Grant Opportunity Guidelines (Under Separate Cover)*
- Item 9.1 Annual Food Inspection Report
 - Attachment 1 Food in Focus Newsletter - Spring (Under Separate Cover)*
 - Attachment 2 Food in Focus Newsletter - Summer (Under Separate Cover)*
 - Attachment 3 Food in Focus Newsletter - Autumn (Under Separate Cover)*
 - Attachment 4 Food in Focus Newsletter - Winter (Under Separate Cover)*

Closed Attachments

- Item 8.2 Tree Removal Application - Proposal to Remove Trees for Above Ground Power Supply - Road Reserve Adjacent to 115 Gum Flat Lane, Bywong
- Attachment 5 Quotes Submitted by Applicant Comparing Cost of Various Alternate Works (Under Separate Cover)*
- Attachment 6 Solar Power and Power Connection Quotation (Under Separate Cover)*
- Attachment 7 Emails Between Applicants and Council Officers (Under Separate Cover)*
- Attachment 8 Emails Confirming Arrangement in 2017 (Under Separate Cover)*

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

8.1 Development Application DA.2021.1081 - Continued Use of an Outdoor Recreation Facility (Motocross Track) - 621 Larbert Road, Larbert (Author: Thompson/Glouftsis)

File Reference: DA.2021.1081.

Summary

Reason for Referral to Council

This application has been referred to Council because ten (10) written submissions have been made to Council resulting from the exhibition/notification process and valid concerns have been raised which may be difficult to control through the imposition of conditions of consent.

Proposal:	Continued use of an outdoor recreation facility (motocross track)
Applicant/Owner:	Coe Planning Services / Darryn N Griggs
Subject Property:	Lot 119 DP 755915, 621 Larbert Road, Larbert
Zoning and Permissibility:	RU1 Primary Production under <i>Palerang Local Environmental Plan 2014</i> – Outdoor Recreation Facility permitted with consent.
Public Submissions:	Ten (10)
Issues Discussed:	Planning Requirements & Contents of Submissions
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made.

Recommendation

That

- 1. Development application DA.2021.1081 for the continued use of an Outdoor Recreation Facility (Motocross Track) on Lot 119 DP 755915, No.621 Larbert Road, Larbert, be granted conditional approval subject to the imposition of the following additional restrictions:**
 - a) The motocross facility shall only operate between the hours of 10.00am and 3.00pm on the following days:**
 - **Saturday**
 - **Sunday**
 - **Thursdays during NSW School Holidays; and**
 - **Public Holidays (excluding Christmas Eve, Christmas Day, Good Friday, New Year's Day and Anzac Day).**
 - b) The maximum number of participants attending the motocross facility shall not exceed forty (40) per day of operation.**
 - c) The maximum number of riders on the Motocross Track at any one time is limited to ten (10).**
 - d) Only track one (the southern track) shall be used in conjunction with this facility.**
-

8.1 Development Application DA.2021.1081 - Continued Use of an Outdoor Recreation Facility (Motocross Track) - 621 Larbert Road, Larbert (Author: Thompson/Glouftsis) (Continued)

2. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.
3. The relevant concurrence authorities be forwarded a copy of Council's Notice of Determination.

Background

Pre-Development Application

A motocross track has been operating at this site without development consent for at least six years. Council received complaints about the facility and, after confirming that it was operating without consent, began enforcement action to require the cessation of activities at the site. Following this action by Council and the impacts of the COVID pandemic the operator cooperated with Council and ceased activity at the site. The operator then sought assistance from a planning consultant and lodged a development application to formalise the ongoing use of the site as a motocross facility.

Subject Property

The subject site is legally described as Lot 119 DP 755915 and is commonly known as 621 Larbert Road, Larbert (See Figure 1 below). The allotment is located on the eastern side of Larbert Road and is bisected by a Crown road reserve. The lot has an area of 394.4ha, although the proposed motocross facility only occupies approximately 25ha in the south west of the site. The topography of the motocross facility site is generally undulating, with significant degradation of any existing vegetation.



Figure 1: Subject Site – Lot 119 outlined in red

8.1 Development Application DA.2021.1081 - Continued Use of an Outdoor Recreation Facility (Motocross Track) - 621 Larbert Road, Larbert (Author: Thompson/Glouftsis) (Continued)

Existing development on lot 119 comprises the current motocross track, an adjoining operational sand quarry to the east, a cleared area in the north east with the remainder being bushland.

Figure 2 below shows an expanded view of the site showing the proposed motocross site in the south west corner.

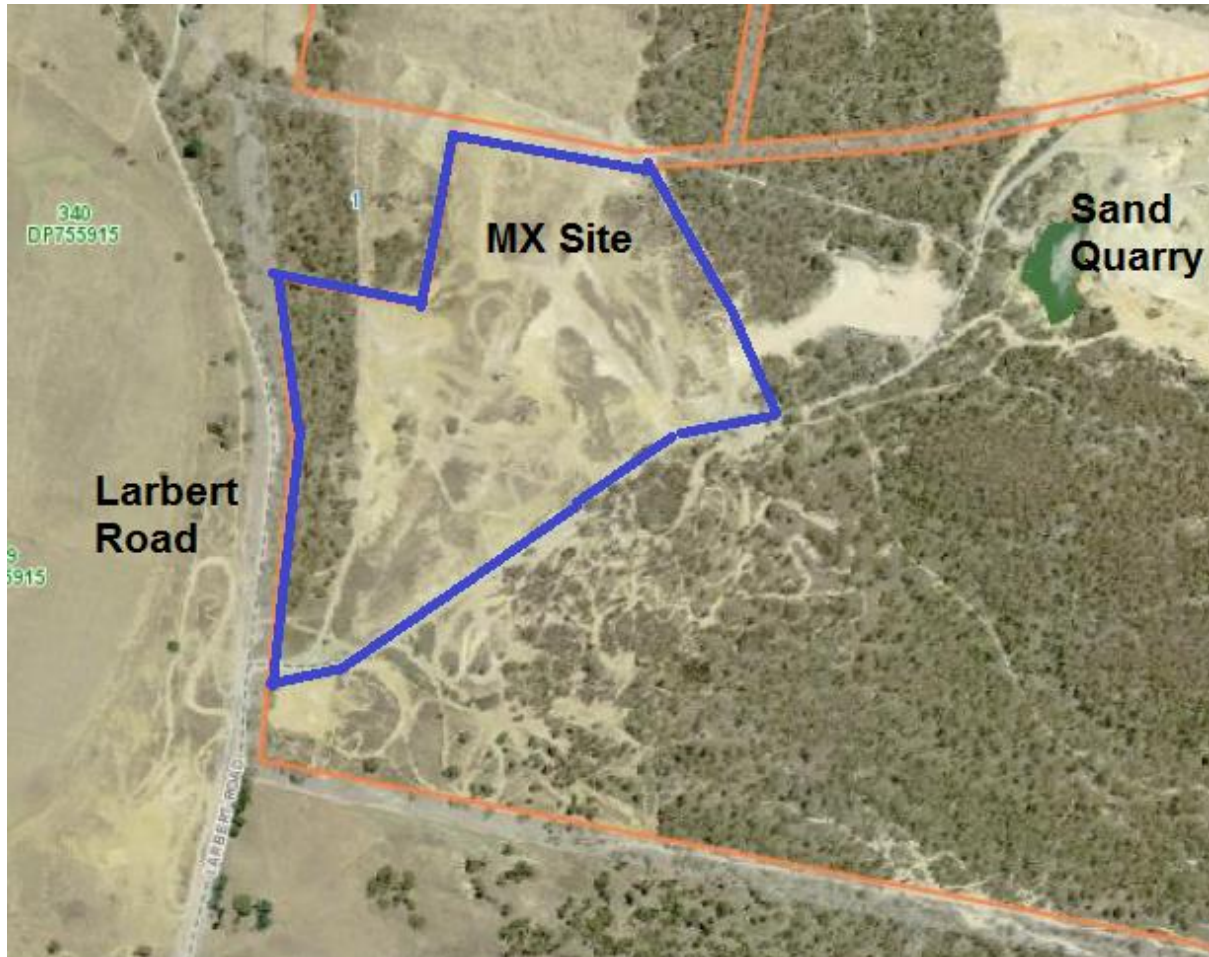


Figure 2 – Enlarged view showing motocross site

Proposed Development

The proposal seeks development consent for the continued use of an existing Outdoor Recreation Facility (Motocross Track) and the installation of a prefabricated toilet and amenities block. The development proposes a limitation of 50 riders to attend the site during a single day and operating hours from 9:00am to 3:00pm on weekends, Thursdays (school holidays only) and public holidays, (excluding Christmas Eve, Christmas Day, New Year's Day, Good Friday and Anzac Day). The outcomes of the acoustic report effectively limit the number of riders at any one time to ten.

The proposal specifically eliminates any proposal to facilitate on-site camping and fuel storage.

There is a water truck located on the site currently to address issues regarding dust suppression and for firefighting purposes. No water is proposed to be provided to patrons.

Vehicular access is provided to the site via an existing driveway from Larbert Road

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Figure 3 below shows the site plan for the proposed facility.

