



Ordinary Meeting of Council

AGENDA

24 November 2021

Commencing at 5.30pm

**Queanbeyan Council Chambers
253 Crawford Street
Queanbeyan NSW 2620**

On-site Inspections - Nil

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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 27 October 2021
- 4.2 Minutes of the Extraordinary Meeting of Council held on 4 November 2021
- 4.3 Minutes of the Planning and Strategy Committee of the Whole held on 10 November 2021
- 4.4 Minutes of the Extraordinary Meeting of Council held on 17 November 2021

5 DISCLOSURES OF INTERESTS

6 ADJOURNMENT FOR PUBLIC FORUM

7 MAYORAL MINUTE

8 NOTICES OF MOTIONS OF RESCISSION

9 REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

- 9.1 Development Application DA.2021.1441 - Construction of 6 attached dwellings on 6 Torrens Title lots - 17-27 Maidenhair Terrace, Tralee3
- 9.2 Development Application - DA.2021.1240 - Two Lot Torrens Title Subdivision and Demolition of Two Existing Sheds and Garages (Albion Hotel Site) - 119 Wallace Street, Braidwood15
- 9.3 Review of Road Specifications for TSC/82/96 and TSC/83/96 - 536 Duckfield Road, Boro25
- 9.4 Draft IPART Submission - Essential Works - Development Contributions29
- 9.5 South Jerrabomberra Town Park Review of Environmental Factors37
- 9.6 Selection of Preferred Tenderer for Construction of New Skatepark - Braidwood41
- 9.7 2022 Election Funding Projects47
- 9.8 Annual Report 2020-2151
- 9.9 Notice of Motion to LGNSW Special Conference 2022 - Streetlighting53
- 9.10 Quarterly Budget Review Statement for the Quarter Ending 30th September 202155
- 9.11 Investment Report - October 202159

**QUEANBEYAN-PALERANG REGIONAL COUNCIL
ORDINARY MEETING OF COUNCIL**

BUSINESS PAPER AGENDA – 24 November 2021 Page ii

9.12	Representation at Civic Functions	61
9.13	Design and Construction of Reservoir at North Elmslea and Construction of new Water Pumping Station at Days Hill, Bungendore	63
10	REPORTS TO COUNCIL - ITEMS FOR INFORMATION	
10.1	Council's Initial Assignment of Categories of Crown Reserves	67
10.2	Regional Housing Taskforce Recommendations Report	71
10.3	Biannual Biosecurity Weeds Report (January-June 2021).....	75
10.4	QPRC End of Term Report 2017-21.....	81
11	REPORTS OF COMMITTEES	
11.1	Bungendore War Memorial S355 Committee Meeting Minutes	83
12	NOTICES OF MOTIONS	
12.1	Bus Interchange - Captains Flat Road and Widgiewa Road	85
12.2	Proposed Advanced Energy Recovery Centre at Woodlawn	87
13	REPORTS TO COUNCIL - DELEGATES REPORTS	
13.1	Delegates Report	89
14	QUESTIONS WITH NOTICE	
14.1	Responses to Councillors' Questions	93
15	NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION	94

Confidential - Not for Publication

16 REPORTS FOR CLOSED SESSION

- 16.1 Undetected Leak Application - Greenleigh
Item 16.1 is confidential in accordance with s10A (2) (b) of the Local Government Act 1993 because it contains discussion in relation to the personal hardship of a resident or ratepayer and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.
- 16.2 Undetected Leak Application - Jerrabomberra
Item 16.2 is confidential in accordance with s10A (2) (b) of the Local Government Act 1993 because it contains discussion in relation to the personal hardship of a resident or ratepayer and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.
- 16.3 Senior Staff Engagement
Item 16.3 is confidential in accordance with s10A (2) (a) of the Local Government Act 1993 because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.
- 16.4 Bungendore Property - Legal Matter
Item 16.4 is confidential in accordance with s10A (2) (g) of the Local Government Act 1993 because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

17 CONCLUSION OF THE MEETING

SUPPLEMENTARY REPORT:

1. Contract & Projects Project Update

LIST OF ATTACHMENTS

OPEN ATTACHMENTS

- Item 9.1 Development Application DA.2021.1441 - Construction of 6 attached dwellings on 6 Torrens Title lots - 17-27 Maidenhair Terrace, Tralee
- Attachment 1 DA.2021.1441 - Sec 4.15 Assessment Report - 17 - 27 Maidenhair Road Tralee (Under Separate Cover)*
- Attachment 2 DA.2021.1441 - Architectural Plans - Maidenhair Road Tralee (Under Separate Cover)*
- Attachment 3 DA.2021.1441 - Draft Conditions of Consent - 17-27 Maidenhair Rd Tralee (Under Separate Cover)*
- Item 9.2 Development Application - DA.2021.1240 - Two Lot Torrens Title Subdivision and Demolition of Two Existing Sheds and Garages (Albion Hotel Site) - 119 Wallace Street, Braidwood
- Attachment 1 DA.2021.1240 - Section 4.15 Assessment Report - 119 Wallace Street, Braidwood (Under Separate Cover)*
- Attachment 2 DA.2021.1240 - Subdivision Plan - 119 Wallace Street, Braidwood (Under Separate Cover)*
- Attachment 3 DA.2021.1240 - Site Survey - 119 Wallace Street, Braidwood (Under Separate Cover)*
- Attachment 4 DA.2021.1240 - Submissions - 119 Wallace Street, Braidwood (Under Separate Cover)*
- Attachment 5 DA.2021.1240 - Draft Conditions of Consent (Under Separate Cover)*
- Attachment 6 DA.2021.1240 - Heritage Impact Statement - 119 Wallace Street, Braidwood (Under Separate Cover)*
- Attachment 7 DA.2021.1240 - Heritage Advisor's Comments (Under Separate Cover)*
- Attachment 8 DA.2021.1240 - s60 Approval - Demolition of Sheds - 119 Wallace Street, Braidwood (Under Separate Cover)*
- Attachment 9 DA.2021.1240 - s60 Approval - Subdivision Layout - 119 Wallace Street, Braidwood (Under Separate Cover)*
- Item 9.4 Draft IPART Submission - Essential Works - Development Contributions
- Attachment 1 Infrastructure Contributions Reform Exhibition pack (Under Separate Cover)*
- Attachment 2 Draft IPART Submission - Essential Works - Development Contributions (Under Separate Cover)*
- Item 9.5 South Jerrabomberra Town Park Review of Environmental Factors
- Attachment 1 Community Engagement Report - REF South Jerrabomberra Park (Under Separate Cover)*
- Attachment 2 South Jerrabomberra Town Park REF - (Appendix not Included in attachment due to size of file) (Under Separate Cover)*

**QUEANBEYAN-PALERANG REGIONAL COUNCIL
ORDINARY MEETING OF COUNCIL**

BUSINESS PAPER AGENDA – 24 November 2021 Page iv

- Item 9.6 Selection of Preferred Tenderer for Construction of New Skatepark - Braidwood
Attachment 1 Braidwood Skatepark Final Concept Report (Under Separate Cover)
- Item 9.8 Annual Report 2020-21
Attachment 1 Annual Report 2020-21 (Under Separate Cover)
- Item 9.10 Quarterly Budget Review Statement for the Quarter Ending 30th September 2021
Attachment 1 September 2021 Quarterly Budget Review Statement (Under Separate Cover)
- Item 9.11 Investment Report - October 2021
Attachment 1 Investment Report Pack - October 2021 (Under Separate Cover)
- Item 10.1 Council's Initial Assignment of Categories of Crown Reserves
Attachment 1 Adapted Attachments 1 and 2 from letter responding to Council's initial assignment of categories to Crown Reserves (Under Separate Cover)
- Item 10.2 Regional Housing Taskforce Recommendations Report
Attachment 1 Regional Housing Review (Under Separate Cover)
- Item 10.4 QPRC End of Term Report 2017-21
Attachment 1 End of Term Report 2017-21 (Under Separate Cover)
- Item 11.1 Bungendore War Memorial S355 Committee Meeting Minutes
Attachment 1 BWMC Meeting Minutes held 5 August 2021 (Under Separate Cover)
Attachment 2 BWMC Meeting Minutes Held between 1 - 3 September 2021 (Under Separate Cover)
- Item 12.1 Bus Interchange - Captains Flat Road and Widgiewa Road
Attachment 1 Widgiewa Road Bus Interchange 1 (Under Separate Cover)
Attachment 2 Widgiewa Road Bus Interchange 2 (Under Separate Cover)
- Item 14.1 Responses to Councillors' Questions
Attachment 1 Responses to Councillors Questions (Under Separate Cover)

Closed Attachments

- Item 9.3 Review of Road Specifications for TSC/82/96 and TSC/83/96 - 536 Duckfield Road, Boro
Attachment 1 Covering Letter from Applicant - 536 Duckfield Road, Boro (Under Separate Cover)
Attachment 2 Supporting Documentation - 536 Duckfield Road, Boro (Under Separate Cover)
- Item 9.6 Selection of Preferred Tenderer for Construction of New Skatepark - Braidwood
Attachment 2 Tender Evaluation Report - Skatepark Braidwood (Under Separate Cover)
- Item 9.13 Design and Construction of Reservoir at North Elmslea and Construction of new Water Pumping Station at Days Hill, Bungendore
Attachment 1 Contract 10043781 - North Elmslea Reservoir tender evaluation (Under Separate Cover)
Attachment 2 Contract 10043771 - Days Hill Water Pump Station tender evaluation (Under Separate Cover)
- Item 14.1 Responses to Councillors' Questions
Attachment 2 Responses to Councillors Questions with Confidential Information (Under Separate Cover)

**QUEANBEYAN-PALERANG REGIONAL COUNCIL
ORDINARY MEETING OF COUNCIL**

BUSINESS PAPER AGENDA – 24 November 2021 Page v

- Item 16.1 Undetected Leak Application - Greenleigh
Attachment 1 Application (Under Separate Cover)
Attachment 2 Plumber Invoice (Under Separate Cover)
Attachment 3 Calculation Sheet (Under Separate Cover)
- Item 16.2 Undetected Leak Application - Jerrabomberra
Attachment 1 Email (Under Separate Cover)
Attachment 2 Invoice 1 (Under Separate Cover)
Attachment 3 Invoice 2 (Under Separate Cover)
Attachment 4 Calculation Sheet (Under Separate Cover)
- Item 16.4 Bungendore Property - Legal Matter
Attachment 1 Boundary of Works (Under Separate Cover)
Attachment 2 Council Offer September 2021 (Under Separate Cover)
Attachment 3 Darmody Counter Offer November 2021 (Under Separate Cover)
Attachment 4 Darmody Disturbance Claim (Under Separate Cover)



MINUTES OF THE ORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held via Zoom and in the Queanbeyan Council Chambers, 253 Crawford Street, Queanbeyan NSW 2620 on Wednesday, 27 October 2021 commencing at 5.30pm.

ATTENDANCE

Councillors: Cr Overall (Chair)
Cr Biscotti
Cr Harrison
Cr Hicks
Cr Marshall – via Zoom
Cr Noveska (from 5.45pm) – via Zoom
Cr Schweikert – via Zoom
Cr Taylor
Cr Winchester – via Zoom

Staff: P Tegart, CEO
M Thompson, Portfolio General Manager Natural & Built Character
P Hansen, Portfolio General Manager Community Connections
J Richards, Portfolio General Manager Community Choice – via Zoom
A Knight, Portfolio General Manager Organisational Capability – via Zoom

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

308/21

RESOLVED (Taylor/Hicks)

That the apology for non-attendance from Cr Brown and expected late arrival of Cr Noveska be received and noted.

The resolution was carried unanimously.

4. CONFIRMATION OF MINUTES

4.1 Minutes of the Ordinary Meeting of Council held on 22 September 2021

309/21

RESOLVED (Taylor/Biscotti)

That the Minutes of the Ordinary Meeting of Council held in the Queanbeyan Council Chambers and via Zoom on Wednesday 22 September 2021 be confirmed.

The resolution was carried unanimously.

4.2 Minutes of the Extraordinary Meeting of Council held on 29 September 2021

310/21

RESOLVED (Taylor/Harrison)

That the Minutes of the Extraordinary Meeting of Council held in the Queanbeyan Council Chambers and via Zoom on Wednesday 29 September 2021 be confirmed.

The resolution was carried unanimously.

4.3 Minutes of the Planning and Strategy Committee of the Whole held on 13 October 2021

311/21

RESOLVED (Taylor/Schweikert)

That the Minutes of the Planning and Strategy Committee of the Whole held in the Queanbeyan Council Chambers and via Zoom on Wednesday 13 October 2021 be confirmed.

The resolution was carried unanimously.

5. DISCLOSURES OF INTERESTS

312/21

RESOLVED (Taylor/Harrison)

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 Tim Overall lodged a significant non-pecuniary interest for Item 9.1: Proposed Submission on State Significant Development Application for New High School at Bungendore (SSD-14394209), stating his wife is the Nationals Party candidate for the seat of Monaro by-election, and the project has been the subject of public statements by the current member for Monaro.

Cr Trudy Taylor lodged a less than significant non-pecuniary interest for Item 9.8: Googong Sports Club Inc - Tripartite Agreement, stating her husband is a member of the management committee for the Googong Sports Club Inc.

Cr Pete Harrison declared a significant non-pecuniary interest for Item 9.5: Jumping Creek Draft Volunteer Planning Agreement,

stating he is a member of the Regional Planning Panel assessing the subdivision proposal.

Mr Peter Tegart lodged a significant pecuniary interest for Item 9.11: Regional Road Transfer and Road Classification Review, stating he is a member of the Regional Road Panel.

Mr Michael Thompson lodged a less than significant non-pecuniary interest in Item 9.19: Queanbeyan District Preschools Association - 27 Alanbar St Karabar - Waratah Preschool Queanbeyan Licence Agreement Renewal, stating his spouse is employed by the specified organisation.

6. ADJOURNMENT FOR PUBLIC FORUM

At this stage of the proceedings, the time being 5.34pm, Cr Overall advised that the meeting should now adjourn for the Public Forum.

313/21

RESOLVED (Overall/Taylor)

That the meeting be adjourned to conduct the Public Forum.

The resolution was carried unanimously.

ADJOURNMENT:

The meeting adjourned for the Public Forum at 5.34pm and resumed at 5.48pm.

During the Public Forum, Cr Noveska joined the meeting at 5.45pm.

7. MAYORAL MINUTE

There was no Mayoral Minute.

8. NOTICES OF MOTIONS OF RESCISSION

There were no Notices of Motions of Rescission.

The Mayor declared an interest in the following item, vacated the Chair, and left the Chambers at 5.48pm. The Deputy Mayor assumed the Chair.

9. REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.1 Proposed Submission on State Significant Development Application for New High School at Bungendore (SSD-14394209)

314/21

RESOLVED (Hicks/Schweikert)

That:

1. Council advise DPIE that it objects to the proposal for the development of the new Bungendore High School (SSD-14394209) for the reasons detailed in Attachment 1 of this report, noting that subject to satisfactory resolution of these items Council may withdraw its objection to the proposal.
2. Council provide a copy of its recommended conditions of consent for the new Bungendore High School as detailed in Attachment 1 of this report.
3. Attachment 1 be forwarded to DPIE as Council's formal submission on the proposal.

The resolution was carried unanimously.

Cr Overall returned to the Chambers at 5.55pm and assumed the Chair.

9.2 Modification Application - MOD.2011.077.A - Variation to Electricity Supply Arrangements - 7123 Nerriga Road, Corang

315/21

RESOLVED (Harrison/Schweikert)

That:

1. Approval be granted to a variation to Section C1.2.9 of the Palerang Development Control Plan 2015 to allow the provision of an alternate power supply for three concessional lots in a seven lot Torrens title subdivision for the following reasons:
 - a. The proponent has raised significant issues with obtaining a reticulated electricity supply to allotments due to disagreement with adjoining landowners to allow the registration of an easement across their property, and other alternatives resulting in unacceptable vegetation clearing;
 - b. The proponent has suggested to Council staff, they provide an alternate power supply with ground mounted solar electricity system, nominated to be installed to all three concessional allotments at the developers cost;
 - c. The provision of a restriction on the title of the land via a covenant requiring the installation, and ongoing provision of ground mounted solar infrastructure on relevant allotments.

2. Modification application MOD.2011.077.A to allow installation of a ground mounted solar power supply in place of reticulated electricity supply on concessional lots at Lot 3 DP 1063771, No.7123 Nerriga Road, Corang be granted conditional approval, subject to the original conditions of consent imposed by MOD.2011.077 as amended by the conditions listed below:

Condition 9 (Amended Condition):

The applicant is to provide a ground mounted solar electricity system with a minimum generating capacity of 7.5kW to each of the concessional lots (i.e. proposed Lots 2, 3 and 4). No infrastructure is to be installed if tree removal is required without prior consent from Queanbeyan-Palerang Regional Council. The applicant shall install the systems at their own cost and prior to the issue of a Subdivision Certificate for the land. A specification document for each system should be provided to Council prior to the release of a Subdivision Certificate.

Condition 10A (New Condition):

A section 88B legal instrument burdening each of the three approved concessional allotments is to be created prior to issue of a Subdivision Certificate. It is to specify that the owner of the lot at any point in time is responsible for the on-going maintenance and replacement of any panels, batteries, inverters, and any parts that form part of the operation of the solar electricity supply system and that it must be maintained in good order and condition in perpetuity. Prior to any sale, evidence as to the age of the system and its maintenance status is to be provided to any potential purchasers.

Condition 10 (Amended Condition)

A section 88B legal instrument burdening proposed lots 1 and 5 to 7 is to be created prior to issue of a Subdivision Certificate. It is to specify that prospective purchasers of the property will need to provide an on site system of power generation at their own cost as the land is unlikely to be able to be serviced by a reticulated electricity supply system.

The resolution was carried unanimously.

9.3 Proposed Planning Proposal - Abbeyfield Seniors Housing Project

316/21

RESOLVED (Schweikert/Hicks)

That Council take all actions to progress a planning proposal to amend Schedule 1 (Additional Permitted Uses) of Palerang Local Environmental Plan 2014 or the Queanbeyan-Palerang Local Environmental Plan 2021 (if the latter is notified before the end of this process) in order to allow for Seniors Housing as a permissible use with consent on the northern part of the closed section of Majara Street Bungendore.

The resolution was carried unanimously.

- 317/21 **9.4 Dwelling Entitlement Request - Lot 186 DP 754873 and Lot 1 DP1233647, Creekborough Road, Bywong**
RESOLVED (Harrison/Marshall)

That Council:

1. Note the report.
2. Not progress a planning proposal for the subject land.
3. Advise the landowner of Council's determination.

The resolution was carried unanimously.

Cr Harrison declared an interest in the following item and left the Chambers at 6.05pm.

- 318/21 **9.5 Jumping Creek Draft Voluntary Planning Agreement**
RESOLVED (Schweikert/Biscotti)

That Council:

1. Note the outcomes of the recent exhibition of the draft voluntary planning agreement for Jumping Creek.
2. Authorise the Mayor and Chief Executive Officer to execute the draft voluntary planning agreement consistent with the terms set out in the exhibited version.

The resolution was carried unanimously.

Cr Harrison returned to the meeting at 6.06pm.

- 319/21 **9.6 Administrative Amendments to Braidwood DCP 2006 and Palerang DCP 2015**
RESOLVED (Harrison/Taylor)

That Council:

1. Adopt the exhibited amendments to, and address identified formatting anomalies within the Braidwood Development Control Plan 2006 and the Palerang Development Control Plan 2015.
2. Adopt the Braidwood Development Control Plan 2006 as a formal development control plan under the *NSW Environmental Planning and Assessment Act, 1979*.

The resolution was carried unanimously.

9.7 Draft Bungendore Section 7.11 Development Contributions Plan for Community and Recreation Facilities 2022

320/21

RESOLVED (Schweikert/Biscotti)

That Council:

1. Endorse both the new Draft Bungendore Section 7.11 Development Contributions Plan for Community and Recreation Facilities 2022, and, the amended Palerang Council Section 94A Development Contributions Plan 2015, for public exhibition for a period of 28 days.
2. Receive a report on the outcomes of the exhibition period prior to considering the Draft Contribution Plan's adoption.

The resolution was carried unanimously.

Cr Taylor declared an interest in the following item and left the Chambers at 6.10pm.

9.8 Googong Sports Club Inc - Tripartite Agreement

321/21

RESOLVED (Biscotti/Schweikert)

That:

1. Council endorse the Deed of Agreement between Googong Sports Club Inc, Googong Township Pty Limited and Council.
2. The Chief Executive Officer be authorised to execute the Agreement.

The resolution was carried unanimously.

Cr Taylor returned to the Chambers at 6.11pm.

9.9 Planning for New Memorial Park - Next Steps

322/21

RESOLVED (Schweikert/Biscotti)

That Council endorse the process with the Memorial Park Project as outlined in this report, including:

- Technical studies and designs
- Communications Management Plan
- Local Cemeteries Strategy
- Business Management Plan

For: Crs Biscotti, Harrison, Hicks, Marshall, Noveska, Overall, Schweikert and Taylor

Against: Cr Winchester

9.10 Queanbeyan Park - Museum Precinct Master Plan

323/21

RESOLVED (Taylor/Harrison)

That Council endorse preparation of a Master Plan for the Queanbeyan Park – Queanbeyan Museum Precinct with initial concepts and options then presented to a workshop of Council.

For: Crs Harrison, Marshall, Noveska, Overall, Schweikert, Taylor and Winchester

Against: Cr Biscotti and Hicks

Mr Tegart declared an interest in the following item and left the Chambers at 6.21pm.

9.11 Regional Road Transfer and Road Classification Review

MOVED (Schweikert/Hicks)

That Council make a submission to the full round of Regional Road Classification and Transfer Panel stating that:

1. The following local roads be nominated to be reclassified to Regional Roads:
 - Ellerton Drive / Edwin Land Parkway / Tomsitt Drive – from Yass Road Roundabout to Lanyon Drive
 - Old Cooma Road – from the existing regional road end, 0.9km south of Burra Road to the Monaro Highway.
 - Araluen Road – from Cooma Road to Eurobodalla Council Boundary.
 - Oallen Road – from Nerriga Road to Goulburn Mulwaree Council Boundary at the Shoalhaven River.
 - Bungendore Road – from Macs Reef Road to the Federal Highway
2. Council's Regional Roads as listed below are all nominated to be transferred to, managed by and fully funded by the NSW State Government:
 - Bungendore/ Macs Reef Road (MR7607) from Gibraltar Street, Bungendore to the Federal Highway.
 - Captains Flat Road (MR270) from the Kings Highway east of Queanbeyan to Coghill Street, Braidwood.
 - Cooma/Krawaree Road (MR7625) from Captains Flat Road, Braidwood to Snowy Monaro Council Boundary.
 - Nerriga Road (MR92) from the Kings Highway, Braidwood to Endrick River, north of Nerriga.
 - Cooma Street/Old Cooma Road (MR584) from Rutledge St, Queanbeyan to 0.9km south of Burra Road.
 - Tarago Road (MR268) from Molonglo Street Bungendore to Goulburn Mulwaree Council Boundary.

3. Subject to reclassification, the following local roads be nominated to be transferred to, managed by and fully funded by the NSW State Government
 - Ellerton Drive / Edwin Land Parkway / Tompsitt Drive – from Yass Road Roundabout to Lanyon Drive
 - Old Cooma Road – from the existing regional road end, 0.9km south of Burra Road to the Monaro Highway.
 - Araluen Road – from Cooma Road to Eurobodalla Council Boundary.
 - Oallen Road – From Nerriga Road to Goulburn Mulwaree Council Boundary at the Shoalhaven River
 - Bungendore Road – from Macs Reef Road to the Federal Highway
4. All of Nerriga Road be nominated to be reclassified from a Regional Road to a State Road, and managed by and fully funded by the NSW State Government.
5. Council's submission include a requirement that all transferred and reclassified roads are to continue to be maintained by QPRC via a RMCC style maintenance contract.
6. Council advise Goulburn Mulwaree, Snowy Monaro and Eurobodalla Councils of the proposal to transfer/reclassify regional roads MR268 and MR7625 and Araluen Road respectively.

During discussion, Cr Marshall raised a point of order stating staff had submitted a revised recommendation and he sought clarification as to which motion was being considered. The Mayor upheld the point of order and the motion being considered was displayed on the screen.

324/21

RESOLVED (Schweikert/Hicks)

That Council make a submission to the full round of Regional Road Classification and Transfer Panel stating that:

1. The following local roads be nominated to be reclassified to Regional Roads:
 - Ellerton Drive / Edwin Land Parkway / Tompsitt Drive – from Yass Road Roundabout to Lanyon Drive
 - Old Cooma Road – from the existing regional road end, 0.9km south of Burra Road to the Monaro Highway.
 - Araluen Road – from Cooma Road to Eurobodalla Council Boundary.
 - Oallen Road – from Nerriga Road to Goulburn Mulwaree Council Boundary at the Shoalhaven River.
 - Bungendore Road – from Macs Reef Road to the Federal Highway

2. Council's Regional Roads as listed below are all nominated to be transferred to, managed by and fully funded by the NSW State Government:
 - Bungendore/ Macs Reef Road (MR7607) from Gibraltar Street, Bungendore to the Federal Highway.
 - Captains Flat Road (MR270) from the Kings Highway east of Queanbeyan to Coghill Street, Braidwood.
 - Cooma/Krawaree Road (MR7625) from Captains Flat Road, Braidwood to Snowy Monaro Council Boundary.
 - Nerriga Road (MR92) from the Kings Highway, Braidwood to Endrick River, north of Nerriga.
 - Cooma Street/Old Cooma Road (MR584) from Rutledge St, Queanbeyan to 0.9km south of Burra Road.
 - Tarago Road (MR268) from Molonglo Street Bungendore to Goulburn Mulwaree Council Boundary.
3. Subject to reclassification, the following local roads be nominated to be transferred to, managed by and fully funded by the NSW State Government
 - Ellerton Drive / Edwin Land Parkway / Tompsitt Drive – from Yass Road Roundabout to Lanyon Drive
 - Old Cooma Road – from the existing regional road end, 0.9km south of Burra Road to the Monaro Highway.
 - Araluen Road – from Cooma Road to Eurobodalla Council Boundary.
 - Oallen Road – From Nerriga Road to Goulburn Mulwaree Council Boundary at the Shoalhaven River
 - Bungendore Road – from Macs Reef Road to the Federal Highway
4. All of Nerriga Road be nominated to be reclassified from a Regional Road to a State Road, and managed by and fully funded by the NSW State Government.
5. Council's submission include a requirement that all transferred and reclassified roads are to continue to be maintained by QPRC via a RMCC style maintenance contract.
6. Council advise Goulburn Mulwaree, Snowy Monaro and Eurobodalla Councils of the proposal to transfer/reclassify regional roads MR268 and MR7625 and Araluen Road respectively.

