



# **Ordinary Meeting of Council**

## **AGENDA**

**9 March 2022**

**Commencing at 5.30pm**

**Council Chambers  
253 Crawford Street, Queanbeyan**

**Despite the easing of COVID restrictions, it should be noted that there is a limited number of public gallery seats available in the Chambers. Presentations can be made in writing or via Zoom. A live stream of the meeting can be viewed at: <http://webcast.qprc.nsw.gov.au/>**



**On-site Inspections - Nil**

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**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)*
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- Attachment 5 DA.2021.1240 - Draft Conditions of Consent (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 Development Application DA 54-2019 - Construction of a Pavilion, Removal of 12 Trees, Replacement of 15 trees, New Access and Proposed Electronic Pylon Sign - Queanbeyan Showground - 19-41 Farrer Place Queanbeyan
- Attachment 1 DA 54-2019 - Architectural Plans - 19-41 Farrer Place Queanbeyan (Under Separate Cover)*
- Attachment 2 DA 54-2019 - Showground Electronic Message Board - 19-41 Farrer Place Queanbeyan (Under Separate Cover)*

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

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- Attachment 3*    *DA 54-2019 - Site Plan - 19-41 Farrer Place Queanbeyan (Under Separate Cover)*
- Attachment 4*    *DA 54-2019 - DRAFT CONDITIONS OF CONSENT - 19-41 Farrer Place Queanbeyan (Under Separate Cover)*
- Attachment 5*    *DA 54-2019 - Section 4.15 Assessment Report - 19-41 Farrer Place Queanbeyan (Under Separate Cover)*
- Item 9.5    Request for Category B Donation - Captains Flat Community Association  
*Attachment 1*    *Category B Application - Captains Flat Community Association (Under Separate Cover)*
- Item 10.1    Delivery Program Update - July-December 2021  
*Attachment 1*    *Delivery Program Update - July-December 2021 (Under Separate Cover)*
- Item 11.1    Amended Local Traffic Committee Meeting Minutes - Supplementary - 8 February 2022  
*Attachment 1*    *LTC Minutes 8 February 2022 Part 2 (Under Separate Cover)*
- Item 14.1    Responses to Councillors' Questions  
*Attachment 1*    *Responses to Councillors Questions - no confidential information (Under Separate Cover)*

**Closed Attachments**

- Item 9.3    Panel Contract for Periodic Dewatering of Sludge Services  
*Attachment 1*    *T042223QPRC - Sludge Dewatering Panel Contract Tender Evaluation Report (Under Separate Cover)*
- Item 9.4    Supply and Delivery of One (1) High-Pressure Water Jetting Truck  
*Attachment 1*    *Tender assessment documentation - High Pressure Water Jetting Truck (Under Separate Cover)*
- Item 14.1    Responses to Councillors' Questions  
*Attachment 2*    *Responses to Councillors Questions - with confidential information (Under Separate Cover)*





MINUTES OF THE ORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held via Zoom and at the Queanbeyan Council Chambers, 253 Crawford Street, Queanbeyan on Wednesday, 23 February 2022 commencing at 5.30pm.

## ATTENDANCE

**Councillors:** Cr Winchester (Chairperson)

Cr Biscotti

Cr Burton

Cr Grundy

Cr Livermore

Cr Preston

Cr Taskovski

Cr Ternouth

Cr Webster (via Zoom)

Cr Willis

Cr Wilson (via Zoom)

## Staff:

P Hansen, A/CEO

J Richards, Portfolio General Manager Community Choice

K Monaghan, Portfolio General Manager Organisational Capability

G Harlor, A/Portfolio General Manager Natural and Built Character

D Tooth, A/Portfolio General Manager Community Connections

## Also Present:

W Blakey, Clerk of the Meeting

L Ison, Minute Secretary

C Flint, Governance Specialist

### 1. OPENING

The meeting commenced at 5.31pm.

### 2. ACKNOWLEDGEMENT OF COUNTRY

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

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

There were no apologies.

**4. CONFIRMATION OF MINUTES**

**4.1 Minutes of the Ordinary Meeting of Council held on 9 February 2022**

072/22

**RESOLVED (Biscotti/Ternouth)**

That the Minutes of the Ordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday 9 February 2022 be confirmed subject to the following amendment:

Item 9.5 – Cr Preston did not vote.

The resolution was carried unanimously.

**5. DISCLOSURES OF INTERESTS**

073/22

**RESOLVED (Preston/Taskovski)**

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.

**6. ADJOURNMENT FOR PUBLIC FORUM**

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

074/22

**RESOLVED (Winchester/Willis)**

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 6.03pm.

**7. MAYORAL MINUTE**

There was no Mayoral Minute.

**8. NOTICES OF MOTIONS OF RESCISSION**

There were no Notices of Motions of Rescission.



075/22

**PROCEDURAL MOTION**

**RESOLVED (Preston/Biscotti)**

That Item 10.1 be brought forward at this juncture.

The resolution was carried unanimously.

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

076/22

**10.1 Proposed Advanced Energy Recovery Centre at Woodlawn**

**RESOLVED (Preston/Taskovski)**

That:

1. The report be received for information.
2. Council put on record that it opposes the Woodlawn Advanced Recovery Centre proposal.
3. Council continues to work with Veolia through our representation on the Woodlawn Eco-precinct Community Liaison Committee.
4. Council resolves to make a submission on the Environment Impact Statement (EIS), which incorporates the above resolutions, once the EIS is released for public comment.

The resolution was carried unanimously.

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

077/22

**9.1 DA.2021.1258 - 163 Wallace Street - Alterations and Additions to a Recreational Facility (Braidwood Memorial Pool)**

**RESOLVED (Wilson/Ternouth)**

That development application DA.2021.1258 for alterations and additions to a recreational facility (Braidwood Memorial Pool) – staged upgrading on Lot 7005 DP 1020633, 163 Wallace Street, Braidwood (Ryrie Park North) be granted conditional approval.

The resolution was carried unanimously.

**9.2 DA.2021.1153 - 59 Lot Torrens Title Subdivision with two Residual Lots, Associated Roads, and Subdivision Constructions Works (business and industrial use lots) - 360A Lanyon Drive, Tralee**

This item of business was withdrawn.

078/22

**9.3 Draft Large-Scale Solar Energy Guideline**

**RESOLVED (Willis/Biscotti)**

That Council make a submission on the Draft Large-Scale Solar Energy Guidelines, generally based on the matters raised in this report.

The resolution was carried unanimously.

**9.4 Changes to Landscape Rehydration Infrastructure Planning Rules**

079/22

**RESOLVED (Willis/Livermore)**

That Council make a submission on the proposed changes to landscape rehydration infrastructure planning rules.

The resolution was carried unanimously.

**9.5 Planning Proposal to Rezone Land at 174 Tarago Road, Bungendore**

**MOVED (Grundy/Ternouth)**

That Council:

1. Advise the applicant that a planning proposal to rezone part of 174 Tarago Road, Bungendore (Lot 1 DP 798111) is supported in principle subject to it meeting the requirements of the relevant state government agencies and keeping the current 500m buffer zone.
2. Request the applicant to convert the current planning proposal into a scoping proposal in accordance with the Department of Planning, Industry and Environment 'Local Environmental Planning Guidelines December 2021', and Council commence initial consultation with the relevant state agencies once a satisfactory scoping proposal is received.
3. Advise the applicant that after initial consultation with the relevant state government agencies, further background work may be required and that the submitted planning proposal may be altered to reflect subsequent findings.

**AMENDMENT (Taskovski/Burton)**

That Council:

1. Advise the applicant that a planning proposal to rezone part of 174 Tarago Road, Bungendore (Lot 1 DP 798111) is supported in principle subject to it meeting the requirements of the relevant state government agencies.
2. Request the applicant to convert the current planning proposal into a scoping proposal in accordance with the Department of Planning, Industry and Environment 'Local Environmental Planning Guidelines December 2021', and Council commence initial consultation with the relevant state agencies once a satisfactory scoping proposal is received.
3. Advise the applicant that after initial consultation with the relevant state government agencies, further background work may be required and that the submitted planning proposal may be altered to reflect subsequent findings.

The amendment (of Crs Taskovski and Burton) was PUT and CARRIED and became the motion.

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

The motion (of Crs Taskovski and Burton) was PUT and CARRIED.

080/22

**RESOLVED (Taskovski/Burton)**

That Council:

1. Advise the applicant that a planning proposal to rezone part of 174 Tarago Road, Bungendore (Lot 1 DP 798111) is supported in principle subject to it meeting the requirements of the relevant state government agencies.
2. Request the applicant to convert the current planning proposal into a scoping proposal in accordance with the Department of Planning, Industry and Environment 'Local Environmental Planning Guidelines December 2021', and Council commence initial consultation with the relevant state agencies once a satisfactory scoping proposal is received.
3. Advise the applicant that after initial consultation with the relevant state government agencies, further background work may be required and that the submitted planning proposal may be altered to reflect subsequent findings.

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

**9.6 Local Roads and Community Infrastructure Projects - Phase 3**

081/22

**RESOLVED (Winchester/Biscotti)**

That Council:

1. Accept the Local Roads and Community Infrastructure (LRCI) Program Phase 3 grant of \$3,055,418.
2. Fund the following projects: Bungendore – Halfway Creek Road \$850,000, Queanbeyan – Wright Park Amenities \$1,300,000 and Queanbeyan – Queanbeyan Archery Club \$240,000.
3. Conduct a Councillor workshop to discuss other potential projects to fund with the remaining \$665,418.

