



Ordinary Meeting of Council

AGENDA

22 March 2023

Commencing at 5.30pm

**Council Chambers
253 Crawford St, Queanbeyan**

Despite the easing of COVID restrictions, it should be noted that there is a limited number of public gallery seats available in the Chambers. Presentations can be made in writing or via Zoom. A live stream of the meeting can be viewed at:

<http://webcast.qprc.nsw.gov.au/>

Statement of Ethical Obligations

The Mayor and Councillors are reminded that they remain bound by the Oath/Affirmation of Office made at the start of the council term to undertake their civic duties in the best interests of the people of Queanbeyan-Palerang Regional Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the *Local Government Act 1993* or any other Act, to the best of their skill and judgement.

The Mayor and Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with the Code of Conduct and Code of Meeting Practice.

On-site Inspections:

Date: Monday 20 March 2023

- DA.2022.1494 – 6 Strathmore Place, Bungendore - Construction of a dwelling house - two storey
- DA.2023.0050 – 10 Whitton Rise, Bungendore - Construction of a dwelling house - two storey
- DA.2023.0091 – 23 Whitton Rise, Bungendore - Construction of a dwelling house - two storey
- DA.2022.1574 – 25 Whitton Rise, Bungendore - Construction of a dwelling house - two storey

Date: Friday 24 March 2023

- DA.2022.1551 – Installation of a manufactured dual occupancy home
- Site: 45 Sinclair Road, Primrose Valley

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

A recording of the meeting will be archived on the website.

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1 OPENING

2 ACKNOWLEDGEMENT OF COUNTRY

3 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

4 CONFIRMATION OF MINUTES

- 4.1 Minutes of the Ordinary Meeting of Council held on 8 March 2023

5 DISCLOSURES OF INTERESTS

6 ADJOURNMENT FOR PUBLIC FORUM

7 MAYORAL MINUTE

8 NOTICES OF MOTIONS OF RESCISSION

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Confidential - Not for Publication

16 REPORTS FOR CLOSED SESSION

16.1 Tender 10054691 - DRFA Araluen Road Slips

Item 16.1 is confidential in accordance with s10(A) (c) of the Local Government Act 1993 because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

16.2 Selection of Preferred Tenderer for Upgrade to Braidwood Pool

Item 16.2 is confidential in accordance with s10(A) (c) of the Local Government Act 1993 because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

16.3 Legal Update - July-December 2022

Item 16.3 is confidential in accordance with s10(A) (a) (c) (e) 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 person with whom the Council is conducting (or proposes to conduct) business; AND information that would, if disclosed, prejudice the maintenance of law and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

16.4 Braidwood Heritage Centre - Construction Tenders

Item 16.4 is confidential in accordance with s10(A) (c) of the Local Government Act 1993 because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

16.5 Public Interest Disclosure/Code of Conduct Complaint

Item 16.5 is confidential in accordance with s10(A) (i) of the Local Government Act 1993 because it contains alleged contraventions of any code of conduct requirements applicable under section 440 and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

17 CONCLUSION OF THE MEETING

LIST OF ATTACHMENTS

Open Attachments

- Item 9.1 DA.2022.1574 - 25 Whitton Rise, Bungendore NSW - Construction of two (2) storey dwelling house
Attachment 1 DA.2022.1574 - S4.15 Matters for Consideration - 25 Whitton Rise Bungendore (Under Separate Cover)
Attachment 2 DA.2022.1574 - Plans - 25 Whitton Rise Bungendore (Under Separate Cover)
Attachment 3 DA.2022.1574 - Draft conditions of consent - 25 Whitton Rise Bungendore (Under Separate Cover)
- Item 9.2 Amendment to Googong Development Control Plan 2010
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- Item 9.3 Planning Proposal to Reclassify part of Bunyip Park, Googong from Community Land to Operational Land
Attachment 1 Public Hearing Report - Proposed Reclassification - Part Lot 342 DP 1259563, Googong (Under Separate Cover)
- Item 9.4 Post-Exhibition Report - Bin Inspection and Contamination Policy
Attachment 1 QPRC Bin Inspection and Contamination Policy (Under Separate Cover)
- Item 9.5 QCCP Progress Report
Attachment 1 QCCP Business Case (Under Separate Cover)
Attachment 2 QCCP Council Report (Under Separate Cover)
Attachment 3 QCCP Loan Program - Council Report (Under Separate Cover)
- Item 9.8 Investment Report - February 2023
Attachment 1 Investment Report Pack - February 2023 (Under Separate Cover)
- Item 9.10 Sale of Part of 93 Ellerton Drive
Attachment 1 Submission to QPRC from Gospel Church Trust on the proposed sale (Under Separate Cover)
- Item 9.11 Proposed Acquisition Notice - Leasehold interest in Part of Bungendore Pool
Attachment 1 Proposed Acquisition Notice to QPRC (Under Separate Cover)
Attachment 2 Annexure A - Construction of Lease (Under Separate Cover)
Attachment 3 Area of Lease (Under Separate Cover)
- Item 10.1 Majors Creek and Araluen Greenwaste Options - Consultation
Attachment 1 Majors Creek and Araluen Greenwaste Options Consultation Report (Under Separate Cover)

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- Item 11.1 QPRC Heritage Advisory Committee Minutes - March 2023
Attachment 1 Minutes of the QPRC Heritage Advisory Committee 9 March 2023 (Under Separate Cover)
- Item 11.2 Local Traffic Committee Meeting - 23 February 2023 (Out of session meeting held by correspondence)
Attachment 1 Local Traffic Committee Meeting Minutes - 23 February 2023 (Under Separate Cover)

Closed Attachments

- Item 9.10 Sale of Part of 93 Ellerton Drive
Attachment 2 SRS Valuation Report (2018) (Under Separate Cover)
- Item 9.11 Proposed Acquisition Notice - Leasehold interest in Part of Bungendore Pool
Attachment 4 Legal advice to QPRC - Acquisition of Leasehold Interest (Under Separate Cover)
- Item 10.1 Majors Creek and Araluen Greenwaste Options - Consultation
Attachment 2 Majors Creek and Araluen Greenwaste Options Consultation Report - Unredacted (Under Separate Cover)
- Item 16.1 Tender 10054691 - DRFA Araluen Road Slips
Attachment 1 Araluen Road Slips - Contract 10054691 - Tender Evaluation Report (Under Separate Cover)
- Item 16.2 Selection of Preferred Tenderer for Upgrade to Braidwood Pool
Attachment 1 Tender Evaluation Report - Tender Number 2021-23 - Braidwood Pool - Upgrade (Under Separate Cover)



MINUTES OF THE ORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held via Zoom and at the Council Chambers, 253 Crawford St, Queanbeyan on Wednesday, 8 March 2023 commencing at 5.30pm.

ATTENDANCE

Councillors: Cr Winchester (Chairperson)

Cr Biscotti
Cr Burton
Cr Grundy
Cr Livermore
Cr Macdonald
Cr Preston
Cr Taskovski
Cr Webster
Cr Willis
Cr Wilson

Staff:

R Ryan, General Manager
P Hansen, Director Infrastructure Services
J Richards, Director Community, Arts and Recreation
K Monaghan, Director Corporate Services
R Ormella, Director Development and Environment

Also Present: W Blakey (Clerk of the Meeting)

L Ison (Minute Secretary)

1. OPENING

The meeting commenced at 5.30pm.

2. ACKNOWLEDGEMENT OF COUNTRY

The Mayor acknowledged the traditional custodians of the land upon which the meeting was held.

3. APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

There were no apologies.

4. CONFIRMATION OF MINUTES**4.1 Minutes of the Ordinary Meeting of Council held on 22 February 2023**

063/23

RESOLVED (Winchester/Biscotti)

That the Minutes of the Ordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday 22 February 2023 be confirmed.

For: Crs Biscotti, Burton, Livermore, Macdonald, Preston, Taskovski, Webster, Willis, Wilson and Winchester
Against: Cr Grundy

5. DISCLOSURES OF INTERESTS

064/23

RESOLVED (Winchester/Willis)

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

The resolution was carried unanimously.

Cr John Preston declared a significant non-pecuniary for Item 11.1: QPRC Heritage Advisory Committee meeting minutes, stating he is Council's delegate on the NSW Joint Regional Planning Panel that will be determining a development application which is a subject of the minutes presented to Council for adoption. Cr Preston will leave the changes when the matter is being considered.

Cr Bryce Wilson declared a significant non-pecuniary for Item 11.1: QPRC Heritage Advisory Committee meeting minutes, stating he is Council's alternate delegate on the NSW Joint Regional Planning Panel that will be determining a development application which is a subject of the minutes presented to Council for adoption. Cr Wilson will leave the Chambers when the matter is being considered.

6. ADJOURNMENT FOR PUBLIC FORUM

At this stage of the proceedings, the time being 5.35pm, Cr Winchester advised that the meeting should now adjourn for the Public Forum.

065/23

RESOLVED (Winchester/Preston)

That the meeting be adjourned to conduct the Public Forum.

The resolution was carried unanimously.

ADJOURNMENT:

The meeting adjourned for the Public Forum at 5.35pm and resumed at 5.45pm.

During the Public Forum the following presentations were made:

The Mayor presented Kelli Rixon with Queanbeyan's 2022 Citizen of the Year award for her outstanding and enduring leadership with Sleepbus Queanbeyan.

Staff presented Council with the following awards that QPRC received at the recent Keep Australia Beautiful Sustainable Communities Tidy Towns Awards 2022:

- Winner in the population category B (1,500 – 5,000) of QPRC's Urban Landscapes nomination called: "New Playground for Social Inclusion" for the new Bungendore Adventure Playground
- Highly Commended in the population category E (above 23,000) in the Communication and Engagement category for the Minecraft Sustainable Design Competition.
- Highly Commended in the population category E (above 23,000) in the Heritage and Culture category for the Rusten House Art Centre
- Population Category Winner – 2022 Sustainable Communities Tidy Towns Award for Population Category E (above 23,000)

7. MAYORAL MINUTE

There was no Mayoral Minute.

8. NOTICES OF MOTIONS OF RESCISSION

There were no Notices of Motions of Rescission.

9. REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.1 Development Application DA.2021.1453 - Construction of a Three Storey Boarding House - 2 Ross Road, Queanbeyan

066/23

RESOLVED (Biscotti/Taskovski)

That development application DA.2021.1453 for demolition of existing structures and construction of a three-storey boarding house on Lot 5 DP 21396, No. 2 Ross Road, Queanbeyan be granted conditional approval.

For: Crs Biscotti, Burton, Grundy, Livermore, Macdonald,
Preston, Taskovski, Webster, Wilson and Winchester
Against: Cr Willis

9.2 Ellerton Drive Extension Noise Assessment

067/23

RESOLVED (Willis/Wilson)

That Council establish a Working Group of the Mayor and two Councillors, to engage with nominated residents who are representative of those properties effected by the Ellerton Drive Extension; and be tasked with the following:

1. Review and prepare the scope of works for a new comprehensive noise assessment and survey.
2. Suggest funding opportunities for this additional noise assessment.
3. Progress investigation into supplementary other noise reduction solutions.
4. Report back to Council.

The resolution was carried unanimously.

Crs Wilson and Willis were nominated as representatives on the Working Group.

9.3 South Jerrabomberra Dog Park REF

068/23

RESOLVED (Webster/Grundy)

That Council endorse the South Jerrabomberra Dog Park REF for public exhibition.

The resolution was carried unanimously.

9.4 Quarterly Budget Review Statement for Quarter Ending 31 December 2022

069/23

RESOLVED (Willis/Wilson)

That Council receive the December 2022 Quarterly Budget Review Statement and adopt the budget variations outlined in the report.

For: Crs Biscotti, Burton, Livermore, Macdonald, Preston, Taskovski, Webster, Willis, Wilson and Winchester
Against: Cr Grundy

9.5 Renewal of Riverside Plaza Car Park Management Agreement

070/23

RESOLVED (Willis/Preston)

That Council:

1. Endorse the renewal of the agreement on similar terms.
2. Authorise the General Manager to sign and execute the renewed agreement for a further 5-year period.

For: Crs Burton, Livermore, Macdonald, Preston, Taskovski, Webster, Willis, Wilson and Winchester
Against: Crs Biscotti and Grundy

10. REPORTS TO COUNCIL - ITEMS FOR INFORMATION

- 071/23 **10.1 Community Consultation Sassafras Reserve**
RESOLVED (Biscotti/Wilson)
That the report be received for information.

The resolution was carried unanimously.
- 072/23 **10.2 QPRC - Bendigo Bank Art Awards 2023**
RESOLVED (Preston/Livermore)
That the report be received for information.

For: Crs Biscotti, Livermore, Preston, Taskovski, Webster,
 Willis, Wilson and Winchester
Against: Crs Burton, Grundy and Macdonald
- 073/23 **10.3 Bungendore High School State Significant Development Update**
RESOLVED (Biscotti/Winchester)
That the report be received for information.

The resolution was carried unanimously.
- 074/23 **10.4 Councillor Workshops**
RESOLVED (Willis/Preston)
That the report be received for information.

The resolution was carried unanimously.
- 075/23 **10.5. SUPPLEMENTARY REPORTS**
**Site Inspection - DA.2021.1453 - Construction of three storey
boarding house – 2 Ross Road, Queanbeyan**
RESOLVED (Willis/Biscotti)
That the report be received for information.

The resolution was carried unanimously.

Crs Preston and Wilson declared an interest in the following item and left the Chambers at 6.15pm.

