



Ordinary Meeting of Council

AGENDA

25 May 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/>

Statement of Ethical Obligations

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

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

On-site Inspection for DA.2021.1628

5.00pm on Monday, 23 May 2022

34 Powell Drive Carwoola

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

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

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4 CONFIRMATION OF MINUTES

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5 DISCLOSURES OF INTERESTS

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Attachment 2	DA.2021.1153 - Plans - 360A Lanyon Drive, Tralee (Under Separate Cover)
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- Item 9.3 Development Application DA.2021.1672 - Construction of Two Sheds - 124 Hickey Road, Sutton
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- Item 9.5 Approval to Remediate Council Land
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- Item 9.6 Local Government Recovery Grant - Flooding on 22 February 2022 Onwards
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- Item 9.8 Approval to make Application to Incorporate Parts of Nimrod and Mountain Roads into the Queanbeyan Sewage Treatment Plant Site Lease
- Attachment 1 Proposed extent of works following purchase of parts of Mountain and Nimrod Road (Under Separate Cover)*
- Item 9.10 Draft Resourcing Strategy
- Attachment 1 Draft Workforce Management Strategy 2022-26 (Under Separate Cover)*
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- Item 9.12 Quarterly Budget Review Statement for the Quarter Ending 31st March 2022
- Attachment 1 March 2022 Quarterly Budget Review (Under Separate Cover)*
- Item 9.13 Investment Report - April 2022
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- Attachment 2 Portfolio Fossil Fuel Report - April 2022 (Under Separate Cover)*
- Item 10.1 Bungendore High School Status Update
- Attachment 1 Summary of Council Workshops, Agenda Reports and Council Resolutions Timeline (Under Separate Cover)*
- Item 11.1 QPRC Sports Council Meeting Minutes - February 2022
- Attachment 1 QPRC Sports Council Minutes February 2022 (Under Separate Cover)*
- Item 14.1 Responses to Councillors' Questions
- Attachment 1 Responses to Councillors' Questions (Under Separate Cover)*

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- Item 9.7 RFT 2020-59 - Lascelles Street upgrade
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- Item 9.9 Queanbeyan Aquatic Centre Boiler Upgrade
- Attachment 1 Tender Evaluation Report - Queanbeyan Aquatic Centre Boiler Upgrade (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 at the Council Chambers, 253 Crawford St, Queanbeyan on Wednesday, 11 May 2022 commencing at 5.30pm.

ATTENDANCE

Councillors: Cr Winchester (Chairperson)
Cr Biscotti
Cr Burton
Cr Grundy
Cr Livermore
Cr Preston
Cr Taskovski
Cr Webster
Cr Willis
Cr Wilson

Staff: R Ryan, CEO
P Hansen, Portfolio General Manager Community Connections
M Thompson, Portfolio General Manager Natural and Built Character
J Richards, Portfolio General Manager Community Choice
K Monaghan, Portfolio General Manager Organisational Capability

Also Present: W Blakey, Clerk of the Meeting
C Flint, Minute Secretary

1. OPENING

The meeting commenced at 5.37pm.

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

185/22

RESOLVED (Winchester/Biscotti)

That apology for non-attendance from Cr Ternouth be received and that leave of absence be granted.

The resolution was carried unanimously.

4. CONFIRMATION OF MINUTES

186/22

4.1 Minutes of the Ordinary Meeting of Council held on 27 April 2022**RESOLVED (Winchester/Biscotti)**

That the Minutes of the Ordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday 27 April 2022 be confirmed.

The resolution was carried unanimously.

5. DISCLOSURES OF INTERESTS

187/22

RESOLVED (Winchester/Biscotti)

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

The resolution was carried unanimously.

Cr Preston declared a less than significant non-pecuniary interest in Item 9.6: Application for a QPRC Cultural Grant 2021/22 (Songs by Sondhiem), stating he is well known to the applicant and is assisting in producing the performance.

Cr Taskovski declared a significant pecuniary interest in Item 9.1: Road Naming Proposal – Jumping Creek – Greenleigh, stating he is a member of the specified company or other body.

6. ADJOURNMENT FOR PUBLIC FORUM

At this stage of the proceedings, the time being 5.41pm, Cr Winchester advised that the meeting should now adjourn for the Public Forum.

188/22

RESOLVED (Winchester/Preston)

That the meeting be adjourned to conduct the Public Forum.

The resolution was carried unanimously.

ADJOURNMENT: The meeting adjourned for the Public Forum at 5.41pm and resumed at 5.53pm.

7. MAYORAL MINUTE

There was no Mayoral Minute.

8. NOTICES OF MOTIONS OF RESCISSION

There were no Notices of Motions of Rescission.

9. REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

Cr Taskovski declared an interest in the following item and left the Chambers at 5.53pm.

9.1 Road Naming Proposal - Jumping Creek - Greenleigh

189/22

RESOLVED (Willis/Grundy)

That Council:

1. Adopt in principle the following proposed names for the new roads created within the Jumping Creek development area:
 - Bedrock Street
 - Bushland View
 - Jumping Creek Road
 - Kiln Lane
 - Limeburner Way
 - Marchiori Crescent
 - Petralia Street
 - Primrose Avenue
 - Rottenbury Crescent
 - Sayersbury Street
 - Shannon Terrance
2. Exhibit the names for public comment for 28 days.
3. Publish a notice in the NSW Government Gazette if no objections are received.

For: Crs Biscotti, Burton, Grundy, Webster, Willis, Wilson and Winchester

Against: Crs Livermore and Preston

Cr Taskovski returned to the meeting at 5.58pm.

190/22 **9.2 Road Naming Proposal - Stage 1 Elm Grove Estate - Bungendore**
RESOLVED (Biscotti/Burton)

That Council:

1. Adopt in principle the following proposed names for the new roads created within the Stage 1 Elm Grove development area:
 - Birchfield Drive
 - Cobb Court
 - Harp Avenue
 - McClung Drive
 - Nelson Terrace
 - Strathmore Place
 - Whitton Rise
2. Exhibit the names for public comment for 28 days.
3. Publish a notice in the NSW Government Gazette if no objections are received.

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

191/22 **9.3 Road Naming Proposal - Blacksmiths Lane - Queanbeyan**
RESOLVED (Webster/Biscotti)

That Council:

1. Adopt in principle the name, Blacksmiths Lane, as the proposed name for the existing laneway off Monaro Street, Queanbeyan.
2. Advertise the name for public comment for 28 days.
3. Publish a notice in the NSW Government Gazette confirming the name if no objections are received.

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

192/22 **9.4 Opportunity to Participate in a Shared Scheme E-scooter Trial**
RESOLVED (Biscotti/Burton)

That Council endorse the expression of interest to participate in the 12-month trial of share scheme e-scooters commencing in July 2022 for Googong Township.

The resolution was carried unanimously.

9.5 Establishment of a Section 355 Committee for Mongarlowe Community Hall

193/22

RESOLVED (Willis/Preston)

That Council:

1. Approve the establishment of a Section 355 Committee to manage the Mongarlowe Community Hall.
2. Seek reports from this Section 355 Committee in line with the requirements outlined in the Section 355 Committee Guidelines.

The resolution was carried unanimously.

9.6 Application for a QPRC Cultural Grant 2021/22

194/22

RESOLVED (Webster/Taskovski)

That Council approve a Cultural Grant donation of \$1,200 to assist with costs of staging a concert at Bungendore War Memorial Hall on 4 June 2022.

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

Cr Preston declared an interest in this item and did not vote.

9.7 QPRC Disability Inclusion Action Plan 2022 - 2026

195/22

RESOLVED (Willis/Taskovski)

That Council:

1. Place the QPRC Disability Inclusion Action Plan (2022 – 2026) on public exhibition via Your Voice for 28 days.
2. Adopt the Disability Inclusion Action Plan (2022 – 2026) if no submissions are received.
3. If submissions are received, receive a further report considering the submissions made during the exhibition period.

The resolution was carried unanimously.

9.8 QPRC Community Strategic Plan**MOVED (Willis/Preston)**

That Council endorse the amended Queanbeyan-Palerang Community Strategic Plan 2042 including the following statement for the vision:

Queanbeyan-Palerang has a strong community spirit and a sense of pride.

Our people are welcoming and inclusive, enjoying a safe and relaxed country lifestyle supported by a healthy natural environment rich in biodiversity that we work to protect.

We acknowledge the First Nations peoples' history of our area and our Traditional Owners as custodians of the lands on which we live, and we respect their ongoing relationship with these lands.

We appreciate our urban and rural green spaces and rivers, and value our rich cultural history, built heritage and productive rural lands.

Our vibrant city and towns, small villages and rural districts reflect our cultural and creative diversity.

Our people have access to a range of services, facilities, educational and employment opportunities that meet their needs and support a strong sense of wellbeing.

With a generosity of spirit, we support those in our community in need, and our prosperity takes account of the needs of future generations.

AMENDMENT (Grundy/Biscotti)

That Council endorse the amended Queanbeyan-Palerang Community Strategic Plan 2042 including the following statement for the vision:

Our area is a safe, inclusive and relaxed place rich in cultural history and offering a wonderful country lifestyle for all members of our community to enjoy and thrive in. Our community has access to fulfilling and engaging employment, education and creative opportunities. Our diverse community has a sense of pride and can enjoy excellent services and facilities while experiencing the benefits of a sustainably growing area that has a healthy natural environment.

With consent of the seconder, Cr Grundy WITHDREW the amendment.

AMENDMENT (Winchester/Wilson)

That Council defer consideration of the QPRC Community Strategic Plan to 25 May 2022 Ordinary Council meeting.

The amendment (of Crs Winchester and Wilson) was PUT and CARRIED and became the motion.

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

Against: Crs Biscotti, Preston and Webster

196/22

RESOLVED (Winchester/Wilson)

That Council defer consideration of the QPRC Community Strategic Plan to 25 May 2022 Ordinary Council meeting.

The resolution was carried unanimously.

9.9 Rescinding of Former Palerang Council and Queanbeyan City Council Policies

197/22

RESOLVED (Willis/Wilson)

That the following former QCC and Palerang Policies be rescinded:

1. Libraries Policy for Young People
2. Library Collections Policy
3. Library Services Policy
4. Sale of Council Land Policy
5. Hawker Peddler Policy
6. Independent Assessment of Development Applications where Council has a Conflict of Interest Policy
7. PCA Inspection and Certification Policy
8. Revolving Energy Reserve Policy
9. Signs on Railway Land Policy
10. Stormwater Disposal Rural Residential Land Policy
11. Testimonial Dinners for Long Serving Staff Members Policy
12. Use of Revenue from Mobile Communications Infrastructure Policy
13. Water Meters and Water Supply Policy
14. Water Meter Size Reassessment Policy
15. Water Meters Raised, Lowered or Relocated Policy
16. Access Charges – Fire Fighting Policy
17. Footpath Maintenance Policy
18. Archival Photographs – Heritage Buildings

The resolution was carried unanimously.

- 198/22 **9.10 QPRC Internal Audit Charter**
 RESOLVED (Willis/Wilson)
 That Council approve the Internal Audit Charter.

 The resolution was carried unanimously.

10. REPORTS TO COUNCIL - ITEMS FOR INFORMATION

- 199/22 **10.1 Affordable Housing Strategy for QPRC**
 RESOLVED (Wilson/Taskovski)
 That the report be received for information.

 The resolution was carried unanimously.
- 200/22 **10.2 Exclusion of Item of Business from 28 April 2022 Council Meeting**
 RESOLVED (Willis/Webster)
 That the report be received for information.

 The resolution was carried unanimously.
- 201/22 **10.3 Councillor Workshops**
 RESOLVED (Biscotti/Willis)
 That the report be received for information.

 The resolution was carried unanimously.

11. REPORTS OF COMMITTEES

- There were no Reports of Committees.
- 202/22 **PROCEDURAL MOTION**
 RESOLVED (Preston/Webster)
 That Items 15 and 16.1 be brought forward for consideration at this juncture.

 The resolution was carried unanimously.

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, there were any presentations as to why the matters listed below should not be dealt with in Closed Session.

There were no presentations.

16. REPORTS FOR CLOSED SESSION

203/22

RESOLVED (Winchester/Taskovski)

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 Bungendore Office and Property Development

Item 16.1 is confidential in accordance with s10(A) (g) of the Local Government Act 1993 because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

The resolution was carried unanimously.

The meeting then moved into Closed Session at 6.25pm to discuss the matters listed above.

16.1 Bungendore Office and Property Development

204/22

RESOLVED (Biscotti/Burton)

That Council:

1. Note the gazettal of the compulsory acquisition of Lots 12-14 of DP 1139067, Lot 3 of DP830878, part of Lot 701 of DP1027107 being Lot 1 in proposed DP 1276282, the part of lot 701 of DP96240 being Lot 1 in proposed DP1276285, and part of Majara Street Road Reserve identified as Lot 1 in proposed DP1276279.
2. Note the claims for compensation prepared by Council as required by the *Land Acquisition (Just Terms Compensation) Act 1991*.
3. Receive a further report once an offer for compensation has been received from DoE.
4. Authorise the CEO to execute the lease documents for 2 Majara Street, 10 Majara Street and the Bungendore Pool.
5. Following receipt of part or all of the compensation:
 - a. Authorise the CEO to commence negotiations to purchase land suitable for temporary office accommodation.
 - b. Prepare and submit a development application for the construction of the proposed new administration building on 19-21 Gibraltar Street Bungendore.
 - c. Commence the design and approvals for the construction of the new pool at the Bungendore Recreation Facility.
6. Authorise the CEO to negotiate with DoE on the items not included in the current compensation process.
7. Authorise the CEO to discuss with Abbeyfield the suitability of the northern section of Majara Street for their proposed development.
8. Authorise the CEO to recommence discussions with DoE on joint use agreements if and when required for Mick Sherd Oval, the new library and the new community facility.

For: Crs Biscotti, Burton, Grundy, Livermore, Taskovski,
Webster, Wilson and Winchester

Against: Crs Preston and Willis

205/22

RESOLVED (Winchester/Burton)

That the meeting now return to Open Session.

The resolution was carried unanimously.

The meeting returned to Open Session at 7.12pm.

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.

Item 12.1 was brought forward at this juncture.

12. NOTICES OF MOTIONS

12.1 Bungendore High School Precinct

MOVED (Grundy/Biscotti)

That Council:

1. Staff prepare a report on the status of the Bungendore High School SSD proposal following the recent passage of associated compulsory acquisition of lands.
2. Note that Council was briefed by the Department of Education on the Bungendore High School proposal in a number of workshops in February and April 2022.
3. Note the recent passage of the compulsory acquisition of associated lands.
4. Being of the very strong view that Bungendore should have a High School and with the understanding that the Department of Education is progressing with the Bungendore High School Majara/Gibraltar precinct site proposal, despite Council's best efforts to have the Bungendore High School moved to an alternate site, acknowledges the need to work with the DoE to secure the best possible outcome for the community as a whole.
5. Considerate of point 4, notifies the DoE of Council's in-principle support for the Majara/Gibraltar precinct site to ensure the Bungendore High School is delivered for the community as expected.

AMENDMENT (Preston/Webster)

That Council:

1. Staff prepare a report on the status of the Bungendore High School SSD proposal following the recent passage of associated compulsory acquisition of lands.
2. Note that Council was briefed by the Department of Education on the Bungendore High School proposal in a number of workshops in February and April 2022.
3. Given the recent passage of the compulsory acquisition of associated lands by DoE, note the Resolution of Item 16.1 indicating Council's ongoing engagement with this situation.

The amendment (of Crs Preston and Webster) was PUT and CARRIED and became the motion.

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

Against: Crs Biscotti, Burton and Grundy

206/22

RESOLVED (Preston/Webster)

That Council:

1. Staff prepare a report on the status of the Bungendore High School SSD proposal following the recent passage of associated compulsory acquisition of lands.
2. Note that Council was briefed by the Department of Education on the Bungendore High School proposal in a number of workshops in February and April 2022.
3. Given the recent passage of the compulsory acquisition of associated lands by DoE, note the Resolution of Item 16.1 indicating Council's ongoing engagement with this situation.

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

Against: Crs Biscotti, Burton and Grundy

13. REPORTS TO COUNCIL - DELEGATES REPORTS

There were no Delegates' Reports.

14. QUESTIONS WITH NOTICE

There were no Questions with Notice.

17. CONCLUSION OF THE MEETING

The time being 7.38pm, the Mayor announced that the Agenda for the meeting had now been completed.

CR KENRICK WINCHESTER
MAYOR
CHAIRPERSON

ITEM 5 DECLARATION OF CONFLICTS/PECUNIARY INTERESTS

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

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

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

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

Recommendation

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

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.1 Development Application DA.2021.1153 - 59 Lot Torrens Title Business and Industrial Subdivision with Two Residual Lots - 360A Lanyon Drive, Tralee (Ref: ; Author: Harlor/McManus)

File Reference: DA.2021.1153

Summary

Reason for Referral to Council

This application has been referred to Council because it is for a major subdivision exceeding 50 or more lots.

Proposal:	59 Lot Torrens Title Subdivision with two residual lots, and associated roads and subdivision construction works (business and industrial use lots)
Applicant/Owner:	Canberra Estates Consortium 69 Pty Limited / The Village Building Co. Limited
Subject Property:	Lot 1 DP 1271857, Lot 2 1271857 (formally known as Lot 3 and 6 DP 239080), Lot 1 DP 323002 and Lot 1 DP 313299, 360A Lanyon Drive, Tralee
Zoning and Permissibility:	<ul style="list-style-type: none"> • C2 Environmental Conservation (Queanbeyan Local Environmental Plan [West Jerrabomberra] 2013) (partially), • RE2 Private Recreation (Queanbeyan Local Environmental Plan [West Jerrabomberra] 2013) (partially), • RU2 Rural Landscape (Queanbeyan Local Environmental Plan [West Jerrabomberra] 2013) (partially), • IN2 Light Industrial (Queanbeyan Local Environmental Plan [West Jerrabomberra] 2013) (partially), • B7 Business Park (Queanbeyan Local Environmental Plan [West Jerrabomberra] 2013) (partially), • DM Deferred Matter (Queanbeyan City Council LEP 2012) (partially) and 1(a) Rural A Zone (QCC 1998)
Public Submissions:	Three
Issues Discussed:	Planning & Engineering requirements, biodiversity, landscaping and visual walls
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.2021.1153 - 59 Lot Torrens Title Business and Industrial Subdivision with Two Residual Lots - 360A Lanyon Drive, Tralee (Ref: ; Author: Harlor/McManus) (Continued)

Recommendation

That:

- 1. Subject to the registration of the subdivision of land to create allotments for the Queanbeyan-Palerang Regional Sports Complex and parent lot for this proposed industrial subdivision (see Figure 3 of this report), the CEO be granted delegated authority to determine development application DA.2021.1153 for Subdivision – 59 lot Torrens Title - Business Park and Industrial with two residual lots on Lot 1 DP 1271857 No. 360A Lanyon Drive, Tralee.**
 - 2. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.**
 - 3. All relevant State Government concurrence and integrated referral authorities be forwarded a copy of Council's Notice of Determination.**
-

Background

South Jerrabomberra is a new land release area within Jerrabomberra. It includes a number of localities including South Tralee, South Jerrabomberra and North Tralee.

The South Jerrabomberra Structure Plan was endorsed by Council and the Department of Planning in May of 2014 with development applications being considered since this time.

The urban release area is aiding in facilitating the population growth of the South East and Tablelands which is included in the State Governments Regional Plan. The proposal aims to facilitate the population growth in regard to providing employment opportunities until 2036.

The land subject to this development application DA.2021.1253 includes the land on which the Regional Sports Complex is proposed. The land comprises three zones under the *Queanbeyan Local Environmental Plan (West Jerrabomberra) (QLEP WJ) 2013* and minimum lot sizes of 80ha and 2000m².

- IN2-Light Industrial
- RU2-Rural Landscape and
- C2-Environmental Conservation

9.1 Development Application DA.2021.1153 - 59 Lot Torrens Title Business and Industrial Subdivision with Two Residual Lots - 360A Lanyon Drive, Tralee (Ref: ; Author: Harlor/McManus) (Continued)

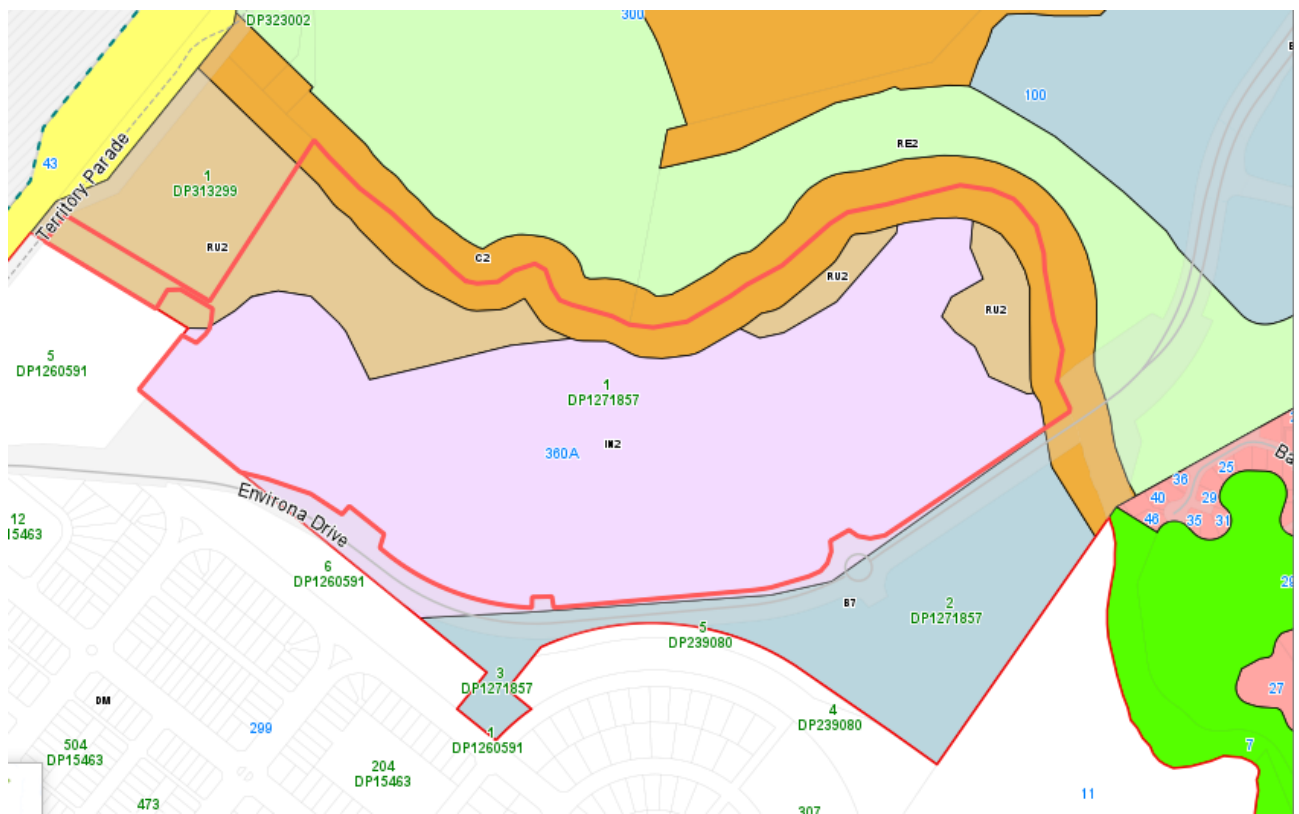


Figure 1 – Existing Zoning of Site

The land on which the proposed industrial subdivision relates has a minimum lot size of 2000m² and is Zoned IN2 – Light Industrial. The remaining land does not meet the minimum lot size under the QLEP (WJ) 2013.

