



# **Ordinary Meeting of Council**

## **AGENDA**

**27 January 2022**

**Commencing at 5.30pm**

**COVID restrictions continue to limit the number of people physically attending meetings. Members of the public who wish to make a presentation are encouraged to register and attend via Zoom - see Public Involvement at Meetings on Council's website.**



**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 24 November 2021

4.2 Minutes of the Extraordinary Meeting of Council held on 12 January 2022

**5 DISCLOSURES OF INTERESTS**

**6 ADJOURNMENT FOR PUBLIC FORUM**

**7 MAYORAL MINUTE**

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**Confidential - Not for Publication**

**16 REPORTS FOR CLOSED SESSION**

- 16.1 Proposal to Acquire Council Land

*Item 16.1 is confidential in accordance with s10(A) (di) 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.*

- 16.2 Undetected Leak Application - Bungendore

*Item 16.2 is confidential in accordance with s10(A) (b) of the Local Government Act 1993 because it contains discussion in relation to the personal hardship of a resident or ratepayer and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**17 CONCLUSION OF THE MEETING**

**LIST OF ATTACHMENTS**

**Open Attachments**

- Item 9.1 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 - Statement of Environmental Effects (Under Separate Cover)*

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- Attachment 7*     *DA.2021.1240 - Conservation Management Plan (Under Separate Cover)*
- Attachment 8*     *DA.2021.1240 - Heritage Impact Statement - 119 Wallace Street, Braidwood (Under Separate Cover)*
- Attachment 9*     *DA.2021.1240 - Heritage Advisor's Comments (Under Separate Cover)*
- Attachment 10*    *DA.2021.1240 - s60 Approval - Demolition of Sheds - 119 Wallace Street, Braidwood (Under Separate Cover)*
- Attachment 11*    *DA.2021.1240 - s60 Approval - Subdivision Layout - 119 Wallace Street, Braidwood (Under Separate Cover)*
- Attachment 12*    *DA.2021.1240 - Response to Council Questions on S60 Process from Heritage NSW (Under Separate Cover)*
- Item 9.2    Formal Submission - Local Infrastructure Contribution Reforms
  - Attachment 1*     *Technical Submission to DPIE - Local Infrastructure Contribution Reforms (Under Separate Cover)*
  - Attachment 2*     *Joint Submission - Wind and Solar Farms Section 7.12 (Under Separate Cover)*
  - Attachment 3*     *Council Endorsed Submission to DPIE - Local Infrastructure Contribution Reforms (Under Separate Cover)*
- Item 9.3    Main Street Upgrade Fund
  - Attachment 2*     *Main Street Upgrade Fund Guidelines 2021 (Under Separate Cover)*
  - Attachment 3*     *Revised Main Street Upgrade Fund Applications 2022-23 (Under Separate Cover)*
- Item 9.4    Selection of Preferred Tenderer for Construction of New Skatepark - Braidwood
  - Attachment 1*     *Braidwood Skatepark Final Concept Report (Under Separate Cover)*
- Item 9.7    Presentation of 2020-21 Audited Financial Statements
  - Attachment 1*     *Annual Financial Statements 2020/21 (Under Separate Cover)*
  - Attachment 2*     *Approval for Extension (Under Separate Cover)*
- Item 9.8    Investment Report - November 2021
  - Attachment 1*     *Investment Report Pack - November 2021 (Under Separate Cover)*
- Item 9.9    Investment Report - December 2021
  - Attachment 1*     *Investment Report Pack - December 2021 (Under Separate Cover)*
- Item 10.1    Bungendore Property - Compulsory Acquisition
  - Attachment 1*     *Bungendore Sites - Proposed Acquisition and Purpose (Under Separate Cover)*
  - Attachment 2*     *PAN - Bungendore sites (Under Separate Cover)*
- Item 10.3    Resolution Action Sheet
  - Attachment 1*     *Resolution Action Sheet (Under Separate Cover)*
- Item 11.1    QPRC Heritage Advisory Committee Minutes - 18 November 2021
  - Attachment 1*     *Minutes of QPRC Heritage Advisory Meeting 18 November 2021 (Under Separate Cover)*
- Item 11.2    Local Traffic Committee Meeting Minutes - 14 December 2021
  - Attachment 1*     *Local Traffic Committee Meeting Minutes - 14 December 2021 (Under Separate Cover)*

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- Item 11.3 Audit, Risk and Improvement Committee Minutes - 16 September 2021  
*Attachment 1 ARIC Minutes 16 September 2021 (Under Separate Cover)*
- Item 13.1 Delegates Report  
*Attachment 1 Cr Harrison's SEATS Delegate report - November 2021 (Under Separate Cover)*  
*Attachment 2 Cr Harrison's attachment 1 - TfNSW Report SEATS November 2021 (Under Separate Cover)*  
*Attachment 3 Cr Harrison's attachment 2 - ESC Report SEATS November 2021 (Under Separate Cover)*
- Item 14.1 Responses to Councillors' Questions  
*Attachment 1 Responses to Councillors Questions - 2021 (Under Separate Cover)*  
*Attachment 3 Responses to Councillors Questions - 2022 (Under Separate Cover)*

**Closed Attachments**

- Item 9.3 Main Street Upgrade Fund  
*Attachment 1 Summary of Main Street Upgrade Applications 2021/22 (Under Separate Cover)*
- Item 9.4 Selection of Preferred Tenderer for Construction of New Skatepark - Braidwood  
*Attachment 2 Tender Evaluation Report - Skatepark Braidwood (Under Separate Cover)*
- Item 14.1 Responses to Councillors' Questions  
*Attachment 2 Responses to Councillors Questions with Confidential Information - 2021 (Under Separate Cover)*  
*Attachment 4 Responses to Councillors Questions with Confidential Information - 2022 (Under Separate Cover)*
- Item 16.1 Proposal to Acquire Council Land  
*Attachment 1 Proponent's Letter - Land Acquisition Proposal (Under Separate Cover)*  
*Attachment 2 Property Vegetation Plan (Under Separate Cover)*  
*Attachment 3 Current Boundary Survey Plan (Under Separate Cover)*



MINUTES OF THE ORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held via Zoom and at the Queanbeyan Council Chambers, Queanbeyan Council Chambers, 253 Crawford Street, Queanbeyan NSW 2620 on Wednesday, 24 November 2021 commencing at 5.30pm.

## ATTENDANCE

**Councillors:** Cr Overall (Chair)  
Cr Harrison  
Cr Hicks  
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

**Also Present:** W Blakey, Clerk of the Meeting  
L Ison, Minute Secretary

### 1. OPENING

The meeting commenced at 5.30pm.

### 2. ACKNOWLEDGEMENT OF COUNTRY

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

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

362/21

#### **RESOLVED (Taylor/Schweikert)**

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

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

Against: Cr Hicks

**4. CONFIRMATION OF MINUTES**

**4.1 Minutes of the Ordinary Meeting of Council held on 27 October 2021**

363/21

**RESOLVED (Taylor/Schweikert)**

That the Minutes of the Ordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday 27 October 2021 be confirmed.

The resolution was carried unanimously.

**4.2 Minutes of the Extraordinary Meeting of Council held on 4 November 2021**

364/21

**RESOLVED (Taylor/Schweikert)**

That the Minutes of the Extraordinary Meeting of Council held in the Queanbeyan Council Chambers on Thursday 4 November 2021 be confirmed.

The resolution was carried unanimously.

**4.3 Minutes of the Planning and Strategy Committee of the Whole held on 10 November 2021**

365/21

**RESOLVED (Taylor/Schweikert)**

That the Minutes of the Planning and Strategy Committee of the Whole held in the Queanbeyan Council Chambers on Wednesday 10 November 2021 be confirmed.

The resolution was carried unanimously.

**4.4 Minutes of the Extraordinary Meeting of Council held on 17 November 2021**

366/21

**RESOLVED (Taylor/Hicks)**

That the Minutes of the Extraordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday 17 November 2021 be confirmed.

The resolution was carried unanimously.

**5. DISCLOSURES OF INTERESTS**

367/21

**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 Overall declared a significant non-pecuniary interest in Item 9.7: 2022 Election Funding Projects, stating he is a partner of a specified person as his wife is a candidate for the Monaro by-election.



**6. ADJOURNMENT FOR PUBLIC FORUM**

At this stage of the proceedings, the time being 5.33pm, Cr Overall advised that the meeting should now adjourn for the Public Forum.

368/21

**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 5.33pm and resumed at 5.51pm.

**7. MAYORAL MINUTE**

There was no Mayoral Minute.

**8. NOTICES OF MOTIONS OF RESCISSION**

There were no Notices of Motions of Rescission.

**9. REPORTS TO COUNCIL - ITEMS FOR DETERMINATION**

**9.1 Development Application DA.2021.1441 - Construction of 6 attached dwellings on 6 Torrens Title lots - 17-27 Maidenhair Terrace, Tralee**

369/21

**RESOLVED (Hicks/Harrison)**

That:

1. 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 set well behind the front building line. The building presents well to the street without imposing into the articulation zone.
2. 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. 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.

The resolution was carried unanimously.

**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**

370/21

**RESOLVED (Marshall/Overall)**

That Council defer this matter for determination at a future Council meeting with further information on the Section 60 process and requirements for Council and community notification.

The resolution was carried unanimously.

**9.3 Review of Road Specifications for TSC/82/96 and TSC/83/96 - 536 Duckfield Road, Boro**

371/21

**RESOLVED (Hicks/Schweikert)**

That:

1. 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. 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.

The resolution was carried unanimously.

**9.4 Draft IPART Submission - Essential Works - Development Contributions**

372/21

**RESOLVED (Harrison/Schweikert)**

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.
3. Make a further submission on the infrastructure contributions reforms package by February 2022.

The resolution was carried unanimously.

**9.5 South Jerrabomberra Town Park Review of Environmental Factors**

373/21

**RESOLVED (Hicks/Harrison)**

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.

The resolution was carried unanimously.

**9.6 Selection of Preferred Tenderer for Construction of New Skatepark - Braidwood**

374/21

**RESOLVED (Schweikert/Harrison)**

The matter of the selection of the preferred tenderer for construction of a new skatepark in Braidwood be deferred for consideration at the next Council meeting.

The resolution was carried unanimously.

Cr Overall declared an interest in the following item, vacated the Chair, and left the Chambers at 6.08pm.

**9.7 2022 Election Funding Projects**

**Procedural motions**

375/21

**RESOLVED (Winchester/Schweikert)**

That Cr Harrison assume the Chair.

The resolution was carried unanimously.

Cr Harrison assumed the Chair at 6.09pm.

376/21

**RESOLVED (Harrison/Schweikert)**

That Council move into open Committee of the Whole.

The resolution was carried unanimously.

Council moved into open Committee of the Whole at 6.11pm.

CW1/2021

**RECOMMENDATION (Harrison/Schweikert)**

That:

1. Council endorse the following as 2022 Election Funding projects for presentation to candidates:

Description	Estimated Cost	Funding Sought	Council co-contribution
Finalise sealing of Nerriga Road	\$4m	\$4m	\$0
Tarago Road Rehabilitation	\$3m	\$3m	\$0
Briars Sharrow Bridge Construction	\$9m	\$9m	\$0
Reschs Creek Bridge Construction	\$4.5m	\$4.5m	\$0
Regional Sports Complex Stage 2 (stadium)	\$14m	\$14m	\$0
Bungendore Pool (Sports Hub)	\$5m	\$5m	\$0
Braidwood Depot relocation	\$10m	\$10m	\$0
Braidwood carpark stage 2	\$3m	\$3m	\$0
South Jerra Innovation Hub (warm shell)	\$20m	\$20m	\$0
Queanbeyan Sewerage Treatment Plant Upgrade	\$150m	\$75m	\$75m

2. Suggested projects 8, 9, 10, 22 and 25 be removed from the list.
3. The remainder of projects (incl completion of sealing Williamsdale Road) be made available for consideration by candidates.

The recommendation was carried unanimously.

CW2/2021

**RECOMMENDATION (Harrison/Schweikert)**

That Council return to the Ordinary meeting.

The recommendation was carried unanimously.

Council returned to the Ordinary meeting at 6.24pm.

377/21

**RESOLVED (Harrison/Schweikert)**

That Council adopt Recommendations CW1-2/2021 from the open Committee of the Whole meeting held on 24 November 2021.

The resolution was carried unanimously.

Cr Overall returned to the Chambers at 6.25pm and assumed the Chair.

**9.8 Annual Report 2020-21**

378/21

**RESOLVED (Schweikert/Hicks)**

That Council:

1. Note the Annual Report 2020-21.
2. Provide a copy of the Annual Report to the Minister for Local Government.

The resolution was carried unanimously.

**9.9 Notice of Motion to LGNSW Special Conference 2022 - Streetlighting**

379/21

**RESOLVED (Schweikert/Taylor)**

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”.

The resolution was carried unanimously.

**9.10 Quarterly Budget Review Statement for the Quarter Ending 30th September 2021**

380/21

**RESOLVED (Schweikert/Taylor)**

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.

The resolution was carried unanimously.

**9.11 Investment Report - October 2021**

381/21

**RESOLVED (Schweikert/Hicks)**

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.

The resolution was carried unanimously.

**9.12 Representation at Civic Functions**

382/21

**RESOLVED (Schweikert/Overall)**

That the CEO consider inviting retiring Councillors to represent Council at Civic and Council run events until the election of a new Mayor.

The resolution was carried unanimously.

**9.13 Design and Construction of Reservoir at North Elmslea and Construction of new Water Pumping Station at Days Hill, Bungendore**

383/21

**RESOLVED (Schweikert/Hicks)**

That Council, in noting Ministerial approval to award the following tenders during the caretaker period:

1. Accept the tender from Hornick Constructions Pty Ltd for contract 10043781 "Design and Construction of North Elmslea Reservoir" for the lump sum of \$3,535,675.00 (including GST).
2. Accept the tender from Gongs Constructions Pty Ltd for contract 10043771 "Construction of Days Hill Reservoir Pump Station" for the lump sum of \$2,408,246.70 (including GST).

The resolution was carried unanimously.

**10. REPORTS TO COUNCIL - ITEMS FOR INFORMATION**

**10.1 Council's Initial Assignment of Categories of Crown Reserves**

384/21

**RESOLVED (Schweikert/Taylor)**

That the report be received for information.

The resolution was carried unanimously.

385/21                      **10.2    Regional Housing Taskforce Recommendations Report**  
**RESOLVED (Schweikert/Taylor)**

That the report be received for information.

The resolution was carried unanimously.

386/21                      **10.3    Biannual Biosecurity Weeds Report (January-June 2021)**  
**RESOLVED (Harrison/Schweikert)**

That the report be received for information.

The resolution was carried unanimously.

387/21                      **10.4    QPRC End of Term Report 2017-21**  
**RESOLVED (Hicks/Taylor)**

That the report be received for information.

The resolution was carried unanimously.

**SUPPLEMENTARY REPORT**

388/21                      **10.5    Contract & Projects Updates**  
**RESOLVED (Harrison/Taylor)**

That the report be received for information.

The resolution was carried unanimously.

**11.    REPORTS OF COMMITTEES**

389/21                      **11.1    Bungendore War Memorial s355 Committee Meeting Minutes**  
**RESOLVED (Schweikert/Harrison)**

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.

The resolution was carried unanimously.

**12.    NOTICES OF MOTIONS**

390/21                      **12.1    Bus Interchange - Captains Flat Road and Widgiewa Road**  
**RESOLVED (Marshall/Winchester)**

That Council receive a report with recommendations on the informal bus interchange across Captains Flat from Widgiewa Road, Carwoola.

The resolution was carried unanimously.

- 391/21                      **12.2    Proposed Advanced Energy Recovery Centre at Woodlawn**  
**RESOLVED (Marshall/Harrison)**  
That Council receive a briefing from Veolia and a staff report on the proposed Advanced Energy Recovery Centre at Woodlawn.  
  
The resolution was carried unanimously.

**13.    REPORTS TO COUNCIL - DELEGATES REPORTS**

- 392/21                      **13.1    Delegates Report**  
**RESOLVED (Harrison/Schweikert)**  
That the report be received for information.  
  
The resolution was carried unanimously.

**14.    QUESTIONS WITH NOTICE**

- 393/21                      **14.1    Responses to Councillors' Questions**  
**RESOLVED (Taylor/Schweikert)**  
That the report be received for information.  
  
The resolution was carried unanimously.