11. REPORTS OF COMMITTEES

11.1 QPRC Heritage Advisory Committee Minutes - December 2022, January and February 2023

076/23

RESOLVED (Willis/Webster)

That:

1. Council note the minutes of QPRC Heritage Advisory Committee meetings held on 7 December 2022, 12 January and 9 February 2023.
2. The following Recommendations be adopted:

QPRC HAC 1/23

- a) Given the aesthetic, technical and historical importance of the Well at 10 Rutledge Street Queanbeyan, the Committee recommends retaining the Well insitu with appropriate treatment to enable interpretation of its heritage significance.
- b) Recommends re-interpretation in a public space in the vicinity of the Well and seeks further information from VBC on design concepts.
- c) The work recommended in points 1 and 2 above be at the owner's expense.
- d) A further report be prepared in relation to a planning proposal to list the Well as a Local Heritage Item.

QPRC HAC 4/23

That the terms of reference be adopted.

QPRC HAC 5/23

That staff be requested to consider the Committee's observations on this development application.

For: Crs Biscotti, Burton, Livermore, Macdonald, Preston, Taskovski, Webster, Willis, Wilson and Winchester

Against: Cr Grundy

Crs Preston and Wilson returned to the Chambers at 6.30pm.

12. NOTICES OF MOTIONS

There were no Notices of Motions.

13. REPORTS TO COUNCIL - DELEGATES REPORTS

There were no Delegates reports.

14. QUESTIONS WITH NOTICE

There were no Questions with Notice.

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

There were no matters for Closed Session.

17. CONCLUSION OF THE MEETING

The time being 6.30pm, the Mayor announced that the Agenda for the meeting had now been completed.

**CR KENRICK WINCHESTER
MAYOR
CHAIRPERSON**

ITEM 5 DECLARATION OF CONFLICTS/PECUNIARY INTERESTS

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

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

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

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

Recommendation

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

9.1 DA.2022.1574 - 25 Whitton Rise, Bungendore NSW - Construction of two (2) storey dwelling house (Author: Ormella/Jauncey)

File Reference: DA.2022.1574

Recommendation

That:

1. Development application DA.2022.1574 be approved for the construction of a two (2) storey dwelling house in the North Elmslea new residential development area with regards to the Desired Future Characteristics of Part D6 of Palerang Development Control Plan 2015 (PDCP2015) to allow for the following reasons:
 - a. The proposal meets the height requirements of Clause 4.3 of Palerang Local Environmental Plan 2014 (PLEP2014) and PLEP2014 does not prevent the two (2) storey dwelling on the subject site.
 - b. The desire of a “single storey” characteristic as suggested in the PDCP2015, is not a consideration in regard to the requirements in Part 3C – Greenfield Housing Code and Part 3D – Inland Code of SEPP (Exempt and Complying Development Codes) 2008 which would otherwise allow for the two (2) storey dwelling house if the approval pathway was under a Complying Development Certificate (CDC).
 - c. The proposal is considered consistent with the aims of the PLEP2014 and objectives of the R2 Low Density Residential zone as it provides for the housing needs of the community within a low-density residential environment.
 - d. The proposed dwelling adequately addressed the streetscape with modulated building forms, articulated facades, variety of front setbacks, mixed materials and colours and suitable landscaping to ensure that it will not detract from the existing and desired future character.
 - e. The upper storey component has been appropriately designed and is setback a suitable distance from adjoining properties to minimise any impacts on the amenity of adjoining properties. It should be noted that due to the slope of the land the dwelling has been designed with a basement area and has been designed to suit the slope of the land. The design presents to the street as a single storey dwelling.
 - f. The proposed development, including driveway has been designed and sited to allow for street tree planting.
 - g. The controls under Part D6 of the PDCP2015 do not specify that dwellings must be single storey as this would be contrary to the PLEP2014 and the current Queanbeyan-Palerang Local Environmental Plan 2022.
2. Development Application DA.2022.1574 for the construction of a two (2) storey dwelling house on Lot 23 DP 1282739, No 25 Whitton Rise Bungendore NSW 2621 be granted conditional approval.

9.1 DA.2022.1574 - 25 Whitton Rise, Bungendore NSW - Construction of two (2) storey dwelling house (Author: Ormella/Jauncey) (Continued)

Summary***Reason for referral to Council***

In accordance with Clause 9 of the QPRC '*Guidelines for Referral of Development Applications to Council and Independent Assessment of Development Applications (2022)*'; where the General Manager receives a request signed from three Councillors, this application has been referred to Council.

Proposal:	Erection of a two (2) storey dwelling
Applicant:	Robert Jukic
Owner:	Shannon and Cameron McAlister
Subject Property:	Lot 23 DP 1282739, 25 Whitton Rise Bungendore
Zoning and Permissibility	R2 – Low Density Residential under Palarang Local Environmental Plan 2014
Public Submissions:	Nil
Issues Discussed:	<ul style="list-style-type: none">• Character of Bungendore• Inconsistent with Desired Future Characteristics of North Elmslea New Residential Development under Palarang Development Control Plan 2015• Public Interest
Disclosure of Political Donations and Gifts:	Applicant declared no Donations or Gifts to any Councillor or staff have been made

Background

The subject site was created as part of DA.2020.1469.

Proposed Development

Development Application No. DA.2022.1574 seeks approval for the construction of a new two (2) storey dwelling in the new subdivision of Elmsgrove.

The ground floor will contain a triple garage, kitchen/dining, Family room, Living Room, 2 bedrooms, bathroom, Master bedroom with en-suite, and alfresco.

The sub floor will contain bedroom 4, bathroom, Laundry, Rumpus Room and alfresco area.

The dwelling will have a setback to the garage of 8925mm, 6765mm to main dwelling and 6165mm to porch. The garage will be setback 1500mm from the western boundary and 1860mm to the main dwelling.

The dwelling is setback 6270mm from the eastern boundary and 12275mm from the rear boundary. The lot is rectangular in shape.

There will be a 22,500L RWT located in the rear yard.

9.1 DA.2022.1574 - 25 Whitton Rise, Bungendore NSW - Construction of two (2) storey dwelling house (Author: Ormella/Jauncey) (Continued)

Subject Property

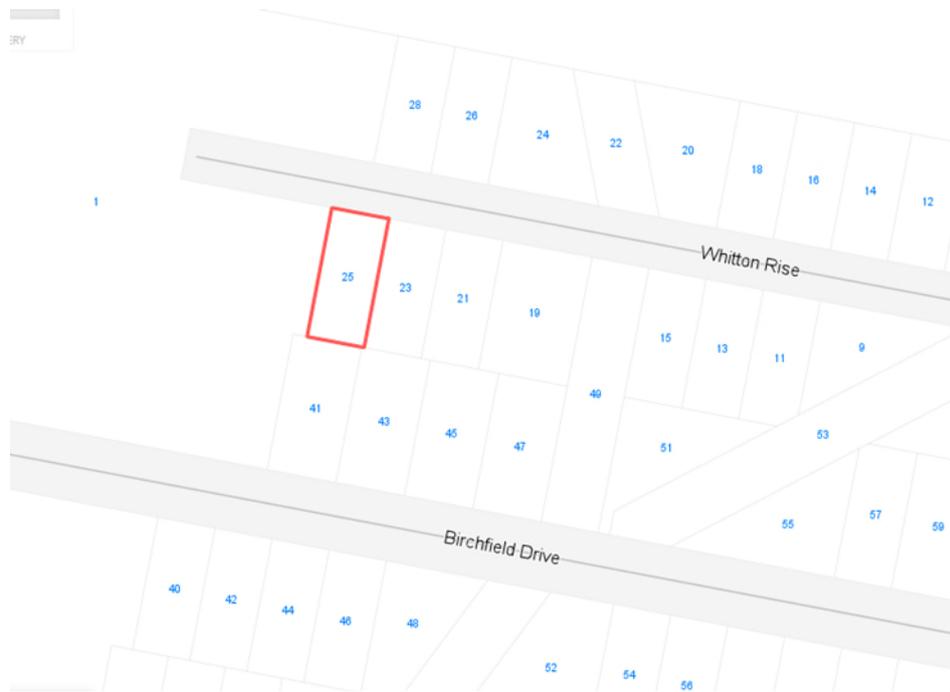


Figure 1: Plan shows location of site.

The subject site is legally described as Lot 23 DP 1282739 and is commonly known as 25 Whitton Rise, Bungendore. The lot is situated on the southern side of Whitton Rise approximately 150m west of the intersection of Harp Avenue. The lot is rectangular in shape with a street frontage of 20m and a depth of 45.5m. The lot has an area of 909 square metres. The lot falls quite steeply from the street to the rear.

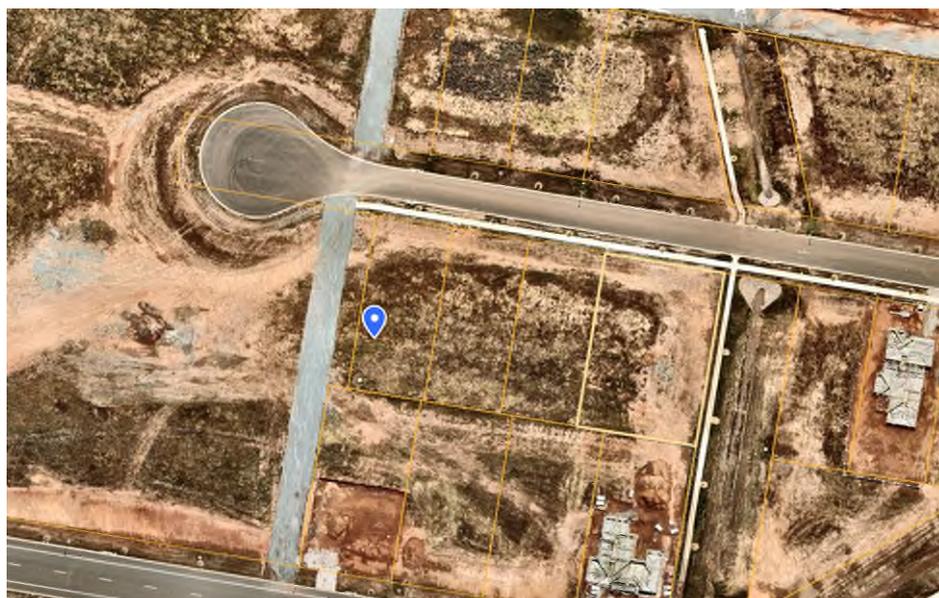


Figure 2: - Locality Plan

9.1 DA.2022.1574 - 25 Whitton Rise, Bungendore NSW - Construction of two (2) storey dwelling house (Author: Ormella/Jauncey) (Continued)

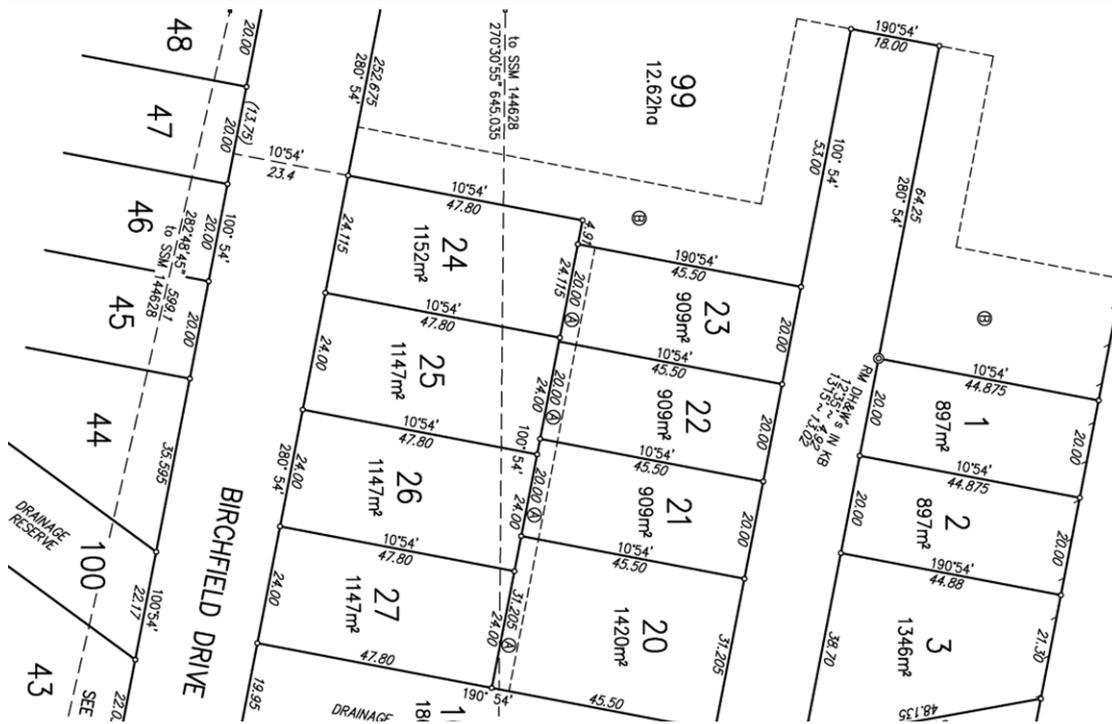


Figure 3: - Copy of DP 1282739

A site inspection was undertaken on 15 December 2022

The site is quite steep with a fall from the street in a southerly direction to the rear of the site. The estate is newly developed with some dwellings currently under construction.



Photo 1: Shows view looking south from street frontage.

9.1 DA.2022.1574 - 25 Whitton Rise, Bungendore NSW - Construction of two (2) storey dwelling house (Author: Ormella/Jauncey) (Continued)



Photo 2: Shows view looking South-East showing dwelling under construction in Birchfield Drive.



Photo 3: Shows view looking east showing dwelling under construction.