The resolution was carried unanimously.

Mr Tegart returned to the Chambers at 6.27pm.

325/21

9.12 Tender Recommendation - Construction of Reedy Creek Bridge, Contract Number 2021-27

RESOLVED (Hicks/Schweikert)

That Council accept the tender for bridge construction services and approve budget for these works as follows:

1. RFT 2021-27 for the Construction of Reedy Creek Bridge – accept the tender of HD Civil Pty Ltd to the value of \$865,785 including GST.
2. Approve the reallocation of \$400,000 of capital funding from the Infrastructure Construction vote to complete the project.

The resolution was carried unanimously.

9.13 Extension of Contract 08/2014 - Waste & Resource Recovery Collection Services

MOVED (Marshall/Harrison)

That Council receive a report on Council or a Contractor providing this service.

During discussion, Cr Schweikert foreshadowed a CONTRARY motion: ["That Council extend Contract 08/2014 for Waste and Resource Recovery Collection Services for three (3) years to 27 April 2025."]

The motion (of Crs Marshall and Harrison) was PUT and LOST.

For: Cr Marshall

Against: Cr Biscotti, Harrison, Hicks, Noveska, Overall, Schweikert, Taylor and Winchester

The FORESHADOWED motion (of Cr Schweikert) was brought forward, seconded by Cr Taylor, PUT and CARRIED.

326/21

RESOLVED (Schweikert/Taylor)

That Council extend Contract 08/2014 for Waste and Resource Recovery Collection Services for three (3) years to 27 April 2025.

The resolution was carried unanimously.

327/21 **9.14 Contract 2021-37 Bungendore Landfill Reinstatement**
RESOLVED (Hicks/Winchester)

That:

1. Council award Contract 2021-37 Bungendore Landfill Reinstatement to Group One for the lump sum amount of \$2,150,032.24 (incl GST) subject to negotiation regarding issues related to the interaction of this project with the works underway in relation to the Elm Grove subdivision.
2. If satisfactory negotiations are not able to be concluded with Group One, delegate authority to the CEO to accept the Alternate Tender from Dale & Hitchcock Civil Engineering and Landscaping for \$2,140,076.35 (Incl GST).
3. Council authorise the CEO to execute necessary documents.

The resolution was carried unanimously.

328/21 **9.15 Update to Services NSW for Business Agreement**
RESOLVED (Biscotti/Schweikert)

That Council:

1. Delegate authority to the CEO to enter into an agreement with Service NSW.
2. Authorise the execution of any necessary documents under the Common Seal of Council.

The resolution was carried unanimously.

9.16 Application for QPRC Cultural Grant - Two Fires Festival
MOVED (Harrison/Biscotti)

That:

1. Council approve a donation of \$3,000 towards the costs of staging the Two Fires Festival in Braidwood in late February 2022.
2. The release of the donation be made conditional on the provision of an appropriate COVID Safe Plan for the event.

AMENDMENT (Hicks/Schweikert)

That:

1. Council approve a donation of \$1,500 towards the costs of staging the Two Fires Festival in Braidwood in late February 2022.
2. The release of the donation be made conditional on the provision of an appropriate COVID Safe Plan for the event.

The AMENDMENT (of Crs Hicks and Schweikert) was PUT and LOST.

For: Crs Hicks and Schweikert

Against: Crs Biscotti, Harrison, Marshall, Noveska, Overall, Taylor and Winchester

The motion (of Crs Harrison and Biscotti) was brought forward, PUT and CARRIED.

329/21

RESOLVED (Harrison/Biscotti)

That:

1. Council approve a donation of \$3,000 towards the costs of staging the Two Fires Festival in Braidwood in late February 2022.
2. The release of the donation be made conditional on the provision of an appropriate COVID Safe Plan for the event.

For: Crs Biscotti, Harrison, Hicks, Marshall, Noveska, Overall, Taylor and Winchester

Against: Cr Schweikert

9.17 QPRC Cultural Grants Application - Heritage Community Singing in Queanbeyan Park

330/21

RESOLVED (Hicks/Biscotti)

That Council approve a donation of \$1,000 towards costs for staging a community Singing in the Park event at Queanbeyan Park in April or May 2022.

The resolution was carried unanimously.

9.18 Proposed Lease - 257 Crawford St Queanbeyan

331/21

RESOLVED (Biscotti/Taylor)

That Council:

1. Endorse the terms of the heads of agreement as attached.
2. Authorise the CEO to execute an agreement for lease with Property NSW in the terms outlined in the HoA.

The resolution was carried unanimously.

Mr Thompson declared an interest in the following item and left the Chambers at 6.43pm.

9.19 Queanbeyan District Preschools Assoc - 27 Alanbar St Karabar - Waratah Preschool Queanbeyan Licence Agreement Renewal

332/21

RESOLVED (Biscotti/Taylor)

That Council support renewal of a Licence Agreement for the Waratah Preschool site at 27 Alanbar Street, Karabar on the following terms:

1. Five-year term commencing 1 October 2021 and ending on 30 September 2026.
2. A licence fee equivalent to the minimum statutory rental for a Crown Land licence be payable - currently \$516 p/a.
3. The Chief Executive Officer be authorised to execute the Licence Agreement on behalf of the Council.

The resolution was carried unanimously.

Mr Thompson returned to the Chambers at 6.44pm.

9.20 St John Ambulance - Licence Agreement Proposal - 20-22 Kendall Avenue North, Crestwood

333/21

RESOLVED (Overall/Biscotti)

That Council enter into a Licence Agreement with St John Ambulance Australia (NSW) to occupy the premises at 20-22 Kendall Avenue North Crestwood, on the following terms:

1. An initial term of 1 year commencing 30 October 2021, followed by two options to renew, each option for a further period of 2 years.
2. Should Council secure the sale of the property during the initial term or option periods, the licensee may be given notice of 90 days to vacate.
3. Purpose - Storage of St John Ambulance first aid training equipment, store/park one vehicle trailer, one van and one 4wd sprinter ambulance and conduct regular training for St John Ambulance volunteers and cadets.
4. Fee - \$1.00 p/a (if and when demanded).
5. Special Conditions – At no cost to Council, St John Ambulance will update all First Aid Kits within Council offices and depots in Queanbeyan and Bungendore and provide Emergency Health Support at five Council public events throughout the year.

The resolution was carried unanimously.

9.21 Audit, Risk & Improvement Committee Charter and Tenure of Members

334/21

RESOLVED (Harrison/Biscotti)

That Council agree to:

1. Adopt the revised Audit, Risk and Improvement Committee Charter.
2. Reappoint Carolyn Rosetta-Walsh for four years with the option to extend this appointment for a further two years.
3. Extend Max Shanahan's membership until 30 June 2022, after which time an expression of interest will be sought to appoint a new member.
4. Extend Mr Andrew Cox's membership until 30 June 2023, after which time an expression of interest will be sought to appoint a new member.

The resolution was carried unanimously.

9.22 Request for Donation for Rates Relief

335/21

RESOLVED (Hicks/Biscotti)

That Council consider the application under Category C (e) of the QPRC Donations policy for 55% rate relief in the amount of \$2,004.20.

For: Crs Biscotti, Hicks, Marshall, Overall and Taylor

Against: Crs Harrison, Noveska, Schweikert and Winchester

9.23 Investment Report - September 2021

336/21

RESOLVED (Schweikert/Noveska)

That Council:

1. Note the investment return for September 2021 was -\$396,395.
2. Note the investment portfolio has been made in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2005 and Queanbeyan-Palerang Regional Council's Investment Policy.
3. Receive the Investment Report for the month of September 2021.

The resolution was carried unanimously.

9.24 Register of Declarations of Pecuniary Interests and Other Matters - Councillors and Designated Persons

337/21

RESOLVED (Harrison/Taylor)

That in accordance with s.440AAB of the *Local Government Act 1993*, the register of annual returns of disclosures of pecuniary interest and other matters by councillors and designated staff for the period ending 30 June 2021, be tabled.

The resolution was carried unanimously.

9.25 Delegation to Chief Executive Officer

338/21

RESOLVED (Overall/Biscotti)

That, in accordance with s.377(1) of the *Local Government Act 1993 (NSW)*, for the period commencing on Saturday, 4 December 2021 until the election of the new Mayor of Queanbeyan-Palerang Regional Council by the Councillors, the Council delegates to the Chief Executive Officer all of the functions of the Council that, immediately before 4 December 2021, had been delegated to the Mayor.

The resolution was carried unanimously.

As the matter was for determination, Item 10.3 was brought forward at this juncture.

10.3 Tender Recommendation - Trade Services and Minor Works Panel Contract Number 2021-36

339/21

RESOLVED (Harrison/Biscotti)

That:

1. Council award RFT 2021-36 Trade Services and Minor Works Panel Contract to the tenderers in the works categories provided in the table:

Tenderer ID	Categories Awarded: Minor Works
1	Water/Wastewater Telemetry Systems
2	Concreters
6	Roadside Spraying & Slashing
7	Industrial Electrician, Fire Equipment Services and Maintenance, Mechanical Services (HVAC) and Building Management System Operator (BMS)
8	Automatic Door – Service and Repairs and Cranes – Service, Inspection & Maintenance
10	Project Managers/Consultants
12	Mechanical Services (HVAC)
13	Roadside Spraying & Slashing
14	Service Locators

- 19 Roadside Spraying & Slashing
- 21 Roadside Spraying & Slashing
- 22 Building Management System Operator (BMS)
- 23 Mechanical Services (HVAC)
- 24 Building Management System Operator (BMS)
- 27 Survey and Design Services
- 28 Industrial Electrician and Mechanical Services (HVAC)
- 31 Electronic Security Services
- 32 Mechanical Services (HVAC)
- 33 Mechanical Services (HVAC) and Environmental Consultants
- 34 Water/Wastewater Mechanical & Hydraulic Engineering Services
- 35 Laboratory Testing – Geotechnical & Water/Wastewater, Project Managers/Consultants and Survey and Design Services
- 36 Automatic Door – Service and Repairs
- 37 Laboratory Testing – Geotechnical & Water/Wastewater
- 38 Asbestos Assessor/Consultancy Services and Environmental Consultants
- 39 Environmental Consultants
- 41 Concreters and Water/Wastewater Mechanical & Hydraulic Engineering Services
- 44 Roadside Spraying & Slashing
- 45 Automatic Door – Service and Repairs
- 46 Generator – Service, Inspection & Maintenance
- 48 Concreters
- 50 Fire Equipment Services and Maintenance and Mechanical Services (HVAC)
- 52 Water/Wastewater Mechanical & Hydraulic Engineering Services, Project Managers/Consultants, Survey and Design Services and Structural Engineers
- 53 Concreters, Building Management System Operator (BMS) and Project Managers/Consultants
- 54 Survey and Design Services
- 56 Asbestos Assessor/Consultancy Services
- 57 Industrial Electrician
- 60 Building Management System Operator (BMS)
- 61 Project Managers/Consultants and Environmental Consultants
- 64 Industrial Electrician
- 66 Environmental Consultants
- 67 Architectural Services
- 69 Sullage Services, Sullage Services, Service Locators, Vehicle & Plant Mechanics, Height Safety Systems and Aquatic Centre Services
- 71 Automatic Door – Service and Repairs

72	Electronic Security Services
73	Mechanical Services (HVAC)
74	Water/Wastewater Telemetry Systems
76	Asbestos Assessor/Consultancy Services, Architectural Services, Environmental Consultants and Structural Engineers
77	Fire Equipment Services and Maintenance
79	Service Locators and Survey and Design Services
80	Concreters, Tiling Services, Height Safety Systems, Project Managers/Consultants and Architectural Services
81	Structural Engineers
82	Mechanical Services (HVAC)
83	Sullage Services
85	Survey and Design Services
87	Solar System Installer
88	Concreters
92	Solar System Installer
93	Project Managers/Consultants, Survey and Design Services, Architectural Services, Environmental Consultants and Structural Engineers
96	Water/Wastewater Telemetry Systems
98	Project Managers/Consultants and Structural Engineers
101	Industrial Electrician
102	Project Managers/Consultants
103	Project Managers/Consultants and Survey and Design Services
104	Concreters
106	Survey and Design Services
108	Concreters
109	Electronic Security Services

Tenderer ID	Categories Awarded: Trade Services
3	Glazing (Tinting removal only)
4	Plumbing/Drainage/Gas Fitter
5	Asbestos Removal
6	Vegetation Contractors
8	Electrician
11	Electrician
13	Vegetation Contractors
17	Painting
19	Vegetation Contractors
20	Asbestos Removal
21	Fencing and Vegetation Contractors
24	Electrician

- 26 Sign Writing
 - 28 Electrician
 - 29 Locksmiths
 - 30 Electrician
 - 42 Electrician
 - 43 Pest Control
 - 44 Vegetation Contractors
 - 47 Carpentry/Joinery and Builder
 - 50 Electrician
 - 51 Builder
 - 57 Electrician
 - 58 Roof & Gutter Cleaner and Vegetation Contractors
 - 62 Sheet Metal Roofing and Roof & Gutter Cleaner
 - 64 Electrician
 - 68 Fencing
 - 70 Plumbing/Drainage/Gas Fitter
 - 75 Painting
 - 78 Flooring (Vinyl, Carpet, etc.
 - 80 Electrician, Plumbing/Drainage/Gas Fitter, Carpentry/Joinery, Fencing, Painting, Steel Fabricators, Sheet Metal Roofing, Glazing, Flooring (Vinyl, Carpet, etc., Asbestos Removal, Roof & Gutter Cleaner, Builder and Vegetation Contractors
 - 82 Electrician
 - 83 Vegetation Contractors
 - 84 Data Cabling - Reviewed
 - 86 Vegetation Contractors
 - 90 Electrician
 - 91 Plumbing/Drainage/Gas Fitter
 - 94 Glazing
 - 97 Fencing
 - 99 Steel Fabricators
 - 100 Carpentry/Joinery, Painting, Asbestos Removal and Builder
 - 101 Electrician
 - 104 Carpentry/Joinery and Sheet Metal Roofing
 - 105 Plumbing/Drainage/Gas Fitter
 - 107 Electrician, Plumbing/Drainage/Gas Fitter, Carpentry/Joinery, Painting and Vegetation Contractors
 - 108 Vegetation Contractors
2. A provision be allowed for 2 x 12 month extensions based on satisfactory supplier performance, which may take this contract to 31 October 2026.

The resolution was carried unanimously.

10. REPORTS TO COUNCIL - ITEMS FOR INFORMATION

10.1 Summary of Road Renewal and Maintenance Activities - Quarter 1 2021/22

340/21

RESOLVED (Taylor/Hicks)

That the report be received for information.

The resolution was carried unanimously.

10.2 Graffiti Wall - Bungendore Skate Park

341/21

RESOLVED (Schweikert/Biscotti)

That the report be received for information.

The resolution was carried unanimously.

11. REPORTS OF COMMITTEES

11.1 Local Traffic Committee Meeting Minutes - 13 October 2021

342/21

RESOLVED (Schweikert/Hicks)

That Council:

1. Note the minutes of Local Traffic Committee held on 13 October 2021.
2. Adopt recommendations LTC 44/2021 to LTC 48/2021 from the meeting held on 13 October 2021.

LTC 44/2021: Under the *Road Transport Act 2013*, approve the design for the Bus Stop on Ashby Drive, Bungendore.

LTC 45/2021: Under the *Road Transport Act 2013*, approve the design for Timed Parking restrictions and loading zone in Bonarba Link, Googong.

LTC 46/2021: Under the *Road Transport Act 2013*, approve the updated design for the Braidwood School Zone.

LTC 47/2021: Under the *Road Transport Act 2013*, approve the design for the Collett and Antill Street Intersection, Queanbeyan.

LTC 48/2021: Under the *Road Transport Act 2013*, approve the revised design for the Gorman Drive School Zone as per the design.

The resolution was carried unanimously.

- 343/21 **11.2 Audit, Risk and Improvement Committee - Minutes 16 June 2021**
- RESOLVED (Harrison/Biscotti)**
- That Council note the minutes of the Audit, Risk and Improvement Committee held on 16 June 2021.
- The resolution was carried unanimously.
- 344/21 **11.3 Bungendore Town Centre and Environs Committee Meeting Minutes**
- RESOLVED (Schweikert/Hicks)**
- That:
1. Council note the meeting minutes of the Bungendore Town Centre and Environs Committee held on 20 September 2021.
 2. Council note the meeting minutes of the Bungendore Town Centre and Environs Committee held on 26 August 2021.
 3. Attachment 1 to this item be included for consideration with resolution 163/21 as part of the Bungendore Town Centre and Environs Committee Action Plan.
- The resolution was carried unanimously.
- 345/21 **11.4 Bungendore War Memorial s355 Committee Meeting Minutes**
- RESOLVED (Schweikert/Harrison)**
- That Council:
1. Note the minutes of the Bungendore War Memorial Committee held on 1 July 2021.
 2. Note the minutes of the Bungendore War Memorial Committee Annual General Meeting held on 6 August 2020.
 3. Note the 2021 Annual Report of the Bungendore War Memorial Committee.
- The resolution was carried unanimously.
- 346/21 **11.5 Carwoola/Stoney Creek Area s355 Committee Meeting Minutes**
- RESOLVED (Hicks/Harrison)**
- That Council:
1. Note the minutes of the Carwoola/Stoney Creek Area s.355 Committee held on 27 February 2021.
 2. Note the minutes of the Carwoola/Stoney Creek Area s.355 Committee held in February 2020.
 3. Note the minutes of the Carwoola/Stoney Creek Area s.355 Committee held on 27 June 2019.
- The resolution was carried unanimously.

12. NOTICES OF MOTIONS

12.1 Annual Report on Road Closures in LGA

347/21

RESOLVED (Marshall/Harrison)

That Council:

1. Receive a report annually on road closures due to flooding.
2. Receive a report on options for real-time reporting on road closures due to flooding, other incidents and events, and planned roadworks.

The resolution was carried unanimously.

13. REPORTS TO COUNCIL - DELEGATES REPORTS

13.1 Delegates Report

348/21

RESOLVED (Schweikert/Harrison)

That the report be received for information.

The resolution was carried unanimously.

14. QUESTIONS WITH NOTICE

14.1 Responses to Councillors' Questions

349/21

RESOLVED (Taylor/Marshall)

That the report be received for information.

The resolution was carried unanimously.

The Mayor advised that as he will be declaring an interest in one of the items being considered in Closed Session, accordingly he vacated the Chair and left the Chambers at 7.08pm. The Deputy Mayor assumed the Chair.

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

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

16. REPORTS FOR CLOSED SESSION

350/21

RESOLVED (Biscotti/Harrison)

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 Country Womens Association NSW - Carpark at rear of 152 Wallace Street, Braidwood - Renewal of Licence Agreement with QPRC

Item 16.1 is confidential in accordance with s10(A)(2)(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 Bungendore Property

Item 16.2 is confidential in accordance with s10(A)(2)(d)(i) of the Local Government Act 1993 because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Item 16.3 Crawford-Rutledge Properties - Expression of Interest

Item 16.3 is confidential in accordance with s10(A)(2)(d)(i) of the Local Government Act 1993 because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

The resolution was carried unanimously.

The meeting then moved into Closed Session at 7.11pm to discuss the matters listed above.

Procedural motion

351/21

RESOLVED (Biscotti/Taylor)

That Items 16.1 and 16.3 be dealt with in that order, followed by Item 16.2.

The resolution was carried unanimously.

Cr Overall returned to the Chambers at 7.12pm and assumed the Chair.

16.1 Country Womens Association NSW - Carpark at rear of 152 Wallace Street, Braidwood - Renewal of Licence Agreement with QPRC

352/21

RESOLVED (Schweikert/Taylor)

That Council enter into a Licence Agreement with the NSW Country Womens Association (CWA) to use CWA land at the rear of 152 Wallace Street Braidwood as a parking area for Council vehicles, on the following terms:

- a. Ten-year term with a 10 year renewal option.
- b. Commencement date 1 February 2021.
- c. Licence fee \$1,560 p/a (ex GST).
- d. Rent reviews annually to CPI.
- e. Exclusive use as a carpark for Council vehicles.
- f. Right of First Refusal for Council if CWA sells the property.

The resolution was carried unanimously.

Item 16.3 was brought forward at this juncture.

16.3 Crawford-Rutledge Properties - Expression of Interest

353/21

RESOLVED (Overall/Biscotti)

That Council:

1. Accept the offer of proponent 2.
2. Authorise the CEO to progress and execute contracts for sale of 2/1179998 and 31/771673.
3. Authorise the CEO to progress and execute contracts with proponent 9 should the first contract not exchange.
4. Place proceeds of sale into working capital (property reserve).

For: Crs Biscotti, Harrison, Marshall, Noveska, Overall, Schweikert, Taylor and Winchester

Against: Cr Hicks

The Mayor declared an interest in the following item, vacated the Chair, and left the meeting at 7.37pm. The Deputy Mayor assumed the Chair.

16.2 Bungendore Property

354/21

RESOLVED (Marshall/Schweikert)

That Council:

1. Note the compulsory acquisition of Council and Crown lands outlined in the report.
2. Authorise the CEO to seek relevant legal and expert advice, to enable submission of claims for compensation for:
 - a. Council branch office
 - b. Community centre
 - c. Community swimming facility
 - d. Community library
 - e. Open space
 - f. Carparking
3. Agree to the conduct of site investigation and other works on Council and Crown land, identified in the SSDA (if approved).
4. Subject to the approval of the SSDA, agree to a joint-use licence agreement for part of Bungendore Park outlined in the report, noting any approval is subject to joint-use agreements being executed for Council/community use of Bungendore Primary School sports field and the proposed high school hall in Bungendore.
5. Delegate authority to the CEO to negotiate and execute joint-use licence agreements for the shared facilities, and continued occupation agreements for 2 and 10 Majara Street.

For: Crs Biscotti, Hicks, Marshall, Noveska, Schweikert, Taylor and Winchester

Against: Cr Harrison

355/21

RESOLVED (Biscotti/Taylor)

That the meeting now return to Open Session.

The resolution was carried unanimously.

The meeting returned to Open Session at 7.52pm and the livestream recommenced.

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

17. CONCLUSION OF THE MEETING

The time being 7.54pm, the Deputy Mayor announced that the Agenda for the meeting had now been completed.

**CR TIM OVERALL
MAYOR
CHAIRPERSON**



PLANNING AND STRATEGY COMMITTEE OF THE WHOLE MEETING

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

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

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

MINUTES OF THE PLANNING AND STRATEGY COMMITTEE OF THE WHOLE OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held via Zoom and in the Council Chambers, 253 Crawford St, Queanbeyan on Wednesday, 10 November 2021 commencing at 5.30pm.

ATTENDANCE

Councillors: Cr Overall (Chair)
Cr Biscotti
Cr Harrison
Cr Hicks – via Zoom
Cr Marshall – via Zoom
Cr Schweikert – via Zoom
Cr Taylor
Cr Winchester (from 5.31pm) – via Zoom

Staff: P Tegart, CEO
M Thompson, Portfolio General Manager Natural & Built Character
P Hansen, Portfolio General Manager Community Connections
J Richards, Portfolio General Manager Community Choice

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

PLA181/21

RESOLVED (Taylor/Biscotti)

That apologies for non-attendance from Crs Brown and Noveska be received and noted.

For: Crs Biscotti, Harrison, Marshall, Overall, Schweikert, Taylor and Winchester

Against: Cr Hicks

4. DISCLOSURES OF INTEREST

PLA182/21

RESOLVED (Taylor/Biscotti)

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 Trevor Hicks declared a less than significant non-pecuniary interest in Item 8.5: Determination of Applications for the Local Heritage Places Grants 2021-22, stating he is a friend of one of the applicants.

5. ADJOURNMENT FOR PUBLIC FORUM

PLA183/21

RESOLVED (Overall/Hicks)

That the meeting be adjourned to conduct the Public Forum.

The resolution was carried unanimously.

Cr Winchester joined the meeting at 5.31pm.

ADJOURNMENT:

The meeting adjourned for the Public Forum at 5.31pm and resumed at 5.41pm.

6. MAYORAL MINUTE

There was no Mayoral Minute.

7. NOTICES OF MOTIONS OF RESCISSION

There were no Notices of Motions of Rescission.

8. REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

8.1 Development Application - DA.2020.1481 - Adaptive Reuse of Benedict House as a Childcare Facility, Associated Additions, Demolition of an Outbuilding and Basement Carparking - 39 Isabella Street, Queanbeyan

PLA184/21

RESOLVED (Taylor/Harrison)

That:

1. Development application DA.2020.1481 for the adaptive reuse of a listed heritage item (Benedict House) as a childcare facility, demolition of cottage to rear basement parking and associated additions on Lot 1 DP801099, 39 Isabella Street, Queanbeyan be granted conditional approval.
2. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.

The resolution was carried unanimously.

8.2 Development Application - DA.2021.1207 - Alterations and Additions to an Existing Commercial Premises (Bungendore Rural Services) - 114 Molonglo Street, Bungendore

PLA185/21

RESOLVED (Schweikert/Marshall)

That:

1. Approval be granted to a variation to clause 4.3 'height of buildings' of the Palerang Local Environmental Plan 2014 to allow the expansion of the existing commercial premises for the following reasons:
 - a. The building height of the proposed extension is consistent with the existing development and its roofline.
 - b. It is located behind the existing building and incorporates appropriate materials and colours.
 - c. It does not result in a significant increase in the bulk and scale that would create an adverse impact on the streetscape and predominant surrounding residential character of the locality.
2. Development Application DA.2021.1207 for alterations and additions to an existing commercial premises on Lot 14, Section 11, DP976608 114 Molonglo Street, Bungendore be granted conditional deferred commencement approval to allow finalised stormwater details to be submitted to Council's satisfaction.
3. Those persons who lodged a submission on the application be advised in writing of the determination of the application.
4. Transport for NSW be forwarded a copy of Council's Notice of Determination.

The resolution was carried unanimously.

- PLA186/21
- 8.3 Development Application - DA.2020.1083 - Two Lot Torrens Title Subdivision - 33 Widgiewa Road, Carwoola**
- RESOLVED (Marshall/Schweikert)**
- That:
1. Development application DA.2020.1083 for a two lot Torrens title subdivision on Lot 4 DP246882 No.33 Widgiewa Road, Carwoola be granted conditional approval.
 2. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.
 3. The Department of Planning Industry and Environment, Rural Fire Services and the Natural Resources Access Regulator, be forwarded a copy of Council's Notice of Determination.