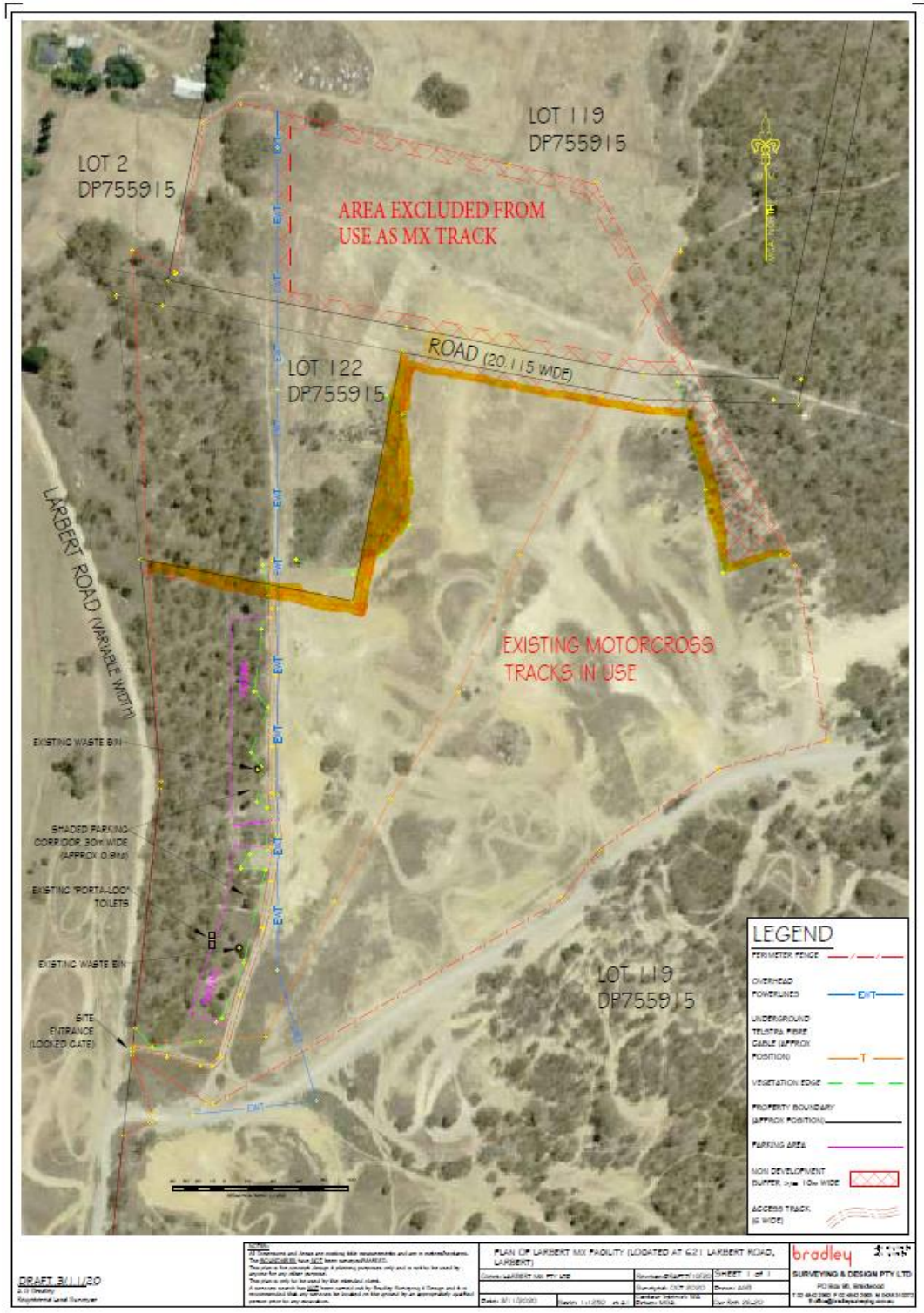


Figure 3: Site Plan

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As part of the proposal a new toilet facility and onsite waste water treatment system will be installed. The toilet will be located in the south west corner of the facility close to the entry point. Figures 4 and 5 below show the plans of the proposed toilet facility.

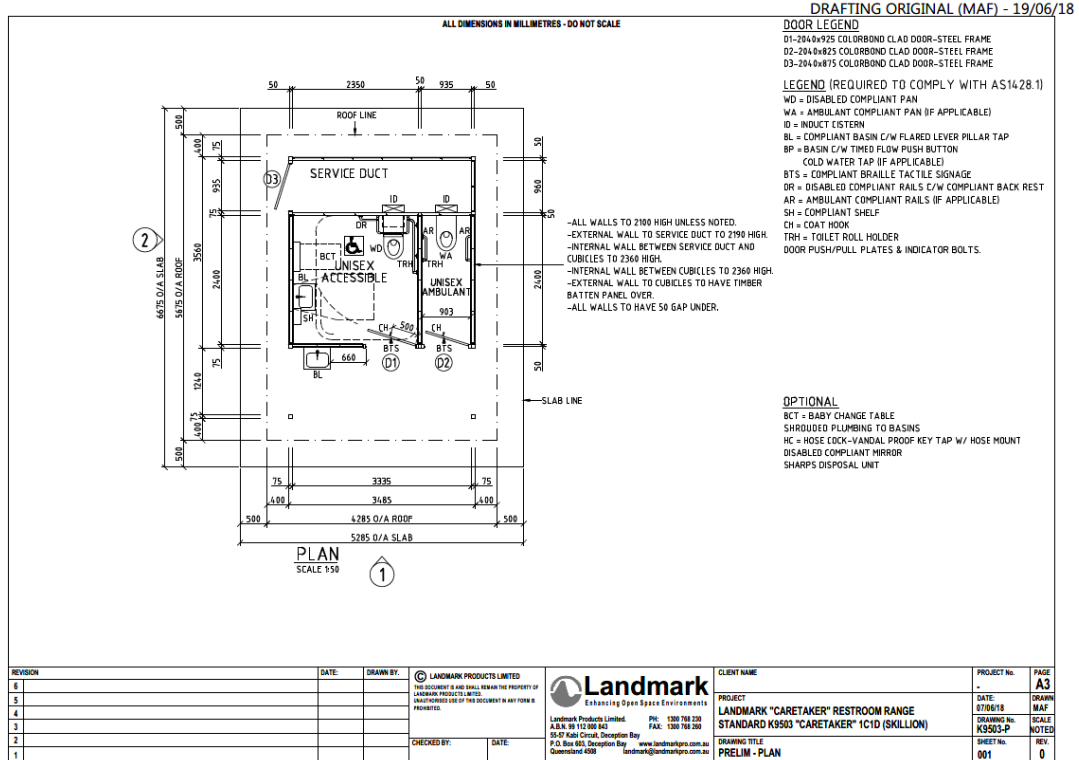


Figure 4: Proposed Toilet and Amenities Block

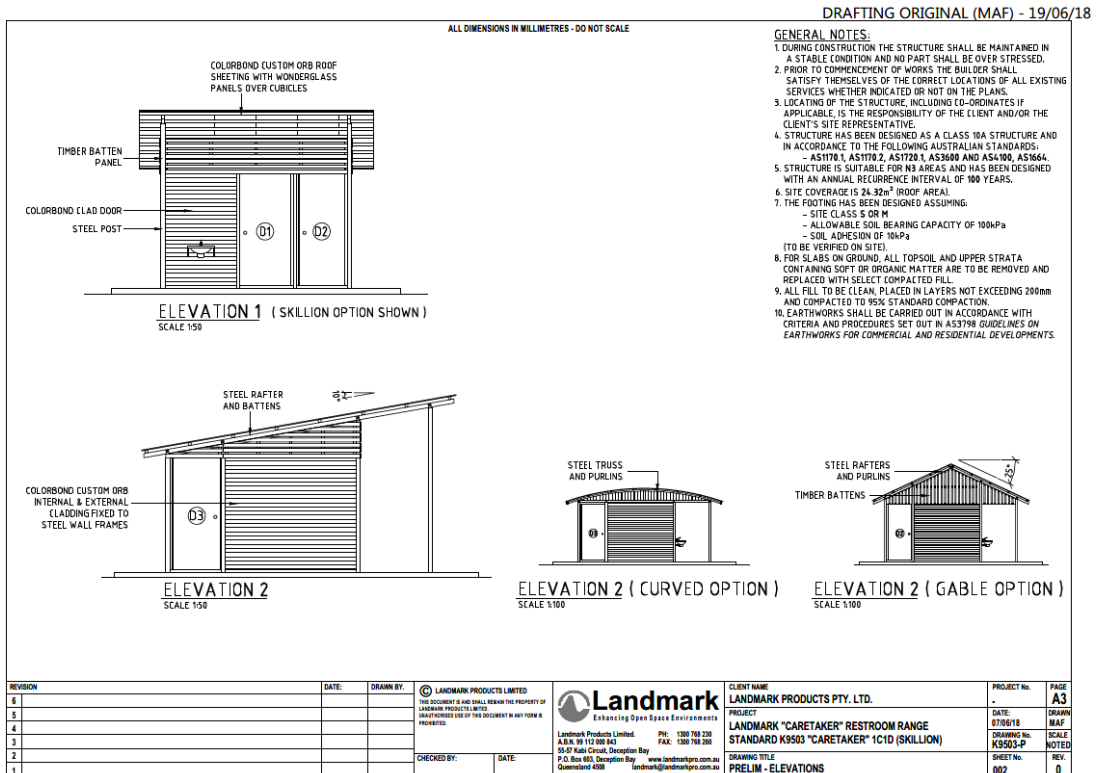


Figure 5: Proposed Toilet and Amenities Block

8.1 Development Application DA.2021.1081 - Continued Use of an Outdoor Recreation Facility (Motocross Track) - 621 Larbert Road, Larbert (Author: Thompson/Glouftsis) (Continued)

Site History

Historically the site has been extensively disturbed through sand mining with previous approvals for this activity undertaken and issued by the former Tallaganda Shire Council since the 1980s. The use of the site for the purposes of a motorcycle track is likely to have been occurring since 2014.