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

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

Cr Overall 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.

There were no presentations.



**16. REPORTS FOR CLOSED SESSION**

394/21

**RESOLVED (Overall/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 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.*

The resolution was carried unanimously.

The meeting then moved into Closed Session at 6.48pm to discuss the matters listed above.

**16.1 Undetected Leak Application - Greenleigh**

395/21

**RESOLVED (Taylor/Harrison)**

That Council write off a total of \$2,186.14 in water usage charges for the property listed in this report.

The resolution was carried unanimously.

- 396/21                      **16.2    Undetected Leak Application - Jerrabomberra**  
**RESOLVED (Harrison/Taylor)**  
That Council write off a total of \$2,162.61 in water usage charges for the property listed in this report.  
  
The resolution was carried unanimously.
- 397/21                      **16.3    Senior Staff Engagement**  
**RESOLVED (Schweikert/Harrison)**  
That Council note the panel recommendation.  
  
The resolution was carried unanimously.
- 16.4    Bungendore Property - Legal Matter**  
**RESOLVED (Schweikert/Overall)**  
That Council:  
  1.    Accept the offer as outlined in the report.
  2.    Receive a further report on the balance of funds available and the scope of works for the Sports Hub.  
For:    Crs Hicks, Marshall, Overall, Schweikert and Taylor  
Against:    Crs Harrison and Winchester
- 398/21                      **RESOLVED (Overall/Taylor)**  
That the meeting now return to Open Session.  
  
The resolution was carried unanimously.  
  
The meeting returned to Open Session at 7.08pm and the livestream recommenced.  
  
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 Mayor then read out the decisions of Council made in Closed Session.

**18. CONCLUSION OF THE MEETING**

Being the final meeting of this Council's term, the Mayor acknowledged the work of his fellow Councillors, and former Councillor, the Late Peter Bray. Cr Overall also thanked staff for their guidance and assistance to the elected Council and the community, stating this was highlighted when QPRC won the AR Bluett Award.

The CEO, on behalf of Council's Executive, Managers and staff, expressed heartfelt thanks to all Councillors that have worked through an enormous period following the merger and their election in 2017, and two extensions of period in time to this election, and acknowledged the contributions of the Councillor's relevant partners and families. Mr Tegart also reflected on the significant decisions made by Council during their term - strategies, plans, policies and projects - stating this has placed the new Council in good stead moving forward.

The time being 7.14pm, 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 at the Queanbeyan Council Chambers, 253 Crawford Street, Queanbeyan on Wednesday, 12 January 2022 commencing at 5.30pm.

## ATTENDANCE

**Councillors:** Cr Biscotti  
Cr Burton  
Cr Grundy  
Cr Livermore  
Cr Preston  
Cr Taskovski  
Cr Ternouth  
Cr Webster  
Cr Willis  
Cr Wilson  
Cr Winchester

**Staff:** P Tegart, CEO  
M Thompson, Portfolio General Manager Natural and Built Character  
J Richards, Portfolio General Manager Community Choice  
P Hansen, Portfolio General Manager Community Connections – via Zoom  
R Tozer, A/Portfolio General Manager Organisational Capability

**Also Present:** W Blakey, Clerk of the Meeting  
L Ison, Minute Secretary

The CEO opened the meeting.

### 1. OPENING

The meeting commenced at 5.30pm.

### 2. ACKNOWLEDGEMENT OF COUNTRY

The CEO acknowledged the traditional custodians of the land upon which the meeting was held:

*"I begin today by acknowledging the Traditional Custodians on the land on which we meet today, and pay my respects to their Elders past, present and emerging and I also extend that respect to Aboriginal and Torres Strait Islander people here today.*

*We acknowledge the stories, traditions and living cultures of Aboriginal and Torres Strait Islander peoples on this land and commit to building a brighter future together."*

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

There were no apologies.

**4. DISCLOSURES OF INTERESTS**

001/22

**RESOLVED (Biscotti/Winchester)**

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**

No Public Forum was held.

**6. REPORTS TO COUNCIL - ITEMS FOR DETERMINATION**

**6.1 Oath or Affirmation of Office for Councillors**

In accordance with Section 233A of the *Local Government Act 1993*, each Councillor was invited to take either the oath of office or affirmation of office, before the CEO, as outlined below:

Oath of Office:

I [name of councillor] swear that I will undertake the duties of the office of councillor in the best interests of the people of the Queanbeyan-Palerang Region and the Queanbeyan-Palerang Regional Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

or

Affirmation of Office:

I [name of councillor] solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of the Queanbeyan-Palerang Region and the Queanbeyan-Palerang Regional Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

The following oaths were declared before the CEO on 12 January 2022:

I, Mareeta Grundy, swear that I will undertake the duties of the office of councillor in the best interests of the people of the Queanbeyan-Palerang Region and the Queanbeyan-Palerang Regional Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.

I, Michele Biscotti, swear that I will undertake the duties of the office of councillor in the best interests of the people of the Queanbeyan-Palerang Region and the Queanbeyan-Palerang Regional Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.

The following affirmations were declared before the CEO:

On 5 January 2022:

I, Kenrick Winchester, solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of the Queanbeyan-Palerang Region and the Queanbeyan-Palerang Regional Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.

On 7 January 2022:

I, Bryce Wilson, solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of the Queanbeyan-Palerang Region and the Queanbeyan-Palerang Regional Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.

On 10 January 2022:

I, Steve Taskovski, solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of the Queanbeyan-Palerang Region and the Queanbeyan-Palerang Regional Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.

On 12 January 2022:

I, Louise Burton, solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of the Queanbeyan-Palerang Region and the Queanbeyan-Palerang Regional Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.

I, Esma Livermore, solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of the Queanbeyan-Palerang Region and the Queanbeyan-Palerang Regional Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.

I, John Preston, solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of the Queanbeyan-Palerang Region and the Queanbeyan-Palerang Regional Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.

I, Jacqueline Ternouth, solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of the Queanbeyan-Palerang Region and the Queanbeyan-Palerang Regional Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.

I, Edwina Webster, solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of the Queanbeyan-Palerang Region and the Queanbeyan-Palerang Regional Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.

I, Katrina Willis, solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of the Queanbeyan-Palerang Region and the Queanbeyan-Palerang Regional Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.

**6.2 Election of Mayor**

002/22

**RESOLVED (Winchester/Taskovski)**

That:

1. Council elect the Mayor for the 2022-2023 Term.
2. The method of ballot for the position of Mayor be by show of hands pursuant to Schedule 7, Part 1(3) of the Local Government (General) Regulation 2005.

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

Against: Crs Biscotti, Burton, Grundy and Ternouth

The CEO, as Returning Officer, called for nominations for the position of Mayor for 2022-2023 term. There were two written nominations received, those of Cr Mareeta Grundy and Cr Kenrick Winchester, both had accepted the nomination. The vote by a show of hands resulted in four votes for Cr Grundy and seven votes for Cr Winchester.

The Returning Officer declared Cr Winchester duly elected as Mayor.

**6.3 Election of Deputy Mayor**

003/22

**RESOLVED (Willis/Winchester)**

That:

1. Council elect a Deputy Mayor to serve between January and September 2022.
2. At the expiration of the term, Council elect a Deputy Mayor to serve between September 2022 and September 2023.
3. Council elect a Deputy Mayor in September 2023 to serve until completion of the term in September 2024.
4. The method of ballot for the position of Deputy Mayor be by show of hands, pursuant to Schedule 7, Part 1(3) of the Local Government (General) Regulation 2005.

The resolution was carried unanimously.

The CEO, as Returning Officer, called for nominations for the position of Deputy Mayor between January and September 2022. There were two written nominations received, those of Cr Mareeta Grundy and Cr Esma Livermore, both had accepted the nomination. The vote by a show of hands resulted in four votes for Cr Grundy and seven votes for Cr Livermore.

The Returning Officer declared Cr Livermore duly elected as Deputy Mayor.



**ADJOURNMENT:** The meeting adjourned at 5.46pm and resumed at 5.53pm.

The Mayor assumed the Chair.

**6.4 Delegations to the Mayor and Deputy Mayor**

004/22

**RESOLVED (Biscotti/Wilson)**

That pursuant to Section 377(1) of the *Local Government Act 1993*, the delegations to the Mayor, Kenrick Winchester, and Deputy Mayor, Esma Livermore, be granted and remain in force until revoked by resolution of Council.

The resolution was carried unanimously.

**6.5 Delegations to the Chief Executive Officer and Others**

005/22

**RESOLVED (Biscotti/Grundy)**

That:

1. Council note the report.
2. Council delegate to the person holding the position, acting in, or performing the duties of CEO, the powers, duties and functions set out in the attached (Attachment 1) Instrument of Delegation to the CEO subject to the conditions and limitations specified in that Instrument.
3. The Instrument of Delegation to the CEO comes into force immediately the Common Seal of Council is affixed.
4. On the coming into force of the instrument all previous delegations to the CEO are revoked.
5. The duties and functions set out in the above-mentioned instruments must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
6. Council note that the instrument under the *Local Government Act* includes a power of delegation to other persons or bodies in accordance with section 378(2) of the Act.

The resolution was carried unanimously.

**6.6 Council Meeting Schedule**

**MOVED (Biscotti/Ternouth)**

That Council:

1. Adopt the following meeting schedule:
  - a. Planning and Strategy Committee meetings be held on the second Wednesday of each month except December and January, in the Council Chambers, Queanbeyan, commencing at 5.30pm.
  - b. Ordinary Council meetings be held on the fourth Wednesday of each month except December, in the Council Chambers, Queanbeyan (subject to COVID-19 restrictions and the *Local Government Act 1993*), commencing at 5.30pm.
  - c. An Ordinary Council meeting be held on the third Wednesday of December at 5.30pm in the Council Chambers, Queanbeyan (subject to COVID-19 restrictions and the *Local Government Act 1993*), the agenda for which may include any planning matters that require Council's consideration.
  - d. The agenda for the Ordinary meeting to be held in January each year include any planning matters that require Council's consideration.
2. Conduct briefings at 4.00pm on Tuesdays prior to meetings of Council or Committee.
3. Conduct workshops at 5.30pm on alternate Wednesdays to meetings of Council or Committee.

**AMENDMENT (Willis/Preston)**

That Council:

1. Adopt the following meeting schedule:
  - a. Ordinary Council meetings be held on the second and fourth Wednesday of each month, except December and January, in the Council Chambers, Queanbeyan (subject to COVID-19 restrictions and the *Local Government Act 1993*), commencing at 5.30pm.
  - b. An Ordinary Council meeting be held on the third Wednesday of December and January commencing at 5.30pm in the Council Chambers, Queanbeyan (subject to COVID-19 restrictions and the *Local Government Act 1993*).
2. Conduct briefings at 4.00pm on Tuesdays prior to meetings of Council.
3. Conduct workshops at 5.30pm on alternate Wednesdays to meetings of Council.

The AMENDMENT (of Crs Willis and Preston) was PUT and CARRIED, and became the motion.

For: Crs Livermore, Preston, Taskovski, Webster, Willis and Wilson

Against: Crs Biscotti, Burton, Grundy, Ternouth and Winchester

The motion (of Crs Willis and Preston) was PUT and CARRIED.

006/22

**RESOLVED (Willis/Preston)**

That Council:

1. Adopt the following meeting schedule:
  - a. Ordinary Council meetings be held on the second and fourth Wednesday of each month, except December and January, in the Council Chambers, Queanbeyan (subject to COVID-19 restrictions and the *Local Government Act 1993*), commencing at 5.30pm.
  - b. An Ordinary Council meeting be held on the third Wednesday of December and January commencing at 5.30pm in the Council Chambers, Queanbeyan (subject to COVID-19 restrictions and the *Local Government Act 1993*).
2. Conduct briefings at 4.00pm on Tuesdays prior to meetings of Council.
3. Conduct workshops at 5.30pm on alternate Wednesdays to meetings of Council.

The resolution was carried unanimously.

**6.7 Code of Meeting Practice**

007/22

**RESOLVED (Biscotti/Livermore)**

That Council:

1. Initially apply the draft Code of Meeting Practice, based on the OLG Model Code, as presented
2. Continue the practice enabling attendance at meetings, workshops and briefings through audio-visual link
3. Place the draft Code of Meeting Practice on public exhibition for 28 days and invite written public submissions until 18 March 2022.
4. Consider the public submissions prior to formal adoption of the QPRC Code of Meeting Practice 2022.

The resolution was carried unanimously.

**6.8 Code of Conduct**

008/22

**RESOLVED (Preston/Taskovski)**

That Council:

1. Adopt the QPRC Code of Conduct.
2. Note related elements within the draft Social Media Policy.
3. Reconsider the Code by report once current industry reforms and consultation has concluded.

The resolution was carried unanimously.

**6.9 Councillor Induction and Professional Development Policy**

009/22

**RESOLVED (Biscotti/Webster)**

That Council:

1. Endorse the Councillor Induction and Professional Development Policy.
2. Note the onboarding, induction and development programs to be undertaken for the newly elected QPRC Councillors.

The resolution was carried unanimously.

**6.10 Model Policy - Councillor and Staff Interaction**

010/22

**RESOLVED (Biscotti/Ternouth)**

That Council:

1. Note the QPRC Policy on Councillor and Staff Interaction.
2. Exhibit the draft Policy for 28 days for community feedback and subsequent consideration of submissions and refinement of the Policy.

The resolution was carried unanimously.

**6.11 Councillor Expenses and Facilities Policy**

011/22

**RESOLVED (Livermore/Biscotti)**

That Council adopt the Councillor Expenses and Facilities Policy.

The resolution was carried unanimously.

**6.12 Councillor Superannuation**

012/22

**RESOLVED (Biscotti/Preston)**

That Council, in accordance with section 254B of the *Local Government Act*, apply superannuation payments to the Mayor and Councillor allowance from 1 July 2022.

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

Against: Cr Grundy

**6.13 Utilisation of Countbacks to fill Casual Vacancies**

013/22

**RESOLVED (Wilson/Ternouth)**

That pursuant to section 291A(1)(b) of the *Local Government Act 1993*, Council declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 4 December 2021 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the CEO to notify the NSW Electoral Commissioner of Council's decision within 7 days of the decision.

The resolution was carried unanimously.

**6.14 Committee Framework, Delegates and Representatives**

014/22

**RESOLVED (Willis/Webster)**

That Council:

1. Note the Committees framework and functions.
2. Proceed to appoint Councillors to the following committees:
  - a. Organisational (numbers 2, 6, 9 and 11)
  - b. Statutory (numbers 13 – 19); and
  - c. Regional (numbers 42- 54)
3. Postpone appointment of Councillors to remaining Organisational committees, Locality committees (numbers 20-25) and Advisory committees (numbers 26–41) pending a review to determine which committees are meeting their objectives, any gaps and any changes needed including in committee arrangements, support and resourcing.
4. Conduct up to two workshops for Councillors, the first on Saturday, 29 January, with staff who manage the committees in attendance.
5. Seek public feedback on Council's committees and suggestions for improvement, including from current members of committees or members who served on committees of the preceding Council.
6. Proceed to appoint Councillors to committees found to be working well.
7. Make any changes to other committees before appointing Councillors.
8. Finalise the review and appointment process by early March.
9. Request the committees to refresh their Terms of Reference.

The resolution was carried unanimously.

015/22

**RESOLVED (Willis/Burton)**

That Council endorse the nominees as listed below:

<b>Committee</b>	<b>Delegate/s</b>
Audit, Risk, and Improvement Committee	Cr Biscotti Cr Wilson (alternate)
Dangerous Dog Panel	Cr Wilson Cr Biscotti (alternate)
Queanbeyan-Palerang Library Service (NSW Public Library Zone)	Cr Ternouth Cr Willis (alternate)
Sports Council	Chairs: Crs Biscotti & Wilson and Crs Webster & Taskovski
Dargues Reef Community Consultative Committee	Cr Preston Cr Willis (alternate)
Lake George District Liaison Committee	Cr Webster
Integrated Water Cycle Management Project Reference Group	Cr Wilson
Lake George Bush Fire Management Committee	Cr Webster
Local Traffic Committee	Cr Livermore Cr Winchester (alternate)
Old Cooma Road Holcim Quarry Consultative Committee	Cr Willis
Canberra Airport Community Aviation Consultation Group	Cr Ternouth
Canberra Region Joint Organisation	Mayor and CEO
Community Safety Precinct Committee – Monaro Local Area Command	Cr Burton Cr Livermore Cr Grundy (alternate)
South East Australia Transport Strategy (SEATS)	Cr Willis Cr Preston (alternate)
Southern Joint Regional Planning Panel	Cr Preston Cr Wilson (alternate)
Woodlawn Eco-Precinct Community Liaison Committee (Veolia)	Cr Preston
Regional Cities NSW	Mayor and CEO

The resolution was carried unanimously.