The resolution was carried unanimously.

- PLA187/21
- 8.4 Bungendore East Planning Proposal - State Agency Consultation and Public Exhibition**
- RESOLVED (Hicks/Harrison)**
- That Council support:
1. Any minor changes to the planning proposal to ensure that the RE1 and R2 land zonings appropriately reflect the 1% Annual Exceedance Probability flood level as identified in the Martens report, plus 500mm freeboard.
 2. Any minor changes to the planning proposal negotiated by staff with NSW Biodiversity and Conservation that ensure that the critically endangered vegetation on the site is suitably protected.
 3. The amended planning proposal being placed on public exhibition.

The resolution was carried unanimously.

Cr Hicks declared an interest in the following item and left the meeting at 5.50pm.

- PLA188/21
- 8.5 Determination of Applications for the Local Heritage Places Grants 2021-22**
- RESOLVED (Harrison/Biscotti)**
- That Council adopt the recommendations to provide funding to the applications as listed in Attachment 1.

The resolution was carried unanimously.

Cr Hicks returned to the meeting at 5.51pm.

8.6 Street Naming Proposal - Estate 2 Stage 1 - South Jerrabomberra Urban Release Area

PLA189/21

RESOLVED (Schweikert/Hicks)

That Council:

1. Adopt in principle the following proposed names for the new roads created within Stage 1 of Estate 2 at the South Jerrabomberra Urban Release Area:
 - Fuchsia Crescent
 - Ironstone Circuit
 - Lavender Lane
 - Photinia Street
 - Pimelea Road
2. Exhibit the names for public comment for 28 days.
3. Publish a notice in the NSW Government Gazette if no objections are received.

The resolution was carried unanimously.

8.7 Road Naming Proposal - Maddrell Place, Braidwood

PLA190/21

RESOLVED (Harrison/Schweikert)

That Council:

1. Decline to utilise the name Foxton Place on this occasion.
2. Adopt in principle the name Maddrell Place as the proposed name for the new road created under subdivision development consent DA.2014.143.
3. Advertise the name for public comment for 28 days.
4. Publish a notice in the NSW Government Gazette if no objections are received.

The resolution was carried unanimously.

8.8 Draft Mobile Food Vending Policy for Adoption

PLA191/21

RESOLVED (Biscotti/Schweikert)

That Council adopt the draft Mobile Food Vending Policy as provided in Attachment 2.

The resolution was carried unanimously.

8.9 Resourcing Strategy 2021

PLA192/21

RESOLVED (Taylor/Schweikert)

That Council note the draft Resourcing Strategy and be made publicly available for candidates for the upcoming election.

The resolution was carried unanimously.

8.10 Country Womens Association - Carpark at rear of 152 Wallace Street, Braidwood - Licence Agreement Renewal - Updated Information

PLA193/21

RESOLVED (Schweikert/Taylor)

That Council enter into a Licence Agreement with the NSW Country Womens Association (CWA) to use CWA land at the rear of 152 Wallace Street Braidwood as a parking area for Council vehicles, on the same terms outlined in Council Resolution 352/21 with the following correction:

- a. Licence fee \$2,553 p/a (ex GST).

For: Crs Biscotti, Harrison, Marshall, Overall, Schweikert, Taylor and Winchester

Against: Cr Hicks

9. REPORTS TO COUNCIL - ITEMS FOR INFORMATION

There were no Items for Information.

10. REPORTS OF COMMITTEES

10.1 Minutes of the QPRC Heritage Advisory Committee held 21 October 2021

PLA194/21

RESOLVED (Overall/Schweikert)

That Council note the Minutes of the QPRC Heritage Advisory Committee meeting of 21 October 2021 and adopt recommendation QPRC HAC 19/21 as shown below:

QPRC HAC 19/21 It is recommended that the Council provide a letter in support of the State Heritage Listing of the Bungendore Soldiers Memorial within a defined curtilage to be agreed upon with the nominator.

The resolution was carried unanimously.

- PLA195/21 **10.2 Minutes of Braidwood and Curtilage Heritage Advisory Committee held 14 October 2021**
- RESOLVED (Marshall/Biscotti)**
- That Council note the Minutes of the Braidwood and Curtilage Heritage Advisory Committee held on 14 October 2021.
- The resolution was carried unanimously.

- PLA196/21 **10.3 Minutes of the Environment and Sustainability Advisory Committee Meeting held 20 October 2021**
- RESOLVED (Marshall/Taylor)**
- That Council note the minutes of Environment and Sustainability Advisory Committee held on 20 October 2021.
- The resolution was carried unanimously.

11. NOTICES OF MOTIONS

There were no Notices of Motions.

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

There were no matters for Closed Session.

13. CONCLUSION OF THE MEETING

The time being 6.02pm, the Mayor announced that the Agenda for the meeting had now been completed.

**CR TIM OVERALL
MAYOR
CHAIRPERSON**



MINUTES OF THE EXTRAORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held via Zoom and in the Queanbeyan Council Chambers on Wednesday, 17 November 2021 commencing at 6.00pm.

ATTENDANCE

Councillors: Cr Biscotti (Chair)
Cr Harrison – via Zoom
Cr Hicks – via Zoom
Cr Marshall – via Zoom
Cr Schweikert
Cr Taylor
Cr Winchester – via Zoom

Staff: P Tegart, CEO
M Thompson, Portfolio General Manager Natural & Built Character
P Hansen, Portfolio General Manager Community Connections
J Richards, Portfolio General Manager Community Choice

1. OPENING

The meeting commenced at 6.00pm.

2. ACKNOWLEDGEMENT OF COUNTRY

The Deputy 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

356/21

RESOLVED (Taylor/Schweikert)

That apologies for non-attendance from Crs Overall and Noveska be received and that leave of absence be granted.

The resolution was carried unanimously.

4. DISCLOSURES OF INTERESTS

357/21

RESOLVED (Taylor/Schweikert)

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.

There were no disclosures.

5. ADJOURNMENT FOR PUBLIC FORUM

At this stage of the proceedings, the time being 6.01pm, Cr Biscotti advised that the meeting should now adjourn for the Public Forum.

358/21

RESOLVED (Schweikert/Taylor)

That the meeting be adjourned to conduct the Public Forum.

The resolution was carried unanimously.

ADJOURNMENT:

The meeting adjourned for the Public Forum at 6.01pm and resumed at 6.02pm.

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

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

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

7. REPORTS FOR CLOSED SESSION

359/21

RESOLVED (Taylor/Schweikert)

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 7.1 Bungendore Property - Legal Matter

Item 7.1 is confidential in accordance with s10 A (2) (g) of the Local Government Act 1993 because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

The resolution was carried unanimously.

The meeting then moved into Closed Session at 6.02pm to discuss the matters listed above.

7.1 Bungendore Property - Legal Matter

360/21

RESOLVED (Schweikert/Taylor)

That Council:

1. Authorise the actions 'a-c' as listed in the report.
2. Advise the lawyers of Council's position on the offer.

For: Crs Biscotti, Hicks, Taylor and Schweikert

Against: Crs Harrison, Marshall and Winchester

361/21

RESOLVED (Taylor/Schweikert)

That the meeting now return to Open Session.

The resolution was carried unanimously.

The meeting returned to Open Session at 6.31pm.

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

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

8. CONCLUSION OF THE MEETING

The time being 6.32pm, the Deputy Mayor announced that the Agenda for the meeting had now been completed.

**CR TIM OVERALL
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.

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.1 Development Application DA.2021.1441 - Construction of 6 attached dwellings on 6 Torrens Title lots - 17-27 Maidenhair Terrace, Tralee (Author: Thompson/Adsett)

File Reference: DA.2021.1441

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

This application has been referred to Council because it involves a number of variations to requirements in a Development Control Plan.

Proposal:	Construction of 6 attached two storey dwelling houses
Applicant/Owner:	Elizabeth Densley, Eight Mile Planning / Jeracanfin Pty Ltd
Subject Property:	Lots 201 – 206 inclusive DP 1272220; 17 – 27 Maidenhair Road Tralee NSW 2620
Zoning & Permissibility:	R2 - Low Density Residential under the Queanbeyan Local Environmental Plan (South Jerrabomberra) 2012
Public Submissions:	Nil
Issues Discussed:	Planning Requirements Variations to Development Controls for Small Lots less than 330m ²
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

Recommendation

1. That in relation to DA.2021.1441, approval be granted for multiple variations to Part 7, 'Table 1' of the South Jerrabomberra Development Control Plan 2015 as follows:
 - (a) Maximum length of zero lot line - Lot 206 DP 1272220 has a very limited rear lane frontage of only 3.5 metres due to the lot layout determined at the time of subdivision and the curvature of the rear laneway at that location making it impossible to site a single or double car garage at the rear of the lot;
 - (b) Location of Carparking - The proposed single car garage and stacked car parking space in the front of Lot 206 DP 1272220 are well set back from the front property line and do not have any significant impact on the streetscape or amenity of adjacent properties;
 - (c) Principal private open space - Principal private open space (PPOS) has been supplemented with additional alfresco courtyards for each dwelling providing additional private open space;
 - (d) Solar access - The location of the PPOS for Lots 201 – 205 DP 1272220 and the alfresco area for Lot 206 DP 1272220 forward of the building line allows for maximum solar access from the north and does detract from the streetscape.
 - (e) Articulation Zone - Lot 206 is subject to development constraints which have resulted in the placement of the garage at the front of the lot which, in turn, is due to the rear laneway configuration and limited rear laneway frontage. It is noted that Lot 206 is 7.5m wide which does allow the garage to be accommodated without imposing on greater than 45% of the frontage and it is
-

9.1 Development Application DA.2021.1441 - Construction of 6 attached dwellings on 6 Torrens Title lots - 17-27 Maidenhair Terrace, Tralee (Author: Thompson/Adsett) (Continued)

set well behind the front building line. The building presents well to the street without imposing into the articulation zone.

2. That approval not be granted to vary Part 7, Section 7.14 of South Jerrabomberra Development Control Plan 2015 to allow required waste bin enclosures to be located forward of the building line on Lots 201 – 206 DP 1272220 because having the bins permanently located adjacent to the front gate and sidewalk will detract from the streetscape and create an odour problem.
 3. That with the abovementioned variations, development application DA.2021.1441 for six attached two storey dwelling houses on Lots 201 – 206 inclusive DP 1272220 at 17 – 27 Maidenhair Road Tralee be granted conditional approval.
-

Background

This application was received on 27 July 2021. As there were outstanding essential infrastructure works (reticulated water, sewer and electricity) yet to be completed within Stage 1A and 1B1 of the South Jerrabomberra Estate, the application was placed on 'stop the clock' until servicing was complete (as per Clause 54 of the *Environmental Planning and Assessment Regulation 2000* and *Local Government Act 1993*). In the interim, the application was referred for public comment and assessed internally for compliance with South Jerrabomberra Development Control Plan 2015. Infrastructure works for the affected lots were recently completed.

Proposed Development

The development application is for the construction of 6 two storey attached dwelling houses.

The specific elements of the proposal are:

- Each attached dwelling house is sited on its own registered Torrens title lot;
- Construction of a two storey dwelling house and double attached rear garage on Lots 201 – 205;
- Construction of a two storey dwelling house and single attached garage with one additional exterior car space, both accessible from the front of Lot 206;
- Nominated principal private open space (PPOS) is located in front of the building line on Lots 201 – 205 and at the rear of the dwelling on Lot 206;
- An additional alfresco area is located at the rear of the dwellings on Lots 201 – 205 and in front of the building line on Lot 206;
- Several variations to the development controls for small lots less than 330m² in the South Jerrabomberra DCP 2015 are required to support the development as proposed.

9.1 Development Application DA.2021.1441 - Construction of 6 attached dwellings on 6 Torrens Title lots - 17-27 Maidenhair Terrace, Tralee (Author: Thompson/Adsett) (Continued)



Figure 1: Artist's impression

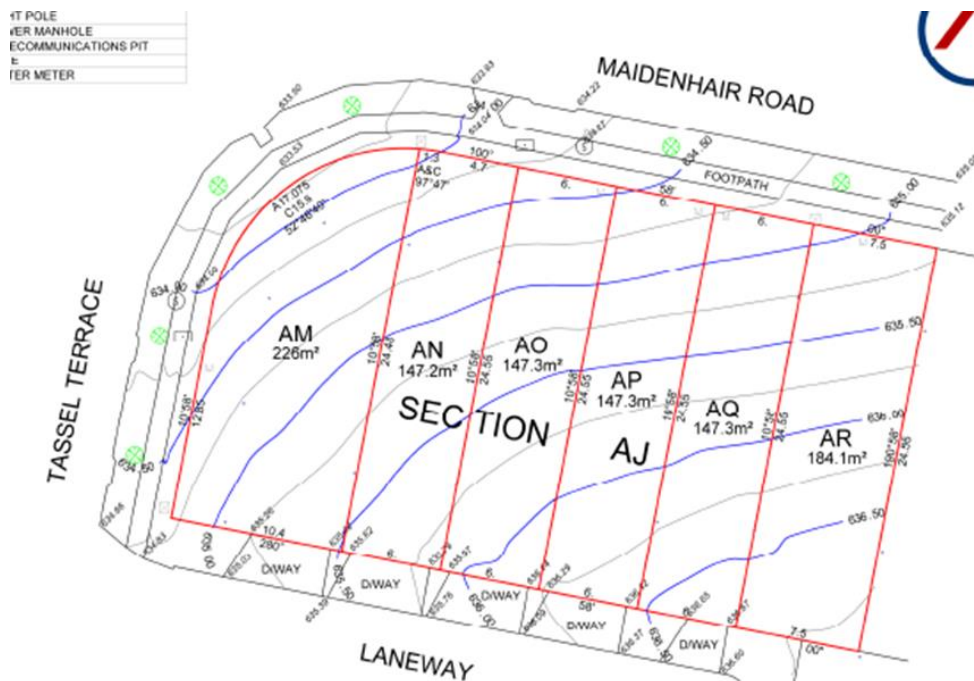


Figure 2: Subject lots

The following Lot numbers correspond to the letters shown on the above plan:

Lot	Letters on Plan	Lot size m ²
201	AM	226.0
202	AN	147.2
203	AO	147.3
204	AP	147.3
205	AQ	147.3
206	AR	184.1

9.1 Development Application DA.2021.1441 - Construction of 6 attached dwellings on 6 Torrens Title lots - 17-27 Maidenhair Terrace, Tralee (Author: Thompson/Adsett) (Continued)

Subject Property

The subject development site consists of six separate registered lots, legally described as Lots 201 – 206 DP 1272220 and are commonly known as 17 – 27 Maidenhair Road, Tralee. The site is located on the southern side of Maidenhair Road and has a collective area of 999.2 m². The site has a gentle slope from the front to the rear of the development site (north to south). There is no existing development on the site. Access for parking for the dwellings is from Pituri Lane at the rear of the properties, with the exception of Lot 206 which has vehicle parking located at the front of the lot and is accessed directly off Maidenhair Road. Development within the locality will consist of dwelling houses and community facilities once complete.

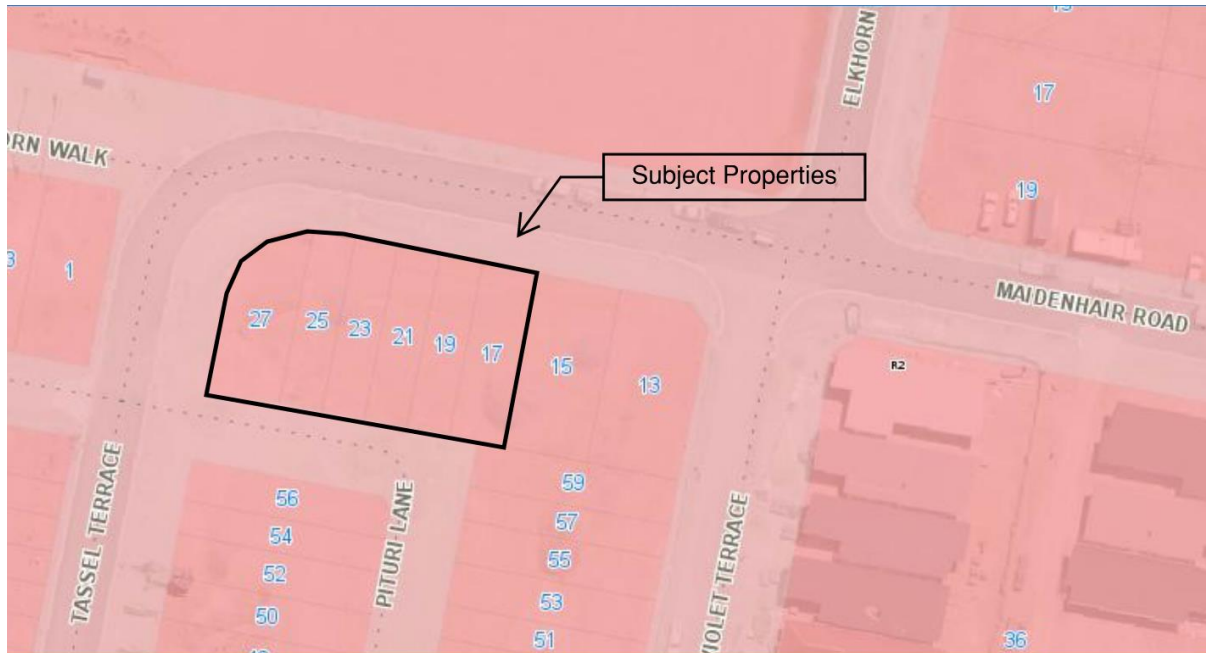


Figure 3: Locality plan & Development Site

9.1 Development Application DA.2021.1441 - Construction of 6 attached dwellings on 6 Torrens Title lots - 17-27 Maidenhair Terrace, Tralee (Author: Thompson/Adsett) (Continued)

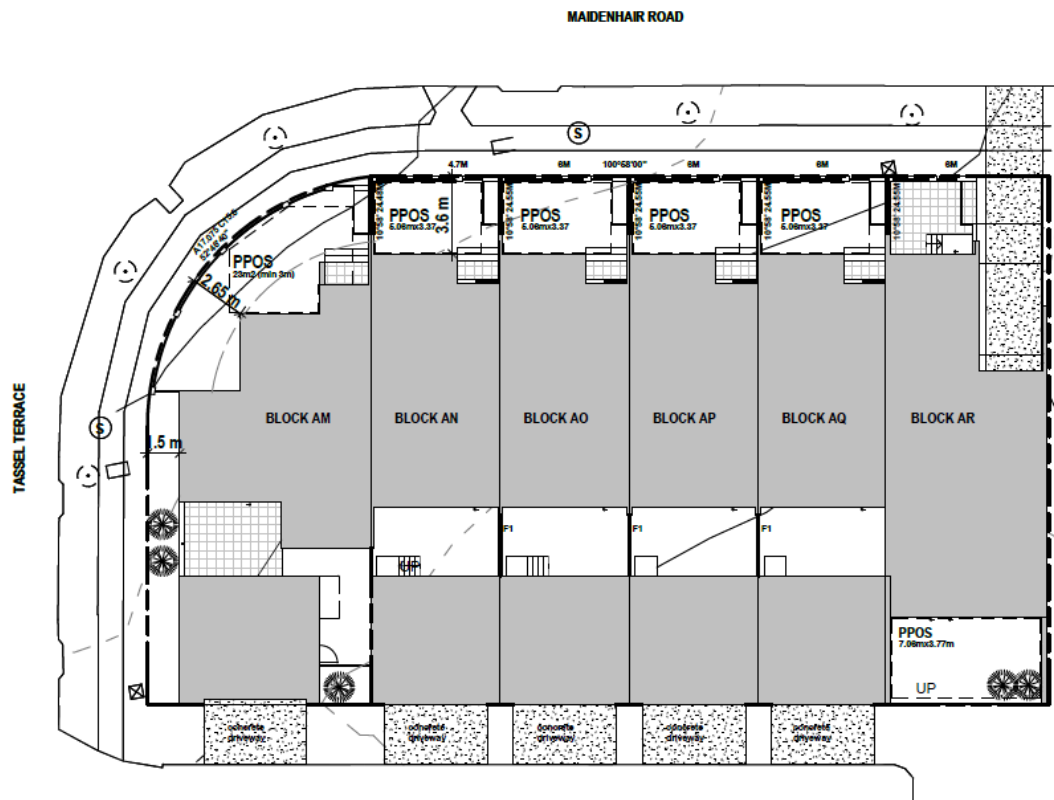


Figure 4: Site Plan Ground Floor

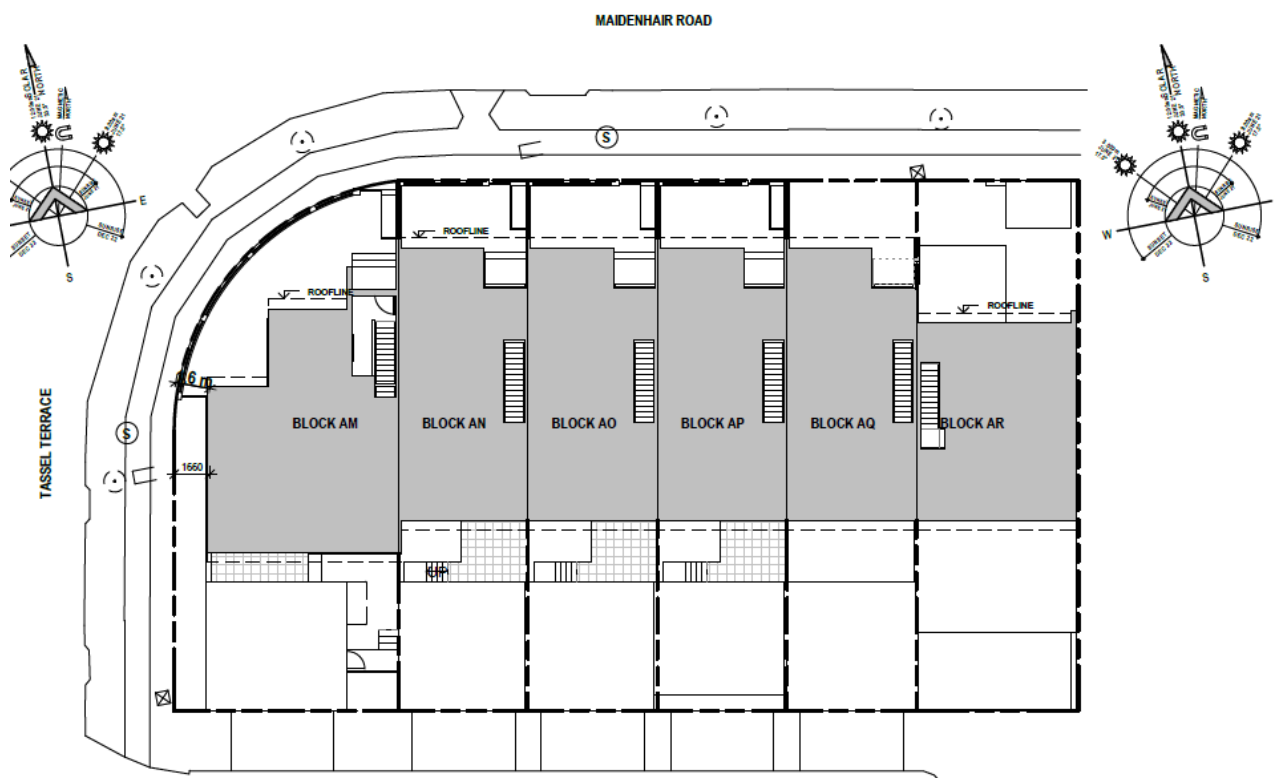


Figure 5: Site Plan First Floor

9.1 Development Application DA.2021.1441 - Construction of 6 attached dwellings on 6 Torrens Title lots - 17-27 Maidenhair Terrace, Tralee (Author: Thompson/Adsett) (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 under Section 4.15 are summarised in the attached *Section 4.15 Table – Matters for Consideration*.

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

1. *State Environmental Planning Policy No 55 - Remediation of Land*
2. *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
3. *Queanbeyan Local Environmental Plan (South Jerrabomberra) 2012 (QLEPSJ 2012)*
4. *South Jerrabomberra Development Control Plan 2015 (SJDCP)*

The development generally satisfies the requirements and achieves the objectives of these planning instruments. The significant issues relating to the proposal for Council's consideration are relating to the proposed variations to the South Jerrabomberra Development Control Plan 2015.

(a) Compliance with LEP

facilitates the orderly growth of the new release area with a use that is suitable for the site (refer to *Section 4.15 Table – Matters for Consideration* for a detailed assessment). ***(b)***

Compliance with DCP

The South Jerrabomberra Development Control Plan 2015 (SJDCP) is applicable to the proposal. The proposed development is generally consistent with the objectives and controls of the SJDCP, with the exception of the following variations to Part 7 - Small Lot Housing Development Controls:

- i) Zero lot line (max length of zero lot line wall) for Lot 206
- ii) Articulation of front façade
- iii) Principal private open space
- iv) Solar access to principal private open space (as measured between 9am and 3pm on 21 June)
- v) Car parking spaces
- vi) Garbage area requirements.

Each of these variations is discussed in turn.

i) Zero Lot Line

The proposed development incorporates a variation to the requirements supporting a zero lot line setback for lots $170 < 250\text{m}^2$ within the SJDCP on Lot 206. The relevant controls are:

Zero lot line setback (max length of zero lot line wall)	required – 70% of the depth of the lot for single storey. 50% of the depth of the lot for 2 storeys. For lots that have a width measured at building line of at least 6m but less than 8m, the building may be built to both side boundaries.
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The proposed variation is considered minor and acceptable. Lot 206 is affected by a limited amount of rear laneway frontage due to the lot layout determined at the time of subdivision and the curvature of the rear laneway at this location (refer *Figure 5*). Additionally, the variation is not anticipated to have an adverse impact on the streetscape or amenity of the locality.