9.1 DA.2022.1574 - 25 Whitton Rise, Bungendore NSW - Construction of two (2) storey dwelling house (Author: Ormella/Jauncey) (Continued)

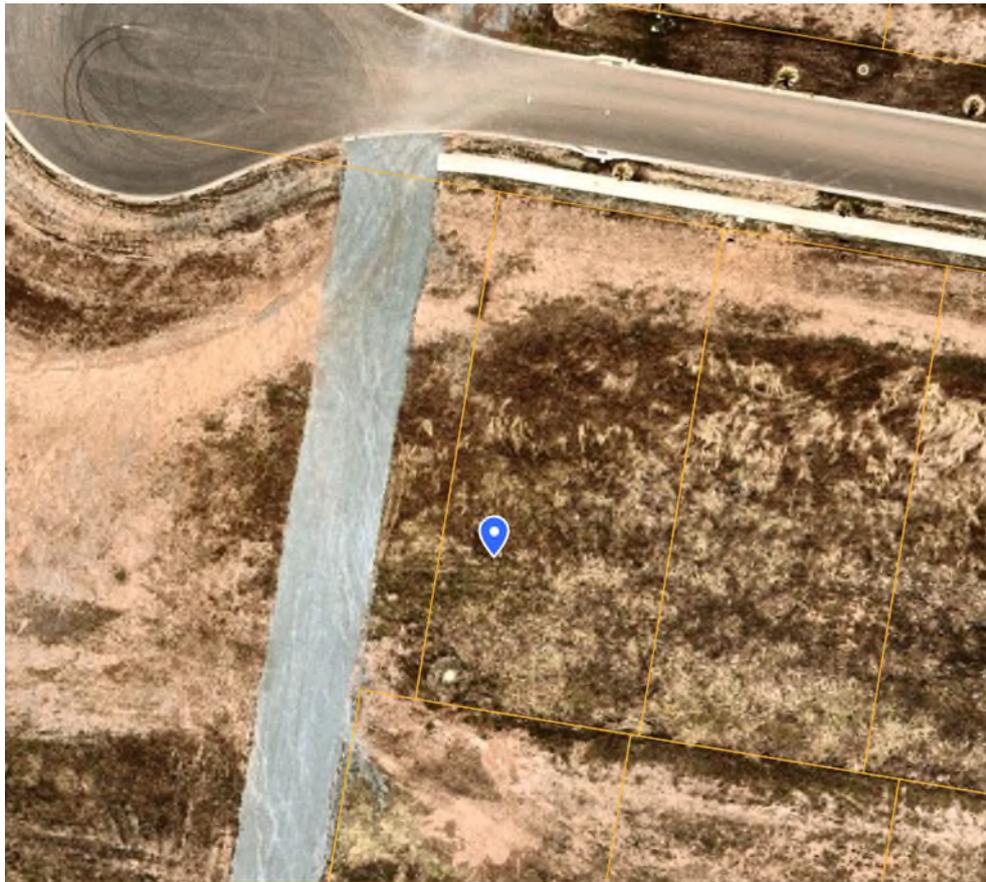


Figure 3 – Aerial View of Site

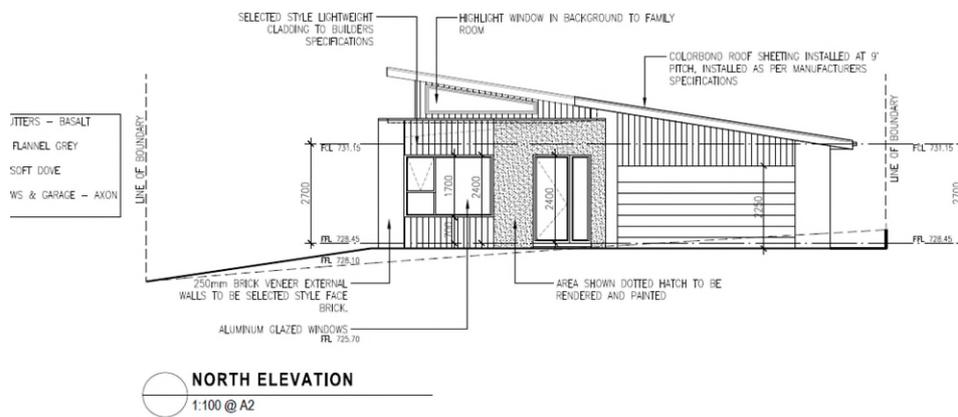


Figure 4 – Front elevation of proposed dwelling

9.1 DA.2022.1574 - 25 Whitton Rise, Bungendore NSW - Construction of two (2) storey dwelling house (Author: Ormella/Jauncey) (Continued)



Figure 5 – Eastern elevation of proposed dwelling

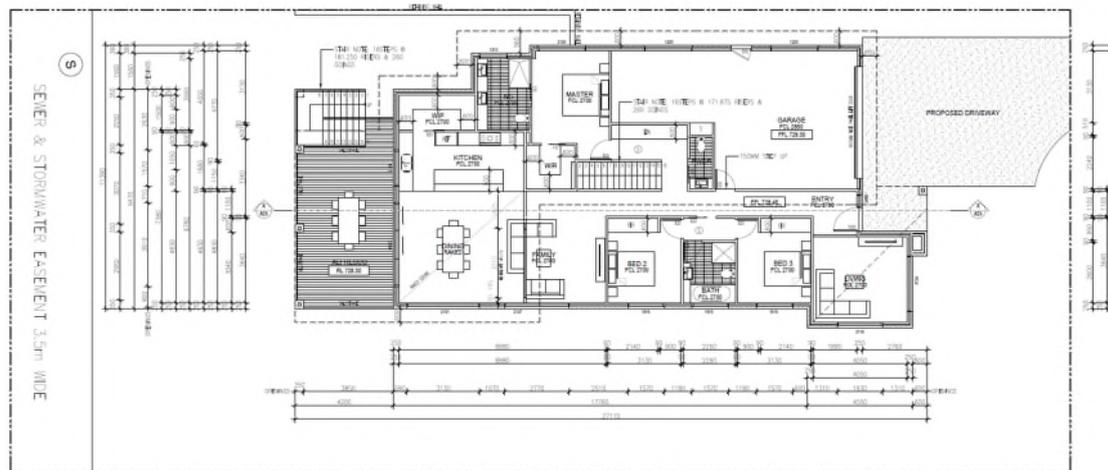


Figure 6 – Ground Floor Plan

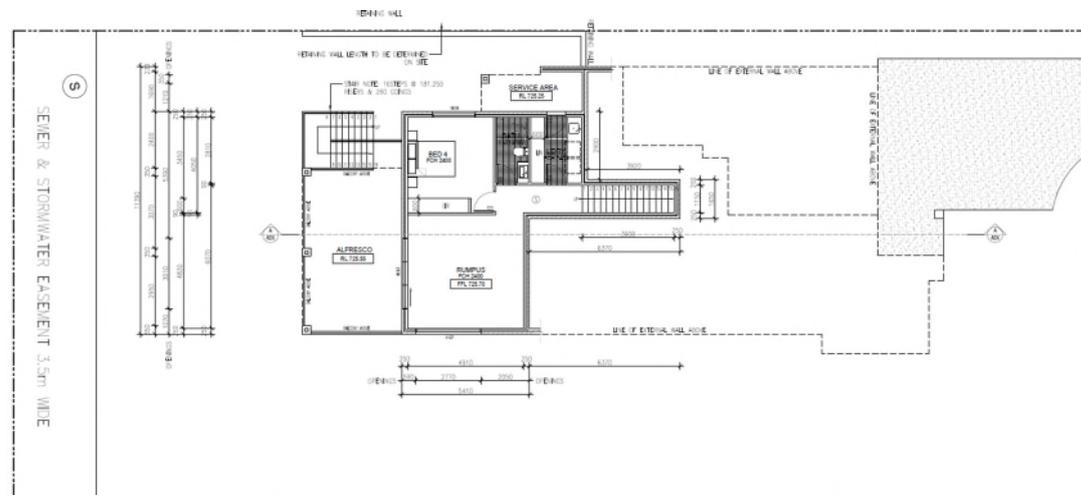


Figure 7 – Sub Floor Plan

9.1 DA.2022.1574 - 25 Whitton Rise, Bungendore NSW - Construction of two (2) storey dwelling house (Author: Ormella/Jauncey) (Continued)

Planning Requirements

Assessment of the application has been undertaken in accordance with Section 4.15 of the Environmental Planning and Assessment Act (EPAA) 1979, as amended. The matters that are of relevance are summarised in the attached *Section 4.15 Table – Matters for Consideration (Attachment 1)*.

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

1. State Environmental Planning Policy (Resilience and Hazards) 2021
2. State Environmental Planning Policy (Building and Sustainability Index: BASIX) 2004
3. Palerang Local Environmental Plan 2014 (PLEP 2014).
4. Palerang Development Control Plan 2015 (PDCP 2015)

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

(a) Compliance with LEP

- (b)** The proposed development is consistent with the aims of the PLEP 2014 and satisfies the relevant objectives of the zone (refer to Section 4.15 Table – Matters for Consideration for a detailed assessment). **Compliance with DCP**

The proposed development is consistent with the general provisions of the Palerang Development Control Plan 2015 except for the desired future characteristic (single storey dwelling) in the new release area of Bungendore (North Elmslea) under Part D6 of Palerang DCP 2015. The proposal is for a two-storey dwelling house which is supported for the following reasons:

- a) *The desire of a "single storey" characteristic is inconsistent with the maximum 8.5m height permitted by the Palerang LEP 2014 and the current Queanbeyan-Palerang Regional LEP 2022. The proposal meets the height requirements of Clause 4.3 of PLEP 2014 and the PLEP 2014 does not prevent the two-storey dwelling on the subject site.*
- b) *The desire of a "single storey" characteristic as suggested in the PDCP, is not a consideration in regard to the requirements in Part 3C – Greenfield Housing Code and Part 3D – Inland Code of SEPP (Exempt and Complying Development Codes) 2008 which would otherwise allow for the two-storey dwelling house if the approval pathway was under a Complying Development Certificate (CDC).*
- c) *The proposal is considered consistent with the aims of the Palerang LEP 2014 and objectives of the R2 Low Density Residential zone as it provides for the housing needs of the community within a low-density residential environment.*
- d) *The proposed dwelling adequately addressed the streetscape with modulated building forms, articulated facades, variety of front setbacks, mixed materials and colours and suitable landscaping to ensure that it will not detract from the existing and desire future character.*

9.1 DA.2022.1574 - 25 Whitton Rise, Bungendore NSW - Construction of two (2) storey dwelling house (Author: Ormella/Jauncey) (Continued)

- e) *The upper storey component has been appropriately designed and is setback a suitable distance from adjoining properties to minimise any impacts on the amenity of adjoining residents.*
 - f) *The proposed development including driveway has been designed and sited to allow for street tree planting opportunity.*
 - g) *The controls under Part D6 of the Palerang DCP 2015 do not specify that dwellings must be single storey as this would be contrary to the Palerang LEP 2014 and the current Queanbeyan-Palerang LEP 2022.*
- a. The proposed variation is considered to be minor and the encroachment will not have adverse impact on the existing streetscape. The variation is not considered to reflect an overdevelopment of the site and can be supported in this instance.

(c) Other Matters – Queanbeyan-Palerang Regional Local Environmental Plan 2022

The Queanbeyan-Palerang Regional LEP 2022 commenced on the 14 November 2022.

The subject development application DA.2022.1574 was lodged on 19 October 2022. Clause 1.8A Savings provisions relating to development applications states “If a development application has been made before the commencement of this Plan ...the application must be determined as if this Plan had not commenced.” As such the application was assessed under the Palerang Local Environmental Plan 2014 that was in force at the time.

(a) Building Surveyor’s Comments

Council’s Building Officer offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

(b) Development Engineer’s Comments**Water:**

20 mm water tie is provided at the frontage (Northern side) of the lot, and it is visible on site. Please refer WAE attached below for exact location.

Sewer:

As per WAE, 100mm Sewer tie is provided at the South - East corner of the lot. 3.5m wide combined sewer and stormwater easement running parallel along Southern boundary of the property over the lot. Proposed RWT is close to the combined easement. The easement needs to be protected by the piercing which needs to be at depth of RL 723.09 m AHD. Easement protection condition will apply to this development and applicant needs to submit structural drawing with piercing prior to submit the CC.

Storm Water:

As per WAE, 3.5 m wide combined Sewer and Stormwater easement running parallel along Southern boundary of the property over the lot. Please refer to the attached WAE for exact location. Please refer “sewer” for details.

Traffic and Parking:

Proposed dwelling has attached double garage with 4.8m wide door opening and it has an adequate side clearance of 300mm to satisfy the requirement of AS2890.1.

9.1 DA.2022.1574 - 25 Whitton Rise, Bungendore NSW - Construction of two (2) storey dwelling house (Author: Ormella/Jauncey) (Continued)

Section 7.11:

Contributions are calculated at 1 ET for additional demands on infrastructure. Contribution to Bungendore Car parking facilities (Residential Zones) for a total of **\$718**

Flooding:

No

Financial Implications

The proposed development attracts developer contributions under the Bungendore S7.11 Contributions Plan for Car Parking Facilities of the EP&A Act.

Engagement

The proposal required notification under the Community Engagement and Participation Plan. The application was notified from 18 November 2022 to 06 December 2022. No submissions were received.

Conclusion

The submitted proposal for the construction of a two-storey dwelling house on Lot 23 DP 1282739, No. 25 Whitton Rise, Bungendore NSW 2621 is Local Development and is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and no submissions were received.

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

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

The main issues relate to the desired future characteristic of single storey dwellings in the new release area of Bungendore (North Elmslea) requirements under Part D6 of *Palerang DCP* have been adequately addressed with the design and has not resulted in amenity impact. The proposed development is considered suitable for the site, is compatible with the neighbourhood and can be conditioned to mitigate any potential impacts.

Attachments

- | | |
|--------------|---|
| Attachment 1 | DA.2022.1574 - S4.15 Matters for Consideration - 25 Whitton Rise Bungendore (<i>Under Separate Cover</i>) |
| Attachment 2 | DA.2022.1574 - Plans - 25 Whitton Rise Bungendore (<i>Under Separate Cover</i>) |
| Attachment 3 | DA.2022.1574 - Draft conditions of consent - 25 Whitton Rise Bungendore (<i>Under Separate Cover</i>) |

9.2 Amendment to Googong Development Control Plan 2010 (Ref: ; Author:
Ormella/Jansen)

File Reference: 26.1.1-04

Recommendation

That Council place on public exhibition the new Part 10 of the Googong Development Control Plan (2010) as proposed for 28 days in accordance with Council's Community Engagement and Participation Plan.