Noting that the site has been significantly degraded from historic use as a quarry and the illegal operation of a motocross track, formalisation of the existing use through approval of the development application will allow the upgrade of access, parking spaces, on-site facilities, and the adoption of a plan of management for the site, bushfire and emergency evacuation plan, and the ability for Council to enforce hours of operation and limit the number of riders to reduce noise impacts.



Figure 6: Extent of Existing Earthworks and Disturbed Ground

8.1 Development Application DA.2021.1081 - Continued Use of an Outdoor Recreation Facility (Motocross Track) - 621 Larbert Road, Larbert (Author: Thompson/Glouftsis) (Continued)

Figures 7 and 8 below show access to the facility.



Figure 7: Existing Entrance to the Motocross (MX) Facility – 621 Larbert Road



Figure 8: Larbert Road – Creek Crossing

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Planning Requirements

Assessment of the application has been undertaken in accordance with Section 4.15 of the *Environmental Planning and Assessment Act (EPAA) 1979*, as amended. The matters that are of relevance under Section 4.15 are summarised in the attached *Section 4.15 Table – Matters for Consideration*.

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

1. *State Environmental Planning Policy No. 55 – Remediation of Land*
2. *State Environmental Planning Policy Infrastructure (2007)*
3. *State Environmental Planning Policy (Sydney Drinking Water Catchment)*
4. *Palerang Local Environmental Plan 2014 (LEP)*.
5. *Palerang Development Control Plan 2015 (DCP)*.

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

- Planning requirements.
- Contents of the submissions received during the notification period and proposed conditions to control impacts.

(a) Compliance with LEP

Palerang Local Environmental Plan 2014

Zoning and Permissibility - The proposed development is located within the RU1 – Primary Production Zone. Development for the purposes of a recreation facility (outdoors) is permitted with consent in the zone.

Development Standards - An assessment against the relevant development standards contained within the *Palerang Local Environmental Plan 2014* is provided within the attached Section 4.15 Assessment Report.

(b) Compliance with DCP

The proposed development is generally compliant with the relevant development controls contained within the *Palerang Development Control Plan 2015*. For a detailed assessment please refer to the attached Section 4.15 Assessment Report.

(a) Development Engineer's Comments

Traffic and Parking - This type of development is not catered for in the *Palerang DCP 2015* or *RMS Guide to Traffic Generating Developments* documentation, hence the submitted *Statement of Environmental Effects* as prepared by *Coe Planning Services* dated January 2021, was used to estimate parking and traffic generation.

The applicant indicated that sufficient parking was available for a maximum of 15 vehicles. In a later section it indicated parking for a minimum of 15 vehicles. It is not clear if this was including trailers.

The site inspection revealed that two locations would be used for parking, none of which were formalised. The applicant will be required to provide parking to AS/NZS 2890.1 standard. Gravel surfaced car parking will be acceptable if suitable erosion and drainage measures are taken to protect the gravel pavement. All car park signage shall comply with AS1742.

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Internal Access - The site currently operates with an existing ingress and egress access allowing B89 (4WD) vehicles types to enter and leave in a forward direction.

The existing internal access is in poor condition and is not considered acceptable for public access. Emergency access to the site would be constrained by the access road in the current condition.

Given public access will be restricted to when training sessions are held, it is expected that the majority of traffic will enter and leave the property in a short time frame, with all traffic travelling in the same direction before and after the session. Subsequently, the access will require upgrading to a Private Access / Right-Of-Way road standard to meet bushfire requirements.

Entrance - The existing unsealed entrance will require upgrading to the standard of a vehicular entrance as specified in QPRC D13 Vehicular Access Design specification.

Section 7.11 Developer Contributions

The following Section 7.11 contributions are applicable for this location. Contributions are considered appropriate as the development increases the demand on these resources. Calculating the equivalent tenements for road contributions, the expected vehicle usage created by the development was compared to the demand for a typical residential dwelling which is equal to one ET.

Roads Equivalent Tenement

A	Residential vehicle movements (per day)	Tallaganda Plan 3	7 vpd
B	Residential vehicle movements (yearly)	A x 365 days/year	2,555
C	Group session size – development (maximum people)	SEE	50 people
D	Group session frequency – development (weekends, public holidays and Thursdays in school holidays only weeks – Christmas Day & Good Friday excluded)	SEE	123 days
E	Total numbers – development (people per year)	(C x D)	6150
F	Assumed vehicle occupancy rate - development	SEE	1.5
G	Vehicle movements per vehicle per session - development		2
H	Total vehicle movements - development	(E/F) x G	8,200
I	<i>Equivalent ET</i>	<i>H/B</i>	<i>3.21</i>

Subsequently the calculated Section 7.11 contribution based on 50 people over 123 days, based on the above rates with a 1ET credit, equates to an additional 2.21 ET for Tallaganda Plan No.3 Roads at \$35,345 and for Tallaganda Plan No.4 Bushfire is \$538.

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(b) Environmental Health Comments

No objection to the proposed development subject to the imposition of the recommended conditions of consent.

Compliance with the noise report requires that the site only have 10 active riders at any one time and only track one is indicated in the report is to be used. A limitation on the public holidays that the site will be in operation has been submitted by the applicant so days such as Christmas and New Years are now no longer operational days.

Engagement

The proposal required notification pursuant to the Queanbeyan-Palerang Community Engagement and Participation Plan from the 8 to 24 March 2021. Ten submissions were received during the notification period. The relevant issues raised are as follows:

Submission From – DPIE (Crown Lands)

Issue: Impacted Crown land - Crown road traversing the Lot 119 DP 755915 from west to east (Attachment 4).

Identified Impacts:

1. The existing Motocross tracks that have been in use, and are proposed to be used, impact the Crown road and the proponent does not hold an appropriate tenure.
2. It is noted that the proposed access track encroaches into Reserve 57528, a reserve for the purpose of Travelling Stock Route managed by the Local Land Services

Assessing Officer’s Comments: The applicant has submitted additional information to satisfy the requirements outlined by Crown Lands (Figure 9). The additional plan showing the area excluded from the track and proposed fencing which provides a physical fence and buffer between the operational track and the Crown road will be incorporated into the approved plans.



Figure 9 – Fencing and buffer separating Crown land from motocross facility shown highlighted orange

8.1 Development Application DA.2021.1081 - Continued Use of an Outdoor Recreation Facility (Motocross Track) - 621 Larbert Road, Larbert (Author: Thompson/Glouftsis) (Continued)

Summary and Response to All Issues Raised in Submissions - Key Issues Raised and Addressed Below - Objectives of the RU1 Zone, impacts on wildlife, noise impacts, devaluation of property, environmental impacts, loss of amenity, and traffic impacts. Submissions are included in Attachment 5.

Assessing Officer's Comments:

Zoning - Recreation facilities (outdoor) are permitted with consent in the RU1 – Primary Production Zone. The objectives of the zone include:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To minimise the impact of any development on the natural environment.
- To ensure that development does not unreasonably increase the demand for public services or facilities.

The utilisation of land adjoining a sand quarry, and which was previously used for the purposes of a quarry is considered generally consistent with the objectives of the zone. By allowing the continued use of the motocross track (recreation facility – outdoors) in this location, which was already degraded from previous sand quarry activity, it is likely to prevent the proponent from seeking development approval on other potential sites with less environmental degradation which would result in further environmental impacts.

Environmental Impacts - Historically the site has been extensively disturbed through sand mining. With previous approvals for this activity undertaken and issued by the former Tallaganda Shire Council since the 1980s. The use of the site for the purposes of a motorcycle track is likely to have been occurring since 2014. It is considered that degrading environmental impacts on site have already occurred. It is considered a better outcome that a site which would be difficult to remediate is used for the intended purpose as opposed to relocating to a site that may not be disturbed.

Noise - An acoustic assessment report prepared by SLR was submitted with the proposal. The noise mitigation measures detailed in the report will be adopted through a condition of consent. Specifically, the report limits the use of the facility to one track and that track can only be used by ten riders at a time. This requirement will be a condition of consent.

The acoustic report assumes that the hours of operation will be 9.00am to 3.00pm and that 50 people will be in attendance on any one day. The acoustic assessment report will form a part of the approval documents.

Notwithstanding the above, and having considered the concerns of submitters it is recommended that the hours of operation and number of attendees be further restricted as follows:

- Reduce operating hours to 10am to 3:00pm; and
- Limit the number of patrons on any one day to 40 in total.