The resolution was carried unanimously.

**9.7 QPRC Cultural Grants Funding Application - Queanbeyan Junior Brass Incorporated**

082/22

**RESOLVED (Biscotti/Livermore)**

That Council approve the allocation of a donation of \$2,350 from the Cultural Grant Scheme to Queanbeyan Junior Brass Incorporated to assist with costs of staging a weekend workshop with specialist instrumental instructors, for children in the band.

The resolution was carried unanimously.

**9.8 Classic Holden Nationals Event 2023**

**MOVED (Wilson/Webster)**

That Council:

1. Support the Classic Holden Nationals for 2023 to be held at Queanbeyan Showground and surrounding areas from 2 to 6 February 2023.
2. Provide \$12,000 + GST funding to assist with marketing, logistics and operational expenses of the event.
3. Waive the showground hire fee for the five days of the event.
4. Provide in kind support from the events team in traffic management and other event requirements.

**AMENDMENT (Burton/Grundy)**

That Council:

1. Support the Classic Holden Nationals for 2023 to be held at Queanbeyan Showground and surrounding areas from 2 to 6 February 2023.
2. Waive the showground hire fee for the five days of the event.
3. Provide in kind support from the events team in traffic management and other event requirements.

Due to technical issues, Cr Wilson left the meeting at 6.52pm.

The amendment (of Crs Burton and Grundy) was PUT and LOST.

For: Crs Biscotti, Burton, Grundy and Ternouth

Against: Crs Livermore, Preston, Taskovski, Webster, Willis and Winchester

The motion (of Crs Wilson and Webster) was brought forward, PUT and CARRIED.

083/22

**RESOLVED (Wilson/Webster)**

That Council:

1. Support the Classic Holden Nationals for 2023 to be held at Queanbeyan Showground and surrounding areas from 2 to 6 February 2023.
2. Provide \$12,000 + GST funding to assist with marketing, logistics and operational expenses of the event.
3. Waive the showground hire fee for the five days of the event.
4. Provide in kind support from the events team in traffic management and other event requirements.

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

Against: Burton, Grundy and Ternouth

Cr Wilson returned to the meeting at 6.52pm.

**9.9 Draft Community Strategic Plan 2042**

084/22

**RESOLVED (Biscotti/Willis)**

That Council endorse the draft Community Strategic Plan 2042 for public exhibition.

The resolution was carried unanimously.

**9.10 Quarterly Budget Review Statement for the Quarter Ending 31<sup>st</sup> December 2021**

085/22

**RESOLVED (Grundy/Burton)**

That Council:

1. Receive the December 2021 Quarterly Budget Review Statement and adopt the budget variations outlined in the report.
2. Note the estimated consolidated budget deficit of \$1,868,829.

The resolution was carried unanimously.

**9.11 Investment Report - January 2022**

086/22

**RESOLVED (Willis/Preston)**

That Council:

1. Note the investment return for January 2022 was -\$337,326.
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 January 2022.

The resolution was carried unanimously.

087/22                    **9.12    Draft Financial Assistance and Debt Recovery Policies**  
**RESOLVED (Willis/Burton)**

That:

1. Council place the draft Hardship and Financial Assistance Policy and the draft Debt Recovery Policy on public exhibition for a period of 28 days.
2. A report considering all submissions and recommended Policy amendments be brought back to Council following exhibition.

The resolution was carried unanimously.

088/22                    **9.13    Revised QPRC Parking Policy**  
**RESOLVED (Willis/Wilson)**

That:

1. The revised QPRC Parking Policy 2021 incorporating the infringement matrix be placed on public exhibition for 28 days.
2. Council consider all submissions received prior to adopting the Policy, or if no submissions are received, formally adopt the Policy.

The resolution was carried unanimously.

**10.1    Proposed Advanced Energy Recovery Centre at Woodlawn**

This item was dealt with earlier in the meeting.

089/22                    **10.2    Regional Cities NSW - Pre Budget Submission**  
**RESOLVED (Biscotti/Burton)**

That the report be received for information.

The resolution was carried unanimously.

**11. REPORTS OF COMMITTEES**

**11.1 Local Traffic Committee Meeting Minutes - 8 February 2022**

090/22

**RESOLVED (Biscotti/Taskovski)**

That Council:

1. Note the minutes of the Local Traffic Committee Meeting held via correspondence on 8 February 2022.
2. Adopt recommendations LTC 01/2022 to LTC 07/2022 from the meeting held on 8 February 2022:
  - LTC 01/2022 PROPOSED SOLUTION: *Under The Roads Act 1993*, pending revisions to the TMP as recommended by the LTC, approve the TMP for the Music by the River event from 4.30pm to 10pm on 26<sup>th</sup> February 2022.
  - LTC 02/2022 PROPOSED SOLUTION: *Under The Roads Act 1993*, pending revisions to the TMP and TCP as requested by the LTC, approve the TCP for the Queanbeyan Multicultural Festival Sunday 27<sup>th</sup> February 2022. QPRC Events team are to provide a debrief to the LTC of the running of the event for feedback and improvements if identified.
  - LTC 03/2022 PROPOSED SOLUTION: Events team to provide clarification of maps and update forms, TMP and TCP with correct dates (currently indicated as 2019). Pending update to TMP and provision of clarifications, *Under The Roads Act 1993* approve the TCP for the Queanbeyan Anzac Day Event from 5.00am to 6.15am for the Dawn Service and 9.00am to 11.30am for the main service, 25<sup>th</sup> April 2022.
  - LTC 04/2022 PROPOSED SOLUTION: Pending minor revisions to the TMP identified, under *The Roads Act 1993* approve the TMP for the Bungendore Anzac Day events for the Dawn Service from 6am to 6.45am in Gibraltar Street, from the Mick Sherd Carpark to Majara Street, and another closure for the full length of Gibraltar Street for the Main Service from 9.30am to 12.30pm on 25<sup>th</sup> April 2022.
  - LTC 05/2022 PROPOSED SOLUTION: Under *The Roads Act 1993*, approve the TMP for the Braidwood Anzac Day events pending revisions to the plans, from 6am to 7am and Main Service 10.30am to 11.30am on 25<sup>th</sup> April 2022.
  - LTC 06/2022 PROPOSED SOLUTION: Under *The Roads Act 1993*, approve the TMP for the Captains Flat Anzac Day Event from 9.30am to 11.30am on 25<sup>th</sup> April 2022.
  - LTC 07/2022 PROPOSED SOLUTION: Under *The Roads Act 1993*, pending suitable revisions are made to address concerns raised, approve the TMP for the Shannon's Wheel Car Show on Sunday 6<sup>th</sup> March 2022 from 10am to 1.30am.

The resolution was carried unanimously.

**11.2 Bungendore Town Centre and Environs Advisory Committee Meeting Minutes**

091/22

**RESOLVED (Biscotti/Burton)**

That Council:

1. Note the minutes of Bungendore Town Centre and Environs Committee held on 17 January 2022.
2. Note the minutes of Bungendore Town Centre and Environs Committee held on 13 December 2021.
3. Note the minutes of Bungendore Town Centre and Environs Committee held on 15 November 2021.
4. Note the minutes of Bungendore Town Centre and Environs Committee held on 18 October 2021.

The resolution was carried unanimously.

**11.3 Section 355 Committee Minutes**

092/22

**RESOLVED (Biscotti/Livermore)**

That Council:

1. Note the AGM minutes of Braidwood Showground Reserve Trust s.355 Committee held on 15 October 2020.
2. Note the minutes of Bungendore War Memorial s.355 Committee held on 14 October 2021.
3. Note the minutes of Bungendore War Memorial s.355 Committee held on 4 November 2021.
4. Note the AGM minutes of Burra/Cargill Park Reserves s.355 Committee held on 16 January 2022.
5. Note the minutes of Fernleigh Park s.355 Committee held on 15 July 2021.
6. Note the AGM minutes of Greenways s.355 Committee held on 28 November 2021.

The resolution was carried unanimously.



**12. NOTICES OF MOTIONS**

**12.1 Publishing Workshop Details**

093/22

**RESOLVED (Willis/Preston)**

That:

1. Council publish details of the date a Councillor workshop was held and the workshop topic.
2. Where an external presenter attends a Councillor workshop, publish their name, the organisation they represent and the topic of their presentation to the workshop.
3. For the matters referred to in items 1 and 2 above, publish information in the next available Council business paper following a Councillor workshop, as an information item.
4. Council withhold from publication any information that is of a personal nature or concerns matters for which Council is seeking legal advice or a legal determination, the publication of which could legally disadvantage parties to the matter.

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

Against: Cr Biscotti

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

There were no Delegates reports.

**14. QUESTIONS WITH NOTICE**

There were no Questions with Notice.

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

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

Cr Winchester then asked if, in accordance with Clause 59.6 of the Council's Code of Meeting Practice, were there 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**

094/22

**RESOLVED (Winchester/Preston)**

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 Partial Land Acquisition - 1 Malbon Street, Bungendore**

*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 - Googong**

*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.*

The resolution was carried unanimously.

The meeting then moved into Closed Session at 7.18pm to discuss the matters listed above.

**16.1 Partial Land Acquisition - 1 Malbon Street, Bungendore**

095/22

**RESOLVED (Biscotti/Preston)**

That:

1. Council acquire by agreement 13m<sup>2</sup> of land at 1 Malbon Street, Bungendore (Lot 14 DP 668682).
2. Pay compensation of \$7,465.78 (exclusive of GST) to the property owner for the land.