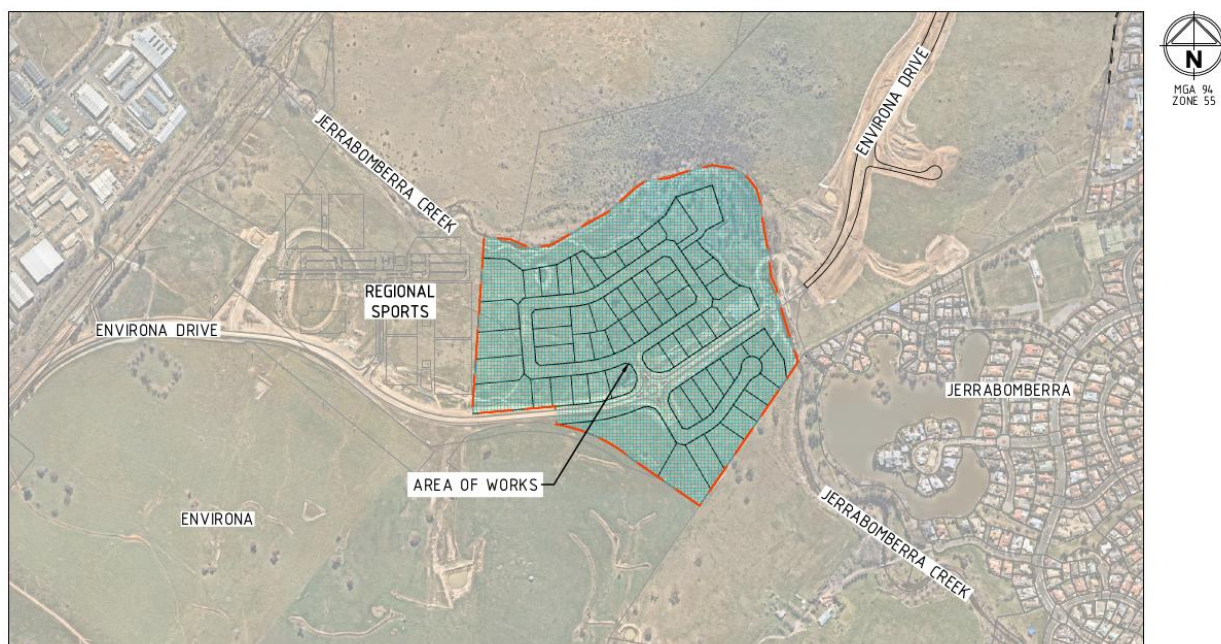


Figure 2 – Proposed Subdivision Layout

9.1 Development Application DA.2021.1153 - 59 Lot Torrens Title Business and Industrial Subdivision with Two Residual Lots - 360A Lanyon Drive, Tralee (Ref: ; Author: Harlor/McManus) (Continued)

The proposed subdivision would not satisfy the minimum lot size, clause 4.1 of the *QLEP(WJ) 2013* for the remaining land. In response to this, the applicant applied for a subdivision, simultaneously to this DA, to excise a lot of land for a public purpose as exempt development under the *State Environmental Planning Policy (Exempt and Complying Development Code) 2008*. The public purpose use is for the Regional Sports Complex (17.7ha) and part of the non-developable land along Jerrabomberra Creek (4.7ha). The total area for public purpose is 22.4ha.

This is relevant for two reasons:

- 1) The land on which the Regional Sports Complex is located is to be dedicated to the Council within 3 months of the registration of a subdivision (*Jerrabomberra Innovation Precinct Infrastructure Planning Agreement 2020*) Until the land is registered the dedication to Council is delayed ;and
- 2) The land subject to the current DA is on a proposed lot that has subdivision approval but is yet to be formally registered. The registration is imminent. Until the lot is registered, the issue of noncompliance with the minimum lot size under the *QLEP WJ* remains.

To resolve this, it is recommended that the determination of DA.2021.1153 for subdivision of land and associated works to create 59 Torrens title subdivision with two residual lots on proposed Lot 2 DP 1271857, No 360A Lanyon Drive Tralee be delegated to the CEO once the plan of subdivision is registered with NSW Land Registry Services.

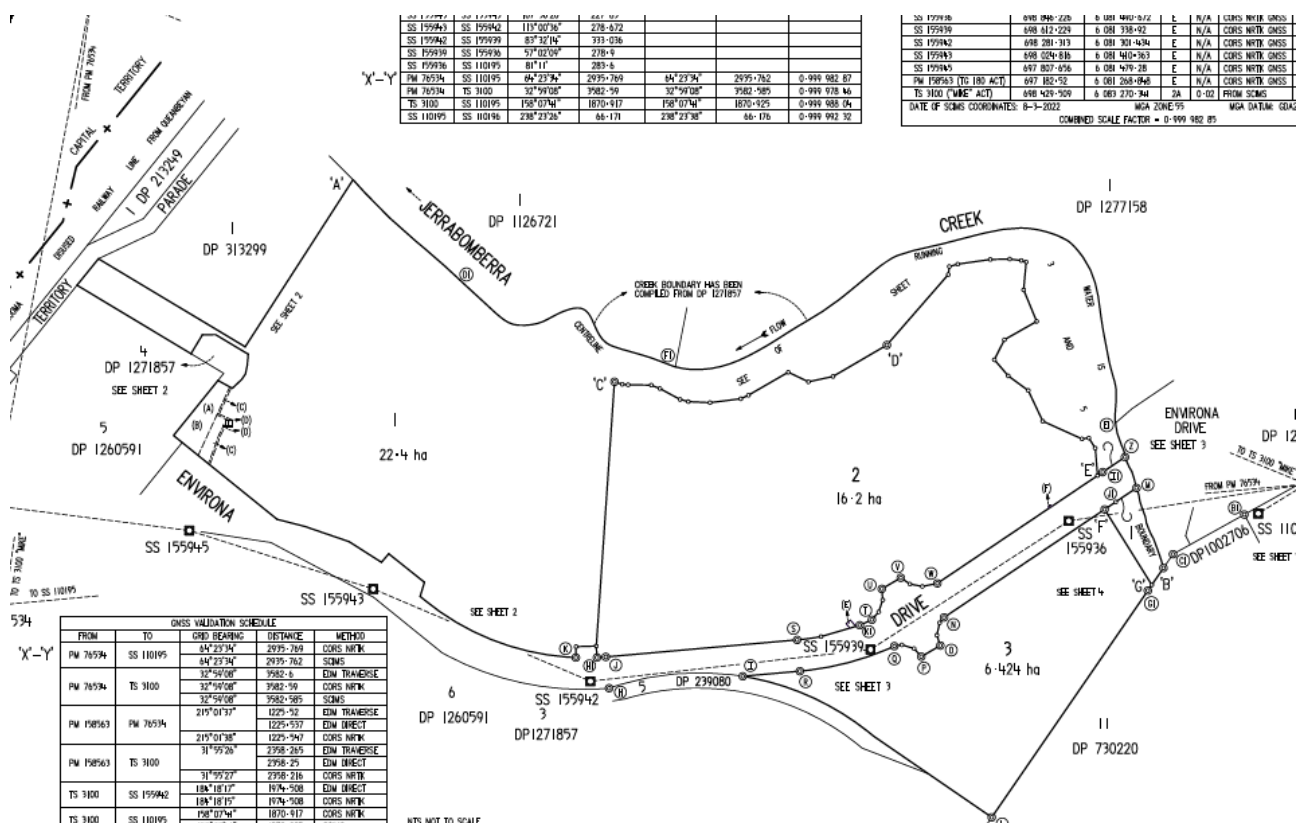


Figure 3 - Extract of the approved, but unregistered plan of subdivision excising the Regional Sports Complex from the subject

In the interim this report gives Council an opportunity to raise any matters relating to the determination of the application that it believes the CEO should take into account.

9.1 Development Application DA.2021.1153 - 59 Lot Torrens Title Business and Industrial Subdivision with Two Residual Lots - 360A Lanyon Drive, Tralee (Ref: ; Author: Harlor/McManus) (Continued)

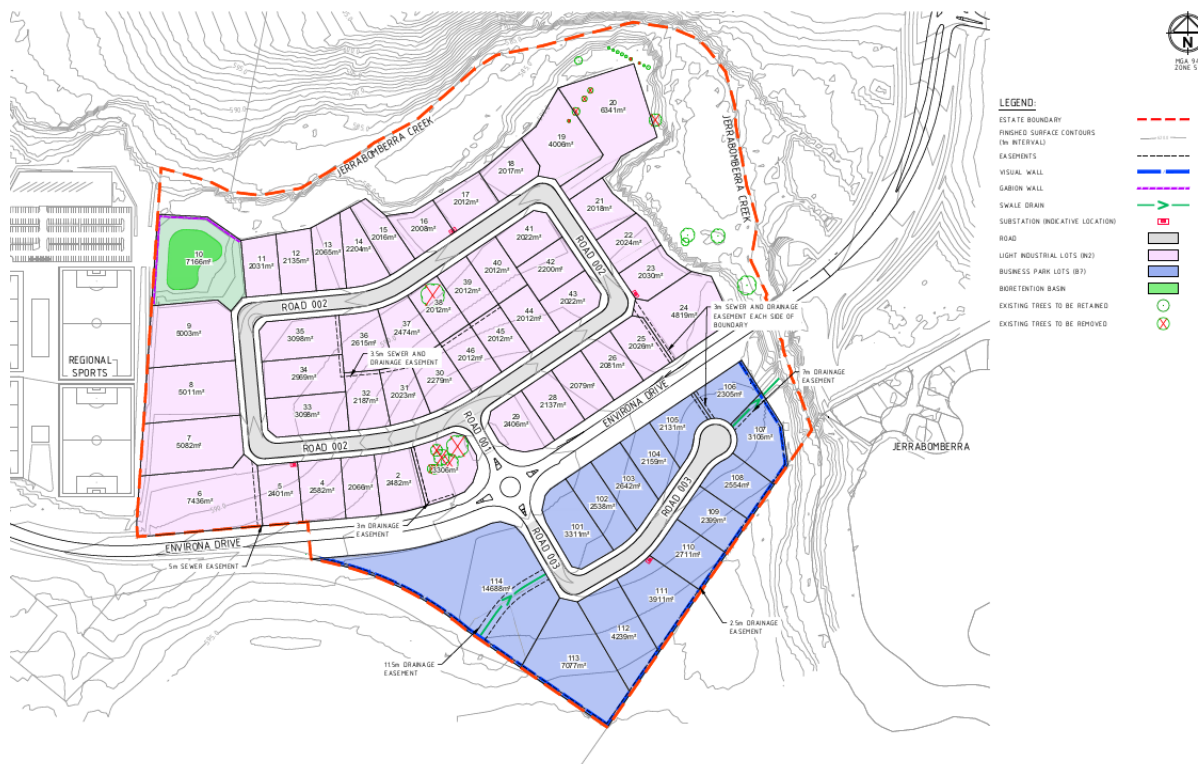


Figure 5: General arrangement plan (Prepared by Spiire)

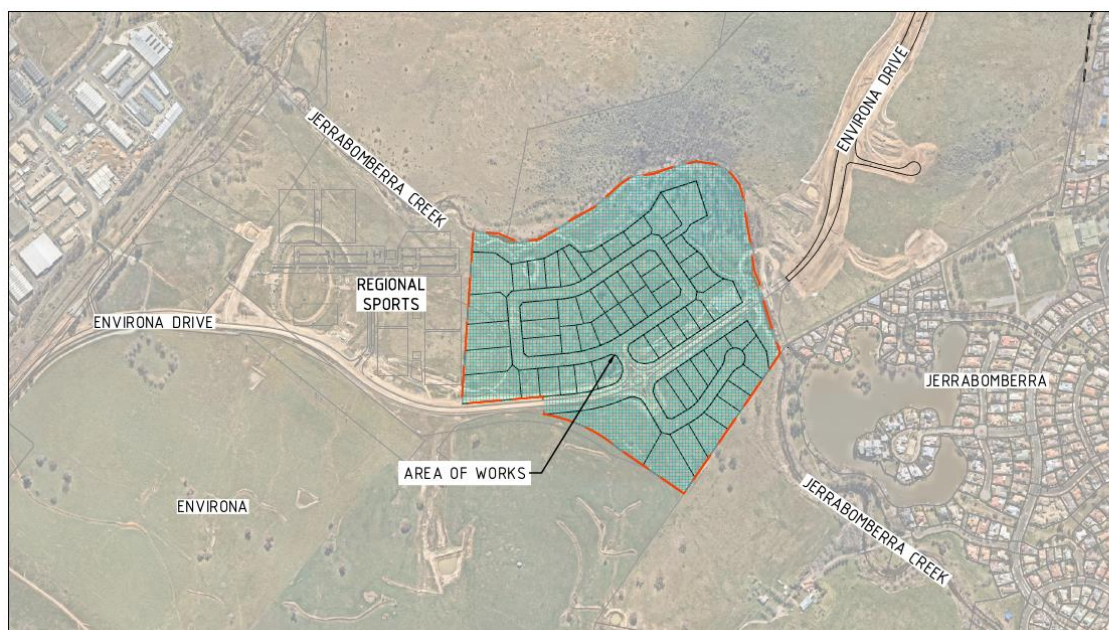


Figure 6: Locality plan indicating site and works area (Prepared by Spiire)

9.1 Development Application DA.2021.1153 - 59 Lot Torrens Title Business and Industrial Subdivision with Two Residual Lots - 360A Lanyon Drive, Tralee (Ref: ; Author: Harlor/McManus) (Continued)

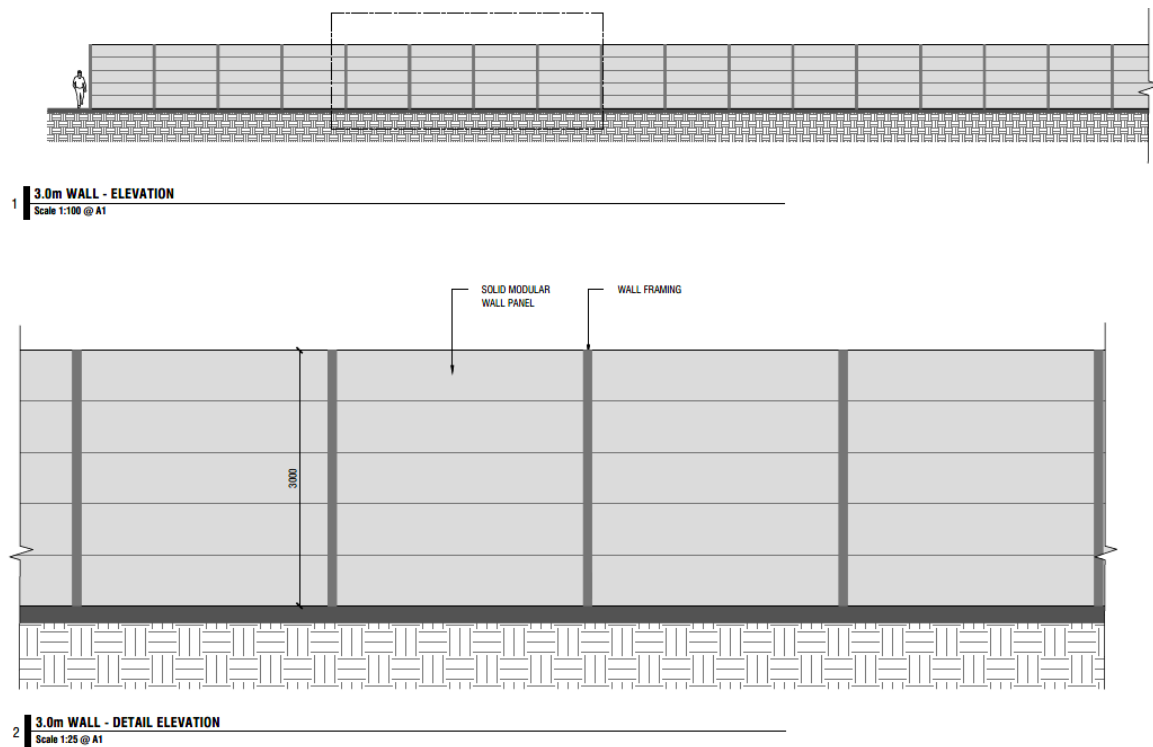


Figure 7: Detailed design of wall (Prepared by Spiire)

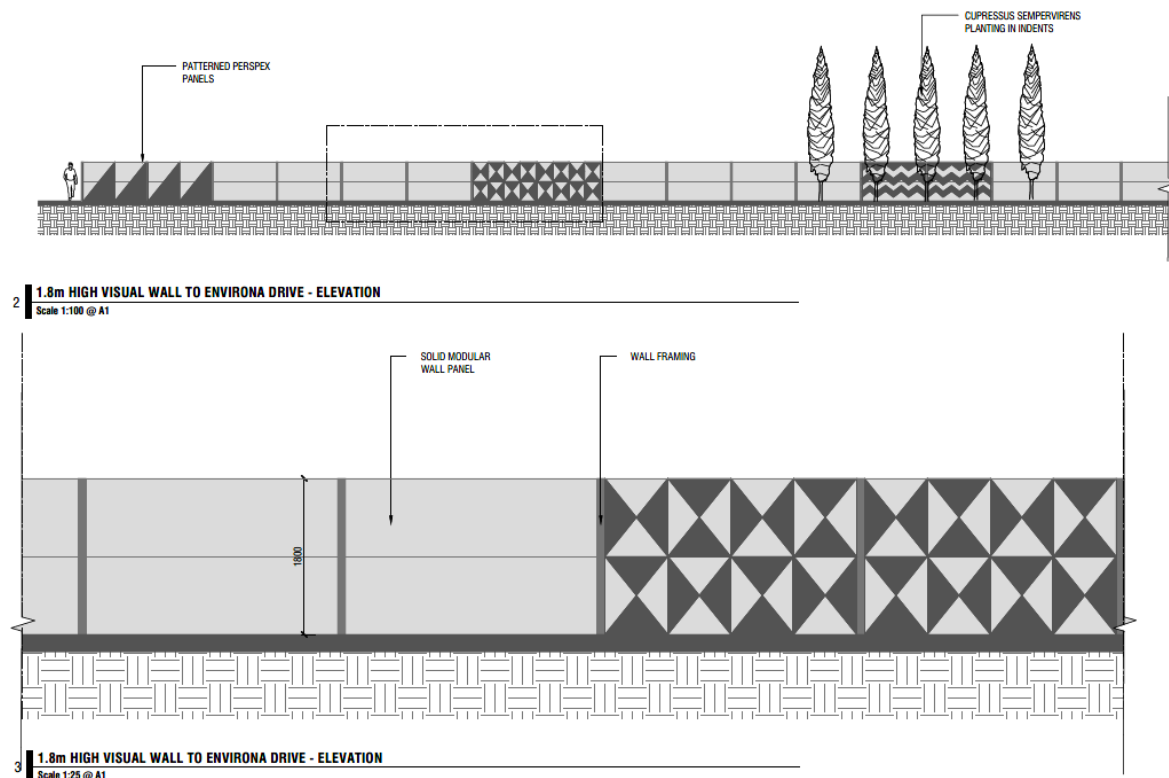


Figure 8 & 9 1.8m visual wall proposed along the rear boundaries of the lots adjoining Envirova Drive (Prepared by Spiire)

Planning Requirements

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

- The development generally satisfies the requirements and achieves the objectives of these planning instruments. Refer to attached Section 4.15 Table – Matters for Consideration for detailed assessment.