8.1 Development Application DA.2021.1081 - Continued Use of an Outdoor Recreation Facility (Motocross Track) - 621 Larbert Road, Larbert (Author: Thompson/Glouftsis) (Continued)

The justification for reducing the attendance to a maximum of 40 patrons and 10am operating hours is as follows.

The acoustic assessment report concludes that the use cannot meet relevant noise criteria without the limitation of a maximum of 10 active riders on the track at a time. Despite this, the proponent proposes to have up to 50 patrons on site at a given time.

While it is noted that only 10 active riders will be allowed at a time and this will be enforced by a condition of consent, the contents of the submissions regarding amenity and noise mean that is considered appropriate to further limit the number of patrons. In this instance, a limitation of 40 patrons is proposed to reduce amenity and noise impacts, but still allow for reasonable commercial viability of the site. This also takes into consideration that there are 40 patrons not specifically participating in the recreational activity at a given time, leading potentially to a larger number of people using the premises for other purposes, which will likely generate additional noise.

Additional to the contents of the submissions, the implication for imposing a stricter limitation on patrons is justified through compliance with the land use definition contained within the *Palerang Local Environmental Plan 2014*. The definition of the proposed use for a 'recreation facility (outdoor)' is provided below:

Recreation facility (outdoor) - means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

The other similar land use definition is a 'recreation facility (major)', which is prohibited in the RU1 Primary Production Zone.

Recreation facility (major) - means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

The proposed limitation of patrons has been imposed to distance the proposed development from a 'recreation activity attended by large numbers of people' as contained within the recreation facility (major) land use definition. Although it is noted that there are no specific criteria for 'large numbers of people' within the LEP, it should be interpreted at a lower rate in a rural zoned area. Therefore, minimising the number of patrons using the facility will minimise its impacts.

The objectives of the RU1 zone are to minimise conflict between land uses within this zone and land uses within adjoining zones and to minimise the impact of any development on the natural environment. Further limitation of operating hours and the reduction in the number of patrons is considered appropriate to achieve the relevant objectives of the zone and to ensure compliance with the land use definition, whilst also satisfying the contents of submissions received during the notification period.

Please note that reducing the number of patrons to 40 will reduce the number of ETs generated by the activity and therefore the section 7.11 contributions calculated in the Development Engineering comments above. The reduction in patrons would reduce the roads payment from \$35,345 to \$28,298 and from \$538 to \$430 for bushfire contributions.

8.1 Development Application DA.2021.1081 - Continued Use of an Outdoor Recreation Facility (Motocross Track) - 621 Larbert Road, Larbert (Author: Thompson/Glouftsis) (Continued)

Devaluation of Property - The use of the site for its intended purpose as an Outdoor Recreation Facility is permitted with consent in the RU1 zone. The subject property adjoins an existing operational sand quarry and is not considered inconsistent with development in the surrounding locality. It is noted that the development has some potential to have noise and amenity impacts. However, the direct devaluation of property or land is not a planning consideration assessable under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. Therefore, no further consideration of this impact can be assessed by Council through this development application.

Loss of Amenity - The development will be conditioned to comply with the proposed plan of management. Additionally, operating hours will be limited to 10:00am to 3:00pm on weekends only (with exception of Thursdays during school holidays) and will exclude public holidays. The development will also be required to comply with the recommendations and noise mitigation measures outlined within the submitted acoustic assessment report prepared by SLR to reduce amenity impacts on surrounding land uses. Only 10 riders will be permitted to be active on the track at a time with 40 patrons allowed on site at a given time.

Traffic Impacts - Access and parking will be required to be upgraded in accordance with the conditions imposed by Council's Development Engineer. It is noted that the site does not operate 7 days a week, and will be conditioned to not accommodate more than 40 riders at any given time during the mandated operating hours, which will exclude certain public holidays, and weekdays, with the exception of Thursdays during school holidays.

The applicant will also be required to make contributions to the upkeep of Larbert Road due to the increased traffic created by the activity.

Note: The applicant has also prepared a response to the submissions, which is provided as Attachment 6 to this report.

Conclusion









The submitted proposal for an Outdoor Recreation Facility (Motocross Track) on Lot 119 DP 755915, No.621 Larbert Road, Larbert is a local development and is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers for a period of 14 days and ten (10) submissions were received during this period.

The proposal has been assessed under Section 4.15 of the *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Palerang Local Environmental Plan 2014* and *Palerang Development Control Plan 2015*.

The development generally satisfies the requirements and achieves the objectives of these instruments. It is recommended that the application be approved subject to the imposition of the recommended conditions of consent including the adoption of a plan of management for the site, limited operating hours and patron limitations, and the adoption of noise mitigation measures outlined within the acoustic assessment report to allow the mitigation of issues raised in submissions.

8.1 Development Application DA.2021.1081 - Continued Use of an Outdoor Recreation Facility (Motocross Track) - 621 Larbert Road, Larbert (Author: Thompson/Glouftsis) (Continued)

Attachments

- Attachment 1  DA.2021.1081 - Section 4.15 Assessment Report - 621 Larbert Road, Larbert (*Under Separate Cover*)
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- Attachment 3  DA.2021.1081 - Toilet and Amenities Block Plans - 621 Larbert Road, Larbert (*Under Separate Cover*)
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- Attachment 8  DA.2021.1081 - Draft Conditions of Consent - 621 Larbert Road, Larbert (*Under Separate Cover*)

8.2 Tree Removal Application - Proposal to Remove Trees for Above Ground Power Supply - Road Reserve Adjacent to 115 Gum Flat Lane, Bywong (Ref: ; Author: Thompson/Holloway)

File Reference: RM.21.008110; VP.2021.012

Summary

This tree removal application (RM.21.008110; VP.2021.012) has been referred to Council due to the large number of trees proposed to be removed from Council managed land for private economic benefit. This proposal is effectively a variation to Modified Subdivision Consent MOD.2017.79 (MOD.2015.026 and DA.2014.181) which accepted the provision of underground power supply along a different alignment requiring limited destruction of public environmental assets.

Proposal: Remove 120 trees along Gum Flat Lane, Bywong, to enable the installation of overhead powerlines.

Applicant: Susan Lun

Subject Property: Gum Flat Lane Public Road Reserve

Zoning: E4 Environmental Living under Palerang Local Environmental Plan 2014

Permissibility: State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 and Palerang Development Control Plan 2015

Issues Discussed: Environmental impacts

Alternative power supply design differing from design previously accepted during subdivision.

Recommendation

That Council refuse the tree removal request to enable an alternative power supply design for the subdivision, due to significant environmental impact on vegetation assets on Council land when other low-impact alternatives are available.

Background

Existing Approval

The Modified Subdivision Consent MOD.2017.79 (MOD.2015.026 and DA.2014.181) resulted in the creation of two new Lots unserved by electricity supply, being Lots 2 and 3, DP 1237795, commonly known as 1/115 and 2/115 Gum Flat Lane, Bywong.

At the time of subdivision Council accepted that the two new lots had the opportunity to install on-site power generation and, alternatively, that there was an acceptable electricity supply design that posed limited environmental impact.

The accepted design (Attachment 1) predominantly located the cable underground along the eastern side of the lane, where a Telstra line is already located. As part of the accepted design, the underground cable ends with a pole mounted substation located at the north-east corner of Lot 2 and south-east corner of Lot 3. The accepted design would only require the removal of a small number of trees ('approximately six') and shrubs.

8.2 Tree Removal Application - Proposal to Remove Trees for Above Ground Power Supply - Road Reserve Adjacent to 115 Gum Flat Lane, Bywong (Ref: ; Author: Thompson/Holloway) (Continued)

The relevant condition imposed on the subdivision consent was:

Power supply

6. Easements for electricity supply shall be created on the final plan of subdivision in favour of Essential Energy. Such easements shall be 20 m wide (or such other width as agreed to by Essential Energy) shall be centred on:
- (a) all existing power lines which cross the subdivision and where that part of a subdivision will involve freshly surveyed boundaries; and
 - (b) all proposed power lines that will be constructed to provide electricity to the lots within the subdivision; and
 - (c) all proposed power lines within the subdivision for which the developer is not required to make a capital contribution, but which would be required to be constructed in the future to provide power to the boundary of each lot.

Reason: To ensure power supply to the proposed lots.

The Applicant under this consent was not required to build the electricity infrastructure but provide the legal mechanism for it. The legal mechanism was undertaken on the Section 88B Instrument which was signed off by Essential Energy. It was Council's understanding at the time of the subdivision certificate that the Applicant had a design approved by Essential Energy. The requirement of Condition 6 to create an easement was achieved as seen in the Deposited Plan by two adjoining 10x10m areas, one at the corner of each Lot, labelled '(E)' and referred to as 'Easement for multi-purpose electrical installation 10 wide' (Attachment 2).

There is no known impediment to the accepted design being implemented, however the new owners of Lots 2 and 3 have proposed an alternative design stating that it would cost them less financially. The alternative design requires a permit for vegetation removal and approval from Council to undertake works on Council land. This is in addition to the native trees previously removed from the lane as part of roadworks associated with the subdivision.