Summary

The purpose of this report is to seek Council's endorsement to proceed with the exhibition of a new Part 10 of the *Googong Development Control Plan 2010 (GDGP)* (Attachment 1) and to seek endorsement to finalise Part 10 of the *GDGP* should no submissions be received. In the event that submissions are received these will be reported to Council.

Background

The *GDGP* has over time had a number of amendments to incorporate new structure plans for various neighbourhoods at Googong. Neighbourhood Structure Plans for Neighbourhoods 3 to 5 were adopted in 2020. These are the final neighbourhoods of the Googong Urban Release area. When the *GDGP* was first drafted a Part 10 was included to provide some controls for development at the Neighbourhood Centres as well as some broad controls for the Town Centre. However, as the Town Centre would not be developed for a number of years it was always envisaged that controls for the Town Centre would be refined in future.

Report

A new Part 10 of the *GDGP* (Attachment 1) was submitted to Council by the developers of the Googong Urban Release Area (Googong Township P/L - GTPL). Part 10 of the *GDGP* now provides for a range of controls for the Town Centre covering issues of:

1. Sustainable Development
2. Land Use and Indicative Layout
3. Access and Movement
4. Built Form
5. Waste Management
6. Landscaping
7. Public Domain and Active Frontages
8. Safety and Security
9. Stormwater Strategy
10. Signage and Advertising.

9.2 Amendment to Googong Development Control Plan 2010 (Ref: ; Author: Ormella/Jansen) (Continued)

A number of Structure Plan maps are included to support the design principles in it. New Neighbourhood Structure Plans are required to be submitted prior to a development application for subdivision being considered at Googong.

Part 10.3 of the *GDCP* sets out controls for the Neighbourhood Centres. These remain unchanged.

The draft document was reviewed internally by staff from the DA team as well as Council's New Release Coordinator and following their input, it was amended to address any concerns raised. One of the changes was deleting a table with permitted land uses from the initial draft document. Land uses are specified in the *Queanbeyan-Palerang Regional Local Environmental Plan (2022)* which is a statutory document. There is no need to duplicate this in the DCP.

The existing Part 10 of the DCP contains a control under the heading of 'Built Form' requiring buildings fronting the main street to have a consistent wall height with a minimum height of 2 storeys and podium levels above 2 storeys to be set back 6 m from the street. It is suggested by the Development Team that the requirement of a 6m setback for podium levels above 2 storeys be deleted. There are sufficient other design controls (height limits, solar access, view lines) to achieve desired built form outcomes.

The existing Part 10 sets out a requirement under 'Active Street Frontages' for buildings to contain no more than 5m of ground floor wall without a door or window and for windows to make up at least 50% of the ground floor wall. Discussion with the DA team resulted in rewording this control to allow for more flexibility.

A workshop with Council was held on 30 November 2022, where the proponent gave an overview of the design principles of the proposed controls for the town centre at Googong.

Other changes may arise as a result of community engagement.

Risk/Policy/Legislation Considerations

The amendment to the GDCP is consistent with previous amendments incorporating structure plans for new neighbourhoods. The draft document will be placed on public exhibition for 28 days in accordance with Council's Community Engagement and Participation Plan.

Financial, Budget and Resource Implications

As per Council's fees and charges, a fee of \$5,500 was paid by the applicants for the amendment to the *GDCP*.

Links to QPRC/Regional Strategic Plans

The review of the *GDCP* is consistent with the programs and outputs of the Operational Plan for the Land-Use Planning branch.

9.2 Amendment to Googong Development Control Plan 2010 (Ref: ; Author:
Ormella/Jansen) (Continued)

Conclusion

The new Part 10 of the *GDCP* is considered appropriate and the Structure Plans included in the document set out the vision for the Googong Town Centre.

Attachments

Attachment 1 Googong DCP Part 10 Town Centre and Neighbourhood Centres (*Under Separate Cover*)

9.3 Planning Proposal to Reclassify part of Bunyip Park, Googong from
Community Land to Operational Land (Author: Ormella/Kurzyniec)

File Reference: PJT0061-24-02

Recommendation

That Council proceed with the planning proposal to reclassify part of Bunyip Park, Googong (Lot 342 DP 1259563) from community to operational land in accordance with the *Local Government Act (1993)*.

Summary

The purpose of this report is to update Council with respect to reclassifying part of Bunyip Park, Googong from community land to operational land in accordance with the *Local Government Act (1993)*. This report also seeks Council's agreement to take all other necessary actions to finalise the planning proposal to reclassify the subject land.

This is to allow land to be transferred from Council ownership to the developer of the Googong Town Centre for it to be managed as part of a proposed future commercial space (predominantly seating to be used by nearby food and drink premises).

Background

Council previously resolved to agree in principle to the reclassification of the subject land on 10 August 2022 (**Resolution No 315/22**) from community to operational land and to transfer the land to Googong Township Pty Limited (GTPL). The costs of the reclassification and transfer of the land will be borne by GTPL.

At its meeting on 12 October 2022 (**Resolution No 407/22**), Council further resolved that the draft planning proposal to reclassify part of Bunyip Park, Googong from community land to operational land under the *Local Government Act (1993)* be forwarded to the NSW Department of Planning and Environment (DPE) to seek a Gateway determination.

A Gateway determination was issued by DPE to proceed with this planning proposal under delegation on 4 November 2022.

The subject land to be reclassified is part of Lot 342 DP 1259563 located at 19 Glenrock Drive Googong (Attachment 1). The land was recently dedicated to Council as part of a larger public reserve on 17 April 2020. The dedication of the public reserve was required under the Googong Urban Development Planning Agreement between Council and GTPL and applying to the land. The land was transferred at no cost to Council.

The reserve is classified as community land under the *Local Government Act (1993)*. The land to be reclassified is part of the proposed town centre for the Googong Township and will be used to provide for future seating and ancillary uses associated with proposed retail and commercial establishments to be constructed in the vicinity of the town centre. The proposed land to be reclassified has an area of 363m².

Report

As noted, the draft planning proposal seeks to reclassify the subject land from community land to operational land under the *Local Government Act (1993)*. This will be done by amending

9.3 Planning Proposal to Reclassify part of Bunyip Park, Googong from Community Land to Operational Land (Author: Ormella/Kurzyniec) (Continued)

the *Queanbeyan-Palerang Regional Local Environmental Plan (2022)* to include the subject land in Part 2 of Schedule 4 Classification and reclassification of land of the plan.

The draft planning proposal was placed on public exhibition from 22 November 2022 to 27 January 2023 (the minimum requirement is usually 28 days, however, due to Christmas and New Year, the advertising period was extended). No submissions were received by Council.

The public hearing was chaired by an independent chair, Mr Glenn Allen, from AQ Planning, in accordance with section 47G (2) of the *Local Government Act (1993)* (Attachment 1).

The public hearing was held on Tuesday 28 February 2023 at the Googong Community Centre at 5.30pm. No members of the public attended the hearing, and no submissions were received. Staff attended as did a representative of GTPL.

The independent chair has provided Council with the final report, which has been placed on Council's Your Voice (Attachment 1).

The following section sets out the conclusions and recommendations by the independent chairperson from the report:

Following consideration of the statutory provisions and matters clarified at the public hearing it is our recommendation that the reclassification proposal could proceed, should Council resolve to proceed with the planning proposal to reclassify the subject land to operational, based on the following:

- 1. The proposed reclassification is not considered contrary to the public interest as the community have raised no objections regarding the proposed reclassification, no submissions were received, and no members of the general public attended the public hearing,*
- 2. The site area is considered minor being 363m² of an existing 2.25hectare lot, the balance of which would remain as community land,*
- 3. As the land transfer for the existing Bunyip Park to Council is relatively recent a Plan of Management (PoM) does not currently exist for the Park, although Council staff advised that a PoM will be prepared. In this regard the proposal is unable to be assessed against a PoM although it is noted that the draft planning proposal states that Council has adequately considered the implications for open space in the Googong urban release area and that as the open space will continue to be used by the community, but proposed to be managed by the developer (GTPL), Council consider that it will have negligible impact on the community's access and use of the broader area for public purposes,*
- 4. The proposed reclassification is not intended to impact, limit or reduce the community's access to Bunyip Park as the broader Bunyip Park area will be retained by Council and classified as community land.*

Risk/Policy/Legislation Considerations

The draft planning proposal has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Act (1979)*, the *Environmental Planning and Assessment Regulation (2021)* and the *Local Government Act (1993)*.

Financial, Budget and Resource Implications

The applicant has paid the costs incurred thus far of processing the planning proposal in accordance with Council's current schedule of fees and charges. The applicant is required to also pay the cost of the independent chairperson who was appointed by Council to hold the

9.3 Planning Proposal to Reclassify part of Bunyip Park, Googong from Community Land to Operational Land (Author: Ormella/Kurzyniec) (Continued)

public hearing and who prepared the report on the outcomes of the public hearing (as required under the *Local Government Act (1993)*).

The required fees are as follows:

1. Public Hearing Fee - AQ Planning \$7,426 including GST,
2. Hire of Googong Community Centre & Catering - \$260 including GST.

Links to QPRC/Regional Strategic Plans

The draft planning proposal is consistent with the programs and outputs for the Land-Use Planning branch as identified in the Operational Plan 2022-23.

Conclusion

Council has now undertaken all the necessary actions up to this point under the relevant legislation to finalise the reclassification of the subject site. The independent chairperson engaged to run the public hearing has provided the report and has recommended Council proceed with the reclassification of the land in this instance (Attachment 1). Taking all matters into consideration it is concluded that Planning Proposal should be finalised.

Attachments

- Attachment 1 Public Hearing Report - Proposed Reclassification - Part Lot 342 DP 1259563, Googong (*Under Separate Cover*)

9.4 Post-Exhibition Report - Bin Inspection and Contamination Policy (Ref: ;
Author: Hansen/Belcher)

File Reference: 34.1.98

Recommendation

That Council adopt the Bin Inspection and Contamination Policy as attached.

Summary

The Draft Bin Inspection and Contamination Policy was placed on public exhibition for a minimum of 28 days from 28 November 2022 to 31 January 2023. A total of 8 submissions were received. Staff responses to the submissions are shown in the below table and subsequently no changes are recommended to the policy. It is recommended that the attached Policy now proceed to be adopted.

Background

Council considered the draft Bin Inspection and Contamination Policy at the Ordinary Meeting of 23 November 2023. Council resolved (Resolution 478/22) to place the draft policy on exhibition and receive a further report on the outcome of the consultation.

Report

There are no proposed changes to the Policy.

No	Comments	Response
1	<p>This policy relies on all residents using the website for the latest information, but we know that not everyone does use the web, in particular older residents. Therefore, the policy needs a provision that stipulates that when a change is made to the information on the website, it is notified to residents by publication in: (these mostly don't require additional publications)</p> <ol style="list-style-type: none">1. the regular public notices (available online and in local papers)2. the weekly e-newsletter people can subscribe to3. the monthly print publication delivered to all dwellings4. any regular council publication to local business and5. notification to strata managers for distribution to all residents <p>- All of council's libraries and mobile library are to hold a copy of the most current information; and when the information is updated, a notice is to be displayed on the library notice board alerting people to changes or conveyed to people using the mobile library</p> <p>- Need to clarify the threshold for a contamination event – provide some examples</p>	<p>The consultation has been conducted in accordance with Council's adopted policies.</p> <p>Details of what is accepted and not accepted are available on Council's website and is shown on letters sent to residents.</p>
2	<p>Totally agree that contamination of bins needs to be fixed. The draft is good however, maybe lots more</p>	<p>Suspension of services only occurs after several</p>

9.4 Post-Exhibition Report - Bin Inspection and Contamination Policy (Ref: ; Author: Hansen/Belcher) (Continued)

No	Comments	Response
	education needs to be done prior to suspending someone's rubbish for 3 months. I feel if you suspend for so long people will just start illegally dumping rubbish then we have a new problem. My thoughts anyway otherwise draft is good.	attempts at education. The policy provides opportunities for residents to proactively engage with Council's waste area to lower the level of the Contamination Event.
3	What a waste of time, money and resources.	Contamination is a significant issue with real-world consequences. Waste disposal/ processing contracts include penalty charges for contamination above specified levels. Further, contamination of incoming recyclables at the ACT Materials Recycling Facility cannot be ruled out as the source of the recent fire that destroyed this facility.
4	You need to spell out the rights to appeal idiotic decisions. eg. Somebody throws a car battery or similar in a random bin and the ratepayer is blamed. You also need to remember that bins are out of the control of the resident once they are placed on the kerbside. Your decision makers need to show flexibility and deal with each case on its merits. I have seen the arbitrary manner in which some QPRC officers handle many issues and frankly, I do not trust them to make judicious decisions. Perhaps you need to have a proper oversight of the behaviour of your staff. Things like disability, age and NESB can have an impact on the behaviour of residents. You need to do much better when it comes to informing residents of THEIR rights. You do sometimes get a bit too big for your boots. You should keep this in mind when you try to increase rates. If I pay more I EXPECT more from council in terms of service standards at the very least.	Complaints about decisions will be handled through the existing Complaints Management Framework. The issue related to use of bins by others is acknowledged and the Policy allows for each case to be dealt with on its merits.
5	Adequate education and/or clear(er) guidance needs to take place prior to implementation, otherwise looks good.	The Policy contains graduated options that focus on education prior to enforcement.
6	It is a good idea but take heart as Liverpool Council has set a precedent by claiming all bins and contents are council property when placed on the kerb. This was discussed when I was working at council. Please get GOOD LEGAL advice before proceeding.	Council has a responsibility to proactively manage contamination to ensure risks to ratepayers are managed.
7	Education in schools on this is necessary - children can teach their parents	Council operates a waste education program that delivers school education. The education program and

9.4 Post-Exhibition Report - Bin Inspection and Contamination Policy (Ref: ; Author: Hansen/Belcher) (Continued)

No	Comments	Response
		proposed Policy are complimentary.
8	Surely under current financial circumstances this is not priority	Inspections carried out under this Policy will be undertaken using existing resources.

