



# **Ordinary Meeting of Council**

## **AGENDA**

**24 August 2016**

**Commencing at 5:30pm**

**Council Chambers  
10 Majara Street,  
Bungendore**



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

List any inspections or indicate “Nil”

**CITIZENSHIP CEREMONY**

**1 APOLOGIES**

**2 DISCLOSURES OF INTERESTS**

**3 CONFIRMATION OF MINUTES**

- 3.1 Minutes of the Ordinary Meeting of Council held on 10 August 2016

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

**5 MAYORAL MINUTES**

Nil

**6 NOTICES OF MOTIONS OF RESCISSION**

Nil

**7 NOTICES OF MOTIONS**

Nil

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**11 DELEGATES’ REPORTS**

Nil

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Nil

**13 COUNCILLORS’ QUESTIONS FOR NEXT MEETING**

Nil

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**Confidential - Not for Publication**

**15 REPORTS FOR CLOSED SESSION**

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*Item 15.1 is confidential in accordance with s10(A) (a) (dii) of the Local Government Act 1993 because it contains personnel matters concerning particular individuals (other than councillors); 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.*

**LIST OF ATTACHMENTS –**

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

**Open Attachments**

- Item 8.2 Development Application 30-2016 - 181 Gilmore Road - Indoor Recreational Facility (Gym)
- Attachment 1 Council Meeting - 24 August 2016 - DA 30-2016 - Indoor Recreation Facility (Gym) - ATTACHMENT - Section 79C Table - Matters for Consideration (Under Separate Cover)*
- Attachment 2 Council Meeting - 24 August 2016 - DA 30-2016 - Indoor Recreation Facility (Gym) - Attachment - Plans (Under Separate Cover)*
- Attachment 3 Council Meeting - 24 August 201 - DA 30-2016 - Indoor Recreation Facility (Gym) - Attachment - Draft Conditions (Under Separate Cover)*
- Item 8.3 Planning Proposal for Jumping Creek
- Attachment 1 Draft Planning Proposal for Deferred Areas at Jumping Creek (Under Separate Cover)*
- Item 8.4 Additional Council Community Land to be Placed in Various Plans of Management
- Attachment 1 Council Report & Minutes - 8 June 2016 - Land Classification to Community Land 6.19, 6.20, 6.21, 6.22 - Mount Jerrabomberra and Googong (Under Separate Cover)*
- Item 8.5 QPRC Investment Report - July 2016
- Attachment 1 Investment Report - July 2016 - Attachment 1 - 24 August 2016 (Under Separate Cover)*
- Item 8.6 Amendment to 2016-17 Operational Plan
- Attachment 1 Submissions summary (Under Separate Cover)*
- Attachment 2 Operational Plan amendment submissions (Under Separate Cover)*
- Item 8.7 Procedure for Unsolicited Proposals
- Attachment 1 Unsolicited Proposals Procedure (Under Separate Cover)*
- Item 8.8 Riverside Caravan Park Approval to Operate - Renewal Application No.2051 - 41A Morisset Street, Queanbeyan
- Attachment 1 Summary Assessment - Activity Approval No.2051 - 41A Morisset Street (Under Separate Cover)*
- Attachment 2 Riverside Caravan Park Approval - Draft Conditions - Schedules 1 and 2 (Under Separate Cover)*

Item 8.11 Braidwood Showground Reserve Trust s355 Committee - Annual General Meeting Minutes 26 July 2016

*Attachment 1 Minutes - Braidwood Showground s355 Committee Annual General Meeting 26 July 2016 (Under Separate Cover)*

Item 8.12 Bungendore War Memorial s355 Committee - Minutes

*Attachment 1 Minutes - Bungendore War Memorial s355 Committee Meeting - 4 February 2016 (Under Separate Cover)*

*Attachment 2 Minutes - Bungendore War Memorial s355 Committee Meeting - 3 March 2016 (Under Separate Cover)*

*Attachment 3 Minutes - Bungendore War Memorial s355 Committee Meeting - 7 April 2016 (Under Separate Cover)*

Item 9.1 Formation of Queanbeyan-Palerang Regional Council Audit, Risk and Improvement Committee

*Attachment 1 29 July 2016 - Audit Committee - Minutes (Under Separate Cover)*

*Attachment 2 Draft Queanbeyan Palerang Regional Council Audit, Risk and Improvement Committee Charter (Under Separate Cover)*

*Attachment 3 Draft Internal Audit Charter (Under Separate Cover)*

**Closed Attachments**

Item 15.1 New Cemetery Sites

*Attachment 1 Proposed site 2 (Under Separate Cover)*



MINUTES OF THE ORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held at the Council Chambers, 253 Crawford Street, Queanbeyan on Wednesday, 10 August 2016 commencing at 5.30pm.

## ATTENDANCE

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

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

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

### 1. APOLOGIES

No apologies were received.

### 2. DISCLOSURES OF INTERESTS

140/16

#### **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.

### 3. CONFIRMATION OF MINUTES

#### 3.1 Minutes of the Ordinary Meeting of Council held on 27 July 2016

141/16

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

The Administrator resolved that the Minutes of the Ordinary Meeting of Council held in the Bungendore Council Chambers on Wednesday 27 July 2016 be confirmed.

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

**Ms Katrina Willis** – Item 8.6 – Draft South East & Tablelands Regional Plan and Item 9.2 – Queanbeyan Residential and Economic Strategy 2015-31.

**Mr Les Manning** – Item 9.3 – Q-One Indoor Sports – Patronage Report.

**5. MAYORAL MINUTES****5.1 Donation to Skopje (Macedonia) Flood Disaster**

142/16

**RESOLVED (Overall)**

The Administrator resolved that Council make a donation of \$1,000 to Skopje, Macedonia, Flood Disaster Appeal.

**6. NOTICES OF MOTIONS OF RESCISSION**

Nil

**7. NOTICES OF MOTIONS**

Nil

**8. DETERMINATION REPORTS****8.1 QPRC Consolidated Investment Policy**

143/16

**RESOLVED (Overall)**

The Administrator resolved that Council adopt the QPRC Investment Policy.

**8.2 Request for Assistance with Legal Costs - Bathurst Regional Council**

144/16

**RESOLVED (Overall)**

The Administrator resolved that Council take no action in respect of this request.



**8.3 Consideration of an Urgent Donation**

145/16

**RESOLVED (Overall)**

The Administrator resolved that Council make a donation towards the quoted cost of \$3,894 to prune and remove trees at the Moudji Respite Centre.

**8.4 QPRC Eastern Pools Report - Bungendore, Braidwood and Captains Flat**

146/16

**RESOLVED (Overall)**

The Administrator resolved that Council:

1. Endorse expenditure of \$100,000, to enable safety treatments to be undertaken at the Bungendore, Braidwood and Captains Flat pool sites, to ensure the opening of the pools on schedule for the 2016/17 summer season.
2. Adopt the: Bungendore Pool Season and Staffing Option 1; Braidwood Pool Season and Staffing Option 2; and Captains Flat Pool Season and Staffing Option 4.
3. Increase the pools operating expenditure allocation by \$31,753.
4. Endorse the use of aquatic season passes between Queanbeyan, Bungendore, Braidwood and Captains Flat pools, allowing patrons within the QPR Local Government Area greater flexibility and access to aquatic recreational facilities.

**8.5 Adoption of Plan of Management - Seiffert Oval**

147/16

**RESOLVED (Overall)**

1. The Administrator resolved that Council Adopt the Plan of Management – Seiffert Oval, under Section 40 of the Local Government Act 1993, and
2. That Council forward the Plan of Management to the Minister responsible for Crown Lands for adoption under Section 114 of the Crown Lands Act 1989.

**8.6 Draft South East & Tablelands Regional Plan**

148/16

**RESOLVED (Overall)**

The Administrator resolved that Council make a submission to the NSW Department of Planning and Environment regarding the Draft South East and Tablelands Regional Plan generally in accordance with Attachment 1 but with the following adjustments:

- a. That reference on page 2 to the duplication of the Barton Highway change to 'major upgrades'.
- b. Page 6 include a 4th dot point regarding the upgrading and sealing of Nerriga Road as it is a freight road, and suggest data of vehicle movements along that route be gathered.

**9. INFORMATION REPORTS****9.1 2015/2016 Food Activity Report to NSW Food Authority - Former Queanbeyan City Council Area**

149/16

**RESOLVED (Overall)**

The Administrator resolved that the report be received for information and a media release be issued covering the contents of the report.

**9.2 Queanbeyan Residential and Economic Strategy 2015-2031**

150/16

**RESOLVED (Overall)**

The Administrator resolved that:

1. The report be received for information, and
2. Note the Department of Planning and Environment's advice that the further lot in Jumping Creek is "deferred".

**9.3 Q-One Indoor Sports - Patronage Report**

151/16

**RESOLVED (Overall)**

The Administrator resolved that the report be received for information.

**9.4 Palerang Heritage Advisory Committee Meeting - 19 April 2016 (SC0021)**

152/16

**RESOLVED (Overall)**

The Administrator resolved that the report be received for information.

**10. COMMITTEE REPORTS****10.1 Report of The Q Board Meeting - 25 July 2016**

153/16

**RESOLVED (Overall)**

The Administrator resolved that the Report of the Q Board Committee held on 25 July 2016 be received and the recommendations contained therein be adopted.

TQB 06/16 The Board recommend that a thank you card and flowers be sent to Mrs Burfoot.

TQB 07/16 The Board recommend that the Internal Production Review be noted.

TQB 08/16 The Board recommend that the External Production Review and comments be noted.

TQB 09/16 The Board noted the report, and recommended that the marketing team look at options to develop welcome packs for new families/residences and also look to promote shows through Queanbeyan FM radio station.

TQB10/16 The Board recommended that the Q's budget for the 2016/17 financial year be adjusted, at the September Quarter Review, to reflect an additional \$177,000 in expenditure and an additional \$180,000 in revenue.

TQB 11/17 The Board recommended that the Queanbeyan Performing Arts Centre's name be changed to 'Q-One Performing Arts, The Q Queanbeyan' and that this new branding be rolled out at the season launch.

**11. DELEGATES' REPORTS**

Nil

**12. RESPONSES TO COUNCILLORS' QUESTIONS**

Nil

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

Nil

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

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

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

**15. PRESENTATIONS**

No presentations were made.

154/16

**RESOLVED (Overall)**

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

**Item 15.1 Quarterly Legal Update**

*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.*

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

The meeting returned to Open Sessions by virtue of Resolution No. 156/16 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 Quarterly Legal Update**

The Administrator resolved that the Quarterly Legal Update report be received and noted.

At this stage in the proceedings, the time being 6.08pm Mr Overall announced that the Agenda for the meeting had now been completed and declared the meeting closed.

**TIM OVERALL  
ADMINISTRATOR  
CHAIRPERSON**



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**ITEM 2. DISCLOSURES OF INTERESTS**

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

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

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

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

**Recommendation**

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





## DETERMINATION REPORTS

**8.1 QPRC Eastern Pools - extension of operating hours (Ref: C16124274; Author: Spyve/Spyve)**

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**Summary**

A report to the Council meeting of 10 August set out an assessment of the state of the three pools in the eastern part of the Queanbeyan-Palerang LGA at Bungendore, Braidwood and Captains Flat. This report outlined a facility assessment undertaken by council staff and put forward an option for the immediate upgrade of facilities to allow for the commencement of operations in the 2016/17 season. The report also examined issues relating to workplace health and safety and recommended a reduction in operating hours to off-set the costs associated with providing adequate staffing for their operation over the coming season. The use of volunteers in lieu of paid work is not consistent with Fair Work Australia requirements.

Engagement with the Braidwood and Captains Flat communities impacted by those changes was scheduled for the week of 15 August.

In light of community feedback, this report revisits the issue of operating hours at the three pools and is proposing an extension of the season for the three pools to run from 29 October 2016 till 28 February 2017. The extended season will add an additional \$44,269 to the extra budget expenditure of \$131,753 as approved by the 10 August 2016 meeting.

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

- 1. Extend the season for all three pools at Bungendore, Braidwood and Captains Flat from October 2016 until 28 February 2017 with their opening hours to be Monday – Sunday 12-7pm.**
  - 2. Approve the additional \$44,269 expenditure to cover the cost of this extended season, increasing the operating deficit by \$176,000.**
  - 3. Approve Council staff liaising with schools within these communities to allow them to have access to the pools in addition to these hours, so as not to disrupt their swimming programs.**
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**Background**

At its 10 August 2016 meeting, Council examined a report detailing a review of the three eastern swimming pools within its Local Government Area (Bungendore, Braidwood and Captains Flat). This report examined three focus areas consisting of:

**8.1 QPRC Eastern Pools - extension of operating hours (Ref: C16124274; Author: Spyve/Spyve) (Continued)**

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1. a facility assessment, including Workplace Health and Safety, to identify works required to be undertaken to prepare the pool facilities for the upcoming season.
2. a staffing assessment, to ensure the adequate recruitment and deployment of staff for the upcoming summer season, and
3. an initial operational assessment, to identify areas of opportunity and risk from a sustainable business and infrastructure perspective.