The resolution was carried unanimously.

**16.2 Undetected Leak Application - Googong**

096/22

**RESOLVED (Biscotti/Wilson)**

That Council write off a total of \$4,180 in water usage charges for the property listed in this report.

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

Against: Crs Burton, Grundy and Ternouth

097/22

**RESOLVED (Winchester/Preston)**

That the meeting now return to Open Session.

The resolution was carried unanimously.

The meeting returned to Open Session at 7.47pm.

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.

**17. CONCLUSION OF THE MEETING**

The time being 7.48pm, 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.**



7.1 Local Government Financial Sustainability (Ref: ; Author:  
Winchester/Winchester)

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File Reference: 52.8.2-03

**Summary**

Several Councillors and I attended the LGNSW Conference on 28 February – 1 March in Sydney, where over 500 councillors and senior staff attended to debate sector motions on a broad range of matters including climate change, natural disasters, conduct, planning and community. A recurring theme amongst most discussions was the financial capacity and sustainability of local councils to continue to maintain assets and deliver services following years of drought, natural disasters and COVID, and a 0.7% general rate cap determined by IPART.

Most councils had budgeted a 2-2.5% rate cap, in addition to a further cap equivalent to population growth – for QPRC, a rate cap of 2.5% and population cap of 1.9% was anticipated further to the IPART reviews in 2021.

Thankfully, the Local Government Minister the Hon Wendy Tuckerman MP did announce a review of the methodology used by IPART to determine the rate peg and LGCI, a review of the process for special rate variations (SRV) and would consider options to ease the financial pressure on NSW councils for next financial year.

However, ALGA and LGNSW have urged all councils to lobby both governments to restore certainty and improve the financial sustainability of local government.

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**Recommendation**

**That Council support ALGA and LGNSW with advocacy regarding the financial sustainability of local councils to the Commonwealth and NSW Governments, and the respective local members, in the terms outlined in the report.**

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**Background**

Councillors have received several briefings, workshops and reports on the financial position of QPRC, the structural deficits inherited from the former councils, the impacts of the rates freeze and combination of natural disasters and COVID on Council's expenses and revenues, and options to move to a sustainable and affordable financial position.

What is clear is QPRC is not alone in finding a path forward – particularly as a growing LGA. Many of the issues and initiatives discussed with councillors have been raised by other councils. While the savings from the merger have been reinvested in extended services and new assets, the costs to service growth in assets and population has outstripped revenues. While individual councils may pursue SRVs, all councils in NSW have been asked to join the advocacy to the Commonwealth and NSW Governments by ALGA and LGNSW, focussed on the following areas:

**Commonwealth Government**

- i. Restore the Financial Assistance Grants to local governments to 1% (from 0.55%) of total tax revenues. (45% increase in QPRC F.A.G is \$2.8M, or \$47 per person for local infrastructure and services).

**7.1 Local Government Financial Sustainability (Ref: ; Author: Winchester/Winchester) (Continued)**

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- ii. Revise the population factor methodology to minimise the funding bias that negatively impacts regional councils.

**NSW Government**

- i. Provide an operating grant in FY2023 or fully offset the emergency services levy (ESL) paid by councils to government – effectively 2% of general rates to most councils.
- ii. Support ALP/Greens motion to amend the LG Regulations to enable the ESL to be taxed as an annual charge on rate notices, and disbursed to Government – rather than the current hidden tax (\$1.2M, 3.1% of general rates).
- iii. Preferably, the Government charge the ESL across all property owners in NSW on their annual property tax notice, rather than rely on councils to collect those funds for government.
- iv. Transfer the emergency services assets from councils to government (\$5.5M RFS and SES property and buildings owned, maintained and depreciated by QPRC at an estimated annual net operating cost of \$140,000).
- v. Progress the reclassification and transfer of regional roads from councils to government, retaining councils as the contractor to maintain those roads and be fully funded by government (\$138M regional roads owned, depreciated and maintained by Council at an estimated annual net operating cost of \$2M).
- vi. Revise the IPART methodology for the rate cap and LGCI, using lead rather than lag indices and indicators, and using calculations for wage growth relevant to local government (not state government) cost increases. (QPRC general rates would have grown an estimated \$1.1M per annum + future annual increases if the rate peg was level with the Dec 21 CPI).
- vii. Revise the IPART requisites and thresholds for SRV, to assure passage of funding for renewal of existing assets for example, with higher SRV assessment thresholds for new or upgraded assets or services.
- viii. Revisit the IPART formula for the population rate cap, to include the impact of growth in depreciation in assets consequent to population and property growth, and remove the discounting of the population rate cap by the value of supplementary rate levies (average \$630k lost income per annum for QPRC).
- ix. Modify LG regulations to enable full fee recovery for private good services, especially development and related applications, certification and compliance.
- x. Accommodate allowances in grant funding for overhead (grant preparation and administration, project management) and cost escalation (where gap between application and funding deed exceeds six months).

**Conclusion**

While this Council is yet to work through its Delivery Program and budgets and seek community feedback, without both governments supporting local councils in NSW through some or all the initiatives outlined in the report, IPART is likely to be bombarded with SRV applications.

**Attachments**

Nil



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: Carswell/Glouftsis)

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File Reference: DA.2021.1240

**Summary**

**Reason for Referral to Council**

*This report is resubmitted to Council following a site inspection of the site and an online meeting with a representative of Heritage NSW.*

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: Carswell/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*****Recent Actions***

Council at its meeting of 27 January 2022 (Minute No. 028/22) resolved in relation to this development application:

*That:*

- 1. Consideration of development application DA.2021.1240 for a two lot Torrens title subdivision and demolition of two existing sheds and garages on Lot 1 DP 598830, No. 119 Wallace St Braidwood be deferred until after a workshop has been held with representatives from Heritage NSW to ascertain:
  - a. The Heritage Council's view as to the necessity for the proposed subdivision boundary to pass through the T shaped sheds given that this results in the need to demolish those sheds.*
  - b. The Heritage Council's view as to whether relocating the subdivision boundary clear of the T-shaped sheds would impact on the section 60 approvals already provided in relation to the proposed subdivision and demolition.**
- 2. Prior to reconsidering this matter, Councillors conduct an onsite inspection in conjunction with the owner of the premises and that representatives from Heritage NSW be invited to attend.*

Following Council's resolution, an on-site inspection was conducted on Tuesday 22/2/2022. In attendance were the owner and applicant, The Mayor Councillor Winchester as well as Councillors Grundy and Willis, the development application assessing officer and the Service Managers Development and Land-Use Planning. At the site the applicant indicated the proposed boundary as well as the sheds proposed to be demolished, provided background from his perspective to the section 60 approvals and responded to various questions.

The site inspection was followed with an online meeting with a representative of Heritage NSW. In addition to the previously mentioned Councillors, Councillor Preston join this meeting as did the Acting Chief Executive Officer. The Heritage NSW representative provided an overview of the process and basically considered that the demolition of the sheds was a matter to be determined under the *Environmental Planning and Assessment Act 1979*. At the meeting two questions were put to the representative of Heritage NSW and written answers requested. These have been responded to.

**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: Carswell/Glouftsis) (Continued)**

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Consequently, the report on this development application is resubmitted to Council for its determination.

***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: Carswell/Glouftsis) (Continued)

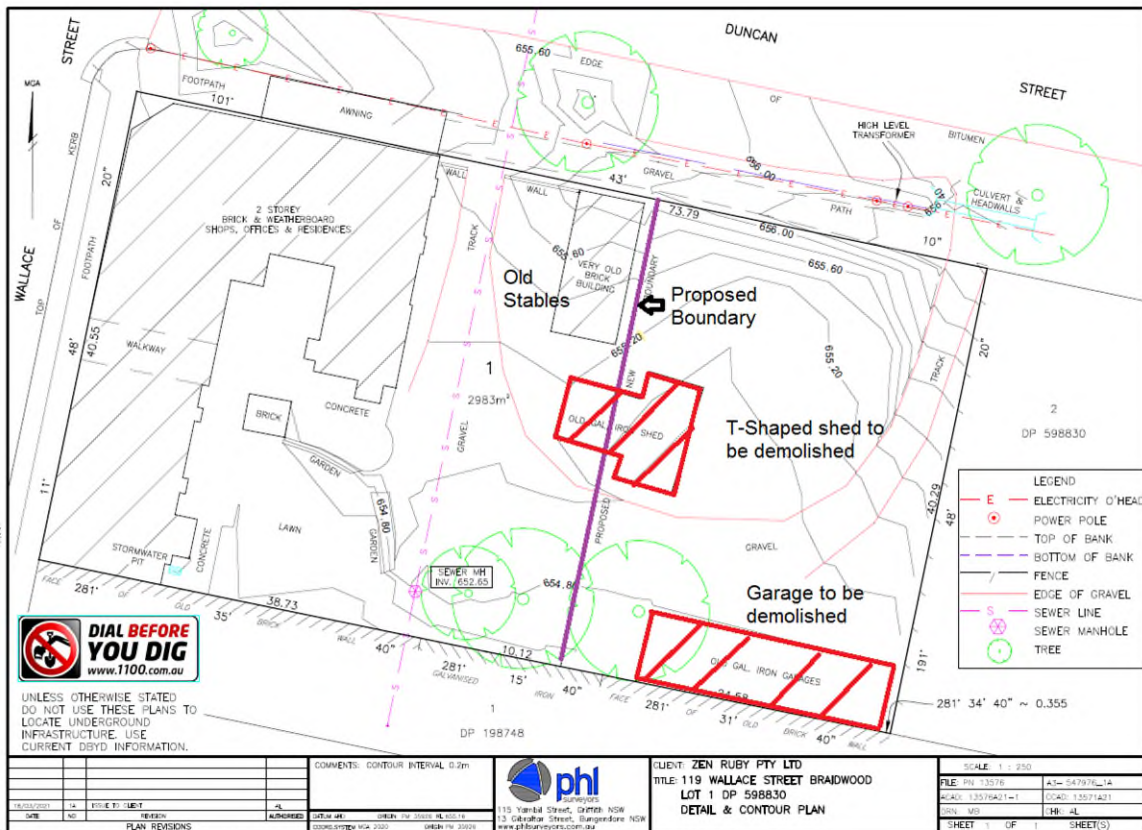


Figure 1 – Survey Plan showing proposed subdivision boundary (purple) and existing buildings to be demolished (red)