9.1 Development Application DA.2021.1441 - Construction of 6 attached dwellings on 6 Torrens Title lots - 17-27 Maidenhair Terrace, Tralee (Author: Thompson/Adsett) (Continued)

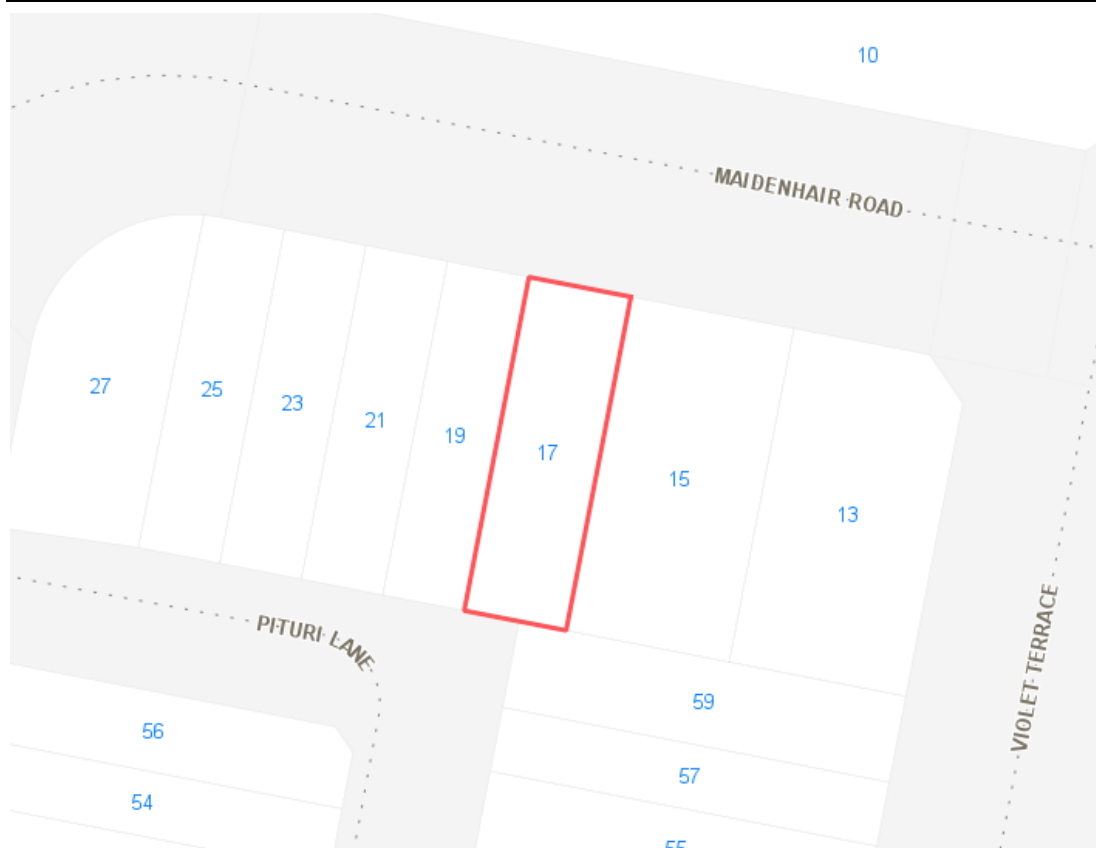


Figure 6: Limited rear laneway frontage – Lot 206 (17 Maidenhair Rd)

ii) Articulation of Front Façade

The proposed development incorporates a variation to the articulation of front façade requirement under the South Jerrabomberra Development Control Plan 2015 on Lot 206. The relevant controls are:

Articulation of front façade	required – measured from the min setback of the lot, 1.5m encroachment for 45-50% of the dwelling width on the side where the articulation zone is proposed
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Lot 206 does not propose development within the articulation zone, which represents a variation. Lot 206 is subject to development constraints which have resulted in the placement of the garage at the front of the lot which, in turn, is due to the rear laneway configuration and limited rear laneway frontage. It is noted that Lot 206 is 7.5m wide which does allow the garage to be accommodated without imposing on greater than 45% of the frontage and it is set well behind the front building line. The building presents well to the street without imposing into the articulation zone.

9.1 Development Application DA.2021.1441 - Construction of 6 attached dwellings on 6 Torrens Title lots - 17-27 Maidenhair Terrace, Tralee (Author: Thompson/Adsett) (Continued)

iii) Principle Private Open Space (PPOS)

The proposed development incorporates a variation to the Principle Private Open Space requirement under the South Jerrabomberra Development Control Plan 2015 for all proposed dwellings. The relevant controls are:

Principal Private Open Space (PPOS)	required – 24m ² PPOS is to be directly accessible from living areas, with a minimum width of 3m and located behind the building line to the main street frontage.
Minimum area	Where lots have a width of at least 6m but less than 10m, the PPOS can be reduced to 16m ² .

The applicant is seeking to vary the requirement that nominated PPOS must be located behind the building line to the main street frontage. Lots 201 – 205 have PPOS located forward of the building line and Lot 206's nominated PPOS is located at the rear of the property; both scenarios require a variation.

The variation is supported on the basis that locating the PPOS forward of the building line allows the best and maximum solar access to the small lots. It is noted that all lots exceed the minimum PPOS area requirement and each has an additional alfresco courtyard that is separate from the nominated PPOS. It is located at the rear of the dwellings on Lots 201 – 205. In the case of Lot 206, the situation is reversed due to limitations previously discussed, but still allowing maximum solar access to the front courtyard which is accessible from the living room and PPOS accessible from the family room at the rear of the dwelling.

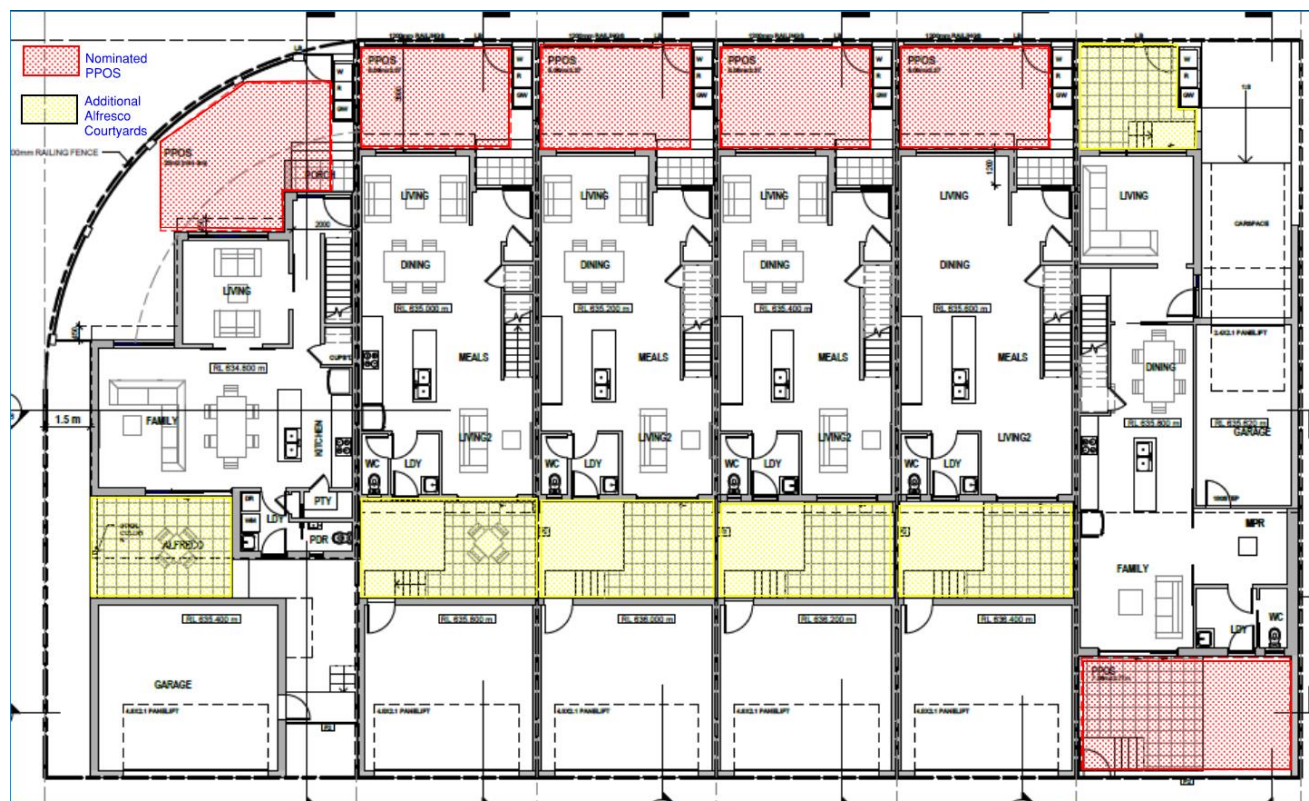


Figure 7: PPOS & Alfresco Courtyards – Lots 201 - 206 DP 1272220 Maidenhair Road

9.1 Development Application DA.2021.1441 - Construction of 6 attached dwellings on 6 Torrens Title lots - 17-27 Maidenhair Terrace, Tralee (Author: Thompson/Adsett) (Continued)

iv) Solar Access to Principal Private Open Space

The proposed development incorporates a variation to the solar access to PPOS requirement under the SJDCP for two of the proposed dwellings. The relevant controls are:

Solar access to principal private open space (as measured between 9am and 3pm on 21 June)	<p>required – Private open space to be north facing where practical.</p> <p>Minimum 3hrs to 50% of principal open space.</p> <p>3hrs to adjoining living room windows and PPOS on neighbour's land.</p>
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The applicant is seeking a variation to the minimum amount of solar access to PPOS for the proposed dwellings on Lots 206 and 201 based on the following rationale. The internal lots in the development proposal comply with this requirement and the requested variation on the other two lots represents a good development outcome in terms of the comfort and internal amenity of the dwellings. 17m² of PPOS can be accommodated in front of the building line and an alternative area is provided at the rear of the dwellings which also has direct access via living areas. Positioning the additional alfresco courtyards at the rear of the dwellings is practical due to orientation of the lots and compliance with other development standards. Both the front and rear areas of open space enjoy direct access from living areas and total areas. Living rooms are located on ground floor and facing north all of which enjoy direct sunlight.

Shadow diagrams of the proposed development were submitted with the development application in accordance with Council's submission requirements. Lots 202 – 205 have north facing PPOS at the front adjacent to living room windows and living areas. They can achieve a minimum 3 hours of solar access between 9.00am and 3.00pm during mid-winter.

The nominated PPOS area for Lot 206 is located at the rear of the proposed dwelling with south facing windows and family room; it does not meet the solar access requirements. A variation for the dwelling on Lot 206 is supported on the basis that there are limiting factors affecting the development of this lot and the alfresco area located at the front of Lot 206 can provide additional open space which also meets PPOS minimum area requirements.

The proposed dwelling on Lot 201 has a different configuration and orientation due to its corner location so it receives slightly less solar access than the internal lots and will require a variation. A variation for the dwelling on Lot 201 is supported on the basis that it is affected by development standards that affect the location of the PPOS, there is no other configuration that would enable greater solar access, it is minor, and additional open space is provided.

v) Car Parking Spaces

The proposed development incorporates a variation to the car parking spaces requirement under the SJDCP for the proposed dwelling on Lot 206. The relevant controls are:

Car parking spaces - minimum number	required – 2 per dwelling behind the building line
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The applicant is requesting a variation to this requirement to allow location of the 2 parking spaces in front of the building line. All lots within the proposed development have a detached double garage that meets the Australian standard minimum width of 4.8m, with the exception of Lot 206. Lot 206 has a 3.4m wide single car garage and a single car parking space located at the front of the dwelling. The garage occupies 46% of the lot frontage.

9.1 Development Application DA.2021.1441 - Construction of 6 attached dwellings on 6 Torrens Title lots - 17-27 Maidenhair Terrace, Tralee (Author: Thompson/Adsett) (Continued)

This variation is supported on the basis that a garage cannot be accommodated at the rear of the lot due to the limited amount of rear laneway frontage for Lot 206 and that treatment of the garage door be conditioned (ie. timber construction or cladding) such that it is a positive design element in addressing the street frontage.

vi) Garbage Area

The proposed development incorporates a variation to the garbage area requirement under the South Jerrabomberra Development Control Plan 2015 for all proposed dwellings within the subject development. The relevant controls are:

Garbage area	Required – located behind building line; area must accommodate a minimum of 3 waste bins
--------------	--

A variation is required for all dwellings to permit garbage bin enclosures within the front building setback, instead of behind it, which represents a variation. This is not ideal as having the bins permanently located adjacent to the front gate, PPOS (or alfresco in the case of Lot 206) and sidewalk will create an odour problem, particularly in the warmer months, that will detract from the streetscape and the owners' use and enjoyment of the PPOS.

It is therefore recommended that the variation to the SJDCP not be supported and the Section 88B Covenant be varied to instead require the Applicant to construct a concrete pad of suitable dimensions within the verge adjacent to Tassel Terrace and Lot 201, capable of accommodating the bins from the six attached dwellings for pickup. Owners from the dwellings would then be required to wheel their bins out to the corner for pickup and return them to their garage or rear alfresco area (PPOS in the case of Lot 206) for storage.

(c) Development Engineer's Comments

Council's Development Engineer has offered no objection to the proposed development subject to the imposition of standard conditions w. The Development Engineer's comments are contained within the attached Section 4.15 assessment report.

Financial Implications

There is a Voluntary Planning Agreement in place for the South Jerrabomberra urban release area. Payment of fees was required at the time of subdivision.

Engagement

Although the proposed development is in keeping with the desired future scale and character of the South Jerrabomberra Urban Release Area, given the number of variations the proposal was notified under the requirements of the South Jerrabomberra DCP 2015 and Council's Community Engagement and Participation Plan. No submissions were received.

Conclusion

The submitted proposal for the construction of 6 attached two storey dwellings on Lots 201 – 206 inclusive, DP 1272220, at 17 – 27 Maidenhair Road Tralee 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 of the *Environmental Planning & Assessment Act 1979* including the relevant provisions of the *Queanbeyan Local Environmental Plan (South Jerrabomberra) 2012* and South Jerrabomberra Development Control Plan 2015.

9.1 Development Application DA.2021.1441 - Construction of 6 attached dwellings on 6 Torrens Title lots - 17-27 Maidenhair Terrace, Tralee (Author: Thompson/Adsett) (Continued)

The development generally satisfies the requirements and achieves the objectives of these instruments except for the following variations to the DCP requirements:

- zero lot line setback (max length of zero lot line wall) for Lot 206;
- articulation of front façade for Lot 206;
- location of principal private open space;
- solar access provisions;
- location of carparking spaces;
- garbage area requirements.

The assessment of the application supports all but one of these variations either because they are mitigated by alternative arrangements, are of a minor nature that has no significant environmental impact or cannot be overcome due to lot constraints. The variation to the location of bin enclosures is not supported due to its potential impact on the streetscape and use and enjoyment of the owners' PPOS in terms of odour.

By their very nature, the small lot sizes determined at the time of subdivision can make compliance with certain development controls difficult. In general however, the proposed development is considered suitable for the site, is compatible with the aims and objectives of the South Jerrabomberra DCP 2015 and the developing neighbourhood, and can be conditioned to mitigate any potential impacts.

As such the application is recommended for conditional approval.

Attachments

Attachment 1	DA.2021.1441 - Sec 4.15 Assessment Report - 17 - 27 Maidenhair Road Tralee (<i>Under Separate Cover</i>)
Attachment 2	DA.2021.1441 - Architectural Plans - Maidenhair Road Tralee (<i>Under Separate Cover</i>)
Attachment 3	DA.2021.1441 - Draft Conditions of Consent - 17-27 Maidenhair Rd Tralee (<i>Under Separate Cover</i>)

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.2 Development Application - DA.2021.1240 - Two Lot Torrens Title Subdivision and Demolition of Two Existing Sheds and Garages (Albion Hotel Site) - 119 Wallace Street, Braidwood (Ref: ; Author: Thompson/Glouftsis)

File Reference: DA.2021.1240

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

In accordance with Council's *Guidelines for Referral of Development Applications to Council*, clause 5 of that policy provides that applications shall be referred to Council for determination where the application is for the demolition of any building listed as a Heritage Item and the Heritage Committee is not supportive of the demolition. Further under clause 10 of the Guidelines the Portfolio General Manager Natural and Built Character considers that the subdivision of land and demolition of buildings on a State Heritage Listed site should be considered by Council in the public interest.

Proposal:	Two lot Torrens title subdivision and demolition of two existing sheds (Albion Hotel Site)
Applicant/Owner:	Zen Ruby Pty Ltd. / Zen Ruby Pty Ltd.
Subject Property:	Lot 1 DP 598830, No.119 Wallace Street, Braidwood, NSW.
Zoning and Permissibility:	B2 Local Centre and B4 Mixed Use Zone under the <i>Palerang Local Environmental Plan 2014</i>
Public Submissions:	Four (4)
Issues Discussed:	Planning Requirements
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made.

Recommendation

- 1. That Development Application DA.2021.1240 for a two lot Torrens title subdivision and demolition of two sheds and garages on Lot 1 DP 598830, No.119 Wallace Street, Braidwood be granted conditional approval.**
 - 2. That those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.**
 - 3. That Heritage New South Wales be forwarded a copy of Council's Notice of Determination.**
-

9.2 Development Application - DA.2021.1240 - Two Lot Torrens Title Subdivision and Demolition of Two Existing Sheds and Garages (Albion Hotel Site) - 119 Wallace Street, Braidwood (Ref: ; Author: Thompson/Glouftsis) (Continued)

Background

Proposed Development

The proposed development includes the subdivision of land to create two Torrens title allotments and the demolition of two existing sheds and garages. Specifically, the proposal includes:

- Subdivision of an existing 2983m² Torrens title allotment into two Torrens title allotments:
 - One allotment with an area of 1831m², fronts Wallace and Duncan Streets and will incorporate the existing Albion Hotel building, and shops/offices. This allotment will also retain the brick stables structure in the north eastern corner of the proposed lot.
 - A new allotment with an area of 1152m², fronting Duncan Street which will not retain any existing structures.
- The demolition of two existing sheds on the proposed Lot 2 consisting of a T-Shaped shed in the centre of the site and garage/carport at the rear of the allotment.

Figure 1 below shows the proposed subdivision boundary with the existing structures to be demolished shown in red.

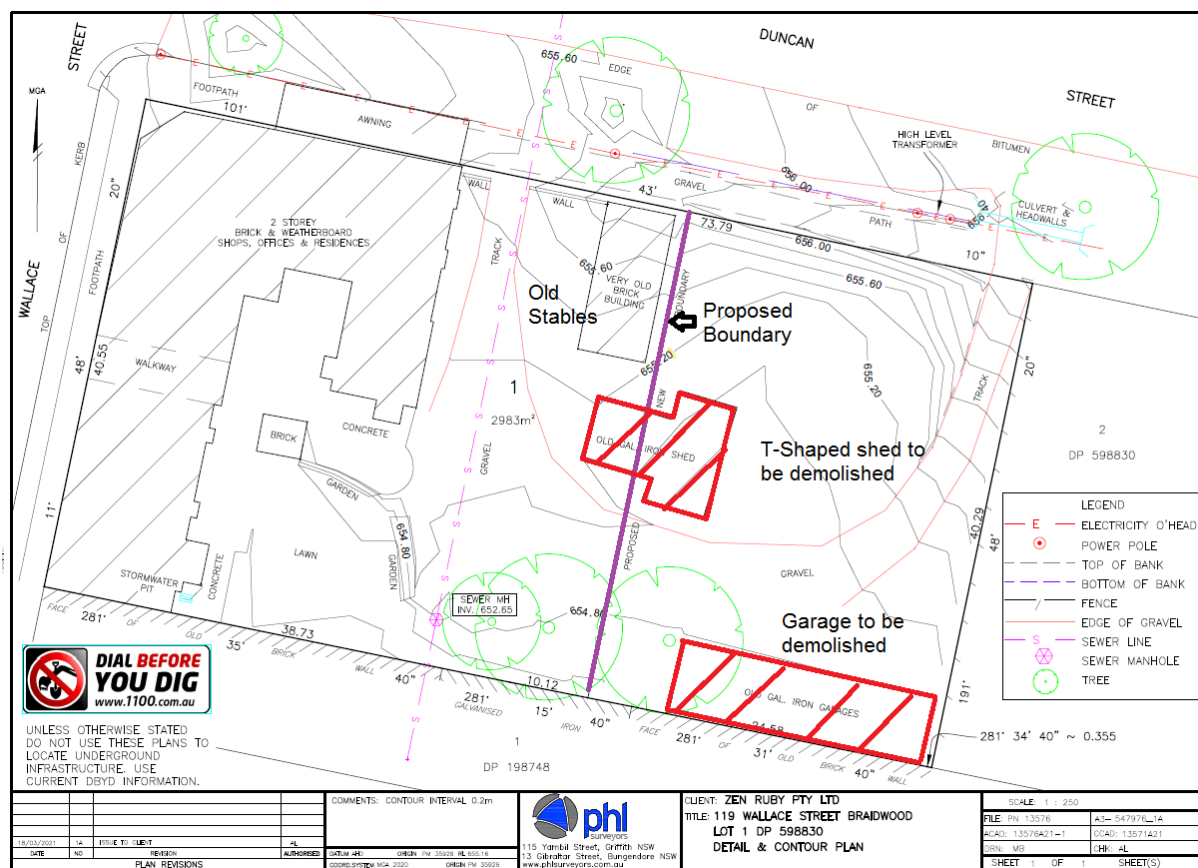


Figure 1 – Survey Plan showing proposed subdivision boundary (purple) and existing buildings to be demolished (red)

9.2 Development Application - DA.2021.1240 - Two Lot Torrens Title Subdivision and Demolition of Two Existing Sheds and Garages (Albion Hotel Site) - 119 Wallace Street, Braidwood (Ref: ; Author: Thompson/Glouftsis) (Continued)

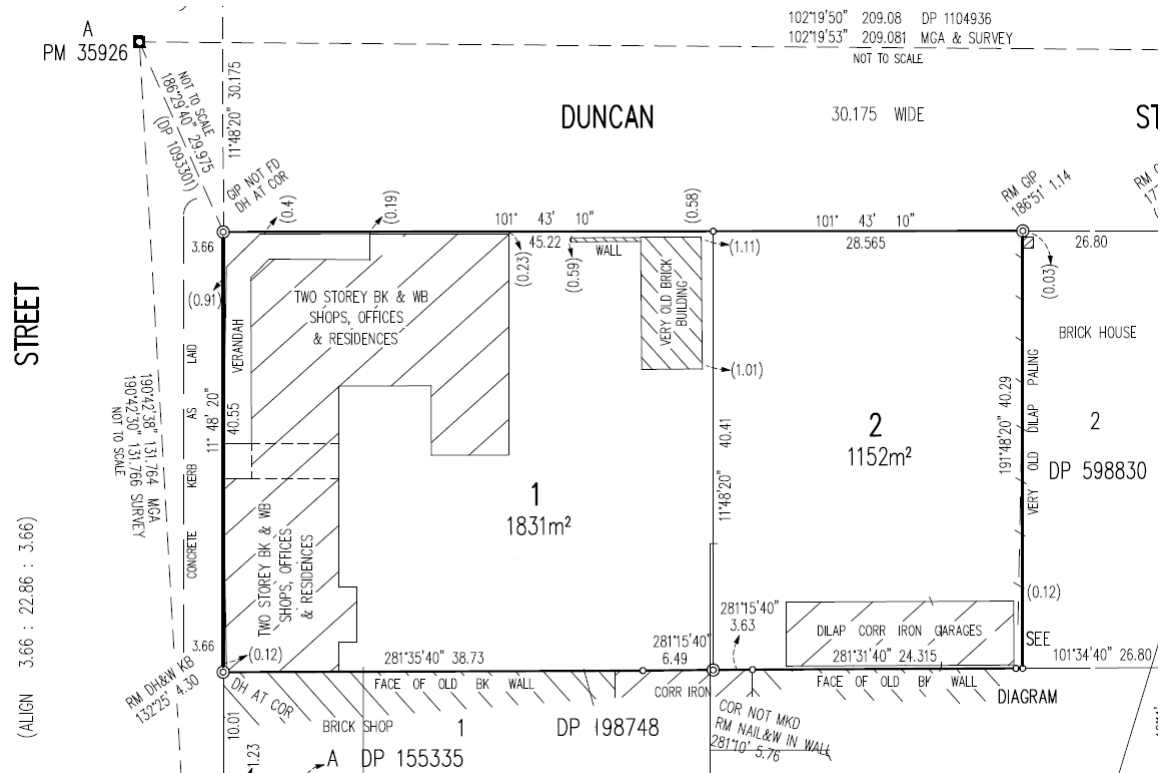


Figure 2: Proposed Subdivision Layout

Subject Property

The subject site is legally described as Lot 1 DP 598830 and is commonly known as 119 Wallace Street, Braidwood. The site is located on the eastern side of Wallace Street and the southern side of Duncan Street and has an area of 2983m². The site is relatively flat and contains minimal existing vegetation, except for two large trees on the southern side of the allotment.

Existing development on the site comprises several structures, including the Albion Hotel building, which sits on the corner of Duncan and Wallace Street. There is a brick building facing Wallace Street that contains, shops, offices, and dwellings. There is also a single storey brick/stone barn, a T-shaped corrugated iron shed and an open shed structure. Vehicular access is provided to the site via two existing driveways from Duncan Street. Existing development within the locality consists of a mixture of uses, predominantly being office, business, retail, and low-density residential premises.

9.2 Development Application - DA.2021.1240 - Two Lot Torrens Title Subdivision and Demolition of Two Existing Sheds and Garages (Albion Hotel Site) - 119 Wallace Street, Braidwood (Ref: ; Author: Thompson/Glouftsis) (Continued)



Figure 3: Subject Site

Site History

A summary of all relevant structures located on the site and their history is provided below:

Hotel - The existing hotel structure upon the subject site currently operates as a café, though Council records indicate that the structure has previously been utilised as a dwelling from the 1930s to 1980s and prior to that a hotel in varying forms has existed upon the site since the 1840s.

Shops - The two storey terrace shops located to the south of the site were constructed in the 1920s and contain three commercial tenancies.

Stables - The existing brick stable structure upon proposed previously operated as the offices for the Braidwood Times newspaper, however during a site inspection it was noted that the tenancy was now operating as a food and drink premises without consent.

T-Shaped Shed and Carparking Garage/Carports – Timber framed corrugated iron sheds exist in the centre of the block and to the southeast corner. The Heritage Impact Assessment indicates these are not significant from a heritage perspective.

Other - Historical records indicate that the existing level area upon proposed Lot 2 form the previous foundations of a historical indoor skating rink that was subsequently adapted into a garage structure for patrons of the hotel. This structure was subsequently demolished.