The result of the report was that Council approved the expenditure of an additional \$100,000 to undertake immediate remedial works at the three pools to meet basic workplace health and safety requirements to allow for the pools' opening for the 2016-17 season. Approval was also given for an additional \$31,753 to cover the deployment of a minimum of two staff members per pool over the season.

The report noted that:

*'The engagement of two trained staff members per site at all times is essential from a safety and risk perspective. The supervision of patrons and overall workplace safety of staff, in what is considered a high risk environment, cannot be compromised...'*

However, the report further noted that the current staffing budget for the three pools to provide for a 19 week season was inadequate to ensure the employment of two staff at each site at all times. In order to accommodate the new workplace health and safety requirements it was recommended that adjustments be made to the 2016-17 season for the three pools. In particular it was noted that Council has already adopted an Operational Plan which will see it running a substantial deficit (\$280,000) for the 2016-17 year. In order to minimise the financial impact of the operation of the pools, the report advocated the reduction in opening hours particularly for the Braidwood and Captains Flat pools for the coming season.

To compensate for this inconvenience it was proposed that greater flexibility be provided for season pass holders to the three pools allowing them to utilise all the aquatic recreational facilities within the LGA which includes the Queanbeyan Aquatic Centre which has a 50m outdoor pool and a 25m indoor pool, for the equivalent season.

## **Implications**

### ***Engagement***

Community meetings were sought with residents in Braidwood and Captains Flat last week to seek their feedback on the proposed opening hours.

Feedback received from the community is that there is concern over the shortness of the season, particularly within Captains Flat, and that the restricted hours will have an adverse effect upon the social amenity of the communities of Braidwood and Captains Flat. Concern has also been raised over swimming lesson access for schools. Staff arranged meetings with community members in Braidwood and Captains Flat last week to discuss this situation and to look at possible solutions. The Bungendore Pool is the least impacted by the proposed changes, however a meeting can be organised if demand is there.

**8.1 QPRC Eastern Pools - extension of operating hours (Ref: C16124274; Author: Spyve/Spyve) (Continued)**

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As noted in the 10 August report, Council believes the *'rural pools serve as an essential hub for communities during the summer months. The Bungendore, Braidwood and Captains Flat pools are an important part of their respective communities...[and] are an important community asset that need to be valued and returned to safe standards.'* Accordingly, community feedback has been taken on board and an adjustment to the pool hours is now proposed by extending the season for all three pools from 29 October 2016 till 28 February 2017, with opening hours to be Monday – Sunday 12-7pm.

Council staff will be liaising with schools within these communities to allow for them to have access where required in addition to these hours so as to not disrupt their swimming programs.

***Resourcing***

A further issue which has been raised by community members is whether the pools could utilise volunteers. QPRC appreciates and supports the contributions volunteers make in our area. However, there are some areas that it's inappropriate to place volunteers. Those include areas where safety and specialist skills may be involved.

In some circumstances, and in line with Fair Work guidance, it is better to employ staff to carry out work. Safety of residents and quality service is important. However, it is important to note that Fair Work Act guidelines state that volunteers are under no obligation to attend the workplace to perform work. Should the volunteer work arrangements become regular, for example the volunteer is required to work according to a regular roster, then it may be construed as unpaid work and therefore be unlawful. In this case, engaging volunteers to carry out designated paid roles at our Aquatic Centres is not feasible.

***Financial***

The proposed changes as outlined in this report will see the budget for additional expenditure for the three pools increase by a further \$44,269 for the 2016-17 year bringing the total additional funding committed by Council to \$176,004 for the financial year.

It is noted as a newly merged council QPRC is subject to the NSW Government's Rate Path Freeze Policy which restricts new councils' funding base for the first four years of its existence.

The 10 August Report also identified a further \$400,000 which will be sought from the \$9 million grant provided by the Government for the newly merged council. This funding will be used for urgent works to bring the three pools up to standard, such as addressing leaks, tile replacement, and plant room upgrades.

**Conclusion**

The review of pools identified the immediate need for Council to expend an additional \$131,735 to bring the eastern facilities up to a standard which would allow Council to safely operate for the 2016-17 season. That expenditure was approved at the Council meeting of 10 August 2016. This report is seeking an additional \$44,269 to address community concerns in regard to opening hours.

The assessment identified a further \$400,000 in works which will be required to address urgent works at the three sites. This funding will be sought from the \$9 million Stronger Communities Grant the Government has provided to the Council as part of its merger package.

**8.1 QPRC Eastern Pools - extension of operating hours (Ref: C16124274; Author: Spyve/Spyve) (Continued)**

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The extension of season pass holders having access to all the QPRC pools is considered an improved service. Purchasers will provide proof of residency when seeking a season pass to determine the correct fee per the published fees and charges of the former Queanbeyan and Palerang; and postcodes will be collected at entry to monitor movement between pools to inform patronage and fee setting for 2017-18 season.

**Attachments**

Nil

## DETERMINATION REPORTS

**8.2 Development Application 30-2016 - 181 Gilmore Road - Indoor Recreational Facility (Gym) (Ref: C16121049; Author: Thompson/Dixon)**

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

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

Proposal:	Indoor Recreational Facility (Gym)
Applicant/Owner:	Hugh Gordon/John Gracik
Subject Property:	Lot 232 DP 10488, 181 Gilmore Road, Queanbeyan West
Zoning and Permissibility:	IN1 – General Industrial under Queanbeyan Local Environmental Plan 2012. The proposed development is permitted in the zone with development consent.
Public Submissions:	Nil
Issues Discussed:	Planning Requirements Traffic impacts
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

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**Recommendation**

- 1. That approval be granted to a variation to Part 2.2.3 of Queanbeyan Development Control Plan 2012 to allow for a total of 17 car parking spaces instead of the required 22 car parking spaces for the following reasons:**
    - (a) The likelihood of every member of the gym attending at any one time is highly unlikely and the proposed 17 on site car parking spaces would most likely accommodate the members attending the gym;**
    - (b) The peak hours of the gym are before and after those of the businesses in the surrounding industrial area. The off-site car parking would be able to cater for any potential overspill in car parking; and**
    - (c) The proposal has generally satisfied the objectives of the relevant control.**
  - 2. That development application 30-2016 for an Indoor Recreation Facility (Gym) on Lot 232 DP 10488, No. 181 Gilmore Road, Queanbeyan West be granted conditional approval.**
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**8.2 Development Application 30-2016 - 181 Gilmore Road - Indoor Recreational Facility (Gym) (Ref: C16121049; Author: Thompson/Dixon) (Continued)**

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

The development application is for the change of use from a warehouse to an Indoor Recreational Facility (Gym). The proposal includes the installation of a male and female change room, four additional toilets and six additional showers. It also includes an ancillary refreshments and supplements shop.

There are three existing formed and legal car parks within the site: One in front of the warehouse on Gilmore Road, and six within a basement car park. An additional eight spaces are proposed in the basement car park.

***Subject Property***

The subject site is located at the northern end of Gilmore Road, between Bayldon Road and Kendall Avenue North. The locality is an established industrial areas (See Figure 1 below showing the subject site highlighted in red). The site has a total area of 948.49m<sup>2</sup> and has an existing warehouse on site which was approved on the 19 January 1996 under DA number 9500072. An occupation certificate was issued for the premises on the 12 February 2007.



**Figure 1: Subject Site**

**8.2 Development Application 30-2016 - 181 Gilmore Road - Indoor Recreational Facility (Gym) (Ref: C16121049; Author: Thompson/Dixon) (Continued)**

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***Planning Requirements***

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

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

1. State Environmental Planning Policy No 55 Remediation of Land;
2. State Environmental Planning Policy – (Infrastructure 2007);
3. State Environmental Planning Policy No 64 – Advertising and Signage;
4. Queanbeyan Local Environmental Plan 2012 (LEP).
5. Queanbeyan Development Control Plan 2012 (DCP)

The development generally satisfies the requirements and achieves the objectives of these planning instruments. The significant issues relating to the proposal for the Council's consideration relate to car parking and safe design. Specifically, the ability of the proposed on-site car parking to cater for the demand generated by the development and associated traffic impacts.

**(a) Compliance with LEP**

The proposed development is consistent with the requirements of the Queanbeyan Local Environmental Plan 2012. For an assessment of the Queanbeyan Local Environmental Plan 2012 see the attached *Section 79C (1) Table – Matters for Consideration(b) Compliance with DCP*

The application has been assessed against the relevant part of the Queanbeyan Development Control Plan 2012. To view the detailed assessment of the QDCP2012 see the attached *Section 79C (1) Table – Matters for Consideration*.

The main issue raised is the ability for the proposed on-site car parking facilities to cater for the proposed change of use. This is discussed further with a variation to the QDCP2012 and amendments to the submitted plans.

***Ability of On-Site Car Parking to Cater for Likely Demand/Traffic Impacts***

Under the QDCP2012 the development requires 22 on site car parking spaces, this includes one disabled car parking space. Currently, the proposal includes 19 on-site car parking spaces; however, it is recommended this be reduced to 17 as spaces 15 and 16 are likely to have manoeuvrability issues. This gives the proposal an overall short fall of five car parking spaces.

**8.2 Development Application 30-2016 - 181 Gilmore Road - Indoor Recreational Facility (Gym) (Ref: C16121049; Author: Thompson/Dixon) (Continued)**

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The proposed car parking configuration includes:

1. 14 car parking spaces within the basement (Six of which are recommended to be labelled 'small spaces' due to their dimensions)
2. The remaining three spaces are located on the ground level. These include a service delivery park and a disabled car park.

Parking in this case is adequate providing the above mentioned recommendations are enforced.

There is some concern raised as to whether the number of on-site car spaces can cater for the proposed use. This has been supported in this case for the following reasons:

- It is unlikely that every member would attend the gym at any given time. The applicant has predicted there would be a maximum of 17 patrons and one staff member on site at the same time, and the on-site parking can accommodate this.
- The peak times of the gym will be 5.30am-7.30am and 5.30pm-10.00pm on weekdays and from 8.00am-8.00pm on weekends. These times do not coincide with the normal business hours for the surrounding industrial businesses which would generally utilise the on-street parking spaces. Due to this, any potential overspill can be catered for by the on-street parking during the gyms peak hours.

*Applicant's Support for Variation*

The applicant has stated that due to the peak hours of the gym and the ability to utilise on-street car parking in the case of any overspill in car parking, that the proposal does not have an adverse impact on the car parking on-site and surrounding traffic in the locality. The applicant further mentions that the car parking short fall should not be a reason to not grant approval for the development as the social, economic and built environment benefits will be a positive attribute to the area.

*Development Engineers Comments on Carparking*

Council's Development Engineer provided the following comments in relation to the proposal:

- Parking spaces 15 and 16 are likely to have manoeuvrability issues and it is not clear that they will be able to allow a vehicle to drive in and out of the respective spaces.
- Parking spaces 9, 10, 11, 12, 13 and 14 are 5.2 metres in length which is 0.2 metres short of the AS2190 requirement of 5.4 metres for a car parking spaces. If accepted, these car parks will need to be designated as 'small spaces'.
- The lack of information in the traffic report to support their statements means that it does not provide sufficient justification to support a variation to the numbers of on-site car parking prescribed by the QDCP2012.



**8.2 Development Application 30-2016 - 181 Gilmore Road - Indoor Recreational Facility (Gym) (Ref: C16121049; Author: Thompson/Dixon) (Continued)**

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*Assessing Officer's Summary and Recommendation*

Council's Development Engineer has noted the lack of evidence within the Traffic Report to support some of their statements; however, due to the peak operating times of the gym not coinciding with the standard business hours of the surrounding businesses, the proposed car parking will likely be able to support the traffic generated by the development. Any potential overspill due to the shortfall of five spaces should be able to be accommodated in nearby on-street car parking, without detriment to the functioning of Gilmore Road or the operation of other businesses in the vicinity. For these reasons the proposed variation to car parking numbers from the required 22 to the proposed 17 is supported in this instance.

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

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

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

In addition to the comments on carparking above Council's Development Engineering Team also advised that water, sewer and stormwater services are available.

**(e) NSW Police Comments**

The proposed development was referred to the NSW Police for comment in relation to Crime Prevention through Environmental Design (CPTED) principles. The police state that the Gilmore Road and surrounding industrial area have been known for moderate crime activity.

The police are supportive of the proposal subject to the applicant installing CCTV and providing adequate lighting to the entry of the gym and basement car park. This has been detailed in the attached *Section 79C (1) Table – Matters for Consideration*. If granted approval, these will be incorporated as conditions of consent or advisory notes.