Risk/Policy/Legislation Considerations

The Policy is consistent with Council policies, is legal and has manageable risk. Adoption of the Policy is beneficial for the community as it provides a framework that can be consistently applied.

Financial, Budget and Resource Implications

Adoption of the Policy has no impact on finances, budget or resources. Implementation of the Policy is covered by existing staff and resources.

Links to QPRC/Regional Strategic Plans

The Policy is consistent with Strategic Objective 4.2 of the QPRC Community Strategic Plan and the QPRC Waste Strategy.

Conclusion

The submissions received have been considered and no changes to the draft Policy are recommended. It is recommended that the attached Policy now be adopted.

Attachments

Attachment 1 QPRC Bin Inspection and Contamination Policy (*Under Separate Cover*)

File Reference: 100265-4-1

Recommendation

That Council:

- 1. Approve a total budget of \$79,032,000 for the QCCP project.**
 - 2. Fund the additional cost of the project from:**
 - a. An extension of the current QCCP loan to be included in the 2023/24 Operational Plan.**
 - b. Funds paid by adjoining private developers.**
-

Summary

On 23 September 2019, Council resolved to proceed with delivery of the Queanbeyan Civic and Cultural Precinct (QCCP) in consideration of the business case, concepts and options proposed. A copy of these documents are attached for information.

The development application for the Queanbeyan Civic and Cultural Precinct (QCCP) was lodged in March 2020. The QCCP is located on the site of the former Council administration building at 257 Crawford Street and extends into the Lowe Car Park.

The QCCP will be a focal point of the Queanbeyan CBD, freeing up a number of Council-owned properties for potential redevelopment. The QCCP has a strong focus on community and cultural purposes, with more than 40% of the precinct comprising community spaces, linkages to The Q, public domain and breakout spaces attached to the Bicentennial Hall. The QCCP includes a head office for Council staff, the library, as well as commercial lettable space and space for NSW Government offices.

The development was initially estimated to cost \$74,861,000 and is funded from loans and grants and it was accepted by Council that the construction of the QCCP has not been without risk. The business case for the building anticipated numerous risk scenarios that were considered by Council before resolving to proceed with the project. Some of the risks have now materialised causing an increase in construction costs of 6.3%.

A proportion of the cost increase has been due to the additional works required to support the adjacent development being undertaken by The Village Building Company (VBC).

At the November 2022 Meeting, Council received a 12 month progress report on the QCCP, and informed of the significant delays to the project (22 weeks) which was estimated then to total \$3.9m. The main item being the high voltage substation, which was located in the new building site; and could not be removed until replacement infrastructure delivered by Essential Energy. Innovative solutions were implemented to allow the project to continue including, staging of the basement construction, alternate propping of the building to facilitate construction over the electrical infrastructure and sourcing of mini piling equipment.

9.5 QCCP Progress Report (Ref: ; Author: Ryan/Hansen) (Continued)

Report

The construction of the QCCP is progressing well. Work on the building is evident with the internal structure and external cladding nearly completed. Part of the basements has also been completed.

Work is now focused on the internal fit out of the building along with the construction of the basement access ramp and subsequently the public domain area adjacent to The Q. The building is anticipated to be completed by July 2023. Staff would then move into the new building.

Staff have been located in 9 different buildings and the Depot in Queanbeyan since 2020, with various teams in the heritage Fire Station, Cottages and former houses, which have been fitted out as office space. The opportunity to bring people working for QPRC together will be a positive outcome for our staff. The development proposed for the land in Rutledge Street is now the subject of a Development Application (DA 2023.0044) which includes retail and shop top housing residential space, with underground car parking.

The progress of the building has not proceeded as planned and there has been numerous delays experienced by the contractor. COVID-19 lockdowns in NSW in August-September 2021 caused noticeable impacts to local resource availability. The ongoing national impacts of these lockdowns has affected the project so far and further impacted building and supply industries worldwide.

Historical finds of a Well and Cistern on 21 September 2021 have also delayed the work. Work processes were adjusted to ensure the preservation of the well along with additional time and expense to protect the well from adjacent work.

Part of the work included the construction and removal of several major electrical substations. There have been unanticipated extensions to substation procurement periods along with extended approvals periods that have caused significant program delays to the completion of the building.

Substation manufacturing timeframes significantly extended from tender to completion. Extended manufacture timeframes impacted the ability to remove old substations located within the building footprint, requiring significant out of sequence works to enable the progression of project.

Delays have also been experienced from the coordination with adjacent developers for submission of S4.55 application for the modification to the project in the following areas:

- Modification to HV pathway to accommodate ramp changes.
- Entry ramp – elongation and depth to scoped ramp to facilitate future access into adjacent developments.
- Gas – new location for gas meter resultant of changes to the ramp and bike structure location.
- Sewer diversions
- Bike Storage –alternate design location has been identified in the S4.55 modification. The Location has moved from adjacent to the ramp to the south-east of the public domain site.

9.5 QCCP Progress Report (Ref: ; Author: Ryan/Hansen) (Continued)

The S4.55 DA modification to accommodate the VBC design changes was approved on 16 December 2022.

In addition to the delays detailed above, numerous variations have been received from ADCO for work that has been fair and reasonably assessed to be necessary to complete the contracted project. The additional value of the variations received from ADCO to date total \$4,507,000 however some of these variations are yet to be approved by Council.

On the other side, some agreed changes early on enabled work to continue whilst sub stations were being delivered and other delays. Prudent selection of materials have reduced individual expenditure items including furnishing, outdoor paving, carpets and tiles; which have saved the project at least \$800,000.

Risk/Policy/Legislation Considerations

At the time Council resolved to proceed with the project, a number of risks were discussed and considered by Council during several workshops in 2019. These risks included:

- Government tenant changes scope
- Low contingency amount in the contract
- Finish Quality lower than expected
- Design & Construct vs Construct only tender
- Builder margin pressure
- Cost escalation due to market forces
- VBC staging not coinciding with Council build program
- Grants not realised

In consideration of these risks, Council resolved to proceed with the project.

Financial, Budget and Resource Implications

The proposed additional project budget to be funded by Council outlined in this report is \$4,685,000, representing a contract variance of 6.3% on the original budget. Additionally, Council have only secured \$500,000 in grant funding against the original budgeted capital grants of \$1,923,000 – leaving a grant funding shortfall of \$1,423,000. The total additional project cost is therefore \$6,108,000. This would require an additional loan to finalise project payments in 2023/24, with an estimated additional annual principal and interest repayment of \$514,000 for 20 years.

The estimated repayment amount has assumed an interest rate of 5.7%. Whilst interest rates are currently volatile, a 0.5% buffer has been allowed on the current NSW Treasury Corp interest rate which is 5.17% for a fixed rate 20 year loan. Council has currently been excluded from utilising low cost loans offered through the NSW Treasury Corporation until its long term financial plan is accepted, and this restriction is expected to have been removed by 2023/24.

Current estimates of property sales as a result of vacating the buildings in Rutledge Street and Crawford Street is \$13,050,000, including the \$8,050,000 to be received in 2024 and an estimated \$5,000,000 on the sale of the additional buildings in Crawford Street. The income from property sales will allow Council to immediately correct its insufficient unrestricted cash balance (\$8,050,000 in 2023/24) and make an early loan repayment (\$5,000,000 in 2027/28.)

9.5 QCCP Progress Report (Ref: ; Author: Ryan/Hansen) (Continued)

	Original Budget	Proposed Budget Adjustment	Proposed Budget
Project			
Council Administration Space	19,586,481		19,586,481
Community Space	34,693,155		34,693,155
Tenanted Space	20,567,364		20,567,364
Additional VBC Costs	-	3,122,000	3,122,000
Additional Tenant Costs	-	319,000	319,000
Additional water and sewer works	-	357,000	357,000
Contract variations	-	4,685,000	4,685,000
Total Project Expense	74,847,000	8,483,000	83,330,000
Capital Funding			
Grant - NSW State Library	500,000		500,000
Grant - not sourced	1,423,000	- 1,423,000	-
Private works contribution	-	3,441,000	3,441,000
Transfer from water and sewer fund	-	357,000	357,000
Total Capital Funding	1,923,000	2,375,000	4,298,000
Net Project Cost	72,924,000	6,108,000	79,032,000
Capital Financing			
2021 Loan drawdown Tcorp	7,263,000	-	7,263,000
2022 Loan drawdown - Tcorp	26,000,000	-	26,000,000
2023 Loan drawdown - ANZ	39,661,000	-	39,661,000
Further Loan	-	6,108,000	6,108,000
Total Finance	72,924,000	6,108,000	79,032,000
Contract Variation			6.3%

It must be noted that the final amount of the cost increase is subject to the final approval of variations submitted by ADCO to Council. The amount detailed is the upper limit of the variations received to date and includes a further \$400,000 to reflect the possible cost of further variations that may be submitted by ADCO.

Part of the financial business plan for the QCCP included the leasing of numerous areas within the new building.

The lease areas are described as:

- Ground Level Lease area 1 : 22 square metres.
- Ground Level Lease area 2 : 210 square metres.
- Level 3 Lease area : 650 square metres.
- Level 4 and 5 Lease area : 1,276 square metres.

An agreement with the NSW Government has been reached to lease Level 4 and 5. A Heads of Agreement has been signed and the various lease documents are presently being finalised with the tenant. The final draft lease will be reported to Council for consideration once it is completed.

Interest in the other leased areas has been positive and it is expected that suitable tenants will be secured before the building is completed. The draft lease documents will be reported to Council for consideration once they have been prepared.

9.5 QCCP Progress Report (Ref: ; Author: Ryan/Hansen) (Continued)

The rent that is received from these tenants will be used to assist fund the loan repayments and each tenant is responsible to fund their own fitout and outgoing costs.

The rent income received for the leased areas will fund about 23% of the loan repayments over 20 years. Compared to the entire building, the leased areas represent about 24% of the total floor area (excluding the basement).

Links to QPRC/Regional Strategic Plans

This project is a key feature of the Queanbeyan CBD Spatial Masterplan 2020.

Conclusion

A construction project of this scale even with contingencies included within the budget, has experienced variations out of the control of Council due to a number of circumstances as noted in the report. The additional budget for Council approval will be funded by extension of the QCCP borrowing facilities already in place, when funds are required.

Attachments

Attachment 1	QCCP Business Case (<i>Under Separate Cover</i>)
Attachment 2	QCCP Council Report (<i>Under Separate Cover</i>)
Attachment 3	QCCP Loan Program - Council Report (<i>Under Separate Cover</i>)

9.6 Suspension of Cemetery Reservations Queanbeyan General Cemetery (Ref: ;
Author: Richards/Geyer)

File Reference: 12.2.1

Recommendation

That Council suspend sales of Pre-purchase Right of Interments at Queanbeyan General Cemetery.

Summary

Council currently allows for the sale of Reservations within the various sections of Queanbeyan General Cemetery, along with all other cemeteries managed by Council.

In recent years, as Queanbeyan General Cemetery has been nearing capacity, staff have been continually filling gaps and identifying options to extend the serviceable life of this facility. However very few options now remain and in its present state, with the rate of reservation uptake, there is less than 12-month serviceable life at Queanbeyan General Cemetery.

Background

Council identified the need to find a future cemetery site in 2009, due to the Lanyon Drive facility reaching capacity. At the time, Council embarked on the process of identifying a new site, while acting, within the General Cemetery, to extend its serviceable life. Over the ensuing period, several options were taken. An audit of existing reservations was carried out and a number of redundant reservations were repurchased, laneways were reclaimed, and some declining trees were removed with the view to maximise capacity. As we have started running out of options, staff have noticed a marked increase in pre-purchase reservations being acquired.

Report

The annual uptake of Rights of Internment at Queanbeyan General Cemetery had remained relatively static over the years between 2009 and 2019, at approximately 200/annum, including new pre-purchase reservations and actual interments. An audit of the General Cemetery in 2015 identified 1007 exiting Pre-purchased Right of Interments and 791 vacant burial sites within the Lawn and Monumental sections, or an estimated service life of five years.

Staff embarked on an exercise of repurchasing reservations and creating additional plots, however these options are now almost completely exhausted. Figures 1 and 2 show the steady infill of Queanbeyan General Cemetery between 2010 and 2023. There is now only one area, the former farm dam, which requires civil engineering works to drain the site and rehabilitate the soil to allow future interments. This site has been included in Council's draft Operational Plan for consideration.

Figure 3 shows the gradual decrease in available plots, with periodic increases where staff have infilled sites. In recent months there has been an increase in pre-purchase sales and an increase in enquiries to purchase larger numbers of plots. This sudden uptake of reservations appears to be linked to an increasing awareness within the community that the General Cemetery is reaching capacity and the significant price difference between Queanbeyan and ACT Cemeteries. If reservations at Queanbeyan General Cemetery continue at the current rate, the facility will have no available plots within the Lawn, Monumental and Islamic sections to sell within 12 months.

9.6 Suspension of Cemetery Reservations Queanbeyan General Cemetery (Ref: ; Author: Richards/Geyer) (Continued)

With the Development Application process and onsite construction to establish the new Memorial Park estimated to take a minimum of two years, it is proposed to suspend any new pre-purchase Right of Interments, at Lanyon Drive, allowing the remaining plots to be utilised for those in need of immediate interment and honouring existing Rights of Interments.