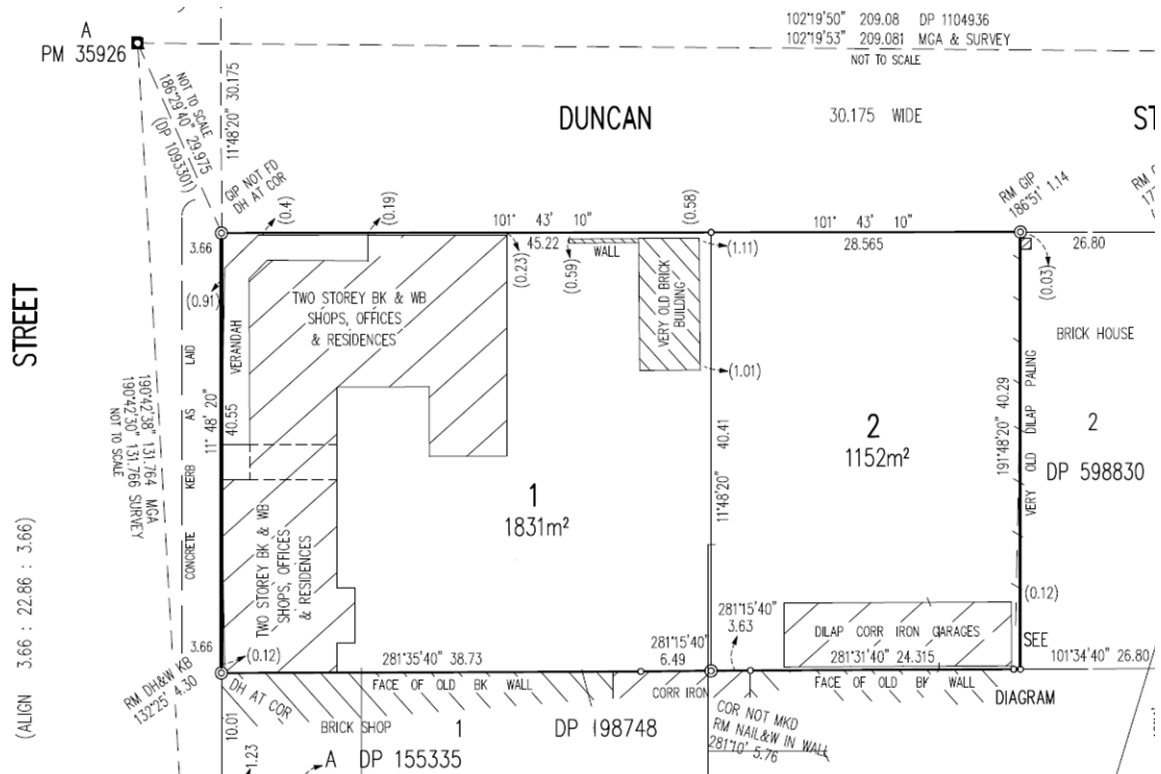


Figure 2: Proposed Subdivision Layout

### 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: Carswell/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: Carswell/Glouftsis) (Continued)**

*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**



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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.*



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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.*

**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: Carswell/Glouftsis) (Continued)**

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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: Carswell/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	\$7,659

(Adjusted for 2021/22 using CPI Sydney)

##### CONTRIBUTION:

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

(Adjusted for 2021/22 using CPI Sydney)

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

**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: Carswell/Glouftsis) (Continued)**

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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: Carswell/Glouftsis) (Continued)**

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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> )     |



**9.2 Development Application DA 54-2019 - Construction of a Pavilion, Removal of 12 Trees, Replacement of 15 trees, New Access and Proposed Electronic Pylon Sign - Queanbeyan Showground - 19-41 Farrer Place Queanbeyan (Ref: ; Author: Carswell/Glouftsis)**

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**File Reference:** 54-2019

**Summary**

***Reason for Referral to Council***

The subject development is located on community land. This application has been referred to Council because legislative requirements state the application must be dealt with by Council pursuant to Section 47E of the *Local Government Act 1993*.

Proposal:	Construction of a pavilion, removal of 12 trees, replacement of 15 trees, new access and proposed electronic signage
Applicant/Owner:	Eric Martin and Associates / Queanbeyan-Palerang Regional Council
Subject Property:	Crown Reserve R130041/R530030/R530126 – Lot 4, Section 56, DP 758862, Queanbeyan Showground 19-41 Farrer Place QUEANBEYAN NSW 2620.
Zoning and Permissibility:	RE1 Public Recreation under <i>Queanbeyan Local Environmental Plan 2012 (QLEP 2012)</i> .
Public Submissions:	Two (2)
Issues Discussed:	Planning Requirements Contents of Submissions
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made.

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**Recommendation**

**That:**

- 1. Development application 54-2019 for the construction of a pavilion, removal of 12 trees, replacement of 15 trees, new access, and proposed electronic signage on Crown Reserve R130041/R530030/R530126 – Lot 4, Section 56, DP 758862, Queanbeyan Showground 19-41 Farrer Place Queanbeyan be granted conditional approval.**
  - 2. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.**
  - 3. Heritage NSW and the NSW Crown Lands Department be forwarded a copy of Council's Notice of Determination.**
-

**9.2 Development Application DA 54-2019 - Construction of a Pavilion, Removal of 12 Trees, Replacement of 15 trees, New Access and Proposed Electronic Pylon Sign - Queanbeyan Showground - 19-41 Farrer Place Queanbeyan (Ref: ; Author: Carswell/Glouftsis) (Continued)**

**Background**

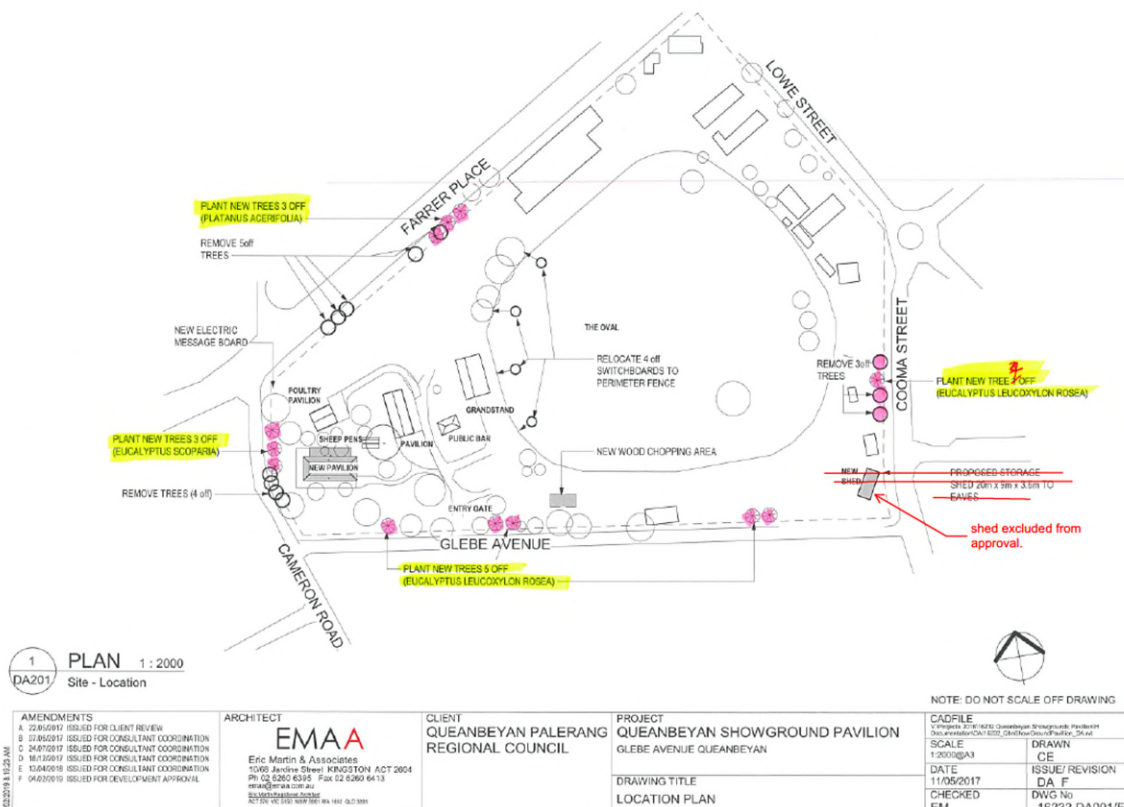
**Proposed Development**

The application seeks Council approval for the construction of a pavilion, removal of 12 trees, replacement of 15 trees, new access, and proposed electronic signage.