The site for the proposed subdivision is located within land that is primarily Zoned B7 Busines Park zone and IN2 Light Industrial under Queanbeyan Local Environmental Plan (West Jerrabomberra) 2013. It contains a number of other zones including RU2 Primary Production, C2 Environmental Conservation and RE2 Private Recreation. The land Zoning Map has been provided below:

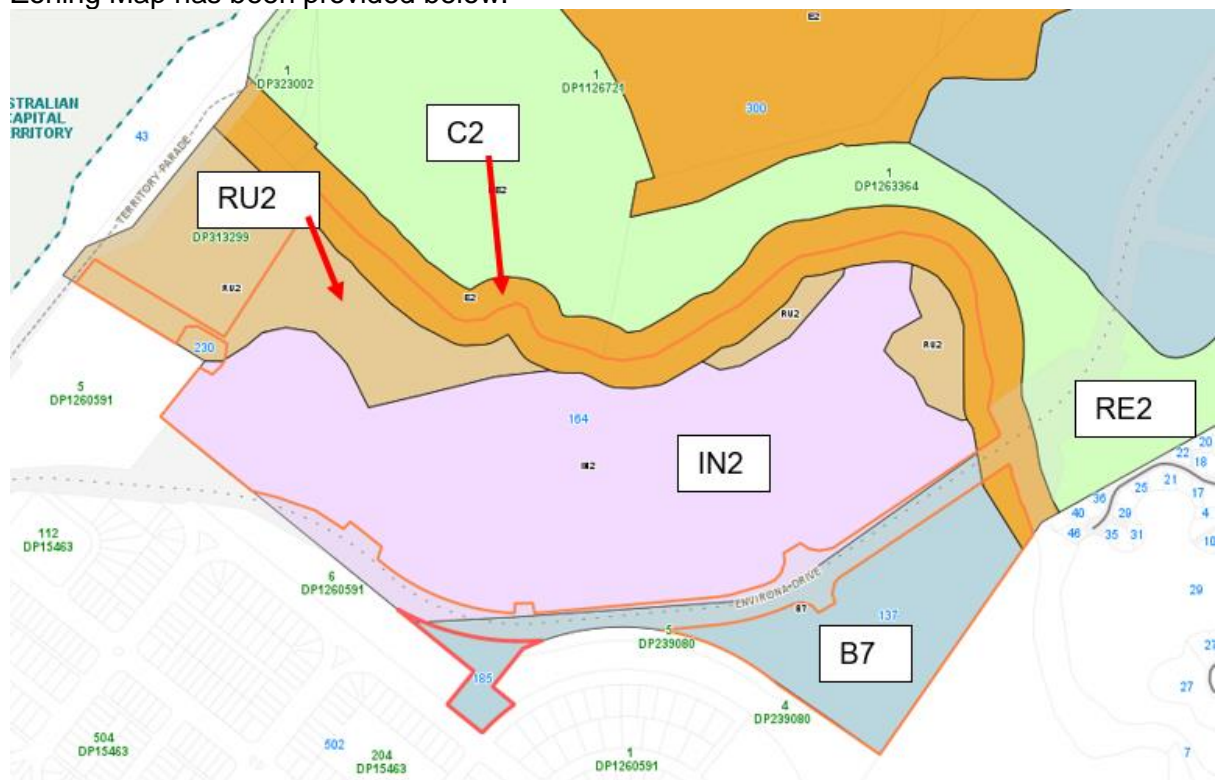


Figure 10 – Zoning

The proposed development is considered to be generally consistent with the objectives of the zone and satisfies the relevant development standards (Refer Attachment 1 for detailed assessment). **(b) Compliance with DCP**

9.1 Development Application DA.2021.1153 - 59 Lot Torrens Title Business and Industrial Subdivision with Two Residual Lots - 360A Lanyon Drive, Tralee (Ref: ; Author: Harlor/McManus) (Continued)

The proposed development is consistent with the general provisions of the South Jerrabomberra Development Control Plan 2015 (Refer Attachment 1 for detailed assessment).

Other Comments(a) Building Surveyor's Comments

Council's Building Surveyor raised no objection to the proposed development subject to imposition of the recommended conditions of consent.

(b) Development Engineer's Comments

Council's Development Engineer raised no objection to the proposed development subject to imposition of the recommended conditions of consent.

(c) Environmental Health Comments

Council's Environmental Health Officer raised no objection to the proposed development subject to imposition of the recommended conditions of consent.

(d) Land Information Services (LIS) Comments

Council's LIS Officer raised no objection to the proposed development subject to imposition of the recommended conditions of consent

(e) Traffic Committee Comments

The Traffic Committee raised no objection to the proposed development.

Engagement

The proposal required notification under the Community Engagement and Participation Plan. Three submissions were received. The relevant issues primarily include the proximity of the business park to residential development, footpaths, parking, roadway connection and the provision of suitable visual and sound buffer / barriers. These matters have been suitably addressed in the 4.15 assessment report (refer Attachment 1 for detailed assessment).

Conclusion

The submitted proposal for the subdivision on Lot 1 DP 1271857, Lot 2 1271857 (formally known as Lot 3 and 6 DP 239080), Lot 1 DP 323002 and Lot 1 DP 313299, No. 360A Lanyon Drive, Tralee is supported by a Statement of Environmental Effects.

The proposal was notified to adjoining owner/occupiers and 3 submissions were received.





The proposal has been assessed under Section 79C *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Queanbeyan Local Environmental Plan (QLEP) (West Jerrabomberra) 2013*) and South Jerrabomberra Development Control Plan 2015.

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

The proposed development is considered suitable for the site, is compatible with the neighbourhood and can be conditioned to mitigate any potential impacts.

9.1 Development Application DA.2021.1153 - 59 Lot Torrens Title Business and Industrial Subdivision with Two Residual Lots - 360A Lanyon Drive, Tralee (Ref: ; Author: Harlor/McManus) (Continued)

Attachments

- | | |
|--------------|---|
| Attachment 1 | DA.2021.1153 - 4.15 Assessment Report - 360A Lanyon Drive, Tralee
 (Under Separate Cover) |
| Attachment 2 | DA.2021.1153 - Plans - 360A Lanyon Drive, Tralee (Under Separate
 Cover) |
| Attachment 3 | DA.2021.1153 - Submissions - 360A Lanyon Drive, Tralee (Under
 Separate Cover) |
| Attachment 4 | DA.2021.1153 - Draft Conditions - 360A Lanyon Drive, Tralee (Under
 Separate Cover) |

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.2 Development Application DA.2021.1157 - Mixed-Use Development - Construction of a Child Care Centre, Gym, and Two Retail Tenancies - 14 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Harlor/Glouftsis)

File Reference: DA.2021.1157

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

This application has been referred to Council because the application involves a variation to a requirement in a development control plan and that the variation would have a significant environmental impact.

Proposal: Mixed-Use Development - Construction of a Child Care Centre, Gym, and Two Retail Tenancies.

Applicant/Owner: Turco and Associates / Caerus Property Pty Limited.

Subject Property: Lot 4 DP 1246134, No. 14 Ferdinand Lane, Jerrabomberra, NSW, 2619.

Zoning and Permissibility: B1 Neighbourhood Centre under the *Queanbeyan Local Environmental Plan (West Jerrabomberra) 2013*

A child care centre, gym and shops/takeaway food and drink premises are permitted uses within the B1 Neighbourhood Zone.

Public Submissions: One (1)

Issues Discussed: Planning Requirements

Variation to Car Parking Requirement under the QDCP 2012.

Disclosure of Political Donations and Gifts: Applicant Declared no Donations or Gifts to any Councillor or Staff have been made.

Recommendation

That:

- 1. Development Application DA.2021.1157 for a mixed-use development, including child care centre, gym , and two retail tenancies on Lot 4 DP 1246134, No. 14 Ferdinand Lane, Jerrabomberra be granted conditional approval subject to a condition limiting the number of child care places to ensure compliance with Council's DCP car parking requirements.**
 - 2. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.**
 - 3. The New South Wales Rural Fire Service be forwarded a copy of Council's Notice of Determination.**
-

9.2 Development Application DA.2021.1157 - Mixed-Use Development - Construction of a Child Care Centre, Gym, and Two Retail Tenancies - 14 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Harlor/Glouftsis) (Continued)

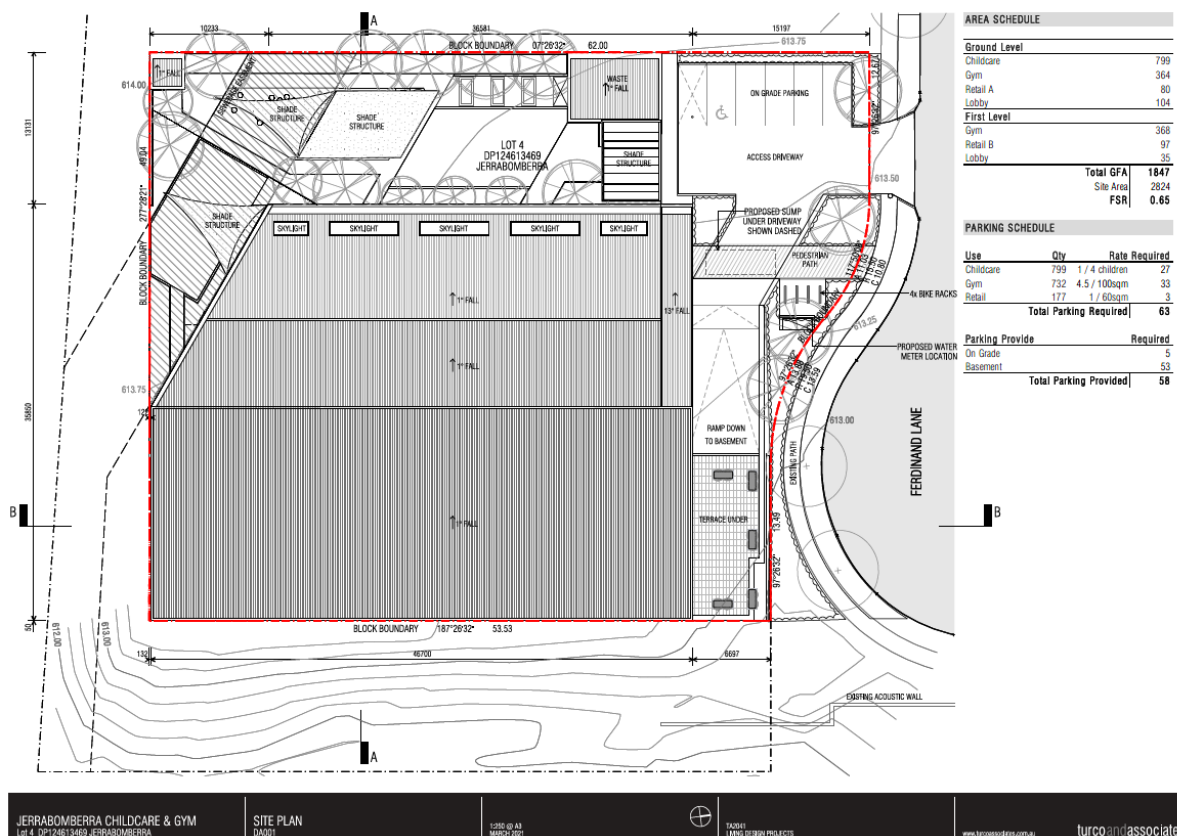
Background

Proposed Development

The application seeks Council approval for the construction of a mixed-use building – two-storey with basement parking; including child care centre; gym; and two retail tenancies.

The specific elements of the proposal are:

- Child care Centre to accommodate 108 children (799m² in area)
- Gym (364m² in area)
- Basement car parking, which includes 53 spaces and on-grade parking comprising of 5 spaces (total of 58 parking spaces),
- Landscaping including playgrounds and other areas associated with the proposed child care centre.



9.2 Development Application DA.2021.1157 - Mixed-Use Development - Construction of a Child Care Centre, Gym, and Two Retail Tenancies - 14 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Harlor/Glouftsis) (Continued)

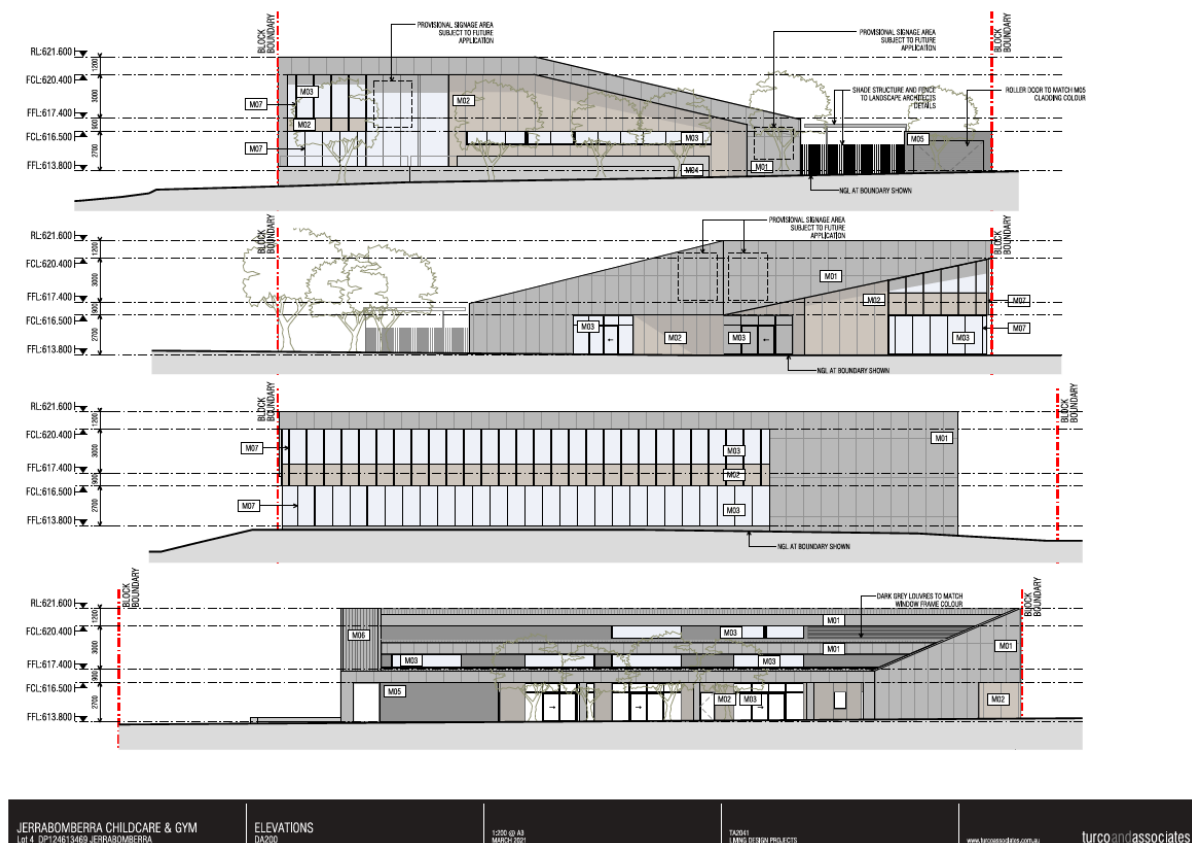


Figure 2 – Elevation Plans

Subject Property

The subject site is legally described as Lot 4 DP 1246134 and is commonly known as 14 Ferdinand Lane, Jerrabomberra. The site is located on the southern side of Ferdinand Lane and has an area of 2825m². The site is flat with no existing vegetation. It was created under a recent subdivision for the purposes of commercial development.

There is no existing development located on the subject lot. Vehicular access is provided to the site via a proposed driveway from Ferdinand Lane. Existing development within the locality consists of shops, takeaway food and drink premises, and low-density residential development to the east.

9.2 Development Application DA.2021.1157 - Mixed-Use Development - Construction of a Child Care Centre, Gym, and Two Retail Tenancies - 14 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Harlor/Glouftsis) (Continued)



Figure 3 – Subject Site and Locality

Planning Requirements

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

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

1. *State Environmental Planning Policy No. 55 – Remediation of Land*
2. *State Environmental Planning Policy (Infrastructure) 2007*
3. *State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017*
4. *Queanbeyan Local Environmental Plan (West Jerrabomberra) 2013 (LEP)*.
5. *Queanbeyan Development Control Plan 2012 (QDCP)*
6. *South Jerrabomberra Development Control Plan (SJDCP)*

The development generally satisfies the requirements and achieves the objectives of these planning instruments. The significant issues relating to the proposal for consideration is the variation to the DCP car parking requirement, which is discussed in further detail in section (b) below 'compliance with DCP':

(a) Compliance with LEP

The proposed development is generally consistent with the objectives and controls of the *Queanbeyan Local Environmental Plan (West Jerrabomberra) 2013*.

The proposed land uses are permitted within the B1 Neighbourhood Centre Zone.

The proposal is compliant with the relevant principal development standards contained within Part 4 of the LEP.

9.2 Development Application DA.2021.1157 - Mixed-Use Development - Construction of a Child Care Centre, Gym, and Two Retail Tenancies - 14 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Harlor/Glouftsis) (Continued)

The subject site is mapped as bushfire prone land and was referred to the NSW Rural Fire Service as integrated development due to being a defined 'special protection purpose' under the *Rural Fires Act 1997*. General Terms of Approval were issued by RFS and will form a condition of consent if development approval is granted.

(b) Compliance with DCP

The proposed development is generally consistent with the objectives and controls contained within the QDCP 2012 and SDJCP. Notwithstanding, the key consideration for Council is the variation to the car parking standard contained within the QDCP 2012 – Part 2 – Section 2.2. The proponent has put forth a proposal that would provide the additional car parking through the provision of 5 additional tandem spaces. The recommended alternative is that Council consider conditioning the rate of child care places at a lower rate to ensure compliance with the car parking provision of the QDCP 2012.

Part 2 – Queanbeyan Development Control Plan - Section 2.2 Car Parking

Proposed car parking arrangement:

The submitted proposal provided 58 parking spaces in total, with 5 on-grade and 53 provided within the proposed basement.

The calculation of parking rates was provided in accordance with the following:

Use	GFA/Qty.	Rate	Required
Childcare	788	1 per 4 children	27
Gym	727	4.5 per 100m ²	32
Shop/Retail	167	1 per 40m ²	4

Total parking required is **63** spaces.

The initial proposal represents a shortfall of 5 car parking spaces.

The proposed variation was supported by a Traffic Impact Assessment prepared by SLR consulting. The Traffic Impact Assessment is provided as an attachment to this report. Council's Development Engineer completed an assessment of the Traffic Impact Assessment and comments are contained within Section (a) 'Development Engineer's Comments' of this report.

Alternative Proposal (Tandem Parking):

The applicant has provided an alternative option, which proposes to utilise 5 tandem car parking spaces within the basement car parking area to offset the variation of car parking spaces. If Council, were to approve this proposal, the tandem car parking spaces would be required to be conditioned to be signposted for use by child care centre staff only.

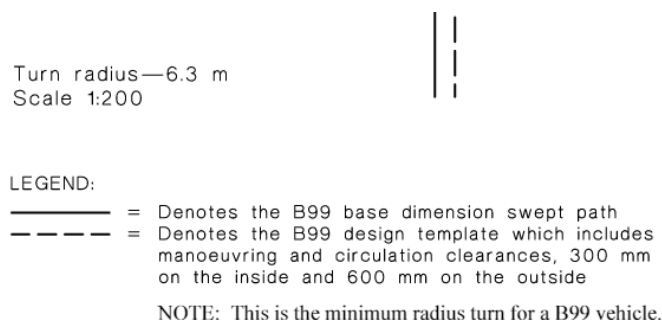
9.2 Development Application DA.2021.1157 - Mixed-Use Development - Construction of a Child Care Centre, Gym, and Two Retail Tenancies - 14 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Harlor/Glouftsis) (Continued)

Below is an extract from AS2890.1 which provides some comment on aisle width. Whilst in relation to a different User Class (Residential) still demonstrates the significance of a reduction in aisle width makes to manoeuvring. Given a significant portion of the parking generation is for the child care centre which typically generates parking for large SUV type vehicles in a usually frantic environment, the need to perform multi point turns is likely to lead to safety incidents and hazardous behaviour.

B4.8 Parking in residential and domestic car parks

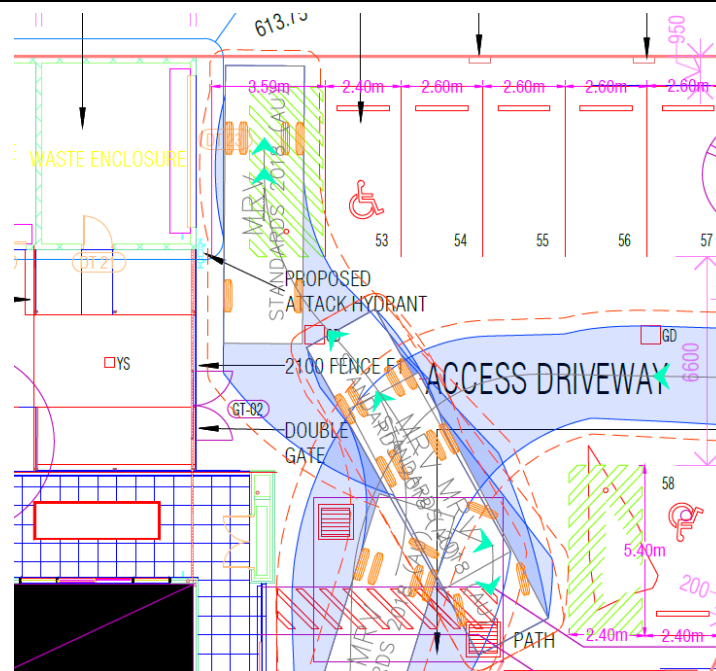
A reduction in aisle width from 6.2 m to 5.8 m has been allowed in Figure 2.2 at User class 1A developments (see Clause 1.4) for 90 degree turns into parking spaces. This concession which is designed to be of assistance where space is limited, recognizes that such developments will have low turnover and users generally prepared to accept some inconvenience when entering or leaving the parking space. Tests have shown that most vehicles larger than the B85 vehicle will need to make a 3-point turn if the manoeuvring space is the minimum allowable. Some very large vehicles may need to make a 5-point turn.

Manoeuvring paths have been demonstrated showing that a B85 and B99 passenger vehicle can pass each other simultaneously at intersection of the entry ramp and driveway, though it is noted that the B99 path in AS2890.1, from which the requirement comes from calls for a 600mm body clearance line on the outside of the vehicle where only a 300mm body line has been incorporated, extract below:



Initial plans did not include provision for a Service Vehicle parking space in accordance with Section 2.26 of the Queanbeyan Development Control Plan and plans were amended to include space of a Medium Rigid heavy vehicle. However, as seen from the below extract of the revised plan, the parking spaces utilise a “shared” portion of an accessible parking space, which will have a bollard in place to ensure it can be used for that intended purpose.

9.2 Development Application DA.2021.1157 - Mixed-Use Development - Construction of a Child Care Centre, Gym, and Two Retail Tenancies - 14 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Harlor/Glouftsis) (Continued)



A small rigid (delivery van) space should be provided as it would be expected that this type of vehicle would service the proposed gym and retail aspects of the proposal. There is no on street parking and limited ground level parking. A medium rigid truck (minimum) is expected to undertake waste services and a demonstration this vehicle is at least capable of undertaking a 3-point turn to enter and exit in a forward direction. Both of these requirements remain outstanding to be met appropriately.