**6.15 LGNSW Special Conference Delegates**

016/22

**RESOLVED (Biscotti/Wilson)**

That Council:

1. Nominate three Councillors, in addition to the Mayor, to register for and attend the LGNSW Special Conference.
2. Consider whether it wishes to submit any further motions.

The resolution was carried unanimously.

017/22

**RESOLVED (Preston/Taskovski)**

That Council nominate the following Councillors to attend the LGNSW Special Conference:

- Cr Wilson
- Cr Taskovski
- Cr Grundy
- Cr Burton (non-voting)
- Cr Livermore (non-voting)

The resolution was carried unanimously.

**6.16 Australia Day Arrangements**

018/22

**RESOLVED (Biscotti/Preston)**

That the Mayor attend the formal Australia Day celebrations in Queanbeyan and arrange other Councillors to attend the events in Captains Flat, Bungendore and Braidwood if he is unable to attend.

The resolution was carried unanimously.

**7. REPORTS TO COUNCIL - ITEMS FOR INFORMATION**

**7.1 Electoral Funding Obligations of Newly Elected Councillors and Mayors**

019/22

**RESOLVED (Biscotti/Ternouth)**

That the report be received for information.

The resolution was carried unanimously.

**7.2 Role of Mayor, Councillors and CEO**

020/22

**RESOLVED (Biscotti/Willis)**

That the report be received for information.

The resolution was carried unanimously.

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

There were no matters for Closed Session.

**9. CONCLUSION OF THE MEETING**

The time being 6.54pm, the Mayor announced that the Agenda for the meeting had now been completed.

**CR KENRICK WINCHESTER  
MAYOR  
CHAIRPERSON**



**ITEM 5     DECLARATION OF CONFLICTS/PECUNIARY INTERESTS**

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

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

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

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

**Recommendation**

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

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**File Reference:** DA.2021.1240

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

This application was referred to Council in accordance with its Guidelines for Referral of Development Applications to Council. Clause 5 of that guideline 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. Additionally, the application was referred in the public interest as directed by Council's Portfolio General Manager – Natural and Built Character.

DA.2021.1240 was initially considered by Council at its meeting of 24 November 2021. At that meeting Council resolved the following:

*That Council defer this matter for determination at a future Council meeting with further information on the Section 60 process and requirements for Council and community notification.*

This information has now been received. The report has been revised to incorporate the information provided and to clarify other questions raised by the applicant and submitters about the impacts of the section 60 approval process under the *Heritage Act 1977*.

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 Palerang Local Environmental Plan 2014.
Public Submissions:	Four (4)
Issues Discussed:	Clarification of Section 60 Approval process under the <i>Heritage Act 1977</i> and Integrated Development Approval process under the <i>Environmental Planning and Assessment Act 1979</i> . Notification requirements.
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made.

**9.1 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)**

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**Recommendation**

That:

1. **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. **Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.**
  3. **Heritage New South Wales be forwarded a copy of Council's Notice of Determination.**
- 

**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 2983m<sup>2</sup> Torrens title allotment into two Torrens title allotments:
  - One allotment with an area of 1831m<sup>2</sup>, 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 1152m<sup>2</sup>, 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.

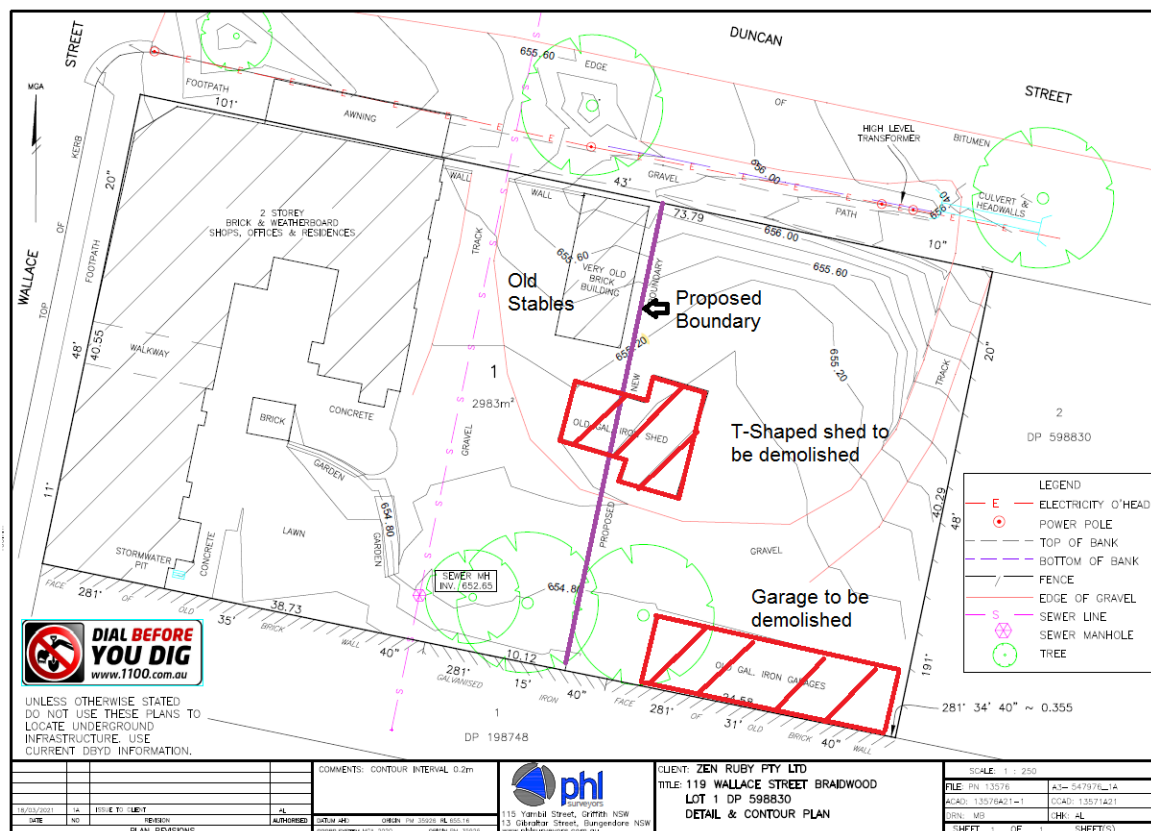
Figure 1 below shows the proposed subdivision boundary with the existing structures to be demolished shown in red.

It should be noted that the Statement of Environmental Effects (Attachment 6) makes it clear that, other than the subdivision and demolition works this DA does not include any other built form or physical works. This is important because Heritage NSW's Section 60 (s60/2021/102) approval includes:

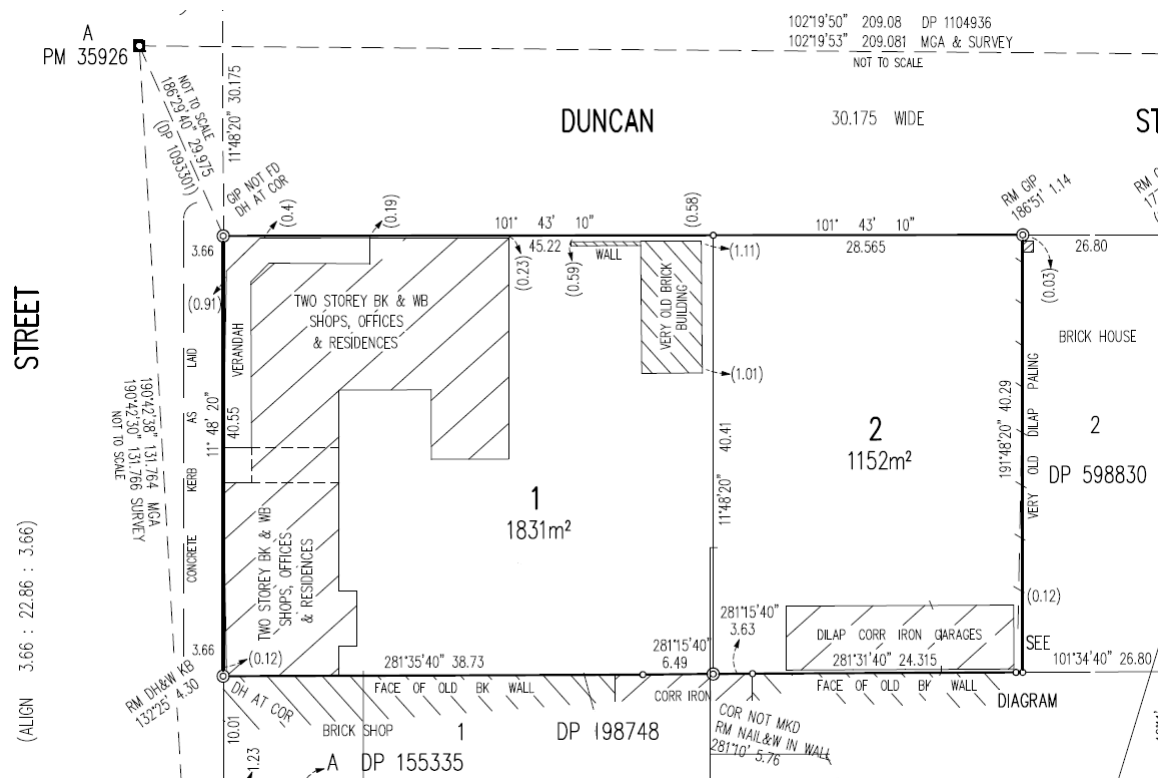
- Works to stables building involving a self-levelling cement compound over existing concrete floor
- Replacing the roof of the stables with like for like material
- Repairing the stables brickwork
- Installation of plumbing into stable for sink connection, installation of bathroom and extension to approved roof and seating area to west of stables
- Construct awning to shed at the rear of Albion Hotel.

None of these works are proposed in this DA and as such, a further DA will need to be submitted before these works can be carried out.

# 9.1 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 1 – Survey Plan showing proposed subdivision boundary (purple) and existing buildings to be demolished (red)**



**9.1 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)****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 2983m<sup>2</sup>. 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 a dilapidated timber and sheet metal, open shed structure used to garage vehicles. 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.



**Figure 3: Subject Site Showing Zoning – Light Blue B2 Local Centre – Dark Blue B4 Mixed Use**

**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-west of the site were constructed in the 1920s and contain three commercial tenancies.



**9.1 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)**

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*Stables* - The existing brick stable structure 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* - A conjoined (T-shaped) pair of single-storey, timber-framed and gable roofed buildings, clad in short-length corrugated metal sheeting (rusted in parts), are situated immediately south of the stables. Three single-leaf timber doors. Utilitarian character used as storage. Likely early 20th century in origin. The Heritage Impact Statement indicates these buildings are not significant from a heritage perspective.

*Garage/Carports* – Detached, low-slung, timber-framed structures, clad in short-length corrugated metal sheeting (rusted) are located along the rear boundary brick wall (at 103 Wallace Street), in the south-east corner of the site. Divided into six small bays. Ramshackle condition. Likely early 20th century in origin. The Heritage Impact Statement indicates these buildings are not significant from a heritage perspective

*Other* - Historical records indicate that the existing level area upon proposed Lot 2 forms 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.



***Figure 4 – Looking to the south from Duncan Street***



9.1 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)

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



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



**9.1 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)**

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***Figure 7 – Brick Stables (retain) from Duncan Street***

**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 Assessment Report – Matters for Consideration* (Attachment 1).

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

1. State Environmental Planning Policy 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.

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

The proposed development generally complies with the requirements of the *Palerang Local Environmental Plan 2014*. Of particular relevance are the heritage considerations as discussed below. For a detailed assessment against the provisions of the LEP please refer to the attached Section 4.15 Assessment Report (Attachment 1).

The proposal is permissible in the zones and 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.

**Heritage Considerations***Clause 5.10 - Heritage Conservation*

The subject site is located within the C1- Braidwood Heritage Conservation Area (State listing) and also contains an individually listed State Heritage Item. In considering heritage impacts Council needs to be appraised of the approval pathways available for applications affecting State Heritage listed items.

**Clarification on Approval Pathway**

The proposed development requires development consent pursuant to Part 4 of the *Environmental Planning and Assessment Act 1979* and *Palerang Local Environmental Plan 2014*. Council is the consent authority. It also requires consent under Section 58 of the *Heritage Act 1977* for the doing or carrying out of an act, matter or thing referred to in Section 57(1) of that Act.

There are two approval pathways available for applications that require both development consent and approval under the Heritage Act.

1. *Integrated Development* - The Applicant can elect to have Council process the Development Application (DA) as an 'Integrated Development Application' (IDA). Where an application submitted to Council would be dependent on a subsequent approval from a State Government Authority an IDA can be submitted. The Council refers the application to the State Government Authority to see if they will issue what are called General Terms of Approval (GTAs). If the GTAs are issued, then the applicant can be assured that once their DA is approved the subsequent approval from the State authority will not be denied. Similarly, if the authority refuses to issue GTAs then Council must refuse the application. The benefit of the IDA process is that the applicant does not go through the whole expense of getting a DA assessed only to find out that the State won't issue the subsequent approval when they apply for it later.

Had an IDA been lodged in this particular case Council would have referred the DA to Heritage NSW for the issue of General Terms of Approval. Once the GTAs and DA have been issued the applicant would then apply for formal approval for the works by Heritage NSW under Section 60 of the *Heritage Act 1977*, with an assurance that the approval would be granted.

This application was not submitted as an IDA.

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2. *Separate DA and Section 60 Approvals* – The applicant does not have to lodge the DA as an IDA and can lodge separate approvals for each process. The risk with this is that if one authority issues an approval the other may not. Both the DA and the section 60 approval process are sought separately, and both must be approved before the work can progress. That is what the applicant has done in this case.

In fact, the Applicant has already obtained approval under Section 60 of the Heritage Act for both the subdivision and demolition proposed in the DA as follows:

Section 60 Approval – reference: s60/2020/260 (issue date: 18 November 2020). Included the subdivision layout to create two Torrens title allotments.

Section 60 Approval – reference: s60/2021/102 (issue date: 24 September 2021). Included the removal of the T-Shaped sheds in the middle of the allotment to which the subdivision boundary line relates. It also includes the demolition of the garage/carports.

Each approval has been provided as an attachment to this report (Attachments 10 and 11).

Council should also be aware of the provisions of section 4.48 of the *EP&A Act 1979*. This section provides that if an Integrated Development Application is lodged Council cannot refuse the application on heritage grounds if a heritage approval has already been issued.

*4.48 Consent authority may not refuse certain development applications.*

*(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.*

However, as confirmed above, this DA is not an Integrated Development Application and as such the provisions of Section 4.48 do not apply. This means that Council has the discretion to determine the application by way of approval or refusal.

*So why is this relevant to Council's consideration of the application?* – If Council elects to refuse the application as it stands, nothing prevents the applicant relodging the DA as an IDA. Council would then have no ability to refuse the application on heritage grounds pursuant to Section 4.48 of the *EP&A Act 1979*. It is considered unlikely Heritage NSW would not issue General Terms of Approval for works for which they have already issued formal approval under Section 60.

***The Merits of Allowing Demolition of the T-Shaped Corrugated Iron Shed and Old Garages/Carports***

Having confirmed that Council has the discretion to approve or refuse this application the assessment must now consider the merits of whether approval or refusal of the application is warranted.

The substantive issue for Council's determination is whether the T-shaped corrugated iron buildings should be demolished. The subdivision itself has merit in allowing unused land within the Braidwood CBD to be put to a more productive use and it would appear that the idea of subdivision is not precluded by the objections. However, the configuration of the proposed subdivision boundary passes through the T-Shaped buildings meaning that by approving the subdivision in the proposed location, this would also mean that these buildings would need to be demolished. If the boundary were to be relocated clear of the buildings so that demolition was not required, many of the issues of contention would be resolved.

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Notwithstanding that, the Section 60 approvals from NSW Heritage approve both the location of the subdivision boundary through the T-Shaped sheds and the demolition of the sheds themselves.