**Financial Implications**

Section 64 Contributions are applicable to the development based on:

- Water ETs – 3.88 – Queanbeyan Rate
- Sewer ETs – 6.18 – West Rate

This gives a total amount of \$25,205.25.

**8.2 Development Application 30-2016 - 181 Gilmore Road - Indoor Recreational Facility (Gym) (Ref: C16121049; Author: Thompson/Dixon) (Continued)**

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**Conclusion**

The submitted proposal for an Indoor Recreation Facility (Gym) on Lot 232 DP 10488, No.181 Gilmore Road, Queanbeyan West is supported by a Statement of Environmental Effects. The proposal was not notified to adjoining owner/occupiers. No submissions were received.

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

The development satisfies the requirements and achieves the objectives of these instruments.

The main issues relate to a variation to the numerical requirements of car parking and the ability of the proposed on-site car parking to cater for the likely demand from the development.

Variation is sought for Part 2, Clause 2.2.2 – Objectives for Car Parking and is considered to be justified and acceptable in this instance as discussed in detail in this Report.

The ability of the proposed on-site car parking to cater for the likely demand from the development have been assessed as being satisfactory providing that the above mentioned recommendations are accepted. The recommendation is to remove spaces 15 and 16 from the plans and label spaces 9-14 as 'small spaces' and condition the consent to reflect this. If the recommendations are adopted Council staff are satisfied that the use of the site as an indoor recreation facility (Gym) will not unreasonably contribute to any existing traffic issues in the locality.

**Attachments**

- Attachment 1 Council Meeting - 24 August 2016 - DA 30-2016 - Indoor Recreation Facility (Gym) - ATTACHMENT - Section 79C Table - Matters for Consideration (*Under Separate Cover*)
- Attachment 2 Council Meeting - 24 August 2016 - DA 30-2016 - Indoor Recreation Facility (Gym) - Attachment - Plans (*Under Separate Cover*)
- Attachment 3 Council Meeting - 24 August 201 - DA 30-2016 - Indoor Recreation Facility (Gym) - Attachment - Draft Conditions (*Under Separate Cover*)

## DETERMINATION REPORTS

**8.3 Planning Proposal for Jumping Creek (Ref: C16122844; Author: Carswell/Brown)**

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**Summary**

This report is to seek Council's endorsement to submit a planning proposal to the NSW Department of Planning & Environment in order to rezone land currently deferred at Jumping Creek to E4 Environmental Living zone. The planning proposal will also make a number of operational changes to the *Queanbeyan Local Environmental Plan (LEP) 2012* in order to facilitate future development of the Jumping Creek site.

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**Recommendation**

**That Council forward the draft planning proposal for Jumping Creek to the NSW Department of Planning & Environment requesting a Gateway determination be issued in order to progress the draft plan.**

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**Background**

It is recommended that Council send a planning proposal to the NSW Department of Planning & Environment (DPE) in order to:

1. Rezone certain deferred land at Jumping Creek in Queanbeyan for the purposes of environmental living;
2. Amend the relevant Lot Size Maps for Jumping Creek to facilitate appropriate subdivision and development of the site in the future;
3. Amend the Height of Buildings map as it applies to the subject land at Jumping Creek;
4. Extend Council's existing scenic protection provisions to cover the lands proposed to be rezoned; and
5. Remove the site's designation as an 'urban release area' for the purposes of Part 6 of *Queanbeyan Local Environmental Plan 2012 (LEP)* in recognition there are unlikely to be any State infrastructure requirements for the site.

A copy of the planning proposal is shown at Attachment 1.

**Site Overview**

The Jumping Creek site (see Figure 1) is approximately 96.43 hectares (ha) in area and is located near the locality of Greenleigh, approximately 3km south-east of the Queanbeyan CBD.

The site is a combination of undulating and flatter land, bounded by Greenleigh Estate (zoned E4 Environmental Living) to the north-west, the Queanbeyan River to the west, and steep escarpments to the north, east and south east (parts of which lie within the Cuumbeun Nature Reserve). Most of the surrounding escarpment land is zoned E2 Environmental Conservation.

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**8.3 Planning Proposal for Jumping Creek (Ref: C16122844; Author: Carswell/Brown)  
(Continued)**

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There are two existing deferred areas at Jumping Creek that are also the subject of this planning proposal (see Figure 2).

Figure 1: Land Subject to the Planning Proposal



Figure 2: The Deferred Areas subject to the Planning Proposal



Site History

The planning and rezoning of land at Jumping Creek has a long history. Initial studies to support the rezoning of the site were undertaken in the late 1980s and continued over a number of years. Rezoning of the land stalled in the mid-1990s after significant contamination risks were identified on the site as a consequence of historical mining that had occurred at Jumping Creek in the past. Issues were also raised by State Government agencies in respect of the capability of some areas of the site to accommodate urban development given its slope and geology.

**8.3 Planning Proposal for Jumping Creek (Ref: C16122844; Author: Carswell/Brown)  
(Continued)**

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In 2007, preliminary investigations were undertaken by Canberra Investment Corporation (CIC) to investigate options to progress rezoning of the site. Advice from Council, the Department of Planning & Environment (DPE) and the Office of Environment & Heritage (OEH) in 2008 was that both a formal contamination assessment (consistent with *State Environmental Planning Policy (SEPP) 55 - Remediation of Land*) and a geotechnical assessment/urban capability study needed to be undertaken before any proposal to rezone the site could be further considered. A Site Audit Report was eventually prepared for the area in respect of contamination, and this was subsequently endorsed by an accredited site auditor in August 2010. Accordingly, contamination issues associated with the land are now considered to have been resolved.

Jumping Creek was then largely rezoned for environmental living, private recreation and environmental conservation under the *Queanbeyan LEP 2012*, providing for approximately 250 residential lots. However at that time it was considered there was still insufficient geotechnical information available to justify rezoning some lands to the south west of the site. These lands were then deferred when the LEP was made.

Subsequent studies have now been undertaken and Council is satisfied these support the rezoning of the deferred lands. Accordingly, one of the objectives of the planning proposal is to rezone these deferred lands at Jumping Creek from 1(a) Rural A under *Queanbeyan LEP 1991* to E4 Environmental Living under *Queanbeyan LEP 2012*. This will provide for approximately 40-45 lots in addition to the land already rezoned for environmental living at Jumping Creek (representing approximately 220 lots).

When the site was rezoned under *Queanbeyan LEP 2012*, a lot size map was introduced for the subject land that did not correctly assign an appropriate minimum lot size to facilitate future subdivision of the site in a manner that reflected the zoning of the land at that time. This oversight applies predominantly to the existing E2 Environmental Conservation land but also to some of the proposed E4 Environmental Living land. Accordingly, this planning proposal also intends to amend the lot size map to better reflect the zoning of the land in order to facilitate appropriate subdivision in the future.

It is also intended to extend Council's existing Scenic Protection Map (SCP\_001) to cover the deferred land given areas of the site are visually prominent and are located near the Cuumbeun Escarpment. This will ensure any future development has regard to potential scenic impacts.

Additionally, when the majority of the site was rezoned under *Queanbeyan LEP 2012*, it was also identified as an 'urban release area' for the purposes of Part 6 of the LEP. This requires the Secretary of the Department of Planning and Environment (DPE) to issue 'satisfactory arrangements' in respect of the provision of any State infrastructure prior to the subdivision of any land. DPE have now requested this be removed as it is unlikely any State infrastructure will subsequently be required to support the development. However, it is still intended that the land be identified as a 'key site' for the purposes of ensuring a development control plan is prepared for the site prior to any development occurring. Accordingly the existing Urban Release Area Map (URA\_001) will need to be amended to remove Jumping Creek from its application. Additionally, both a new Key Sites Map and a new clause will need to be drafted to give effect to this approach. This will be modelled on the approach used in the *Tweed Local Environmental Plan 2014* (clause 7.13).

**8.3 Planning Proposal for Jumping Creek (Ref: C16122844; Author: Carswell/Brown)  
(Continued)**

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The planning proposal has been prepared following considerable discussion with the proponents, the Office of Environment and Heritage and the Department of Planning and Environment over many years. As a result of these discussions, Council concluded that the key areas of concern that required further investigation were geotechnical stability, water quality and biodiversity. Further analysis of these issues has now been undertaken by the proponent at Council's request and Council has formed the view no issues have been identified at this preliminary stage that should prevent a planning proposal being progressed. Any requirements for additional studies will be determined by DPE as part of any Gateway determination.

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

This will require an amendment to the *Queanbeyan LEP 2012*.

***Environmental***

The lands have been subject to specific studies more recently in respect of their urban capability. These confirm development can be undertaken in a manner that does not have inappropriate impacts on the water quality of the Queanbeyan River or its aquatic habitat.

***Social / Cultural***

Will provide additional housing supply.

***Strategic***

Deals with land previously deferred under the *Queanbeyan LEP 2012*. Consistent with *Residential and Economic Strategy 2031*.

***Engagement***

Consultation will be determined by any Gateway issued by the Department of Planning and Environment. There has been extensive consultation with relevant government agencies over many years.

***Financial***

The applicable fee has been paid.

**Conclusion**

Having regard to the extensive history of the site, and the various studies prepared over that time, it is considered appropriate that Council proceed with a planning proposal as set out in the this report. A copy of the planning proposal is at Attachment 1.

**Attachments**

Attachment 1      Draft Planning Proposal for Deferred Areas at Jumping Creek (*Under Separate Cover*)

## DETERMINATION REPORTS

**8.4 Additional Council Community Land to be Placed in Various Plans of Management (Ref: C16118485; Author: Bascomb/Kurzyniec)**

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**Summary**

The purpose of this report is:

1. To update Council regarding recently acquired land that has been classified as 'community land' (Ordinary Meeting of Council, 8 June 2016) and is not yet contained in a relevant Plan of Management (PoM) as required under the *Local Government Act 1993*. (Attachment 1).
  2. To recommend that these recently acquired 'community' lands be inserted in existing Council PoMs as set out in the report.
  3. To seek Council's agreement that all necessary actions be undertaken to amend these PoMs accordingly.
- 

**Recommendation**

**That Council amend the respective Plans of Management by adding the recently acquired 'community land' as follows:**

1. **Lot 1 & 2 DP 1215591 – To be placed in PoM – Mount Jerrabomberra. The lots consisted of road closures and acquisition by Council.**
  2. **Lot 1366 DP 1217419 – To be placed in PoM – General Community Use as it is a drainage reserve.**
  3. **Lot 1365 DP 1217419 - To be placed in PoM – General Community Use as it adjoins the above property and is classed as a public reserve.**
  4. **Lot 3 DP 1217396 - To be placed in PoM – Natural Areas (Urban Bush Reserves – Bushland) as this public reserve is a conservation area for the Pink Tailed Worm Lizard.**
- 

**Background**

Council owned land is required to be classified as 'community' or 'operational' under the *Local Government Act 1993*. Where land is designated as 'community' land, it is required to be covered by an appropriate plan of management. It is important this land be placed in an appropriate PoM or be reclassified to 'operational' if not required for community purposes.

This recommendations of this report seek to ensure that Council has met its legislative obligations under the *Local Government Act 1993* in respect of managing community land (by including it in an appropriate Plan of Management).

On the 8 June 2016, Council resolved as per attachment the following lands be classified as community land:

- 6.19 – Lot 1 & 2 DP 1215591 (Closure & Acquisition of Roads) at Mt Jerrabomberra.
- 6.20 – Lot 1366 DP 1217419 (19 Saphira Street Googong).
- 6.21 – Lot 1365 DP 1217419 (44 Helen Street Googong).
- 6.22 – Lot 3 DP 1217396 (Aprasia Conservation Area – 29 Connolly Street Googong).

**8.4 Additional Council Community Land to be Placed in Various Plans of Management (Ref: C16118485; Author: Bascomb/Kurzyniec) (Continued)**

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Staff have undertaken internal consultation to determine the most appropriate management arrangements for each of the five additional sites. Below are the recommendations for the five sites:

- Lot 1 & 2 DP 1215591 – To be placed in *PoM – Mount Jerrabomberra*. The lots consisted of road closures and acquisition by Council.
- Lot 1366 DP 1217419 – To be placed in *PoM – General Community Use* as this is a drainage reserve.
- Lot 1365 DP 1217419 - To be placed in *PoM – General Community Use* as it adjoins the above property and is classed as a public reserve.
- Lot 3 DP 1217396 - To be placed in *PoM – Natural Areas (Urban Bush Reserves – Bushland)* as this public reserve is a conservation area for the Pink Tailed Worm Lizard.

On 11 May 2016, Council resolved (Item 5.1) to place twenty parcels of community land into various PoMs. These new lots will be added to that list and placed into the appropriate PoM.