9.2 Development Application - DA.2021.1240 - Two Lot Torrens Title Subdivision and Demolition of Two Existing Sheds and Garages (Albion Hotel Site) - 119 Wallace Street, Braidwood (Ref: ; Author: Thompson/Glouftsis) (Continued)



Figure 4 – Looking to the south from Duncan Street



Figure 5 – T-Shaped Shed (demolish) and Brick Stables (retain) from Duncan Street

9.2 Development Application - DA.2021.1240 - Two Lot Torrens Title Subdivision and Demolition of Two Existing Sheds and Garages (Albion Hotel Site) - 119 Wallace Street, Braidwood (Ref: ; Author: Thompson/Glouftsis) (Continued)



Figure 6 – Existing entrance off Duncan Street with old garages/carports (demolish) to rear.



Figure 7 – Brick Stables (retain) from Duncan Street

9.2 Development Application - DA.2021.1240 - Two Lot Torrens Title Subdivision and Demolition of Two Existing Sheds and Garages (Albion Hotel Site) - 119 Wallace Street, Braidwood (Ref: ; Author: Thompson/Glouftsis) (Continued)

Planning Requirements

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

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

1. *State Environmental Planning Policy No 55 – Remediation of Land*
2. *State Environmental Planning Policy (Infrastructure) 2007*
3. *Palerang Local Environmental Plan 2014 (PLEP 2014)*.
4. *Braidwood Development Control Plan 2015 (BDCP)*

The development generally satisfies the requirements and achieves the objectives of these planning instruments. The significant issue relating to the proposal for the Council's consideration is the impact of the development on the State Heritage Item located on the site and the Braidwood Conservation Area. The other item to be considered are the issues raised in submissions received during the notification period objecting to the proposed development.

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

The proposed development generally complies with the requirements of the *Palerang Local Environmental Plan 2014*. For a detailed assessment against the provisions of the LEP please refer to the attached Section 4.15 Assessment Report.

The proposal meets the minimum lot size requirement for the purposes of clause 4.1 of Part 4 of the *PLEP 2014*.

The intended land use is for either commercial or residential development. A future application will be required to comply with permissible land uses pursuant the land use table of the *PLEP 2014*. It is noted that the applicant intends to potentially develop the site for affordable housing in the future. This will be subject to a separate development application and is not a relevant consideration in this assessment.

Clause 5.10 - Heritage Conservation

The subject site is located within the C1- Braidwood Heritage Conservation Area and also contains an individually listed State Heritage Item.

Council's Heritage Advisor and Braidwood and Curtilage Heritage Advisory Committee (BCHAC) both stated strong opposition to the proposal, with the key issue relating to the demolition of the existing T-Shaped Shed located in the middle of the allotment, and which the proposed subdivision boundary traverses. Both advices consider that if the T-shaped shed is demolished the proposed development will have an unacceptable impact on the heritage value of the site.

In summary the Heritage Advisor states:

It is strongly recommended that a resolution that respects heritage fabric and Braidwood's historic built environment be found so that both Heritage NSW and QPRC are seen to be on the same page.

A copy of the Heritage Advisors full report is provided in Attachment 7

9.2 Development Application - DA.2021.1240 - Two Lot Torrens Title Subdivision and Demolition of Two Existing Sheds and Garages (Albion Hotel Site) - 119 Wallace Street, Braidwood (Ref: ; Author: Thompson/Glouftsis) (Continued)

Comments from the Braidwood and Curtilage Heritage Committee were that:

...NSW Heritage may not have been aware that the sheds (and stables) are in the way of the proposed line of subdivision. It was discussed that the sheds and stables need protection as they are part of the heritage significance of the site and of the town and the Heritage Advisor would like to be involved in future meetings between Council DA staff and Heritage NSW.

Recommendation (Stahel/Tuckwell)

B&C HAC 002/21 The Committee advises that it does not support the development application in its current form and recommends that:

- (a) it should be amended to accommodate the retention of the existing buildings on the site; and**
- (b) a site inspection with NSW Heritage, QPRC staff and Heritage Advisor should be conducted**

Notwithstanding the above, the applicant has sought separate approval from Heritage NSW for the subdivision and demolition of the T shaped sheds and garage structure under section 60 of the NSW Heritage Act. Heritage NSW has subsequently issued Section 60 Approval for both the subdivision layout and demolition of the T-Shaped Sheds and garage structure at the rear of the proposed Lot 2. Pursuant to clause 4.48 of the *EP&A Act*, Council is unable to refuse the application on heritage grounds in this instance. An excerpt of clause 4.48 is provided below:

4.48 Consent authority may not refuse certain development applications *(cf previous s 92)*

- (1) This section applies to the determination by a consent authority of a development application for development that is integrated development for which a heritage approval is required.*
- (2) A consent authority must not refuse development consent on heritage grounds if the same development is the subject of a heritage approval.*

Given the above the approval issued by Heritage NSW supplants the view of the Heritage Advisor and the BCHAC and therefore Council cannot refuse the application based on the proposals heritage impact.

It is suggested that materials that can be salvaged from the T-Shaped sheds be reused if possible. A condition to this affect could be implemented in the consent.

(b) Compliance with DCP

The proposed development generally complies with the requirements of the Braidwood Development Control Plan. For a detailed assessment against the provisions of the DCP please refer to the attached Section 4.15 Assessment Report.

(c) Development Engineer's Comments

Council's Development Engineer offered no objection to the proposal, subject to the imposition of the recommended conditions of consent.

9.2 Development Application - DA.2021.1240 - Two Lot Torrens Title Subdivision and Demolition of Two Existing Sheds and Garages (Albion Hotel Site) - 119 Wallace Street, Braidwood (Ref: ; Author: Thompson/Glouftsis) (Continued)

Financial Implications

Section 7.11 and Section 64 Contributions are applicable to the proposed development. A contribution charges schedule will be issued with the consent if the application is approved.

The following charges will be applied for Section 64 Water and Sewer contributions:

CONTRIBUTION:

Project	Ledger	Code	Contribution	Schedule	E.T.	Amount
Braidwood	42200	WATBBS64	\$7,659	2021/22	1	\$7,659

(Adjusted for 2021/22 using CPI Sydney)

CONTRIBUTION:

Project	Ledger	Code	Contribution	Schedule	E.T.	Amount
Braidwood	42202	SEWBBS64	\$10,732	2021/22	1	\$10,732

(Adjusted for 2021/22 using CPI Sydney)

Section 7.11 charges pursuant the Tallaganda Section 7.11 Plan No.3 will be \$3,755.

Engagement

The application was notified in accordance with the QPRC Community Engagement and Participation Plan from 7 to 23 June 2021, with four (4) submissions received. In the summary the three main issues raised were:

Issue 1 - Demolition of the existing T-Shaped sheds

Comment - It is noted that a number of submissions raised issues with the intended demolition of the T-Shaped Sheds bisected by the proposed subdivision boundary line. Council's Heritage Advisor and Heritage Advisory Committee also lodged objections to the demolition of these sheds which are a result from the proposed subdivision layout. Despite this, Heritage NSW has issued a Section 60 Approval for the demolition of this structure and Council is unable to refuse the application on heritage grounds based on Section 4.48 of the *EP&A Act 1979*.

The impact to the heritage listing is acknowledged and is not considered to be an acceptable outcome. However, given the s60 approval and Council's inability to refuse the application on heritage grounds, it is recommended that the option to repurpose materials be explored pursuant to relevant conditions of consent.

Issue 2 – Flooding and Stormwater Disposal

Comments - In this instance, the subject site is not mapped as flood prone pursuant to the relevant LEP. Issues have been raised which appear to relate to stormwater diversion from the subject premises. These issues are not directly related to the proposed subdivision, which will not result in any further stormwater impacts at this time.

Issue 3 – Future Use of the Site

Comments - Submissions relating to affordable housing are noted. Council does not have any direct control of conditioning any relevant requirements for affordable housing to the subdivision. Future development will be required to be permitted with consent under the relevant zoning contained in the land use table of the relevant LEP.

9.2 Development Application - DA.2021.1240 - Two Lot Torrens Title Subdivision and Demolition of Two Existing Sheds and Garages (Albion Hotel Site) - 119 Wallace Street, Braidwood (Ref: ; Author: Thompson/Glouftsis) (Continued)

Conclusion

The submitted proposal for a two lot Torrens title subdivision and demolition of two existing sheds on Lot 1 DP 598830, No. 119 Wallace Street, Braidwood is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and four submissions were received during the notification period.

The proposal has been assessed under Section 4.15 of the *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Palerang Local Environmental Plan 2014* and Braidwood Development Control Plan. The issues relating to the heritage component have been considered.

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

In accordance with Heritage NSW issuing Section 60 Approval for both the subdivision layout and the demolition of the T-Shaped sheds and garage at the rear of proposed Lot 2, the application is recommended for approval subject to the imposition of the recommended conditions of consent.

Attachments

Attachment 1	DA.2021.1240 - Section 4.15 Assessment Report - 119 Wallace Street, Braidwood (<i>Under Separate Cover</i>)
Attachment 2	DA.2021.1240 - Subdivision Plan - 119 Wallace Street, Braidwood (<i>Under Separate Cover</i>)
Attachment 3	DA.2021.1240 - Site Survey - 119 Wallace Street, Braidwood (<i>Under Separate Cover</i>)
Attachment 4	DA.2021.1240 - Submissions - 119 Wallace Street, Braidwood (<i>Under Separate Cover</i>)
Attachment 5	DA.2021.1240 - Draft Conditions of Consent (<i>Under Separate Cover</i>)
Attachment 6	DA.2021.1240 - Heritage Impact Statement - 119 Wallace Street, Braidwood (<i>Under Separate Cover</i>)
Attachment 7	DA.2021.1240 - Heritage Advisor's Comments (<i>Under Separate Cover</i>)
Attachment 8	DA.2021.1240 - s60 Approval - Demolition of Sheds - 119 Wallace Street, Braidwood (<i>Under Separate Cover</i>)
Attachment 9	DA.2021.1240 - s60 Approval - Subdivision Layout - 119 Wallace Street, Braidwood (<i>Under Separate Cover</i>)

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.3 Review of Road Specifications for TSC/82/96 and TSC/83/96 - 536 Duckfield Road, Boro (Ref: ; Author: Thompson/Palmer)

File Reference: DA 82/96.A and 83/96.A

Summary

Council considered a report on development applications 82/96.A and 83/96.A at its meeting of 12 August 2020. The developments relate to two subdivisions on Duckfield Road, Boro. Additional information has now been received from Baker Deane & Nutt Lawyers relating to the prior acceptance of the constructed gravel road. This report considers the consequences of receiving that additional information.

Recommendation

- 1. That Council acknowledge that the specifications for road construction detailed in Condition 5 of consents TSC 82/96 and TSC 83/96 are consistent with the standard of roadworks for Duckfield Road previously approved under Section 2.19.1 of the then applicable *Tallaganda Development Control Plan No.4 – Rural 1(A)* and Council's current Gravel Road Policy.**
 - 2. That the completion of Duckfield Road as an 8m wide unsealed gravel carriageway, with bitumen sealing of any section of the road for a minimum of 100m length where the near road shoulder is located 50m from the extremity of an existing dwelling or proposed building envelope, be accepted as completed for subsequent Subdivision Certificate applications.**
-

Background

The developments relate to an eight and ten lot Torrens title subdivision located at 536 Duckfield Road, Boro - Lots 27, 114, 115, 120 and 121 DP 754867.

The subdivision developments, while essentially standalone applications, have historically been treated as three separate stages of a subdivision along Duckfield Road by the same developer. The development applications include TSC/80/96, TSC/82/96 and TSC/83/96. The three subdivisions yield a total of 25 new allotments along Duckfield Road.

Modification applications in relation to TSC/82/96 and TSC/83/96 were considered by Council at its Planning and Strategy meeting on 12 August 2020. At that meeting Council resolved (PLA107/20 and PLA108/20) to accept the modified lot layouts with conditions relating to lot sizes and effluent disposal, but refused to modify conditions of consent that would change the specification for road construction standards.

With the information available at the time, Council's view was that the specifications detailed in the existing conditions of consent required the new roads to be sealed.

In early August 2021, Council received a letter with corresponding supporting documentation from Baker Deane & Nutt Lawyers representing the applicants. The documentation pertained to the constructed road standards referred to in Section 2.19.1 of the repealed *Tallaganda Development Control Plan No.4 – Rural 1(A)* and written correspondence the applicants had received from the former Tallaganda Shire and Eastern Capital City Regional Councils which has revealed prior acceptance of a different specification for the constructed road.

9.3 Review of Road Specifications for TSC/82/96 and TSC/83/96 - 536 Duckfield Road, Boro (Ref: ; Author: Thompson/Palmer) (Continued)

Section 2.19.1 of the repealed *Tallaganda Development Control Plan No.4 – Rural 1(A)* states;

2.19.1 Access to 8 lots or more:-

8 metre formation width, full width selected and approved gravel 150mm in depth, minimum 80kph design speed, adequate drainage and bitumen sealed. These roads will not require bitumen sealing in all cases. Where the applicant requests otherwise, the Council will consider the merits of the case. A standard T-intersection in rural areas will be applied in cases of 8 lots or more and, in all cases, there will need to be bitumen seal.

The corresponding supporting documentation received from Baker Deane & Nutt Lawyers included a number of letters from senior staff from the former Tallaganda Shire Council accepting the constructed gravel road as completed to Council satisfaction.

The first letter referenced has the subject title *Development Application 82/1996 Road Construction* is from the Manager of Works, Ron Trevallion, dated 5 November 2002 and states:

For your information, an inspection of the subject subdivision road has been recently made in company with the contractor Mr Nick Stokes. As a result of the inspection, Council is satisfied that the road pavement and the basic drainage installations have been completed to Council's satisfaction.

The second letter referenced has the subject title *Subdivision Roads – Development Consents 82/1996 and 83/1996* is from the Director of Engineering, William Ellison, dated 21 July 2004 and states:

Road works: Earthworks, formation, table drains, cut and fill batters, and pavement construction suitable for unsealed pavement is completed to Council's satisfaction.

In both letters reference is made to further works to address some ancillary items including, road signs, entrances, erosion control and revegetation of batters and other disturbed areas. All of the ancillary items raised in past correspondence have been completed and accepted by Council in recent years.

The additional information provided in the Baker Deane & Nutt Lawyers correspondence provides considerable support to the applicant's claim that Council had previously accepted that the gravel road constructed for the subdivisions back in 2004 had been satisfactorily completed. The new evidence provides no certainty that Council enforcing the requirement to bitumen seal the entire length of Duckfield Road would be successful if challenged by future legal action in the Land and Environment Court.

Notwithstanding the additional information provided, Council should enforce the 8m wide unsealed gravel carriageway for the length of Duckfield Road and implement Council's Gravel Road Policy requirement to bitumen seal any section of road for a minimum of 100m where the near road shoulder (not the centreline) is located 50m from the extremity of an existing dwelling, or proposed new building envelope.

This course of action will ensure appropriate safe use to road users and limit potential impacts of dust upon existing and future dwellings along the road. Subsequently the 8m wide constructed road with bitumen sealed sections close to houses be accepted as final for any subsequent Subdivision Certificate applications received. The applicant has indicated that they would not be averse to this stipulation.

9.3 Review of Road Specifications for TSC/82/96 and TSC/83/96 - 536 Duckfield Road, Boro (Ref: ; Author: Thompson/Palmer) (Continued)

Conclusion

The additional information provided by the applicant provides sufficient evidence that Council had previously accepted that the gravel road constructed for the subdivisions back in 2004 had been satisfactorily completed. Subject to ensuring sections of the road close to dwellings are sealed, Council should accept the evidence that the gravel road specification is acceptable.

Attachments

- | | |
|--------------|---|
| Attachment 1 | Covering Letter from Applicant - 536 Duckfield Road, Boro (<i>Under Separate Cover</i>) - CONFIDENTIAL |
| Attachment 2 | Supporting Documentation - 536 Duckfield Road, Boro (<i>Under Separate Cover</i>) - CONFIDENTIAL |

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.4 Draft IPART Submission - Essential Works - Development Contributions (Ref: ; Author: Thompson/Carswell)

File Reference: 21.4.1-08, 26.1.3-05

Summary

The Independent Pricing & Regulatory Tribunal (IPART) has released its draft report on the review of the essential works list, nexus, efficient design and benchmark costs for local infrastructure. IPART are now seeking submissions on the draft report by 10 December (previously 26 November) 2021. IPART has also announced a public hearing into this in early December (with details unknown at the time of preparing this report). This draft report is part of an ongoing review of local infrastructure contributions in NSW known as “Improving the Infrastructure Contributions System”. There is also another set of reforms proposed by the Department of Planning, Industry and Environment currently being exhibited for comment which also has a closing date of 10 December 2021.

An information pack related to the reforms are attached, noting regional infrastructure contributions do not apply to Council.

Recommendation**That Council**

- 1. Receive and note the contents of this report.**
- 2. Provide the attached submission (Attachment 1) on the draft IPART report on the review of the essential works list, nexus efficient design and benchmark costs for local infrastructure which generally includes the matters raised in this report.**

Background

Further to the Productivity Commission’s review of infrastructure contributions (from which the Government accepted all 29 recommendations as previously reported – Minute No. 077/21, 24 March 2021), IPART was asked to provide advice to inform two key areas of the Government’s reforms under two separate terms of reference:

- An essential works list (EWL) that would apply to all section 7.11 contributions plans and the approach councils should use to determine the most efficient local infrastructure to meet the needs of new development, applying the principle of nexus
- Standardised benchmark costs for local infrastructure that councils may use to prepare local contributions plans that reflect the efficient costs of provision.

This is the subject matter of the draft IPART report. IPART has also released a draft Benchmarking Items and Costing Methodology for comment.

The LG sectors has been concerned the IPART rate peg review and the Productivity Commission contributions review were tied under the collective ‘no worse off test’, and were lobbying Government for:

9.4 Draft IPART Submission - Essential Works - Development Contributions (Ref: ; Author: Thompson/Carswell) (Continued)

- No changes to the existing settings for the essential works list applying to section 7.11.
- No expansion of the current Ministerial Direction about when local contributions are to be paid.
- No change to existing appeal rights.
- Decoupling of IPART reforms to account for population growth in future rate cap calculations.
- Increasing the contribution payable under section 7.12 beyond the Productivity Commissioner's recommendations (indexed to ensure the keep pace with construction costs).

A separate assessment results in it being recommended that the percentage threshold for section 7.12 constructions be raised to 3% of the construction cost for residential development (inclusive of knock-down and rebuilds, alterations and additions) and 1% for commercial, retail and industrial development (inclusive of refurbishments, alterations and additions that increase the demand).

The Essential Works List (EWL)

The draft IPART report proposes a change to the EWL. The amended list includes:

- Land and/or facilities for open spaces.
- Land or strata space for community facilities.
- Land and/or facilities for transport.
- Land and/or facilities for stormwater management.
- The costs of plan preparation and administration.
- Borrowing costs to forward fund infrastructure.

In regard to open space provision, the 2019 Practice Note defines base level embellishment of open space as those works within an EWL required to bring the open space up to a level where the site is secure and suitable for passive or active recreation.

This varies from the current list by including borrowing costs to forward fund infrastructure.

The amended list does not include 'community facilities' (such as libraries, halls, community centres) which were expressly excluded from IPART's Terms of Reference by the Minister when requesting the review. This exclusion of community facilities for the EWL has been of considerable concern to the local government sector and is suggested should also be of concern to this Council. It also does not include contributions for carparking facilities and bushfire suppression measures which are currently included in several of Council's section 7.12 or section 94 contribution plans. In addition, it does not appear to include contributions for road maintenance for extractive industries which should be raised in Council's submission.

The significance of this is that Council's section 7.12 plans will need to comply with the EWL by the end of the transitional period which is generally 1 July 2024. In addition, alternative

9.4 Draft IPART Submission - Essential Works - Development Contributions (Ref: ; Author: Thompson/Carswell) (Continued)

sources of funding will be required for contribution items no longer able to be funded by local infrastructure contributions after 1 July 2024.

In the interim the current essential works list remains in force as well as the current caps of \$20,000 for urban infill and \$30,000 for identified greenfield areas. This is notwithstanding that the relative value of these caps have fallen significantly since being first introduced.

Framework

IPART have proposed a common set of principles that should be applied to all contribution plans including metropolitan and regional areas as well as infill and greenfield developments. This provides for councils to tailor infrastructure needs to each community and ensures that developers only pay for base level infrastructure associated with new development.

Below is a summary of key principles and other matters which are considered in the draft submission (Attachment 1).

The draft report suggests a principles-based framework that would allow councils to assess what infrastructure can be included in a contributions plan and at what cost. The framework comprises 5 main components:

1. The items included in the contributions plan must be on the essential works list.
2. The items must be development contingent.
3. The costs in the plan must be based on the cost of base level infrastructure that meets efficient design and delivery principles.
4. If there is a relevant benchmark cost, that should be used unless it would not be reasonable to do so. Where a benchmark is not used, the council should apply the costing approach outlined in their report.
5. Plans may be updated to reflect actual costs during the life of the plan, in some circumstances. Where this is not reasonable, the plan may continue to reflect an updated cost estimate.

Principles

The Report applies three overarching principles should guide decision making in contribution planning as it relates to nexus:

1. That the expected development creates a demonstrable increase in the demand for public amenities and services.
2. That the types of public facilities proposed in the contributions plan are required to address that demand, having regard to the characteristics, needs and preferences of the new development/population.
3. That the proposed facilities consider the extent to which existing facilities have capacity to meet that demand.

Two overarching principles should guide decision making in contributions planning as it relates to efficient delivery and design:

1. That the infrastructure delivers a base level of performance having regard to any relevant government regulations or industry standards and community needs.

9.4 Draft IPART Submission - Essential Works - Development Contributions (Ref: ; Author: Thompson/Carswell) (Continued)

2. That the council provides value for money by selecting the most cost-effective option for delivering the base level of performance – not necessarily the option with the lowest up-front cost.

Costs

The selection and use of a costing approach used by councils should be underpinned by principles recommended in the draft IPART report:

1. Contributions plans should include benchmark costs unless the council has reason to believe that the benchmark would not provide a reasonable estimate of the efficient costs of base level, development contingent infrastructure.
2. If the council intends to use an alternative cost estimate rather than use one of the benchmark costs for an infrastructure item, the scope and performance outcomes of the infrastructure item should be the same as the benchmarked estimate. That is, unless the council can demonstrate that the altered scope and/or outcome is consistent with base level infrastructure.
3. Councils should take a symmetric and proportionate approach to replacing benchmarks with alternative costings. This means a council would replace a benchmark where the alternative approach would lead to a materially more accurate cost estimate than the benchmark, whether that estimate is higher or lower than the benchmark.

The draft Report recommended a principles-based approach to updating costs to ensure they maintain current and efficient costs over the lifetime of a contributions plan. These principles include:

1. Updated costs should only reflect the efficient cost of meeting required performance outcomes actual costs should reflect optimal design and practices.
2. Councils should provide justification for any increases to their costs as a result of plan reviews.
3. Councils should update for both material increases and decreases in costs.
4. Any contingency allowance for an infrastructure item should be adjusted to reflect the stage of project planning developers should pay no more than their share of efficient costs (based on nexus and apportionment principles) and councils should not over-recover their efficient costs over the life of the plan.

Reviews

The draft report recommends Councils should provide requisite information that explains the sources and reasons for any material changes to costs and developer contributions. The draft report also proposes that when reviewing a plan, in addition to updating costs, council should review its earlier assumptions about population, developable area and number of developable lots or dwellings, as these factors are central in determining developer contributions.

Draft Report's Findings and Questions

The draft report contains a list of 12 draft decisions and seeks stakeholder comment on 18 issues. Council has prepared a draft submission that responds to issues where relevant to QPRC's management of contribution plans.

Public Hearing

9.4 Draft IPART Submission - Essential Works - Development Contributions (Ref: ; Author: Thompson/Carswell) (Continued)

After the release of the draft report IPART subsequently announced that it would hold a Public Hearing for the review in early December. However, at the time of preparing this report no details were available.

Other Local Infrastructure Contribution Reforms

There is another set of reforms proposed by the Department of Planning, Industry and Environment also currently being exhibited for comment. These deal with Local contributions reforms, a new framework for State infrastructure contributions and land use planning and in this case submissions close on 10 December 2021. There is a considerable amount of material being exhibited which is associated with them and further information can be found on the Department of Planning, Industry and Environment's web page at:

<https://www.planning.nsw.gov.au/Policy-and-Legislation/Infrastructure/Infrastructure-Funding/Improving-the-infrastructure-contributions-system>

Staff are also intending to make a submission on aspects of these reviews. All new councils will then be able to make further submissions by March 2022.

Implications***Legal***

As part of the overall reform package enabling legislation has been introduced to the NSW Parliament. This Bill is called the *Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021*. The Bill is supported by a guide document as well as by draft amendments to the *Environmental Planning and Assessment Regulations*.

The enabling legislation will provide the foundations for a stronger infrastructure contributions system by matching infrastructure funding with infrastructure outcomes for new and growing communities.

Policy

As noted above the draft IPART report sets out a range of principles in regard to essential works and future contribution plans and their review. These will be given effect through legislation, Ministerial Directions and Practice Notes.

Changes to local contributions are scheduled to start in July 2022. Councils existing contributions plans, in the current system, will continue to apply until transitioned into the new system. This means that the current essential works list remains in force as well as the current caps of \$20,000 for urban infill and \$30,000 for identified greenfield areas. The DPIE have indicated that they intend for councils to review these existing contributions plans by 1 July 2024. However, a council may apply for an extension to the 1 July 2024 deadline. Whilst this might seem to be a reasonably generous time frame Council's experience is that it is very time consuming and resource intensive to review and/ or draft new section 7.12 contribution plans.

The DPIE have also advised that any draft contributions plan that commenced public exhibition before 1 July 2022 will be able to proceed under the current arrangements. Councils will be able to finalise and adopt these plans after 1 July 2022. The plans will then be due to be reviewed in 4 years and will transition into the new system then.

9.4 Draft IPART Submission - Essential Works - Development Contributions (Ref: ; Author: Thompson/Carswell) (Continued)

Asset

At this time Council assets are not involved. However, once the new system is fully operational new assets arising from contributions will be land and/or embellishments that fall within the EWL.

Social / Cultural

Currently there are no social / cultural implications. However, once the new system is fully operational social / cultural implications will mainly revolve around land/facilities associated with open space activities and land or strata space associated with future cultural activities. Other implications will include the necessity for Council to find other sources of funding for community and cultural facilities.