Figures 1&2 Comparison of available land 2010-2023



Figure 3 Changes in available plots

Section	7 Apr 20	13 July 20	13 Aug 20	14 Oct 20	30 Dec 20	29 Apr 21	29 Jun 21	27 Aug 21	20 Dec 21	28 Feb 22	21 Apr 22	31 May 22	10 Nov 22	20 Feb 23
Lawn Plots	366	352	337	301	281	398*	387	348	281	256	296*	283	263	174
Monumental, (in earth) Plots	84	73	64	64	62	59	45	44	39	30	24	53*	50	51
Monumental (Vaults) Plots	19	17	17	14	7	3	11*	11	7	8	6	3	2	0
Bushland Plots	5	2	2	2	0	0	18*	22	17	17	16	25	22	20
Childs Plot	1	50*	50	47	49	46	46	44	43	42	39	39	38	13
Youth Plot	31	33	33	31	31	31	33	33	31	31	33	33	33	11
Magnolia Plots	20	16	16	16	3	3	1	21*	21	21	20	20	20	20
RSL Plots	105	109	109	109	109	109	109	109	89	89	89	89	28	39
Islamic Plots	9	7	7	6	4	28*	28	24	15	14	12	9	22*	22
Minus Un-allocated Reservations	-54	-51	-51	-51	-51	-51	-51	-49	0	-52	-51	-51	-51	-58
Total plots available	584	608	584	540	495	626	627	607	543	456	464	483	407	272

**9.6 Suspension of Cemetery Reservations Queanbeyan General Cemetery (Ref: ;
Author: Richards/Geyer) (Continued)**

Risk/Policy/Legislation Considerations

Council operates the Queanbeyan General Cemetery in accordance with the Cemeteries and Crematoria Act 2013 and Cemeteries and Crematoria Regulation 2022.

Financial, Budget and Resource Implications

While the suspension of pre-purchases will have a minor impact on immediate income, it will balance out with actual sales over the service life of the cemetery.

Conclusion

With the earliest possible interment at any new facility at least two years away and current pre-purchase rates expect to bring Queanbeyan General Cemetery to capacity within twelve months, suspension of pre-sales is considered the only viable option to service Queanbeyan's immediate need.

Attachments

Nil

9.7 Membership of Section 355 Committee for Braidwood Common (Ref: ; Author: Richards/Duncan)

File Reference: 52.3.3

Recommendation

That Council:

- 1. Endorse the nine volunteer community members to the newly formed Section 355 Braidwood Common Committee.**
 - 2. Nominate a Councillor representative for the Section 355 Braidwood Common Committee.**
-

Summary

At the 23 November 2022 meeting Council resolved to establish a Section 355 Committee to manage the land currently referred to as Braidwood Common. Expressions of interest were called for voluntary committee members with nine community members volunteering to become members of the Section 355 Braidwood Common Committee.

Background

Council owns 'Operational Land' along Flood Creek at 42 Bombay Road, Braidwood. The large area of land, treated as one parcel, was compulsorily acquired from the Crown in 2007 for potential future use by the wastewater treatment plant located opposite in Bombay Road; however, it is acknowledged that not all the land is required for Council purposes. The land was due to be revalued in 2020 but this did not occur. A licensee along with the community have put considerable work into improving and caring for the property.

The licensee advised Council he did not wish to renew the license and has put his name forward to continue as a volunteer as a member of the Section 355 committee. Stakeholders in the Braidwood community have also requested the creation of a Section 355 Committee to manage the Braidwood Common (42 Bombay Road Braidwood) on behalf of QPRC and the Braidwood community. This arrangement would transfer the common from its existing private license to a more accountable community management structure, better able to facilitate ongoing access and sustainable use by the Braidwood community and by visitors to the region.

At the 23 November 2022 meeting Council resolved to establish a Section 355 Committee to manage the land currently referred to as Braidwood Common (**Resolution No 479/22**).

Although QPRC Sewer operations do not require any portion of this land at the current time, part of the Section 355 committee terms of reference, will include and acknowledgement that portions of the land may be required to be returned for Council operational purposes. This area is not where most of the current community activity is focussed, nor is likely to limit future plans.

9.7 Membership of Section 355 Committee for Braidwood Common (Ref: ; Author: Richards/Duncan) (Continued)

The map below shows the current lease footprint and the existing community gardens (all outlined in red). This area is known as the Braidwood Common and would be the area managed by the prospective 355 committee. For reference, the map also shows Hassel Reserve further to the east.



Report

Expressions of interest were called for voluntary committee members for the Section 355 Committee to manage Braidwood Common. Nine community members responded including:

- Anne-Marie Duke
- Ben Gleeson
- Jillian Kuchel
- Sarah Leheny
- Sue Murray
- Larry O'Loughlin
- Maggie Piper
- John Tuckwell
- Mick Wall

The nominated community members are highly experienced and represent a diverse cross section of Braidwood stakeholder groups including Landcare, Braidwood Community Association, Braidwood Central School, Braidwood Community Garden, Braidwood Pre-school Association and Braidwood Lions club. All members are passionate with a common community interest and a wealth of professional and personal knowledge.

A Councillor representative is yet to be nominated for the committee.

The committee's first order of business will be to elect office holders and develop terms of reference in-line with the committee's identified priorities. Council officers will provide any assistance required to the committee to undertake this process.

9.7 Membership of Section 355 Committee for Braidwood Common (Ref: ; Author: Richards/Duncan) (Continued)

Risk/Policy/Legislation Considerations

Part of the Section 355 agreement will include the acknowledgement a portion of the land may be required to be returned for Council operational purposes.

Links to QPRC/Regional Strategic Plans

Community Strategic Plan – Strategic Goal 1.3

Our public and community places are inviting, accessible, encourage participation and are well maintained.

- Maintain public spaces to a high standard
- Community facilities are accessible, safe and inclusive

Community Strategic Plan – Strategic Goal 3.3

Our land, vegetation and waterways are managed in an integrated and sustainable manner.

- Sustain, manage and protect our land, biodiversity, vegetation and waterways.
- Sustainably manage natural landscapes and open spaces

Conclusion

Nine highly experienced and well represented Community members have volunteered to manage the Braidwood Common on behalf of Council. Nomination of a councillor representative will provide a committee membership of 10 members.

The formation of the Section 355 committee will continue to sustainably manage this land on behalf of Council will enable increased community visitation and participation.

Attachments

Nil

9.8 Investment Report - February 2023 (Ref: ; Author: Monaghan/Drayton)

File Reference: 43.6.5-01

Recommendation

That Council:

- 1. Receive the Investment Report for the month of February 2023.**
 - 2. Note the investment return for February 2023 was \$305,772.**
 - 3. Note the investment portfolio has been made in accordance with the *Local Government Act (1993)*, the *Local Government (General) Regulation (2021)* and Queanbeyan-Palerang Regional Council's Investment Policy.**
-

Summary

This report presents the investment result for February 2023.

Background

In accordance with Clause 212 of the Local Government (General) Regulation 2021, the Investment Report is presented to Council monthly.

Report

A list of Council's cash and investments held on 28 February 2023 is detailed in the attached Investment Report Pack.

Market Update – For the tenth consecutive meeting, the Reserve Bank (RBA) chose to raise the cash rate. The 25 basis points rise at the March 2023 meeting, brings the target rate to 3.60%. The statement accompanying the Board's decision again emphasised the Board's priority to return Australia's inflation rate to within their 2-3 per cent target range, however a change in language has indicated a pause in rate hikes may be coming soon.

Environmental Awareness - Market Forces is a campaign group focusing on environmental protection by exposing institutions financing projects that have a negative environmental impact. They have assessed over 115 banks, mutuals and credit unions to determine their position on lending to or investing in the fossil fuel (coal, oil, and gas) industry. Council's investment advisor, Laminar Capital has applied Market Forces' findings to Council's current investment portfolio with the results outlined in Section 5 of the attached Investment Report Pack.

Institutions that lend to the fossil fuel industry can mitigate some of the impact by offering products that are environmentally aware.

The Climate Bonds Standard Board operates as an advisory committee of the Climate Bonds Initiative Board and oversees the development of the Climate Bonds Standard. The Climate Bonds Standard and Certification Scheme is a labelling scheme for bonds and loans. Rigorous scientific criteria ensure that bonds and loans with Certification are consistent with the 2 degrees Celsius warming limit in the Paris Agreement.

The scheme is used globally by bond issuers, governments, investors, and financial markets to prioritise investments which genuinely contribute to addressing climate change.

Council has \$8,000,000 (3.3% of the total portfolio) invested in deposits with Westpac which have been deemed suitable to carry the Climate Bonds Standard Certification badge.

9.8 Investment Report - February 2023 (Ref: ; Author: Monaghan/Drayton) (Continued)

Risk/Policy/Legislation Considerations

Council has a fiduciary responsibility to exercise the care, diligence, and skill that a prudent person would exercise in managing the affairs of other persons.

Council's investments, as listed in Table 2 of the attached Investment Report Pack, comply fully with section 625 of the Local Government Act 1993, clause 212 of the Local Government General Regulations 2021, and Council's Investment Policy.

Certified by Josh Staniforth, Responsible Accounting Officer, 10/3/2023.

The Investment Policy was adopted by Council on 9 September 2022 and is due for review in September 2023.

Financial, Budget and Resource Implications

Over the last 12 months, Council's portfolio produced an annualised rate of return of 1.23%, underperforming the benchmark Bank Bill Index by -0.53%.

On 28 February 2023, the principal amount invested was \$245,479,500 and the 2022/23 financial year to date return was \$4,899,803 which exceeds Council's 2022/23 budgeted return by 23%.

Of the total \$245 million investment portfolio, Council holds \$27.64 million in TCorpIM long-term (LTGF) and medium-term (MTGF) funds. Both funds had a correction in February 2023 posting respective declines of \$138,427 and \$88,113.

The following table shows the funds' performances since the original deposit.

	LTGF	MTGF
	\$	\$
2017-18	981,891	-44,845
2018-19	1,160,462	635,485
2019-20	21,702	37,815
2020-21	2,557,413	927,076
2021-22	-1,300,450	-742,711
2022-23		
July	566,003	326,066
August	-79,823	-111,673
September	-504,031	-212,626
October	598,842	226,644
November	452,499	181,881
December	-503,526	-186,828
January	594,463	283,540
February	-138,427	-88,113
March		
April		
May		
June		
Return since inception	4,407,020	1,231,710
Initial Placement	12,000,000	10,000,000

While these funds are exposed to additional investment risks to generate higher potential returns, they are structured with longer term time horizons. The minimum advised investment time frame for the MTGF is 5+ years and 10+ years for the LTGF.

9.8 Investment Report - February 2023 (Ref: ; Author: Monaghan/Drayton) (Continued)

Paired with cash asset classes, these growth assets form a diversified portfolio within the restrictions of the Investment Policy.

Council's cash and investment balance is made up of restricted and unrestricted funds. Restrictions can be external eg Developer Contributions, or internal eg by resolution of Council. Restricted investments cannot be used for general purpose expenses as they are either subject to some form of external legislative or contractual obligation or are dedicated to future Council commitments.

The following tables show the 28 February 2023 cash and investments balance by fund and by restriction.

Fund	\$
General	111,828,299
Water	42,271,314
Sewer	87,226,815
Trust	152
Unrestricted*	4,152,919
Total Cash & Investments	245,479,500

Restriction	\$
Unexpended Loans	22,816,806
Developer Contributions	60,133,294
Unexpended Grants	16,019,784
External Restrictions (Other)	111,165,756
Internal Restrictions	21,463,582
DOE – Compensation	9,727,359
Total Restrictions	241,326,581
Unrestricted*	4,152,919
Total Cash & Investments	245,479,500

Unrestricted funds are a working balance and fluctuate over time as Council's operational plan is carried out during the financial year.

Conclusion

On 28 February 2023, the 2022/23 financial year to date investment return amounted to \$4,899,803. Investment returns are added to the associated restricted funds (e.g. developer contributions) that form Council's investment portfolio.

Attachments

Attachment 1 Investment Report Pack - February 2023 (*Under Separate Cover*)

9.9 Renewal of licence agreement with Majors Creek Recreation Reserve Trust
(Ref: ; Author: Flint/Turland)

File Reference: 46.1.1

Recommendation

That Council renew the existing agreement with the Majors Creek Recreation Reserve Trust for a further five-year term

Summary

QPRC has been approached to renew the existing licence agreement between Council and Majors Creek Recreation Reserve Trust.

Background

This matter was originally brought to Council on 24 January 2018 (**Resolution No. 021/18**). There is an existing licence agreement between Council and the Majors Creek Recreation Reserve Trust. The agreement expired on 23 January 2023 and is currently operating on holdover provisions.

Council approval is sought to renew the licence agreement on similar terms.

Report

The Majors Creek Recreation Reserve Trust manages and oversees a Crown Reserve in Majors Creek.

Council owns a block of land (Lots 1 & 2 Sec 4 DP758636) immediately adjacent to the reserve as depicted on the map below. For most intents and purposes, Council's land integrates seamlessly with the rest of the Reserve.

The existing licence agreement provides for care, control, and management of the Council-owned land on the part of the Trust alongside the rest of the Reserve. In exchange, a nominal \$1 fee is payable to Council if and when requested.

This agreement is mutually beneficial. QPRC is able to rely on the Reserve Trust to upkeep and maintain the land asset, freeing up Council resource allocation to redirect to other areas. As a result, the Reserve Trust is able to formalise their administration over the entire area of the Reserve without being concerned about the boundary.

The objectives of the Majors Creek Reserve Trust are consistent with QPRC's objectives of encouraging positive community engagement and cooperative use of public recreational spaces.

The present agreement with the Reserve Trust is due to expire. A Resolution from Council is sought to renew the agreement for a further 5-year period on similar terms.

The licence agreement does not extend to the RFS shed on the property.

9.9 Renewal of licence agreement with Majors Creek Recreation Reserve Trust (Ref: ; Author: Flint/Turland) (Continued)

**Risk/Policy/Legislation Considerations**

The land is classified as Council Operational land under the *Local Government Act 1993*. This allows QPRC to freely enter into private agreements over the land.