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

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

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

***Policy***

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

***Environmental***

Environmental implications are considered minimal for the placement of Council community land in various plans of managements.

***Asset***

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

***Social / Cultural***

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



**8.4 Additional Council Community Land to be Placed in Various Plans of Management  
(Ref: C16118485; Author: Bascomb/Kurzyniec) (Continued)**

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***Strategic***

This is consistent with Council's requirements to have community land contained in a PoM.

***Local Representation Committee – Feedback***

Nil.

***Engagement***

Council will be required to consult with the community in respect to the proposed amendments to existing PoMs. The outcomes of this consultation will be reported back to the Council prior to either proposal being finalised.

The various plans of management documents will be placed on public exhibition for 28 days while also allowing 42 days for the public to comment.

A public hearing will be conducted after the public exhibition of the documents.

***Financial***

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

***Resources (including staff)***

This project has been primarily managed by one staff member with additional input from the Executive Manager and Team Leader as required. The LIS/GIS branch have also assisted with the preparation of maps and updating the property database. There was also input from the Manager Environment and Health.

***Integrated Plan***

This review is part of an Operational Project identified under Theme 6 of the Delivery Program 2013-17.

**Conclusion**

Amending the subject PoM's with the addition of the 5 lots as recommended will ensure Council has met its legislative obligations while also ensuring Council land is classified in a manner most appropriate to its functions.

**Attachments**

Attachment 1 Council Report & Minutes - 8 June 2016 - Land Classification to Community Land 6.19, 6.20, 6.21, 6.22 - Mount Jerrabomberra and Googong (*Under Separate Cover*)



**8.5 QPRC Investment Report - July 2016 (Ref: C16123154; Author: Taylor/Drayton)**

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**Summary**

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

This report presents the investment result for July 2016.

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**Recommendation**

**That Council:**

- 1. Note the investment income for July 2016 is \$367,679 bringing the total interest earned on Cash and Cash Equivalent Investments for the 2015/16 Financial Year to \$885,299 which is \$238,331 above the year to date budget;**
  - 2. Note the investments have been made in accordance with the Local Government Act 1993, the Local Government General Regulations, and Council's proposed investment policy;**
  - 3. Adopt the Investment Report for the month of July 2016.**
- 

**Background**

***Cash and Cash Equivalent Investments***

The July 2016 return of \$367,679 brought the total return on Cash and Cash Equivalent Investments for the 2016/17 Financial Year to \$885,299 which is \$238,331 above the year to date budget.

The principal investment amount as at 31 July 2016 was \$142,706,671.

Council's investment portfolio's annualised monthly return of +3.23% (net actual) in July 2016 outperformed the AusBond Bank Bill Index return of +2.06%.

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.

**8.5 QPRC Investment Report - July 2016 (Ref: C16123154; Author: Taylor/Drayton)  
(Continued)**

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***Market Update***

The average 30 day BBSW rate for July 2016 was 1.85%.

The Reserve Bank of Australia (RBA) cut interest rates by 25bp in its August 2016 meeting, taking the official cash rate to a record low 1.50%. The Board reacted to the headline Q2 CPI which came in at +0.4% and +1.0% year-on-year, the slowest annual pace since Q2 of 1999, although core inflation came in closer to 2%. They saw little downside risks to the residential property market which they believe was moderating.

The RBA acknowledged some spare capacity in the labour market, and were concerned about the "large decline in business investment". The Board continued to jawbone the \$A lower after it pushed above US75c again, stating that "an appreciating exchange rate could complicate" domestic growth.

Money markets continue to price a chance of another rate cut around mid-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 July 2016 amounts to \$885,299. This return was \$238,331 above the year to date budget; an increase in the budget surplus from the previous month by \$108,892 where Council was \$129,439 above the year to date budget. Refer to Attachment 1 - Graph 1 and Table 5.

**Attachments**

Attachment 1 Investment Report - July 2016 - Attachment 1 - 24 August 2016 (*Under Separate Cover*)

**8.6 Amendment to 2016-17 Operational Plan (Ref: C16120627; Author: Tegart/Tozer)**

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**Summary**

In line with the NSW Government's Integrated Planning and Reporting Requirements, any significant amendment to the adopted Delivery Program/Operational Plan must be exhibited for 28 days.

On 30 June 2016, a determination panel agreed to proceed with the Ellerton Drive Extension. Following this decision, Queanbeyan-Palerang Regional Council approved the financing of the \$80-86m project. This funding is made up of \$50m from NSW and Commonwealth grants and the remaining \$30-\$36m will be funded via a loan from QPRC which will be fully repaid, including interest, by development contributions.

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**Recommendation**

**That Council adopt the amendment to the 2016-17 Operational Plan.**

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**Background**

The 4.6km Ellerton Drive extension will link east Queanbeyan at the current termination point of Ellerton Drive with Karabar at the intersection of Old Cooma Rd and Edwin Land Parkway. The Extension will be a single lane road with climbing lanes and will include a new bridge over the Queanbeyan River which will be above the 1 in 100 year flood level.

The Ellerton Drive Extension was a major priority of Queanbeyan City Council prior to the merger with Palerang. The Extension featured heavily in Council's adopted Delivery Program and Operational Plans in regards to the preliminary design and environmental approvals. As approval was yet to be provided for the construction of the road, the funding and staff involvement required for the construction had not been included in Council's draft Operational Plan 2016-17.

At the time of the Extraordinary Meeting on 30 June 2016, the draft Operational Plan was already on public exhibition. Following the decision on 30 June, the following amendment to the Operational Plan was advertised:

**Ellerton Drive Extension – final design, tender and preliminary construction. Budget inclusion \$20m. Funding source – Grants and contributions (\$20m)**

The initial stages of the project will be funded via government contributions, with Council's loan not required until at least 2017-18. While loan funding is not required until after the 2016-17 financial year, the project will require staff resources to assist in the delivery with Roads and Maritime Services staff.

**8.6 Amendment to 2016-17 Operational Plan (Ref: C16120627; Author: Tegart/Tozer)  
(Continued)**

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**Implications**

***Legal***

This exhibition of the amendment and this report are in line with the Integrated Planning and Reporting Requirements.

***Environmental***

The environmental impacts of the Ellerton Drive Extension have been addressed in a number of documents which were considered at the Determination Panel Meeting on 30 June 2016.

***Engagement***

The Determination Panel Meeting and Extraordinary Meeting on 30 June were open to the public. The Determination Panel Meeting attracted around 100 residents, with around 40 of those making presentations to the Determination Panel. Around five residents made presentations to the Extraordinary Meeting.

Following the decisions on 30 June, Council advertised the amendment to the Operational Plan in the Queanbeyan Age, Queanbeyan Chronicle, Braidwood Times, Bungendore Weekly and on its website. Council invited submissions from the community, of which two were received. A summary of submissions and staff responses is attached.

***Financial***

The initial funding of the project will be funded via the \$50m contribution of the NSW and Commonwealth Governments, with \$20m of that allocated for 2016-17. QPRC's loan will not be required until future financial years.

<b>Program Code</b>	<b>Expense Type</b>	<b>Funding source</b>	<b>Amount</b>
Ellerton Drive Extension	Capital	Grants and Contributions	\$ 20,000,000

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***Resources (including staff)***

The amendment will have an impact on staffing in Council's engineering team and this will be managed within existing resources.

**8.6 Amendment to 2016-17 Operational Plan (Ref: C16120627; Author: Tegart/Tozer)  
(Continued)**

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***Integrated Plan***

By adopting this amendment, the project will be entered into Council's Operational Plan 2016-17.

**Conclusion**

Following the decision of a Determination Panel and Council on 30 June 2016 it is recommended that the amendment be made to the Operational Plan.

**Attachments**

- Attachment 1 Submissions summary (*Under Separate Cover*)
- Attachment 2 Operational Plan amendment submissions (*Under Separate Cover*)





## DETERMINATION REPORTS

**8.7 Procedure for Unsolicited Proposals (Ref: C16117103; Author: Gibson/Warne)**

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**Summary**

From time to time a Council will receive unsolicited propositions for the development or use of property or other interests which require assessment from a transparency, probity and good governance perspective. This procedure has been developed to provide a framework and process for consideration of any such proposal that is received.

The Procedure will provide guidance to staff and elected members for consideration and assessment of proposals that are received.

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**Recommendation**

**That Council adopt the procedure for Unsolicited Proposals.**

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**Background**

Council, Councillors and Council staff are sometimes approached by the private sector and individuals with specific proposals for the Council to entertain including: land purchases, business development, participation in a joint venture and other proposals.

A guide prepared for the NSW Government for Submission and Assessment of Unsolicited Proposals has previously provided some guidance for the Council in these matters. The NSW Guide to Public Private Partnerships has also been helpful.

The NSW Guide has now been adapted for the Council to provide a process and procedure to consider proposals and provides a transparent and streamlined approach that will assist the Council and the private sector working together to develop and deliver innovative projects.

The aim is to provide consistency and certainty to the private sector as to how any unsolicited proposal to the Council will be assessed within a transparent framework.

The guide provides a three stage process for consideration of proposals; clarifies the roles and responsibilities of the proponent, Council, Specialist Advisors and Probity Advisor; and assessment criteria and sundry matters. A step by step flowchart has also been developed.

Once approved by the Council, the Guide will be provided to any prospective proponent and also will be available on the Council web site.

**Implications*****Economic***

The guide will provide guidance and clarity to parties considering an unsolicited proposal to the Council.

**8.7 Procedure for Unsolicited Proposals (Ref: C16117103; Author: Gibson/Warne)  
(Continued)**

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***Strategic***

The Guide will be additional material that can be used as a tool to achieve strategic objectives. It will also be complimented by the probity management tools that were recently approved by the Council.

***Financial***

The Guide has been developed "in house" and there has been no direct cost to the Council.

**Conclusion**

The Guide has been prepared as an additional tool to assist the Council and proponent when considering involvement with the Council in potential land purchases, business development, participation in a joint venture and other proposals.

**Attachments**

Attachment 1 Unsolicited Proposals Procedure (*Under Separate Cover*)

## DETERMINATION REPORTS

**8.8 Riverside Caravan Park Approval to Operate - Renewal Application No.2051 - 41A Morisset Street, Queanbeyan (Ref: C16123014; Author: Thompson/Abbott)**

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**Summary**

Under the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Movable Dwellings) Regulation 2005* (the Regulation), a caravan park cannot operate without the prior approval of Council through a Section 68 Activity Approval under the *Local Government Act 1993*. Approvals may be granted subject to conditions. Breach of any condition of an approval constitutes an offence under section 627 of the Act.

The current approval for the Riverside Caravan Park expires on 5 October 2016 however, due to the time spent on assessment and approval processes the applicant has commenced the process early to ensure that the park is not left without an approval. To comply with current requirements, an F2 Application to Carry Out an Activity application has been received from the Lessee of the caravan park to Operate a Caravan Park and Camping Ground. This report summarises the assessment and recommends approval subject to conditions.

The Lease Agreement between the Trust and the Lessee expires on 28 February 2019. It is recommended that should an approval be granted, the expiry date for the approval coincide with this date as the future of the caravan park is yet to be determined.

In terms of continued operation, the Trust should also be aware that there are many requirements of the Regulation where this park simply does not comply with current day legislation. Various requirements have been viewed as having an exemption due to the park being originally approved under previous legislation such as Ordinance 71 (introduced 1986 and repealed in 1993). Much of the infrastructure is dated and in need of renewing. As an example a condition has been included on the draft approval for the Trust to undertake an audit of the electricity supply within the park.

Conditions have been placed into two schedules. Schedule 1 lists conditions and actions to be undertaken by the Lessee while Schedule 2 lists responsibilities of the Trust.

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**Recommendation**

**That Activity Approval No.2051 for the continued operation of Riverside Caravan Park, 41A Morisset Street, Queanbeyan be granted conditional approval until 28 February 2019 subject to the conditions attached in Schedule 1 and Schedule 2 (Attachment 2) of the Report.**

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**Background**

In assessing the application, Riverside Caravan Park has some major limitations and non complying features which, owing to the age of the park, simply do not comply with the current day legislative requirements.

This development was approved in the late 1960's. As such some requirements have been consistently covered by an exemption from the requirements of more recent legislation. Each time Council undertakes a review of the caravan park certain issues are identified as a noncompliance but owing to the age of the park are considered to be an exemption under clause 175 of the Regulation.

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**8.8 Riverside Caravan Park Approval to Operate - Renewal Application No.2051 - 41A  
Morisset Street, Queanbeyan (Ref: C16123014; Author: Thompson/Abbott)  
(Continued)**

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Many of these issues should not be continually given exemption from the Regulation merely due to the age of the park. The facilities will only become further dated and increase risk to Council and the Trust. Should Council and the Trust in the future decide to continue the use of this site as a caravan park then major upgrades to facilities and services are required.