Proposed Development

The vegetation clearing permit application proposes the removal of 120 trees along the western side of the public road reserve known as Gum Flat Lane. Council is the roads authority for the land. The purpose of the tree removal is to implement an alternative power supply design for overhead power to Lots 2 and 3, DP 1237795, commonly known as 1/115 and 2/115 Gum Flat Lane, Bywong (Attachment 3).

The application defines the tree removal in two segments in the submitted Vegetation Assessment report (Attachment 4), as marked on the aerial photo in Figure 1 below.

- Segment 1 – 70 Stringybark gum trees
- Segment 2 – 15 Stringybark gum trees and 35 Monterey/Radiata pine trees.

It is noted that the alternative design provided only shows the power supply to the cul-de-sac and does not show the extension that will impact the trees in Segment 2.

8.2 Tree Removal Application - Proposal to Remove Trees for Above Ground Power Supply - Road Reserve Adjacent to 115 Gum Flat Lane, Bywong (Ref: ; Author: Thompson/Holloway) (Continued)

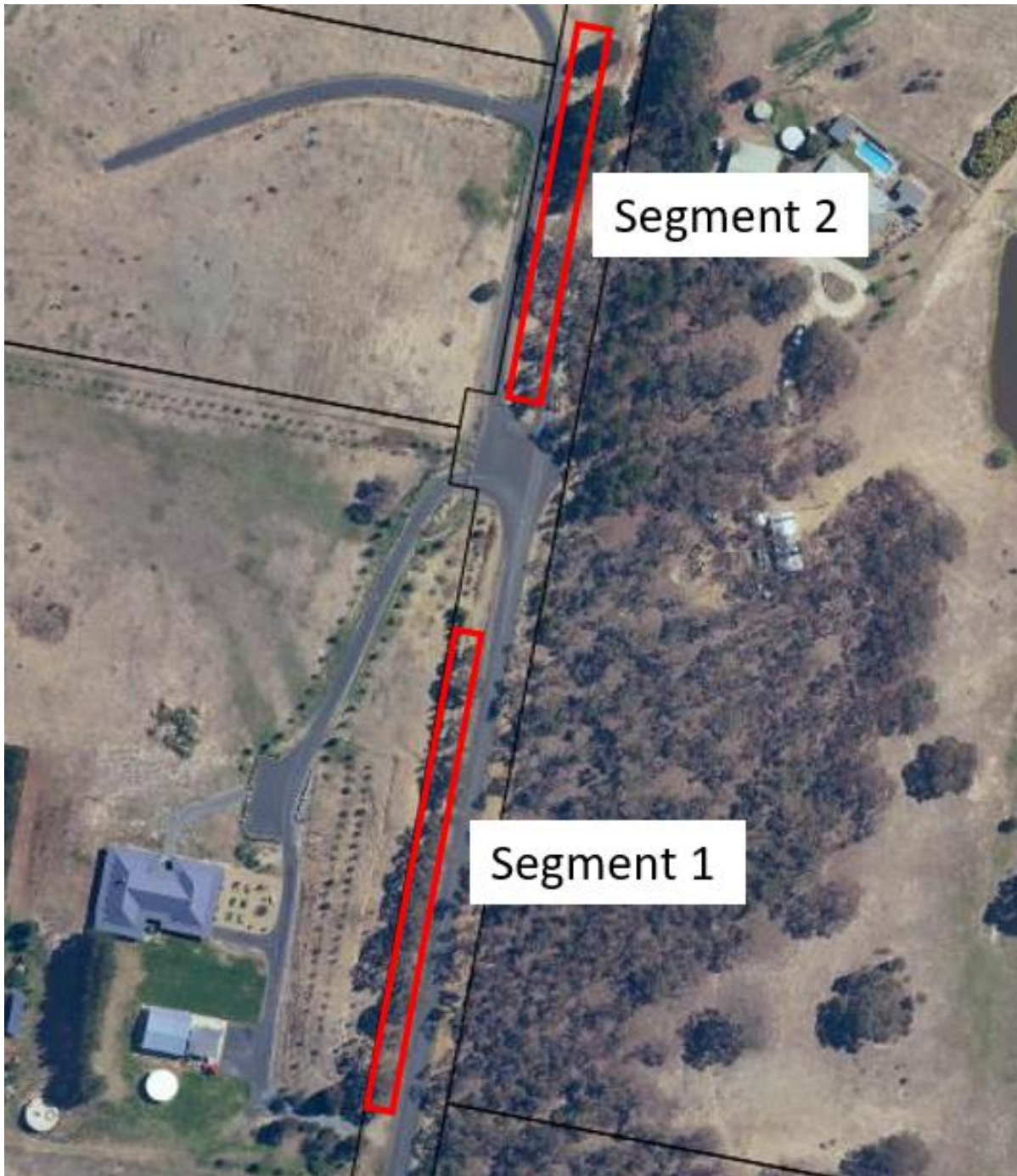


Figure 1 – Shows Extent of Vegetation to be Removed Resulting from Changing from an Underground to Overhead Electrical Infrastructure Design

8.2 Tree Removal Application - Proposal to Remove Trees for Above Ground Power Supply - Road Reserve Adjacent to 115 Gum Flat Lane, Bywong (Ref: ; Author: Thompson/Holloway) (Continued)

Approval Requirements

A permit is required under Part 3 of the *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* (SEPP) as the proposal is to clear prescribed vegetation (specifically, any tree on public land) as defined under section B3.5.1 of the *Palerang Development Control Plan 2015* (PDCP) for the E4 land use zone.

Whilst the statutory approval process for the removal of prescribed vegetation as defined in the PDCP is now linked to the SEPP and no longer the relevant Local Environmental Plan, the latter provides the statutory framework for land use management and the PDCP expands on the provisions of the *Palerang Local Environmental Plan 2014* (PLEP). As such, the PLEP contains relevant information that should be considered in this assessment. In addition, under the *Local Government Act 1993* (LG Act), Council should consider the principles of ecologically sustainable development in decision making.

The removal of 85 mature and immature native trees (70 in Segment 1 and 15 in Segment 2) along 235m of roadside is considered a significant impact, compounding previous tree removal associated with roadworks for the subdivision. In particular, a range of habitat values are provided by these trees, which form part of the vegetation community *Red Stringybark - Brittle Gum - Inland Scribbly Gum dry open forest of the tablelands*. Some native species threatened with extinction that have been recorded in the local area (NSW BioNet) are known to be associated with this vegetation type in the South Eastern Highlands Bioregion (according to their NSW threatened species profile). These include the Regent Honeyeater, Painted Honey Eater, Superb Parrot and Spotted-tailed Quoll. In addition, at least 15 hollows observed during the Council inspection have potential to provide fauna refuges for a variety of native animals. Other impacts include streetscape amenity and carbon capture capacity.

The removal of the 35 pine trees along approximately 35m of lane will impact on the streetscape and screening, habitat value for native animals and carbon capture capacity. If considered in isolation, the impact of their removal may not be significant enough to refuse the application. However, their removal must be considered as part of the broader application that has a much greater environmental impact than the already accepted design.

The significant issues relating to the proposal for the Council's consideration are as follows.

(a) Compliance with the SEPP

Section 3 - Aims of Policy

The aims of this Policy are—

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

It is considered that the two Aims of the SEPP would not be reasonably met if the proposal proceeded. The biodiversity values of 120 trees, including 85 native trees in an environmental land use zone, will not be protected. The amenity of the area will not be preserved due to 120 prominent trees along 270m of lane not being preserved. There are reasonable alternatives to the unnecessary removal of the trees.

(b) Compliance with the PDCP

Section - A4 Purpose

The purpose of this DCP is to provide more detailed provisions and to support the aims of the PLEP 2014. The aims of the PLEP 2014 are:

- a) to protect and improve the economic, environmental, social and cultural resources and prospects of the Palerang community,*

8.2 Tree Removal Application - Proposal to Remove Trees for Above Ground Power Supply - Road Reserve Adjacent to 115 Gum Flat Lane, Bywong (Ref: ; Author: Thompson/Holloway) (Continued)

- b) *to encourage development that supports the long-term economic sustainability of the local community, by ensuring that development does not unreasonably increase the demand for public services or public facilities,*
- c) *to retain, protect and encourage sustainable primary industry and commerce,*
- d) *to ensure the orderly, innovative and appropriate use of resources in Palerang through the effective application of the principles of ecologically sustainable development,*
- e) *to retain and protect wetlands, watercourses and water quality and enhance biodiversity and habitat corridors by encouraging the linking of fragmented core habitat areas within Palerang,*
- f) *to identify, protect and provide areas used for community health and recreational activities,*
- g) *to ensure that innovative environmental design is encouraged in residential development.*

It is considered that aims a) and d) above would not be reasonably met by the proposal, particularly considering that there are reasonable alternatives to the unnecessary removal of so many trees.

The environmental and social resources of the community will not be protected and improved through the removal of a significant number of trees along the public lane.