*The Applicant's Position*

The applicant states that:

*Braidwood has limited available commercial land. Braidwood has seen gentrification and growth over the last 5 years. This will provide more space for growth within a suitably zoned area.*

Part of the documentation prepared in the applicant's deliberations for the future of the Albion site include a Conservation Management Plan (CMP). A copy of the CMP is provided in the attachments to this report (Attachment 7). This was prepared to inform the applications to Heritage NSW and the DA. The focus of this CMP is to provide appropriate conservation policies for managing change at the Albion Hotel complex. As part of this task, an examination of the historical evolution of the subject place and its physical components has taken place.

The CMP provides extensive background information on the site including its:

- Historical Outline
- Physical Analysis
- Cultural heritage Significance
- Constraints and Opportunities
- Conservation Policy

NSW Heritage are likely to have relied heavily on this document in considering the section 60 approvals for the subdivision and demolition.

A Heritage Impact Statement has been developed to assess the impact of the proposed subdivision and demolition and how this relates to the CMP (Attachment 8). In relation to the sheds proposed for demolition the Heritage Impact Statement concludes:

*Other structures and landscape elements at the place, namely the pair of corrugated metal sheds, garages, small brick outbuilding, well cap, gravel driveway, and plantings are not significant from a heritage perspective.*

It would appear that that the extensive information in the CMP provided a strong basis on which Heritage NSW could support the two section 60 approvals. In fact the applicant states in their Statement of Environmental Effects that in negotiations about where the subdivision boundary should be located it was actually Heritage NSW that recommended and approved the final position of the boundary noting that it would traverse the sheds and require subsequent demolition.

The applicant considers that the proposal has been extensively reviewed over a period of two years at a State level and that the section 60 approvals reflect the proposals suitability. As such, the applicant considers that there is no reason why the application should not be approved.

*The Heritage Advisor's and Heritage Advisory Committee's Position*

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 which the proposed subdivision boundary traverses. Advice from both parties consider that if the T-shaped shed are demolished, the proposed development will have an unacceptable impact on the heritage value of the site.

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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 an attachment to this report (Attachment 9). It provides useful photographs of the sheds for the information of Councillors.

Comments from the Braidwood and Curtilage Heritage Advisory 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**

As their name suggests both the Heritage Advisor and Heritage Advisory Committee provide advice for Council's consideration. They provide a local perspective on the merits of proposals affecting heritage items and the weight that Council determines should be placed on their comments is at Council's discretion.

Other submissions support a view that all of the outbuildings contribute to an integrated history of the site, and together they tell a story which is very rare, through the accidental preservation of the entire site. There is a view that all of the buildings on this site need to be preserved and that repurposing of the sheds for new commercial enterprises should be encouraged without destroying an essential part of the history of the town.

This is supported by the Heritage Advisor's comments as follows:

*One of the significant features of Braidwood's built environment, and one that many dwellers in the town feel strongly about, are the sheds that occur on so many of the allotments. Some were constructed of brick, others of split timber slab and some are timber framed and clad with timber weatherboard or corrugated galvanised iron. Many were fine structures built by tradesmen while others were patched together using second hand or found materials in the Australian spirit of 'making do'. Many of them still survive and almost all continue to be used as adjunct structures to the primary building, whether commercial, civic or residential. Some are large and some small. Mostly they have a gabled roof with a steep pitch and they provide much of the 'fine grain' evident in Braidwood's townscape. To dismiss this rich layer of the built environment indicates a lack of understanding of the way in which life operated in a country town up to the middle of the 20th century. Many of the town's artists, craftspeople and small businesses now use the same sheds for their new uses.*



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*Heritage NSW Position*

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 1977*. 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.

While there is no doubt that Council is the final consent authority in relation to this application, Heritage NSW provide expert advice in relation to the heritage impacts of proposals on State Heritage listed items. Therefore, if Council were to refuse the application it is likely that Heritage NSW's approval of the demolition would still have considerable weight should a refusal be appealed to the Land and Environment Court.

*Summary as to Whether the T-Shaped Buildings Should be Preserved on Merit*

NSW Heritage are likely to have relied heavily on the CMP when considering the section 60 approvals for the subdivision and demolition. Similarly, Council should give weight to the CMP and the findings of the Heritage Impact Statement that has been developed from it. In relation to the sheds proposed for demolition the Statement concludes:

*Other structures and landscape elements at the place, namely the pair of corrugated metal sheds, garages, small brick outbuilding, well cap, gravel driveway, and plantings are not significant from a heritage perspective*

However, the Statement acknowledges that the sheds are likely early 20 century. There is an argument that even though their previous uses and architectural merit do not require retention they do add to the character and meaning of the Albion group of buildings. The Heritage Advisor sums up this conundrum in the following comments:

*Should Heritage NSW support the proposal that results in a boundary through the midst of the sheds, which by extension would inevitably lead to the demolition of one or both sheds and/or their cadastral and physical separation from the Albion Hotel, there will be a dilemma for Queanbeyan Palerang Regional Council who are obliged to consider the heritage significance of the outbuildings and the feelings that their community have for them.*

On balance, an assessment concludes there is nothing to suggest that removing the T-shaped sheds and garages/carports will be inconsistent with the objectives of the CMP. The resultant subdivision will allow further development and a more productive use of the site which will see those buildings which are retained with a useful life.

Given this and the fact that Heritage NSW do not consider the buildings worthy of retention it is considered that there are insufficient reasons to refuse the application and that should Council refuse the application the likelihood of successfully defending an appeal is limited. As such the application should be approved.

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.

**9.1 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)**

***Additional Information Requested by Council***

When Council previously considered this application it resolved that Council defer this matter for determination at a future Council meeting with further information on the section 60 process and requirements for Council and community notification.

Council sought clarification from Heritage NSW on the section 60 process and the response provided is shown in the Attachment 12.

Notification requirements for Section 60 Applications are required pursuant the *Heritage Act 1977*. Notification requirements under the *Heritage Act 1977* are the jurisdiction of Heritage NSW.

In summary it would appear that the standard practice of Heritage NSW is to advertise section 60 applications in a local newspaper and with a sign on site. They also advise the local council. In this case Council was advised of the original application for a three lot subdivision and a subdivision involving the stables. Neither application was approved. The two lot subdivision proposal which was ultimately approved, was not exhibited.

In relation to the demolition application - it was exhibited and although the agency suggest that Council was advised, no record of that advice has been found. No other submissions were made by members of the public at the time of exhibition.

The Braidwood Community Association has made several representations on the matter.

***(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.

**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	<b>\$7,659</b>

(Adjusted for 2021/22 using CPI Sydney)

CONTRIBUTION:

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

(Adjusted for 2021/22 using CPI Sydney)

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

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**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 summary 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.

It is agreed that the relocation of the subdivision boundary would allow the T-shaped buildings to be retained, but then Council's consent would be inconsistent with the Heritage approval and where they wanted the boundary located. The merits of retaining the shed structures are discussed elsewhere in this report.

***Issue 2 – Flooding and Stormwater Disposal***

*Comment* - 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***

*Comment* - 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.

The Braidwood Community Association has made several representations on the matter – copies of emails and submissions are available for councillors.

**Conclusion**

The submitted proposal for a two lot Torrens title subdivision and demolition of two existing sheds, and garages 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. Council is the consent authority and may approve or refuse the application at its discretion. The issues relating to the heritage component have been considered.

On balance there is nothing to suggest that removing the T-shaped sheds and garages/carports will be inconsistent with the objectives of the CMP and that the resultant subdivision will allow a more productive use of the site which will see those buildings which are retained with a useful life.

Given this and the fact that Heritage NSW do not consider the buildings worthy of retention it is considered that there are insufficient reasons to refuse the application and that should Council refuse the application the likelihood of successfully defending an appeal is limited.















### 9.1 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)

In addition, if Council refuses the application, the applicant can relodge the DA as an IDA. In this case Council would have no ability to refuse the application on heritage grounds pursuant to Section 4.48 of the *EP&A Act 1979*.

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

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 - Statement of Environmental Effects ( <i>Under Separate Cover</i> )
Attachment 7 	DA.2021.1240 - Conservation Management Plan ( <i>Under Separate Cover</i> )
Attachment 8 	DA.2021.1240 - Heritage Impact Statement - 119 Wallace Street, Braidwood ( <i>Under Separate Cover</i> )
Attachment 9 	DA.2021.1240 - Heritage Advisor's Comments ( <i>Under Separate Cover</i> )
Attachment 10 	DA.2021.1240 - s60 Approval - Demolition of Sheds - 119 Wallace Street, Braidwood ( <i>Under Separate Cover</i> )
Attachment 11 	DA.2021.1240 - s60 Approval - Subdivision Layout - 119 Wallace Street, Braidwood ( <i>Under Separate Cover</i> )
Attachment 12 	DA.2021.1240 - Response to Council Questions on S60 Process from Heritage NSW ( <i>Under Separate Cover</i> )



## REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

**9.2 Formal Submission - Local Infrastructure Contribution Reforms (Ref: ; Author: Thompson/Carswell)**

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**File Reference:** 21.4.1-08, 26.1.3-05

**Summary**

The purpose of this report is to seek Council's support for a formal submission on a suite of reforms to local infrastructure contributions proposed by the State government through the Department of Planning, Industry and Environment (DPIE). This follows the submission of a technical submission (Attachment 1) which had a deadline of 10 December 2021. Following that submission, the DPIE has requested that it be followed by a Council endorsed submission early in the new Council's term. The deadline for making submissions is 31 January 2022.

Council was also part of a joint submission with Hilltops, Yass Valley, Upper Lachlan and Goulburn-Mulwaree councils, raising concerns and making six recommendations on the proposed methodology and cap on levying contributions for solar and wind farms through reforms to Section 7.12 Plans (Attachment 2).

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**Recommendation**

**That Council:**

- 1. Receive and note the contents of this report.**
  - 2. Endorse Attachment 3 as Council's submission on the Local Infrastructure Contribution reforms.**
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**Background*****Objectives of the Reform Package***

The DPIE's web page provides a general overview of the objectives of the reform process as follows:

*We are improving the system. It was hard to understand and inconsistent. There's a better way to deliver local infrastructure, to make sure that the community gets what it needs to grow. Our proposed changes will deliver the infrastructure we need to support new homes with transparency and consistency the community and industry need.*

*The reformed system will ensure that the right infrastructure is delivered at the right time to improve the lives of the people of New South Wales.*

*This reform program is being rolled out in four key stages. We are now in stage three, reviewing the feedback we received.*

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

**9.2 Formal Submission - Local Infrastructure Contribution Reforms (Ref: ; Author: Thompson/Carswell) (Continued)**

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***Stages of the Reform Process and Council's Input***

The latest round of reforms of the local infrastructure contribution (IC) system in NSW have been going since early 2020. Previous stages of the reform program have involved the following:

- The release by the DPIE of a series of five discussion papers covering various aspects of the NSW's Infrastructure Contributions System. This was reported to the Planning and Strategy Committee meeting of 10 June 2020 (Item No. 7.2) and a submission made.
- The Productivity Commission of New South Wales' Review of Infrastructure Contributions in New South Wales. This was reported to the Planning and Strategy Committee meeting of 26 August 2020 (Item No. 10.1) and a submission made. A further report on this was reported to Council's meeting of 27 January 2021 (Item No. 10.1).
- Release of the Productivity Commission of New South Wales' final report on Review of Infrastructure Contributions in New South Wales in November 2020 which makes 29 recommendations.
- Acceptance by the Government in March 2021 of all 29 recommendations.
- Introduction of the *Environmental Planning and Assessment (Infrastructure Contributions) Bill 2021* alongside the State Budget to give effect to the Productivity Commission's recommendations.
- Referral of the Bill to the Legislative Council's Portfolio Committee No.7 in June and release of Report No.9 on it in August 2021.
- Exhibition of the Independent Pricing and Regulatory Tribunal (IPART's) review and report of the essential works list, nexus, efficient design and benchmark costs for local infrastructure. This was reported to Council's meeting of 24 November 2021 (Item No. 9.4) and a submission made.
- Holding of a Public Hearing on 10 December 2021 into submissions on (IPART's) review and report of the essential works list, nexus, efficient design and benchmark costs for local infrastructure
- Release of material in October 2021 that is in part being commented on in the proposed submission.

***Proposed Submission***

The potential material being commented on in this submission is extensive involving 13 separate documents under the broad headings of:

- New framework for state infrastructure.
- Local contributions.
- Land use contributions.

Not all of these are addressed with the focus of the proposed submission being on matters falling within local contributions and land use contributions.

***Local Contribution Reforms******Proposed Indexation Arrangements and Caps (Clauses 25I, 25L and 25N)***

The proposed reform to confirm and mandate the use of both a common Land Value Index and Producer Price Index (Road and Bridge Construction (NSW)) to be used in contribution plans throughout NSW is supported. The proposed mandatory annual indexation of contributions each July consistent with these indexes is also supported.

**9.2 Formal Submission - Local Infrastructure Contribution Reforms (Ref: ; Author: Thompson/Carswell) (Continued)**

The maximum land value contribution cap of 20 per cent of the total area of land in a land value contribution area should be removed as it has not been justified and is grossly under what it should be.

*Determination of Levies - Residential Development (Clause 25S)*

'Shop-top' housing should also be included in this clause. The Standard Instrument definitions make it clear that these are a form of 'residential accommodation' and it is incorrect to exclude them in this instance, particularly given that they are not dissimilar in form and use to multi-dwelling housing and residential flat buildings, both of which are included.

In respect of the proposed levy amounts for residential development, it is the preference that section 7.12 contributions be instead levied on the basis of 3% of the construction cost for residential development (inclusive of knock-down and rebuilds, alterations and additions) rather than a set dollar figure. Internal modelling has indicated that this approach produces improved contribution returns and presented as a simpler and more transparent system to administer and understand for developers and the community.

*Determination of Levies Commercial and Industrial Development (Clause 25T)*

The addition of "m<sup>2</sup>" needs to be added to the table to clause 25T to clarify that the amounts in this table relate to a "m<sup>2</sup>" measure of floor area and are not absolutes. This is clearly the intention as indicated in the Explanatory Paper to the draft Regulations.

Again, the preference is that contributions be levied on the basis of 1% for commercial, retail and industrial development (inclusive of refurbishments, alterations and additions that increase the demand) rather than a set dollar figure. Internal modelling indicated that this approach produces improved contribution returns and presented as a simpler and more transparent system to administer and understand for developers and the community.

*Determination of Levies Solar and Wind Electricity Generating Works (Clause 25U)*

If megawatts are to be used as the basis of contributions it is considered that the \$2,000 per megawatt (up to a maximum value of \$450,000) is inadequate and would represent a significant reduction in contributions compared to existing wind and solar establishments throughout NSW at this time. For example, the Capital Windfarm near Bungendore currently makes community contributions of \$42,000 per year over the 20-year life of the development. This represents a total contribution of \$840,000 compared with an indicative contribution of \$281,400 for the same development under the draft arrangements and would not include coverage of the costs of removing end of life panels which have become a problem for councils. In this regard a proportion of any contribution should cover this contingency.

Again, if megawatts are to be used then it is argued that contributions per megawatt need to be significantly increased if the value of contributions for these types of developments are to be maintained in the future. It is suggested that this is closer to \$5,000 per megawatt up to \$1 million over the life of development with both figures indexed annually with an appropriate Producer Price Index. In support of an increase Council has reviewed a number of recently approved wind and solar farms (i.e. Walla Walla SSD 9874, Culcairn SSD 10288, Yanco Solar Farm SSD 9515, Jindera Solar Farm SSD 9549 and has found contributions ranging between \$5,666/MW and \$22,500/MW).

It should also be noted that this Council does not actually collect either section 7.11 or 7.12 contributions from the Capital Windfarm. Contributions for that development are made directly to a community fund administered by the windfarm. It is unclear if it is intended that contributions for community funds would now be wholly replaced with section 7.12 contributions to a local council. More information as to how the State government sees future

**9.2 Formal Submission - Local Infrastructure Contribution Reforms (Ref: ; Author: Thompson/Carswell) (Continued)**

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contributions being made to communities (either via contribution plans or locally negotiated community funds) would be useful to inform this discussion.

It is argued that should the \$2,000 per megawatt contribution stand, a community benefits fund should be established in addition to that contribution.

It is noted in submissions from Regional Cities NSW to the IPART enquiry, the notion of establishing an energy rating category or sub-category, to generate rating revenues from solar, wind, hydro, CSG and other renewable installations on private property through split land valuations was explored – which may be an alternate means to supplement section 7.12 contributions.