A summary of the assessment of the approval is contained in Attachment 1. Essentially very little has changed since the previous approval in 2011. With the exception of some additional conditions requiring some maintenance and audit work to be undertaken the new approval is similar to the old.

The main issue arising from the assessment for Council's consideration relates to the applicant's request to extend the number of short term sites at the park.

In summary, short term sites are sites which have an area of at least 65m<sup>2</sup>, are serviced with direct connection to water, sewer and electricity and are specified in the approval as "Short Term Sites". Where sites have not meet these requirements in the past, they are classed as a camp site which is basically a smaller, unserviced site site only suitable for tents.

The existing approval provides for no long term sites, 48 short term sites (11 cabins and 37 caravans) and 16 camp sites. As part of the application the Leasee is requesting that the renewal approval be for 64 short term sites. i.e.

- Number of Long Term Sites – NIL
- Number of Short Term Sites – 64 (11 cabins and 53 caravans)
- Number of Camp Sites – NIL

This is not supported.

Currently there are 16 Camp Sites. At least eight of these sites have no electricity, water or sewer services and are located on the lower level terrace near the river and clearly do not meet the requirements to allow vans on these sites.

An assessment of the remaining eight campsites was undertaken and it is considered that only one of these could possibly be reclassified in its current state.

**8.8 Riverside Caravan Park Approval to Operate - Renewal Application No.2051 - 41A  
Morisset Street, Queanbeyan (Ref: C16123014; Author: Thompson/Abbott)  
(Continued)**

The following table details the assessment of these eight sites to determine whether they are suitable for short term sites.

Site No.	Level of compliance with Regulations as a Short Term Site	Suitability as a short term site
32	<ul style="list-style-type: none"> <li>▪ <i>Clause 85</i> - 75m<sup>2</sup> Size of site complies</li> <li>▪ <i>Clause 101</i> – May share water supply.</li> <li>▪ <i>Clause 102</i> – No access to sewerage. At time of inspection hose over bank.</li> <li>▪ <i>Clause 104</i> – Electricity. This site may be able to get away with sharing.</li> </ul>	Not suitable
33	<ul style="list-style-type: none"> <li>▪ <i>Clause 85</i> - 65m<sup>2</sup> Size of site complies</li> <li>▪ <i>Clause 101</i> - No direct access to water supply. <b>Non compliance</b></li> <li>▪ <i>Clause 102</i> - No access to sewerage <b>Non compliance</b></li> <li>▪ <i>Clause 104</i> – No apparent electricity connection without crossing a road. <b>Non compliance</b></li> </ul>	Not suitable
34 35 36	<ul style="list-style-type: none"> <li>▪ <i>Clause 85</i> - These three sites merge together on the ground. They are not clearly identified and size of sites in not in accordance with the community map on park wall and surveyed map last amended 18/5/2006.</li> <li>▪ <i>Clause 101</i> – May share water supply</li> <li>▪ <i>Clause 102</i> – All three sites have no access to sewerage <b>Non compliance</b></li> <li>▪ <i>Clause 104</i> – Electricity - Site 36, may be able to have direct access once site defined. 34 and 35 have no direct access to electricity supply.</li> </ul>	Not suitable
37	<ul style="list-style-type: none"> <li>▪ <i>Clause 85 and 89</i> - Size of site is 66m<sup>2</sup> however this site has a 3m setback requirement from boundary because of its proximity to Morisset Street. <b>Non compliance.</b></li> <li>▪ <i>Clause 102</i> - No access to sewerage <b>Non compliance</b></li> <li>▪ <i>Clause 104</i> – Electricity. Complies</li> </ul>	Not suitable
38	<ul style="list-style-type: none"> <li>▪ <i>Clause 85</i> - Size of site is 103m<sup>2</sup>, There is a 3m setback requirement from boundary because of the proximity to Morisset Street. Site large enough to comply.</li> <li>▪ <i>Clause 102</i> - No access to sewerage <b>Non compliance</b></li> <li>▪ <i>Clause 104</i> – Electricity. Complies.</li> </ul>	Not suitable
39	<ul style="list-style-type: none"> <li>▪ <i>Clause 85 and 89</i> - Size of site is 77m<sup>2</sup> however this site has a 3m setback requirement from boundary because of its proximity to Morisset Street. Usable site approx. 62m<sup>2</sup>. (without 1m road setback requirement) <b>Non compliance</b></li> <li>▪ <i>Clause 101</i> - No direct access to water supply. <b>Non compliance</b></li> <li>▪ <i>Clause 102</i> - No access to Sewerage <b>Non compliance</b></li> <li>▪ <i>Clause 104</i> – Electricity. Complies</li> </ul>	Not suitable

**8.8 Riverside Caravan Park Approval to Operate - Renewal Application No.2051 - 41A  
Morisset Street, Queanbeyan (Ref: C16123014; Author: Thompson/Abbott)  
(Continued)**

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As can be seen from the above the majority of sites that have the potential to be converted to caravan park sites require additional servicing with a combination of water, sewer or electricity depending on their location. The site inspection revealed a number of these sites discharging waste from caravans via a hose onto the riverbank or into a bucket, while a recent complaint was concerned about electrical leads stretching across multiple sites and roads. Properly servicing these sites would alleviate these concerns, but there are no plans to carry out such work. Until such work occurs these sites cannot be supported as caravan park sites and should remain as camp sites as they have for the past two approval periods.

The draft approval includes a table specifying the site number, dimensions and type of each site.

### **Implications**

#### ***Legal***

The continuation of exemptions for existing caravan parks comes from Section 175 Savings: Any act, matter or thing that, immediately before the repeal of the *Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 1995*, had effect under either of those Regulations is taken to have effect under this Regulation. However, the Regulation is not retrospective. Parks, grounds and estates whose current approval was granted prior to the commencement of the new Regulation can continue to operate under that approval.

Ordinance 71 exempted 'existing parks' from the requirement to comply with certain of that Ordinance's provisions (eg regarding maximum distance of dwellings from fire hydrants, site setbacks from boundaries, and visitors' parking). Those exemptions (where applying) are carried across to the former Regulations and apply also under the new Regulation under its savings provisions.

It is recommended that this section 68 Local Government Act approval run for a period of just over two years to coincide with the expiry of the Lease Agreement between the Trust and the Leasee which expires 28 February 2019. This will give Council the opportunity to have an unfettered review of the use of the site in the coming years.

It should also be noted that the Regulation is scheduled to be automatically repealed in September 2017. At that time the NSW Department of Planning and Environment will transfer the approval process from the Local Government Act to the *Environmental Planning and Assessment Act 1979*.

#### ***Environmental***

It has been observed that when caravans are located on unserviced sites, sullage lines have been laid to the rear of the van over the banks with potential to flow into the river. This is an offence under the Protection of the Environment Operations Act 1997 and fines may be issued.

In the event of flood, existing gullies in the park are inundated with water and pose a contamination risk.

The LG Regulation currently requires consideration of the NSW Floodplain Development Manual as part of the assessment for a caravan park. However, there is limited scope to manage issues surrounding environmentally sensitive land for existing parks which operate under older regulations due to savings provisions.

Any decisions for long term use of park and development of park should account for flooding and flood risk. This includes risk of damage as well as emergency response arrangements to address risk to lives.

**8.8 Riverside Caravan Park Approval to Operate - Renewal Application No.2051 - 41A  
Morisset Street, Queanbeyan (Ref: C16123014; Author: Thompson/Abbott)  
(Continued)**

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Although the Park has a Flood Plan, further guidance could be provided for owners, operators and visitors to ensure flood and safety risks are adequately managed.

***Economic***

It is recognised that the Caravan park provides a significant economic benefit to Queanbeyan by attracting visitors to the area and upgrade of facilities could partly address issues associated with aging and non compliant infrastructure and facilities.

***Consultation***

The community is not required to be consulted in relation to this application to renew the caravan park approval.

***Financial***

There are several conditions attached to Schedule 2 in the approval which relate to works the Trust should undertake. This involves refurbishment of the amenities, replacement of barriers, audit of electrical services and some surface treatment for the emergency exit. An estimated cost of these works is \$100,000.

**Conclusion**

This renewal application for the continued operation of the Riverside Caravan Park has been assessed against the requirements of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Movable Dwellings) Regulation 2005*. The proposal generally complies with the requirements for the Regulation noting certain exemptions are applicable as a result of savings provisions following the repeal of former legislation. The applicant's request to convert a number of camp sites to caravan sites is not supported.

Given the above the approval to continue the use of the site as a Caravan Park raises no objections and can be re-issued essentially in accordance with previous approvals.

If Council is seriously considering keeping this site as a Caravan Park after lease expiry in 2019, then Council should invest in a major upgrade of facilities and services. Given that the current lease has less than 3 years to go, then Council needs to make a decision whether to continue with exemptions or introduce an upgrade plan of works.

**Attachments**

- Attachment 1 Summary Assessment - Activity Approval No.2051 - 41A Morisset Street (*Under Separate Cover*)
- Attachment 2 Riverside Caravan Park Approval - Draft Conditions - Schedules 1 and 2 (*Under Separate Cover*)





## DETERMINATION REPORTS

**8.9 Request for Financial Assistance - HOME in Queanbeyan and OzHelp (Ref: C16121015; Author: Tegart/Hone)****Summary**

St Edmunds College will be hosting a fundraising lunch in the Queanbeyan Bicentennial Hall on 8 September 2016 to raise funds for HOME in Queanbeyan and OzHelp.

**Recommendation**

**That Council waive the hire fees for the Bicentennial Hall and hire of crockery/cutlery to the value of \$700.**

**Background**

HOME in Queanbeyan are a local community not for profit organisation managed by a local board. They provide assisted living and support for local people with enduring mental illness as well as accommodating St Benedict's who supply food and support for many of Queanbeyan's more marginalised people.

Their income is principally drawn from residents and donations. They receive no ongoing government support.

OzHelp is dedicated to proactively supporting men in the workplace in Australia through visits undertaken by trained OzHelp staff members. They can arrange to visit men in their workplace for an informal chat and advice about a range of topics related to fostering healthy lifestyle choices for their physical and mental wellbeing.

St Edmunds College are holding a fundraising lunch for HOME in Queanbeyan and OzHelp on Thursday, 8 September 2016 and are hoping to have 150 guests on the day.

Although the lunch provides funds so that both HOME and OzHelp can continue the work they do, it is also an opportunity for students from the College to gain experience in the hospitality area.

***Policy***

Council's Donations Policy allows for donations to not-for-profit community organisations.

***Financial***

Funds are available within the donations 'other' vote to meet the venue and kitchen hire.

<b>Program Code</b>	<b>Expense Type</b>	<b>Funding source</b>	<b>Amount</b>
10	Donations	General Donations 'Other'	\$ 700

**8.9 Request for Financial Assistance - HOME in Queanbeyan and OzHelp (Ref: C16121015; Author: Tegart/Hone) (Continued)**

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**Conclusion**

The students from St Edmonds College are undertaking the fundraising work for two not-for-profit organisations that provide a community service that supports residents of Queanbeyan-Palerang LGA and is consistent with Council's policy.

**Attachments**

Nil

## DETERMINATION REPORTS

**8.10 Request for Legal Assistance - Cowra Shire Council (Ref: C16119563; Author: Gibson/Warne)**

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**Summary**

A request has been received from Local Government NSW enclosing an account for \$967.81 being a contribution to legal costs incurred by Cowra Shire Council in a successful defence of a matter in the NSW Land and Environment Court.

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**Recommendation**

1. **That Council take no action in respect of this request.**
  2. **That the Queanbeyan-Palerang Regional Council adopt the policy of the former Queanbeyan Council in respect of requests for contributions to legal costs.**
- 

**Background**

The Cowra Council had complaints and issues with the property that was being used to “house” cats. Referred to as “Camp Kitty” the property could at times house up to 200 cats which contributed to a number of environmental, odour and neighbourhood issues. Under item 18 of S 124 of the *Local Government Act 1993* the Council issued an Order to keep no more than 33 cats.

The Order was challenged by the property owners on the basis that it was not “properly constructed” as it did not identify why the Order was issued. Whilst the judgement confirmed that this was the case, the Order was not invalid and could be legally pursued by the Council.

Whilst this is a good outcome for the Cowra Council, it is considered that it is an issue specific to that Council and has only minor benefit to others. In essence, when an Order is drafted the rationale as to why the Order is given is to be explained, but in this specific circumstance whilst absent it did not affect the validity of the notice.

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

This is the second request within a month for a contribution of approx. \$1,000 and is required to be considered by the Council.