Economic

No direct benefit at this stage from a Council perspective. However, the Government argues that the economic benefits of these reforms include:

- Unlock up to \$12 billion in productivity benefits over the next 20 years.
- Supporting 2,600 jobs in NSW.
- Increase Gross State Product by \$600 million a year.
- Boost housing supply.

Strategic

None at this stage. However, a strategic approach will be required in bringing Council's current contribution plans in line with the EWL and the other reforms of the Infrastructure Contributions System.

Engagement

Council is required to make a submission on the draft report by 10 December 2021. However it is also likely that this will be made to the Public Hearing when further details are available.

Financial

Internal modelling was undertaken on two scenarios:

1. A s7.12 contribution compared to the QPRC existing Plan, levying 3% of the construction cost for residential development (inclusive of knock-down and rebuilds, alterations and additions) and 1% for commercial, retail and industrial development (inclusive of refurbishments, alterations and additions that increase the demand).
2. A s7.12 contribution compared to the existing Plan, levying a maximum payable contribution of \$10k for residential development (inclusive of knock-down and rebuilds, alterations and additions*), commercial, retail and industrial development (inclusive of refurbishments, alterations and additions that increase the demand); and \$6,000 for residential alterations and additions that add a bedroom (or other floorspace, which in the opinion of council would be capable of being used as a bedroom)

9.4 Draft IPART Submission - Essential Works - Development Contributions (Ref: ; Author: Thompson/Carswell) (Continued)

Scenario 1 produced improved contribution returns and presented as a simpler, transparent system to administer and understand for developers and the community.

The potential scenarios should be considered in the refresh of the LTFP as the combination of debt, grants and s7.11 contributions remain the primary funders of capital works, with the prospect of rates and s7.12 contributions assisting the servicing of debt and renewals of infrastructure.

The recent pooling of development contributions permitted by the Minister has enabled the assignment of existing contributions to existing asset projects and engagement of resources to review and administer the new contributions schemes.

Resources (including staff)

As a consequence of the draft IPART report it is considered that the changes as outlined above (reviews, updating of costs etc) are likely to require a full-time member of staff or equivalent and may necessitate the recruitment of an appropriate staff member and/or the services of a consultant. However, the Productivity Commission in their original report (see Item 10.1 – 27 January 2021) also raised the issue of the lack of appropriately skilled staff and made recommendations to address this which were accepted by the Government. In part this involves implementing a training and development program which will take time and so also raises the questions of whether there should be a greater transitional period to the new system as well as greater period in which to review each contribution plan produced under the new system.

Integrated Plan

Actions taken on the review of the draft IPART report, this report and a draft submission are consistent with the program areas of the Land-use Planning Branch.

Conclusion

The draft IPART report on the review of the essential works list, nexus efficient design and benchmark costs for local infrastructure is a very important report. It is part of an ongoing review of local infrastructure contributions in NSW known as “Improving the Infrastructure Contributions System” and aspects of it require Council to lodge a submission. Consequently, it recommended that a submission be made which generally includes the matters raised in this report as well as other matters of relevance.

The deferral of any significant changes to the EWL till 2024 (and subsequent loss of contributions towards community facilities) enable councils to review their s7.11 and s7.12 plans (as QPRC had already signalled in 2021). New councils have a further opportunity to make submissions on the reforms in March 2022.

Attachments

- | | |
|--------------|--|
| Attachment 1 | Infrastructure Contributions Reform Exhibition pack (<i>Under Separate Cover</i>) |
| Attachment 2 | Draft IPART Submission - Essential Works - Development Contributions (<i>Under Separate Cover</i>) |

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.5 South Jerrabomberra Town Park Review of Environmental Factors (Ref: ; Author: Thompson/Geyer)

File Reference: 460 Environa Drive, Tralee

Summary

As part of the urban release area at South Jerrabomberra, the developers will be dedicating an area of land to Council and constructing a 'Town Park', located on Environa Drive. As the works are being carried out for or on behalf of Council, under the Local Planning Agreement, they can be completed as development without consent under *State Environmental Planning Policy (Infrastructure) 2007*.

Development without consent is regulated under Part 5 of the *Environmental Planning and Assessment Act 1979* and requires that Council prepare and consider a Review of Environmental Factors (REF) before work commences. This REF was reported to Council on 22 September and exhibited for 28 days over October. The exhibition period has now been completed and one submission in support of the proposal was received. The REF is now presented to Council for adoption.

Recommendation

That pursuant to Division 12 of *SEPP (Infrastructure) 2007* and Section 5.5 of the *Environmental Planning and Assessment Act 1979*, Council adopt the Review of Environmental Factors for South Jerrabomberra "Town Park" project and endorse all of the mitigation measures recommended therein.

Background

As part of the urban release area at South Jerrabomberra, the developers will be dedicating an area of land for the main 'Town Park', located on Environa Drive. The creation of the lot for the Park is part of a sub-division DA currently under assessment. Once the lot is created, it will be dedicated to Council under the South Jerrabomberra Developer Contributions Plan. The developer will also construct the landscape and community facilities within the Park and hand these over to Council when complete.

The design consists of children's playgrounds, a learn to ride area, BBQ and picnic facilities, public toilets and well laid out landscape gardens and tree planting. The developer and designers are taking their inspiration from Queanbeyan Park with a central open green, surrounded by large shade trees (see Figure 1 below).

As the works are being carried out for or on behalf of Council they can be completed as development without consent under *State Environmental Planning Policy (Infrastructure) 2007*. Development without consent is regulated under Part 5 of the *Environmental Planning and Assessment Act 1979* and requires that Council prepare and consider a Review of Environmental Factors (REF) before work commences. This REF was prepared and placed on 28 days public exhibition. A copy of the Engagement Report is provided in Attachment 1.

During the exhibition period, 35 views of the plans and REF were recorded and 18 downloads. Only one comment was received, "Looks Good, Build it". No negative feedback was received. It is now proposed to commence construction of the Park under the Infrastructure SEPP following the environmental management recommendations within the REF.

**9.5 South Jerrabomberra Town Park Review of Environmental Factors (Ref: ;
Author: Thompson/Geyer) (Continued)**



Source: Spiire, 2021

Figure 1 - Proposed South Jerrabomberra Town Park

Implications

Legal

These works are characterised as development without consent under Division 12, Parks and other Public Reserves Clause 65(3) of *State Environmental Planning Policy (Infrastructure) 2007*. Under the SEPP, the work can be completed by, or on behalf of Council without consent.

Section 5.5 of the EP&A Act requires the determining authority to 'examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity'. The REF has been prepared to address those matters likely to affect the environment and is provided at Attachment 2.

Environmental

The REF considers the likely impacts on the environment through the construction of the Park and recommends methods or actions to mitigate risk. The result, in this instance, will be an enhanced environment based on the current state of the site, when compared to the extensive tree planting and landscaping in the finished Park.

**9.5 South Jerrabomberra Town Park Review of Environmental Factors (Ref: ;
Author: Thompson/Geyer) (Continued)**

Asset

On completion, the new Park will become a Council asset and will be managed in accordance with Council's Urban Landscapes Asset Management Plans.

Social / Cultural

Urban Parks are considered critical community infrastructure and an essential part of life in an urban environment. Park advocates are pushing for everyone living in an urban area to have access to a park or green space within a 10 minute walk of their home. The 'Town Park' design caters for many aspects of community life, social gatherings, play and exercise. It will no doubt also provide the necessary open space for community events, health, and wellbeing.

Economic

While there are a number of economic returns during construction and as a result of events, the real benefit will be to the quality of life afforded to the new residents of South Jerrabomberra.

Engagement

As this is a new concept design and not forming part of any DA, it was appropriate to exhibit the REF and Landscape Design package for wider community via Your Voice. The 28-day exhibition period finished 8 November 2021 and 35 people logged on to view or download the REF and plans. A single positive comment was the only submission received. As the Park also features in the South Jerrabomberra promotional material, new and potential residents of the area are also advised the Park is proposed for the area.

Financial

The estimates to construct elements of the Park are covered within the South Jerrabomberra Local Developer Contributions Plan: Land Dedication - \$214,725: and District Park - \$2,057,671 embellishment. The dedication and works are to be funded and carried out by the developer on Council's behalf.

Conclusion

The proposed landscape plans and associated REF have been prepared with the view to delivering an attractive Town Park for South Jerrabomberra. The exhibition of the plans and REF did not generate any opposition to the proposed Park. The Park will provide the new South Jerrabomberra residents and wider community with a new destination for recreation, events and community gatherings.

Attachments

- | | |
|--------------|---|
| Attachment 1 | Community Engagement Report - REF South Jerrabomberra Park
(Under Separate Cover) |
| Attachment 2 | South Jerrabomberra Town Park REF - (Appendix not Included in
attachment due to size of file) (Under Separate Cover) |

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.6 Selection of Preferred Tenderer for Construction of New Skatepark - Braidwood (Ref: ; Author: Thompson/Sibbick)

File Reference: PJT0059

Summary

This report details the tender for the construction of a new skatepark at the Braidwood Recreation Ground. This project was successful in gaining grant funding of \$680,660 from Stage 2 of the Bushfire Local Economic Recovery Fund. The grant recipient is the Braidwood Youth Performing Arts Association (BYPAA). QPRC are assisting the BYPAA with project management support. The BYPAA are ultimately responsible for the project budget.

All tenders have now been received and evaluated, with a preferred Tenderer selected to construct the skatepark.

Recommendation

That Council award the contract for the new skatepark at the Braidwood Recreation Ground to Tenderer 3 for the lump sum price of \$insert excluding GST.

Background

The Braidwood Youth Performing Arts Association (BYPAA) have received funding under the Building Local Economic Recovery Fund (Stage 2), to construct a new skatepark at the Recreation Ground in Braidwood, to support bushfire recovery as a result of the 2019/20 bushfires. The construction of the skatepark will be a joint project between the BYPAA as the funding recipient, the Council as project managers, and the Public Works Advisory as project administrators. The skatepark in Braidwood has been the subject of much community discussion over many years.

Tender for Skatepark Construction

The Tender for the construction works was placed on the Local Government Procurement Vendor Panel, that would attract the attention of skilled skatepark construction companies. Known, experienced skatepark construction companies were notified of the skatepark tender and invited to tender also. The Tender for the construction of the skatepark, closed on 18 October 2021. The tender has been assessed by Council in conjunction with the BPYAA. The Request For Tender program is indicated at Table 1, with the details of the Tender Evaluation Committee (TEC) at Table 2.

Three (3) tenders were received. The evaluation criteria required that tenderers be an acceptable legal entity and meet mandatory criteria including:

- satisfactory past performance, including satisfactory WHS and environmental management, and
- satisfactory financial capacity

The three (3) tenders received were between \$500-580k for the construction of the skatepark only.

9.6 Selection of Preferred Tenderer for Construction of New Skatepark - Braidwood (Ref: ; Author: Thompson/Sibbick) (Continued)

Tenderers were also invited to price an “Additional Works” portion of this Tender. However, this was not assessed by the TEC but instead a budget allowance will be made for the additional works that will be based on the remaining project budget after construction costs have been agreed.

All three tenderers provided conforming tender submissions. All have prior experience in providing similar skatepark projects.

Tenderer 3 provided the best value for money. The TEC evaluated tenders that comply with principles of probity and fairness to all tenderers and have selected a tenderer suited to the needs of the Braidwood community. All details of the tender selection are included in the Tender Evaluation Report in confidential Attachment 2.

Table 1 - Request for Tender Programme

Event	Date
RFT advertised	20 August 2021
Tenders close	18 September 2021
Tender Evaluation Committee to agree on the preferred Tenderer.	25 October 2021
Tender Evaluation Report signed and recommendations prepared.	25 October 2021
Approval sought from Queanbeyan Palerang Regional Council meeting.	4 November 2021
Issue Letter of Acceptance & Prepare Contract documents for signature	11 November 2021

Table 2 - Tender Evaluation Committee

Person	Responsibility	Position
Annie Duke	Chair	Braidwood Youth Performing Arts Association (President)
Sue Murray	Member	Braidwood Community Association (President)
Debbie Sibbick	Member	Program Co-ordinator Projects and Technical, Urban Landscapes (QPRC)
Catherine Bell	Member	Braidwood Community Association
Judy Knowles	Member	Music For Little Hearts
Nathan Pharaoh	Member	Community representative

**9.6 Selection of Preferred Tenderer for Construction of New Skatepark - Braidwood
(Ref: ; Author: Thompson/Sibbick) (Continued)**

Implications***Legal***

The tendering process complies with s55 of the *Local Government Act 1993* and Part 7 of the *Local Government (General) Regulation 2005*.

Policy

The tendering process complies with Council's procurement policy.

Asset

The new skatepark and any additional works to accompany the skatepark will become QPRC assets and will be managed in accordance with QPRC works programs.

Engagement

An external consultant (Convic) was engaged by Council some time ago to provide a locally driven design for a new skatepark that would be suitable for Braidwood families and Braidwood youth. Convic are a global leader in skateparks and youth space solutions. The pre-design consultation by Convic is summarised in their "Braidwood Skatepark Final Concept Report, QPRC, August 2020" document that informed the design brief for the Braidwood Skatepark (see Attachment 1).

The agreed, community designed skatepark caters predominantly to the beginner and intermediate skill levels. The skate space will be an inviting, family friendly space that will celebrate the beauty of Braidwood's natural surroundings. The skatepark facility concept plan, indicating the skatepark attributes, is pictured at Figure 1 below.

The skatepark facility has been broken down into two main skate zones to maximise capacity and to cater for both street and transitional style riders. Spectating zones are provided at the main starting points, leading into the 'street area' and 'transition area'. These areas can be ridden in isolation but still have some overlap to allow the zones to be used as one during less busy periods.

The new skate park precinct at the Braidwood Recreation Ground has the capacity to:

- Create a centralised social hub for young people and their families.
- Allow users of different ages to interact with each other.
- Allow users of different abilities to learn from each other.
- Create strong links with other existing community facilities and amenities.

9.6 Selection of Preferred Tenderer for Construction of New Skatepark - Braidwood (Ref: ; Author: Thompson/Sibbick) (Continued)



Reports on the preferred location of the skatepark and endorsement of the preferred design, have been presented to Council over the past few years.

Financial

NSW Government Department of Regional NSW have provided funding of \$680,660 to the Braidwood Youth Performing Arts Association (BYPAA) from Stage 2 of the Bushfire Local Economic Recovery Fund, to construct a new skatepark in Braidwood. The grant is co-funded by the Australian and NSW Government.

The skatepark construction project, to be delivered by the BYPAA, must be completed by 30 June 2023 or earlier. The funding deed for this project is in the name of the BYPAA, however Council is listed as a partner. The funding deed is expected to be finalised in the coming weeks. Council staff will be managing the construction of this project in consultation with the BYPAA.

Council will pay all contractor costs, on behalf of the BYPAA, for this project and will invoice the BYPAA for reimbursement.

When constructed, the new skatepark will become a Council asset, and as such will be maintained by Council. There are no financial consequences to Council as a result of this construction project, with the exception of staff resourcing.

9.6 Selection of Preferred Tenderer for Construction of New Skatepark - Braidwood (Ref: ; Author: Thompson/Sibbick) (Continued)

Program Code	Expense Type	Funding source	Amount
		Stage 2, Bushfire Local Economic Recovery Fund	\$ 680,660

Resources (including staff)

Project staff from Urban Landscapes will be managing this project including management of the Tender and the contract. The BPYAA are the funding recipients and will ensure the budget remains on track. The Public Works Advisory will have some minor involvement in this project as administrators of the grant funding only.

Conclusion

It is recommended that Tenderer 3 be awarded the contract for construction of the new skatepark at the Braidwood Recreation Ground. The Tender Evaluation Panel received favourable references that supported the reports provided with the Tender. The Tender Evaluation Panel considers Tenderer 3 capable of completing the contract satisfactorily.

Attachments

Attachment 1	Braidwood Skatepark Final Concept Report (<i>Under Separate Cover</i>)
Attachment 2	Tender Evaluation Report - Skatepark Braidwood (<i>Under Separate Cover</i>) - CONFIDENTIAL

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.7 2022 Election Funding Projects (Ref: ; Author: Tegart/Hansen)

File Reference: 11.10.1-01

Summary

The Monaro by-election and the Australian federal election is expected between February and May 2022. In preparation for this election, the following projects are provided to Council to take advantage of any funding or advocacy opportunities that may appear in the leadup to the election.

Recommendation

That Council determine a priority list of projects to be presented for funding in advance of the Monaro by-election and Federal election.

Background

The following projects are provided in notional order for consideration for the Elections.

Item No.	Description	Estimated Cost	Funding Sought	Council co-contribution
1	Queanbeyan Sewage Treatment Plant Upgrade (incl renewable energy source)	\$150m	\$75m	\$75m
2	Finalise sealing of Nerriga Road	\$4m	\$4m	\$0
3	Upgrade the sealed sections of Nerriga Road	\$22m	\$22m	\$0
4	Briars Sharrow Bridge Construction	\$9	\$9m	\$0
5	Reschs Creek Bridge Construction	\$4.5m	\$4.5m	\$0
6	Hoskinstown Road Sealing – (8.5km)	\$7m	\$7m	\$0
7	Tarago Road Rehabilitation	\$3m	\$3m	\$0
8	Foxlow Bridge refurbishment	\$5m	\$5m	\$0
9	Feasibility study for ongoing supply of natural gas to Queanbeyan	\$600k	\$600k	\$0

9.7 2022 Election Funding Projects (Ref: ; Author: Tegart/Hansen) (Continued)

10	Bungendore Potable Water Pipeline from Queanbeyan	\$29m	\$29m	\$0
11	Braidwood Depot relocation	\$10m	\$10m	\$0
12	Braidwood Office level 2 refurb as a culture centre	\$3m	\$3m	\$0
13	Braidwood Main Street with heritage treatment	\$15m	\$15m	\$0
14	Braidwood carpark stage 2	\$3m	\$3m	\$0
15	Queanbeyan Botanic Gardens stage 1	\$3m	\$3m	\$0
16	Rehabilitate drainage and key intersections on Captains Flat Rd	\$5m	\$5m	\$0
17	Bungendore Pool (Sports Hub)	\$5m	\$5m	\$0
18	South Jerra Innovation Hub (warm shell)	\$20m	\$20m	\$0
19	Regional Sports Complex Stage 2 (stadium)	\$14m	\$14m	\$0
20	Queanbeyan River walk	\$2m	\$2m	\$0
21	Blundell Park Nature Playground	\$1.2m	\$1.2m	\$0
22	Regional Sports Complex -commando style training circuit	\$1m	\$1m	\$0
23	Morisset St Multilevel Carpark	\$17m	\$12m	\$5m
24	Morisset St River Boulevard	\$15m	\$15m	\$0
25	Bungendore Place Plan	80k	80k	\$0

Once the priority list is endorsed, project packs will be prepared for submission to major party candidates.

Council's complete list of projects, their scope, status, sequence and funding will be published on an infrastructure online portal under development, and available to community, MPs and councillors to monitor.

Attachments

Nil

File Reference: 51.1

Summary

Council is required to prepare an Annual Report for the 2020-21 financial year. A checklist of inclusions for the Annual Report is provided by the Office of Local Government. In addition, a number of Council policies also require reporting in the Annual Report.

The Annual Report outlines the progress of projects and actions that were contained in the Operational Plan 2020-21. Being the final year of the Council term, the 2020-21 Annual Report also includes the State of the Environment Report.

Recommendation

That Council:

- 1. note the Annual Report 2020-21.**
 - 2. provide a copy of the Annual Report to the Minister for Local Government.**
-

Background

The Annual Report 2020-21 has been completed and meets all legislative requirements including:

- Section 54P, 67, 428 and 508 of *the Local Government Act 1993*
- Clauses 132, 217, Local Government (General) Regulations 2005
- Section 125, *Government Information (Public Access) Act 2009*
- Section 33, *Privacy and Personal Information Protection Act 1998*
- Section 93G(5) *Environmental Planning and Assessment Act 1979*
- Chief Executive Circular 11-19 dated 8 August 2011
- Section 16 of the Guidelines on the Exercise of Functions under the *Companion Animals Act*.
- Section 125 of the *Government Information (Public Access) Act 2009*
- *Swimming Pools Act 1992* and Regulation 2008
- Special Rate Variation Guidelines
- Capital Expenditure Guidelines
- *Disability Inclusion Act*

The following Council policies also state other information to be included in the Annual Report:

- Fraud Control Policy
- Corporate Sponsorship Policy
- Privacy Policy
- Risk Management Policy
- Property Policy

Section 428 of the *Local Government Act 1993 (NSW)* states:

1. Within 5 months after the end of each year, a council must prepare a report (its "annual report") for that year reporting as to its achievements in implementing its delivery

9.8 Annual Report 2020-21 (Author: Tegart/Tozer) (Continued)

- program and the effectiveness of the principal activities undertaken in achieving the objectives at which those principal activities are directed.
2. The annual report in the year in which an ordinary election of councillors is to be held must also report as to the council's achievements in implementing the community strategic plan over the previous 4 years
 3. An annual report must be prepared in accordance with the guidelines under section 406.
 4. An annual report must contain the following:
 - a. a copy of the council's audited financial reports prepared in accordance with the Local Government Code of Accounting Practice and Financial Reporting published by the Department, as in force from time to time
 - b. such other information as the regulations or the guidelines under section 406 may require.
 5. A copy of the council's annual report must be posted on the council's website and provided to the Minister and such other persons and bodies as the regulations may require. A copy of a council's annual report may be provided to the Minister by notifying the Minister of the appropriate URL link to access the report on the council's website.

Council's Financial Statements are not yet finalised and will be appended to the Annual Report when complete. Additionally, the End of Term Report is presented to this meeting as a separate report and will be added to the final Annual Report.

Implications***Integrated Plan***

The Annual Report forms a key part of the Integrated Planning and Reporting Framework. In addition to the Annual Report, Council must report every six months on its progress in relation to the Delivery Program. The Annual Report will be uploaded to Council website.

Conclusion

The 2020-21 Annual Report includes progress updates on all projects and actions contained in Council's Operational Plan 2020-21 and a number of statutory reporting requirements as defined by the Office of Local Government. The Financial Statements are reported separately in this business paper and will be appended.

Attachments

Attachment 1 Annual Report 2020-21 (*Under Separate Cover*)

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.9 Notice of Motion to LGNSW Special Conference 2022 - Streetlighting (Ref: ; Author: Tegart/Flint)

File Reference: 52.5.2-02

Summary

The Local Government NSW Special Conference will be held in person at the Hyatt Regency Sydney from Monday 28 February to Wednesday 2 March 2022. The CRJO resolved to request member Councils' consideration in preparing a Notice of Motion to the Special Conference.

Recommendation

That Council submit the following motion in relation to streetlighting in accordance with the LGNSW Motions Submission Guide for consideration at the 2022 LGNSW Special Conference:

"That LGNSW lead the advocacy on streetlighting pricing, billing and smart innovation relating to DNSPs across the State".

Background

The structural, regulatory and funding frameworks for streetlights in NSW are complex and councils typically do not have the resources or knowledge needed to navigate them.

Streetlights in NSW are owned by the three Distributed Network Supply Provider (DNSPs), viz Essential Energy, Endeavour Energy and Ausgrid. There is a long back story to this structural arrangement where, in a nutshell, streetlights were swept up in the State asset strip of County Councils in the 1990s and have become the "orphan child" of DNSPs; typically, poorly managed and resourced.

DNSPs are not encouraged to innovate or reduce the energy consumption of streetlights. Councils pay for infrastructure at the direction of DNSPs. Costs are managed through the Australian Energy Regulator.

The CRJO has been a member of the Southern Lights initiative for some time but recently elected to withdraw. Continued discussions across the JO Network indicate that streetlighting continues to be a contested and expensive issue for many councils and so a new approach to collaboration is sought.

Touchpoints in the frameworks that lend themselves to a collective approach are:

1. AER submission – every five years, the AER releases a Determination that sets the pricing framework for DNSP charges for streetlighting. Typically, there is at least a 2.5-year consultation period prior to the final Determination being made. The DNSPs are required to put their anticipated costs forward for the next period which are reviewed by the AER and consumers like local government. Typically, we find that the pricing put forward is opaque and that substantial work needs to be done to validate what is being asked for, and they always ask for more.

9.9 Notice of Motion to LGNSW Special Conference 2022 - Streetlighting (Ref: ; Author: Tegart/Flint) (Continued)

2. NSW mandatory streetlighting code reviewed – after more than a decade of lobbying the NSW Public Lighting Code is now mandatory. This means that the DNSPs Licence which is issued by IPART is held to account in part by its performance in meeting streetlighting benchmarks. The Code is the only way that councils can hold DNSPs to account in relation to the promises that are made to the AER in relation to service provision. The Code is reviewed annually and fully reviewed every three years. A full review is due next year.
3. Supporting and progressing smart innovation – our experience to date across all DNSPs has been a resistance to adopting change and there has been a divide-and-conquer approach to councils which want to adopt new technology. A whole-of-state approach would go a long way to addressing the problem. In addition, councils are now duplicating arguments and research to justify the adoption of the technologies with DNSPs.
4. Quality assurance in billing – there are some significant discrepancies in billing and these have been addressed on a one-by-one basis. However, it would appear that these are the tip of the iceberg and that a whole-of-state approach would be a far more efficient way of dealing with the problem, perhaps on a DNSP by DNSP basis. As reporting on billing and performance are now part of the reporting to IPART in relation to their licensing, it is importance to get the quality assurance right.

Potential value to member Councils of LGNSW leadership

There are approximately 163,000 lights in the Essential Energy footprint covering 84 Councils. Being regional and rural, nearly all of these councils do not have the resources to manage advocacy. All these councils are having LED upgrades. Few understand the process and indeed Essential Energy has a poor understanding of their own asset. Costs and risks to councils are significant through this period of change. Given the rate of change and the potential of streetlights in smart city/community upgrades, arguably Essential Energy will manage its risk through adding a premium in any billing arrangement. See for example the past two years of consultation on smart controls.

Attachments

Nil

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.10 Quarterly Budget Review Statement for the Quarter Ending 30th September 2021 (Ref: ; Author: Monaghan/Blakey)

File Reference: 43.7.2-15

Summary

The September 2021 Quarterly Budget Review Statement (QBRs) provides a summary of Council's financial performance at the end of the September 2021 quarter and reports on progress made against the original budget adopted by Council in its 2021/22 Operational Plan.

The budget adjustments recommended to Council for approval result in a net increase to the consolidated budgeted surplus of \$96,660.

The revised budgeted operating result for the year to 30 June 2022 is a surplus of \$1.9m comprising a deficit of \$5.1m in the General Fund and a surplus of \$6.9m in the combined Water and Sewer Funds.