Council was also a party to a joint technical submission on proposed contributions for Wind and Solar Farms prepared and submitted on behalf of QPRC, Hilltops, Yass Valley, Upper Lachlan and Goulburn-Mulwaree councils. This raised concerns and made six recommendations on the proposed methodology and cap on levying contributions for solar and wind farms through reforms to section 7.12 Plans (Attachment 2).

The essence of this submission is that:

- Council's and their communities will be worse off if these reforms proceed.
- There is a lack of background and justification to support these reforms.

The submission made six recommendations which are supported (Attachment 2).

*Determination of Levies Extractive Industries*

Further information is required to inform how councils may continue to collect contributions for extractive industries and what the arrangements will be for existing contribution plans issued pursuant to conditions of State Significant Development approvals. In this Council's case, the Holcim Quarry south of Queanbeyan is subject to a State Significant development approval which requires it to make contributions to Council under a contributions plan. This use of a quarry clearly creates additional infrastructure costs for Council and community. Accordingly, QPRC currently has a Section 7.11 Contribution Plan for Extractive Industries that requires the Holcim Quarry south of Queanbeyan to make contributions towards the maintenance of several local roads it uses. What happens to this contribution plan and others throughout the state needs to be clarified.

*Contributions for Bushfire Suppression*

It is also submitted that a further addition to the draft Regulations should be made to enable councils to collect contributions for bushfire suppression measures. The need for these is amply demonstrated by the horrendous damage that the State periodically suffers due to bushfire. QPRC currently collects for bushfire infrastructure in the former Tallaganda Shire LGA which has proved invaluable in supporting local improvements to RFS facilities.

*Contribution Plans that support Local Planning Agreements*

Council has two contribution plans which support local planning agreements and cover lands that benefit from the Planning Agreement but do not make contributions under it. These apply to Council's major urban release areas. This type of situation is not addressed by the reforms and they should be allowed to continue under the reforms.

*Other Matters*

The following reforms are also supported:

- To allow for the pooling of contributions as the 'default' option (and applied to infrastructure and facility works identified in Council Delivery Programs).

**9.2 Formal Submission - Local Infrastructure Contribution Reforms (Ref: ; Author: Thompson/Carswell) (Continued)**

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- That any interest costs associated with borrowing for identified infrastructure works can be collected in a contributions plan.
- Simplifying and standardising exemptions.
- Changes to public participation in respect of draft planning agreements.

The following suggestions should also be considered:

- Asset management plans (AMP) adopted by Council become the base documents to guide EWL/contribution plans and the revenue mix to fund new, upgraded and renewed community infrastructure and facilities.
- The AMPs, EWL (and subsequent contributions plans) should form part of the Resourcing Strategy in the Integrated Planning and Reporting Framework.
- Land value forming part of infrastructure or facilities to be dedicated to councils, should be valued at pre-zone or development uplift levels and indexed by CPI/PPI rather than market, and not inflate the contributions or value of embellishments from new developments.

The former Minister's recent agreement with Local Government NSW in late 2021 to maintain the essential works list (EWL) and referrals to IPART as they are for three years is understood and appreciated. However, notwithstanding this it is submitted that there is a compelling case to review the current caps per lot for urban infill (\$20,000) and greenfield (\$30,000) given the appreciation of residential property prices of around 11% pa since the introduction of these caps in 2010. As such contributions as a proportion of housing costs have continued to fall to the point where the value of developer contributions is significantly lower today as a percentage of the overall costs of a new home than was the case when the caps were introduced. In reality, restricting developer contributions has had little impact on housing affordability.

***Land Use Planning Processes******Requirements for Contribution Plans to Support Planning Proposals and Development Applications***

In general, the concept that arrangements for developer contributions should be in place prior to any planning proposals or development applications being approved that generate a need for local infrastructure (as proposed under both draft clause 271A of the Regulations and the draft Planning Direction) is supported.

In respect of contribution plans to support planning proposals, it is noted that the draft direction only requires planning proposal authorities to 'consider' if a contributions plan is required when preparing one. It doesn't necessarily 'require' a contributions plan to be prepared to support new development where that development increases demand on local infrastructure.

It is unclear what role the DPIE would have in overseeing this at Gateway determination stage, and what information or skills it holds to make any assessment on those matters (given it is predominantly about local infrastructure only). Further, the draft direction only directs planning proposal authorities to 'endeavour to ensure' planning proposals and contributions plans are exhibited concurrently (or soon after), it does not actually 'require' that to occur. It is unclear how this would necessarily be enforced in a Gateway determination.

It is argued that all new planning proposals that increase demands on local infrastructure should be accompanied by information during exhibition that confirms how a planning proposal authority has addressed any contribution requirements, either by way of reference to existing contribution plans, or, exhibition of any new contribution plan if required.

The preparation of a new contribution plan is a time consuming process. In the event that this is required to support a planning proposal then benchmark time frames set by the DPIE for planning proposals should allow a reasonable time for this. It is noted that the benchmark

**9.2 Formal Submission - Local Infrastructure Contribution Reforms (Ref: ; Author: Thompson/Carswell) (Continued)**

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time frames for various stages of a planning proposal in the latest Local Environmental Plan Making Guideline December 2021 does not do this and should be amended to do so.

In respect of contribution plans to support development applications, it is acknowledged that proposed clause 271A of the Regulations seeks to ensure there are appropriate arrangements for contributions prior to determination of a development application, however Council is of the view introducing provisions that allow applications to be held in abeyance for up to 6 months (at which time they no longer become subject to the requirements in any case) could potentially create significant confusion, debate and a lack of certainty. It is also unclear how those timeframes relate to existing requirements set out under the Act and Regulations in respect of the assessment of development applications.

*Essential Works List*

Under the current system the essential works list applies to section 7.11 local infrastructure contribution plans with contributions per lot for urban infill of greater than \$20,000 and for greenfield greater than \$30,000 with some exceptions. In these cases it limits contributions to being of a type on the essential works list (EWL). Currently this list includes:

- Land for open space (for example parks and sporting facilities) including base level embellishment.
- Land for community services (for example childcare centres and libraries).
- Land and facilities for transport (for example, road works, traffic management and pedestrian and cyclist facilities) but not including carparking.
- Land and facilities for stormwater management.
- The costs of plan preparation and administration.

Nineteen of Council's 20 section 94 or local contribution plans require contributions less than the above caps and also contain contributions for such things as community facilities which is excluded from the above.

Under the reforms the essential works list (EWL) would be slightly expanded to include:

- 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.

However, this would apply to all local infrastructure contribution plans not just those with contributions exceeding the current caps and all plans would have to be reviewed and in operation from the 1 July 2024 otherwise plans which don't comply with the reforms become null and void.

In theory, the development of an essential works list (EWL) to guide what infrastructure is included in local contribution plans and aligned to AMPs is supported. This will help create greater certainty for planners, the community and development industry when preparing and reviewing contribution plans. The principles-based approach to the EWL set out in the review is generally reasonable.

However, any proposal to exclude collecting contributions for community facilities is fundamentally opposed. This is also a major concern of councils such as Blacktown City and Local Government NSW. It is not logical that the need for land for community facilities is recognised by the EWL but the subsequent facility on that land is not. That is not to suggest that local councils should be able to collect for any types of community facility, but rather, core facilities such as community and neighbourhood centres should be able to be collected for.



**9.2 Formal Submission - Local Infrastructure Contribution Reforms (Ref: ; Author: Thompson/Carswell) (Continued)**

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QPRC's experience in urban land release areas (such as Jerrabomberra and Googong) is that such facilities provide an important and much used space for various community events and meetings (crisis support, counselling, alcoholics anonymous, elderly services, social events and health services). It seems an option should be provided to still allowing for the collection of community facilities where a plan does not exceed the cap. This would be a reasonable approach to ensuring contributions for such facilities are not excessive in individual plans. Alternatively, a provision that sets a maximum value percentage that community facilities may contribute to a contributions plan, for example, that the costs for such facilities may never exceed 10% of all costs in a plan, would be another option, while another would be for IPART to set appropriate benchmarks for various community facilities.

It is unclear how the State government sees such facilities being funded in the future if they are not funded by local developer contributions – particularly if the IPART- led population rate peg remains discounted by supplementary levies. Evidence can be provided to illustrate rating revenues generated by greenfield supplementary levies barely meet the amortised maintenance and renewal (i.e. depreciation) forecasts for the new or upgraded assets gifted to Council by those developments. There is no capacity to provide such facilities from rates, and none of the potential changes to rate pegging or pooling of developer contributions are likely to change this. A lack of community facilities in these areas is likely to be unacceptable to new communities.

Exclusion of community facilities from the EWL (other than land or strata floor space) also provides little incentive to developers to enter into alternative arrangements with councils for their delivery, such as local planning agreements.

The concept of having a fixed percentage cost to cover the future administration and preparation of the plans is supported. However, one matter that needs further consideration by the State government is that the additional reporting requirements, reviews and nexus requirements will fundamentally increase the workload on local councils. It is argued that 1.5% covers a council's current preparation, implementation and preparation costs for a plan. These additional requirements generated by these reforms will likely require Council to have to engage private consultancies with associated costs well above the 1.5% value of a contribution plan which should be reviewed having regard to this.

*Additional Reporting Requirements and Administration Costs*

There are numerous additional reporting requirements and administrative costs required under the reformed system. Examples in the draft Regulations include clause 25HA Information about planning agreements – annual reports and clause 25P Land value contribution certificates – the Act, section 7.16D.

It is noted that there is little discussion or consideration of the potential workload implications on local councils associated with the DPIE making such significant changes. In reality, the proposed changes significantly increase the workloads around reporting and reviewing of plans. It is an ongoing concern that little weight is given by the State government to the cost and resourcing implications for local government when it proposes such significant changes.

The State government should be aware that where scarce local planning resources are required to be allocated to additional reporting and review requirements, they will be distracted from undertaking strategic and development planning to facilitate new development. The scarcity of resources has been recognised in the original Productivity Commission report and was the subject of recommendations accepted by the Government.

*Review Periods*

It is agreed that plans should be reviewed on occasion. However, the requirement to review all contribution plans by 1 July 2024 is not supported. This Council, like many councils, has

**9.2 Formal Submission - Local Infrastructure Contribution Reforms (Ref: ; Author: Thompson/Carswell) (Continued)**

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limited strategic planning resources and in the context of the raft of other changes being proposed to the planning system at this time (and the accompanying workload for each) it is not practicable to introduce these additional requirements. Consequently, it is argued that the requirement to review existing plans when the reforms become fully operational should be at least five years.

The concept of every new plan being reviewed every four years is excessive and will create significant and potentially unnecessary work for local councils. Again, a period of at least five years would be more appropriate.

*Concerns Regarding the Approach to Consultation on the Reforms*

Despite the Department of Planning, Industry and Environment's efforts, there are concerns about the manner in which the proposed changes to local infrastructure contributions have been provided to local government for feedback. This is generally considered to be complicated and, in some cases, unclear.

This Council is aware that both the Department and IPART previously ran concurrent exhibition processes around various changes to the contributions system, some of which are fundamentally inter-related including the proposed essential works lists and benchmark costs for local infrastructure. The result is a series of voluminous and overlapping material to review. It is frustrating that all of the proposed changes have been articulated in different documents by different organisations rather than being consolidated in a single document outlining each proposed change and the rationale for that change.

Where such significant and overarching changes are proposed to the planning system, there should be fundamentally better consultation and coordination between agencies at the State level.

**Legal**

Part of the overall reform package includes enabling legislation which 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*.

In the Government's view the enabling legislation will provide the foundations for stronger infrastructure contributions system by matching infrastructure funding with infrastructure outcomes for new and growing communities.

**Policy**

Changes to local contributions are scheduled to start in July 2022. Council's 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 a reasonably generous timeframe, Council's experience is that it is very time consuming and resource-intensive to review and/or draft local infrastructure contribution plans.

The DPIE have 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.

**9.2 Formal Submission - Local Infrastructure Contribution Reforms (Ref: ; Author: Thompson/Carswell) (Continued)**

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**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 reformed essential works list (EWL). These will include:

- 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.

Council currently collects for a wide range of contributions including those on the amended EWL list plus contributions for extractive industries, various types of community facilities and bushfire suppression measures.

Once the reformed system becomes fully operational contributions will be collected for facilities on the EWL list to be provided at base level. As reported earlier IPART have recently exhibited benchmarks for various types of infrastructure on the reformed EWL.

**Social/Cultural**

Currently there are no social/cultural implications. However, once the new system is fully operational on 1 July 2024, social/cultural implications may revolve around land/facilities associated with open space activities and land or strata space associated with future cultural activities. These implications include councils not being able to levy for community facilities such as libraries and neighbourhood centres. 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.

Others such as Blacktown City Council submit that by excluding the ability to collect contributions for community facilities from council's represent a cost shift from the development sector to the local government sector and their communities.

**Strategic**

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

**Engagement**

Council was requested to make a submission early in the new term of the recently elected Council.

**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 equivalent member of staff and may necessitate the recruitment of an appropriate staff member and/or the services of a consultant. These include the preparation, exhibition and adoption of four new local infrastructure contribution plans.

**9.2 Formal Submission - Local Infrastructure Contribution Reforms (Ref: ; Author: Thompson/Carswell) (Continued)**

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 also raises 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.

***Financial***

At this stage the financial implications include a number of senior staff reviewing the reform material and drafting a submission.

In the longer term if these reforms are implemented without alteration then they are likely to reduce the range and nature of contributions that will be made as a result of development. In the short to mid-term this is unlikely to have a great impact on Council's finances and the range of facilities available to new communities, as Council has put in place Local Planning Agreements which require the provision of various types of infrastructure once particular conditions are met. However once these reforms become entrenched the incentive for developers to enter into Local Planning Agreements to provide infrastructure which exceed base level/and or the type that are required under these reforms will diminish with potential implications for Council's finances as well as for the communities redeveloping.

***Integrated Plan***




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

One of the Productivity Commission's recommendations adopted by the State government was "incorporate the local infrastructure contributions system into the Integrated Planning and Reporting Framework". Due to the difficulty of doing so, and the resourcing implications required to comply, it is recommended that all compliance dates should be extended by one year.

**Conclusion**

The report concerns an important reform package which has the potential to impact on Council's land use planning and communities for many years to come. An earlier technical submission on these reforms has been made and the Department of Planning, Infrastructure and Environment which has now requested a formal council endorsed submission early in the term of the new council. As such it is recommended that a submission be made in line with the matters detailed in this report. A draft submission is attached (Attachment 3). The deadline for making submissions is 31 January 2022.

**Attachments**

Attachment 1 	Technical Submission to DPIE - Local Infrastructure Contribution Reforms ( <i>Under Separate Cover</i> )
Attachment 2 	Joint Submission - Wind and Solar Farms Section 7.12 ( <i>Under Separate Cover</i> )
Attachment 3 	Council Endorsed Submission to DPIE - Local Infrastructure Contribution Reforms ( <i>Under Separate Cover</i> )

## REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.3 Main Street Upgrade Fund (Ref: ; Author: Thompson/Jansen)

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**File Reference:** 26.5.1-17

**Summary**

The purpose of this report is to advise Council of the outcome of the Main Street Upgrade Fund (MSUF) applications for 2021/22. This report also recommends the endorsement of updated Main Street Upgrade Fund Guidelines 2022/23 which incorporate changes arising from applying the current guidelines.

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**Recommendation**

**That Council:**

- 1. Note the information in this report in relation to the allocation of Main Street Upgrade Funds for the 2021/22 program.**
  - 2. Endorse the updated Main Street Upgrade Fund Guidelines for the 2022/23 funding program.**
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**Background**

At its meeting on 10 March 2021, Council resolved (PLA021/21) to set up a Main Street Upgrade Fund (MSUF) similar to the Main Street Improvement Fund operated by the previous Queanbeyan City Council between 2001 and 2010.

The aim of the Fund is to assist owners of commercial buildings to undertake renovations and improvements in order to contribute to the public streetscape. The MSUF applies to buildings in business zoned areas with a particular focus on the Central Business District of Queanbeyan, Braidwood along Wallace Street, and along Gibraltar Street in Bungendore.

To fund this, the Special Heritage Grant - which had been in operation for the previous two years - was suspended for two years and the monies redirected to the MSUF. A copy of the MSUF guidelines is provided in Attachment 1.