The former Queanbeyan Council had a policy that relates to requests by other Councils for contributions to legal costs and the relevant details are as follows:

- a) *Any requests from the LGSA or others for financial assistance with legal costs will only be granted if the issues arising from and/or outcomes of legal proceedings could benefit the Queanbeyan City Council.*
- b) *The General Manager in consultation with the Mayor will assess any such request to gauge its relevance to Council; if the request is supported, the General Manager can arrange reimbursement up to \$2,000 within an approved budget.*

**8.10 Request for Legal Assistance - Cowra Shire Council (Ref: C16119563; Author: Gibson/Warne) (Continued)**

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- c) *Any request greater than \$2,000 shall be referred to the Council for consideration together with an Officers report on the matter recommending support or otherwise.*
- d) *A summary of requests for financial assistance under this policy and a summary of such requests will be included in the quarterly report on Legal Matters submitted to the Council and the Schedule of Donations in the Council Annual Report.*

It is considered that this policy would also be suitable for Queanbeyan-Palerang Regional Council and should be adopted.

**Conclusion**

There has been some clarification in respect of the issue of an Order under s124 of the *Local Government Act 1993* but it is considered that it is a Cowra specific issue and the court decision was in its favour.

**Attachments**

Nil

## DETERMINATION REPORTS

**8.11 Braidwood Showground Reserve Trust s355 Committee - Annual General Meeting Minutes 26 July 2016 (Ref: C16123232; Author: Bascomb/Bascomb)**

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**Summary**

The Braidwood Showground Reserve Trust s.355 Committee has submitted for Council's information the minutes of its Annual General Meeting held on 26 July 2016.

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**Recommendation**

1. **That the Report of the Annual General Meeting of the Braidwood Showground Reserve Trust s.355 Committee held on 26 July 2016 be received.**
  2. **That the following office-bearers of the Braidwood Showground Reserve Trust s.355 Committee for 2016/17 be noted:**
    - **Mrs Trish Young (Chairperson)**
    - **Mr Ken Thomas (Vice-Chairperson)**
    - **Mr Grant Coe (Secretary)**
    - **Mrs Melanie Cochrane (Treasurer)**
    - **Mrs Joan Webb (Publicity Officer)**
- 

**Background**

The Braidwood Showground Reserve Trust s.355 Committee is a very active and productive Committee of Council. It has undertaken major improvement works at the Reserve over many years, utilising grant funding wherever possible, and relying on significant donations and contributions by volunteers from the member user groups and local businesses.

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

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

***Social / Cultural / Economic / Environmental***

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

***Financial***

The minutes highlight that the member user groups of the s.355 Committee propose making applications for funding under the Stronger Communities Fund.

**8.11 Braidwood Showground Reserve Trust s355 Committee - Annual General Meeting  
Minutes 26 July 2016 (Ref: C16123232; Author: Bascomb/Bascomb) (Continued)**

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**Conclusion**

It is recommended that Council note the minutes of the Annual General Meeting and Committee Meeting of the Braidwood Showground Reserve Trust s.355, and endorse the office-bearers for 2016/17.

**Attachments**

Attachment 1 Minutes - Braidwood Showground s355 Committee Annual General Meeting 26 July 2016 (*Under Separate Cover*)

## DETERMINATION REPORTS

**8.12 Bungendore War Memorial s355 Committee - Minutes (Ref: C16123276; Author: Bascomb/Bascomb)**

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**Summary**

The Bungendore War Memorial s.355 Committee has submitted for Council's information the minutes of three of its Committee Meetings held on 4 February, 3 March and 7 April 2016.

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**Recommendation**

**That the minutes of the Committee Meetings of the Bungendore War Memorial s.355 Committee held on 4 February, 3 March and 7 April 2016, be noted.**

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**Background**

The Bungendore War Memorial s.355 Committee is an active Committee of Council, responsible for the preservation of the Bungendore War Memorial and the organisation of ANZAC Day, Remembrance Day and other commemorations in Bungendore.

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

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

***Social / Cultural / Economic / Environmental***

The Bungendore War Memorial s.355 Committee fulfils an important role in remembering and recognising those Australians who have served in combat.

**Conclusion**

It is recommended that Council note the minutes of the Committee Meetings of the Bungendore War Memorial s.355 Committee held on 4 February, 3 March and 7 April 2016

**Attachments**

- |              |  |
|--------------|--|
| Attachment 1 | Minutes - Bungendore War Memorial s355 Committee Meeting - 4 February 2016 <i>(Under Separate Cover)</i> |
| Attachment 2 | Minutes - Bungendore War Memorial s355 Committee Meeting - 3 March 2016 <i>(Under Separate Cover)</i>    |
| Attachment 3 | Minutes - Bungendore War Memorial s355 Committee Meeting - 7 April 2016 <i>(Under Separate Cover)</i>    |





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**9.1 Formation of Queanbeyan-Palerang Regional Council Audit, Risk and Improvement Committee (Ref: C16123486); Author: Warne/Bozzato**

**Report**

The inaugural meeting of the Queanbeyan-Palerang Regional Council Audit, Risk and Improvement Committee was held on 29 July 2016.

Mr Andrew Cox was elected committee chair for a three year period ending 30 June 2019; Mr Ken Crofts was appointed as member for a two year period ending 30 June 2018; and Mr Max Shanahan was appointed for one year, ending 30 June 2017.

Mr Peter Bray is the Administrator's representative on the Committee.

The Committee endorsed the proposed Committee and Internal Audit Charters, and associated Committee work-plan.

The Committee also:

- considered the internal audit report on Council's compliance with the NSW Government 'Best Practice Management of Water Supply and Sewerage Guidelines'
- examined key issues to be accommodated in the internal audit plan for 2016/17
- noted that Council is soon to commence implementation of a whole of council risk management framework
- considered proposed changes to Local Government legislation.

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**Recommendation**

1. **That the report be received for information.**
2. **That the Audit Risk and Improvement Committee Charter and Internal Audit Charter be noted.**

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**Attachments**

- |              |  |
|--------------|--|
| Attachment 1 | 29 July 2016 - Audit Committee - Minutes ( <i>Under Separate Cover</i> )   |
| Attachment 2 | Draft Queanbeyan Palerang Regional Council Audit, Risk and Improvement Committee Charter ( <i>Under Separate Cover</i> ) |
| Attachment 3 | Draft Internal Audit Charter ( <i>Under Separate Cover</i> )   |

**9.2 Update on Outdoor Dining Structure - 101 Monaro Street (Ref: C16120805); Author: Spyve/Spyve****Report**

This report provides an update on the finalisation of an agreement for the operation of the Outdoor Dining structure located at 101 Monaro Street and the repair of the damaged balustrade.

A report came to the former Queanbeyan City Council meeting on 27 April 2016 relating to the operation and repair of the outdoor dining structure located at 101 Monaro Street. The report noted that concern had been expressed to Council over the state of repair for the outdoor dining structure which had been damaged by a truck and the owner of the property was requesting Council repair the structure as they had new tenants moving into the building who wished to use the structure. The report examined the background to the establishment of the structure and its ownership. At the meeting Council resolved:

*That Council:*

1. *Repair the damage to the platform fence and consider lodging an insurance claim.*
2. *Invite the Property Owner of 101 Monaro Street to enter into a licence or lease agreement for the use of the outdoor dining platform provided by Council and located on the road reserve adjacent to 101 Monaro Street, providing inter alia, the following obligations:*

*Property Owner:*

- a. *Payment of an annual peppercorn rental fee.*
- b. *Maintain and present the facility as an attractive, fresh and clean outdoor dining facility that enhances the Monaro Street streetscape with fitout and improvements to be approved by Council.*
- c. *Responsible for wear and tear maintenance.*
- d. *Public liability insurance cover in accordance with Council's Outdoor Dining Policy and Procedures.*

*Council:*

- a. *Responsibility for the structural integrity and structural maintenance of the facility.*
- b. *Granting of approval to a Lessee of 101 Monaro Street to use the facility for restaurant purposes subject to the lessee lodging an application compliant with the conditions and obligations, including the relevant fee/m2, as included Council's Outdoor Dining Policy and Procedures.*
3. *The licence or lease agreement with the Property Owner include options for Council or the Property Owner to exit the agreement if desired.*
4. *That should the Property Owner decline to enter into such a licence or lease agreement, a report be submitted to council recommending removal of the facility and the original car parking spaces be reconstituted.*

As a result of these resolutions a licence agreement was drafted up by Council's Legal Section and presented to the property owner's representative at a meeting on 11 May 2016. At the time the representative was advised by Council staff to finalise the agreement as soon as possible as the repair of the structure was subject to the finalisation of the agreement. For various reasons there were delays in the executed agreement being returned to Council by the property owner. The property owner's legal representative finally returned the executed agreement on 1 August 2016. Accordingly, upon receipt of the document, Council's maintenance staff were advised to undertake the required repairs to the balustrade.

It is now up to the lessee of the property to lodge an application to use the structure in line with the requirements of Council's Outdoor Dining Policy.

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**Recommendation**

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

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**Attachments**

Nil

**9.3 Local Government Amendment (Governance & Planning) Bill 2016 Overview (Ref: C16120811); Author: Spyve/Spyve****Report**

This report provides an overview of the Phase 1 amendments to the Local Government Act which were introduced to the NSW Legislative Assembly on 22 June 2016. The Local Government (Governance & Planning) Bill 2016 implements the initial phase of the NSW Government's reform of the Local Government Act 1993 as signalled in its local government reform program. The Government has indicated that it will introduce several rounds of amendments to the Local Government Act over the coming year. Future phases will cover revenue and regulatory powers. These reforms follow from the recommendations in the Final Reports of the Independent Local Government Review Panel (ILGRP) and the Local Government Acts Taskforce (LGATF). The aim of the Phase 1 amendments to the Act are to improve the performance, transparency, governance and accountability of councils in NSW.

The principal changes introduced by this Bill are:

**1. The streamlining of the integrated planning and reporting (IP&R) framework and increasing its prominence within the Act**

Due to its current position within the Local Government Act both the Review Panel and Taskforce did not believe Integrated Planning and Reporting functioned effectively or received appropriate attention. To address this, it recommended that reference to the framework in the amended Local Government Act occur both earlier on and with more frequency.

The Bill proposes reference to this framework as early as section 8A (Guiding principles for councils), together with sections 8C (Integrated planning and reporting principles that apply to councils), 232 (The role of a councillor), 406 (Integrated planning and reporting guidelines) and 438HC (Operations of financial controller).

**2. Introduction of a new purpose for the Act and guiding principles for local government**

The Bill proposes a new Section 7 for the Act which splits the purposes into five subsections consisting of:

- (a) to provide the legal framework for the system of local government for New South Wales,
- (b) to set out the responsibilities and powers of councils, councillors and other persons and bodies that constitute the system of local government,
- (c) to provide for governing bodies of councils that are democratically elected,
- (d) to facilitate engagement with the local community by councils, councillors and other persons and bodies that constitute the system of local government,
- (e) to provide for a system of local government that is accountable to the community and that is sustainable, flexible and effective.

Complementing these streamlined purposes in Section 7 the principles of local government have been expanded in Chapter 3 by focussing on three areas consisting of: general guidance; sound financial management; and integrated planning and reporting principles. Overall these principles focus on meeting community expectations and attempt to ensure that, in the exercise of their functions local government stands up to public scrutiny.

**3. Roles and responsibilities and improved governance**

Both final reports of the ILGRP and LGATF noted that the current Act lacks clarity around the roles and responsibilities of council officials and that this tended to create confusion and in some instances conflict. The Bill attempts to address this situation by further clarifying the roles of the Governing Body, elected councillors and the Mayor.

### The Governing Body

A new Section 223 is proposed by the Bill which replaces the previous 'board-like' description with one which sets out a new role to '*...direct and control the affairs of the council in accordance with this Act*'. This new section sets out 12 roles for the Governing Body consisting of:

- (a) to direct and control the affairs of the council in accordance with this Act,
- (b) to provide effective civic leadership to the local community,
- (c) to ensure as far as possible the financial sustainability of the council,
- (d) to ensure as far as possible that the council acts in accordance with the principles set out in Chapter 3 and the plans, programs, strategies and policies of the council,
- (e) to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council,
- (f) to determine and adopt a rating and revenue policy and operational plans that support the optimal allocation of the council's resources to implement the strategic plans (including the community strategic plan) of the council and for the benefit of the local area,
- (g) to keep under review the performance of the council, including service delivery,
- (h) to make decisions necessary for the proper exercise of the council's regulatory functions,
- (i) to determine the process for appointment of the general manager by the council and to monitor the general manager's performance,
- (j) to determine the senior staff positions within the organisation structure of the council,
- (k) to consult regularly with community organisations and other key stakeholders and keep them informed of the council's decisions and activities,
- (l) to be responsible for ensuring that the council acts honestly, efficiently and appropriately.

Coupled with the above the governing body is to consult with the general manager in directing and controlling the affairs of the council. A new S335 for the Act has also been developed to cover the functions of the General Manager (see later in this report).