The proposal to remove a significant amount of natural resources when alternative options with substantially lower impact exist is not considered innovative or appropriate. Most of the principles of ecologically sustainable development, as defined in section A21 of the PDCP, have not been effectively applied, specifically:

- a. *the precautionary principle* - due to the threat of irreversible damage and the lack of an assessment of the risk-weighted consequences of various options;
- b. *inter-generational equity* - due to the health of the environment not being maintained or enhanced for the benefit of future generations; and
- d. *improved valuation ... mechanisms* - due to environmental and social factors of the asset proposed to be destroyed not being considered in the cost comparison with other electricity supply options.

(c) Compliance with the PLEP*Zone E4 Environmental Living***1 Objectives of zone**

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To encourage development that is visually compatible with the landscape.*
- *To minimise the impact of any development on the natural environment.*
- *To ensure that development does not unreasonably increase the demand for public services or facilities.*
- *To minimise conflict between land uses within the zone and land uses within adjoining zones.*

It is considered that some of the Objectives of the PLEP for the E4 zone would not be reasonably met by the proposed vegetation clearing, particularly considering that there are alternative options that would require little or no tree removal.

The irreversible adverse impact on ecological values would arguably not meet the first two objectives. Part of the site proposed for vegetation clearing is mapped as Terrestrial

8.2 Tree Removal Application - Proposal to Remove Trees for Above Ground Power Supply - Road Reserve Adjacent to 115 Gum Flat Lane, Bywong (Ref: ; Author: Thompson/Holloway) (Continued)

Biodiversity in the PLEP, although it is noted that the proponent's Vegetation Assessment report (Attachment 4) disputes the 'high conservation value' of Terrestrial Biodiversity as referred to in section B3.1 of the PDCP, and the trees 'do not constitute a high biodiversity value'. However, no mention is made in the report of this vegetation type being associated with multiple threatened species known to occur in the local area, nor the broader habitat values including the obvious hollows provided by some trees.

The removal of a dominant part of the streetscape and landscape, namely 235m of relatively dense tree cover along the side of a public lane in an environmental land use zone, does not meet the third objective as the development is not visually compatible with the landscape.

The removal of a significant number of trees along one side of the lane, particularly the native trees with few other remnant native trees remaining nearby on the adjacent properties, does not reasonably meet the fourth objective - to minimise the impact on the natural environment.

Other Matters

The extension of the power line from the existing final pole on Gum Flat Lane would also impact on existing trees planted on adjacent private land. This impact has not been considered by the application. The owner of the relevant property, 113 Gum Flat Lane, has raised concerns that if the proposed overhead powerline went ahead it would require the removal of *Leylandii* pines planted as a screen along their property boundary and which would consequently become adjacent to the future powerline.

The aerial photo in Figure 2 below highlights the location of the existing power pole at the northern end of the existing powerline, from which the proposed alternative powerline extension would head north along the western side of Gum Flat Lane. *Leylandii* pines planted on the adjacent property near the pole and to the south will likely need to be managed as they mature and come in conflict with the existing power lines. If the proposed alternative overhead power supply goes ahead, those trees north of the pole (highlighted by the yellow box) will also be impacted. Considering that the existing western-most powerline is approximately 2.5m horizontally from the property boundary it is likely that the trees will need to be severely pruned or removed as they mature.

8.2 Tree Removal Application - Proposal to Remove Trees for Above Ground Power Supply - Road Reserve Adjacent to 115 Gum Flat Lane, Bywong (Ref: ; Author: Thompson/Holloway) (Continued)



Figure 2 – Trees and Private Land Likely to be Affected by Proposal

8.2 Tree Removal Application - Proposal to Remove Trees for Above Ground Power Supply - Road Reserve Adjacent to 115 Gum Flat Lane, Bywong (Ref: ; Author: Thompson/Holloway) (Continued)

The primary justification for the proposed alternative design is the cost to the owners of the land requiring the provision of the power supply. Quotes and associated map provided by the applicant (Attachment 5) appear to indicate the following comparative costs to extend the existing line to the boundary of the lots:

- A. Accepted design (3 phase underground) for \$117,780+GST (Q150490)
- B. Alternative design (3 phase overhead) for \$48,890+GST (Q150354) + tree removal for \$5,500+GST (QU-763).

The tree removal quote appears to only relate to Segment 1 (reference in the quote to the 'map marked in blue' indicates that the quote only relates to Segment 1, as per the map concurrently supplied and referred to as the 'overview of the original indicative power design').

This is considered a low cost for the professional removal of 70 trees. If approval were issued by Council for the removal of 120 trees it would include conditions such as development and implementation of a traffic control plan, s.138 permit for works in the road reserve, sediment controls, removal of waste materials and site rehabilitation, so the realistic cost would likely be much higher. Note also that the quote for tree removal is to leave mulch and timber onsite and no charge for grinding of the stumps. The road verge could therefore be left in a harvested condition.

In addition, the owners of both lots have indicated that the provision of solar power has been quoted in the order of \$100,000 each. This includes a backup generator.

Implications***Legal***

The application to remove trees requires a permit under the SEPP as the vegetation is prescribed vegetation under the PDCP. If an approval is issued by Council there will likely be other legislative requirements considered in the conditions of approval, such as the requirement for a s.138 permit under the *Roads Act 1993* to work in the road reserve in accordance with an approved traffic management plan; daily work time limits to comply with noise pollution guidelines; erosion and sediment controls to comply with water pollution guidelines.

Environmental

The removal of 120 trees from Council-managed land would impact on the ecology of the site, including habitat for native species. In particular, the 85 native trees provide habitat as part of the broader ecological community including several threatened species recorded in the local area and known to be associated with that vegetation type. These impacts are irreversible, however could be avoided by implementing the previously accepted underground design or on-site power generation.

The proposal does not reasonably meet the principles of ecologically sustainable development that Council should consider in decision-making in accordance with s.8A(2)(d) of the *Local Government Act 1993*, in particular the conservation of biological diversity and ecological integrity - namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration.

Council has an obligation to enhance biodiversity, avoiding unnecessary loss of local indigenous vegetation, linking wildlife corridors, raising community awareness about sustainable land management, and caring for native ecosystems.

8.2 Tree Removal Application - Proposal to Remove Trees for Above Ground Power Supply - Road Reserve Adjacent to 115 Gum Flat Lane, Bywong (Ref: ; Author: Thompson/Holloway) (Continued)

Sustainability

The removal of 120 trees would impact on the carbon capture capacity of Council-managed land. This does not reasonably meet the principles of ecologically sustainable development that Council should consider in decision-making in accordance with s.8A(2)(d) of the *Local Government Act 1993*, in particular inter-generational equity - namely, that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations. Even if trees are planted on adjacent private land, as proposed to help offset the loss of biomass, it will be many years before that capacity is returned. Large healthy trees remove significantly more air pollution annually than small healthy trees.

Asset

Unlike some local governments, native vegetation on rural roadside land is not currently recorded in QPRC's asset management system. Cardno's 2018 *Integrating Natural Asset Management into Council's Asset Management Systems Investigation Report*, commissioned by Local Government NSW, advocates inclusion of trees and bushland in councils' asset management systems as a means of realising and maintaining their value, and allocating resources for their maintenance and eventual replacement. In accordance with the principles of ecologically sustainable development, the precautionary principle should be implemented and the lack of information on asset value and condition should not be used as a reason for postponing measures to prevent irreversible environmental damage.

Social / Cultural

The removal of 120 trees along Gum Flat Lane will result in the degradation of the visual amenity of the local area and impact on the local community. Conifers, large trees, low tree densities, closed tree canopies, distant views, and native species all had positive values in scenic quality.

The proposal is contradictory to Council guidelines developed in consultation with the community, including the Community Strategic Plan (CSP) – such as the strategic priority '*Protection of the natural environment*'; PLEP Objectives for the E4 zone and PDCP Purpose.

By agreeing to the proposal Council would be foregoing these environmental and social community values for a private benefit.

Economic

Council should not disregard the economic depreciation of tree capital. There is a value of mature rural trees in regard to financial, economic, social and environmental benefits and costs. Environmental benefits are underestimated in terms of value per tree per year, and this may potentially increase once benefits such as increased property values, scenic beauty, wildlife habitat, community bonding, carbon dioxide reduction and hydrology are added.

Engagement








Other than the concerns expressed by the owner of the neighbouring premises in relation to impact on trees planted on that land, no other community engagement has taken place.

8.2 Tree Removal Application - Proposal to Remove Trees for Above Ground Power Supply - Road Reserve Adjacent to 115 Gum Flat Lane, Bywong (Ref: ; Author: Thompson/Holloway) (Continued)

Conclusion

The approved subdivision included an underground power supply design requiring little impact on roadside vegetation that was accepted by Council. The proposed alternative design will require the unnecessary removal of 120 trees from public land for private financial benefit. The impact of the proposed vegetation clearing, even after considering the proposed offset of new plantings on private land, is a significant impact on the environmental and community values that does not reasonably comply with relevant policies and plans.