The proposal is 8 spaces short of the calculated parking requirement considering the deletion of non-compliant parking spaces. Whilst, the application is not for a “retail premises”, the LEP definition does include food and drink premises, unfortunately the parking demand per square metre is over ten times higher the generic rate of a retail premises. Further, the prescribed parking rates for child care facilities and gyms and the like are known to be less than the peak parking generation in Council’s experience. The child care rate of 1 space per 4 children is representative of the rate of educators per child in most circumstance, therefore merely caters for the staff parking generation in most circumstance and not the pick-up and drop off.

The gym rate of 4.5 space /100m² has been used frequently in recent times as gyms rarely hold classes and the rates (and RTA guide) for the use has not been updated in over 20 years. Again, where gyms have a dedicated car park, Council often is able to observe the parking generation exceeding the parking available on site. The factors combined with no available on street parking make it difficult for Development Engineering to support any variation in parking. The statement of environmental effects states that the parking variation can be supported due to differences in temporal patterns of the two main uses, being child care and the gym, this was supported with a Traffic Impact Assessment by SLR that was subsequently submitted.

The submitted traffic assessment is a very comprehensive and detailed document and the applicant should be commended for seeking and providing a supporting documentation that assists Council in its assessment process. Unfortunately, contrary to the supporting documentation Development Engineering staff, including the referring officer have been on record opposing such views put forward by similar development in the past. Our observations of Child care centres within the Local Government Area and more specifically Queanbeyan do not mirror the data that was used in the traffic study from Sydney and

9.2 Development Application DA.2021.1157 - Mixed-Use Development - Construction of a Child Care Centre, Gym, and Two Retail Tenancies - 14 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Harlor/Glouftsis) (Continued)

Queensland to support the application. Frequently, child care pick up times align closer to the end of business hours, after 5pm which also coincides with a take up of gym activity, after business hours. The local area has a very low public transport take up rates, less than 5% and mainly comprising school children despite Council's attempt over recent years to increase public transport take up.

Child care centres locally have a consistent parking generation, it can be agreed with the report that gyms have highly variable requirements and it is difficult to predict accurately parking requirements for this use. Though the examples in the report from Sydney are none the less not seen as representative of the local communities driving behaviour and as stated previously, with no on street parking excess parking could only be absorbed by neighbouring properties which has the potential to cause Council Compliance action to be administered in difficult circumstances.

It is therefore the view of development engineering that the development be scaled back to reduce the requirement of parking which would also result in a more compliant car park and ability to provide service vehicle parking space. This could be achieved by scaling back of floor areas or capping the number of child care spaces.

(b) Environmental Health Comments

Council's Environmental Health Officer offered no objections to the development subject to the imposition of the recommended conditions of consent.

Financial Implications

Section 64 Contributions are applicable to the proposed development.

The following rates have been calculated accordingly:

Use	Water ET		Sewer ET	
Child Care	0.06 / person	88 x 0.06 = 5.28	0.10 / person	88 x 0.10 = 8.8
Gym	0.4 / amenity	6 x 0.4 = 2.40	0.63 / amenity	6 x 0.63 = 3.78
Retail	0.01 / m ²	177 x 0.01 = 1.77	0.01 / m ²	177 x 0.01 = 1.77
Totals	9.38		14.35	

The South Jerrabomberra Local Infrastructure Contributions Plan 2018 applies to the site. The relevant catchment area for the purposes of this plan is 'North Poplars'. Despite this, a Section 7.11 charge is not applicable, as it was captured and paid at subdivision stage when the allotment was created and paid prior to legal registration of the lot (DA 192-2016 & 6-2019/SUBCT).

Engagement

The proposal required notification pursuant the QPRC Community Engagement and Participation Plan. One (1) submission was received during the notification period. The relevant issues raised are as follows:

9.2 Development Application DA.2021.1157 - Mixed-Use Development - Construction of a Child Care Centre, Gym, and Two Retail Tenancies - 14 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Harlor/Glouftsis) (Continued)

Issue: *We are concerned that whilst there is underground parking available, that the proposed parking at street level is inadequate. We see this lack of street level parking leading to people parking on the side of the road thus making the area congested and unsafe.*

Comment: The submission was not a direct opposition to the proposed development. However, it noted several concerns with the proposed basement car parking and the intended use of the site as a child care facility. It is noted that providing car parking within a basement for a land use which involves significant peak drop off and pick up times could be problematic in this instance. As well as the consideration of the fact that there is no on-street parking available on Ferdinand Lane. As a result, the recommendation is that the number of child care places be reduced to ensure compliance with the DCP car parking rate and reduce the potential impacts of traffic during these peak periods.

Conclusion

The submitted proposal for a mixed-use development – including child care centre, gym, and two retail tenancies on Lot 4 DP 1246134, No. 14 Ferdinand Lane, Jerrabomberra is a local development and is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and one submission was received.







The proposal has been assessed under Section 4.15 *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Queanbeyan Local Environmental Plan (West Jerrabomberra) 2013*, *Queanbeyan Development Control Plan 2012*, and the *South Jerrabomberra Development Control Plan*.

The development does not satisfy the requirements or achieves the objectives of these instruments.

The main issues relate to the variation of car parking spaces required pursuant Section 2.2 – Part 2 of the *Queanbeyan Development Control Plan 2012*.

The proposed development is otherwise considered suitable for the site, is compatible with the neighbourhood and it is considered that the development can be conditioned to mitigate any potential impacts.

Attachments

Attachment 1 	DA.2021.1157 - Architectural Plans - 14 Ferdinand Lane Jerrabomberra (Under Separate Cover)
Attachment 2 	DA.2021.1157 - Tandem Carparking Option DRAFT - 14 Ferdinand Lane Jerrabomberra (Under Separate Cover)
Attachment 3 	DA.2021.1157 - Traffic Assessment Report - 14 Ferdinand Lane Jerrabomberra (Under Separate Cover)
Attachment 4 	DA.2021.1157 - Traffic Impact Assessment - ADDENDUM - 14 Ferdinand Lane Jerrabomberra (Under Separate Cover)
Attachment 5 	DA.2021.1157 - Section 4.15 Assessment Report - 14 Ferdinand Lane Jerrabomberra (Under Separate Cover)
Attachment 6 	DA.2021.1157 - Draft Conditions of Consent - 14 Ferdinand Lane Jerrabomberra (Under Separate Cover)

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.3 Development Application DA.2021.1672 - Construction of Two Sheds - 124 Hickey Road, Sutton (Ref: ; Author: Harlor/Bhandari)

File Reference: DA.2021.1672

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

This application has been referred to Council because the application involves a request for a significant variation to a requirement in a development control plan and that variation would have a significant environmental impact.

Proposal:	Construction of two sheds
Applicant/Owner:	Geoffrey Flynn Develin / Judith Anne Frances Develin
Subject Property:	Lot 5 DP 882752, 124 Hickey Road, Sutton
Zoning and Permissibility:	C4 – Environmental Living under Palerang Local Environmental Plan 2014
Public Submissions:	Nil
Issues Discussed:	Planning Requirements
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made.

9.3 Development Application DA.2021.1672 - Construction of Two Sheds - 124 Hickey Road, Sutton (Ref: ; Author: Harlor/Bhandari) (Continued)

Recommendation

That:

1. Development application DA.2021.1672 for a construction of two sheds on Lot 5 DP 882752, 124 Hickey Road, Sutton be refused for the following reasons.

Reasons for Refusal:

- a. No consideration to Clause 6.1 of Palerang LEP 2014 for earthworks approval associated with the proposal.
 - b. The proposal contravenes the following objectives and controls of the Palerang DCP 2015:
 - i. The proposed farm building alone is 125.57% in excess of the total floor area permissible within the C4 zone under Clause 25 of the Palerang DCP 2015.
 - ii. The proposed farm building combined with the existing shed located on site would increase the total floor area to 364.68% in excess of the permissible area under Clause 25 of the Palerang DCP 2015.
 - iii. The DCP variation is not considered to be minor and the submitted DCP variation provided insufficient justification.
 - c. The construction of two sheds has been completed without consent which contravenes with Section 4.15 of the Environmental Planning and Assessment Act 1979. DA assessment was undergoing in the Council while the sheds were built.
 - d. There is already significant evidence that the site is being used for purposes other than rural residential development including the presence of plant and equipment and stored materials inconsistent with a residential use. Council's view is that the erection of the new sheds will provide the applicant with an opportunity to store construction equipment in the sheds and use them as a part of a part time private business. The likelihood of commercial use of the site establishes an undesirable precedent and is inconsistent with the objectives of C4 Environmental Living Zone.
2. Council commence enforcement proceedings under Division 9.3 of the *Environmental Planning and Assessment Act 1979* against the owner, requiring the demolition of the unauthorised sheds.
-

Background***Proposed Development***

The development application is for the construction of two farm buildings at 124 Hickey Road, Sutton.

Each shed is proposed to be 15.44 metres in length and 12.2 metres in width, with a maximum height of 6.575 metres at the ridgeline. The total area of two proposed sheds is 376.7m².

There is an existing shed on the site approved by Council in 2003 under development application 2003/DA-002. The shed is 30.46 metres in length and 23.55 metres in width with an area of 717.33m². This means that the combined area of both existing and proposed sheds on the site would be 1094.069m².

9.3 Development Application DA.2021.1672 - Construction of Two Sheds - 124 Hickey Road, Sutton (Ref: ; Author: Harlor/Bhandari) (Continued)

The key issue involves noncompliance with the Palerang DCP 2015 clause C25. On lots less than 16ha the floor area of sheds shall not exceed 300m² (cumulatively) in C3 Environmental Management and C4 Environmental Living land use zones.

The proposed sheds would therefore increase the total floor area of sheds located on the site by 365% greater than the control allows. The impact of the requested DCP variation is significant.

It is also noted that during the period of assessment of this development application the sheds subject to the proposal have been constructed and completed without consent.

Subject Property

The subject site is legally described as Lot 5 DP 882752 and is commonly known as 124 Hickey Road, Sutton. The site is located on the eastern side of Hickey Road and has an area of 4.77ha.

The site is irregular in shape and has a highpoint of approximately 710m AHD, sloping downward from the east toward Hickey Road to approximately 700m AHD. In terms of vegetation the site is largely clear of significant vegetation and contains scattered established trees.

Existing development on the site comprises a dwelling with attached garage and three sheds. Vehicular access is provided to the site via an existing driveway from Hickey Road.

Existing development within the locality consists of rural residential dwellings and associated outbuildings.

9.3 Development Application DA.2021.1672 - Construction of Two Sheds - 124
Hickey Road, Sutton (Ref: ; Author: Harlor/Bhandari) (Continued)

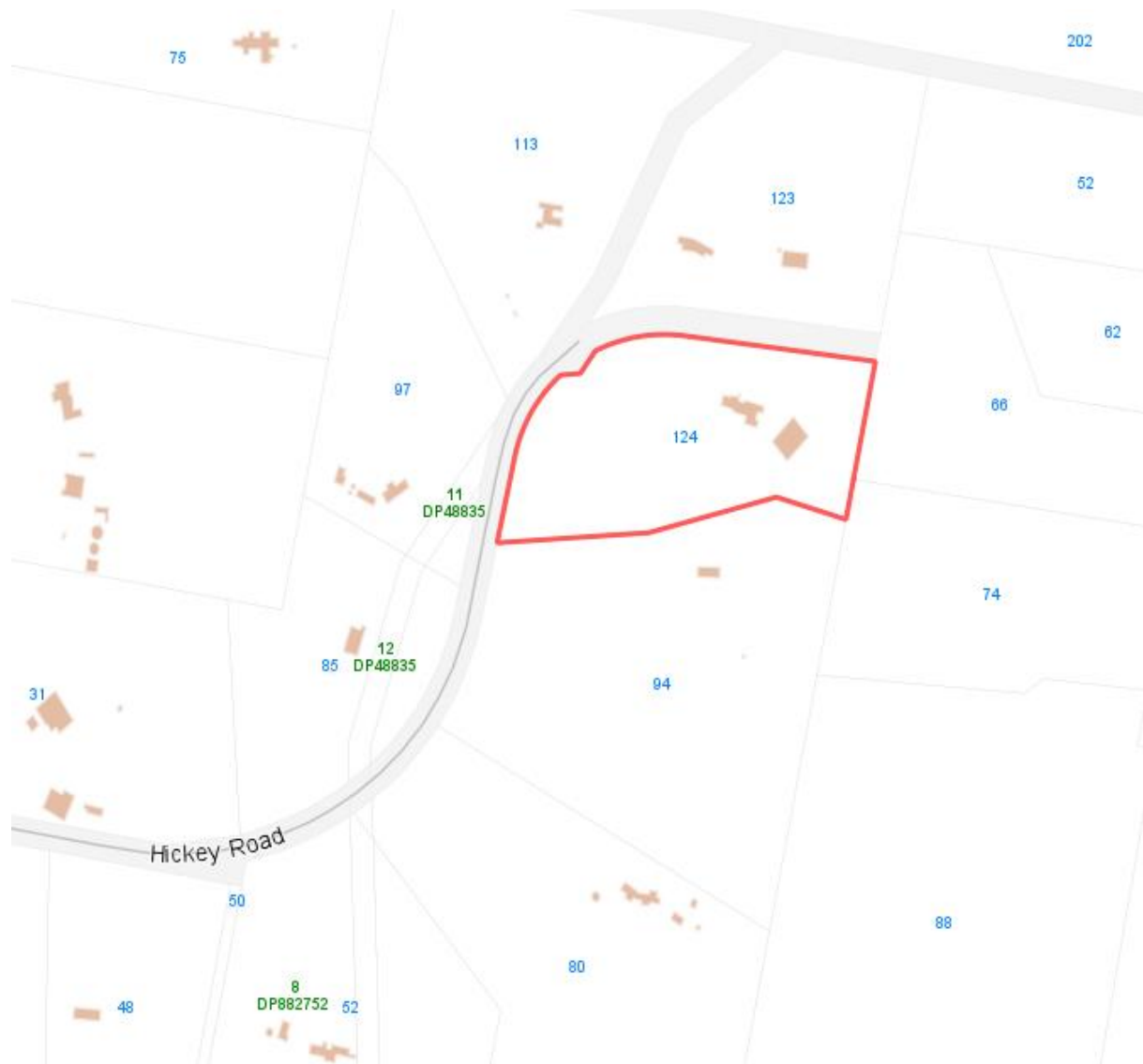


Figure 1: Locality plan

9.3 Development Application DA.2021.1672 - Construction of Two Sheds - 124 Hickey Road, Sutton (Ref: ; Author: Harlor/Bhandari) (Continued)

The subject site has degraded over the years with vegetation clearance and earthworks as shown on the photos below:



Figure 2: 124 Hickey Road as of 08 May 2014 (photo accessed from near maps)



Figure 3: 124 Hickey Road as of 04 July 2018 (photo accessed from near maps)

9.3 Development Application DA.2021.1672 - Construction of Two Sheds - 124
Hickey Road, Sutton (Ref: ; Author: Harlor/Bhandari) (Continued)



Figure 4: 124 Hickey Road as of 24 January 2022

Planning Requirements

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

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

1. *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
2. *State Environmental Planning Policy (Resilience and Hazards) 2021*
3. *Palerang Local Environmental Plan 2014 (PLEP)*.
4. *Palerang Development Control Plan 2015 (DCP)*

The development assessment investigates whether the proposal satisfies the requirements and achieves the objectives of these planning instruments. The significant issues relating to the proposal for the Council's consideration are detailed below.

**9.3 Development Application DA.2021.1672 - Construction of Two Sheds - 124
Hickey Road, Sutton (Ref: ; Author: Harlor/Bhandari) (Continued)**

Compliance with Palerang LEP 2014

6.1 Earthworks

Clause 6.1 of the PLEP establishes a number of matters requiring consideration for development involving earthworks.

- (3) *In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:*
- a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*
 - b) the effect of the development on the likely future use or redevelopment of the land,*
 - c) the quality of the fill or the soil to be excavated, or both,*
 - d) the effect of the development on the existing and likely amenity of adjoining properties,*
 - e) the source of any fill material and the destination of any excavated material,*
 - f) the likelihood of disturbing relics,*
 - g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
 - h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,*

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) limits exempt cut and fill to be no more than 600mm below or above ground level (existing).

The application does not indicate any proposed cut or fill, therefore any associated earthworks would be assumed to be limited to and must comply with the provisions of the (Codes SEPP). The Statement of Environmental Effects (SEE) mentions that the site was previously excavated for existing development. No previous approvals for earthworks exist on Council records.

A site inspection was conducted on 16 November 2021, evidence was present that earthworks associated with levelling the site exceeded 600 mm above existing ground level.

No earthworks have been indicated as part of application.



Figure 3: Proposed development site as of 16 November 2021

9.3 Development Application DA.2021.1672 - Construction of Two Sheds - 124 Hickey Road, Sutton (Ref: ; Author: Harlor/Bhandari) (Continued)



Figure 4: Proposed development site as of 16 November 2021

(a) Compliance with Palerang DCP 2015

C.25 Sheds in RU1 Primary Production, C3 Environmental Management and C4 Environmental Living

The following subclauses of Part C.25 of the DCP are relevant:

(2) Buildings shall not be sited in a visually prominent location.

Comment - The proposed site for sheds is elevated and puts them higher than the existing shed and dwelling on the site. Combined with a large existing shed close by the proposal is excessive in size visually and contradicts with the character of existing sheds in C4 Environmental Living Zone.

(5) Setbacks are to be in accordance with table below:

<i>Setbacks</i>	<i>Lot Size</i>	<i>Minimum Required in C4 Environmental Living Zone</i>
<i>Front</i>	<i>Less than 4ha</i>	<i>25m</i>
	<i>Greater than 4ha</i>	<i>50m</i>
<i>Side and rear</i>	<i>Less than 4ha</i>	<i>15m</i>
	<i>Between 4ha and 80ha</i>	<i>25m</i>
	<i>Greater than 80ha</i>	<i>50m</i>

Comment - The site has an area of 4.77ha, therefore the minimum front setback applicable is 50m, the minimum side and rear setback applicable is 25m. The proposal complies with the DCP setback requirements.

9.3 Development Application DA.2021.1672 - Construction of Two Sheds - 124 Hickey Road, Sutton (Ref: ; Author: Harlor/Bhandari) (Continued)

(6) On lots less than 16ha the cumulative area of sheds shall not exceed 300m² in E3 Environmental Management and E4 Environmental Living land use zones.

Comment - The lot has an area of 4.772ha. The control outlines that the cumulative area of all sheds within the property should not exceed 300m². The two “proposed” sheds would increase the total floor area of sheds located on the site to 1094m², 365% greater than the control allows. As such the applicant has submitted a variation request to justify the proposed non-compliance with the DCP. The extent of the DCP Variation is significant. The variation seeks approval for two additional sheds with a combined floor area of 376.7m².

Justification provided by the applicant for the variation states that –

- *The purpose of a DCP is to provide guidance to developers and the consent authority when carrying out or approving development. Provisions in a DCP are therefore to provide guidance and “are not” statutory requirements.*
- *The structures do not detract from the surrounding landscape, and cannot be seen from any public thoroughfare or any location other than very limited view from the Harries and Backhouse properties which have no objections to the application”.*
- *The height of the building conforms with PLEP 2014 Height of Buildings Map 5. The setback conforms with table #22.*
- *There is a need for protective storage / garaging of our family vehicles and equipment since our family unit has now grown from 2 adults with 2 young primary school aged children (at the time of the original development of our home) to 5 adults with multiple vehicles. In addition, Judy and I are entering retirement age and now have extra equipment i.e.: motorhome, boat, trailer, and off-road vehicle. All of which is over and above the storage uses which were approved in the original DA for the garaging and home.*

Justifications try to address few clauses of Palerang DCP 2015 related to visual impact and setback requirements.

The Palerang DCP 2015 is the major document to regulate development in the region. The scope of Palerang DCP 2015 cannot be limited only as a guidance document. The numerical control of 300 m² for sheds and farm buildings is reflective of Palerang DCP 2015 intent and adopted by council.

The justifications for DCP variation are not satisfactory and the proposal is not considered to meet the objectives of DCP control. The applicant fails to sufficient justification as to why council should consider further variation to the already exceeded DCP standard. The existing shed on the site approved by council in 2003 is 717.33 m² exceeding the DCP requirement of 300 m² by 139.11 %. The proposed sheds would increase the total floor area of sheds located on the site to 1094.069 m², 364.68 % greater than the control allows. The extent of the DCP Variation is significant.

Larger sheds may be permitted on lots that are greater than 16ha. Under such circumstances, the applicant can justify the rural use of the shed having regard to land size and subsequent agricultural activities and farming. The subject site has an area of less than 16ha and the proposed sheds do not meet Palerang DCP part C.25.

9.3 Development Application DA.2021.1672 - Construction of Two Sheds - 124 Hickey Road, Sutton (Ref: ; Author: Harlor/Bhandari) (Continued)

Proposed Use of Shed:

Palerang DCP 2015 clause 25 states that “Sheds include those used for the storing of hay and machinery, shearing sheds, roofs of horse arenas or the like but do not include a dwelling”.

The applicant intends to store family vehicles which includes a full-size motor home, a trailer, 4 vehicles, and 2 motorbikes in the proposed sheds. As a semi-retired, self-employed contractor, the applicant is keeping 2 excavators, 1 roller, a tilt tray truck and a small tip truck which is intended to be stored.

Over the past 20 years the applicant had conducted a small civil construction business with a small number of employees and a range of equipment. In August 2019, the business was wound back in the lead up to semi-retirement and sold most of the business machinery / equipment and no longer have any employees. At present, the applicant is a sole operator working part time and keeps 2 excavators, a tilt tray truck to move the excavators, a small tip truck and a pad foot roller. The intent is to store this equipment used as a part of private business.

It is unclear as to what capacity the proposed shed would be used in conjunction with the operation of the private business. Preliminary site investigation suggests that damaged vehicles and containers are stored at the site. The possibility of commercial use of the site establishes an undesirable precedent and is against the objectives of C4 Environmental Living Zone.

Also, the applicant intends to convert half of the proposed shed to a craft studio for pottery. It is unclear whether there is a commercial aspect to the proposal. The use of shed for home industry is only permitted with consent under Palerang LEP 2014.