The MSUF was open for applications between August and November 2021, with offers made to successful applicants in December 2021, and all works requiring completion by June 2022.

A total of 13 applications were received for the 2021/22 round of funding. Applications were assessed by a sub-committee comprising staff from the Land-Use Planning Branch and Council's Heritage Advisor. Applications were assessed in terms of the criteria set out in the MSUF guidelines. A summary assessment sheet is provided as confidential Attachment 2. Applications were received from the following localities:

- Braidwood – 9
- Bungendore – 2
- Queanbeyan – 1

As the time for determination of applications fell during the period of the elections for the new Council, the sub-committee's recommendations were presented to, and endorsed by Council's CEO. It was imperative that applications were processed, and applicants advised to ensure they could secure contracts for works, given that all works are required to be completed and funding claimed by the end of the financial year 2021-22.

Twelve applicants were successful in securing a grant although one was subsequently withdrawn. The grants were offered on a 50:50 reciprocal basis for up to \$10,000. The grants were budgeted at \$150,000 per annum and a total of \$63,595 in grants was ultimately offered.

**9.3 Main Street Upgrade Fund (Ref: ; Author: Thompson/Jansen) (Continued)**

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All applicants have been advised of the outcome of their applications. Successful applicants were issued with Project Funding Agreements and a set of standard conditions which applicants signed and returned to Council.

***Review of 2021/22 Program***

The 2021/22 MSUF was the first time the program was run in its current format and a review was conducted by staff from the Land-Use Planning Section. The review identified what worked well and where improvements could be made for the 2022/23 program.

*Timing* - The calendar scheduling of the MSUF was considered successful. There was no negative feedback about the timing of the grants. In future, some flexibility needs to be factored into the deadlines (as was the practice this year for late applicants, who were offered an additional business week to apply if requested).

*Advertising* - It was noted that the outreach to main street business owners could potentially be improved for future MSUF offerings by:

1. Targeted direct representation/doorknocking at local businesses.
2. Providing business owners with application forms directly.
3. Outreaching to the local Chambers of Commerce or equivalent.
4. Working closely with the Council's Place Management Team and Councillors to 'spread the word'.
5. Continuing to utilise Council's social media platforms with repeated notices about the grants.

*Uptake* - Grant applications in 2021/22 favoured Braidwood and Bungendore. While the works will have a positive and significant impact on the appearances of the main streets in these locations, the number of applications in Queanbeyan, and thus the impact of the MSUP in Queanbeyan, was disappointing. It is noted that Queanbeyan's main streets have a high degree of absentee or interstate landlords.

Many are tenanted and not owner-occupied. Several shopfronts are also currently vacant.

Additionally, the coincidence of the program with the COVID-related issues and lockdowns of late 2021 will have had an impact on the grant uptake. Many businesses have experienced financial difficulties. Securing trades for quotes and small works has also been difficult.

*Administration* - Some improvements regarding the administration of the grants are suggested, including:

1. Ensuring the wording of the guidelines is as clear and simple as possible.
2. That requirements be simplified. For example, the requirement to obtain a Minor Heritage Application, development application or a Section 138 approval for works over Council's footpaths should be explicit in the guidelines and all costs associated with these requirements should be added to the grant.
3. Encouraging specialised staff associated with the processes identified in 2. above to assist applicants in completing those processes i.e. providing in-kind assistance.
4. Ensuring that proposed colour-schemes for paint works are declared in writing at the time of the application where possible, to avoid having to re-confirm with the Heritage Advisor.

The MSUF guidelines have been updated to reflect this and a copy of the draft guidelines is provided in Attachment 3.

***Grant Size and Reciprocity***

It is suggested that altering the wording of the value of the grants on offer could be beneficial. Some applicants with projects costed at more than \$10,000 only applied for a \$5,000 when

**9.3 Main Street Upgrade Fund (Ref: ; Author: Thompson/Jansen) (Continued)**

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they could have sought 50:50 funding. The wording appears to have been interpreted by some applicants as only allowing a maximum of \$5,000. This was not the intention and with several of the projects costed between \$12,000 and \$20,000 there was the potential for additional grant funds to be sought.

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

Successful applicants were required to submit a Project Funding Agreement and are required to comply with a set of conditions.

***Policy***

Council's policy is contained in its guidelines and standard conditions for MSUF and successful applicants will have to comply with these.

***Sustainability***

The continuation of grants from this fund promote sustainability through the enhancement of the local built environment.

***Social / Cultural***

The MSUF will result in an improved local built environment and will provide an improved streetscape along main commercial areas of the Queanbeyan-Palerang Region. This work alongside Council's other initiatives to improve the public domain will benefit commercial businesses as well as the public.

***Economic***

The funding benefits business owners and provides an incentive to upgrade their properties.

***Strategic***

The funding assists owners of buildings in the LGA with the maintenance and repair of buildings in the main commercial areas of Queanbeyan-Palerang. This will result in an improved streetscape and complements Council's other public domain initiatives.

***Engagement***

The MSUF was advertised between August and November 2021. Applicants are required to comply with conditions set out in the funding agreement and are required to continue their engagement with staff throughout the process.

***Financial***

The program budget of \$150,000 per annum was undersubscribed for the 2021/22 MSUF with only \$63,595 allocated.

***Resources (including staff)***

The MSUF is being administered by staff of the Land-Use Planning Branch.

**Conclusion**

The MSUF was a successful program and provides support for businesses to upgrade the presentation of their premises facing the public domain. This results in an improved streetscape which complements Council's initiatives and benefits all residents and visitors to the region.

**9.3 Main Street Upgrade Fund (Ref: ; Author: Thompson/Jansen) (Continued)**


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Notwithstanding the success of this year's program, it is considered that it can be further enhanced through the incorporation of improvements and other suggestions made in this report and subsequently included in the revised/updated set of guidelines.

Consequently, it is recommended that the updated Main Street Upgrade Fund Guidelines 2022/23 (Attachment 3) incorporating changes (highlighted in yellow) be adopted. The changes include:

- Clarifying that 50:50 grants can be sought for up to \$10,000 per application
- Requiring applicants to provide colour specifications with their applications
- Making it clear that various other approvals may be required as part of their upgrade project i.e. development, minor heritage and Section 138 approvals as well as now providing assistance to applicants with meeting the costs of these approvals, be endorsed by Council.

**Attachments**

Attachment 1	Summary of Main Street Upgrade Applications 2021/22 ( <i>Under Separate Cover</i> ) - <b>CONFIDENTIAL</b>
Attachment 2	Main Street Upgrade Fund Guidelines 2021 ( <i>Under Separate Cover</i> )
 Attachment 3	Revised Main Street Upgrade Fund Applications 2022-23 ( <i>Under Separate Cover</i> )



## REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

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

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**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 (BLERF). 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.

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**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.**

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**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.

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.

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

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.	27 January 2022
Issue Letter of Acceptance & Prepare Contract documents for signature	February 2022

**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

### **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

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

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.



Figure 1: Concept Plan (Convic)

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 (DRNSW) have announced funding of \$680,660 to the Braidwood Youth Performing Arts Association (BYPAA) from Stage 2 of the

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

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.

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> ) - <b>CONFIDENTIAL</b> |

## REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

**9.5 Lifting of Alcohol Exemption from Queen Elizabeth Park<sup>11</sup> for Music By The River Event for 2022 and 2023 (Ref: ; Author: Richards/Wightman)**

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**File Reference:** PJT0006

**Summary**

*Music by the River* is a QPRC signature event to be held for the sixth year at Queen Elizabeth II Park on the last Saturday of February. The event is a collaboration between the business and arts sectors with the music performed by the Canberra Symphony Orchestra and supported by Icon Water and QPRC.

Queen Elizabeth II Park is an alcohol-free zone. Lifting of the alcohol zone for the duration of the event will allow the attending community to 'BYO' or to buy from the local suppliers during the period of the event.

---

**Recommendation**

That Council lift the alcohol-free zoning at Queen Elizabeth II Park for the *Music by the River* event, from 4.30pm to 9.30pm on Saturday 26 February 2022.

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**Background**

*Music by the River* is a free community event that has been held for the past five years. It has become one of the signature, and most loved, events of the region. This alcohol-free exemption has been approved by Council resolution each year for the duration of the event.

**Implications*****Social / Cultural***

*Music by the River* is a free event that provides the opportunity for members of the community to experience classical music performed by the Canberra Symphony Orchestra.

**Conclusion**

Council has routinely supported the exemption of the alcohol-free zone for Queen Elizabeth II Park for *Music by the River* for the past five years. This report requests exemption for the 2022 event. It should be noted that the event has appropriate security in place and has had no incidents involving alcohol consumption to date.

**Attachments**

Nil



## REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

**9.6 Renewal of Licence Agreement - Community Garden, Henderson Road, Queanbeyan (Ref: ; Author: Monaghan/Turland)**

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**File Reference:** 46.1.1-41

**Summary**

The Queanbeyan Sustainability Group has a Licence Agreement with the Council to use the land at Railway Park in Henderson Road, Queanbeyan as a Community Garden. The Licence Agreement expires on 30 April 2022 and the Sustainability Group has requested renewal of the Licence Agreement for a further five-year term.

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**Recommendation**

**That:**

- 1. Council supports renewal of the Licence Agreement for the Community Garden at Railway Park, Henderson Road, Queanbeyan for a five-year term commencing 01 May 2022.**
  - 2. The Licence Agreement be publicly advertised in accordance with Section 47 of the *Local Government Act*.**
  - 3. If no objections to the proposal are received, the Chief Executive Officer be authorised to execute the Licence Agreement on behalf of the Council.**
- 

**Background**

In 2011, the Queanbeyan Sustainability Group (QSG) obtained a \$10,000 grant through the NSW *Sustaining Our Towns* program to develop and maintain a community garden.

In April 2012, QSG entered into a Licence Agreement with the Council to use land at Railway Park in Henderson Road, Queanbeyan, as a community garden. The community garden offers food growing plots for rent and includes demonstration garden beds and regular workshops for members.

This licence was extended by Council resolution for a further five-year period in May 2017. QSG is now seeking a further five-year extension.

**Implications*****Environmental***

This garden is a positive environmental and sustainability initiative and provides significant benefits to members of the community. The following is an excerpt from the QSC website:

*QSG is a community not-for-profit organisation. Our aim is to promote and facilitate community action that reduces the region's ecological footprint, builds stronger social connections and strengthens our local economy for the benefit of our community and the environment that supports it.*

***Financial***

The rental under the current Licence Agreement is a nominal fee of \$1.00, if and when demanded. It is recommended that the same rental be applied to the renewed Licence Agreement.



**9.6 Renewal of Licence Agreement - Community Garden, Henderson Road, Queanbeyan (Ref: ; Author: Monaghan/Turland) (Continued)****Conclusion**

The Community Garden is beneficial resource to the Queanbeyan region. It is recommended that renewal of the Licence Agreement for a further five year period be supported so the community garden and the work of the QSC at the Railway Park site can continue.

**Attachments**

Nil



9.7 Presentation of 2020-21 Audited Financial Statements (Ref: ; Author: Monaghan/Sullivan)

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File Reference: PJT0039-06-01

**Summary**

The purpose of this report is to formally present the audited financial statements for the year ended 30 June 2021.

The NSW Audit Office conducted the final audit and has given an unmodified opinion on the financial statements. Mr Michael Kharzoo, Director – Financial Audit, NSW Audit Office will be available at the Council meeting to present a commentary on the financial result, and to answer any questions.

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**Recommendation**

**That Council adopt the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules for the year ended 30 June 2021.**

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**Background**

Council's general purpose financial statements and special purpose (water and sewerage) financial statements have now been audited by the NSW Audit Office. The CEO, under delegated authority, has issued the financial statements for public exhibition.

A summary of the financial statements is provided below:

	2021 \$ '000	2020 \$ '000
<b>Income Statement</b>		
Total income from continuing operations	230,753	224,793
Total expenses from continuing operations	155,832	146,775
<b>Operating result from continuing operations</b>	<b>74,921</b>	<b>78,018</b>
<b>Net operating result for the year</b>	<b>74,921</b>	<b>78,018</b>
<b>Net operating result before grants and contributions provided for capital purposes</b>	<b>(7,906)</b>	<b>(4,766)</b>
<b>Statement of Financial Position</b>		
Total current assets	161,046	156,011
Total current liabilities	(58,427)	(57,273)
Total non-current assets	1,878,268	1,565,020
Total non-current liabilities	(86,347)	(78,140)
<b>Total equity</b>	<b>1,894,540</b>	<b>1,585,618</b>

**Performance Measures**

	2021	2020	2019	Benchmark
Operating Performance Ratio	-2.7%	3.1%	5.2%	> 0
Own Source Revenue Ratio	50%	50%	53%	>60%

### 9.7 Presentation of 2020-21 Audited Financial Statements (Ref: ; Author: Monaghan/Sullivan) (Continued)

	2021	2020	2019	Benchmark
Unrestricted Current Ratio	1.6x	1.6x	1.3x	>1.5x
Debt Service Cover Ratio	4.0x	3.8x	6.4x	>2x
Rates and Annual Charges Outstanding	9.3%	9.7%	5.7%	<10%
Cash Expense Cover Ratio	8.1 months	7.4 months	14.3 months	>3 months
Buildings and Infrastructure Renewals Ratio	128%	61%	144%	>=100%
Infrastructure Backlog Ratio	1.2%	1.2%	3.2%	<2%
Asset Maintenance Ratio	122%	110%	86%	>100%

A further summary of the financial results and detailed audit observation is contained in the audit report from page 70 of the financial statements.

Mr Kharzoo will be in attendance to provide further commentary and to answer any questions from the Council.

### **Implications**

#### ***Legal***

Sections 413 to 428 of the *Local Government Act* describe the legislative requirements for the preparation, adoption, auditing and public presentation of the annual financial statements.

Section 418 requires that as soon as practicable after Council receives a copy of the auditor's report, it must fix a meeting to present the audited financial statements to the public, and that the financial statements must be made available for public inspection at least seven days prior to the meeting date.

Section 420 allows any person to make a submission in writing with respect to the audited financial statements within seven days after this meeting and all submissions must be referred to Council's auditor.

The Financial Statements were lodged with the Office of Local Government in December, after Council obtained a lodgement extension to 24 December. The audit was delayed due to late changes by the external valuer to their valuation of Council's infrastructure.

#### ***Engagement***

A notice was placed on the QPRC Your Voice website which included:

- A statement that the business of today's meeting would include the presentation of the audited financial statements;
- a summary of the financial statements;
- and a statement to the effect that any person may make a submission to Council with respect to the financial statements.

Copies of the financial statements have been placed on the QPRC Your Voice website, and hardcopies are on display in the Council office foyers.

## 9.7 Presentation of 2020-21 Audited Financial Statements (Ref: ; Author: Monaghan/Sullivan) (Continued)

### **Financial**

#### Operating Result

Council's consolidated operating result (after capital) is a deficit of \$7.9 million. By Fund, the General Fund recorded a \$10.3M deficit, the Water Fund recorded a \$2.9M surplus and the Sewer Fund recorded a \$400k deficit. The deficit is driven by several factors, including a \$3M accounting adjustment to Council's tip restoration provisions, and a significant increase in annual depreciation of assets, (11% increase) based on the capitalisation of \$227M additional assets over the last 2 financial years, and nett cost increases due to natural disasters and Covid shut-down measures.

#### Cash and Investments

Council recorded a total balance of cash, cash equivalents and investments as at 30 June 2021 of \$193M. After taking into account external and internal restrictions, Council held unrestricted cash of \$271,000. Whilst overall cash and investments increased by \$2.7M during the year, unrestricted cash remains very low due to \$1.5M increases in both Council's property and business waste reserves, and deferred recoveries of rates due to disasters. It is expected the deposit from the recent sale of Council properties along Crawford/Rutledge Street Queanbeyan will ease that pressure in FY22, while the full proceeds of sale expected in FY23 should replenish cash to acceptable levels.

Council recorded a net receivables balance of \$28M as at 30 June 2021, a reduction of \$8M from 30 June 2020. This is attributed to a significant reduction in government grants and subsidies receivable, as Council was owed an unusually high value of reimbursements from the NSW government for bushfire and floods work at 30 June 2020.

The following unusual or one-off items affected the 2021 operating result.