Attachments

- Attachment 1  Accepted Power Supply Design (*Under Separate Cover*)
- Attachment 2  Deposited Plan Showing Electrical Easement (*Under Separate Cover*)
- Attachment 3  Alternative Power Supply Design (*Under Separate Cover*)
- Attachment 4  Applicant's Vegetation Assessment Report (*Under Separate Cover*)
- Attachment 5  Quotes Submitted by Applicant Comparing Cost of Various Alternate Works (*Under Separate Cover*) - **CONFIDENTIAL**
- Attachment 6  Solar Power and Power Connection Quotation (*Under Separate Cover*) - **CONFIDENTIAL**
- Attachment 7  Emails Between Applicants and Council Officers (*Under Separate Cover*) - **CONFIDENTIAL**
- Attachment 8  Emails Confirming Arrangement in 2017 (*Under Separate Cover*) - **CONFIDENTIAL**

8.3 Priority List for QPRC Applications under the Black Summer Bushfire Recovery Program (Ref: ; Author: Darcy/Mirowski)

File Reference: 11.10.1-6

Summary

The Australian Government's Black Summer Bushfire Recovery Fund opened for applications on 22 July 2021 and close on 2 September 2021. The Fund is open to business, incorporated and not-for-profit community groups, and local government. The Queanbeyan-Palerang LGA has been identified as a Category 1 eligible LGA under the Fund, meaning that a 'funding envelope' of approximately \$4.5 million program funds is available for the LGA.

Recommendation

That Council consider the list of priority projects for application under the Black Summer Bushfire Recovery Grants Program.

Background

The objectives of this competitive grant program are to support recovery and resilience of communities impacted by the 2019-20 bushfires, and to build stronger communities by supporting social, economic and built environment recovery. The minimum amount of funding allowed per project is \$20,000 and the maximum funding amount allowed per project is \$10 million. It is noted the \$4.5m allocation to QPRC can be increased where a compelling reason is demonstrated.

Projects must have the support of the community that they are aimed at helping. Projects must also address one of the following:

1. social recovery and resilience needs
2. economic recovery and resilience needs and/or recovery and resilience needs of the built environment.

The attached Grant Opportunity Guidelines also state that the grants cannot be used for repair and replacement of existing infrastructure where there is no demonstrated significant increase in benefit to the community.

Projects that are considered by the Australian Government to most strongly align with the program aims and objectives, and the Program's eligibility requirements are most likely to be successful in being approved for funding. Eligible community groups are also able to apply directly for funding under the program.

8.3 Priority List for QPRC Applications under the Black Summer Bushfire Recovery Program (Ref: ; Author: Darcy/Mirowski) (Continued)

A list of potential projects has been collated for Council consideration:

Project Title	Project Description	\$,000
Bungendore Sports Hub – next stage	New amenities building for netball - \$300,000 Stage 2 fields playing surface - \$200,000 Irrigate four fields - \$320,000 Additional amenities and club storage - \$950,000	\$1,770
Nerriga Recreation Ground and Main Street Project	Access and off-road parking - \$150,000 Park furniture & landscaping - \$75,000 Small playground and shade sail - \$95,000 Tennis court surface - \$60,000 Main Street parking bays/ shoulder work - \$500,000 Street tree plantings/landscaping - \$45,000 Welcome signs - \$20,000	\$945
Captain's Flat Playground and park improvements	Install all-weather soft fall Top-dress and irrigate lawns Shade sail over playground New concrete access paths	\$260
Braidwood CBD Amenities	New public amenities in lane alongside National Theatre (or D&S Motors)	\$450
Braidwood D & S Motors Site	Decontamination, demolition and landscaped access to car park.	\$1,000
Majors Creek/Araluen footpaths		\$200
Queanbeyan River Walk	Complete Dane Street link and Glenrock drain.	\$550
		\$5,175

Implications

Economic

Receiving funds under the program will benefit Council economically, in that it will provide additional funding for projects that benefit the LGA socially, economically and the built environment, that otherwise would not be available.

Engagement

Many of the proposed projects have been extracted from previous reports to Council, including those submitted as proposals with IPR plans.

8.3 Priority List for QPRC Applications under the Black Summer Bushfire Recovery Program (Ref: ; Author: Darcy/Mirowski) (Continued)

Financial

No contribution is required of Council. A high level allowance has been included for the Braidwood projects as decontamination studies are yet to be undertaken, in turn influencing scope of any remediation. Council may consider projects in excess of the allocation. Funding for works concluded FY2024.

It is understood the CRJO will also apply for funding for several regional projects, that if successful, may require a contribution from the respective LGA allocations:

- visitor economy digital tool (similar to QPRC Treasure Trail)
- 3-year drone digital mapping (NearMaps) of all bushfire effected LGA roads
- remote mobile communications trailer per LGA

Resources (including staff)

Prioritisation of projects will streamline the process and negate competing against each other for finite program funds.

Conclusion

Councillors are requested to consider the priority list for progression to a Funding application under the Black Summer Bushfire Recovery Fund. If successful, the Operational Plan will be updated with the scope of works, and extended into the next Delivery Program (where applicable).

Attachments

Attachment 1 Grant Opportunity Guidelines (*Under Separate Cover*)



9.1 Annual Food Inspection Report (Ref: ; Author: Thompson/Gault)

File Reference: 12.1.10

Report

As part of the Food Regulation Partnership between the NSW Food Authority and local councils, an annual enforcement activity report must be submitted to the NSW Food Authority each year. The information contained in the Report also provides a useful overview of Council's food safety and education activities.

Reporting requires completion of a standard set of questions regarding enforcement activities undertaken by Council in the previous financial year. The contents of the annual report have been compiled by Council's Environmental Health Team and a summary of the QPRC Food Inspection Program for 2020-2021 is provided below.

Food Business Profile

Number of high risk fixed food businesses	13
Number of medium risk fixed food businesses	149
Number of low risk fixed food businesses	67

- High Risk includes premises which handle open food that requires temperature control. This also includes sale of food to vulnerable persons or food that has an inherently higher risk potential such as raw eggs food.
- Medium Risk includes the bulk of the food premises which require temperature control and other food safety processes.
- Low Risk premises do not require inspection except in the case of complaint or incident. These include premises such as newsagents and chemists that generally sell only pre-packaged food which does not require temperature control.

Retail Sector Requirements

Number of food businesses requiring a Food Safety Supervisor	141
Number of these businesses that have a current Food Safety Supervisor	110

The *Food Act 2003 (NSW)* requires certain food businesses in the NSW hospitality and retail food service sector to have at least one trained Food Safety Supervisor (FSS). The FSS needs to have gained specific units of competency under the national Vocational Education Training system.

The NSW Food Authority's FSS program was established to help reduce foodborne illness in the hospitality and retail food service sectors in NSW by improving food handler skills and knowledge.

Resources Profile

Number of authorised officers/contractors engaged in food regulatory work over the 12 month reporting period	3
Number of FTE authorised officers/contractors engaged in food regulatory work over the 12 month reporting period	1

9.1 Annual Food Inspection Report (Ref: ; Author: Thompson/Gault) (Continued)

Regulation Inspection Profile of High and Medium Risk Businesses

Number of primary inspections of high and medium risk food premises	169
Number of fixed food premises requiring re-inspections	31
Number of these re-inspected premises that required additional re-inspections	4

Primary inspection means any planned, programmed or routine inspection but does not include re-inspection or complaint inspection. A satisfactory inspection is one where no re-inspection was warranted to close out any breaches and where no enforcement activity was undertaken. Possible outcomes of an inspection include: Satisfactory letter, Warning letter, Improvement Notice (fee), Prohibition Order, Penalty Notice (fine and 12 months public online notification), prosecution (possible fine and 12 months online notification).

Food Business Inspection Scored Outcomes

5 Star rating (0-3 points)	69
4 Star rating (4-8 points)	69
3 Star rating (9-15 points)	24
0 Star rating (16+ points)	7

As part of the NSW Food Authorities 'Scores on Doors' program each council must record a food safety rating score, regardless of participation in the program, dictated by the standardised Food Premises Assessment Report.

Food complaint profile

Hygiene and handling	10
Foreign matter	1
Food quality including deterioration	1
Labelling and advertising	1
Single-incident Food borne illness	3
Other	2
Total number of food complaints investigated	18

All food related complaints were investigated by Council officers and involved onsite inspections. All complaints were related to single events with no evidence found to substantiate further in-depth investigations. Complaints were down from previous years due to COVID-19 restrictions and businesses not operating at normal capacity.

Enforcement action

Number of Warnings issued	52
Number of Improvement Notices issued	4
Number of Penalty Notices issued	1
Number of Seizure Notices issued	0
Number of Prohibition Orders served	0
Number of Prosecutions determined relating to Food Act breaches	0

Enforcement action listed above is the accumulation of all inspections (primary and re-inspections) conducted during the 2020-21 financial year. Enforcement activity includes the issuing of Warning letters, Improvement Notices, Penalty Notices, Prohibition Orders or Prosecution.

9.1 Annual Food Inspection Report (Ref: ; Author: Thompson/Gault) (Continued)**Value-added services**

Council has a maturing and improving relationship with food businesses in line with our Enforcement Strategy and continue to work with them to improve the food safety standard of the premises.

Participation in 'Scores on Doors' - The 'Scores on Doors' program is not being embraced by food business as they are influenced by what is occurring in Canberra (no scoring program). Most food businesses have stated that they will participate once Canberra food business utilise some form of scores on doors program. Food businesses in Bungendore and Braidwood are more willing to participate in the program as they are not as influenced by the Canberra food industry.