In this instance, a licence agreement is more appropriate than delegation to the community group under section 355 of the *Local Government Act*. This is because the majority of the area administered by the group is not under the control of Council and has no connection to QPRC. Management of the Council-owned area is only a minor aspect of the Recreation Reserve Trust's overall activities. Establishing an additional s 355 committee would also require further resource expense on the part of Council.

Financial, Budget and Resource Implications

The licence fee under the agreement is a nominal, peppercorn rate of \$1 if and when requested.

The Trust maintains and upkeep the area, meaning that QPRC does not need to pay costs or expend resources which otherwise may be required.

9.9 Renewal of licence agreement with Majors Creek Recreation Reserve Trust (Ref: ; Author: Flint/Turland) (Continued)

Conclusion

It is recommended that Council agree to renew the existing agreement for a further five-year period on similar terms.

Attachments

Nil

9.10 Sale of Part of 93 Ellerton Drive (Ref: ; Author: Flint/Turland)

File Reference: 52.4.1-116

Recommendation

That Council authorise the General Manager to execute the Contract of Sale for part of 93 Ellerton Drive to the Canberra Gospel Church Trust for \$120,000 (ex GST) subject to the conditions set out in the Contract of Sale.

Summary

In August 2019, the then Council agreed to sell Council operational land at 93 Ellerton Drive to the Canberra Gospel Church Trust. The site was to be used to provide additional parking for the nearby Church at 91 Ellerton Drive.

After delays, the Church is now ready to proceed with the sale and move towards settlement. Considering the passage of time that has passed and there being no formal resolution to the sale and price, the proposed sale has been brought back to Council for an updated endorsement ahead of execution.

Background

After being approached by the Church, the matter was brought to Council on 28 August 2019.

Council determined to endorse the sale of the land with the purchaser being made aware of the issues associated with the development of the site and requirements to obtaining a DA for car park construction, and the land be consolidated with the lot owned by the Church and that a strip of land be retained by Council to prevent direct access to the EDE (**Resolution No 302/19**).

Report

Figure A – Map of proposed sale (visual reference, approximate indication only)

The section of land is part of a larger lot owned by Council (Lot 5 DP800542), adjacent to the Ellerton Drive Extension Road reserve. Completion of the Contract is subject to and conditional upon the Purchaser completing all relevant works to obtain a subdivision of the Lot 2 DP 879921 and Lot 5 DP 800542 substantially in accordance with the Development Application and the Proposed Plan of Subdivision.

A Development Application from the Gospel trust (DA.2020.1676) anticipating the sale has been approved by QPRC.

A submission from the Gospel Trust, outlining the reasons for their approach to Council and making a case for the community value of the sale has been received by QPRC and is included as an attachment to this report.

The zoning of the land is R2 – Low Density Residential.

Risk/Policy/Legislation Considerations

Lot 5 DP800542 is classified as Council Operational Land under the Local Government Act and can be dealt with on a commercial basis, subject to the approximate Resolution from Council.

Council has made previous representations to the Gospel Trust that it intended to sell the land. The Church has undertaken significant work and expenses based on these representations. In their submission, the group reports spending over \$30,000 in preparation of the DA.

Council is unlikely to face any exposure to liability if a different course of action is taken, despite these representations being made. No formal agreement has been signed, and at all

9.10 Sale of Part of 93 Ellerton Drive (Ref: ; Author: Flint/Turland) (Continued)

times Council has acted in good faith. However, this may be challenged by the other party if Council deviates from what has previously been communicated.

Council will also need to consider whether it is conscionable to take a different course of action after the Gospel Trust has acted based on the previous Resolution and earlier communications with Council.

Financial, Budget and Resource Implications

The land was commercially valued by specialised valuer at \$120,000 as of October 2018. A copy the valuation report is included as an attachment. There has been no formal valuation since this report. The price under the proposed contract of sale remains at \$120,000.

Recent figures from the Valuer General puts the value of the property as a whole at \$256,000. The proposed subdivision is only a small portion of the overall property. Based on the pro rata per sqm of 93 Ellerton Drive of \$11.67 the value of 2,840 m² = \$33,143.

An updated commercial valuation is likely to cost approximately \$5,000-\$10,000 and take 1-3 months to prepare.

An extract from the 2018 valuation report states *“The subject property is located within an elevated section of Queanbeyan East approximately 2.5 kilometres east of the Queanbeyan town centre. The land is zoned R2 – Low Density Residential however due to the transmission easement traversing the site, the property has restricted development potential.*

In our view the property has limited marketability due to the existing easement and is largely undevelopable without the benefit of development in conjunction with the adjoining site.”

It is unclear that any parties aside from the Church with their existing property at 91 Ellerton Drive would be able to make use of the asset. This must also be taken into consideration when assessing the value of the land.

Conclusion

It is recommended that Council reaffirm the sale as per the August 2019 Resolution. The Church has been reliant on this resolution throughout the DA process.

However, consideration may also need to be given to fluctuations in land value since the original agreement. When relooking at the sale price of the land, Council will need to consider factors including:

1. The overall value of the block before subdivision
2. Zoning, easements and other development restrictions over the land
3. The unique position of the Gospel Trust as a purchaser, considering their ownership of the adjoining property at 91 Ellendon drive
4. The expense and delays associated with commissioning an additional commercial valuation.

Attachments

Attachment 1	Submission to QPRC from Gospel Church Trust on the proposed sale (Under Separate Cover)
Attachment 2	SRS Valuation Report (2018) (Under Separate Cover) - CONFIDENTIAL

9.11 Proposed Acquisition Notice - Leasehold interest in Part of Bungendore Pool
(Ref: ; Author: Flint/Turland)

File Reference: 46.1.1-34

Recommendation

That Council:

- 1. Note the receipt of the Proposed Acquisition Notice (PAN) for a leasehold interest over part of Bungendore Pool.**
 - 2. Submit a request for compensation in accordance with what the Valuer General assesses the leasehold interest to be worth.**
-

Summary

QPRC has received a further compulsory acquisition notice, acquiring a leasehold interest over the remaining part of Bungendore Pool that was not previously acquired by the Department of Education. Direction is sought from the Council as to how to respond to the notice.

Background

Part of Bungendore Pool was acquired on 26 April 2022 by the NSW Department of Education as part of other compulsory acquisitions in the area to facilitate the construction of Bungendore High School.

The Department's intention is to demolish and refill the pool area. However, it is not practical to demolish and refill only part of the pool. The Department has therefore proposed to lease the remaining part of the pool left under the control of Council in order to carry out the intended works on the Council-managed Crown Land.

At the Council meeting on 18 January 2023, Council agreed to enter into the lease agreement, subject to the payment of the outstanding difference between the compensation paid to Council for the compulsory acquisition of the pool and the compensation sought by Council (**Resolution No. 017/23**). The compensation claimed by Council more accurately reflects the associated costs incurred with building the new swimming pool in Bungendore. The monetary amount of this cost difference is \$1,794,282 and is one of the elements of the compensation currently of being challenged in the NSW Land and Environment Court.

Report

Council's position was relayed to the Chief Executive of School Infrastructure NSW (SINSW) by letter on 23 January 2023. On 3 March, Council received the attached Proposed Acquisition Notice (PAN) outlining the Department's intention acquire a compulsory leasehold interest. The PAN includes the option for Council to apply for compensation. Any claims must be lodged before 3 May 2023.

If compensation is contested, this will be heard alongside QPRC's other compensation assessments.

**9.11 Proposed Acquisition Notice - Leasehold interest in Part of Bungendore Pool
(Ref: ; Author: Flint/Turland) (Continued)**

Risk/Policy/Legislation Considerations

The leasehold area is classified as Council Managed Crown Land.

The leasehold interest is being acquired under section 11 of the *Land Acquisition (Just Terms Compensation) Act*. A formal compensation claim will be lodged under section 39 of the Act.

As Council Managed Crown land, matters to be taken into account when assessing value are outlined under 2.24(3) of the *Crown Land Management Act 2016*.

Financial, Budget and Resource Implications

Acquisition of the leasehold interest over part of Bungendore pool may affect other heads of compensation that QPRC is entitled to claim as part of the overall acquisition process.

Conclusion

By lodging the claim for compensation for the leasehold interests, Council preserves all of its existing rights and entitlements under the *Land Acquisition (Just Terms) Compensation Act 1991*.

Attachments

Attachment 1	Proposed Acquisition Notice to QPRC (<i>Under Separate Cover</i>)
Attachment 2	Annexure A - Construction of Lease (<i>Under Separate Cover</i>)
Attachment 3	Area of Lease (<i>Under Separate Cover</i>)
Attachment 4	Legal advice to QPRC - Acquisition of Leasehold Interest (<i>Under Separate Cover</i>) - CONFIDENTIAL

10.1 Majors Creek and Araluen Greenwaste Options - Consultation (Ref: ; Author: Hansen/Belcher)

File Reference: 34.1.4

Recommendation

That the report be received for information.

Report

Consultation on the Majors Creek and Araluen Greenwaste Options was undertaken between 7 November 2022 and continued to 16 January 2023. Consultation was extended following a request from the community.

Council received 26 submissions through Council's Your Voice platform and a further five unique submissions via email and/or letter, which included a signed petition. Both are attached for information, the unredacted copy in confidential.

Of the responses received:

- Majors Creek preferred Option 1 – close the existing facilities and provide no replacement service
- Araluen preferred Option 3 – build replacement facilities in each area

Community consultation outcomes will be considered as part of the wider assessment of the Majors Creek and Araluen Greenwaste options. A determination report will be presented to Council at a future Council meeting.

Follow up letters have been sent to both Araluen and Majors Creek Progress Associations to confirm the feedback and seek their suggestions that would address the concerns raised about accessing the Braidwood Waste Transfer Station.

Attachments

- | | |
|--------------|--|
| Attachment 1 | Majors Creek and Araluen Greenwaste Options Consultation Report
(Under Separate Cover) |
| Attachment 2 | Majors Creek and Araluen Greenwaste Options Consultation Report -
Unredacted (Under Separate Cover) - CONFIDENTIAL |

10.2 Summary of Road Renewal and Maintenance Activities - Quarter 2 2022/23
(Ref: ; Author: Hansen/Harris)

File Reference: 31.1.98-02

Recommendation

That the report be received for information.

Report

Maintenance Grading of Unsealed Roads

The monthly grading schedule and unsealed road maintenance grading policy is published on the website:

<https://www.gprc.nsw.gov.au/Services/Roads-and-Footpaths?BestBetMatch=grading%20schedule%7C#section-2>

Note: Following the October 2022 rain event, roads were inspected and re-prioritised for emergency patch grading works. These roads are not shown in the maintenance grading table below as full-length maintenance grading was not undertaken.

The following table shows the maintenance grading works completed by Council and its Contractors during the second quarter of 2022/23 (between 1 October 2022 and 31 December 2022).

Road Name	Completion Date	Length Graded (km)
Malua Lane	11/10/2022	1.12
Boro Road	12/10/2022	11.55
Cooma Road	13/10/2022	21.41
Halls Lane	18/10/2022	4.10
Nerriga Road	28/10/2022	6.67
Hawthorne Lane	02/11/2022	1.28
Sandholes Road	07/11/2022	3.07
Western Leg Road	11/11/2022	3.60
Collector Road	17/11/2022	5.79
Jerrabattgulla Road	21/11/2022	12.75
Deloraine Lane	22/11/2022	1.39
Kain Cross Road	23/11/2022	7.84
Boppings Crossing Road	25/11/2022	1.24
Hereford Hall Road	28/11/2022	8.95
Glenmore Road	29/11/2022	3.09
Station Street	30/11/2022	0.69
Rossi Road	02/12/2022	6.14
Williamsdale Road	02/12/2022	5.72
Keewong Lane	03/12/2022	1.14
Gillamatong Lane	05/12/2022	1.08
Tallaganda Road	07/12/2022	2.61
Little Bombay Road	10/12/2022	6.65

10.2 Summary of Road Renewal and Maintenance Activities - Quarter 2 2022/23 (Ref: ; Author: Hansen/Harris) (Continued)

Road Name	Completion Date	Length Graded (km)
Northangera Road	14/12/2022	6.39
Burra Road	16/12/2022	4.22
Budawang Road	17/12/2022	3.83
Urila Road	19/12/2022	2.03
Forbes Creek Road	20/12/2022	8.90
Cargills Lane	21/12/2022	3.74
Sheehan Road	21/12/2022	0.74
Hoskinstown Road	22/12/2022	8.07
Charleys Forest Road	23/12/2022	26.38

Resealing

The following table shows the completed resealing works completed by Council and its Contractors during the second quarter of 2022/23 (between 1 October 2022 and 31 December 2022).

Road Name	Completion Date	Length Resealed (km)
Denley Drive	December 2022	4.2km

Stabilisation/Rehabilitation

The following table shows the completed in-situ stabilisation and pavement rehabilitation works completed by Council and its Contractors during the second quarter of 2022/23 (between 1 October 2022 and 31 December 2022) as per various funding arrangements and Councils Capital Works Budget.

Road Name	Completion Date	Length Stabilised/Rehabilitated (km)
Cooma Road	December 2022	2.26km
Nerriga Road	October 2022	3.26km

Attachments

Nil

10.3 Compliance Reporting (Ref: ; Author: Ryan/Flint)

File Reference: 51.1.2

Recommendation

That the report on Compliance and Reporting Activities for the six-month period from July 2022 - December 2022 be received.

Report

The Office of Local Government (OLG) issues all Councils with a calendar of compliance and reporting activities annually. These activities are statutory obligations required under various pieces of legislation.

This report outlines compliance and reporting activities undertaken for the six-month period to December 2022.