(b) Other Matters***State Environmental Planning Policy (Exempt And Complying Development Codes) 2008***

No earthworks have been indicated as part of application.

The application does not indicate any proposed cut or fill, therefore any associated earthworks would be assumed to be limited to and must comply with the provisions of the (Codes SEPP). *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP) limits exempt cut and fill to be no more than 600mm below or above ground level (existing).

A site inspection was conducted on 16 November 2021, evidence was present that earthworks associated with levelling the site exceeded 600 mm above existing ground level and also significant site cut. The Statement of Environmental Effects mention that the site was previously excavated for existing development however this is not in close proximity to approved structures. No previous approvals for earthworks exist on council record. Thus, approval should be sought for the earthworks associated with the proposed development.

State Environmental Planning Policy (Resilience And Hazards) 2021

Council holds no records of the site having previously been used for any potentially contaminating activities. The proposal is to use of the site for two farm buildings which is unlikely to contaminate the site. However, other activities on the site which may likely be unauthorised need to comply with SEPP (Resilience and Hazards) 2021.

9.3 Development Application DA.2021.1672 - Construction of Two Sheds - 124 Hickey Road, Sutton (Ref: ; Author: Harlor/Bhandari) (Continued)

Other Comments(a) Development Engineer's Comments

Water - Council Water service is not available in this area, so the proposed development needs to rely on existing alternative water supply.

Sewer - Council Sewer Service is not available in this area. The proposal is not for a habitable space and on-site sewer management won't be required.

Storm Water - Two metal storage sheds are proposed behind the existing dwelling. Roof water from proposed storage sheds that is not connected to a rain water storage tank, any overflow from any storage tank and hard stand area must be discharged into an absorption trench or through a stormwater outlet device with scour protection into an overland flow path, at least 3 metres clear of any building and the boundaries of the site.

Traffic and Parking - The proposed development is for farming sheds and AS 2890 will not apply.

Access - The driveway is constructed from the edge of Hickey Road to the proposed development site. The driveway complies with Council's Vehicle Access Driveway specification.

Engagement

The proposal required notification under Queanbeyan Community Engagement and Participation Plan 2019 from 25/11/2021 to 13/12/2021, with no submissions received.

Compliance or Policy Implications

The sheds were constructed without consent while the DA assessment was being conducted. Council's Development Compliance Team comments as follows:

Development Compliance Comments:

"Development without consent when consent is required is an offence under Clause 4.2(1)(a) of the Environmental Planning and Assessment Act 1979. For a Class 10a structure, the offence attracts a fine of \$1500 for individuals and \$3000 for corporations. Given there are 2 separate structures, it may constitute 2 offences. Further investigation is required.

The issuing of fines does not prevent Council issuing a Demolish Works Order for the removal of the unauthorised structures. If the owners fail to comply with the Order, Council can consider issuing further penalty notices and/or commence legal action to remediate the situation.

Development Compliance Team will investigate the unauthorised works on the property including the vegetation clearing, earthworks, driveway, and dams".

Also, the applicant intends to convert half of the proposed shed to a craft studio for pottery which may require consent under Palerang LEP 2014.

9.3 Development Application DA.2021.1672 - Construction of Two Sheds - 124 Hickey Road, Sutton (Ref: ; Author: Harlor/Bhandari) (Continued)



Figure 5: Sheds constructed on site while DA assessment was ongoing (photo sent to council by applicant on 08 Feb 2022)

Conclusion

The submitted proposal for construction of two sheds on Lot 5 DP 882752, 124 Hickey Rd SUTTON is accompanied by a Statement of Environmental Effects and DCP Variation. The proposal was notified to adjoining owners, and no submissions were received.

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

The development does not satisfy the requirements or achieves the objectives of these instruments and as such should be refused.

The main reasons for refusing the application are detailed below.

Reasons for Refusal:

- a. No consideration to Clause 6.1 of Palerang LEP 2014 for earthworks approval associated with the proposal.
- b. The proposal contravenes the following objectives and controls of the Palerang DCP 2015:
 - i. The proposed farm building alone is 125.57% in excess of the total floor area permissible within the C4 zone under Clause 25 of the Palerang DCP 2015.




9.3 Development Application DA.2021.1672 - Construction of Two Sheds - 124 Hickey Road, Sutton (Ref: ; Author: Harlor/Bhandari) (Continued)

- ii. The proposed farm building combined with the existing shed located on site would increase the total floor area to 364.68% in excess of the permissible area under Clause 25 of the Palerang DCP 2015.
- iii. The DCP variation is not considered to be minor and the submitted DCP variation provided insufficient justification.
- c. The construction of two sheds has been completed without consent which contravenes with Section 4.15 of the Environmental Planning and Assessment Act 1979. DA assessment was undergoing in the Council while the sheds were built.
- d. There is already significant evidence that the site is being used for purposes other than rural residential development including the presence of plant and equipment and stored materials inconsistent with a residential use. Council's view is that the erection of the new sheds will provide the applicant with an opportunity to store construction equipment in the sheds and use them as a part of a part time private business. The likelihood of commercial use of the site establishes an undesirable precedent and is inconsistent with the objectives of C4 Environmental Living Zone.

The proposed development is not considered suitable for the site and is recommended for refusal.

Further the applicant's action in proceeding with the erection of the two sheds without consent indicates a wilful disregard for the relevant planning laws and processes, particularly in this case where it was clear such a significant variation to Council's planning controls would be warranted. In refusing this application Council cannot condone the continued use of the two unapproved structures and Council should commence enforcement proceedings to require removal of the unapproved sheds. Allowing the sheds to remain after refusing the application would set a wholly undesirable precedent for unauthorised works throughout the the local government area.

Attachments

- | | |
|---|---|
| Attachment 1 | DA.2021.1672 – Section 4.15 Assessment Report – 124 Hickey Road Sutton NSW 2620 (<i>Under Separate Cover</i>) |
|  | |
| Attachment 2 | DA.2021.1672 – Architectural Plans-124 Hickey Road Sutton NSW 2620 (<i>Under Separate Cover</i>) |
|  | |
| Attachment 3 | DA.2021.1672 – Applicant's Request for DCP Variation & Additional Information - 124 Hickey Road Sutton NSW 2620 (<i>Under Separate Cover</i>) |
|  | |

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.4 Development Application DA.2021.1628 – Telecommunications Facility - 34 Powell Drive, Carwoola (Ref: ; Author: Carswell/Wellalage)

File Reference: DA.2021.1628

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

This development application has been referred to Council as written submissions have been received arising from the notification of it and the Portfolio General Manager of Natural and Built Character has determined that consideration of these issues by Council is in the public interest.

Proposal:	Construction of a Telecommunications Facility
Applicant/Owner:	Jason Fulton/HBC Building Certification
Subject Property:	Lot 33 DP 774571 34 Powell Drive CARWOOLA NSW 2620
Zoning and Permissibility:	C4 – Environmental Living under Queanbeyan Local Environmental Plan 2012
Public Submissions:	Five submissions (5) plus three submissions (3) via the Mayor post notification
Issues Discussed:	Impact of the development on views
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

Recommendation

That development application DA.2021.1628 for the construction of a Telecommunications Facility on Lot 33 DP 774571, 34 Powell Drive CARWOOLA NSW 2620, be granted conditional approval.

Background***Proposed Development***

The development application is for the construction of a telecommunications facility. The tower is 12 metres in height and is setback 102.90m from the northern boundary, 36.33m from the southern boundary and 181.56m from the eastern boundary of the site.

Subject Property

The subject site is legally described as Lot 33 DP 774571 and is commonly known as 34 Powell Drive, Carwoola. The site is located on the east side of Powell Drive and has an area of 6.5ha. It is irregular in shape, contains scattered vegetation which is quite heavy along parts of its southern and eastern boundaries. It raises above Powell Drive and Captains Flat Road and is generally not visible from Captains Flat Road.

The existing development on the site comprises a dwelling and associated shed. Vehicular access is provided to the site via an existing driveway from Powell Drive.

The existing development within the locality generally consists of rural lifestyle dwellings.

9.4 Development Application DA.2021.1628 – Telecommunications Facility - 34
Powell Drive, Carwoola (Ref: ; Author: Carswell/Wellalage) (Continued)

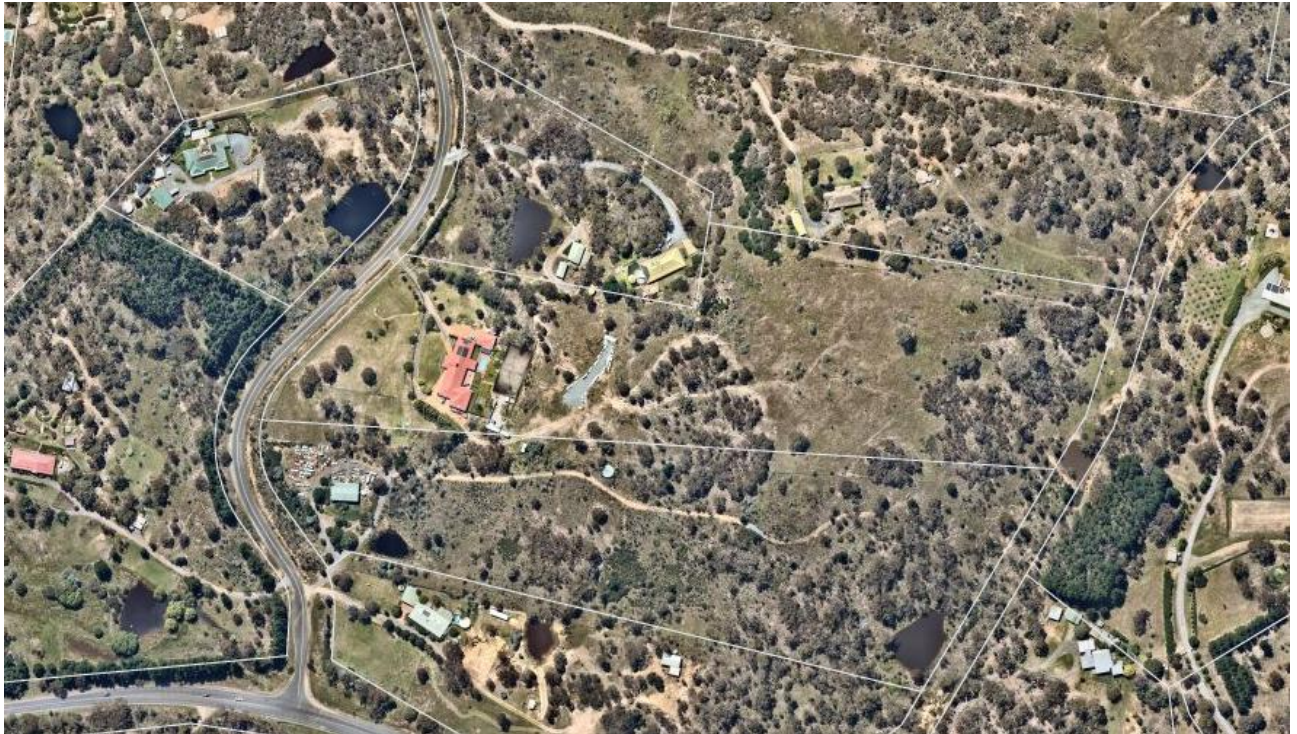


Figure 1: Locality plan



Figure 2: Location of the tower marked in yellow

Planning Requirements

An assessment of the development application has been undertaken in accordance with Section 4.15 of the *Environmental Planning and Assessment Act* (EPA&A) 1979. The matters that are of relevance under Section 4.15 are summarised in Attachment 1.

**9.4 Development Application DA.2021.1628 – Telecommunications Facility - 34
Powell Drive, Carwoola (Ref: ; Author: Carswell/Wellalage) (Continued)**

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

1. *State Environmental Planning Policy (Infrastructure) 2007* now *State Environmental Planning Policy (Transport and Infrastructure) 2021* (SEPP).
2. *Queanbeyan Local Environmental Plan 2012* (QLEP 2012).
3. *Queanbeyan Development Control Plan 2012* (QDCP 2012).

The development generally satisfies the requirements and the objectives of these planning instruments and development control plan. The significant issues relating to the proposal for Council's consideration are as follows.

(a) Compliance with SEPP

The proposed telecommunications facility requires development consent as the development is proposed to be carried out in an environmentally sensitive land being Zone C4 – Environmental Living.

Before determining a development application for development CI 115 of the SEPP states:

115 Development permitted with consent

- 1) *Development for the purposes of telecommunications facilities, other than development in clause 114 or development that is exempt development under clause 20 or 116, may be carried out by any person with consent on any land.*
- 2) *(Repealed)*
- 3) *Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines concerning site selection, design, construction or operating principles for telecommunications facilities that are issued by the Secretary for the purposes of this clause and published in the Gazette.*

The Secretary in 2010 issued the 'NSW Telecommunications Facilities Guideline including Broadband' which is the guideline used for this purpose. In addition to the guideline, a 'Communications Alliance Ltd Industry Code' supplements the regulatory regime and sets obligations for the carriers. The proposed development has been assessed against the Guideline and a summary of the assessment is as follows:

Principle 1: A telecommunications facility is to be designed and sited to minimize visual impact.

The proposed telecommunications facility is a standalone structure located towards the eastern side of the existing dwelling. It is well setback from Powell Drive therefore, shielded by the existing dwelling and vegetation and is not visible from the road. The facility is also setback 102.9 metres from the northern boundary 38.32m from the southern boundary and 181.56m from the eastern boundary of the site. Therefore, it is well separated from the existing residential dwellings on adjoining properties.

The narrow structure is 12 metres in height and the scale of the tower is similar to a power pole.

The development site is mostly clear of trees in the area proposed to site the telecommunications facility and therefore, no tree removal is associated with the proposed development. The area and extent of earthworks are limited and similar to the installation of a power pole.

Given all the above, the proposed tower is consistent with the requirements of Principle 1.

**9.4 Development Application DA.2021.1628 – Telecommunications Facility - 34
Powell Drive, Carwoola (Ref: ; Author: Carswell/Wellalage) (Continued)**

Principle 2: Telecommunications facilities should be co-located wherever practical.

The telecommunications facility is not proposed to be co-located as the application indicates that there are no suitable facilities nearby to co-locate the proposed tower.

Principle 3: Health Standards for exposure to radio emissions will be met

A condition will be placed on the consent requiring the development to be maintained in accordance with the Radiation Protection Standards.

Principle 4: Minimise disturbance and risk, and maximise compliance

The development application is generally consistent with the guidelines. Conditions obtained from Canberra Airport will be imposed on the consent to ensure the proposed facility does not interfere with air services operations. The telecommunications facility is proposed to be constructed in accordance with relevant industry standards.

(b) Compliance with QLEP 2012

The development application has been assessed against all relevant clauses of the QLEP 2012 and is considered to be consistent with these.

Compliance with QDCP 2012

The development application complies with the requirements of Part 2 and Part 5 of the QDCP 2012 (Attachment 2).

Other Comments(a) Development Engineer's Comments

Council's Development Engineers have no objections to the proposal.

Engagement

The development application required notification under Queanbeyan-Palerang Community Engagement and Participation Plan. As a result, five submissions (Attachments 3 – 7) were received during the notification period plus three further submissions to the Mayor post notification (Attachment 8).

The relevant issues raised in them are as follows:

1. Incomplete and Inaccurate DA Submission

Assessing officer's comments: This relates to the submission of the Statement of Environmental Effects submitted with the development application. It is Council officer's assessment that this meets Council's requirements.

Council officers have conducted a site inspection and observed that the proposed facility is located within a cleared area of the site. Earthworks required to accommodate the telecommunications facility are limited. No access roads to it are proposed and the applicant has confirmed that regular access to the facility is not required. Therefore, separate access to the telecommunications facility is not required.

The applicant has provided an assessment against the 'Telecommunications Guidelines including Broadband' showing compliance of the proposal with all relevant guidelines.

Given the above, staff are satisfied that the proposed development has minimal impacts on the flora and fauna and natural environment.

**9.4 Development Application DA.2021.1628 – Telecommunications Facility - 34
Powell Drive, Carwoola (Ref: ; Author: Carswell/Wellalage) (Continued)**

2. Failure to address the site's E4 Environmental Living Zoning Objectives and Aims of Plan in the QLEP 2012

Assessing officer's comments: The objectives one, two and three identified on the submission are related to residential development within an environmental zone. Therefore, these objectives are not relevant to the proposed telecommunications facility.

3. State Environmental Planning Policy (Infrastructure) 2007 and NSW Telecommunications Facilities Guidelines including Broadband

Assessing officer's comments: These provisions have been addressed in Section 4.15 under State Environmental Policy Section of this report (Attachment 1).

4. Contrary to Part 5 Environmental Zones in the Queanbeyan Development Control Plan 2012

Assessing officer's comments: A detailed assessment against clauses 5.1.3 and 5.2.3-5.2.5 has been completed in the Development Control Plan Section of this report (Attachment 1).

5. Failure to address Part 2 All Zones of the Queanbeyan Development Control Plan 2012

Assessing officer's comments: A detailed assessment against Part 2 of QDCP 2012 has been completed in the Development Control Plan Section of this report (Attachment 1).

6. Visual and view impacts

Assessing officer's comments: The proposed tower is located approximately 100m from the nearest dwellings at No.42 Powell Drive and No.58 Powell Drive. The proposed telecommunications facility is considered to be a small-scale development which is unlikely to be intrusive and create a visual bulk.



Figure 3: View from No.58 Powell Drive

**9.4 Development Application DA.2021.1628 – Telecommunications Facility - 34
Powell Drive, Carwoola (Ref: ; Author: Carswell/Wellalage) (Continued)**

As referred to above, Council officers have inspected the site from neighbouring dwelling at 58 Powell Drive to gain an understanding of the impact of the proposed telecommunications facility on views as indicated in their submission. Officers have observed that the location of the facility identified by the submitter is closer to their property boundary than the actual proposed location nominated in the application. According to the site plan provided by the applicant, the tower will be located approximately 103 metres from the northern property boundary (the common boundary between the two properties), which is 40 metres further away from the residence than the location indicated in the submission.

Officers have also noted that the submitters have a 180-degree view along the southern side of the property. The proposed telecommunications tower does not have a significant building mass, therefore, the tower is unlikely to be visually dominant within that view.

Given the impact of the proposal is limited on natural environment and the benefits of the proposed tower to improve connectivity, the impact on views is not considered to be a significant reason to warrant refusal this development.

7. Suitability of the Site

Assessing officer's comments: The development application has been assessed against all relevant provisions of the SEPP, QLEP 2012, and QDCP 2012 and it has been determined that the development is suitable for the site due to its low impact on the natural environment and rural character.

8. Impact of harmful radiation emissions

Assessing officer's comments: Telecommunications facilities are required to be constructed in accordance with the *Telecommunications Act* and various other controls including Radiation Protection standards to minimise human exposure to radiation. Council is not the regulatory authority to assess and approve radiation levels, therefore, a condition will be imposed on the consent requiring the proposed facility to comply with the relevant controls.

Conclusion










The submitted proposal for a Telecommunications Facility on Lot 33 DP 774571; 34 Powell Drive Carwoola, NSW is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and four submissions plus three further representations to the Mayor after the community engagement period were received.

The proposal has been assessed under Section 4.15 *Environmental Planning & Assessment Act 1979* including the relevant provisions of *State Environmental Planning Policy (Infrastructure) 2007* now *State Environmental Planning Policy (Transport and Infrastructure) 2021*, *Queanbeyan Local Environmental Plan 2012* and *Queanbeyan Development Control Plan 2012*.

The development satisfies the requirements of the relevant planning controls and is recommended for approval subject to the conditions in Attachment 9.

9.4 Development Application DA.2021.1628 – Telecommunications Facility - 34 Powell Drive, Carwoola (Ref: ; Author: Carswell/Wellalage) (Continued)

Attachments

- | | |
|---|---|
| Attachment 1 | DA.2021.1628 - Officer's Report - Section 4.15 Assessment - Matters for Consideration - 34 Powell Drive, Carwoola (<i>Under Separate Cover</i>) |
|  | |
| Attachment 2 | DA.2021.1628 - Plans - 34 Powell Drive Carwoola (<i>Under Separate Cover</i>) |
|  | |
| Attachment 3 | DA.2021.1628 - Submission 1 - 34 Powell Drive, Carwoola (<i>Under Separate Cover</i>) |
|  | |
| Attachment 4 | DA.2021.1628 - Submission 2 - 34 Powell Drive, Carwoola (<i>Under Separate Cover</i>) |
|  | |
| Attachment 5 | DA.2021.1628 - Submission 3 - 34 Powell Drive, Carwoola (<i>Under Separate Cover</i>) |
|  | |
| Attachment 6 | DA.2021.1628 - Submission 4 - 34 Powell Drive, Carwoola (<i>Under Separate Cover</i>) |
|  | |
| Attachment 7 | DA.2021.1628 - Submission 5 - 34 Powell Drive, Carwoola (<i>Under Separate Cover</i>) |
|  | |
| Attachment 8 | DA.2021.1628 - Submissions Made to Mayor and/or Councillors (post notification) - 34 Powell Drive Carwoola (<i>Under Separate Cover</i>) |
|  | |
| Attachment 9 | DA.2021.1628 - Proposed Conditions of Consent - 34 Powell Drive Carwoola (<i>Under Separate Cover</i>) |
|  | |

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.5 Approval to Remediate Council Land (Ref: ; Author: Harlor/Abbott)

File Reference: 340404

Summary

NSW Legacy Mines Program (LMP) are seeking Council approval to include remediation work on the Council owned land parcel at the Lake George Mine as part of their lead contamination remediation work. This includes partial removal of the heritage listed Old Surge bin which has been assessed as unsalvageable.

While LMP generally does not work off mine sites, it has undertaken extensive studies of the mine site area over recent years and has been asked to coordinate this work by the current Captains Flat Taskforce.

Recommendation**That Council:**

- 1. Provide a letter of approval to the NSW Legacy Mines Program (LMP) to undertake rehabilitation work for lead contamination remediation works on Council owned land located at Lot 1 DP 222274, 66 Old Mines Road, Captains Flat.**
 - 2. Acknowledge that works include the partial removal of the old surge bin located on Council land which is listed as a heritage item on the PLEP.**
-

Background

The Legacy Mines Program (LMP) within the Department of Regional NSW proposes to undertake remediation works at the legacy Lake George Mine, located immediately west of the township of Captains Flat.