	2021 \$'000
Operating Result before capital grants and contributions	(7,906)
<b>Add back one-off / unusual adjustments:</b>	
Net Covid Impact	1,012
Accounting provision for tip restoration	3,096
Upgrade street lighting – recognised as an operational expense	1,992
Expenditure of bushfire operating grant received in prior year	525
Asset impairment reversal	(4,840)
Revaluation decrement	4,550
<b>Normalised consolidated result</b>	<b>1,571</b>

#### Commentary on Performance Measures

The *operating performance ratio* measure's Council's ability to fund operational expenditure with operational revenue. Council's operating performance ratio is negative, reflecting that QPRC recorded an operating deficit as a consolidated entity for the year ending 30 June 2021.

*Own source revenue* measures the extent to which Council relies on external sources (i.e. grants and contributions) for revenue. Own source revenue remains below the benchmark of 60%, indicating that Council continues to attract a high level of grants from external

### 9.7 Presentation of 2020-21 Audited Financial Statements (Ref: ; Author: Monaghan/Sullivan) (Continued)

organisations to fund local community projects and services, and that it could be at risk of becoming dependent upon external income for the provision of services.

The *unrestricted current ratio* is a measure of Council's ability to service its current liabilities. Council's unrestricted current ratio remained just above benchmark. This ratio is a critical measure and combined with the General Fund operating deficit in subsequent years, indicates a high risk to Council's financial sustainability, without further corrective action.

The *debt service ratio* measure's Council's financial capacity to repay interest and principal on loan repayments. The debt service ratio remains above benchmark.

The Rates and Annual Charges *outstanding ratio* rose in 2020 in conjunction with Council's decision to grant additional financial hardship relief to ratepayers that were affected by natural disasters (fire, flood, drought and pandemic). During this period Council continues to allow extended repayment options and has limited its debt recovery actions, impacting receivables.

The *Cash Expense Cover ratio* indicates the number of months Council could continue to pay its immediate expenses without additional cash inflow.

The 3 asset performance ratios indicate Council's high investment in asset renewal and replacement, and as a consequence, the low infrastructure backlog ratio – where community infrastructure is otherwise deteriorated over time.

The asset maintenance ratio is an anomaly and has been affected by high levels of disaster recovery funding used for road and stormwater maintenance and repair.

#### Cost of the Audit

The audit fees are summarised below.

Program Code	Expense Type	Funding source	Amount
43..6.3	External Audit Fees	General Revenues	\$197,000

#### Conclusion

The NSW Audit Office conducted the final audit and has given an unmodified opinion on the financial statements. As required by legislation, Council is required to present the audited financial statements to the public.

#### Attachments

Attachment 1      Annual Financial Statements 2020/21 (*Under Separate Cover*)



Attachment 2      Approval for Extension (*Under Separate Cover*)



9.8 Investment Report - November 2021 (Author: Monaghan/Drayton)

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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 November 2021.

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**Recommendation**

**That Council:**

1. Note the investment return for November 2021 was \$530,333.
  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 November 2021.
- 

**Background**

***Cash and Cash Equivalent Investments***

A list of Council's cash and investments held on 30 November 2021 is detailed in the attached Investment Report Pack.

Over the last 12 months, Council's portfolio produced an annualised rate of return of 1.87%, outperforming the benchmark Bank Bill Index by 1.85%.

On 30 November 2021, the principal amount invested was \$199,549,993 and the 2021/22 financial year to date return was \$1,223,668 which is 30.7% of Council's 2021/22 budgeted return.

***Market Update***

At its December 2021 policy meeting, the Reserve Bank (RBA) board left the cash rate unchanged at 0.10%. The Board is prepared to remain patient for materially higher wage growth and sustainable targeted inflation before increasing the cash rate.

Of the total \$199.5 million investment portfolio, Council holds \$28.98 million in TCorpIM long- and medium-term funds. Both funds returned to positive performance in November 2021 with respective gains of \$277,311 and \$143,178. 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.

Certified by Kate Monaghan, Responsible Accounting Officer, 14/12/2021.

**9.8 Investment Report - November 2021 (Author: Monaghan/Drayton) (Continued)*****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. The cash and investments can be broken down into the following funds.

<i>Fund</i>	<i>\$</i>
General	81,691,549
Water	37,199,587
Sewer	78,581,405
Trust	404,900
Unrestricted*	1,672,552
<b>Total Cash &amp; Investments</b>	<b>199,549,993</b>

Included in General Fund are Internally restricted funds have been allocated through a resolution of council for a particular purpose and externally restricted amounts eg unexpended grants. The following table highlights the main restrictions.

<i>Restriction</i>	<i>\$</i>
Unexpended Loans	2,431,625
Developer Contributions	49,303,575
Unexpended Grants	21,290,464
External Restrictions (Other)	112,423,859
Internal Restrictions	12,427,917
<b>Total Restrictions</b>	<b>197,877,440</b>
Unrestricted*	1,672,552
<b>Total Cash &amp; Investments</b>	<b>199,549,993</b>

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

**Conclusion**

On 30 November 2021, the 2021/22 Financial Year investment return amounted to \$1,223,668. 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 - November 2021 (*Under Separate Cover*)



## REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.9 Investment Report - December 2021 (Author: Monaghan/Drayton)

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**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 December 2021.

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**Recommendation**

**That Council:**

1. Note the investment return for December 2021 was \$426,496.
  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 December 2021.
- 

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

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

Over the last 12 months, Council's portfolio produced an annualised rate of return of 1.98%, outperforming the benchmark Bank Bill Index by 1.95%.

On 31 December 2021, the principal amount invested was \$199,318,912 and the 2021/22 financial year to date return was \$1,650,164 which is 41.4% of Council's 2021/22 budgeted return.

***Market Update***

The Reserve Bank (RBA) does not hold January policy meetings.

Of the total \$199.3 million investment portfolio, Council holds \$29.29 million in TCorpIM long- and medium-term funds. Both funds had a positive return in December 2021 with respective gains of \$217,490 and \$95,491. While these funds are exposed to additional investment risks to generate higher potential returns, they are structured with longer term time horizons. The minimum advised investment time frame for the MTGF is 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.

Certified by Kate Monaghan, Responsible Accounting Officer, 7/1/2022.

**9.9 Investment Report - December 2021 (Author: Monaghan/Drayton) (Continued)*****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. The cash and investments can be broken down into the following funds.

<i>Fund</i>	<i>\$</i>
General	81,186,335
Water	38,301,270
Sewer	78,891,792
Trust	407,605
Unrestricted*	531,910
<b>Total Cash &amp; Investments</b>	<b>199,318,912</b>

Included in General Fund are Internally restricted funds have been allocated through a resolution of council for a particular purpose and externally restricted amounts eg unexpended grants. The following table highlights the main restrictions.

<i>Restriction</i>	<i>\$</i>
Unexpended Loans	2,414,339
Developer Contributions	49,303,416
Unexpended Grants	20,767,691
External Restrictions (Other)	114,012,562
Internal Restrictions	12,288,994
<b>Total Restrictions</b>	<b>198,787,003</b>
Unrestricted*	531,910
<b>Total Cash &amp; Investments</b>	<b>199,318,912</b>

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

**Conclusion**

On 31 December 2021, the 2021/22 Financial Year investment return amounted to \$1,650,164. 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 - December 2021 (*Under Separate Cover*)





**File Reference:** 46.1.1-34

### **Summary**

Council has considered several closed session reports, received presentations and conducted workshops on the Bungendore education precinct proposed by the NSW Government since July 2020. Two formal proposals were received in October 2020 and 2021 seeking Council agreement to sell its freehold and Crown land interests in the precinct along Majara Street bordered by Turallo Tce and Gibraltar Street (site plan attachment 1).

Consequent to the 2020 Department of Education (DoE) proposal and resolutions of Council, 19-21 Gibraltar Street was acquired for the purpose of a new Council office in early 2021. At the time, the Council customer, library and community centre was proposed to be constructed by DoE within the school precinct fronting Turallo Tce and adjacent to the multipurpose school hall. The SSDA was lodged by DoE to that effect.

The October 2021 revised proposal sought to progress the acquisition process by agreeing to engage independent valuations for the freehold sites (2-10 Majara St) and part Majara St road reserve, and those sections of Bungendore Park and Turallo Reserve to be subdivided by DoE.

That process allowed compensation for market value and/or compensation for temporary and permanent replacement of facilities under s55-56, s59 of the *Land Acquisition (Just Terms Compensation) Act 1991*.

Further to earlier discussions with councillors, an integrated facility (customer, office, library, community centre) at 19 Gibraltar St was preferred to centralise the community facilities, operate a customer/library service desk and activate the town centre.

However, based on the estimates to replace the facilities and reserves prepared by Council, and guided by lawyers BAL, an agreement could not be reached. On 24 December 2021, a Proposal to Acquire Notice (PAN) for Council's freehold and Crown land interests under the *Land Acquisition (Just Terms) Act* was received from DoE (PAN attachment 2).

On the advice of BAL, NSW Land and Environment Court (LEC) property valuer expertise has been retained to guide the next steps and represent Council should the valuation by the Valuer-General and revised claims for compensation to progress the matter be referred to the LEC. This is particularly so should the preferred option to integrate the facilities in the town centre (which includes the valuation and relocation of current shared library from the primary school site to the Gibraltar St facility) not be accepted by DoE as items for which compensation is payable.

Claims will be prepared on the forms required under the Act for each of the lots proposed to be acquired in which the Council has an interest. This will allow the Valuer-General to assess each component of the claim separately, such that his conclusion on one part of the claim (for example, the need to preserve the integrated service arrangement) should not impact on other parts.

**10.1 Bungendore Property - Compulsory Acquisition (Ref: ; Author: Tegart/Tegart)  
(Continued)**

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On that basis, it is proposed claims be prepared in two parts:

- Standalone temporary and permanent office facility at 19 Gibraltar St, including land and parking
- Integrated office, library and community centre facility at 19 Gibraltar St, with temporary office at a site to be subdivided and acquired nearby, then repurposed for carparking
- In both scenarios, the proportionate value to replace the outdoor 25m swimming pool and crown reserve foregone with the acquisition, would also be assessed.

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**Recommendation**

**That the report on compulsory acquisition of Council and Crown land managed by Council in Bungendore, and engagement of legal and professional expertise be noted.**

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**Background**

A Proposal to Acquire Notice (PAN) for Council's freehold and Crown land interests under the *Land Acquisition (Just Terms) Act* was received from DoE on 24 December 2021, including:

- i. Acquisition notice (s11)
- ii. Claim for compensation (s39)

The PAN indicates notification of compulsory acquisition would take effect by gazettal on or about 23 March 2022, effectively extinguishing Council's interest in those lands and enabling compensation. The NSW Valuer-General would then determine the amount of compensation.

The letter from School Infrastructure NSW requested return of the claim by 21 January 2022. Councillors were alerted to the matter on 11 January and briefed by lawyers BAL at a workshop on 19 January 2022 on process, issues and options.

Council had resolved to consider and progress the proposed acquisition to enable establishment of a high school in Bungendore at various meetings, with the last resolution on 27 October 2021 being:

*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).*

**10.1 Bungendore Property - Compulsory Acquisition (Ref: ; Author: Tegart/Tegart)  
(Continued)**

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*

In accord with the resolution, the valuations and estimates to temporarily and permanently replace the office, community centre, pool (and potentially) library prepared late in 2021, were utilised to submit the scope of the initial claim on 21 January, qualified with the intent to update those estimates by 9 March 2022 with revised valuations and quantity surveyor estimates that may be permissible in court (if necessary). All relevant staff, professional and legal costs that may be reimbursed in such a claim, are being recorded.

BAL have been engaged to assess the validity of the notice and commission those valuations and QS estimates required for the claim for compensation, at arm's length. APP have been engaged as project managers for the design and construction of the replacement office and facilities.

Council had previously submitted its views on the SSDA for the school in October 2021. The SSDA is being assessed by NSW Department of Planning Environment and Infrastructure (DPIE) and would have regard to submissions and the view of Government expert panels such as the State Design Review Panel before determination of the DA by the Minister.

The SSDA indicates that the Application has reached the stage where the responses to submissions are being prepared by DPIE:

<https://mpweb.planningportal.nsw.gov.au/major-projects/project/41186>

On the basis of the acquisition of 4-6 Majara St, Council has assigned ~1800m<sup>2</sup> of the northern section of the Majara St road closure to Abbeyfield. While initially leasing the site for investigation and construction, it is intended to gift the site for the housing project. A planning proposal is being redrafted in accordance with DPIE newly released Local Environmental Plan Making Guideline (December 2021). These include new steps involve the preparation of a scoping report and a meeting with the Department.

Notwithstanding, a PAN may continue in process for the land currently earmarked for acquisition, while a decision to progress to acquisition is delayed by Government until a SSDA determination is known and the acquisition is gazetted. If, however, it is necessary for the Department to vary the land the subject of the acquisition, then a new PAN for any additional land to be acquired would need to be issued.

**Implications****Legal**

As advised at the workshop on 19 January, there are eight primary steps in acquisition:

- Negotiation
- Issue of Proposed Acquisition Notice (23 Dec 2021)
- Lodgement of compensation claim
- Acquisition of land (within 90 days of PAN)

**10.1 Bungendore Property - Compulsory Acquisition (Ref: ; Author: Tegart/Tegart)  
(Continued)**

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- Valuation of acquired land
- Determination of compensation payable by Valuer-General (V-G)
- Issue of Compensation Notice by Acquiring Authority (within 45 days of Acquisition)
- Right to seek review of compensation (within 90 days of date of Compensation Notice)

It is also worth noting the primary objectives of the Act include:

(a) to guarantee that, when land affected by a proposal for acquisition by an authority of the State is eventually acquired, the amount of compensation will be not less than the market value of the land (unaffected by the proposal) at the date of acquisition, and

(b) to ensure compensation on just terms for the owners of land that is acquired by an authority of the State when the land is not available for public sale

Relevant sections of the Act include:

S55 *In determining the amount of compensation to which a person is entitled, regard must be had to the following matters only—*

*(a) the market value of the land on the date of its acquisition,*

*(b) any special value of the land to the person on the date of its acquisition,*

*(c) any loss attributable to severance,*

*(d) any loss attributable to disturbance,*

*(e) the disadvantage resulting from relocation,*

*(f) any increase or decrease in the value of any other land of the person at the date of acquisition which adjoins or is severed from the acquired land by reason of the carrying out of, or the proposal to carry out, the public purpose for which the land was acquired.*

s56 *Market value*

*(1) In this Act—market value of land at any time means the amount that would have been paid for the land if it had been sold at that time by a willing but not anxious seller to a willing but not anxious buyer, disregarding (for the purpose of determining the amount that would have been paid)—*

*(a) any increase or decrease in the value of the land caused by the carrying out of, or the proposal to carry out, the public purpose for which the land was acquired, and*

*(b) any increase in the value of the land caused by the carrying out by the authority of the State, before the land is acquired, of improvements for the public purpose for which the land is to be acquired, and*

*(c) any increase in the value of the land caused by its use in a manner or for a purpose contrary to law.*

*(2) When assessing the market value of land for the purpose of paying compensation to a number of former owners of the land, the sum of the market values of each interest in the land*

**10.1 Bungendore Property - Compulsory Acquisition (Ref: ; Author: Tegart/Tegart)  
(Continued)**

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*must not (except with the approval of the Minister responsible for the authority of the State) exceed the market value of the land at the date of acquisition.*

*(3) If—*

*(a) the land is used for a particular purpose and there is no general market for land used for that purpose, and*

*(b) the owner genuinely proposes to continue after the acquisition to use other land for that purpose, the market value of the land is taken, for the purpose of paying compensation, to be the reasonable cost to the owner of equivalent reinstatement in some other location. That cost is to be reduced by any costs for which compensation is payable for loss attributable to disturbance and by any likely improvement in the owner's financial position because of the relocation*

**s59 Loss attributable to disturbance**

*(1) In this Act—loss attributable to disturbance of land means any of the following—*

*(a) legal costs reasonably incurred by the persons entitled to compensation in connection with the compulsory acquisition of the land,*

*(b) valuation fees of a qualified valuer reasonably incurred by those persons in connection with the compulsory acquisition of the land (but not fees calculated by reference to the value, as assessed by the valuer, of the land),*

*(c) financial costs reasonably incurred in connection with the relocation of those persons (including legal costs but not including stamp duty or mortgage costs),*

*(d) stamp duty costs reasonably incurred (or that might reasonably be incurred) by those persons in connection with the purchase of land for relocation (but not exceeding the amount that would be incurred for the purchase of land of equivalent value to the land compulsorily acquired),*

*(e) financial costs reasonably incurred (or that might reasonably be incurred) by those persons in connection with the discharge of a mortgage and the execution of a new mortgage resulting from the relocation (but not exceeding the amount that would be incurred if the new mortgage secured the repayment of the balance owing in respect of the discharged mortgage),*

*(f) any other financial costs reasonably incurred (or that might reasonably be incurred), relating to the actual use of the land, as a direct and natural consequence of the acquisition.*

**s.33** - Once land is acquired non-compliance with Act won't invalidate transfer.

**s14** - If land not acquired in 120 days then the PAN is taken to have been withdrawn.

**Asset**

The compulsory acquisition of freehold and Crown lands under Council control prompts new facilities for the community and staff, notwithstanding the disruption and inconvenience during the establishment phase (ie closed pool for one season, staff and customer centre operating

**10.1 Bungendore Property - Compulsory Acquisition (Ref: ; Author: Tegart/Tegart)  
(Continued)**

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from temporary facilities, yet library and community centre remain intact until new centre constructed), and with it, altered asset and facility values and management regimes.