Specifically, it includes:

- A pavilion (738m<sup>2</sup> in gross floor area) (including 2 store areas and amenities/toilet block),
- New internal access and upgrades,
- Electronic message board,
- Removal of 12 native trees,
- Replacement/replanting of 15 native trees, and,
- Alterations to electricity infrastructure.

The proposal initially included a shed on the south eastern corner of the site (corner Glebe Avenue/Cooma Street) which has been removed. It also included a Statement of Heritage Impact, an Aboriginal Cultural Values Assessment Final Report and a site-specific archaeological report.



**Figure 1: Site Plan**

9.2 Development Application DA 54-2019 - Construction of a Pavilion, Removal of 12 Trees, Replacement of 15 trees, New Access and Proposed Electronic Pylon Sign - Queanbeyan Showground - 19-41 Farrer Place Queanbeyan (Ref: ; Author: Carswell/Glouftsis) (Continued)

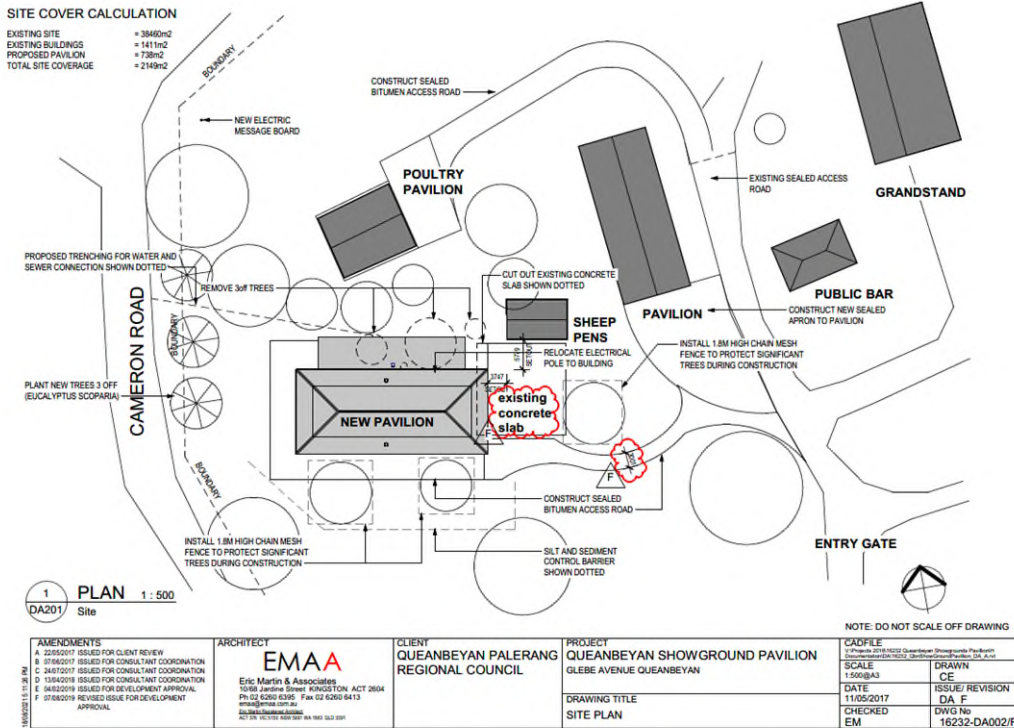


Figure 2: Detailed Site Plan (Pavilion Location)

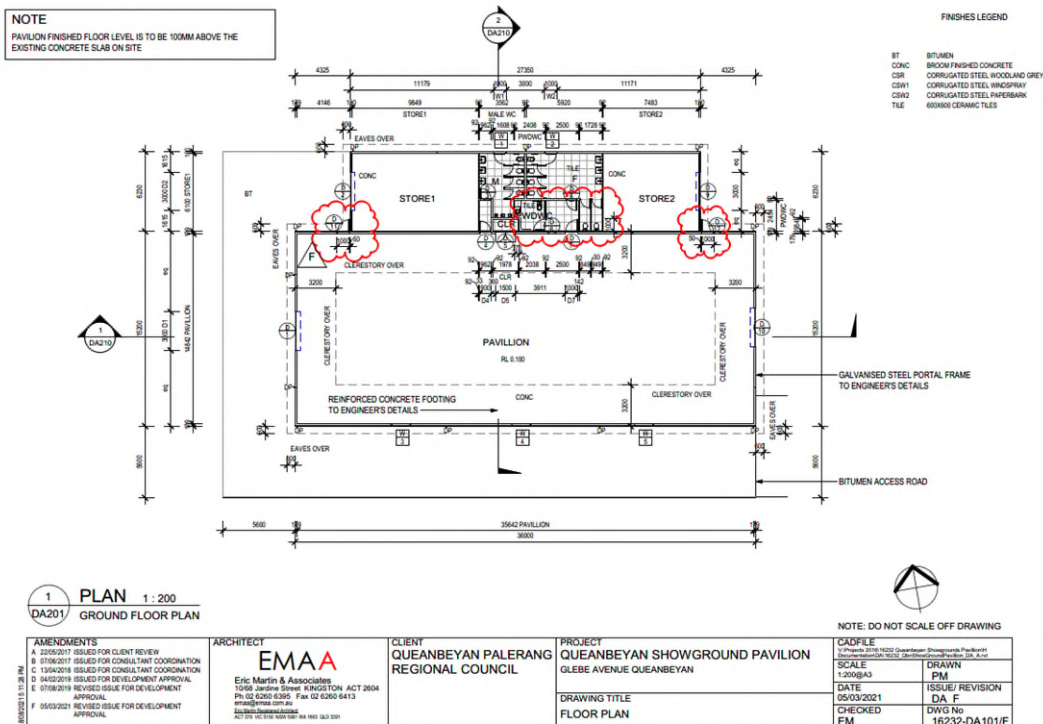


Figure 3: Floor Plan

9.2 Development Application DA 54-2019 - Construction of a Pavilion, Removal of 12 Trees, Replacement of 15 trees, New Access and Proposed Electronic Pylon Sign - Queanbeyan Showground - 19-41 Farrer Place Queanbeyan (Ref: ; Author: Carswell/Glouftsis) (Continued)

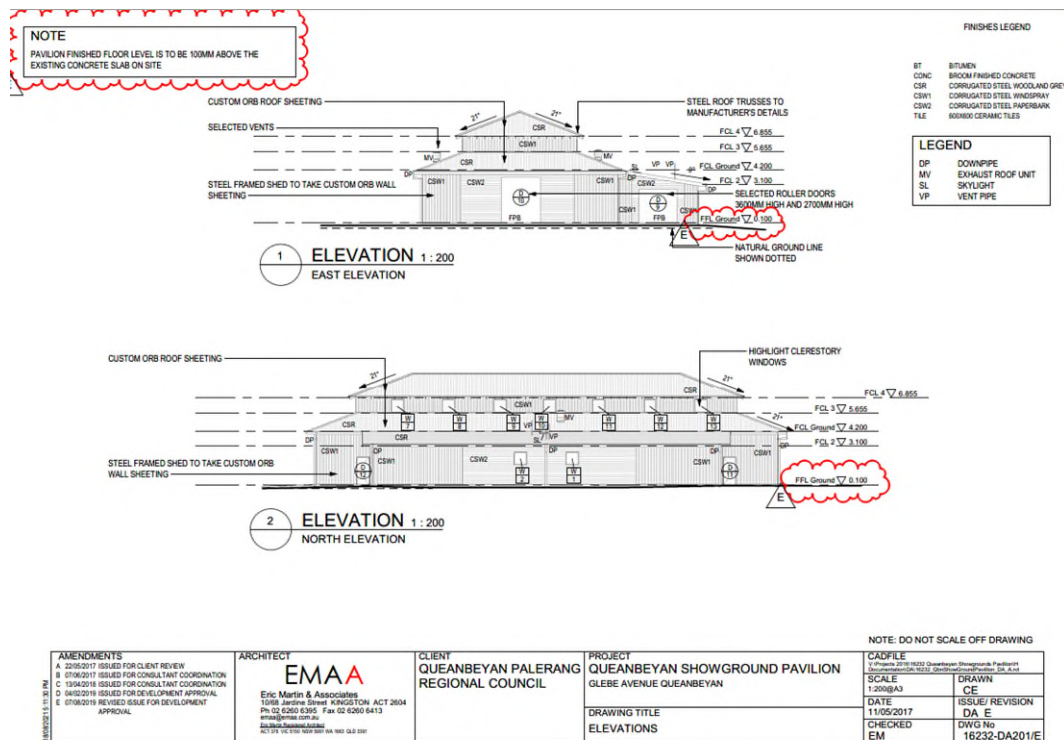


Figure 4: Elevation Plan

Subject Property

The subject site is legally described as Crown Reserve R130041/R530030/R530126 and is commonly known as Queanbeyan Showground, 19-41 Farrer Place, QUEANBEYAN NSW 2620. The site is located on the southern side of Farrer Place and has an area of 86,963.8m<sup>2</sup>.