Mining operations (for silver, gold, copper, lead and zinc) in the area commenced in the early 1880s with several small operations amalgamating to form Lake George Mine. Mining continued until 1962, when the Lake George Mine officially closed. The site is heavily contaminated with metals and metalloids (including lead, arsenic, copper, and zinc) and sulfur and has undergone a succession of remediation works since 1972. The aim now is to progress remedial work on the exposed, or partly vegetated contaminated soil in the Rail Loading and Mill Areas, and the exposed waste rock and mineralised in situ rock in the Central and Elliot's Mine Area. Council owns a portion of this land which also requires remediation works. The purpose of Council ownership is for the operational use of water infrastructure including the Water Reservoir at the top of the hill.

Permission now is requested to incorporate the northern corner of this land (circled on map) where the surge bin is located adjacent to the mill area into the major works by LMP.



In 2017, the LMP commissioned a review of previous remediation works, and an additional site contamination delineation assessment, to establish the current situation at Lake George Mine. The purpose of the work was to formulate a way forward to reduce the risk of off-site environmental impacts from the Lake George Mine. The work was documented in Lake George Captains Flat Mine Review: Assessment of Remediation Options (GHD 2018), which reported that despite remedial works in the past, there is significant ongoing contamination from the following Lake George Mine sources:

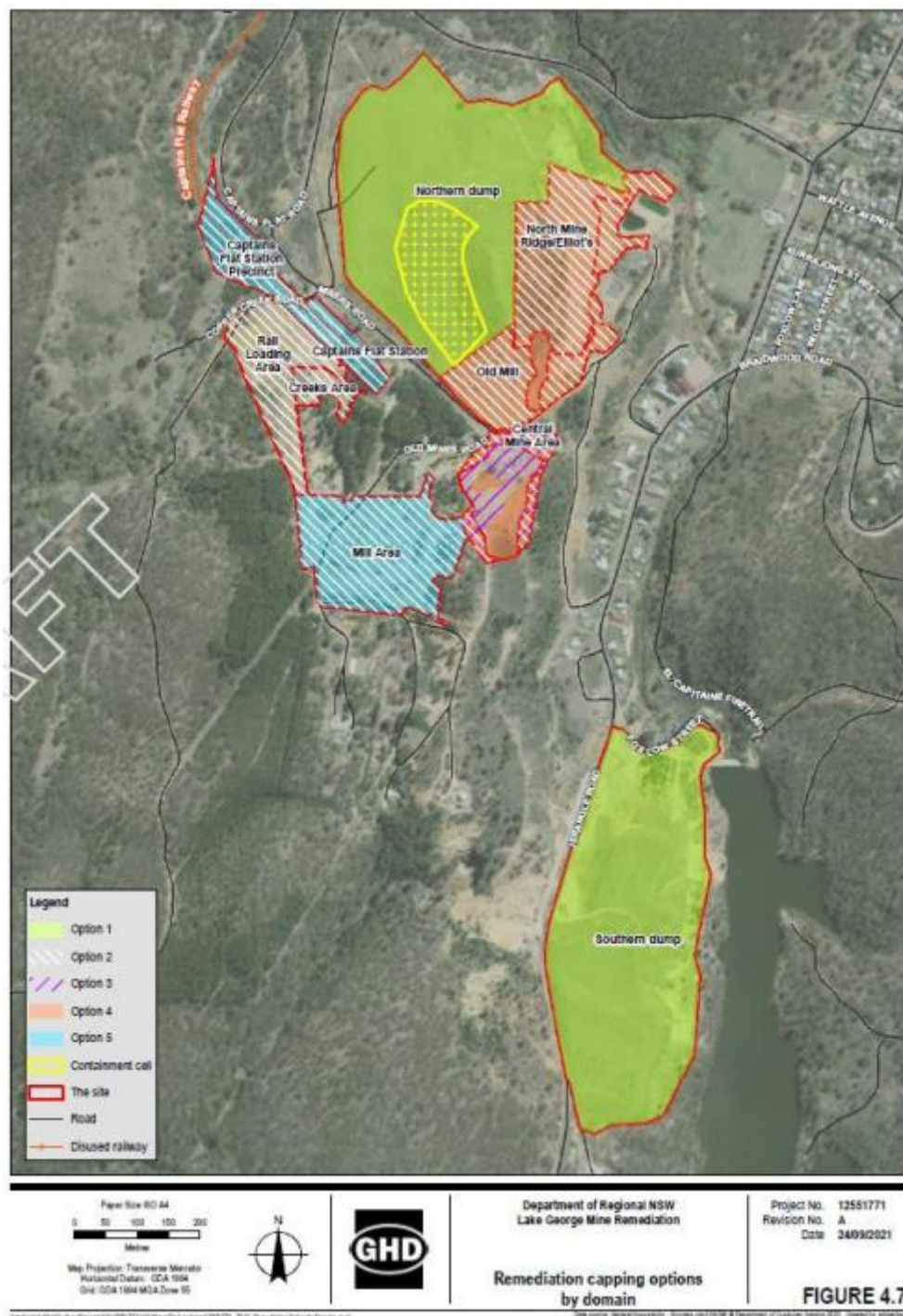
- The Main Adit Spring, which as a point source, contributes around 80 to 90 per cent of dissolved zinc and some 99 per cent of dissolved lead loads into the Molonglo River under dry weather conditions
- Exposed, or partly vegetated, contaminated mineral waste and soil in the Rail Loading and Mill Areas within the Copper Creek sub-catchment, including the old surge bin
- Exposed waste rock and mineralised in situ rock in the Central and Elliot's Mine Area within the Molonglo River catchment and Copper Creek sub-catchment.

A separate works package is assessing the feasibility of water treatment for the acid and metalliferous drainage (AMD) emanating from the Main Adit Spring.

Additionally, Transport for NSW (TfNSW) has identified land contamination in surface soils in the Captain's Flat Railway Station precinct, immediately to the north of the Rail Loading Area. TfNSW is also planning to align remediation of the Railway Station precinct with the works described above at Lake George Mine.

9.5 Approval to Remediate Council Land (Ref: ; Author: Harlor/Abbott) (Continued)

Preliminary works are soon to commence with commencement of Soil Conservation activities on the mine site.



*The key in this diagram was to show the preferred capping option in each area.
Detail in template attachment for mill area.*

9.5 Approval to Remediate Council Land (Ref: ; Author: Harlor/Abbott) (Continued)

Implications***Environmental***

The Molonglo River and Lake George Mine at Captains Flat have been subject to previous water quality studies including Brooks (1980) and GHD (2018). Previous studies have identified that adverse environmental impacts of legacy mining at the Lake George Mine are present within the Molonglo River System, with key contaminants comprising arsenic, cadmium, copper, lead and zinc. GHD (2018) found that historic mining at the site has left a contamination legacy that continues off-site to the present day for up to 40 kilometres downstream.

Generally, surface soils at the Lake George Mine are largely unvegetated due to the presence of elevated metals concentrations, acidity and salinity from oxidised, or oxidising, sulfidic waste rock, low grade ore and/or ore. In situ bedrock, mineral waste, low grade ore and ore with visible sulfides in various states of weathering are present, along with slag scattered around areas of exposed mineralised bedrock (GHD, 2018).

GHD (2018) determined that elevated lead levels present the great risk in terms of human health with concentrations in most disturbed areas being above safe levels (300 parts per million (ppm) in residential, 600 ppm in public open spaces) (NEPC, 2013). High lead contamination was persistent across all unvegetated areas of the Lake George Mine, with arsenic, zinc and copper also present at lesser concentrations, though also exceeding the adopted health investigation levels.

In terms of dust, the LMP has installed a network of five ambient air quality monitoring high-volume air samplers (HVAS) measuring total suspended particles (TSP) and heavy metals as well as weather at one station. The sampling commenced on 22 June 2021 and all 24 – hour TSP concentrations were below the annual average TSP air quality criteria. The sampling report (Ramboll 2021) summarises that 24-hour lead concentrations were below the annual average lead air quality criteria. The monitoring shows spatial and temporal variations in concentrations of arsenic, barium, chromium, cobalt, copper, iron, lead, manganese, molybdenum, nickel, titanium and zinc around Captains Flat. The monitoring is limited in the duration it has been going for, and the monitoring program is on-going with review planned at six months to determine if the locations and analysis parameters remain suitable for the aims of the monitoring.

With respect to the risk of acid, metalliferous and / or saline drainage from site, the high soil and water salinity and metals results, the XRF sulfur-based modified maximum potential acidity values and low pH values in almost all samples from the mine area indicate that almost all of the exposed waste rock and soil is acid-forming. Some 65 of 149 XRF readings by GHD (2018) returned maximum potential acidity (MPA) readings calculated using total sulfur of over 10 kgH₂SO₄/tonne - an indication of the presence of potentially acid-forming (PAF) material. There is therefore a high risk of ongoing acid, saline, and metalliferous drainage unless key contaminant sources are targeted for remediation. The above contamination risks drove the capping design; the implementation of which is the subject of assessment in the Remediation Action Plan (RAP) and Review of Environmental Factors (REF) including

The existing drainage system would be re-established and formalised to suit the regraded and revegetated surface following the remediation works. If required, the culvert under the access road on the eastern side of the Central Mine Area would be upgraded to maintain functionality. Surface water runoff quantity and quality should decrease and improve respectively following the proposed remediation works due to regrading and stabilisation/revegetation. In total, around 1,000 metres of surface drainage works would be undertaken during site remediation.

9.5 Approval to Remediate Council Land (Ref: ; Author: Harlor/Abbott) (Continued)

The purpose of revegetation is to establish a self-sustaining vegetation community that would maintain site stability and reduce erosion risks from both wind and water. Revegetation would also increase the visual amenity of the site. Careful consideration would be given to balancing the management of erosion risk and maintaining the mining heritage character of the site.

The long-term objective is that the site is dominated by native grasses, herbs and shrub species found in the grassy woodlands and dry sclerophyll forests of surrounding areas (e.g., similar to the Yanununbeyan State Conservation Area located approximately five kilometres west of Captains Flat). Species may include silver wattle (*Acacia dealbata*), green wattle (*Acacia mearnsii*), bitter pea (*Daviesia mimosoides*), dogwood (*Cassinia* sp.), bush pea (*Pultenaea procumbens*), tussock grass (*Poa labillardier*) and redanther wallaby grass (*Joycea pallida*).

To ensure initial site stabilisation (and reduced erosion and weed colonisation) following neutralisation and capping, a 'nurse' crop of pioneer species, including non-native grasses, would be used. These species may include Japanese millet, oats, couch, tall fescue, and perennial rye grass. As the native vegetation develops, the pioneer species consisting of non-native grasses would decrease or disappear altogether. Where required, temporary erosion control and protection measures (e.g., erosion control blankets, mats or hydroseeded grass species) may be required during the proposed remediation works.

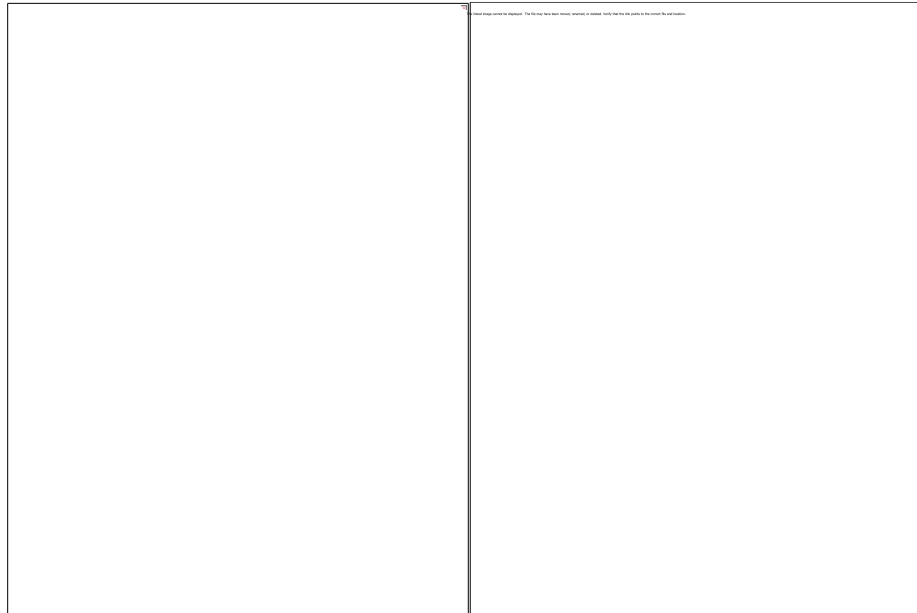
Social / Cultural

Lake George Mine has had an important role in the development of Captains Flat. Mining at the site occurred in two distinct periods: small scale mining from 1881 to 1899 and large-scale mining from 1937 to 1962. At the height of its operation Lake George Mine was one of the largest operating mines in NSW and the town of Captains Flat grew alongside the mine. The mine closed in early 1962 and although exploration licences have existed for the site since, no further mining work has been undertaken since.

Two heritage items located within the proposal site are listed under Schedule 5 of the Palerang Local Environment Plan 2014. These items include structures associated with Captains Flat Railway Station and Lake George Mine.

Heritage items within the proposal site listed under the Palerang LEP

Suburb	Description	Address	Property	Significance	Item No.
Captains Flat	Lake George Mine, including smelter site, mine processing sites, railway precinct, Fosters Gulley and Keatings Collapse	Old Mines Road	Lot 2, DP229690; Lot 1, DP222274; Lot C, DP172630; Lot 319, DP 754870; Lot 2, DP 1033184 and adjacent Crown land	Local	I267

9.5 Approval to Remediate Council Land (Ref: ; Author: Harlor/Abbott) (Continued)

The surge bins were historically used to store ore concentrate prior to load out and off-site transport.

The then NSW Derelict Mines Program attempted to remediate the sulfidic ore stored within the concentrate bins (not the surge bin), during the 2006-2014 series of remedial works by covering the sulfidic ore with inert gravel. Despite this, sulfidic efflorescence is forming under the bins from sulfate-rich leachate emanating from the ore. This secondary mineralisation poses both a public safety and an environmental risk. To remediate the Concentrate Bins and Surge Bin, it is proposed that the inert gravel and the sulfidic waste as applicable be removed using a vac truck and placed in the Northern Dumps encapsulation cell.

A safety and heritage inspection has been undertaken on the old surge bin on Council owned land and the following actions are to be undertaken in order for the concrete foundations to remain insitu as mining heritage items for mining heritage interpretative purposes.

9.5 Approval to Remediate Council Land (Ref: ; Author: Harlor/Abbott) (Continued)

- 1) Appropriately archive historic records and photography of the old surge bin structure.
- 2) Remove the metal and wooden components of the surge bin (if geotechnical works show it is safe to do so). This is along the lines of the Statement of Heritage Impact (SoHI) prepared as part of the REF.
- 3) Treatment of the contaminated soil with lime and then applied a combination of rock mulch and/or growth medium on top.

Works are to be undertaken in accordance with RAP and REF. All reasonable steps must be implemented to ensure members of the public are excluded from the vicinity of the site and unaffected by potential health or environmental impacts of works.

Legal

It is noted that all required assessments and documentation has been obtained for the Lake George Mine remediation works and that this includes removal of the old surge bin located on Council land.

This is a heritage item listed under the Palerang-Queanbeyan Local Environmental Plan (LEP). As advised, the heritage consultant has reviewed the area and agrees that the structure is dilapidating rapidly and should be removed. The concrete components and surrounding structures will remain in place.

The proposed remediation works are subject to the Environmental Planning and Assessment Act (EP&A Act) and requirements of Division 5.1 which specifies the environmental impact assessment requirements for activities undertaken by public authorities, such as LMP, which do not require development consent under Part 4 of the EP&A Act. As such, development consent is not required for the partial removal of the old Silo notwithstanding that it is part of a locally listed heritage item in PLEP 2014. This view has been formed after having regard to and considering the relationships of clauses 2.8 (b): *State Environmental Planning Policy (Resource and Energy) 2021*, clauses 4.16 (3) and 4.8 (c)(ii): *State Environmental Planning Policy (Resilience and Hazards) 2021*.

The Review of Environmental Factors prepared for Department of Regional NSW LMP adequately addresses the proposed remediation works including excavation and containment, insitu neutralisation of surface material, capping and revegetation across key areas in predominantly the northern portion of the Lake George Mine.

The consequences of not proceeding with the LMP of remediation works would mean that the risks to human health and the environment would remain unchanged on Council land possibly resulting in an unacceptable environmental and human risk to people accessing the site and recontamination of any remediation works undertaken in lower areas of the site. A do nothing alternative is not considered a viable option for addressing the contamination risk.

Engagement

The Captains Flat Lead Management Taskforce are committed to prepare a newsletter with recent updates on the program which will be sent out by email and letterbox drop. A follow-up community drop in session is also planned for June/July to share recent findings, present the Lead Management Plan for Captains Flat and introduce the Mine Remediation works.

9.5 Approval to Remediate Council Land (Ref: ; Author: Harlor/Abbott) (Continued)

Conclusion

Council is encouraged to consent to Legacy Mines Program (LMP) for the purpose of contaminated land remediation at the old surge bin located on 66 Old Mines Road. Works are to be undertaken in accordance with Remediation Action Plan and Review of Environmental Factors with all reasonable steps implemented to ensure members of the public are excluded from the vicinity of the site and protected by potential health or environmental impacts of works.

Attachments

Attachment 1 Template for Letter of Approval (*Under Separate Cover*)



REPORTS TO COUNCIL - ITEMS FOR DETERMINATION**9.6 Local Government Recovery Grant - Flooding on 22 February 2022 Onwards
(Ref: ; Author: Ryan/Hansen)**

File Reference: 31.1.9-02

Summary

Following the NSW severe weather and flooding event on 22 February 2022, the Local Government Recovery Grants program, funded by the Australian and NSW Governments, has provided \$1 million to each Council declared under an eligible disaster event.

Council has already received the \$1 million payment and must now provide a program of work by 8 June 2022.

The grants provide financial assistance to Councils towards restoration and recovery projects that best meet their community's needs.

Councils are encouraged to use these grants on measures and activities not eligible for funding through existing Disaster Recovery Funding Arrangements.

The expenses that may be claimed under this program must be extraordinary labour and plant costs directly associated with delivering the eligible project. This will require Council to deliver the eligible projects using contract labour and plant. All projects are to be completed by 30 June 2024.

Recommendation

That Council endorse the attached list of work to be funded from the Local Government Recovery Grants Program.

9.6 Local Government Recovery Grant - Flooding on 22 February 2022 Onwards
(Ref: ; Author: Ryan/Hansen) (Continued)

Background

The projects recommended to Council for the Local Government Recovery Grants program are:

Item	Location	Description	Work Proposed	Amount
1	Karabar	Karabar PreSchool Building (Council owns the building)	Replace roof	\$75,000
2	Nerriga/Braidwood	Nerriga Road	Repair significant sealed pavement damage.	\$460,000
3	Reidsdale	Reidsdale Road	Shoulder grading, Reinstatement roadside drainage.	\$145,000
4	Braidwood	Cooma Road	Repair significant sealed pavement damage.	\$320,000
			Total:	\$1,000,000

The damage to all of the listed projects has been demonstrated to be caused by the 22 February 2022 flood event.

Attachments

Attachment 1 Recovery Grant Guidelines (*Under Separate Cover*)



REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.7 RFT 2020-59 - Lascelles Street upgrade (Ref: ; Author: Hansen/Long)

File Reference: 36.1

Summary

Council has funding for the upgrade of Lascelles Street, Braidwood between Wallace Street and Ryrie Street. Tenders were invited for the proposed work in March 2022 and the five submissions have been evaluated. The tender evaluation report is included as an attachment to this report and a preferred tenderer is recommended.

It should be noted that the tender prices exceeded the funds available for the work. It is intended to reduce the scope of the project to suit the available funds and reduce the length of the original proposal to reconstruct Lascelles Street by 100 metres (originally 230 metres in length) at the Ryrie Street end of the work.

Recommendation

That Council award contract 2020-59 for the upgrade of Lascelles Street, Braidwood based on the tendered Schedule of Rates to Tenderer 5 for the amount of \$1,506,052.07 (incl GST).

Background

The upgrade and improvement to Lascelles Street, Braidwood between Wallace Street and Ryrie Street was identified in and funded from the Stronger Communities Fund program. \$800,000 was allocated from this program. An additional \$400,000 has been allocated from the Local Roads and Community Infrastructure program.

The project includes:

- Rehabilitation of existing pavement
- Construction of formalised car parking
- Construction and upgrade of drainage
- Replacement of kerb and gutter
- Reconstruction of footpaths
- Landscaping of footpaths including garden beds
- Replacement of street trees

Tenders were invited on 30 March 2022 and closed on 27 April 2022. Five submissions were received and evaluated according to the tender evaluation plan. Tenders were assessed under a two envelope system, with non-price criteria assessed prior to price criteria with weighting of 40:60.

The non-price criteria were weighted as shown below:

Non-Price Criteria	Weighting
Tenderer's recent experience and performance in comparable work	15%
Proposed construction methodology and program	20%
Demonstrated ability and commitment to employ and/or engage people and/or contractors based in the Queanbeyan-Palerang Regional Council area	5%

9.7 RFT 2020-59 - Lascelles Street upgrade (Ref: ; Author: Hansen/Long) (Continued)

The final rankings were based on the calculation of a 'Value for money' ratio. This ratio is:

$$\text{'Value for money' ratio} = \frac{\text{Non-price score}}{\text{Tendered Price}}$$

Where:

'Non-price score' is the sum of the scores of the weighted non-price components plus 60 (being the baseline quality value implicit in the 'price' component)

'Tendered Price' is the price of the tender expressed in \$'000

A summary of the tenderers' 'Value for money' ratio and rank are shown below:

Tenderer Number	Value for money ratio	Rank
Tenderer 1	0.029	4
Tenderer 2	NA	NA
Tenderer 3	0.048	2
Tenderer 4	0.040	3
Tenderer 5	0.060	1

The confidential tender evaluation report is included as an attachment under separate cover.

Implications

Environmental

The proposed works will improve the management of stormwater in the work area.