Negotiations and process to acquire further town centre sites (or part) for pedestrian and carparking will progress, with decisions to acquire subject to separate resolutions of Council.

In accord with previous Council resolutions, shared use agreements for grounds (Mick Sherd, primary school oval) and facilities (multipurpose hall) will be progressed, and interim lease arrangements explored for the current office after date of acquisition.

As noted at the workshop, land is acquired by notice published in the Gazette, while the (former owners – QPRC) are usually allowed to continue to occupy land for 3 months after acquisition.

***Engagement***

The Operational Plan (at Appendix 4) includes the proposed sale of the sites to DoE and lease to Abbeyfield (part Majara St road reserve).

***Financial***

Independent valuations, QS estimates and legal guidance will be procured, and together with recruitment of project management assistance, appropriate values for compensation to replace Council and community facilities will be obtained for the freehold and Crown sites, and proportionate replacement of the Bungendore Pool:

Sites 1-5 (refer attachment 1)

- 2 Majara Street (community centre)
- 4-6 Majara Street (vacant land)
- 10 Majara Street (office and parking)
- Part Majara Street (road reserve)

Sites 6-7

- Part Bungendore Park (~6595m<sup>2</sup>)
- Part Turallo Reserve (~4500m<sup>2</sup>)

Preliminary estimates for legal and expert costs are in the order of \$80-100k.

**Conclusion**

A contest of valuation and compensation between the parties is likely to be centred around valuation (based on market) and compensation (replacement of like for like based on current condition) v fit for purpose (based on contemporary office and library standards). While DoE have undertaken to relocate flood lighting, the balladeer structure and pool memorial wall structures for example, and it should be expected an equivalent value to replace the existing 5 lane swimming pool with a new 8 lane facility would be apportioned - the view that Council and the Bungendore community should not be financially disadvantaged by the DoE proposal, should be paramount.

Notwithstanding, a PAN may continue in process, while a decision to progress to acquisition withheld by Government until a SSDA determination is known and the acquisition is gazetted.

**10.1 Bungendore Property - Compulsory Acquisition (Ref: ; Author: Tegart/Tegart)  
(Continued)**



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However, if the land not acquired in 120 days (i.e by 23 April) then the PAN is taken to have been withdrawn.

Following the final assessment by the Valuer-General, DoE will give notice of determination of compensation. Council's options then are to:

- Agree to the determination; or
- Lodge objection with Land and Environment Court (90 days from date of compensation notice)

**Attachments**

- |   |   |
|---|---|
| Attachment 1  | Bungendore Sites - Proposed Acquisition and Purpose ( <i>Under Separate Cover</i> ) |
|  |   |
| Attachment 2  | PAN - Bungendore sites ( <i>Under Separate Cover</i> )                              |
|  |   |





## REPORTS TO COUNCIL - ITEMS FOR INFORMATION

**10.2 Summary of Road Renewal and Maintenance Activities - Quarter 2 2021/22**  
 (Ref: ; Author: Hansen/Harris)

**File Reference:** 31.1.98-02

**Report**

**Maintenance Grading of Unsealed Roads**

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

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

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

The following table shows the maintenance grading works completed by Council and its Contractors during the second quarter of 2021/22 (between 1 October 2021 and 31 December 2021).

<b>Road Name</b>	<b>Completion Date</b>	<b>Length Graded (km)</b>
Williamsdale Road	11/10/2021	5.72
Copper Creek Road	15/10/2021	0.1
Jerrabattgulla Road	25/10/2021	4.61
Morgans Road	29/10/2021	0.68
Nerriga Road	17/11/2021	6.77
Berlang Forest Road	17/11/2021	3.29
Old Mines Road	18/11/2021	0.52
Bombay Road	23/11/2021	0.99
Mount Fairy Road	16/12/2021	5.28
Sandhills Road	17/12/2021	1.97
Hoskinstown Road	21/12/2021	15.94
Urila Road	22/12/2021	2.03
Rossi Road	23/12/2021	6.16

**Gravel Re-sheeting**

The following table shows the completed gravel re-sheeting works completed by Council's Contractors during the second quarter of 2021/22 (between 1 October 2021 and 31 December 2021) as per funding from the Disaster Recovery Funding Arrangement.

<b>Road Name</b>	<b>Completion Date</b>	<b>Length Re-sheeted (km)</b>
Morgans Lane	27/10/2021	0.68
Berlang Forest Road	17/11/2021	9.00
Bombay Road	23/11/2021	3.0
Hoskinstown Road	21/12/2021	15.94
Rossi Road	23/12/2021	6.16

**10.2 Summary of Road Renewal and Maintenance Activities - Quarter 2 2021/22 (Ref: ; Author: Hansen/Harris) (Continued)**

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**Stabilisation/Rehabilitation**

The following table shows the completed in-situ stabilisation and pavement rehabilitation works completed by Council and its Contractors during the second quarter of 2021/22 (between 1 October 2021 and 31 December 2021).

<b>Road Name</b>	<b>Completion Date</b>	<b>Length Stabilised/Rehabilitated (km)</b>
Miners Road	16/10/2021	1.5
Majors Creek Road (segments 10 and 20)	17/12/2021	1.2

**Resealing**

The following table shows the completed resealing works completed by Council and its Contractors during the second quarter of 2021/22 (between 1 October 2021 and 31 December 2021).

<b>Road Name</b>	<b>Completion Date</b>	<b>Length Resealing (km)</b>
Fernleigh Drive	11/11/2021	0.24

**Workshop**

Councillors will be presented with current asset management (maintenance and renewal) and complaint response practice in relation to sealed and unsealed roads at workshops over coming weeks.

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**Recommendation**

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

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**Attachments**

Nil

## REPORTS TO COUNCIL - ITEMS FOR INFORMATION

10.3 Resolution Action Sheet (Ref: ; Author: Tegart/Flint)

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File reference: 52.3.2

**Report**

The Resolution Action Sheet provides Council with information on action taken or proposed to be taken as a result of resolutions carried at Ordinary Council meetings and Planning & Strategy Committee of the Whole meetings.

The Resolution Action Sheet is an ongoing document, updated progressively by staff. From September 2021, as items are completed and presented to Council, they will be removed from the document. An expanded version is provided for new councillors to get a sense of matters on foot.

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**Recommendation**

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

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**Attachments**

Attachment 1 Resolution Action Sheet (*Under Separate Cover*)





11.1 QPRC Heritage Advisory Committee Minutes - 18 November 2021 (Ref: ;  
Author: Thompson/Grant)

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**File Reference:** ECM 1487864

**Summary**

The minutes of the QPRC Heritage Advisory Committee of 18 November 2021 are presented to Council.

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**Recommendation**

**That Council note the Minutes of QPRC Heritage Advisory Committee held on 18 November 2021.**

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**Attachments**

Attachment 1	Minutes of QPRC Heritage Advisory Meeting 18 November 2021 ( <i>Under Separate Cover</i> )
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11.2 Local Traffic Committee Meeting Minutes - 14 December 2021 (Ref: ; Author: Hansen/Zubrinich)

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File Reference: 31.4.1

**Summary**

The Local Traffic Committee has submitted the minutes and recommendations of its meeting held on 14 December 2021 for Council's information and consideration.

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**Recommendation**


That Council:

1. Note the minutes of Local Traffic Committee held on 14 December 2021.
2. Adopt recommendations LTC 49/2021 to LTC 57/2021 from the meeting held on 14 December 2021.

LTC 49/2021:	Under the <i>Roads Act 1993</i> , pending minor revisions to the TCP as recommended by the LTC, approve the TCP for the Queanbeyan Community Christmas Carols event on 17th December 2021.
LTC 50/2021:	Under the <i>Roads Act 1993</i> , approve the TCP for the Bungendore Country Rocks Event from 25th March to 27th March 2022.
LTC 51/2021:	Under the <i>Roads Act 1993</i> , approve the TCP for the Braidwood Car and Bike Show on 29th January 2022.
LTC 52/2021:	Under the <i>Road Transport Act 2013</i> , approve the Crawford, Antill & Erin Intersection safety upgrade designs, including Give Way to Pedestrian sign's, only needed if they don't have their own phasing on the traffic lights and No right turn signs to be updated to NSW compliant.
LTC 53/2021:	Under the <i>Road Transport Act 2013</i> , approve changes to wombat crossing as per design.
LTC 54/2021:	Under the <i>Road Transport Act 2013</i> , approve changes to signage on Park Lane as per design subject to consultation.
LTC 55/2021:	Under the <i>Road Transport Act 2013</i> , approve Uriarra Road Bus Zone extension of the bus zone with proposed timing as per design.
LTC 56/2021:	Under the <i>Road Transport Act 2013</i> , approve the revised design for the Gorman Drive School Zone as per the design.
LTC 57/2021:	Under the <i>Road Transport Act 2013</i> , approve the revised design for the Briars Sharrows Safety Treatment as per the design.

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**Attachments**

Attachment 1  Local Traffic Committee Meeting Minutes - 14 December 2021 (*Under Separate Cover*)





**11.3 Audit, Risk and Improvement Committee Minutes - 16 September 2021 (Ref: ;  
Author: Tozer/Cakalic)**

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**File Reference:** 45.3.1

**Summary**

This report provides the minutes of the Audit, Risk and Improvement Committee (ARIC) meeting of 16 September 2021, as confirmed by the ARIC at its meeting of 16 September 2021.

The objective of the ARIC, as stated in its charter, is to provide independent assurance and assistance to Council in relation to governance, risk management, compliance, and control practices.

The following provides a summary of the reports received by the ARIC at its meeting of 16 September 2021:

- Verbal update on external audit activities by the Audit Office of NSW
- Interim Audit Management Letter 2021 presented
- Internal audit activity report by O'Connor Marsden
- Final Internal Audit Report Overtime
- Final Internal Audit Report Project Management
- Report by the Financial Statements Sub-Committee
- Report on Financial Statements 2020/21
- Update on financial matters provided by the CFO
- Review of ARIC actions arising and status of external and internal audit recommendations
- Information communication technology report
- Torque software
- Annual review of ARIC Charter
- ARIC Annual Report 2020-21
- Update on Office of Local Government Guidelines on Risk Management and Internal Audit Framework for Local Council in NSW
- Review of external reports of interest
- ICAC Operation Dasha – Canterbury Council
- Policy harmonisation update
- Internal audit protocols

The ARIC's consideration of and resolution on the above matters are outlined in the attached minutes.

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**Recommendation**

**That Council note the minutes of the Audit, Risk and Improvement Committee held on 16 September 2021.**

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**Attachments**

Attachment 1      ARIC Minutes 16 September 2021 (*Under Separate Cover*)





## NOTICE OF MOTIONS

12.1 Roads - Current State (Ref: ; Author: Burton/Burton)

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**File Reference:** Motions for 27 January 2022 meeting

**Notice**

Crs Louise Burton and Ternouth will move the following motion:

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**Motion**

**That:**

- 1. Council receive a report on:**
    - a. The current state of Council's road building, maintenance and repair capability (i.e. staffing, budget, portfolio organisation, assets etc).**
    - b. All current road building and maintenance projects with timeframes and budgets.**
    - c. The current outstanding road projects and maintenance requirements in the forward work program.**
    - d. An analysis of the community's road needs and our capability/capacity to service this, as well as any other threats to this capability.**
  - 2. A workshop be held prior to presentation to the August Ordinary meeting.**
- 

**Background**

The recent election and community consultation with candidates highlighted the dissatisfaction ratepayers have with Council's road's portfolio. The state of the roads was a common theme to all candidates.

It is understood that the recent wet weather has added to Council's burden of repair which has been further impacted by a lack of skilled workforce across the region. Thus, the motion is not intended to assign blame for this but rather examine and understand the issues in order to provide further policy direction to staff on Council's priorities in this core area of business. The central theme of the report is to provide Councillors with the understanding and options to enhance our roads.

**Financial**

Ideally an external consultant specialising in systems of systems analysis and/or systems engineering would provide an independent and fresh perspective. However, given the short timeframe of this Council, and current budget situation, an internally generated report will still deliver the relevant information and is the preferred manner by which to prepare the report.

The workshop component of the motion will provide Councillors a level of scrutiny and contestability to allow for a policy direction decision.

**12.1 Roads - Current State (Ref: ; Author: Burton/Burton) (Continued)**

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**Staff Comment**

Councillors will be presented broad information on maintenance and renewal of road infrastructure at a workshop on 19 January, the induction sessions on 29 January and further workshops scheduled prior to setting the next Delivery Program. Asset management plans (incl for transport) are scheduled for review during 2023.

While much of the roads maintenance, scheduling and policy information is available on the website, and status reported quarterly to Council, the workshops will outline current:

- Asset strategy and asset management plans (related to transport/roads and bridges)
- Condition assessments and valuations
- Road and bridge classification
- Priority, safety and maintenance policy
- Planned maintenance and renewal scheduling
- Unplanned (complaint) response and maintenance systems
- Independent asset management capability assessment
- Roads and bridges risk assessment (incl HSEQ) systems
- Community satisfaction survey results (related to transport/roads and bridges)
- Impacts of natural disasters, and related works programs
- Options to shift investment from renewals into maintenance

<https://www.qprc.nsw.gov.au/Resources-Documents/Strategies-and-Plans>

<https://www.qprc.nsw.gov.au/Services/Roads-and-Footpaths>

**Attachments**

Nil

## REPORTS TO COUNCIL - DELEGATES REPORTS

## 13.1 Delegates Report (Ref: ; Author: Flint/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 Pete Harrison		
No.	Meeting/Function/Event Attended	Summary of Key Points
1	South East Australian Transport Strategy (SEATS) – 19 November 2021	Report and attachments under separate cover.

**Attachments**

- Attachment 1  Cr Harrison's SEATS Delegate report - November 2021 (*Under Separate Cover*)
- Attachment 2  Cr Harrison's attachment 1 - TfNSW Report SEATS November 2021 (*Under Separate Cover*)
- Attachment 3  Cr Harrison's attachment 2 - ESC Report SEATS November 2021 (*Under Separate Cover*)



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

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**File reference:** 27 January 2022 Council Reports

**Report**

This report provides responses to Councillors' written Questions on Notice as per the Code of Meeting Practice 2022. 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.

Please note, outstanding questions from the previous term of Council will be merged into the one single document following reporting at this Council Meeting.



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**Recommendation**

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

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**Attachments**

- |  |   |
|--|---|
| Attachment 1   | Responses to Councillors Questions - 2021 ( <i>Under Separate Cover</i> )   |
|  Attachment 2 | Responses to Councillors Questions with Confidential Information - 2021 ( <i>Under Separate Cover</i> ) - <b>CONFIDENTIAL</b> |
|  Attachment 3 | Responses to Councillors Questions - 2022 ( <i>Under Separate Cover</i> )   |
| Attachment 4   | Responses to Councillors Questions with Confidential Information - 2022 ( <i>Under Separate Cover</i> ) - <b>CONFIDENTIAL</b> |





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

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

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

**Recommendation**

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

**Item 16.1 Proposal to Acquire Council Land**

*Item 16.1 is confidential in accordance with s10(A) (di) 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 16.2 Undetected Leak Application - Bungendore**

*Item 16.2 is confidential in accordance with s10(A) (b) of the Local Government Act 1993 because it contains discussion in relation to the personal hardship of a resident or ratepayer and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*