An existing pavilion is located on the western end of the Showground adjacent to Glebe Avenue and Cameron Road. Sheep pens and a pavilion exist to the north, as well as mature vegetation. An existing brickwork cottage exists at the site entry off Lowe Street. An existing bitumen driveway is located to the north of the proposed shed. Queanbeyan Showground Heritage Study (1998) by Cox Architects & Planners identify the existing built items as Sheep Pens (1918), Poultry Pavilion (1939), coursing track (1933), Lowe Street gates (1934), Public Bar (1936-37), Grandstand (1939), Trotting track (1946), Common Room (1950), Cattle and Horse Stalls (1951), QSS building (1959) and Pavilion (1977) referred to as Old Pavilion. The Trotting and Coursing Tracks are no longer in place or being used. A partially sealed car park is located on the eastern boundary parallel with Cooma Street and the site contains a number of bitumen sealed tracks.



**9.2 Development Application DA 54-2019 - Construction of a Pavilion, Removal of 12 Trees, Replacement of 15 trees, New Access and Proposed Electronic Pylon Sign - Queanbeyan Showground - 19-41 Farrer Place Queanbeyan (Ref: ; Author: Carswell/Glouftsis) (Continued)**



**Figure 5: Subject Site**

**Planning Requirements**

The assessment of the application has been undertaken in accordance with Section 4.15 of the *Environmental Planning and Assessment Act (EPAA) 1979*, as amended. The matters that are of relevance under Section 4.15 are summarised in the attached *Section 4.15 Table – Matters for Consideration* (Attachment 5).

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

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

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

**(a) Compliance with LEP**

The proposal generally complies with the requirements and standards of *Queanbeyan Local Environmental Plan 2012*. A detailed assessment of the LEP is provided in the attached *Section 4.15 Assessment Report – Matters for Consideration* (Attachment 5).

**9.2 Development Application DA 54-2019 - Construction of a Pavilion, Removal of 12 Trees, Replacement of 15 trees, New Access and Proposed Electronic Pylon Sign - Queanbeyan Showground - 19-41 Farrer Place Queanbeyan (Ref: ; Author: Carswell/Glouftsis) (Continued)**

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**(b) Compliance with DCP**

The proposal generally complies with the requirements and standards of the *Queanbeyan Development Control Plan*. A detailed assessment of the DCP is provided in the attached Section 4.15 Assessment Report – Matters for Consideration (Attachment 5).

**(a) Heritage Advisor's Comments**

A copy of the Heritage Advisor's advice is provided within the attached Section 4.15 Assessment Report – Matters for Consideration (Attachment 5).

**Financial Implications**

Section 64 Contributions are applicable to the proposal at the following rates:

- The Section 64 Sewer Contribution Rate is: \$12,395.40 (Queanbeyan East Zone)
- The Section 64 Water Contribution Rate is: \$23,638.16 (Queanbeyan Zone).

**Engagement**

The application was notified in accordance with the QPRC Community Engagement and Participation Plan from 29<sup>th</sup> of March 2019 to the 10<sup>th</sup> of May 2019 with **two (2)** submissions received, raising the following concerns:

**Concerns**

- The uniform concern was that Council might be confronted with a development application that was outside the specifications of a Showground,
- The trust created by legislation appointed Queanbeyan City Council to manage the affairs of the new trust. Queanbeyan City Council was required to prepare a plan of management within 3 months of 1 December 1995. Where is that plan of management? Have any variations or amendments been made to it? Can we please have a copy of it? (Sent 30/4/2019),
- The kinds of development that will excite vigorous opposition include use of the property as a music festival involving extremely loud noise (whether one-off for one day or continuously for a period of time), any activity involving illicit drug taking, any activity facilitating homelessness, a caravan park/camping area (whether permanent, casual or temporary) and/or any activity of a blatantly commercial kind. We are quite happy for the Showground to be used for a circus, activities involving animals (horses in particular), horse trotting venue (race course events), Gymkhana, school sports events, swap meets and such other activities as are consistent with Showground, a sporting arena, public reserve and community expectations. The recent use of the Showground by Clearwater as a camping and caravan venue for 7 or 8 days certainly offended the spirit of intention as a Showground and Council's blatant use of the eastern end as a car public park which is now not associated with Showground activities also probably offends the spirit of intention as a Showground and,
- The new shed proposed to be constructed adjacent to the existing office building, according to the SEE, will "provide shelter for 2 minibuses owned by QPRC". Shelter for 2 minibuses is hardly an activity ancillary to a Showground. We can well imagine that storage of grass cutting machinery is an ancillary activity! We do not oppose the construction of the shed; we do oppose the proposed use of the shed! QPRC is the client of the applicant. Can you assure us that the development application will be amended to exclude reference to shelter for 2 minibuses?

**9.2 Development Application DA 54-2019 - Construction of a Pavilion, Removal of 12 Trees, Replacement of 15 trees, New Access and Proposed Electronic Pylon Sign - Queanbeyan Showground - 19-41 Farrer Place Queanbeyan (Ref: ; Author: Carswell/Glouftsis) (Continued)**

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### **Assessing Officer's Comments**

A pavilion, wood chopping area, signage, and upgrade to driveway access are not outside the scope of use of a showground. These are considered appropriate for the site.

The Plan of Management is quite an old document (December 2003) which needs to be reviewed. The construction of a pavilion does not trigger the requirement for a review of this document although it will be considered as part of that review.

Events that generate noise are subject to complying with relevant EPA noise guidelines, as well as general Council noise guidelines and conditions under any relevant S68 approval or other processes as relevant. The subject proposal is not specifically for the use of the site as a 'showground' which it is already approved for. It is considered unreasonable to impose any restriction that would limit noise or events under the subject proposal for a pavilion and other associated upgrades to the site.

The shed referred to above has been removed from the development application.

### **Conclusion**

The submitted proposal for the construction of a pavilion, removal of 12 trees, replacement of 15 trees, new access, and proposed electronic signage on Crown Reserve R130041/R530030/R530126 – Lot 4, Section 56, DP 758862, Queanbeyan Showground 19-41 Farrer Place QUEANBEYAN is an integrated development and is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and two submissions were received.

The proposal has been assessed under Section 4.15 of the *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Queanbeyan Local Environmental Plan 2012* and *Queanbeyan Development Control Plan 2012*.

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

### **Attachments**

- |              |   |
|--------------|---|
| Attachment 1 | DA 54-2019 - Architectural Plans - 19-41 Farrer Place Queanbeyan<br>(Under Separate Cover)              |
| Attachment 2 | DA 54-2019 - Showground Electronic Message Board - 19-41 Farrer Place Queanbeyan (Under Separate Cover) |
| Attachment 3 | DA 54-2019 - Site Plan - 19-41 Farrer Place Queanbeyan (Under Separate Cover)                           |
| Attachment 4 | DA 54-2019 - DRAFT CONDITIONS OF CONSENT - 19-41 Farrer Place Queanbeyan (Under Separate Cover)         |
| Attachment 5 | DA 54-2019 - Section 4.15 Assessment Report - 19-41 Farrer Place Queanbeyan (Under Separate Cover)      |





9.3 Panel Contract for Periodic Dewatering of Sludge Services (Ref: ; Author: Hansen/Cunningham)

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File Reference: 33.1.1

**Summary**

An open panel source tender has been called for the provision of periodic mechanical sludge dewatering services at Council's sewage treatment plants.

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**Recommendation**

That:

1. <Tenderer 1>, <Tenderer 2> and <Tenderer 3> be appointed as Panel Providers to Queanbeyan-Palerang Regional Council under contract (T042223QPRC) Periodic Dewatering of Sludge, for the period 1 July 2022 to 30 June 2025.
  2. A provision be allowed for a 12 month extension based on satisfactory supplier performance and continuing operational need, which may take this contract through to 30 June 2026.
- 

**Background**

Council owns and operates four conventional activated sludge sewage treatment plants. By far the largest of these is the Queanbeyan facility located just west of the city in Oaks Estate. The challenges and limitations of this plant are well documented and Council would be well aware of works undertaken to date that seek to deliver a replacement plant within the next few years. In the meantime, efforts continue to be made that aim to operate the existing overloaded facility at its most optimum level.

One of the streams most under stress is that of sludge management.

The Queanbeyan Plant is currently operating under a sludge lagoon capacity of around 3.1 equivalent persons per cubic metre (EP/m<sup>3</sup>) of storage. This is about twice the loading of the Bungendore plant at around 1.6 EP/m<sup>3</sup> and effectively means that the Queanbeyan facility is challenged in its ability to satisfactorily stabilise its full sludge feed through the required anaerobic process. On top of this, the plant lacks access to sufficient sludge drying bed space to effectively dewater its sludge, hence creating an imbalance between what is needed to be processed out of the lagoons against what is needed to come in as waste activated sludge. In essence, the lagoons are chronically overloaded.

At its meeting of 28 February 2018, Council resolved to adopt a panel contract of suitable sub-contractors from which it could draw from to undertake specialised mechanical dewatering works. This contract is due to expire on 30 June 2022. To assist with the formulation of a new panel contract it was again decided to engage the services of Regional Procurement Initiative (Regional Procurement).

An edited excerpt of Regional Procurement's report into this process is reproduced below. A full copy of the report, including details of pricing, is provided under separate cover.