A number of mature street trees will be removed in accordance with recommendations in a separate arborist report. Replacement of these trees, plus planting of additional street trees, is proposed. The location and species of these new trees has been identified in consultation with the Braidwood Garden Club.

Asset

Existing road assets will be repaired and upgraded to improve the current level of service. An existing water main has been replaced as preliminary work for this project. Existing street trees will be replaced, and additional trees planted. New treatments will be installed to improve pedestrian safety.

Strategic

The Lascelles Street upgrade has been identified in Council's Operational Plan and meets goal 4.1 of the Community Strategic Plan.

Engagement

Community consultation for the Lascelles Street Improvements project was undertaken on YourVoice between 22 November 2019 and 23 January 2020. A separate consultation report was presented to, and noted by, Council in October 2020.

9.7 RFT 2020-59 - Lascelles Street upgrade (Ref: ; Author: Hansen/Long)
(Continued)

Financial

The funding currently available for this project is less than the tendered price and the estimated total project cost (including funds already spent). There is an estimated deficit of \$617,000 to complete the full scope of work. An initial reduced scope of work that retains the service and intent of the project reduces the deficit to \$480,000.

The scope of the project will be adjusted with the length of the work reduced by approximately 100 metres. The project will be delivered as a schedule of rates contract to facilitate the change in the project scope.

Program Code	Expense Type	Funding source	Amount
100701	Capital	Stronger Communities Fund	\$800,000
		Local Roads and Community Infrastructure program	\$400,000

Resources (including staff)

Council staff have prepared designs for the improvements and will project manage the work. These costs are included in the project budget.

Integrated Plan

The Lascelles Street upgrade has been identified in Council's Operational Plan and meets goal 4.1 of the Community Strategic Plan.

Conclusion

Tenders for the upgrade of Lascelles Street have been evaluated and a preferred tenderer is recommended. Additional funding is requested to complete this project.

Attachments

Attachment 1 RFT 2020-59 - Tender Evaluation Report (*Under Separate Cover*) -
CONFIDENTIAL

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.8 Approval to make Application to Incorporate Parts of Nimrod and Mountain Roads into the Queanbeyan Sewage Treatment Plant Site Lease (Ref: ; Author: Hansen/Boulton)

File Reference: 100123

Summary

As part of the Queanbeyan Sewage Treatment Plant (QSTP) Upgrade there is an opportunity to improve site access and security by adjusting the lease boundary of the site. The proposal is to incorporate parts of the adjoining Mountain and Nimrod Roads into the site, which will limit public access to the site and provide additional land above the 1 in 100 year floodplain (with climate change allowance) that can be utilised future upgrades.

The proposal has been discussed with ACT Government entities and adjoining landowners with no objections noted and is endorsed by Transport Canberra and City Services (TCCS - the road custodian within the ACT Government). As the QSTP and both roads are in the ACT, the proposal needs to follow the ACT Government's Direct Sales process. The Direct Sales process allows the ACT Government to consider the proposal and decide whether to offer lease over the land to the applicant. No commitment is made by proceeding with the direct sales application.

This report seeks approval to make an application through the ACT Government's Direct Sale process for QPRC to incorporate parts of Mountain and Nimrod Roads into the QSTP site.

Recommendation

That Council authorise the CEO to make an application to the ACT Government to incorporate parts of Mountain and Nimrod Roads into the Queanbeyan Sewage Treatment Plant site.

Background

QPRC are proposing to upgrade the existing QSTP on Block 27 Jerrabomberra ACT with a new 75k EP (Equivalent Persons) QSTP on the same site.

Access to the QSTP site is via Mountain Road. Mountain Road is a gravel road that is frequently in poor condition. Mountain Road after the bend only provides access the three properties: Capital Battery site, ACT Rural Services agistment land and the QSTP.

Nimrod Road is a dead-end gravel road that is only used by QSTP and the adjoining ACT Government agistment land. Nimrod Road provides for a second emergency egress route from the QSTP site.

Nimrod and Mountain Roads are located in the ACT and owned by the ACT Government.

Mountain and Nimrod Roads are frequently subject to illegal dumping of rubbish and cars as well as other illicit activities (including drug taking) which present security and personnel safety risks to the adjacent properties (including the QSTP site). ACT Rural Services invited QPRC to an on-site meeting with TCCS in 2021 to discuss how to manage these issues going forward, proposing that the entire road be gated to limit public access.

9.8 Approval to make Application to Incorporate Parts of Nimrod and Mountain Roads into the Queanbeyan Sewage Treatment Plant Site Lease (Ref: ; Author: Hansen/Boulton) (Continued)

QPRC have the expectation that they would be asked by the ACT Government to contribute to upgrading Mountain Road as part of the QSTP upgrade development and have therefore included an allowance for the upgrade of Mountain Road as part of the QSTP Upgrade project.

The QSTP Operational Team have a desire to close part of Mountain Road and all of Nimrod Road. The main reason for the proposed closure is to improve safety and security around the operational part of the QSTP site.

The QSTP project team has facilitated discussions with the adjoining landowners, road users and TCCS, with no objections noted. TCCS have endorsed the proposal.

The proposal would require QPRC to install a turning head on Mountain Road at the new boundary, provide an alternative site access route to the adjoining agistment land, maintain the Nimrod Road alignment as an emergency egress route for ACT Fire and Rescue and gate the new boundaries.

The incorporation of Mountain and Nimrod Roads into the QSTP site would provide the following benefits to QPRC:

1. Reduce the length of Mountain Road upgrade required to meet the ACT Government's road standards, reducing the cost to QPRC for the Mountain Road upgrade;
2. Limit public access to the site;
3. Improve security at the site;
4. Provide a road alignment that will increase the amount of land above the 1 in 100year flood plain for a future Stage 2 upgrade of the QSTP.

The extents of Mountain and Nimrod Road proposed to be incorporated into the QSTP site are shown below. Attachment 1 shows the proposed extent of Mountain and Nimrod Road upgrade works if the direct sale was to proceed.



The alternative to proceeding with the application is to continue discussion with TCCS to upgrade Mountain Road from Railway Street to the existing QSTP site entry at the end of Mountain Road. This alternative would not provide QPRC additional security benefits nor land for potential future expansion.

Legal

Legal advice has not been sought to date, however it would be required if the application is made and an offer to purchase the land is made by the ACT Government to QPRC. Any land “purchased” would be incorporated into our existing lease that is currently being renegotiated.

9.8 Approval to make Application to Incorporate Parts of Nimrod and Mountain Roads into the Queanbeyan Sewage Treatment Plant Site Lease (Ref: ; Author: Hansen/Boulton) (Continued)

Strategic

The proposal would provide more land area for future upgrades to the QSTP. Noting that the proposed STP meets Councils currently zoning and planning.

Engagement

QPRC has undertaken consultation with various stakeholders to progress discussion on options to address the road condition, upgrade, closure and access needs including:

1. TCCS in September 2020, 2021 and 2022
2. ACT Direct Sales in 2021, 2022
3. ACT F&R in 2021
4. Icon Water in 2022
5. Road user stakeholder workshop including: ACT Rural Services, TCCS, Neoen (Capital Battery), QPRC Operational Team in December 2021
6. Territory Agistment in December 2021.

Financial

The cost for QPRC to make the Direct Sale application through the ACT Government is \$12,265.00.

Program Code	Expense Type	Funding source	Amount
		Sewer fund	\$ 12,265.00

Resources (including staff)

The application will be prepared by the QSTP project team internal staff. Consideration of an offer made by the ACT Government would be completed by internal QPRC staff and external legal advisors (if required).

Conclusion

This report recommends proceeding with the Direct Sale application which will allow QPRC to continue discussions and negotiations with the ACT Government regarding the scope and cost allocation for upgrades to Mountain Road and Nimrod Roads to facilitate the QSTP Upgrade project.

Attachments

- Attachment 1  Proposed extent of works following purchase of parts of Mountain and Nimrod Road (*Under Separate Cover*)

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.9 Queanbeyan Aquatic Centre Boiler Upgrade (Ref: ; Author: Hansen/Zubrinich)

File Reference: 35.1.1

Summary

In March this year, Council requested quotations from Mechanical Services contractors to upgrade the pool heating systems at the Queanbeyan Aquatic Centre. This Request for Quotation (RFQ) was restricted to contractors who had tendered successfully to be included on the QPRC Minor Works Panel.

Echelon Consulting provided a scope of works, technical specifications and budget estimates for this project.

Additionally, staff included provisional sums to carry out decommission and removal of the existing indoor pool enclosure boiler plant infrastructure, and provision of new dual high efficiency condenser boiler plant and all associated pipework, pumping, electrical and controls. Separate schedules were provided within the contract documentation.

There was strong interest from prospective tenderers with four submissions received. Quotations were evaluated in accordance with the approved tender evaluation plan, by a three-person staff panel.

All quotations received significantly exceeded budget estimates.

Additional funds are required to complete the work and it is intended to obtain these from operational savings achieved in the 21/22 Facilities budget. These changes will be reported to Council in the next budget review.

Recommendation

That Council:

- 1. Award Contract 2021-49 to Contractor 3 for the sum of \$384,964 (inc GST).**
 - 2. Reallocate \$130,000 of operational savings to this project from the Facilities budget to meet the shortfall described in this report.**
 - 3. Include these changes in the next budget review.**
-

Background

There are two separate boiler plant facilities serving the QPRC Aquatics Centre. A dedicated boiler plant was installed in 2004 providing both pool and enclosure heating. The original boiler plant installed circa 2000 provides tempering of the main outdoor pool and the children's splash park. This boiler has reached the end of its effective operational and economic life and is due to be replaced. Additionally, the boiler plant serving the indoor pool enclosure and pool water is approaching the end of its life. It is intended to consolidate all pool water heating to a central boiler plant and upgrade the control systems.

**9.9 Queanbeyan Aquatic Centre Boiler Upgrade (Ref: ; Author: Hansen/Zubrinich)
(Continued)**

Implications***Legal***

Section 55 Of the Local Government Act 1993 requires that a Council invite open tenders before entering into contracts for projects over \$250,000. Budget estimates indicated the total contract value would not exceed this threshold, leading us towards a formal quotation process.

Policy

Quotations have been assessed as per QPRC procurement policies and the Tender Evaluation Plan for the project.

QPRC Procurement Policy - Schedule 1, Table 1 (Procurement methods and financial thresholds) indicates that procurements of \$250,000 or greater may be undertaken via three written quotes from a preferred panel. As such, a formal quotation process was used for this procurement activity.

Engagement

Internal stakeholders were consulted prior to inviting tenders to ensure all needs were met.

Financial

All quotations received significantly exceeded budget estimates.

Additional funds are required to complete the work and it is intended to obtain these from operational savings achieved in the 21/22 Facilities budget. These changes will be reported to Council in the next budget review.

Resources (including staff)

This contract will be managed by Council's Facilities staff. All construction work will be completed by the successful tenderer.

Conclusion

The tenderer who best satisfied the selection criteria for the maintenance of QPRC HVAC assets was found to be tenderer number 3.

All tenderers are on approved Council panels negating the need for further background checks.

Attachments

Attachment 1 Tender Evaluation Report - Queanbeyan Aquatic Centre Boiler Upgrade
(Under Separate Cover) - **CONFIDENTIAL**

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.10 Draft Resourcing Strategy (Ref: ; Author: Monaghan/Tozer)

File Reference: 51.1.1-01

Summary

As part of Council's Integrated Planning and Reporting requirements, Council must prepare a Resourcing Strategy.

The recently reviewed Integrated Planning and Reporting Guidelines describe the Resourcing Strategy as:

The Resourcing Strategy is the point where the council explains to its community how it intends to perform all of its functions, including implementing the strategies set out in the Community Strategic Plan. Some strategies in the Community Strategic Plan will clearly be the responsibility of the council, some will be the responsibility of other levels of government and some will rely on input from business and industry groups, community groups or individuals. The Resourcing Strategy focuses in detail on matters that are the responsibility of the council and considers, in general terms, matters that are the responsibility of others. The Resourcing Strategy articulates how the council will allocate resources to deliver the objectives under its responsibility.

Council is presented with the draft Resourcing Strategy, draft Workforce Management Strategy 2022-26 and draft Long Term Financial Plan 2022-32 with a recommendation to place the documents on public exhibition.

Recommendation

That Council endorse the draft Resourcing Strategy, Long Term Financial Plan 2022-32 and draft Workforce Management Strategy 2022-26 for public exhibition.

Background

In late 2021, Council prepared a draft Resourcing Strategy for publication during the local government election process.

Council's Resourcing Strategy comprises five elements:

- Asset Strategy
- Workforce Strategy
- Long Term Financial Plan
- Risk Management Plan
- Digital Strategy
- Climate Change Action Plan

The strategies have been refreshed since 2020 and framed in the driver-pressure-state-impact-response (DPSIR) framework used for the previous Resourcing Strategy, to illustrate the respective relationships and interdependencies of the strategies and the forming of the respective Responses/ Actions.

9.10 Draft Resourcing Strategy (Ref: ; Author: Monaghan/Tozer) (Continued)

Implications***Engagement***

While the Integrated Planning and Reporting guidelines do not specifically require Council to place the Resourcing Strategy of Workforce Management Strategy on public exhibition, it is recommended that this occurs.

The following requirements for the various parts of the Resourcing Strategy are listed below:

Long-Term Financial Plan

- To be adopted by Council
- LTFP must cover a 10-year period
- Reviewed in detail as part of review of Community Strategic Plan
- LTFP must be publicly exhibited for 28 days

Workforce Management Plan/Strategy

- To be endorsed by Council
- Timeframe must align with the Delivery Program
- No requirement to consult with community

Asset Management Planning

- To be adopted by Council
- Must cover minimum of 10 years

Integrated Plan

The Resourcing Strategy forms a key part of the Integrated Planning and Reporting guidelines and is the key link between the goals and aspirations of the Community Strategic Plan and the delivery of actions and programs via the Delivery Program and Operational Plan.

Conclusion

The draft Resourcing Strategy, draft Workforce Management Strategy and draft Long Term Financial Plan are presented to Council and recommended for public exhibition. Feedback will be provided to Council in June 2022, prior to adoption/endorsement.

Attachments

Attachment 1 Draft Workforce Management Strategy 2022-26 (*Under Separate Cover*)



Attachment 2 Draft Resourcing Strategy (*Under Separate Cover*)



Attachment 3 Draft Long Term Financial Plan 2022-32 (*Under Separate Cover*)



REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.11 Appointment of QPRC as Crown Land Manager of Ryrie Park North (Ref: ; Author: Richards/Duncan)

File Reference: 26.2.2-01

Summary

The purpose of this report is to seek Council approval to request that QPRC be appointed the Crown Lands Manager for Ryrie Park North in Braidwood (Lot 7005 DP 1020633).

QPRC is the Crown Lands Manager for most of Ryrie Park in Braidwood. However, it does not have this jurisdiction for Lot 7005 DP 1020633 (Dedication 530070) which contains the Braidwood Pool. The restrictions associated with devolved land only became apparent during the Development Application process.

Devolved management only allows Council to undertake maintenance of the land, maintenance of existing buildings and improvements to the existing structures, as long as the footprint does not change. Under devolved management Council would not be able to enter into licence agreements with users of the Braidwood Pool or undertake the proposed refurbishment.

The *Crown Land Management Act 2016* allows NSW councils to manage Crown land under the provisions of the *Local Government Act 1993*. Councils can request to be appointed as Crown Land Manager for any reserves devolved to them under Section 48 of the *Local Government Act 1993*.

Recommendation

That Council endorse a request to be Crown Land Manager for Ryrie Park North (Lot 7005 DP 1020633), through the Crown Lands Department of Planning and Environment.

Background

The Development Application for Braidwood Pool was referred to Crown Lands as Landowners Consent was required. Crown Lands offered no objection to the development providing Council:

- obtains the appropriate tenure before construction commences; and
- applies to be the appointed the Crown Land Manager.

On 23 February 2022, Council determined DA.2021.1258 – 163 Wallace Street – Alterations and Additions to a Recreational Facility (Braidwood Memorial Pool) by conditionally approving it (Minute No. 077/22).

Implications***Legal***

When management of Crown land is devolved to Council, it is subject to Section 48 of the *Local Government Act 1993*. The land cannot be managed as either operational or community land and Council is unable to issue leases and licences to third parties.

**9.11 Appointment of QPRC as Crown Land Manager of Ryrie Park North (Ref: ;
Author: Richards/Duncan) (Continued)**

Strategic

If Crown Lands Department of Planning and Environment agrees to Council's Request, the lot in question will need to be included in a Plan of Management under the *Crown Lands Act 2016*.

Conclusion

Becoming the Crown Land Manager of this lot will enable QPRC to progress with alterations and additions to the Braidwood Pool. To do so, Council needs to request to be appointed the Crown Lands Manager for Ryrie Park North, Braidwood (Lot 7005 DP 1020633).

Attachments

Nil

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

**9.12 Quarterly Budget Review Statement for the Quarter Ending 31st March 2022
(Ref: ; Author: Monaghan/Blakey)**

File Reference: 43.7.2-15

Summary

The March 2022 Quarterly Budget Review Statement (QBRs) provides a summary of Council's financial performance at the end of the March 2022 and reports on progress made against the original budget adopted by Council in its 2021/22 Operational Plan.

It is my opinion that the quarterly budget review statement for QPRC for the March 2022 quarter indicates that Council's projected short-term financial position as at 30 June 2022 is satisfactory, taking into account the original and revised estimates for income and expenditure.

Current levels of unrestricted cash and internal reserves held by Council are low, placing the Council at high risk of being unable to respond to unforeseen events, and which could lead to unplanned service reductions.

Council is putting in place improved cash management procedures including reporting and monitoring of internal reserves, budget performance and grant claims management processes.

The budget adjustments recommended to Council for approval result in a net increase to the consolidated budget deficit from \$1.9m to \$9.4m, and a net decrease to forecast unrestricted cash of \$1.7m. The changes are predominantly due to the decrease in interest received, the increase in depreciation, and the deferral of capital works.

The revised forecast budgeted operating result for the year ended 30 June 2022 is a deficit of \$9.4m comprising a deficit of \$12.4m in the General Fund and a surplus of \$3.0m in the combined Water and Sewer Funds.

Recommendation**That Council:**

- 1. Receive the March 2022 Quarterly Budget Review Statement and adopt the budget variations outlined in the report.**
 - 2. Note the estimated consolidated budget deficit of \$9.4 million.**
-

Background

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

The following financial reports are included in the March QBRs:

- 1. Consolidated Budget Summary:** This is a budget summary statement showing actual income, expenditure and capital expenditure for the year to 31 March 2022, against the original annual budget. It shows the proposed budget adjustments and an updated annual budget forecast for the financial year.

**9.12 Quarterly Budget Review Statement for the Quarter Ending 31st March 2022
(Ref: ; Author: Monaghan/Blakey) (Continued)**

The consolidated budget summary includes the General Fund, Water and Sewer Fund financial information.

2. Budget Summary by Service: Provides the same information for the Council, listed by branch.
3. Budget Summary by Fund: The same budget summaries are provided for each fund, General, Water and Sewer, and provide the adjusted operating and cash result, by fund.

This report includes commentary to explain each of the proposed budget adjustments.

4. Capital Expenditure Statement: This report provides actual expenditure on each capital project up to 31 March 2022, reported against the original annual budget, with proposed budget adjustments and an updated annual budget forecast.
5. Cash and Reserves Statement: This report shows the Council's total cash and reserves, including the working fund balance as at 31 March 2022.

Proposed Budget Adjustments

The significant budget adjustments recommended in the March QBRs include:

- \$14m reduction in operating grant budget and an equivalent reduction in operating expenses budget based on expected timing of ongoing funded natural disaster recovery works. Council has completed \$45m of recovery works across 10 programs of work over 3 financial years up to the quarter ended 31 March 22.
- \$1.2m reduction in budgeted income from waste annual charges due to a correction to the original budget; that was developed prior to adoption of the waste strategy.
- \$1m increase in materials and services due to additional operational road maintenance works required due to unforeseen weather conditions; this has been partly offset by redirection of capital road work budgets.
- \$2m decrease in interest income budgeted to be received based on changes in market conditions since the original budget.
- A review of the capital works budget has been completed for the third quarter review. Based on stages of project completion \$50m capital budgets have been carried forward from 2021-22 to the following year to match the estimated timing of cashflow, with capital budget changes offset by reductions in new borrowing, grant income and reserves transfers.
- \$1.8m decrease to the internal project management attribution allocation of 4% on capital works, due to the revised timing of capital cashflows. There is no net impact on the council's cash position, but an increase in operating expenditure and an equivalent decrease in capital expenditure.
- \$13.3m – Decrease in Materials and contracts expenditure. Due to the movement of between financial year of Disaster Recovery Funding work schedules, this reduction in expenses is offset by a reduction in operating contributions
- \$3.7m increase in depreciation expenses due to the increase in Council's asset base including \$277m new assets capitalised in the last 2 years, and \$234m revaluation increase that was applied in 2021.

9.12 Quarterly Budget Review Statement for the Quarter Ending 31st March 2022 (Ref: ; Author: Monaghan/Blakey) (Continued)

Capital Works Program

The revised capital works budget for 2021/22 is \$114 million with 46% expended as at 31 March. The revised budget includes new capital works as a result of grant announcements in the current financial year and project cashflow adjustments to existing projects.