Technical advice provided to food businesses - Free advice is provided to current food business owners and their staff whenever requested to encourage a positive food safety environment. Advice is also given during inspections to help improve food safety and prevent/rectify future breaches of the food standards code.



Information (factsheets, website, newsletter etc.) provided to food businesses - Council offers a large selection of factsheets, website information, and sends out a quarterly newsletter to all food businesses containing helpful tips and advice. Copies of the Food Newsletters sent to businesses for this year are attached for your interest.





Food handler training organised or facilitated - Council utilises the "I'm Alert" online training and recommends that all food businesses have their food handlers complete the free training course.

Other services provided or participated in - Council participates in food related surveys when received. Council also participates in the Food Authority run workshops and in regional meetings of Environmental Health Officers involved in the monitoring of food premises.

Recommendation

That the report be received for information.

Attachments

- Attachment 1  Food in Focus Newsletter - Spring (*Under Separate Cover*)
- Attachment 2  Food in Focus Newsletter - Summer (*Under Separate Cover*)
- Attachment 3  Food in Focus Newsletter - Autumn (*Under Separate Cover*)
- Attachment 4  Food in Focus Newsletter - Winter (*Under Separate Cover*)

9.2 Backup Electricity for Telecommunication Facilities and Emergency Services
Facilities (Author: Tegart/Tozer)

File Reference: 42.1

Report

At its meeting on 14 April 2021, Council resolved:

That Council receive a report on the effectiveness of backup electricity for telecommunications facilities and emergency services facilities in the QPRC area.

The majority of telecommunications facilities and emergency services facilities in the Queanbeyan-Palerang area are not owned or operated by Council.

ABC transmitters

Council has recently coordinated the installation of ABC transmitters at Captains Flat and Braidwood to increase the strength of the 666 ABC signal. Both sites are connected to mains power, however neither have a back-up option. Staff have obtained a quote to install an uninterrupted power supply (UPS) system that can carry the FM radio system for a maximum of five hours in the event of a mains outage. The period of five hours was chosen based on a recent outage for this period of time at Braidwood last month. This UPS system would interface with the contractor's telemetry system so that they are aware of its status, and also when it has been operating.

The proposed unit carries out a double conversion. The mains voltage travels into the unit where it is rectified to DC and this charges the battery bank. The output of the battery bank is then fed to an inverter that provides the AC power that is fed to the transmitter system.

If Council wished to extend the outage period that the system can cover, then the increased battery capacity comes at a cost, noting it is possible to extend the coverage period after installation, by increasing batteries and reprogramming the system. The same applies if for example the load is increased by adding another FM transmitter.

The quote to install the UPS system at one site is \$13,438 (ex GST) plus travel costs, being around \$30k for both sites. No funding is included in the 2021-22 Operational Plan. If grant funding opportunities arise, staff will make a submission. If no grant opportunities arise, staff will make a budget bid for the 2022-23 Operational Plan.

CRJO Resilience Plan and grant application

The CRJO Resilience Plan is likely to cover other sites that are not owned by Council. The Plan will likely recommend that councils continue to advocate on behalf of their communities for telecommunications companies to install battery back-up power at their facilities which are not owned by councils. This plan is yet to be finalised.

Council has also been advised that the NSW Telco Authority will be establishing three new towers in the LGA to standardise radio communications for emergency service agencies and improve mobile capability for community.

The CRJO is also lodging a submission to the Black Summer Bushfires grant round to fund a remote mobile communications trailer per LGA, to enable deployment to disaster effected areas.

9.2 Backup Electricity for Telecommunication Facilities and Emergency Services Facilities (Author: Tegart/Tozer) (Continued)

Strengthening Telecommunications Against Natural Disasters

In May 2020, the Federal Government through Department of Infrastructure, Transport, Regional Development and Communications (DITRDC) announced a \$37.1 million telecommunications resilience package, designed to prevent, mitigate and manage telecommunications outages during emergencies and natural disasters called Strengthening Telecommunications Against Natural Disasters (STAND). More information can be found at <https://www.communications.gov.au/phone/improving-resilience-australias-telco-networks>

The STAND Program included a package of \$7 million to fund the installation of NBN Co Sky Muster satellite connections to 'fire service depots and evacuation centres' across the country.

Following representations from the states and territories, the roll-out of the satellite connections commenced with a pilot of select sites to ensure the service is financially sustainable and fit-for-purpose. NSW participated in the national pilot to test the installation of fixed telecommunications satellite connections at 20 sites. The sites selected were NSW RFS Fire Control Centres (FCCs).

For Phase 2 of the program, Resilience NSW has been in discussion with the Commonwealth and reached agreement to extend eligibility to emergency operations centre (EOC) facilities located in areas of risk. Based on QPRC's responses to the EOCs Strategic Review or our known location, this opportunity will be available to QPRC's EOC facility.

If Council wishes to opt into the STAND Program, eligible EOCs will receive from NBN Co installation and operation of satellite services - at no cost to the councils - for the first three years. After this three-year period, Council will need to make a commercial decision on whether to continue the arrangements, including the payment of applicable recurring fees from year four onwards. Please note that there is no offer of continued funding from the NSW Government.

Council is required to confirm its interest by 10 August 2021.

At this stage, it is proposed to:

- opt into the STAND program for the initial three years
- await the finalisation of the CRJO Resilience Plan and participation in remote mobile communications equipment
- seek funding for the installation of back-up power supplies at Council-owned infrastructure
- write to service providers (Optus, Telstra, Vodafone, NBN etc) to encourage them to install back-up power supplies
- continue to advocate to service providers to ensure back-up power supply is included with any future installations and upgrades.

Recommendation

That the report be received for information.

Attachments

Nil

9.3 Update on Debt Recovery Actions (Author: Knight/Monaghan)

File Reference: 43.2.1-06

Report

Council deferred debt recovery during the period of Covid, and extended the terms of the upgraded financial assistance policy to ratepayers suffering from the effects of drought, bushfire and Covid seeking to enter arrangements to pay, without the penalty of interest charges. The decision to pause all legal action was in compliance with legislative amendments passed by Parliament in May 2020 as part of the COVID-19 support package provided by Government. Council's debt collection action had already been on pause from July 2019 due to the implementation of the new property and rating system, then the impact of drought and bushfires.

The temporary COVID-19 legislative measures expired from 25 March 2021, and Council recommenced normal debt collection activity after the third rates instalment from April 2021.

The 'Financial Assistance Policy – Drought, Bushfire, COVID-19' is still in place, and continues to be offered to ratepayers who require extra financial assistance; to allow up to 2 years interest free repayment arrangements. Rates staff continue to use this policy to provide payment arrangement options to assist ratepayers with debt management in difficult times.

The rates section has experienced a high volume of phone calls over the last two weeks due to 2021-22 rate and water notices being issued in July and demand letters being posted for last year's arrears. Unfortunately social media commentary has fuelled emotional interactions.

As legal recovery had not been active for the past two years, the arrival of letters of demand in recent weeks may have been a surprise or presented challenges to ratepayers. At each stage of the recovery process, the ratepayer may enter into a payment arrangement to catch up on the overdue debt in a way that they can manage.

For ratepayers who have not entered into a payment arrangement with Council and who have fallen behind on rates outstanding, the debt recovery process is as follows.

Step	Timing	Action
1	10 days after due date	Reminder notice for amounts over \$100
2	14 days after reminder	Letter of demand for amounts over \$500
3	14 days after letter of demand	Statement of claim
4	28 days after statement of claim	Legal action commences

Some ratepayers seem to ignore notices and reminder letters from Council - however the letter of demand from the debt recovery agents prompts them to call, opening the opportunity to discuss the options available. There are a number of reasons that ratepayers may get behind in payments, with a large number being administrative, and therefore easily resolved with a phone call - for example to increase regular payment amounts or advise Council of changed ratepayer details. In the past 2 weeks there has been an increase in hardship applications, pensioner applications and payment arrangements. Debt recovery statistics July 2021 are provided in the table below.

9.3 Update on Debt Recovery Actions (Author: Knight/Monaghan) (Continued)

	Rates	Water
Demand letters	1,528	869
New payment arrangements	107	68
Paid in full	376	125

There are some instances where the ratepayer database contains incorrect addressing information, and Council is reliant upon ratepayers notifying staff of those errors and changes when they occur. If incorrectly addressed mail is 'return to sender', or ratepayers contact council, staff can pursue and correct the problem.

In all debt recovery situations, Council has policy provisions that allow staff to take a fair, flexible and realistic approach to debt recovery. Staff can assist ratepayers when they make contact by checking details are correct, by providing information about payment arrangement options and hardship policy provisions, by pausing interest etc. However, these conversations require contact from the ratepayer in response to Council correspondence.

Re-implementation of ongoing, regular debt recovery in accordance with the steps outlined above will help staff and ratepayers to understand and rely on timeframes for each debt recovery stage, with the goal of avoiding very large and unmanageable individual rates balances that can accumulate over a number of years.

Council would recall the decision to separate the issue of annual rates from quarterly water billing notices several years ago. Staff continue to work with the software supplier and mailhouse for system changes to enable water and rates notices to be posted in one envelope.

Recommendation

That the report be received for information.

Attachments

Nil

12 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*.