### Councillors

Section 232 also sets out the role of an individual councillor by recognising that their role splits into two parts consisting of:

- Being a member of the governing body, and
- Being an elected person

The former role is seen as being 'deliberative' involving planning, resource allocation, policy development and performance monitoring. The latter 'elected' role is seen primarily that of community representation, leadership and communication. The Bill emphasises the different requirements of each of these two roles.

Coupled with this a new Section 233A is proposed which will require a councillor to take an Oath or Affirmation at the first meeting of the council. Failure or refusal to take the oath would see councillors not being entitled to attend future meetings and these absences counting as 'absence without prior leave of council'. This in turn could activate the provisions for a councillor to cease holding office due to lack of attendance.

### Mayor

The role of the Mayor remains much the same as currently set out in Section 226 of the Act but the term for mayors directly elected by councillors will increase from 1 to 2 years. The Act still provides for popularly elected mayors, but it appears that as councils are merged they are being defaulted back having councillor elected mayors. This means that if a council wishes to revert to having a popularly elected mayor then they will need to activate the referendum provisions of the Act.

**4. Consolidation of the ethical conduct obligations**

Under the current legislation the ethical conduct obligations of council officials are covered within two separate schemes consisting of the Model Code of Conduct and the Pecuniary Interest provisions of the Act (Chapter 14, Part 2). The proposed amendments aim to consolidate the imposition, administration and regulation of the ethical obligations of council officials into a single instrument, the *Model Code of Conduct for Local Councils in NSW*.

**5. Appointment of the Auditor General**

Under the current audit provisions of the Local Government Act, councils have the discretion to appoint an accredited auditor of their choosing, subject to the requirements of sections 422 and 423. The Bill proposes the removal of this discretionary power and replacing it with a requirement for the Auditor-General to conduct audits for all councils.

The Minister clarified the Auditor-General's proposed role in his speech on the second reading of the Bill when he noted that:

*'The Auditor-General is independent of the Government. She is accountable directly to the Parliament in relation to the exercise of her functions. The Auditor-General will be free to engage private sector auditors to assist her with her new responsibilities. The Audit Office anticipates that such contractors would be engaged after a competitive tender process. This is also similar to other jurisdictions. I am advised that the expectation of the Audit Office is that the majority of council audits will be delivered through contracted auditors who are accredited by the Auditor-General, with the Auditor-General conducting a small number in house...'*

In addition to this role the Auditor-General will also be empowered to conduct sector-wide performance audits to identify trends and opportunities for improvement across the sector.

**6. Performance Management**

Part 6 of the Local Government Act contains provisions giving the Minister certain powers in respect of councils found to have poor performance or non-performance of their responsibilities. The Bill is proposing an increase in this role for the Minister with a new section (438HB) giving the ability to appoint a financial controller to a council where a performance improvement order has been issued. The Financial Controller will have the ability to:

- Implement financial controls and other financial functions relating to a council's finances, and
- Any other ancillary functions as specified in the Performance Improvement Order

A new provision is proposed to be added to S438G of the Act where in certain circumstance the Minister can appoint a 'temporary advisor' to a council. The Bill also notes that it is possible for a 'financial controller' to also be appointed a 'temporary advisor'.

**7. Other significant changes**

Within the provisions of the Bill are a large range of other proposed changes which will impact upon the operation of Councils consisting of:

- (a) The ability of councils to apply to the Minister to reduce the number of mandated meetings. Currently S365 requires a minimum of 10 meetings per year. Under these provisions application can be made to the Minister for councils to seek approval hold less than 10 meetings per year, but this must require a resolution of council prior to seeking such.
- (b) The introduction of postal voting as an option for councils to use in elections.
- (c) Limiting the role of Councils in determining the staff organisation of a council to senior staff positions only. This must be done in consultation with the General Manager and the GM will have sole responsibility for determining staff structure below senior roles.

However, in setting the organisation structure the GM is to give effect to the priorities as set out in the organisation's strategic plans (including the Community Strategic Plan) and the Delivery Program.

- (d) Introduction of a new S335 which sets out the functions of the General Manager which will be:
- to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,
  - to implement, without undue delay, lawful decisions of the council,
  - to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council,
  - to advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council,
  - to prepare, in consultation with the mayor and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,
  - to ensure that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,
  - to exercise any of the functions of the council that are delegated by the council to the general manager,
  - to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council,
  - to direct and dismiss staff,
  - to implement the council's workforce management strategy,
  - any other functions that are conferred or imposed on the general manager by or under this or any other Act.
- (e) All councils will be required to establish Audit, Risk and Improvement Committees. This Committee must keep under review the following aspects of a council's operations:
- compliance,
  - risk management,
  - fraud control,
  - financial management,
  - governance,
  - implementation of the strategic plan, delivery program and strategies,
  - service reviews,
  - collection of performance measurement data by the council,
  - any other matters prescribed by the regulations.

The Committee is also to provide information to the council for the purpose of improving the council's performance of its functions. The establishment of this Committee can be done in partnership with one or more councils.

- (f) The development of a Model Code of Meeting Practice. Currently Councils develop a Code of Meeting Practice based upon provisions spread throughout both the Act and Regulation. A Model Code of Meeting Practice will be developed on similar lines to the Model Code of Conduct. The Model Code will comprise mandatory provisions and non-mandatory best practice provisions. Councils will be required to adopt meetings codes that incorporate the mandatory provisions but will not be obliged to adopt the non-mandatory best practice provisions in order to respond to local requirements. The mandatory provisions will largely incorporate the existing meetings provisions, which will be updated to:
- address existing procedural ambiguities; and

- modernise procedural requirements
- (g) Replacement of the requirement under S252 of the Act for councils to annually adopt an expenses and facilities policy for councillors with one simply requiring councils to adopt a policy within the first 12 months of their terms; and removal of the requirement under section 253 for councils to provide the Office of Local Government annually with a copy of their adopted policies and an assessment of public submissions made in relation to their adoption.
- (h) Enable councils to delegate the function of accepting tenders (other than for services currently provided by council staff members) and granting financial assistance.

The Bill went through its third reading in the Legislative Assembly on 3 August 2016 where it was passed without amendment, and is likely to be promulgated within the next few months.

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**Recommendation**

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

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**Attachments**

Nil



#### 9.4 Interim Report - Review of Local Government Rating System (Ref: C16124303); Author: Spyve/Spyve

##### Report

This report provides an update on IPART's review of the local government rating system which is an outcome of the local government reform process arising from the final reports of the Independent Local Government Review Panel (ILGRP) and the Local Government Acts Taskforce (LGATF).

IPART has been requested by the NSW Government to:

1. Review the current rating system and recommend reforms that aim to enhance councils' ability to implement sustainable and equitable fiscal policy, and
2. Recommend a legislative or regulatory approach to achieve the Government's policy that there will *"be no change to the existing rate paths for newly merged councils for four years."*

IPART's Terms of Reference (ToR) required them to provide an *Interim Report* to the Government recommending a legislative or regulatory approach to achieve the Government's policy of freezing existing rate paths for four years for newly merged councils. This report provides an overview of the recommendations within IPART's Interim Report to the Minister and possible impacts these may have upon the newly established councils.

IPART's report makes the makes 15 recommendations. These are set out below with relevant comment outlining what it may mean for the new councils.

##### Interim Report Recommendations

#### **Rec. 1 That the general income for a pre-merger council area should be adjusted annually by the following external factors:**

- the rate peg OR any special variation approved for that pre-merger council area
- the expiry of any temporary special variations during the rate path freeze period, that apply in the pre-merger council area and are not renewed using a permitted special variation (see Recommendation 6), and
- other external factors permitted under the *Local Government Act 1993* (NSW) (ie, 'above the peg' growth in general income, catch-up or excess income from the previous year and valuation objections).

This means that the process for calculating the maximum allowable general income would essentially be the same as under the current section 509 of the LG Act, except that general income would be calculated at a 'pre-merger council area' level, rather than over the whole of the new council area.

IPART notes that where a pre-merger council area is split between multiple new councils, its general income would be accordingly apportioned. The apportionment would be based on the rates revenue derived from the pre-merger council area's land that is allocated to a new council. Also it notes that Annual charges and special rates outside of general income would continue to be set as they are currently set. The planned Emergency Services Property Levy (announced by the NSW Government on 10 December 2015) would not be affected by the rate path freeze policy.

**Rec. 2 That new councils should not be permitted to equalise rates across their pre-merger council areas by:**

- applying for new special variations, or
- rebalancing the allocation of rates between pre-merger council areas by increasing rates in any pre-merger council area.

IPART believes permitting a new council to equalise rates across its pre-merger council areas – using mechanisms that lead to rate increases – is inconsistent with the rate path freeze policy. They note allowing a new council to change its existing rate paths, solely in response to the merger and in a way that increases rates for some ratepayers, conflicts with the rate path freeze policy.

IPART asserts that the current legal requirement to equalise residential rates within a centre of population may no longer be appropriate, given the larger area covered by new councils. These larger councils may need to have some flexibility to charge different residential rates based on local considerations. They note that this issue will be considered in the Draft Report, in particular they will consider whether the councils which cover large areas should be able to charge different residential rates within a centre of population after the rate path freeze period expires.

**Rec. 3 That new councils should continue to be allowed discretion to set rates below the rate cap ceiling during the rate path freeze.**

IPART notes in the interim report that, ‘the rate path freeze policy acts as a *‘ceiling’* on rate increases, in that it determines the maximum rates that new councils could charge in each premerger council area during the rate path freeze period.’ Therefore they recommend that new councils retain the discretion to set their rates below this ceiling for any rating category during the rate path freeze period. They note that this ‘discretion is important to ensure that any amendments to the LG Act reflect the original intention of the Act (ie, to permit councils to change rates by less than the rate peg).’

They further note that this recommendation will also give new councils the option to return some of the financial savings generated by the merger. They believe this is consistent with the Government’s policy that mergers put downward pressure on rates.

**Rec. 4 That a new council be permitted to apply for a new temporary special variation where there is a critical financial need for the special variation, according to the criteria set out in Table 3.1.**

IPART advocates that a new council should be able to apply for a temporary special variation if it is financially unsustainable due to:

- one or more of its pre-merger councils having an existing rate path that is financially unsustainable, and merger savings and government funding are insufficient for the new council to achieve sustainability, or
- an external factor that occurs during the freeze (eg, the aftermath of a natural disaster).

Under either scenario, the new council would need to show that it is financially unsustainable over the long term, as reflected in its 10-year financial plan. That is, its operating performance ratio (OPR) is forecast to be:

- strongly negative (below minus 5%) over the rate path freeze period, and
- below minus 2% over the 10-year financial plan.

IPART states they selected the OPR as the key measure of financial sustainability because it shows a council's capacity to fund ongoing operating expenditure requirements. The special variation would be restricted to the amount required for the new council to achieve financial sustainability, after fully accounting for current and future merger savings, available government funding and available debt financing. They believe that this provides new councils with a strong incentive to identify and realise merger savings, and pursue alternative sources of funding where appropriate. The special variation would be temporary, and would expire at the end of the rate path freeze period. After this period, new councils would be able to apply for special variations under normal criteria.

To apply for the special variation during the rate path freeze period, the new council would need to address **all** the criteria set out in Table 3.1 of the Interim Report. These criteria would apply in addition to the Office of Local Government's (OLG's) existing criteria for special variations. These new criteria as set out in Table 3.1 are:

1. The new council is **financially unsustainable** because either:
  - at least one of its pre-merger councils is financially unsustainable, and the new council is forecast to remain so post-merger, or
  - the new council becomes financially unsustainable due to an external shock.
2. **Merger savings** and **government funding** are insufficient to rectify the sustainability issue.
3. New council is unable to use **debt financing** to address the financial need.
4. The special variation relates to an **immediate need**.

IPART believes that a special variation for this purpose may be more relevant for new regional councils as they assessed during the '*Fit for the Future*' process a small proportion of pre-merger councils within these new regional councils to be either:

- financially unsustainable, or
- financially sustainable, only on the basis of approval of a special variation that would allow the council to meet financial benchmarks.

**Rec 5. That a new council be permitted to apply for a new special variation to fund new infrastructure in its area by levying a special rate under section 495 of the *Local Government Act 1993* (NSW).**

IPART advocates that new councils should be able to apply for a special variation to fund new infrastructure. It notes that while such special variations may reduce certainty for some ratepayers about the amount of their rates during the rate path freeze period, the alternative '*may cause councils to reduce their infrastructure development to below efficient levels.*' Therefore they advocate this special variation would be granted only in very limited circumstances such as:

- to fund **new infrastructure**
- using a **special rate**, and
- the special rate would only be levied on parcels of **land that benefit** from the infrastructure.

A special variation for this purpose would:

- support the Government's urban renewal policy
- allow councils to more effectively partner with other levels of government to fund major new projects, and
- facilitate governments using 'value capture' mechanisms to fund new infrastructure.