Recommendation

That Council:

- 1. Receive the September 2021 Quarterly Budget Review Statement and adopt the budget variations outlined in the report**
 - 2. Note the estimated consolidated budget surplus of \$1,896,000**
-

Background

Quarterly Budget Review Statements provide progress reporting against the original annual budget, and subsequent revisions at the end of each quarter. A detailed list of budget variances has been collated with the Branches and Portfolios across the organisation.

The following significant reporting is included with the September QBRs:

1. Consolidated budget summary – This is a consolidated Council budget summary and shows the actual income, expenditure and capital balances as at 30 September 2021, against the original annual budget, with proposed budget adjustments and an updated annual budget forecast.
2. Consolidated budget summary by service – Provides the same information for the Council, listed by branch.
3. Summary by Fund – The same budget summary reports are provided for each fund: General, Water and Sewer, and provide the adjusted operating and cash result, by Fund. This report includes commentary to explain each of the proposed budget adjustments.

**9.10 Quarterly Budget Review Statement for the Quarter Ending 30th September 2021
(Ref: ; Author: Monaghan/Blakey) (Continued)**

4. Total Council Summary by Branch (attachment 2) – The same budget summary report, showing income and expenditure by Branch.
5. Capital Expenditure Statement – This report is in the same format, with the actual balances as at 30 September 2021 for every capital works project, reported against the original annual budget, with proposed budget adjustments and an updated annual budget forecast.
6. Cash and Reserves Budget Summary – This report shows the Council's total cash and reserves and working funds at 30 September 2021, taking into account total cash and reserves, and current debtors.

The Cash and Reserves report shows the unrestricted cash balance being (\$5.154 million.) The negative unrestricted cash balance is the result of ongoing General Fund deficits and a high value of government debtors owed to Council as at 30 September 2021.

Council's internal reserves and unrestricted cash balance has over time depleted to a low level, and Council has been workshopping options to improve its operating budget result in the medium term to reflect the forecasts of the LTFP, including the assignment of proceeds of property sales into working capital.

Council has also been holding a significant value of receivables throughout the financial year. The unusual value relates to significant grant works carried out by Council and funded by the State Government, with payments only made on a 'do and pay' or claims basis or at milestone completion dates. The total amount owing by the State Government as at 30 September was \$23.5 million.

Proposed Budget Adjustments

The significant budget adjustments recommended in the September QBRS include:

- Annual Charges increased by \$640,000 due to DWM and BWM income increases with the recently adopted waste management strategy.
- Fees and charges have been reduced to account for the estimated loss of income from the aquatics centre due to COVID of \$370,000.
- Additional \$6.3M operating grants are expected due to disaster recovery works based on the current work schedule, this increase is offset by additional expenses.
- Employees expenses have increased, primarily due to an increased workers compensation premium (\$245,000), and reduction in the estimated value of staff time allocated to capital projects compared with the original budget (\$477,000).
- The QCCP project has now commenced, and net construction cashflows have been reviewed. Projected capital expenditure on the QCCP in 2021/22 has been spread to the next financial year, reducing by \$18M to \$26M and matched with the same recommended budgeted loan drawdown.

9.10 Quarterly Budget Review Statement for the Quarter Ending 30th September 2021 (Ref: ; Author: Monaghan/Blakey) (Continued)

- The Morisset Carpark construction project originally planned for commencement in the current financial year, has been recommended for deferral to 2024/25. The matching loan drawdown is also recommended for deferral.
- The revised timing of capital expenditure for QCCP, newly announced grant funding and other major projects has resulted in an overall decrease in projected capital expenditure for the current financial year.
- The internal project management attribution allocation of 4% on capital works is projected to increase, and unrestricted cash is projected to increase capital grants received in 2021/22 based on 2020/21 expense claims.

Capital Works Program

The revised capital works budget for 2021/22 is \$176 million with 8% expended as at 30 September. The revised budget includes new capital works as a result of grant announcements in the current financial year.

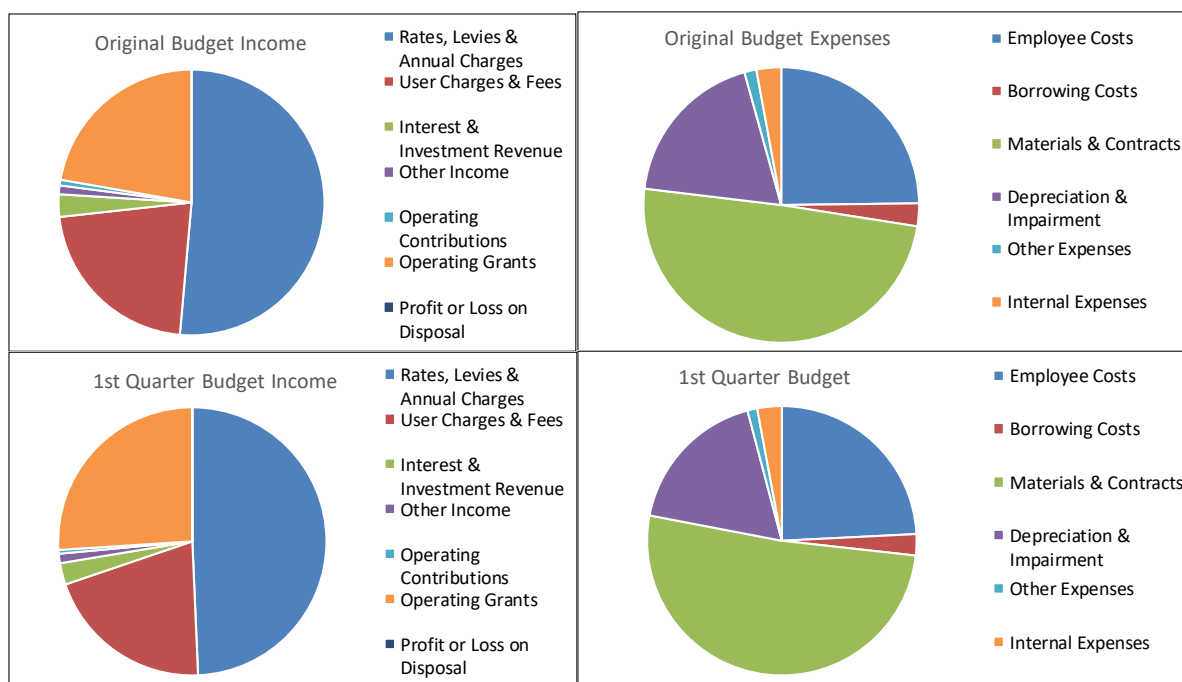
Implications

Legal

This QBRs complies with clause 203(1) of the Local Government (General) Regulation 2005 which requires that, not later than 2 months after the end of each quarter, excluding the June quarter, the responsible accounting officer must submit a budget review statement to Council.

Financial

The financial reports contained within the QBRs provide a summary of the consolidated result projected to June 2022.



**9.10 Quarterly Budget Review Statement for the Quarter Ending 30th September 2021
(Ref: ; Author: Monaghan/Blakey) (Continued)**

Integrated Plan

The QBRS is a tool to monitor Council's progress against the operational plan and the ongoing management of Council's budget.

Conclusion

The net total of recommended budget adjustments for the September QBRS is a \$97,000 operational surplus and \$1.5M improvement to unrestricted cash. A complete list of variations is included in the attached report.

As highlighted to Council previously, the low level of unrestricted cash and internally restricted reserves continue to remain a concern in the current budget.

Attachments

Attachment 1	September 2021 Quarterly Budget Review Statement (<i>Under Separate Cover</i>)
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REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.11 Investment Report - October 2021 (Ref: ; Author: Monaghan/Drayton)

File Reference: 43.6.5-02

Summary

In accordance with the *Clause 212 of the Local Government (General) Regulation 2005*, the Investment Report is presented to Council monthly. This report presents the investment result for October 2021.

Recommendation

That Council:

1. Note the investment return for October 2021 was **-\$40,959**.
 2. Note the investment portfolio has been made in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and Queanbeyan-Palerang Regional Council's Investment Policy.
 3. Receive the Investment Report for the month of October 2021.
-

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

A list of Council's cash and investments held on 31 October 2021 is detailed in the attached Investment Report Pack.

Over the last 12 months, Council's portfolio produced an annualised rate of return of 2.24%, outperforming the benchmark Bank Bill Index by 2.21%.

On 31 October 2021, the principal amount invested was \$187,278,708 and the 2021/22 financial year to date return was \$693,334 which is 17.4% of Council's 2021/22 budgeted return.

Market Update

At its November 2021 policy meeting, the Reserve Bank (RBA) board left the cash rate unchanged at 0.10%. With their central forecast for only gradual inflation and wage growth, the Board continues to remain patient; not expecting to increase the cash rate until 2024.

Of the total \$187.3 million investment portfolio, Council holds \$28.5 million in TCorpIM long- and medium-term funds. It was another poor month with **-\$66,541** and **-\$75,841** returns respectively in October 2021. While these funds are exposed to additional investment risk to generate higher potential returns, they are structured with longer term time horizons. The minimum advised investment time frame for the MTGF is 3-7 years and 7+ years for the LTGF.

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

Implications***Legal***

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* and clause 212 of the Local Government General Regulations 2021, and Council's Investment Policy.

**9.11 Investment Report - October 2021 (Ref: ; Author: Monaghan/Drayton)
(Continued)**

Certified by Kate Monaghan, Responsible Accounting Officer, 12/11/2021.

Policy

The Investment Policy was adopted by Council on 28 July 2021 and is due for review in June 2022.

Financial

Council's cash and investment balance is made up of restricted and unrestricted funds. 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 kept for the purpose of covering Council commitments that are expected to arise in the future.

Internally restricted funds have been allocated through a resolution of council for a particular purpose, and unrestricted funds are available for future decisions and as a working balance.

Council has previously reported on the depletion of its internal and unrestricted cash and investments, and the requirement to implement budget correction and cost savings to improve the unrestricted cash position.

Externally Restricted, Internally Restricted and Unrestricted working funds' balances are reconciled to the cash and investments portfolio as part of the Quarterly Budget Review process.

Conclusion

On 31 October 2021, the 2021/22 Financial Year investment return amounted to \$693,334. The investment returns are added to the associated restricted funds (e.g. development contributions) that form Council's investment portfolio.

Attachments

Attachment 1 Investment Report Pack - October 2021 (*Under Separate Cover*)

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.12 Representation at Civic Functions (Ref: ; Author: Tegart/Richards)

File Reference: 1.4.4

Summary

There are a number of functions run by Council during December 2021, after the local government elections but prior to the establishment of a new Council. These functions have always included the Mayor, or his delegate, representing Council.

Recommendation

That Council endorse the participation of the outgoing Mayor, or his delegate, to represent Council at Civic and Council run events until the election of a new Mayor.

Background

All events conducted by Council, including the town Christmas parties and carols services have had the Mayor, or his delegate, representing the organisation and welcoming the community. This year these functions will be held during the hiatus between the local government elections on 4 December and the election of a new Mayor on 12 January 2022. To provide continuity and a maintain a positive connection with the community it would be appropriate for the outgoing Mayor to continue to represent Council in any Civic events until the election of a new Mayor.

Implications***Social / Cultural***

The community enjoys the participation of elected members in Civic and Council run events. This has come to be an expectation and it provides positive support for the events, the staff and the community. It is traditional for the Mayor to open these events and welcome people to them.

Engagement

The absence of Council representation at these traditional events would be an important gap, noticeable to all participants. Endorsing the ongoing representation by the Mayor will provide a sense of continuity and a smoother handover to the new Council

Conclusion

Continued representation of Council by the outgoing Mayor during the several weeks the election and establishment of the new Council in 2022 will provide positive support and continuity at events.

Attachments

Nil

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.13 Design and Construction of Reservoir at North Elmslea and Construction of new Water Pumping Station at Days Hill, Bungendore (Ref: ; Author: Hansen/Cunningham)

File Reference: PJT700040 & PJT700039

Summary

A report recommending the execution of contracts for the construction of a new water pumping station and service reservoir to support the continued growth of the town of Bungendore. The works have previously been identified in the adopted Palerang Community Development Servicing Plan for Water Supply (June 2020) and is presented for consideration in the current caretaker period pursuant to Council's Ministerial Exemption resolution request of 13 October 2021 (PLA175/21). The Ministers office has advised the approval to award these tenders is expected before the meeting.

Recommendation

That Council, subject to receiving Ministerial approval to award the following tenders during the caretaker period:

- 1. Accept the tender from <Tenderer 2> for contract 10043781 "Design and Construction of North Elmslea Reservoir" for the lump sum of <\$amount 2> (including GST).**
 - 2. Accept the tender from <Tenderer B> for contract 10043771 "Construction of Days Hill Reservoir Pump Station" for the lump sum of <\$amount B> (including GST).**
-

Background

Council concluded its inaugural Integrated Water Cycle Management (IWCM) plan for the Palerang Communities water and sewerage schemes in February 2019. This document set the scene for strategic expectations over a 30-year timeframe with provision for rolling reviews every 4 to 5 years. In a water supply sense, the key identified challenge was related to the management of the residential growth pressures for Bungendore.

Formal Development Servicing Plans (DSPs) for both water and sewerage were developed subsequent to the adoption of the IWCM, with both DSPs being adopted by Council in June 2020 after a comprehensive and regulated exhibition/consultation process. A key outcome of the DSPs was the identification of a separate catchment area – greenfields – that is now the subject of a differential contribution rate that ensures better equity between developments based on where they are located. This is particularly important for the greenfield areas since their headwork requirements are more substantial. The Bungendore Structure Plan adopted early in 2020 reflected that program.

The DSPs considered this in its comprehensive 10 year expected capital works plan with the identification of a need for a new 2ML service reservoir in the development area north of Elmslea and a water pump station to be located at Days Hill to service it. The design, specification and procurement of these two facilities has been the focus of Council staff and its consultant (NSW Public Works Advisory) over many months. This report represents the culmination of this process as it now contains recommendations for the appointment of contractors for both projects.

9.13 Design and Construction of Reservoir at North Elmslea and Construction of new Water Pumping Station at Days Hill, Bungendore (Ref: ; Author: Hansen/Cunningham) (Continued)

Tenders for the design and construction of the reservoir and the construction of the water pumping station were called on 28 September 2021 and 7 September 2021 respectively. Compulsory virtual pre-tender meetings were held separately following tender release with both closing at 9:30am on 19 October 2021. The detailed assessments of both tenders are contained as attachments to this report under separate cover.

Implications

Legal

The call for tenders was made on behalf of Council by NSW Public Works Advisory in accordance with the provisions of s55 of the Local Government Act 1993 and in consideration of the Local Government (General) Regulation 2021. A request for an exemption for Council to consider these tenders within the current caretaker period was authorised by Council resolution PLA175/21 of 13 October 2021.

Policy

The works are consistent with those considered and contained in Council's adopted IWCM and DSP for the Palerang Communities Water Supply Schemes.

Financial

Councillors will note that offers for both projects came in notably higher than their pre-tender estimates. It is considered that there are a number of reasons for this. The first relates to the effects of Covid-19. It is now well established that Covid-19 has had a significant inflationary and supply chain effect on a number of key supply lines including international freight and commodities such as steel and copper. All of these are likely to have had a significant effect on the prices received. The other matter relates to the level of civil construction currently underway in the region. A matter of supply and demand - the high level of demand for suitably qualified and experienced contractors has evidently translated to higher contract rates.

In terms of funding, ultimately both projects will be funded from s.64 developer contributions (greenfield) held as reserve in RA35040 but these will be reliant on receipt of the funds under the new plan as subdivision certificates are released. In the interim though, the works will be funded from the Palerang Water Fund Reserve (RA 35025) with reimbursement from RA35040 as those funds become available. Sufficient cash reserves are currently held for these works from these combined resources, although Council should keep in mind that the adopted DSPs do foreshadow the need for supporting loan funds for future stages.

Program Code	Expense Type	Funding source		Amount
700039	Capital	Palerang Water s.64 Greenfield	\$	<amountB>
700040	Capital	Palerang Water s.64 Greenfield	\$	<amount2>

Integrated Plan

The works are consistent with the adopted IWCM and DSPs.

9.13 Design and Construction of Reservoir at North Elmslea and Construction of new Water Pumping Station at Days Hill, Bungendore (Ref: ; Author: Hansen/Cunningham) (Continued)

Conclusion

The proposed works are required to support residential development that is currently underway. It will be important that demand for water that results from these developments is as closely aligned to the commissioning of the reservoir and pumping station as is possible. The proposed works are identified in key adopted strategies of the Council and funding is available. The contracts are recommended for approval.

Attachments

- | | |
|--------------|--|
| Attachment 1 | Contract 10043781 - North Elmslea Reservoir tender evaluation (<i>Under Separate Cover</i>) - CONFIDENTIAL |
| Attachment 2 | Contract 10043771 - Days Hill Water Pump Station tender evaluation (<i>Under Separate Cover</i>) - CONFIDENTIAL |

REPORTS TO COUNCIL - ITEMS FOR INFORMATION

10.1 Council's Initial Assignment of Categories of Crown Reserves (Ref: ; Author: Thompson/Carswell)

File Reference: 26.2.2-02, 26.2.2-01

Report

Council has recently received correspondence from the Delegate of the NSW Minister for Water, Property and Housing in relation to Council's initial assigned categorisation of 42 Crown reserves under section 3.23(2) of the *Crown Lands Management Act 2016*. This process has been going on for some time and was last reported to Council at its Planning and Strategy Committee of 12 August 2020 (Item No. 8.1).

The letter advises that the information provided has been reviewed and *that Council has assigned a category that most closely aligns with the reserve purpose of 31 of the Crown reserves, refer to Attachment 1., I wish to confirm that no further change is required to the categorisation of these reserves.*

The letter encourages Council to progress the preparation of draft plans of management for community land managed by Council. In so doing the letter advises that *all activities on the reserve must be consistent with the reserve purpose and Native Title Act 1993 (Cth) (NT Act) and Council must obtain Native Title Manager advice for any future Act contained in, and authorised by, the adopted PoM. The Native Title Manager must consider whether the Act authorised under the PoM affects native title, and if it does, provide advice on how the Council can comply with the relevant provisions of the NT Act.*

The letter also notes that under the *Local Government Act 1993* (LG Act), a draft PoM requires referral to the landowner prior to public exhibition. A PoM also requires Minister's consent prior to adoption by Council under the CLM Act.

The letter then refers to the categorisation of 11 Crown reserves, *listed in Attachment 2 (to it), in accordance with section 3.23(5) of the CLM Act. I request Council alter the assigned categories, as the Minister considers:*

- a) *the assigned category is not the most closely related to the purposes for which the land is dedicated or reserved, or*
- b) *the management of the land by reference to the assigned category is likely to materially harm the use of the land for any of the purposes for which it is dedicated or reserved.*

The letter goes on to note *that Council sought categorisation of Reserve 95678 [6 McKellar Street, Braidwood] (purpose: public recreation) as Park and General Community Use. The department has determined that assigning the land category of General Community Use to the area of the reserve currently being occupied as a stockpile storage site by Council materially harms use of the reserve by the public for public recreation.*

10.1 Council's Initial Assignment of Categories of Crown Reserves (Ref: ; Author: Thompson/Carswell) (Continued)



Figure 1 – Reserve 95678

The letter also notes that three formed roads (Bombay Road, Araluen Road and Coghill Street) appear to traverse the southernmost corner of Reserve 94633 (purpose: public recreation), see Figure 2 below. A brief review of status appears to show that these roads may not have been formally acquired by Council. Council is encouraged to follow up this matter to ensure roads are formally acquired and dedicated where required.



Figure 2 – Reserve 94633

10.1 Council's Initial Assignment of Categories of Crown Reserves (Ref: ; Author: Thompson/Carswell) (Continued)

In relation to the matters raised by the last two excerpts, these will be considered by the Executive in the near future.

Recommendation

That the report be received for information.

Attachments

Attachment 1	Adapted Attachments 1 and 2 from letter responding to Council's initial assignment of categories to Crown Reserves (<i>Under Separate Cover</i>)
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REPORTS TO COUNCIL - ITEMS FOR INFORMATION

10.2 Regional Housing Taskforce Recommendations Report (Ref: ; Author: Thompson/Carswell)

File Reference: 26.1.3-05

Report

Council has recently received a copy of the newly released Regional Housing Taskforce Recommendations Report (the report). This was last reported on to Council at its Planning and Strategy Committee meeting (Item No. 9.2 – 8 September 2021) where amongst other things it was noted that Council had made a submission.

As previously reported the Taskforce was asked to investigate planning barriers and to develop recommendations to address regional housing issues with a focus on:

- *The planning system and other government levers to stimulate housing supply and address housing needs.*
- *Removing impediments within the planning system to the delivery of affordable housing types and housing generally.*
- *Identifying mechanisms within the planning system to facilitate and drive the delivery of housing matched to community needs.*

In his overview accompanying the report's release, Mr Fielding the Taskforce's Chair notes that the recommendation report is an independent one. Mr Fielding also observed that while the planning system undoubtedly plays an important role in shaping housing outcomes, affordability and supply issues in regional NSW are not simply driven by planning regulation. Consequently, they cannot be meaningfully improved without a sustained whole-of-government response that addresses both market and non-market provision of housing.

In regard to the planning system:

The recommendation report did not find that the NSW planning system is inherently restrictive as it is applied in regional NSW, and there is understood to be sufficient residential zoned land across most regions to accommodate forecast demand over a number of years. However, much of this existing land capacity in the form of greenfield housing or in the form of 'infill' or urban renewal sites is unable to be made 'development ready' or 'activated' for a number of reasons.

For greenfield sites, barriers to delivery predominantly relate to the difficulty of resolving site specific constraints at and after the development assessment stage, such as environmental and biodiversity issues, the cost and complexity of required technical studies, the funding and delivery of critical enabling infrastructure, such as water, sewerage and roads, as well as development feasibility and market factors, which in some cases lead to land banking or slow release of new dwellings to the market.

For infill sites and smaller and diverse housing types, development feasibility and market factors were identified as major barriers to new supply, along with the suitability of fine-grain planning controls, and a lack of funding for social and affordable housing. New housing supply in regional areas continues to be dominated by large, detached dwellings despite growing unmet housing needs for smaller, accessible and affordable housing, and despite the need for more sustainable and compact growth strategies that make the most of existing infrastructure and services.

10.2 Regional Housing Taskforce Recommendations Report (Ref: ; Author: Thompson/Carswell) (Continued)

The Taskforce found that certain planning processes should be consolidated and streamlined to enable more efficient assessment, especially for much needed forms of housing, such as social, affordable, and temporary worker housing. Rather than systemic reform to overhaul planning approval processes, the Taskforce considers it more appropriate that effort resources be deployed to address place-based barriers and to resolve complex issues within existing planning frameworks.

There is also a need for improved upfront strategic planning, including investment in technical studies, to resolve issues earlier in the planning process and ensure that subsequent planning assessments can be streamlined and that zoned land is both practical and feasible to develop. In conjunction with this, approaches to infrastructure planning, delivery and coordination need to be improved to unblock regional housing supply, including through better alignment of the work of planning, other State agencies and local government.

Principles

The principles and recommendations in the report set a roadmap for the NSW Government for how to best respond to housing challenges through the planning system. The report identifies 8 principles to serve as a foundation for decision-making and guide reform of policies and processes to increase housing supply and improve housing outcomes across regional NSW:

1. Invest in upfront, place-based strategic planning to improve decision-making, provide certainty and enable more efficient assessments.
2. Provide a more transparent and certain supply pipeline and activate latent supply by addressing infrastructure requirements and resolving site constraints.
3. Strengthen collaboration by the NSW Government with the Federal Government, local government, and industry to improve the identification, funding, and delivery of infrastructure to support priority housing.
4. Ensure new housing is appropriately located, well-designed, fit for purpose, and better provides for the diversity of housing needs, including strengthening planning and approval pathways for innovative typologies and tenures.
5. Consider social and affordable housing as essential social and economic infrastructure.
6. Facilitate the delivery of diverse housing that meets demonstrated need through targeted use of government land.
7. Build the capacity of local government and local industries to plan and deliver housing in the regions.
8. Enhance monitoring and evaluation of policy and housing outcomes.

Recommendations

The Taskforce makes 5 key recommendations for Government and 15 supporting targeted interventions that relate to the recommendations. The key recommendations are:

1. Support measures that bring forward a supply of “development ready” land.
2. Increase the availability of affordable and diverse housing across regional NSW.
3. Provide more certainty about where, when and what types of homes will be built.
4. Investigate planning levers to facilitate the delivery of housing that meets short term needs.
5. Improve monitoring of housing and policy outcomes and demand indicators.

10.2 Regional Housing Taskforce Recommendations Report (Ref: ; Author: Thompson/Carswell) (Continued)

The Taskforce also made a further series of recommendations called “Further Considerations” which in some cases go beyond the planning system and in one case involves working with the Commonwealth Government.

The NSW Government is currently considering the report to determine how best to improve housing supply and affordability in regional NSW and it is understood that it will release a response soon.

These principles and recommendations are likely to be considered as part of a number of future strategic planning actions already committed to in the current Local Strategic Planning Statement. Examples include developing a Structure Plan for Braidwood and considering the need for a housing strategy to deal with affordable housing and demand in the LGA.

They will also feed into the next revision of the Local Strategic Planning Strategy as well as the refresh of the South East and Tablelands Regional Plan which at the time of writing is about to commence.

The report is also part of reforms currently being undertaken of how the NSW planning system can better respond to contemporary needs. Another area being reviewed (although it has potential to impact on housing affordability) is that of local infrastructure contributions and IPART’s draft report on the Essential Works List is reported on elsewhere in this business paper.

The Government has indicated regional housing strategies and projects will be initiated per functional economic region (FER) of which the QPRC LGA is one based on its economic and population growth. Particular interest will be focused on the Canberra (ie capital) region, give its proximity to SAPs, RJP, Snowy 2.0 and seasonal/public service (health, education, police) worker accommodation demands.

A copy of a recent presentation of the progress and next steps relating to regional housing and affordability is attached. Council has scheduled its Housing Strategy next year, which will have regard to the Taskforce Report and NSW Housing 2041. Further workshops and reports on the matter will be presented to the new Council.

Recommendation

That the report be received for information.