***Regional Procurement (Edited Excerpt of Evaluation Report)***

*Regional Procurement has called an open Panel Source Tender for the Periodic Dewatering of Sludge on behalf of Queanbeyan-Palerang Regional Council.*

*This tender was published on Tenderlink on 7 December 2021.*

**9.3 Panel Contract for Periodic Dewatering of Sludge Services (Ref: ; Author: Hansen/Cunningham) (Continued)**

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*Six tender documents were downloaded from the Tenderlink Portal.*

*Tenders closed at 10.00am on 1 February 2022.*

*The tender has been conducted in accordance with Clause 166(a) of the Local Government (General) Regulation 2021.*

*Conflict of Interest Declarations were signed by all participating evaluation panel members, including the Regional Procurement facilitator, prior to their receipt of Tender submissions.*

*No late tenders were received.*

*All tenderers were noted as active on the ASIC website.*

*All tenderer insurance records were checked against Tender requirements and potential non-conformities were noted in the Evaluation Matrix for the consideration of the panel.*

*All tenders were deemed conforming to the Tender requirements however, due to the large number of proposed contract departures submitted by one particular tender it was determined by the Evaluation Panel that this tender submission was to be passed over.*

*The evaluation was conducted in accordance with the Local Government Tendering Guidelines, Regional Procurement Tendering Code of Conduct and Tendering Evaluation Principles and Process. Confidentiality and probity were maintained throughout the process.*

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

The tender process was conducted in accordance with the s.55 of the *Local Government Act 1993* and associated Regulations.

***Policy***

The tender process conforms to Council's procurements Policies and Directives.

***Financial***

The works are operational in nature and are funded on an "as needed" basis from the operational votes for the respective plants.

**Conclusion**

The report recommends that Council accept the tenders from three of the respondents to Tender T042223QPRC, Periodic Dewatering of Sludge Services, and engage them for an initial period from 1 July 2022 to 30 June 2025 with an option of one (1) year extension subject to satisfactory performance and continuing operational need.

**Attachments**

Attachment 1      T042223QPRC - Sludge Dewatering Panel Contract Tender Evaluation Report (*Under Separate Cover*) - **CONFIDENTIAL**

9.4 Supply and Delivery of One (1) High-Pressure Water Jetting Truck (Ref: ;  
Author: Cunningham/Malvern)

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File Reference: 36.4.1-08

**Summary**

A tender for the supply and delivery of one (1) new high pressure water jetting truck to replace plant 805269.

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**Recommendation**

**That Council accept the tender for supply and delivery of One (1) High-Pressure Water Jetting Truck (VenderPanel VP277308) from <Tender 1>, for the amount of <\$amount A> (including GST), plus on-road costs.**

---

**Background**

Council is responsible for the supply of vital water and sewerage services within five schemes, namely: Queanbeyan, Googong, Captains Flat, Bungendore and Braidwood. High pressure jetting equipment are key tools for the treatment of sewer chokes/blockages. The smaller schemes are able to manage with more compact trailer-based units whilst larger schemes like Queanbeyan and Googong are better served by purpose built heavy vehicle mounted units.

The existing City based jetting truck was purchased in 2006 and is now at the end of its serviceable life. This unit will be sold at auction at the delivery of the replacement unit.

Full details of the tender process and the submissions received are contained in the attachment provided under separate cover.

**Implications**

***Legal***

Open tenders were called and assessed in accordance with s55 of the *Local Government Act 1993* and Part 7 of the *Local Government (General) Regulation 2021*.

***Policy***

The tender process was conducted in accordance with Council's Procurement Policy.

***Financial***

Funding is available from the Internally restricted Plant Fund.

Program Code	Expense Type	Funding source	Amount
800010.3125	Capital	Internally Restricted Plant Fund	\$ <amount A>

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**Conclusion**

The purchase of a new Sewer Jetting truck will continue to enable Council to fulfill its responsibility in maintaining sewerage services to residents in a timely and cost-efficient way. The current plant item is now at the end of its serviceable life. Funding is available for the purchase through Council's plant fund.

**Attachments**

Attachment 1 Tender assessment documentation - High Pressure Water Jetting Truck  
(Under Separate Cover) - **CONFIDENTIAL**



9.5 Request for Category B Donation - Captains Flat Community Association  
(Ref: ; Author: Richards/Mirowski)

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File Reference: GRANTS 11.10.1-4

**Summary**

Captains Flat Community Association has submitted a funding application seeking a QPRC Annual Community Grants Program Category B venue hire donation, to pay venue hire costs for regular meetings of their Seniors Group.

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**Recommendation**

**That Council approve a non-monetary Category B donation of \$1,000 to pay venue costs for Captains Flat Community Association Seniors Group Meetings in the 2021/22 financial year.**

---

**Background**

On 8 February 2022, QPRC's Grants Officer received a written request from Captains Flat Community Association seeking a donation under the QPRC Annual Community Grants Program Category B to pay venue costs for Seniors Group weekly meetings at the Captains Flat Multipurpose Health Centre. The Centre is a QPRC-managed venue. The Association's Treasurer advised that due to COVID-19, the Seniors Group meetings have been intermittent, but they have continued to receive invoices for venue hire.

\$35,000 Category B funds were available for distribution in 2021/22. Under Council's *Donations Policy 2020* (for donations under s.356 of the *Local Government Act 1993*) Category B provides financial assistance to not-for-profit organisations in our LGA that wish to hire a Council facility but are unable to meet this cost. The grant is non-monetary in that the funds are paid directly to the QPRC venue.

The Annual Community Program has one funding round per year, with the 2021/22 funding round closing for application in May 2021. Donations under the program are generally approved by Councillors in one annual batch, with ah-hoc requests outside of the annual funding round being discouraged. The effects of COVID-19 have caused the Program to be under-subscribed in the 2020/21 and 2021/22 financial years. COVID has also caused cancellation or postponement of many events that received Category B funding for venue hire.

Due to funds still being available in the 2021/22 Category B allocation, and the disruption to social gatherings cause by COVID, the Association was invited to submit an out-of-round Category B funding application. The application for a donation of \$1,000 venue hire costs is at **Attachment 1**.

### 9.5 Request for Category B Donation - Captains Flat Community Association (Ref: ; Author: Richards/Mirowski) (Continued)

#### **Implications**

##### ***Legal***

All venues and social events in NSW must have a satisfactory COVID Safety plan in place, to be followed by event conveners and attendees. As Captains Flat Community Association meets at a QPRC-managed venue, a QPRC COVID Safe Plan is in place, which must be followed.

##### ***Social / Cultural***

Social benefits are expected from re-convening weekly meetings of the Captains Flat Seniors Group. These benefits include reducing social isolation for vulnerable rural dwelling seniors, and building community cohesion.

##### ***Financial***

As a QPRC cost saving measure, \$25,000 Category A funds were removed from Council's operational budget for 2021/2022. \$35,000 Category B funds were left available for distribution in 2021/22.

Adequate funds from the 2021/22 Annual Community Program allocation are available to fund this request. A total of \$27,046.50 has been distributed from the 2021/22 Category B allocation, leaving \$7,953.50 still available for distribution in the 2021/22 financial year.

<b>Program Code</b>	<b>Expense Type</b>	<b>Funding source</b>	<b>Amount</b>
10-3180-1025-63150	Donation	QPRC Annual Community Grants & Donations Category B 2021/22	\$1,000

#### **Conclusion**

Due to social gathering disruptions caused by COVID-19 and Category B funds for 2021/22 still being available, an out-of-funding round application was submitted for Council consideration.

#### **Attachments**

Attachment 1      Category B Application - Captains Flat Community Association (*Under Separate Cover*)

10.1 Delivery Program Update - July-December 2021 (Ref: ; Author:  
Monaghan/Tozer)

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**File Reference:** 51.1.2-03

**Report**

Council is required to report to the community at least every six months on its progress in achieving the actions outlined in the Delivery Program. Due to the delay in the election, the Delivery Program officially expired on 30 June 2021, therefore the 2021-22 financial year operates with only an Operational Plan.

Council has prepared the attached update report based on the first six months of the 2021-22 financial year. A further report will be provided in August 2022, which will form the basis of the 2021-22 Annual Report.

The attached update provides councillors and the community with an understanding of the progress Council is making with its capital projects and key performance indicators. The update should be read in conjunction with the second quarter budget review that was presented to Council's 23 February meeting.

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**Recommendation**

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

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**Attachments**

Attachment 1      Delivery Program Update - July-December 2021 (*Under Separate Cover*)





File Reference: 9 March 2022 reports

### **Synopsis**

Council at its meeting on 23 February 2022 resolved (Resolution No 093/22) as follows:

*That:*

- 1. Council publish details of the date a Councillor workshop was held and the workshop topic.*
- 2. Where an external presenter attends a Councillor workshop, publish their name, the organisation they represent and the topic of their presentation to the workshop.*
- 3. For the matters referred to in items 1 and 2 above, publish information in the next available Council business paper following a Councillor workshop, as an information item.*
- 4. Council withhold from publication any information that is of a personal nature or concerns matters for which Council is seeking legal advice or a legal determination, the publication of which could legally disadvantage parties to the matter.*

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### **Recommendation**

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

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### **Report**

During the period 23 February to 2 March 2022, the following workshops were held:

Date	Workshops	Presenter/s (if applicable)
23/02/2022	Poplars Datacentre	Company: DCI Data Centers Presenters: - Vergheese Jacob - Richard Burley - Malcolm roe - Phil Jones - Stuart Joyner
02/03/2022	- Nerriga Replacement Waste Facility - Majors Creek and Araluen Greenwaste - Committee Functions and Structure - Proposed changes to Queanbeyan Civic and Cultural Precinct	

### **Attachments**

Nil



11.1 Amended Local Traffic Committee Meeting Minutes - Supplementary - 8  
February 2022 (Ref: ; Author: Cooke/Stewart)

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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 8 February 2022 for Council's information and consideration.