Activity	Legislation	Due Date	Completion Date
Proposed loan borrowings return to be submitted to TCorp	N/A	9 July 2022	16 March 2023
Land Acquisition Return due	Land Acquisition (Just Terms Compensation) Act 1991	29 July 2022	27 July 2022
Public Interest Disclosures Report due to the NSW Ombudsman	PID Act s.6CA	30 July 2022	28 July 2022
Rehoming Organisations Annual Reports due	Companion Animals Act 1998	31 July 2022	Only applicable to rescue groups – Council exempt from reporting
First quarterly rates instalments due	LGA s562	31 August 2022	30 August 2022
Survey of seizures of cats and dogs 2020-21 due to be lodged	Companion Animals Act 1998	31 August 2022	15 September 2022
Local Government Grants Commission Roads, Bridges and General Information Return	Roads Act 1993	31 August 2022	14 September 2022
Completed written returns of interest for councillors and	Procedures for the Administration of the	30 September 2022	12 October 2022

10.3 Compliance Reporting (Ref: ; Author: Ryan/Flint) (Continued)

Activity	Legislation	Due Date	Completion Date
designated persons lodged. GM to table returns at next council meeting	Model Code of Conduct (clause 4.25)		
Application for payment of Pensioner Subsidy Rebate	LGA s575	7 October 2022	26 September 2022
Annual Report of obligations under PIDA to the Minister and the Ombudsman	PID Act s31	30 October 2022	30 October 2022
Financial Statements to be audited and lodged to OLG together with Financial Data Returns	LGA s416(1) LG Reg cl413(G)	31 October 2022	30 November 2022 (under approved extension)
ALGA Return of National Local Road Data System	Roads Act 1993	31 October 2022	No evidence of submission. To be followed up.
Second quarter rates instalment notices to be sent	LGA s562(5)	31 October 2022	14 October 2022
Low Cost Loan Initiative Interim Progress Report due	N/A	1 November 2022	14 November 2022
Local Infrastructure Renewal Scheme – Progress/Final Report Due	N/A	30 November 2022	15 November 2022
Second quarter rates instalments due	LGA s562(3)(b)	30 November 2022	30 November 2022
Responsible Accounting Officer to submit quarterly budget review statement to Council	LG Reg cl203(1)	30 November 2022	23 November 2022
Annual Report prepared and place on Council's website and notify the Minister	LGA s428	30 November 2022	23 November 2022
Adopt a new policy on the payment of expenses and provision	LGA s252	4 December 2022	12 January 2022

10.3 Compliance Reporting (Ref: ; Author: Ryan/Flint) (Continued)

Activity	Legislation	Due Date	Completion Date
of facilities to the Mayor and Councillors within 12 months of election			
Council must review their organisations structure within 12 months of election	LGA s333	4 December 2022	12 October 2022
Council must adopt a Code of Meeting Practice within 12 months of an election	LGA s360	4 December 2022	12 January 2022
Councils must review all delegations within 12 months of an election	LGA s380	4 December 2022	Ongoing body of work
Council to review their adopted Code of Conduct within 12 months of election	LGA s440(7)	4 December 2022	12 January 2022
Last day for audited financial statement to be presented to the public	LGA s418(2)	5 December 2022	21 December 2022
Local Approvals and Orders policies are automatically revoked 12 months after each ordinary election unless adopted after the election	LGA s165	4 December 2022	No reporting required – no Local Approvals or Orders in place
Formal Access Applications assessed by the Agency under GIPA	Government Information (Public Access) Act 2009 Clause 8 & Schedule 2	9 December 2022	7 December 2022
Model Code of Conduct Complaints Statistics Collection Form Due	Procedures for the Administration of the Model Code of Conduct (clause 4.25)	30 December 2022	20 December 2022

Attachments

Nil

10.4 Councillor Workshops (Ref: ; Author: Ryan/Ison)

File Reference: 22 March 2023 reports

Recommendation

That the report be received for information.

Synopsis

Council at its meeting on 23 February 2022 resolved (**Resolution No 093/22**) to publish details of Councillor workshops in the Agenda of the next Council meeting.

Report

During the period 2 to 15 March 2023, the following workshops were held:

Date	Workshop Items	External Presenter/s (if applicable)
14/08/2023	<ol style="list-style-type: none">1. Together-4-Youth2. Disposal options – 40A Severne Street, Greenleigh3. Ellerton Drive Post Construction Noise Report Update4. Monaro Street Mainstreet Project Update	Andrew Turvey, General Manager from Together-4-Youth
15/03/2023	<ol style="list-style-type: none">1. Q2B Water Supply Pipeline Feasibility Update2. QCCP Lease Arrangements and Final Budget	

Attachments

Nil

11.1 QPRC Heritage Advisory Committee Minutes - March 2023 (Ref: ; Author: Ormella/Carswell)

File Reference: 26.5.1-08

Recommendation

That Council:

- 1. Note the minutes of QPRC Heritage Advisory Committee Meeting held on 9 March 2023.**
- 2. Adopt recommendations 7/23 to 10/23 from the meeting held on 9 March 2023:**

QPRC HAC 7/23

The Committee support the proposed development subject to the above recommendation:

- 1. Attention to be paid to the articulation of the proposed dwelling at the corner facing Wallace and Coghill Streets to soften the impact of this elevation.**
- 2. That the external colour scheme be modified and softened – suggested colours: light grey, cream, crimson, lilac. (Suggest that the applicant should consult the Braidwood DCP for guidance).**

QPRC HAC 8/23

The Committee support the proposed alterations and additions in accordance with the heritage advisor's advice.

QPRC HAC 9/23

That staff be requested to determine whether the property has any restrictions on its title that would raise heritage concerns and that a report be made to the next HAC meeting for information.

QPRC HAC 10/23

- 1. The Committee notes that the single nomination is reflective of a difficult year. It is recommended that Council not proceed with the Heritage Awards this year.**
- 2. The Committee requests that staff contact the sole nominator, explain the situation, and suggest that their application be held over for the following year (2024).**
- 3. That staff be requested to prepare a report on alternative options for recognising the conservation, adaptive re-use and promotion of heritage in the LGA.**

Summary

This is the fourth meeting of this Committee and it was one of general business. There were four recommendations with two relating to development applications. The Committee also requested that staff act in relation to seven items. These include further actions in relation to the housing of the sulky (previously reported) as well as a request to prepare a report on any current signage controls in Braidwood and how to promote signage that better aligns with the Braidwood DCP. This will involve some research and work of the team, and it will be able to progress as the compliance team become fully staffed. The work will be able to commence in the second half of the year and balanced with compliance priorities.

**11.1 QPRC Heritage Advisory Committee Minutes - March 2023 (Ref: ; Author:
Ormella/Carswell) (Continued)**

Similarly, Item 3 of QPRC HAC 10/23 will be a focus for the second half of the year in which the work around better ways to promote heritage and the grants will be explored.

Attachments

Attachment 1 Minutes of the QPRC Heritage Advisory Committee 9 March 2023 (*Under
Separate Cover*)

11.2 Local Traffic Committee Meeting - 23 February 2023 (Out of session meeting held by correspondence) (Ref: ; Author: Hansen/Harris)

File Reference: 31.4.1

Recommendation

That Council:

1. Note the minutes of Local Traffic Committee held on 23 February 2023.
2. Adopt recommendation LTC 12/2023 from the meeting held on 23 February 2023.

LTC 12/2023: Proposed Solution: Under Roads Act 1993 approve the traffic control plans and proposed road closures for Braidwood Skate Park Opening Event.

Summary

The Local Traffic Committee has submitted the minutes and recommendations of its meeting held on 7 February 2023 for Council's information and consideration.

Transport for NSW (TfNSW) is legislated as the organisation responsible for the control of traffic on all roads in New South Wales. Traffic is controlled by the installation of prescribed traffic control devices, such as regulatory signs, or traffic control facilities, such as medians.

TfNSW delegates certain aspects of the control of traffic on Regional and Local Roads to the Councils of Local Government areas. TfNSW continues to manage State Roads. Local Traffic Committees (LTCs) are a requirement of the delegation process.

The LTC is primarily a technical review committee. It only advises the Council on matters for which the Council has delegated authority, being certain prescribed traffic control devices and traffic control facilities. Matters related to State Roads or functions that have not been delegated to the elected Council must be referred directly to Transport for NSW or relevant organisation. Such matters must not be referred to the LTC.

The LTC will only review reports that have been prepared by staff and submitted to the LTC in accordance with its delegations. The members of the LTC will not undertake investigations of traffic matters or design traffic solutions.

Attachments

Attachment 1 Local Traffic Committee Meeting Minutes - 23 February 2023 (*Under Separate Cover*)

NOTICE OF MOTIONS

12.1 Bicycle Parking (Ref: ; Author: Willis/Willis)

File Reference: 22 March 2023 motions

Notice

Councillor Katrina Willis will move the following motion:

Motion

That Council receive a report on the progress of the Bicycle and Pedestrian Facilities Plan (2020) as adopted by Council; and current priority projects be identified for inclusion in the Operational Plan and grant funding proposals.

Comment from Cr Willis in support of this Notice of Motion

Increasing the uptake of cycling in our larger centres provides personal and public benefits including reduced congestion, lower demand for car parking, reduced transport-generated greenhouse gas emissions, and increased health and wellbeing.

Cyclists need to be able to navigate safely to where they are going and to be able to securely lock their bicycle when they arrive.

However, easily accessible bicycle and secure (lockable) bicycle parking is not always readily available, in particular at retail and commercial locations. For example, there is no bicycle parking available in the area of the Queanbeyan Post Office, chemist, medical centre, Woolworths and K-Mart.

Staff Comment**Bicycle and Pedestrian Facilities Plan (2020)**

Council has a current Bicycle and Pedestrian Facilities Plan (2020) on Council's website <https://www.qprc.nsw.gov.au/Policies-Strategies-and-Plans/Strategies-and-Plans> (under the Community tab). It notes the following:

- *The importance of building and encouraging healthy communities especially through active transport options. For example, bicycle carriages on buses and trains and bicycle racks outside key points of interest within the city centre.*

The following issues relevant to bicycle parking were noted:

- *No bicycle facilities within the CBD (with the exception of some short term bicycle parking).*
- *A lack of end of trip facilities (parking, showers / lockers) at key destinations and land uses throughout QPRC.*

And specifically the following summary (pp 62) states

Bicycle parking

An almost complete lack of bicycle parking was noted during the community consultation and site visit. Basic bicycle parking levels are specified in the design standards. Bicycle parking provided in addition to this should be installed on an incremental basis, with additional parking dependent on observations of take up.

12.1 Bicycle Parking (Ref: ; Author: Willis/Willis) (Continued)

- *The custom coloured bike racks out the front of the library on Rutledge Street are considered very effective and assist to raise awareness for cycling based on their shape.*

It is suggested that the bicycle program allow for at least five rails to be installed each year. It is preferable for the rails to be installed singly or as pairs of rails, rather than only installed at a single location each year. At a cost of about \$250 each, this would be \$1,250 a year.

Proposed locations for bicycle parking are:

- *Adjacent all sporting ovals and public parks*
- *Various locations with the CBD preferably within 100m of the main riverside plaza entrances and along the main street.*

Better signage to existing parking would also greatly improve awareness and likely usage.

The implementation of the priorities and recommended projects identified in the Bicycle and Pedestrian Facilities Plan is subject to funding; be that in Council's Operational Plan or via NSW or Federal Government funding programs.

Attachments

Nil

12.2 Pool Shade Covers (Ref: ; Author: Willis/Willis)

File Reference: 22 March 2023 motions

Notice

Councillor Katrina Willis will move the following motion:

Motion

That Council:

1. Receive a report on the cost to install shade cover over each of the outdoor public pools in the local government area; and
 2. Consider the cost as part of preparation of the 2023/24 Operational Plan.
-

Comment from Cr Willis in support of this Notice of Motion

Our public pools are well patronised including by local and ACT schools for carnivals and related events. As average temperatures rise as a result of climate change, it will be important to provide shade cover at outdoor public pools for the safety of swimmers and to maximise the time that people will be able to safely use the pools.

As this work may need to be done in tranches, depending on costs, it would be good to start such a project in the next financial year.

Staff Comment

Indicative estimates for a shade structure of 132m², which would cover an end or section of a pool is approximately \$62K.

QPRC currently has some levels of shade at our pools:

- Braidwood (toddlers pool is completely covered)
- Captains Flat (toddlers pool is completely covered)
- Queanbeyan (indoor pool is covered and enclosed)

The Aquatics Strategy, as presented to Council early in 2022; has been reviewed and budget estimates updated. It is planned that Council will review the Strategy at a workshop scheduled for 4 April. This will outline a number of urgent infrastructure upgrades, including installation of shade and user group improvement of facility requests identified at the QPRC pools.

It is intended that the Aquatics Strategy is presented to a Council meeting in April and placed on public exhibition for community feedback. Council will then be in a position to prioritise and consider an asset renewal and enhancement program over the next 4-5 years.

Attachments

Nil

15 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION

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

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

Recommendation

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

Item 16.1 Tender 10054691 - DRFA Araluen Road Slips

Item 16.1 is confidential in accordance with s10(A) (c) of the Local Government Act 1993 because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Item 16.2 Selection of Preferred Tenderer for Upgrade to Braidwood Pool

Item 16.2 is confidential in accordance with s10(A) (c) of the Local Government Act 1993 because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Item 16.3 Legal Update - July-December 2022

Item 16.3 is confidential in accordance with s10(A) (a) (c) (e) 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 person with whom the Council is conducting (or proposes to conduct) business; AND information that would, if disclosed, prejudice the maintenance of law and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Item 16.4 Braidwood Heritage Centre - Construction Tenders

Item 16.4 is confidential in accordance with s10(A) (c) of the Local Government Act 1993 because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Item 16.5 Public Interest Disclosure/Code of Conduct Complaint

Item 16.5 is confidential in accordance with s10(A) (i) of the Local Government Act 1993 because it contains alleged contraventions of any code of conduct requirements applicable under section 440 and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.