The amount of the special variation would only be to the extent that infrastructure funding could not be sourced from the Government's Stronger Communities Fund.

**Rec 6. That a new council be permitted to apply for a new temporary special variation:**

- **to renew an expiring special variation that currently funds a service in a pre-merger council area, and**
- **the council demonstrates that the service would be discontinued if the special variation were not renewed.**

The Interim Report recommends that new councils should be able to apply for a temporary special variation to renew an expiring special variation that:

- currently funds a service, and
- will expire during the rate path freeze period, leading to the service being discontinued by the new council

IPART believes that a special variation for this purpose is consistent with their interpretation of the rate path freeze policy and that it should only be levied on ratepayers in the pre-merger council area. Again, they see this type of special variation as being temporary and would expire at the end of the rate path freeze period.

**Rec 7. That a new council be permitted to apply for a new special variation for unrecovered development contributions that are 'above the cap' under the *Environmental Planning and Assessment Act 1979* (NSW).**

IPART believes that a new council should be able to apply for a special variation to levy unrecovered development contributions that are 'above the cap' under the Environmental Planning and Assessment Act 1979. Currently, if a council's development contributions for an area exceed the relevant cap, the council may seek to fund the gap by applying for a special variation. IPART considers that new councils should also be able to this provision apply to them as well as they believe if they don't then *'...it could limit the funds available to deliver infrastructure required by the new development.'*

**Rec 8. That a new council be permitted to apply for a new special variation where former Crown Land has been added to its rate base during the rate path freeze period.**

The Report recommends that a new council should be permitted to increase its general income when former Crown Land is added to its rate base during the rate path freeze period. IPART believes that adding former Crown Land to a new council's rate base has the potential to lead to higher demand on services, an increase in its costs and a loss of ex-gratia payments from governments. Therefore they advocate that new councils should have the discretion to apply for a special variation to their general income to take account of this cost increase or revenue loss.

**Rec 9. That the rate path freeze policy should apply to the rating categories (ie, Residential, Business, Farming or Mining) of a pre-merger council area, but not its subcategories.**

Initially IPART had recommended in its *Issues Paper* that the rate path freeze policy apply at both the rating category (Residential, Business, Farming or Mining) and the sub-category level for each pre-merger council area. This would have meant that the general income of each rating sub-category would also only increase by the rate peg. However, upon discussions with stakeholders IPART has changed its mind and concluded that locking down the rating trajectory at the sub-category level could result in significant rates volatility for individual ratepayers.

They therefore concluded that this approach would be contrary to the Government's stated policy of providing rates certainty. They are now recommending that councils should have the ability to smooth changes in rates arising from external factors across a larger group and thereby achieve a higher level of rate certainty.

**Rec 10. That a new council would only increase the general income of each rating category of a pre-merger council area annually by the rate peg (subject to any adjustments to general income permitted under Recommendation 1, or special variations permitted under Recommendations 4 to 8), unless:**

- the pre-merger council had approved and implemented a pre-existing rate plan for rebalancing rates between categories, in which case the new council could (subject to IPART approval) set rates for these categories in accordance with the plan, or
- there is a general land revaluation, and the pre-merger council area does not have a pre-existing rate plan, in which case the new council should set rates in accordance with Recommendation 14.

IPART notes that some councils have indicated they already have a policy in place to alter the relative burden of rates between different rating categories over time, and that a rate path freeze would prevent the new council from implementing this policy. For example, a pre-merger council may have had a plan to slowly shift business from paying 40% of rates to 30% of rates, and be halfway through implementing the plan, with business paying 35% of rates prior to the merger.

IPART therefore believes that restricting a new council's ability to rebalance between rating categories in accordance with a pre-existing plan may be inconsistent with the rate path freeze policy. This is because the policy aims to maintain an individual ratepayer's rate path trajectory as if the merger had not occurred. Accordingly, where the pre-merger council had approved and implemented a pre-existing rate plan, which outlines its policy for rebalancing rates across rating categories, the new council should be given the option to continue implementing that plan. However, they note that this would still be subject to IPART approval.

**Rec 11. That a new council should increase the minimum and base amounts for a pre-merger council area annually:**

- by the rate peg (subject to any adjustments for special variations under Recommendations 1 and 4 to 8) during the rate path freeze, unless
- the pre-merger council had approved and implemented a pre-existing rate plan for minimum or base amount increases, in which case the new council could (subject to IPART approval) set minimum and base amounts in accordance with the plan.

IPART advocates in the Interim Report that in order to achieve the Government's stated objective of rates certainty for ratepayers, it is necessary to specify how minimum and base amounts can be changed during the rate path freeze period. They believe that unless the rate path freeze policy applies to these amounts that there is a possibility a new council could rebalance the rates it sets for a per-merger council area between the fixed charges (ie minimum and base amounts) and variable charges (ie the ad valorem amounts). They believe such a rebalancing would always result in rate increases for some ratepayers.

Accordingly, IPART is recommending that a new council would increase minimum and base amounts each year by the rate peg percentage, subject to:

- minimum and base amounts being adjusted for any relevant existing, expiring or permitted special variations, and
- where the minimum amount is set at the maximum amount allowable under the LG Act, it continue being set at this rate.

However, IPART recognises that one exemption to this requirement could be if a pre-merger council area had approved and implemented a pre-existing rate plan, but that this would still be subject to IPART approval.

**Rec 12. That new councils be exempt from the 50% maximum limit for revenue collected from base amounts for the duration of the rate path freeze period.**

Section 500 of the LG Act requires that the revenue generated from a base amount cannot exceed 50% of the total revenue from any particular rating category or sub-category. However, IPART notes that if the rating trajectory for base amounts is frozen over a 4-year period the 50% cap for base amounts might be exceeded in two cases:

- Where boundary changes have resulted in a new council acquiring a part of a pre-merger council. The part acquired may have more than 50% of its revenue coming from base amounts.
- If more high density properties are built in an area, the rate path freeze may cause a new council to exceed the 50% cap.

Accordingly IPART is recommending that this 50% cap on the amount of revenue that can be recovered from base amounts for a category or subcategory should not apply to new councils over the rate path freeze period. They are advocating that the simplest way to resolve this issue is to amend the LG Act to exempt new councils from the 50% cap for base amounts over the rate path freeze period.

**Rec 13. That if, as a result of external factors (such as a significant change in the number of rateable properties in a category), the average rating burden within a pre-merger council area's rating category will change by more than 5% plus the rate peg (or any applicable special variations), the new council can apply to IPART to rebalance the rating burden across all categories in the premerger council area.**

IPART notes that there remains the possibility that due to external factors (eg, a large business shutting down, or a rezoning moving a number of properties between categories) a rating category may experience a significant variation in its average rate level. They note that this situation is more likely to occur in regional and rural areas where, even at the category level, there can be relatively few properties within each category.

It is recommended that in order to achieve the Government's stated objective of rates certainty, a 'safety valve' should be implemented where councils could apply to rebalance rates across

categories in a pre-merger council area where maintaining the existing rate path trajectory would result in excessive rate increases to the average rate within a category.

IPART defines an excessive rate increase as more than a 5% increase in average rates above the rate peg (or any applicable special variations) for a given category. They note that Councils would need approval from IPART, which would assess the reasonableness of the new council's rebalancing plan. The plans themselves should be designed to minimise overall volatility in individual rate assessments.

**Rec 14. That when allocating the rating burden from land revaluations:**

- **the new council should allocate it to different rating categories in each premerger council area using either the relative change method or the fixed share method, unless**
- **the pre-merger council had approved and implemented a pre-existing rate plan for rebalancing rates between categories, in which case the new council could (subject to IPART approval) set rates for these categories in accordance with the plan.**

The report notes that every three years a pre-merger council area will typically undergo a general land revaluation. IPART believes that changes in the rating burden arising from land revaluations should be distributed:

- according to the relative change method, or the fixed share method, with the choice of method at the discretion of the new council, **unless**
- the pre-merger council had approved and implemented a pre-existing rate plan for rebalancing rates between categories, in which case the plan could apply (subject to IPART approval).

They propose that new councils should have the discretion to determine how the rating burden is distributed according to either the relative change method or the fixed share method.

IPART did raise the possibility of deferring land revaluation processes during the rate path freeze period. However, they appear to have moved away from recommending this course of action because, *'delaying the revaluation process could result in larger valuation changes, and introduce a greater degree of 'rate shock', after the rate path freeze period.'*

**Rec 15. That the *Local Government Act 1993* be amended to provide the Minister for Local Government with an instrument-making power that enables the Minister to implement the rate path freeze policy for new councils. This power should be subject to a sunset clause and expire at the end of the rate path freeze period on 30 June 2020.**

In the *Issues Paper* IPART proposed three different methods for implementing the rate path freeze policy consisting of:

1. amending the LG Act to introduce a new instrument-making power for the Minister for Local Government (**preferred**)
2. amending the LG Act to expand the Governor of NSW's proclamation power, or
3. providing for a rate path freeze entirely through amendments to Chapter 15 of the LG Act and Regulations.

After listening to submitters comments IPART still believes that Option 1 is the best method to implement the rate path freeze as they believe it offers the Government the best mix of flexibility, implementation speed and transparency during the rate path freeze period. However, they do acknowledge that the instrument-making power would need to be drafted to limit the Minister's power to maintain existing rate paths over the rate path freeze period.

**The next steps**

A draft report on all the issues surrounding rating in Local Government is due to be released later this month. A final report will then be provided to the Minister for Local Government by December 2016.

The IPART report will be made available to the Percy Allan review of Council's asset and financial sustainability.

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**Recommendation**

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

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**Attachments**

Nil



## COMMITTEE REPORTS

**10.1 Local Traffic Committee Meeting - 4 August 2016 - (Ref: C16117818; Author: Tooth/Wilson-Ridley)**

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**Present:** Sam Morabito (NSW Police Rep), Kelly Cherry (RMS Rep), Derek Tooth (QPRC Rep), Rowan Carter (NSW State Member Rep).

**Also Present:** Joanne Wilson-Ridley (QPRC Road Safety Officer).

The Committee Recommends:

**Apologies:** NIL

**1. National Capital Tour Googong Time Trial**

An extraordinary meeting of Local Traffic Committee was held to review the event application by National Capital Tour for Googong Time Trial. Capital Cycling intends to hold the time trial leg of the Cycling Australia Subaru National Road Series in Googong on Friday 16 September.

The event is a 3 day event occurring through-out the ACT and Googong with a time trial to be conducted on the first day in Googong. The time trial will commence on Googong Road with cyclists progressing down to the Dam Wall carpark, returning via same route. The event organisers anticipate 250 participants.

Road closures have been requested for Googong Road, starting at Beltana Avenue to ACT border from 7.30am until 5.00pm. Organisers have been communicating with the businesses along Googong Road that will be impacted. Traffic Control plans indicate that they will be providing escort vehicles to businesses during the road closure. Organisers have been in contact with services such as garbage collection, transport, emergency services and residents. Council will be sending notification letters regarding road closures to the residential properties on Googong Road.

This is the second time the event has been held in Googong and event organisers have amended event route and other event details as result of feedback from inspections of last year's event and event debriefing.

In reviewing the event application the committee have recommended the provision of additional information and modifications to the event including:

- The closure on Googong Dam Road to be modified to allow event traffic to use a left hand lane and Googong Traffic access on a right hand lane (clear directions to be provided to oncoming traffic which lane they need to be in)
- As a result of clarifying the direction for the two separate traffic flows, the temporary speed zoning to be moved back closer to Old Cooma Road
- The parking area in the road closure to be closed off from the other event/activity area to ensure the parked traffic doesn't move beyond the parking zone
- VMS Message to be modified – stating road closure and dates

10.1 **Local Traffic Committee Meeting - 4 August 2016 - (Ref: C16117818; Author: Tooth/Wilson-Ridley) (Continued)**

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- Further details provided regarding parking and adequate capacity for the 250 participants. Further details to be provided about where and how any excess parking requirements will be handled.
- Event course length to be clarified and updated to match the event documentation
- Event organisers to calculate the required resources to implement the TCP and provide details of how they will be meeting the traffic control resource requirements

**Recommendation**

**LTC022/16 Under the Roads Act 1993 endorse the road closure of Googong Road from Beltana Avenue to the ACT Border from 7.30am until 5.00pm on Friday 16 September 2016 on the condition that all recommendations made to the event organisers are met.**

2. **Next Meeting**

Tuesday 30 August 2016, 12pm

There being no further business, the meeting closed at 2.45pm.

**Attachments**

Nil

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

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

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

**Recommendation**

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

**Item 15.1 New Cemetery Sites**

*Item 15.1 is confidential in accordance with s10(A) (a) (dii) of the Local Government Act 1993 because it contains personnel matters concerning particular individuals (other than councillors); 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.*