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**Recommendation**

That Council:

1. Note the minutes of the Local Traffic Committee Meeting held via correspondence on 8 February 2022.
  2. Adopt recommendations LTC 08/2022 to LTC 13/2022 from the meeting held on 8 February 2022.
    - LTC 08/2022 PROPOSED SOLUTION: *Under The Roads Act 1993*, approve the design for the Bungendore off street carpark signage.
    - LTC 09/2022 PROPOSED SOLUTION: *Under The Roads Act 1993*, approve installation of 33m barrier line on Kendall Avenue at intersection of Gilmore Road as per the design.
    - LTC 10/2022 PROPOSED SOLUTION: *Under the Road Transport Act 2013*, approve the parking restrictions and revised line marking and at Mick Sherd carpark as per the design.
    - LTC 11/2022 PROPOSED SOLUTION: *Under Road Transport Act 2013*, approve changes to line marking and signage as per design for Erskine Loop Road, Googong.
    - LTC 12/2022 PROPOSED SOLUTION: *Under The Roads Act 1993*, approve changes to line marking and signage as per design for Cooma St.
    - LTC 13/2022 PROPOSED SOLUTION: *Under The Roads Act 1993*, approve the design for parking restrictions in stage 1 restrictions and change 'Parents with Prams' space in front of Library to 1/4P timed parking on Rutledge Street Queanbeyan as per the revised design.
- 

**Attachments**

Attachment 1 LTC Minutes 8 February 2022 Part 2 (*Under Separate Cover*)



12.1 Affordable Housing (Ref: ; Author: Willis/Willis)

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File Reference: 9 March 2022 motions

**Notice**

Councillors Katrina Willis and Bryce Wilson will move the following motion:

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**Motion**

**That Council:**

1. **Notes the challenges in our communities around the supply and access to social, community and affordable housing.**
  2. **Further notes the impacts of these challenges on the individual through to our local economies.**
  3. **As such, prepares an Affordable Housing Strategy for the local government area.**
  4. **Conducts a workshop for councillors to consider what the strategy should incorporate and the best way to develop it.**
  5. **Consults with social housing providers, groups assisting residents in need of crisis accommodation and the NSW Government in developing the strategy.**
  6. **Provides an opportunity for community feedback on a draft strategy.**
  7. **Sources funds to prepare the strategy (if required to outsource).**
  8. **Includes the strategy in the current term Delivery Plan.**
  9. **Completes the strategy as soon as practicable, but no later than July 2022.**
- 

**Background**

Like much of regional Australia, housing in our local government area has become increasingly unaffordable for people on very low, low and moderate incomes.

Even as more and more homes are being built in Queanbeyan-Palerang, and growth is forecast to continue for some time, additional supply has not improved affordability.

While many factors affecting the cost of housing are beyond the legislative reach of local government, councils determine zonings and plan for housing development.

An affordable housing strategy can guide future housing development to meet social needs, provide more affordable housing and reduce the risk of people becoming homeless.

The particular needs of and challenges in each of our towns and villages should be considered in an affordable housing strategy.

An affordable housing strategy will complement the NSW Government's Housing 2041 Strategy under which QPRC will participate in a pilot program for new housing models.

This proposal includes consultation with the community housing sector and the NSW government which provides public housing.

**12.1 Affordable Housing (Ref: ; Author: Willis/Willis) (Continued)**

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A number of councils in regional NSW have developed similar strategies in recent years, including Shoalhaven, Bega, Wingecarribee, Orange and Snowy-Monaro, and QPRC may be able to draw on some of their experiences.

**Note by Staff**

Funds are not included in the current budget for this work and consideration of this strategy should be referred to the 2022/2023 budget process. This work is likely to cost from \$50,000 to \$80,000.

Staff will not be able to meet the time frames proposed and a completion date of June 2023 is more realistic assuming suitable provision is made in the 2022/2023 budget to complete this work.

It should also be noted that the State Government are presently commencing work on a Regional Housing Strategy using QPRC as a pilot for the inclusion of affordable housing as a component in that strategy. This work will be at no cost to Council and would align well with the work proposed in this notice of motion.

**Attachments**

Nil

## NOTICE OF MOTIONS

**12.2 Cities Power Partnership (Ref: ; Author: Willis/Willis)**

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**File Reference:** 9 March 2022 motions

**Notice**

Councillor Katrina Willis will move the following motion:

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**Motion**

**That Council:**

- 1. Join the Cities Power Partnership.**
  - 2. Use its participation in the Partnership to build on the QPRC Council and community climate action plans.**
  - 3. Seek community input on the five actions Council commits to as part of the partnership program.**
- 

**Background**

The Cities Power Partnership is an alliance of more than 165 local governments, forging ahead with strong climate action to reduce greenhouse gases and reach net zero emissions as quickly as possible. Membership is free.

The Partnership, whose members represent two-thirds of the Australian population, supports local councils with knowledge and tools to drive change, to learn from each other, and to work together to maximise the gains that can be made.

Each participating council commits to taking five actions from a range of options across renewable energy, energy efficiency, sustainable transport and advocacy for change. Actions can support residential, commercial and community activities.

QPRC staff recommended Council join the Partnership in 2018.

During development of the Queanbeyan-Palerang Climate Action Plans for Council and the community, people expressed a desire for ambitious action and strong measures. The importance of climate action was reinforced in early consultations last year on a new community strategic plan.

Joining the Cities Power Partnership sends a strong signal to our community of Council's commitment to real climate action, and provides practical means to support this.

Some staff time will be needed to help develop Council's five actions. Actions that require funding outside of existing program allocations will need to be considered in developing the operational plan or grants sought.

**Staff Comment**

The current Climate Action Plans already contain numerous projects that would be suitable for this partnership. As the plans have already been exhibited, a report containing a list of suitable projects could be provided to Council for consideration at the next meeting without requiring re-exhibition.

**Attachments**

Nil





13.1 Delegates Report (Ref: ; Author: Hansen/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.**

<b>Cr Kenrick Winchester</b>		
<b>No</b>	<b>Meeting/Function/Event Attended</b>	<b>Summary of Key Points</b>
1	Canberra Regional Joint Organisation (CRJO) meeting – 25 February 2022	<ul style="list-style-type: none"> <li>• <b>Election of Chair and Deputy Chair</b> Cr Russell Fitzpatrick was elected as CRJO Chair and Cr Narelle Davis was elected as CRJO Deputy Chair.</li> <li>• <b>CRJO Drought Resilience Pilot Program Proposal</b> <i>The CRJO Board:</i> <ol style="list-style-type: none"> <li>1. <i>Noted the proposal from the CRJO to coordinate the delivery of a pilot Drought Resilience project in Upper Lachlan Shire and Hilltops LGAs aligned to the Blueprint for a Resilient South East NSW project</i></li> <li>2. <i>Delegated contract signing to the CEO CRJO for the project with the consent of the participating Councils</i></li> </ol> </li> <li>• <b>Acknowledgment – Mr Peter Tegart</b> <i>The CRJO acknowledge the outstanding contribution to the work of the CRJO by outgoing GM of Queanbeyan Palerang City Council, Mr Peter Tegart, and wish him well in his future endeavours.</i></li> <li>• <b>Presentations</b> <ul style="list-style-type: none"> <li>- South East and Tablelands Regional Plan and Transport Plan</li> <li>- NSW Office of Local Government Regional NSW</li> </ul> </li> <li>• <b>Intergovernmental Collaborators</b> <ul style="list-style-type: none"> <li>- Regional NSW</li> <li>- ACT Government</li> </ul> <i>The CRJO Board:</i> </li> </ul>

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

		<ol style="list-style-type: none"> <li>1. <b>Endorsed</b> the attached draft Canberra Region Economic Development Strategy (CREDS) as a framework for strategic regional collaboration, in line with the pillars and approach detailed below; and</li> <li>2. <b>Delegated</b> to the General Managers Advisory Group (GMAG) any further work with the ACT and NSW Governments to finalise the CREDS document; and</li> <li>3. <b>Noted</b> the CREDS publication date and any associated launch activities to be subsequently agreed between the CRJO Chair and the respective Offices of the ACT Chief Minister and NSW Deputy Premier. <ul style="list-style-type: none"> <li>- Office of the Cross Border Commissioner</li> </ul> </li> </ol> <ul style="list-style-type: none"> <li>• <b>Current Programs and Projects at CRJO</b> <ul style="list-style-type: none"> <li>- Resilience Projects</li> <li>- Council Regional Capacity Building Program (CRCB) 2019-2022</li> <li>- Regional Waste and Resource Recovery Program</li> <li>- Finance Report</li> </ul> </li> <li>• <b>Recruitment of CEO</b></li> </ul>
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**Attachments**

Nil

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

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**File reference:** 9 March 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.

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**Recommendation**

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

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**Attachments**

- |              |  |
|--------------|--|
| Attachment 1 | Responses to Councillors Questions - no confidential information ( <i>Under Separate Cover</i> )                         |
| Attachment 2 | Responses to Councillors Questions - with confidential information ( <i>Under Separate Cover</i> ) - <b>CONFIDENTIAL</b> |



**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*.