Attachments

Attachment 1 Regional Housing Review (*Under Separate Cover*)

REPORTS TO COUNCIL - ITEMS FOR INFORMATION

10.3 Biannual Biosecurity Weeds Report (January-June 2021) (Ref: ; Author: Thompson/Holloway)

File Reference: 24.3

Report

This report outlines Council's progress towards management of weeds under the NSW biosecurity framework during the second half of 2020-21. It responds to a resolution at Council's meeting on 25 September 2019, that:

1. *Council receive a bi-annual report on Council's management of weeds under the NSW biosecurity framework in regard to safeguarding our economy, environment and community.*
2. *The report address Council's role and record in working with landowners and occupiers to help them meet their general biosecurity duty according to the Biosecurity Act 2015, including:*
 - *Helping to identify priority weeds*
 - *Providing advice and information on ways to manage weeds*
 - *Providing displays at community events about weeds*
 - *The ongoing program of rural and urban inspections to check for priority weeds*
 - *Compliance issues.*

Council's management of weeds largely met 2020-21 targets and is successfully completing multiple strategic projects to improve longer term outcomes. The report outlines how Council is working with industry professionals, landowners and managers by:

- Helping to identify priority weeds – such as through ongoing weed survey and mapping, the development of improved risk assessment processes, mapping of priority agricultural and environmental assets threatened by weeds, and working with the regional committee to review the regional strategic weed management plan.
- Providing advice and information on ways to manage weeds – including more than 1,000 property-specific reports outlining the priority weeds found during property inspections with around 200 face-to-face meetings on-site, supported by around 1,000 YouTube views per month on weed control and the Fireweed Fighters program delivered at Googong School.
- Providing displays at community events about weeds – limited to only one physical event due to COVID-19, supplemented by the delivery of online resources.
- The ongoing program of rural and urban inspections to check for priority weeds – comprising more than 1,100 inspections plus surveillance along high risk roadside pathways.
- Compliance issues – three Directions issued.

QPRC's Biosecurity program (24.3) has four main outputs:

- Biosecurity weed control on Council land (24.3.1)
- Biosecurity weed education, inspection and enforcement (24.3.2)
- Biosecurity weed survey and management planning (24.3.3)
- Biosecurity weed strategic projects (*proposed 24.3.4*)

10.3 Biannual Biosecurity Weeds Report (January-June 2021) (Ref: ; Author: Thompson/Holloway) (Continued)

Biosecurity Weed Control on Council Land

Seasonal control of priority weeds posing a biosecurity risk on Council land (roadsides and reserves) was conducted mostly as scheduled during the reporting period. This included the control of widespread weeds St John's wort, Blackberry and commencing the winter control program for Serrated tussock and African lovegrass. Also targeted were isolated infestations of Fireweed at Googong, Gorse at Bywong and Ox-eye daisy around Mongarlowe. Sweet briar was also targeted within priority areas under the Save our Scarlet Robin strategic project.

The impacts of wind and heavy rainfall regularly disrupted some scheduled activities during the reporting period however, COVID-19 has caused little impact on weed control operations.

The Urban Landscapes service also undertook control of some weeds in urban zones posing a biosecurity threat to natural areas, in addition to their activities to control amenity weeds. In particular they continue to monitor for Fireweed in Googong during routine activities, supporting the biosecurity weeds re-inspection program at that hotspot.

QPRC's Biodiversity program also continued removal of some willows and debris causing a hazard in Turallo Creek, Bungendore, along with the publication of a management plan and project plan to include the staged removal of invasive weeds.

Biosecurity Weed Education, Inspection and Enforcement

Overall, the weed education and inspection program was approximately on track, although the impacts of heavy rainfall and flooding regularly disrupted scheduled inspections.

The following outputs have been achieved during the reporting period January to June 2020, shown with the aggregated 12 financial year totals and targets.

Activity	Jan-Jun 2021	Jul 2020-Jun 2021	Annual target
4-year inspection of all properties >1ha (number of properties)	1074	1976	1865
4-year survey of urban areas (km ² or number of towns)	10	15	11
Additional 4-year inspection of priority sites (number of sites)	0	27	14
Re-inspection of priority weed compliance sites (number of sites)	6	190	283
Inspect all high risk pathways (km of roadside)	640	1840	1840
Inspect all high risk sites (number of sites)	60	160	160
Participation at public events (number of events)	4	10	6
Biosecurity Undertaking or Direction issued (number)	1	3	-

Comprehensive surveillance inspections have been conducted at properties across the following localities: Royalla, Googong, Yarrow, Primrose Valley, Rossi, Forbes Creek, Hoskinstown, Bungendore, Tarago, Lake George, Currawang, Collector, Mount Fairy, Boro, Manar, Tomboye, Oallen, Nerriga, Charleys Forest, Bombay, Reidsdale, Northanger and Neringla. A focus was on properties in areas that were fire affected a year previously.

Re-inspection of priority weed sites to ensure compliance with weed eradication programs included Fireweed, Gorse and Ox-eye daisy infestations. These sites are hotspots for high priority weeds that ultimately need to be eradicated from the Queanbeyan-Palerang area. In addition, an increasing number of re-inspections occurred at properties with more widespread weeds that had not been sufficiently controlled and landholders were rescheduled for an inspection in less than the four-year routine inspection cycle. In most cases compliance has been very high, with less than expected re-inspections required and only one Direction issued.

10.3 Biannual Biosecurity Weeds Report (January-June 2021) (Ref: ; Author: Thompson/Holloway) (Continued)

Monitoring inspections were completed for all high risk pathways and sites, identified through and fully funded by the South East Weeds Action Program. These include major roads, rest stops, camp grounds and other places where biosecurity material (such as weed seed) from outside our region has a higher chance of being deposited. We are also looking at how best to manage impacts following the bushfires that affected much of the Council area, including established weeds being able to better spread into disturbed landscapes and sites such as grader lines and animal feeding stations where new weed material may have been inadvertently introduced.

While the *Biosecurity Act 2015* gives powers to authorised officers to enter properties without notice, for routine inspections they always send an 'Intention to Enter Premises' letter. This letter advises the purpose of the inspection with the offer to make an agreed appointment time and has attached factsheets explaining Council's Biosecurity Weeds Inspection Process and the Biosecurity Act. On average approximately 20% of landholders arrange to meet the officers on-site, providing an excellent opportunity for targeted and relevant education and extension.

In addition, following every inspection a weeds report is sent to the land owner in the form of an 'Inspection advice' letter. This letter outlines any priority weeds found during the inspection and relevant information relating to those weeds, including the control requirements expected to meet the general biosecurity duty. Links are provided to standard information available through the NSW WeedWise website and app to assist landholders to identify and control priority weeds. In the past some landholders have advised officers that they do not have the resources to manage the weeds themselves, so a list of weed controllers known to operate locally is included to assist.

Face-to-face public events were limited due to COVID-19. The only general public event was a stall at the World Environment Day '2040' screening event. Staff also ran four workshops across the region as part of a project to map priority agricultural assets and presented to the Upper Murrumbidgee Catchment Network. Petaurus Education Group were contracted to develop and deliver the Fireweed Fighters program to The Anglican School Googong.

The Biosecurity team also delivered an ambitious online educational campaign. A Biosecurity section was added to Council's website with five major components. A series of 30 short video stories have also been published to provide information on our top priority weeds, routine activities and special projects, mostly launched during the innovative 'WeedsCon2020' event.

Biosecurity Weed Survey and Management Planning

All weed inspection data collected was cleaned, collated and submitted to the Biosecurity Information System each month as required by the State government. Council officers also contributed to a State-wide review of BIS.

The refined weed risk management system developed in 2019-20 has been systematically tested and is proving very useful. Grant funding has been obtained to beta-test the tool across a broader range of weeds and environments in the south east region to improve its robustness prior to the planned publication and implementation in 2021-22.

Limited resources were available to complete further survey and analysis for longer term strategic planning purposes, however staff prepared information for a Councillor workshop on weed management and continue to work on improving weed risk assessments and a range of grant-supported strategic projects

10.3 Biannual Biosecurity Weeds Report (January-June 2021) (Ref: ; Author: Thompson/Holloway) (Continued)

Biosecurity Weed Strategic Projects

Council actively seeks external funding to support strategic weed management projects beyond our current capacity. Some projects help meet Council's values of Innovation and Continuous Improvement by piloting new approaches to routine activities, while others assist the community and partner agencies with priority weed management issues. The following projects were operational during the reporting period.

Biosecurity - At What Cost?

Assess economic impacts of weeds on agricultural land in south east NSW, ultimately to identify potential priority economic assets for more frequent inspections.

Gorsebusters – Upper Shoalhaven

Develop an education program and undertake inspections to determine the extent and control required for the priority weed Gorse at sites downstream of known isolated infestations.

No Space 4 Weeds @ My place

Develop online tools to deliver relevant weed management information by property address, with capacity for adding a broader range of environmental education material.

Ox-eye Daisy Weed Management

Regional project to map isolated infestations of the priority weed Ox-eye daisy, raise awareness, and undertake initial control works on private land.

Put Out the Fireweed in Googong

Develop an education program and undertake inspections to detect and control the priority weed Fireweed in the Googong township, the only currently known active infestation within the Council area. Ongoing inspections regularly detected new plants at known sites. Successful education component being extended to other schools beyond Googong.

Regional SEWAP admin

Administrative support to assist the regional weeds committee coordinate strategic weed management projects under the South East Weeds Action Program.

Save Our Species Weed Control

A ten year project to control berry-bearing bushes within two project areas to protect threatened woodland birds from predatory Currawongs that feed on the berries.

Weed Control on Priority Crown Land

Manage biosecurity weeds on Crown land at Lake George to protect priority assets.

Funding has been obtained for the following projects to commence 2021/22:

Priority Environmental Sites Assessment

Review information on the location of priority environmental assets impacted by weeds, rapidly assess and rank sites that potentially need protection, and draft basic weed management asset protection plans for priority sites.

Vehicle Hygiene Videos

Develop a series of short videos on specific biosecurity hygiene practices recommended for core activities and equipment/materials frequently used by councils and other key industries that pose a risk of moving priority weed material.

10.3 Biannual Biosecurity Weeds Report (January-June 2021) (Ref: ; Author: Thompson/Holloway) (Continued)

Weeds Duty Tool Beta Testing

Work with weeds professionals across the south east to test QPRC's new weed risk assessment tool for a broad range of weeds and environments to improve the robustness of the tool prior to formal release.

Weed Control on Priority Crown Land

Undertake strategic weed control on Crown Land to protect priority assets in the localities of Araluen, Bendoura, Bombay, Jembaicumbene, Majors Creek, Queanbeyan West, Urila and Yarrow.

Council's Biodiversity program also surveyed post-fire impacts on the Corang pine along the Corang River, including weed invasion threats.

Funding opportunities will continue to be sought to improve biosecurity outcomes, specifically to better understand and communicate the new Biosecurity Act requirements and to identify and manage priority assets being impacted by widespread priority weeds.

Conclusion

Council maintains an effective and progressive Biosecurity program which is constantly looking to improve outcomes. The team is adapting to the changes resulting from the repeal of the *Noxious Weeds Act* and its declared list of noxious weeds, replaced with the new risk-based duty to control priority weeds posing an impact under the *Biosecurity Act*.

Recommendation

That the report be received for information.

Attachments

Nil

REPORTS TO COUNCIL - ITEMS FOR INFORMATION

10.4 QPRC End of Term Report 2017-21 (Ref: ; Author: Tegart/Tozer)

File Reference: 51.1.3

Report

Under the previous Integrated Planning and Reporting Guidelines, which apply up until the completion of the upcoming election process, NSW councils were required to present a copy of the End of Term Report to the final meeting before the election.

The End of Term Report is not designed as a compilation of the previous years' Annual Reports, however should outline the progress on the implementation of the Community Strategic Plan. The End of Term Report is required to be prepared as an additional section for the Annual Report for 2020-21.

As the final Council meeting falls within the caretaker period, the Office of Local Government provided the following advice regarding regulations about 'electoral material'.

The provisions in the Regulation relating to "electoral material" do not prevent the end-of-term report being presented to the council or from being made available on a council's website as part of the business papers of the meeting. However, because the final meeting of the outgoing council will normally fall within the 40 day "regulated period" preceding the election, councils should refrain from publishing the end-of-term report as a separate publication until after the elections. The end-of-term report should be appended to that year's annual report.

The End of Term Report which is attached to this report has been developed based on the following structure:

- Executive summary
- Key decisions, engagement and achievements timeline
- Organisation summary
- Summary of drought, bushfire, flood and Covid-19 impact
- Review of each key goal from each Strategic Pillar, including the measures that were outlined in the Community Strategic Plan

Following the election, the End of Term Report will be available on Council's website as a standalone document.

Under the recently revised Integrated Planning and Reporting Guidelines, the End of Term Report will be replaced with a State of our City/Region Report and will be noted by the incoming Council at its second meeting

Recommendation

That the report be received for information.

Attachments

Attachment 1 End of Term Report 2017-21 (*Under Separate Cover*)

11.1 Bungendore War Memorial S355 Committee Meeting Minutes (Ref: ; Author: Richards/Duncan)

File Reference: 52.3

Summary

The Bungendore War Memorial s.355 Committee has submitted for Council's information the minutes of its meetings held on 5 August 2021 and between 1-3 September 2021.

Recommendation

That Council:

- 1. Note the meeting minutes of the Bungendore War Memorial held on 5 August 2021.**
 - 2. Note the meeting minutes of the Bungendore War Memorial held between 1-3 September 2021.**
-

Attachments

- | | |
|--------------|--|
| Attachment 1 | BWMC Meeting Minutes held 5 August 2021 <i>(Under Separate Cover)</i> |
| Attachment 2 | BWMC Meeting Minutes Held between 1 - 3 September 2021 <i>(Under Separate Cover)</i> |

NOTICE OF MOTIONS

12.1 Bus Interchange - Captains Flat Road and Widgiewa Road (Ref: ; Author: Marshall/Marshall)

File Reference: Motions for 24 November 2021 Meeting

Notice

Councillor Peter Marshall will move the following motion:

Motion

That Council refer the informal bus interchange across Captains Flat from Widgiewa Road, Carwoola, to the Traffic Committee for their review and recommendations.

Background

At the junction of Captains Flat Road and Widgiewa Road, Carwoola, on the southern side of the road, is a formal bus stop and shelter, primarily used by QCity coaches taking students to the bus interchange in Queanbeyan or onwards to schools in Queanbeyan and the ACT.

Across Captains Flat Road from the bus shelter is an off-road area of bare earth, apparently occasionally used by council for the temporary storage of road materials. An area of this is used as an informal bus interchange. Small school buses commence and end their journeys there, servicing Bungendore public (primary) school. Adults drive light vehicles into the area to drop children to the buses or collect them from the buses. The buses leave around 8.25am and arrive back around 4pm.

Although there is potential for interchange with the QCity buses on Captains Flat Road, this does not seem to occur, and would be problematic in the morning, with children needing to cross Captains Flat Road between the two services.

At this point, Captains Flat Road is running roughly east-west, such that Westbound traffic is headed towards Queanbeyan and Eastbound traffic is heading towards Captains Flat. The speed limit is 90km/h.

Most of the traffic dropping children to the bus in the morning, turns right from the Westbound lane of Captains Flat Road. This requires crossing the Eastbound lane but also crossing a right-turn lane on the Eastbound side of the road. There is potential for conflict with any traffic turning right into Widgiewa Road, for which the right-turn lane is intended. Also around 8.25am, an eastbound QCity coach pulls up at the bus-stop to collect passengers, and traffic is required to slow to 40km/h maximum.

Some of this right-turning traffic into the bus interchange comes from and then returns to Widgiewa Road. This traffic is in effect using the junction as a crossroads with slightly offset roads.

After dropping passengers to or collecting them from the bus interchange, light traffic then disperses, primarily either Westbound towards Queanbeyan, crossing the westbound lane and the westbound traffic's right-turn lane, to do so, or eastbound and immediately turning right into Widgiewa Road, or continuing Eastbound (this last being relatively safe).

12.1 Bus Interchange - Captains Flat Road and Widgiewa Road (Ref: ; Author: Marshall/Marshall) (Continued)

This location of all of this is on the crest of a hill, with poor visibility in east and west directions for traffic going into or coming out of the informal bus interchange. In dull weather, or fog, visibility is even worse.

On the west side of the entrance to the informal bus interchange, there is currently a large pothole, which requires entering traffic to slow down more than would otherwise be necessary, increasing its exposure time to the hazards of Captains Flat Road traffic. This pothole also poses a partial obstacle to traffic emerging from the bus interchange and heading westwards (towards Queanbeyan).

Although aerial shots (attached) appear to show access being possible from Yilgarn Road, in practice there is no such access. (Please note that Google's Street View imagery is not sufficiently up to date, showing the bus shelter in a location it has since been moved from, for example.)

Though it may never have been intended by Council to be used as a bus interchange, this area has developed into one, and there is no obvious alternative nearby. The bus shelter on Captains Flat Road has insufficient space around it (unlike, for example, the bus shelter at the Kearns Parade junction with Captains Flat Road).

In the interests of safety of children, and the adults driving them, the mover recommends this informal bus interchange be referred to council's Traffic Committee for their opinion.

Note by the Portfolio General Manager Community Connections

The Local Traffic Committee (LTC) has no decision-making powers and 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. The Traffic Committee may only consider reports that have been prepared by staff and presented to the Committee for technical review.

This matter should be referred to staff to prepare a suitable report for consideration by the traffic if changes are warranted.

Attachments

- | | |
|--------------|---|
| Attachment 1 | Widgiewa Road Bus Interchange 1 (<i>Under Separate Cover</i>) |
| Attachment 2 | Widgiewa Road Bus Interchange 2 (<i>Under Separate Cover</i>) |

NOTICE OF MOTIONS

12.2 Proposed Advanced Energy Recovery Centre at Woodlawn (Ref: ; Author: Marshall/Marshall)

File Reference: 24 November 2021 Notice of Motion Report

Notice

Councillor Peter Marshall will move the following motion:

Motion

That Council receive a report on the proposed Advanced Energy Recovery Centre at Woodlawn

Background

Although just inside the Goulburn-Mulwaree Council area, residents of the Queanbeyan-Palerang Regional Council area are expressing concern about the local and wider impact of the proposed “waste to energy” plant at Woodlawn.

This motion in effect requests that staff undertake research on the proposal, and develop a preliminary position for recommendation for adoption to the new Council in 2022. Staff may take the view that there is insufficient information available on which to take a broad ‘for’ or ‘against’ until the Development Application is lodged with the NSW Government, as a State Significant Development.

<https://www.veolia.com/anz/how-does-energy-recovery-work>

<https://www.veolia.com/anz/next-steps>

Staff Comment:

Councillors had been briefed previously on the Woodlawn ‘Advanced Recovery Centre’ proposal, and a councillor is on the Woodlawn Eco-Precinct Community Liaison Committee. The Tarago Progress Association copied Council with its objections to the SEARS last month. The NSW Waste from Energy Infrastructure Plan was released in September 2021 indicating Woodlawn falls within the Goulburn precinct. The CRJO considered the views of Goulburn Mulwaree Council at its recent Board meeting, with members resolving to await the release of the EIS for the facility proposed at Woodlawn before considering options, advocacy or submissions. Once the EIS and SSDA are lodged and the scope of the proposal known, staff would normally prepare reports for Council to consider.

Attachments

Nil

REPORTS TO COUNCIL - DELEGATES REPORTS

13.1 Delegates Report (Ref: ; Author: Tegart/Ison)

File reference: 52.3.1

Summary

Delegates Reports are submitted by Councillors to report on key points of meetings, events and functions which they have attended during the past month, either as a Council delegate or as a nominee of the Mayor.

Attendances at meetings by Councillors as delegates and representatives on Council committees, organisational committees, statutory committees, locality committees and advisory committees will be published in the QPRC Annual Report as per Resolution No. 322/18 of 26 September 2018.

Recommendation

That the report be received for information.

Cr Tim Overall		
No.	Meeting/Function/Event Attended	Summary of Key Points
1	CRJO Board Meeting, 29 October 2021	<ul style="list-style-type: none"> • Presentation: Community Strategic Plan Each participating Council has access to a suite of collateral material to support pop-up engagements and there are opportunities for additional activities to be conducted if desired and those results added to the draft CSP prior to exhibition by the new Council in 2022. • CRJO Policies and Procedures - Adopted • CRJO Audit and Annual Financial Statements and Performance Statement - Approved • CRJO Water Utilities Working Group Noted the formation of a Water Utilities Working Group to support information sharing and to build relationships between local water utility managers. The potential for a future opportunity to opt-in to a consultancy project with working group members noting that funding will be sought from the Town Water Risk Reduction Program (TWRR) and may be required to be supplemented by member councils. • Regional Procurement Program Endorsed: the appointment of a dedicated Procurement Manager to the CRJO for minimum term of 2 years to deliver an integrated procurement plan. • LGNSW Conference on Street Lighting Resolved: That the CEO of the CRJO write to member councils which are also members of Local Government NSW requesting that they consider submitting a Notice of Motion to the LGNSW

13.1 Delegates Report (Ref: ; Author: Tegart/Ison) (Continued)

		<p>Conference seeking a commitment from LGNSW to lead and resource advocacy on Streetlighting issues across the State.</p> <ul style="list-style-type: none"> Proposed Waste to Energy Project in Tarago Following the exhibition of the EIS, Goulburn Mulwaree Council will seek support from CRJO members by out of session resolution to prepare a joint submission on the proposed development. Next Meeting Resolved: After 4 December 2021, the roles and responsibilities of the Chair and Board are delegated to the CEO of the CRJO and Chair of the General Managers Advisory Group until a new CRJO Board is convened. That the CRJO hold the first meeting of the Board on Friday 22nd February at which a new Chair and Deputy Chair will be elected.
2	Country Mayors Association General Meeting, 5 November 2021	<ul style="list-style-type: none"> Presentations Mr Grant Barnes, Chief Regulatory Officer, Natural Resources Access Regulator DPIE The Natural Resources Access Regulator has been operating for three and half years and has the role of review of the conduct and enforcement of water in NSW. They are a statutory body subject to oversight by the Ombudsman. They have undertaken 4,500 investigations with 1,300 enforcement actions resulting in 32 prosecutions with 14 convictions. Most operators are fair and compliant operators. Mr Joseph Rahme, Senior Manager, Stakeholder Engagement, NSW Telco Authority. The NSW Government is investing \$1.4billion to expand and enhance the Public Safety Network (PSN) through the Critical Communications Enhancement Program. The program will increase the networks coverage to reach 85% of the States landmass and 99.7% of the population. Key programs are Public Safety Mobile Broadband, Mobile Black Spot Program and Connecting Country Communities. The objective is to get the five emergency service providers on to the one network by December 2024. Chairman's Report A survey of members earlier this year identified issues of importance to country councils in NSW. The largest single issues are: <i>Water Security</i> <i>Access to Health Services</i> <i>Financial Assistance Grants</i> <i>Skills and Education</i>

13.1 Delegates Report (Ref: ; Author: Tegart/Ison) (Continued)

		<p><i>Road Funding</i></p> <p><i>Telecommunication Blackspots Coverage</i></p> <p><i>Cost Shifting and</i></p> <p><i>Inability of small councils to make contributions for projects and grant applications</i></p> <ul style="list-style-type: none"> • Proposed Employment Zones Framework Resolved: That the NSW Government's proposed employment zones framework not apply to regional areas because: <ul style="list-style-type: none"> - It will redirect limited Council resources away from priority tasks to undertake a large body of work for which there is no identified need or benefit; - It does not consider potential negative impacts on regional economies whose competitive advantage is reliant on natural assets and overall lifestyle appeal; - It does not support the hierarchy of centres and will undermine the orderly economic development of regional areas; - It has a narrow metropolitan focus which fails to consider the economic opportunities of rural and regional specialisations including agriculture, tourism, aquaculture, health care and social assistance, forestry and food manufacturing. • Waste Management Facilities Resolved: That the CMA oppose the Energy from Waste infrastructure in its current form and request that it not be advanced until: <ul style="list-style-type: none"> - It is amended at least, to include metropolitan locations for (EfW) facilities - It is extensively exhibited for public and Councils' feedback before any decision is made to advance a regulation or other provisions to bring it into effect. • Cost Shifting Resolved: That the CMA calls upon the State Government to undertake an urgent review into the cost shifting from the State to Local Government, particularly in the areas of emergency services, external audit, crown land management, planning, companion animals, underground petroleum storage systems and now COVID 19 Health Order Compliance. • Mayoral and Councillor Allowances Resolved: That CMA approaches all political parties to seek a bi partisan approach to bringing mayoral and Councillor allowances in rural NSW to reflect a midpoint between Qld and Vic.
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13.1 Delegates Report (Ref: ; Author: Tegart/Ison) (Continued)

3	Country Mayors Association AGM, 5 November 2021	<ul style="list-style-type: none">• Chairman's Report - Received and noted• Financial Report - Accepted• Setting of Annual Membership Fees Resolved: That the fees for the 2022 calendar year remain at \$750 for Councils with a population of 10,000 and over, and Councils with a population of less than 10,000 paying 75% \$562.50.• Adjournment of Annual General Meeting Resolved: That the Annual General Meeting be adjourned to the March 2022 meeting for the appointment of the Returning Officer and the election of Office Bearers for the 2022 year.
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Attachments

Nil

QUESTIONS WITH NOTICE

14.1 Responses to Councillors' Questions (Ref: ; Author: Tegar/Flint)

File reference: 24 November 2021 Reports

Report

This report provides responses to Councillors' written Questions on Notice as per the Code of Meeting Practice 2019. Some questions that were not closed prior to the new Code have been retained in the table.

The questions are deleted from the rolling table once they have been answered in full and reported to Council.

Any responses that contain personal or other identifying information of any kind will be circulated separately in the confidential attachments.

Recommendation

That the report be received for information.

Attachments

Attachment 1	Responses to Councillors Questions (<i>Under Separate Cover</i>)
Attachment 2	Responses to Councillors Questions with Confidential Information (<i>Under Separate Cover</i>) - CONFIDENTIAL

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 Undetected Leak Application - Greenleigh

Item 16.1 is confidential in accordance with s10A (2) (b) of the Local Government Act 1993 because it contains discussion in relation to the personal hardship of a resident or ratepayer and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Item 16.2 Undetected Leak Application - Jerrabomberra

Item 16.2 is confidential in accordance with s10A (2) (b) of the Local Government Act 1993 because it contains discussion in relation to the personal hardship of a resident or ratepayer and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Item 16.3 Senior Staff Engagement

Item 16.3 is confidential in accordance with s10A (2) (a) of the Local Government Act 1993 because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Item 16.4 Bungendore Property - Legal Matter

Item 16.4 is confidential in accordance with s10A (2) (g) of the Local Government Act 1993 because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.