Implications

Legal

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

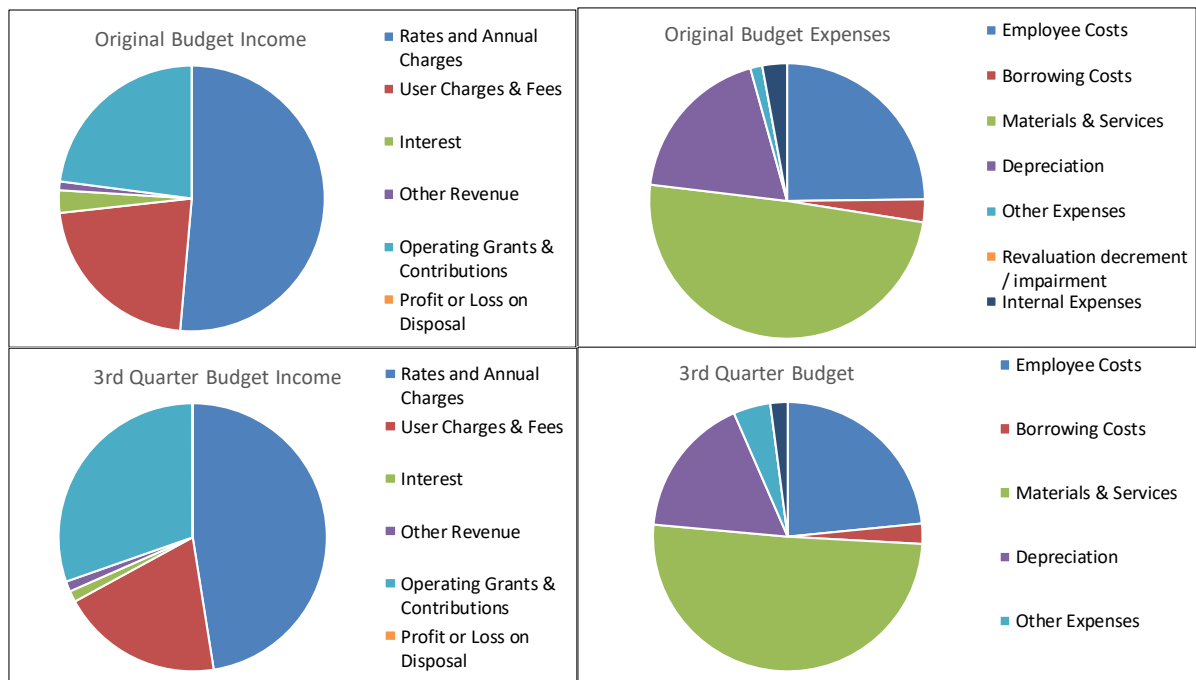
Financial

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

Description	ORIGINAL	Approved Changes			REVISED	Recommended changes for Council Resolution	PROJECTED year end result	Actual
	Budget	Carry Overs	QBRS - Sept	QBRS - Dec	Budget			YTD
	\$	\$	\$	\$	\$			\$
Income								
Rates and Annual Charges	-79,003,736	0	-633,236	0	-79,636,972	1,232,469	-78,404,503	-78,541,731
User Charges & Fees	-33,593,983	0	547,205	819,538	-32,227,240	-72,945	-32,300,185	-19,175,803
Interest	-4,202,403	0	0	-8,151	-4,210,554	1,999,999	-2,210,555	-834,212
Other Revenue	-1,638,871	0	-190,267	-73,746	-1,902,884	-155,328	-2,058,212	-1,579,685
Operating Grants & Contributions	-35,261,625	0	-7,463,594	-259,225	-42,984,444	5,513,981	-37,470,463	-20,817,112
Profit or Loss on Disposal	0	0	-20,000	0	-20,000	0	-20,000	137,496
Total Income	-153,700,618	0	-7,759,892	478,417	-160,982,094	8,518,176	-152,463,918	-120,811,047
Expense								
Employee Costs	40,003,539	0	1,036,621	-49,598	40,990,562	708,906	41,699,468	29,692,941
Borrowing Costs	4,318,814	0	0	0	4,318,814	0	4,318,814	1,843,223
Materials & Services	79,666,367	82,414	7,148,463	2,964,597	89,861,841	-13,346,228	76,515,613	46,676,730
Depreciation	30,306,535	0	0	0	30,306,535	3,706,164	34,012,699	25,681,218
Other Expenses	2,277,664	0	-293,414	53,595	2,037,845	6,977,630	9,015,475	1,278,616
Revaluation decrement / impairment	0	0	0	0	0	0	0	24,158
Internal Expenses	-4,666,686	-87,608	-228,437	318,056	-4,664,675	977,516	-3,687,159	-1,220,743
Total Expense	151,906,233	-5,194	7,663,232	3,286,650	162,850,922	-976,012	161,874,911	103,976,144
Operating (Surplus)/Deficit before Capital	-1,794,385	-5,194	-96,660	3,765,067	1,868,829	7,542,164	9,410,993	-16,834,903

9.12 Quarterly Budget Review Statement for the Quarter Ending 31st March 2022 (Ref: ; Author: Monaghan/Blakey) (Continued)

Description	ORIGINAL		Approved Changes		REVISED	Recommended changes for Council Resolution	PROJECTED year end result	Actual YTD
	Budget	Carry Overs	QBRs - Sept	QBRs - Dec	Budget			
	\$	\$	\$	\$	\$	\$	\$	\$
Capital Income								
Capital Contributions	-13,695,524	-705,000	1,491,800	-939,305	-13,848,029	-1,163,507	-15,011,536	-6,074,080
Capital Grants	-39,347,937	-486,964	-5,183,671	-13,973,778	-58,992,350	25,188,462	-33,803,888	-19,443,475
Operating (Surplus)/Deficit after Capital	-54,837,846	-1,197,158	-3,788,530	-11,148,016	-70,971,550	31,567,119	-39,404,431	-42,352,459
Non Cash								
Capital Contributions	6,968,020	0	0	22,799	6,990,819	0	6,990,819	0
Depreciation	-30,306,535	0	0	0	-30,306,535	-3,706,164	-34,012,699	-25,681,669
Profit or Loss on Disposal	0	0	20,000	0	20,000	0	20,000	-137,496
Total Non Cash	-23,338,515	0	20,000	22,799	-23,295,716	-3,706,164	-27,001,880	-25,819,165
Investing Fund Flows								
Capital Works Program	174,775,368	14,919,639	-18,201,099	-12,079,000	159,414,909	-50,721,741	108,693,168	47,732,989
Asset Purchases	4,574,000	3,635	27,500	920,000	5,525,135	10,000	5,535,135	4,990,633
Loan Principal Repayments	7,867,287	0	0	0	7,867,287	-320,977	7,546,310	4,453,045
Total Investing Fund Flows	187,216,655	14,923,274	-18,173,599	-11,159,000	172,807,331	-51,032,718	121,774,613	57,176,667
Financing Fund Flows								
Sale of Assets	-550,000	0	-20,000	-550,000	-1,120,000	0	-1,120,000	-1,061,238
Proceeds from Borrowings	-86,438,216	0	23,878,312	2,518,000	-60,041,904	11,270,000	-48,771,904	0
Total Financing Fund Flows	-86,988,216	0	23,858,312	1,968,000	-61,161,904	11,270,000	-49,891,904	-1,061,238
Net (Inc)/Dec in Funds before Transfers	22,052,078	13,726,117	1,916,183	-20,316,217	17,378,161	-11,901,763	5,476,397	-12,056,195
Reserve Movements								
Transfers to Internal Reserves	9,987,025	0	-4,891,919	610,522	5,705,628	-87,422	5,618,206	
Transfers to Developer Contributions	6,727,504	0	-1,491,800	899,506	6,135,210	1,842,841	7,978,051	
Transfers to Other External Reserves	28,209,604	700,000	-172,856	41,659,740	70,396,488	-9,051,124	61,345,364	
Transfers from Internal Reserves	-15,709,769	-1,979,905	4,527,717	-491,784	-13,653,741	-961,579	-14,615,320	
Transfers from Developer Contributions	-7,310,962	-3,750,048	-381,633	-1,723,713	-13,166,356	164,759	-13,001,596	
Transfers from Other External Reserves	-45,335,774	-8,933,952	-1,027,055	-22,880,673	-78,177,453	21,748,477	-56,428,976	
Total Reserve Movements	-23,432,372	-13,963,905	-3,437,545	18,073,599	-22,760,224	13,655,953	-9,104,271	0
Net (Inc)/Dec in Unrestricted Funds	-1,380,294	-237,788	-1,521,363	-2,242,619	-5,382,063	1,754,189	-3,627,874	



**9.12 Quarterly Budget Review Statement for the Quarter Ending 31st March 2022
(Ref: ; Author: Monaghan/Blakey) (Continued)**

Integrated Plan

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

Conclusion

The net total of recommended budget adjustments for the March QBRS is a \$7.5m reduction in the operational surplus and \$1.7m reduction to unrestricted cash. The list of adjustments is summarised in the attached report.

Attachments

Attachment 1 March 2022 Quarterly Budget Review (*Under Separate Cover*)



REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.13 Investment Report - April 2022 (Ref: ; Author: Monaghan/Drayton)

File Reference: 43.6.5-02

Summary

In accordance with the *Clause 212 of the Local Government (General) Regulation 2005*, the Investment Report is presented to Council monthly. This report presents the investment result for April 2022.

Recommendation

That Council:

1. **Note the investment return for April 2022 was -\$302,433.**
 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 April 2022.**
-

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

A list of Council's cash and investments held on 30 April 2022 is detailed in the attached Investment Report Pack.

Over the last 12 months, Council's portfolio produced an annualised rate of return of 0.12%, outperforming the benchmark Bank Bill Index by 0.10%.

On 30 April 2022, the principal amount invested was \$183,966,311 and the 2021/22 financial year return to date was \$262,757 which is 13% of Council's 2021/22 revised budgeted return.

Market Update

The Reserve Bank (RBA) raised the cash rate by 25 basis points to 0.35% at its May 2022 meeting. This is the first rate increase in over a decade.

The Board judged that now was the right time to begin withdrawing some of the extraordinary monetary support, starting a process of normalising monetary conditions. The RBA's initial expectations were to leave the cash rate on hold until 2024, however inflation has picked up significantly and by more than expected and unemployment is forecast to fall below 4%.

The Board acknowledged that further lifts in interest rates over the period ahead will be required to ensure inflation returns to target levels.

Of the total \$184 million investment portfolio, Council holds \$27.4 million in TCorpIM long-term and medium-term funds. April again saw negative returns for the funds with respective regressions of \$275,345 and \$157,887. This period of poor performance has weighed heavily on Council's investment returns, forcing a budgetary correction. The 2021/22 investment return budget was halved from \$4 million to \$2 million as part of the 3rd Quarter Budget Review.

Despite the current economic climate, Council's investment advisor, Laminar Capital have recommended Council maintain its holdings in both funds. While these funds are exposed to additional investment risks to generate higher potential returns, they are structured with longer term time horizons. The minimum advised investment time frame for the MTGF is 3-7 years and 7+ years for the LTGF.

9.13 Investment Report - April 2022 (Ref: ; Author: Monaghan/Drayton) (Continued)

The following table shows a performance summary of the TCorpIM Funds at 30 April 2022.

TCorpIM Fund	1 month %	FYTD %	1 Year %	3 Year (% p.a.)	7 Year (% p.a.)	10 Year (% p.a.)
Medium Term Growth	(1.39)	(3.19)	(1.20)	2.33	3.47	5.02
Long Term Growth	(1.67)	(2.93)	0.59	5.41	6.16	8.74

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

Implications***Legal***

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

Certified by Josh Staniforth, Responsible Accounting Officer, 13/5/2022.

Policy

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

Environmental

Market Forces is a campaign group focusing on environmental protection by exposing institutions financing projects that have a negative environmental impact. They have assessed over 115 banks, mutuals and credit unions to determine their position on lending to or investing in the fossil fuel (coal, oil, and gas) industry. Council's investment advisor, Laminar Capital has applied Market Forces' findings to Council's current investment portfolio with the results outlined in Attachment 2.

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

The Climate Bonds Standard Board operates as an advisory committee of the Climate Bonds Initiative Board and oversees the development of the Climate Bonds Standard.

The Climate Bonds Standard and Certification Scheme is a labelling scheme for bonds and loans. Rigorous scientific criteria ensure that bonds and loans with Certification are consistent with the 2 degrees Celsius warming limit in the Paris Agreement.

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

Council has \$8,000,000 (4.4% of the total portfolio) invested in deposits with Westpac which have been deemed suitable to carry the Climate Bonds Standard Certification badge.

Financial

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

9.13 Investment Report - April 2022 (Ref: ; Author: Monaghan/Drayton) (Continued)

The following tables show the 30 April 2022 cash and investments balance by fund and by restriction.

Fund	\$
General	62,756,960
Water	34,008,197
Sewer	81,059,243
Trust	282,022
Unrestricted*	5,859,919
Total Cash & Investments	183,966,311

Restriction	\$
Unexpended Loans	-13,502,486
Developer Contributions	52,381,799
Unexpended Grants	18,695,874
External Restrictions (Other)	109,209,325
Internal Restrictions	11,321,880
Total Restrictions	178,106,391
Unrestricted*	5,859,919
Total Cash & Investments	183,966,311

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

Conclusion

On 30 April 2022, the 2021/22 Financial Year investment return amounted to \$262,757. The investment returns are added to the associated restricted funds (e.g. developer contributions) that form Council's investment portfolio.

Attachments

Attachment 1 Investment Report Pack - April 2022 (*Under Separate Cover*)



Attachment 2 Portfolio Fossil Fuel Report - April 2022 (*Under Separate Cover*)



REPORTS TO COUNCIL - ITEMS FOR INFORMATION

10.1 Bungendore High School Status Update (Ref: ; Author: Tooth/Hansen)

File Reference: 46.1.1-34

Summary

At the meeting of Council held 11 May 2022, Council resolved as follows:

Item 12.1 – Bungendore High School Precinct

That Council:

- 1. Staff prepare a report on the status of the Bungendore High School SSD proposal following the recent passage of associated compulsory acquisition of lands.*
- 2. Note that Council was briefed by the Department of Education on the Bungendore High School proposal in a number of workshops in February and April 2022.*
- 3. Given the recent passage of the compulsory acquisition of associated lands by DoE, note the Resolution of Item 16.1 indicating Council's ongoing engagement with this situation.*

This report provides the update required in the above resolution.

Recommendation

That Council note the report.

Background**High School Approval**

Details on the high can be found at the following DoE web page:

<https://www.schoolinfrastructure.nsw.gov.au/projects/n/new-high-school-in-bungendore.html>

The high school is a State Significant Development (SSD) where Council is not the consent authority. Council has provided comments on the EIS prepared by DoE and will continue to provide input on the design of the school as permitted by the SSD application process.

The development application process is in progress and can be viewed on the NSW Major Projects website <https://www.planningportal.nsw.gov.au/major-projects/projects/new-high-school-bungendore>

Council's position on the high school remains that it objects to the chosen location and believes that a more suitable site would be available in Bungendore. Council has also resolved to progress with the provision of alternative administration and community buildings as described below.

A summary and timeline of Council workshops, business paper reports and Council resolutions is attached to this report.

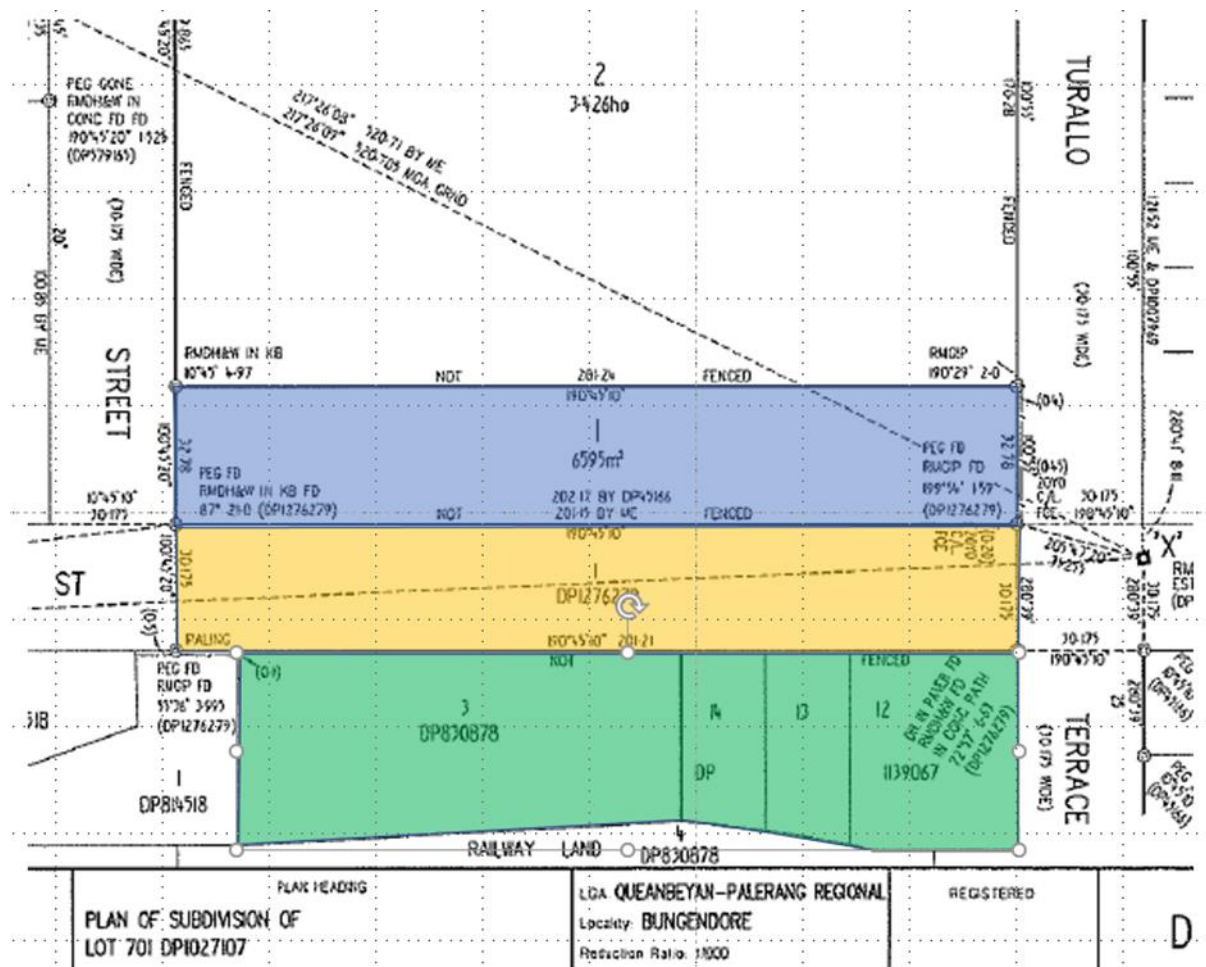
10.1 Bungendore High School Status Update (Ref: ; Author: Tooth/Hansen) (Continued)

Acquisition of Land

On 23 December 2021, Council received notice that Department of Education (DoE) had commenced the compulsory acquisition of 2, 4, 6 and 10 Majara Street Bungendore, Majara Street road reserve (between Turallo Terrace and Gibraltar Street) and part of the crown land adjacent to Mick Sherd Oval.

The acquisition of this land was gazetted on 26 April 2022. The effect of the acquisition notice is that the Council's interest in the acquired land has now been extinguished.

A diagram of the land acquired is shown below:



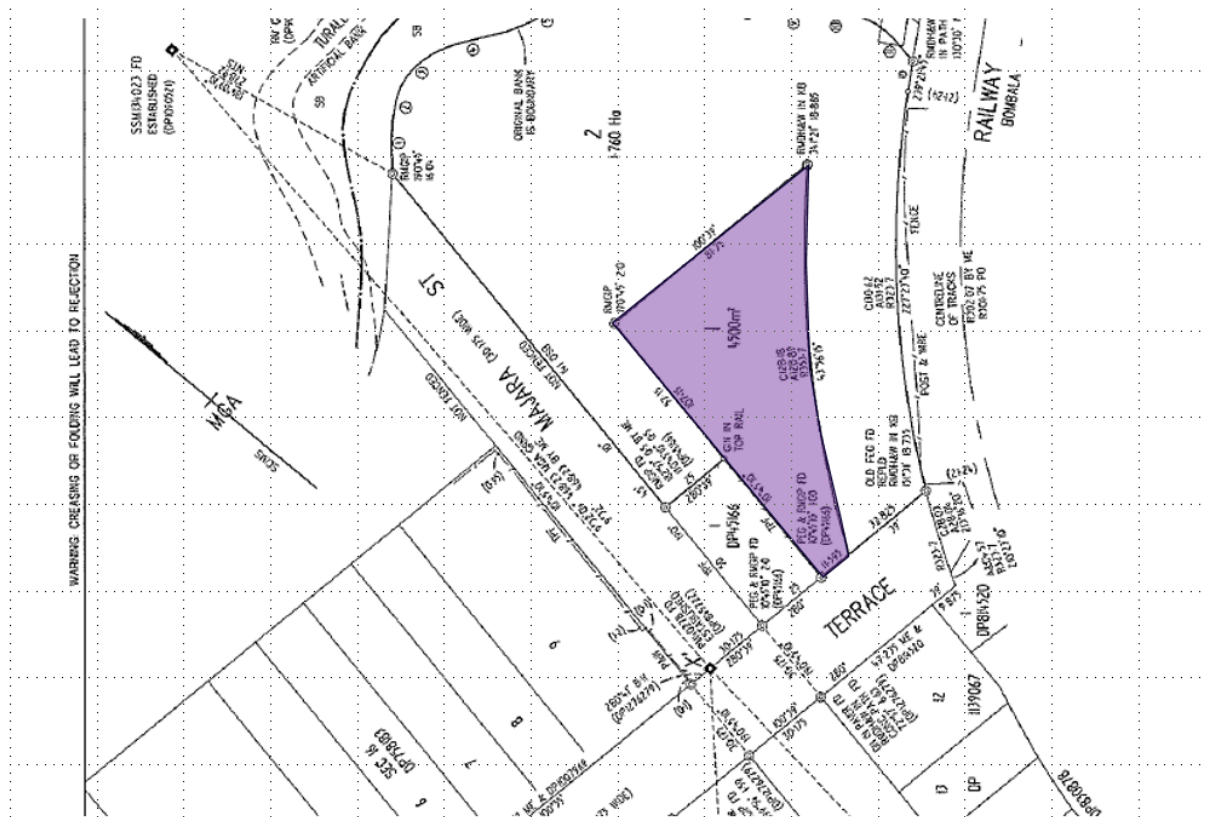
Land coloured blue – previously crown land

Land coloured yellow – previously Majara Street road reserve

Land coloured green – previously Council owned land

10.1 Bungendore High School Status Update (Ref: ; Author: Tooth/Hansen)
(Continued)

In addition to the above land, a section of crown land to the north of Turallo Terrace shown in purple on the diagram below was included in the acquisition.



All the above land has been acquired for the purpose of a school.

The completion of the above acquisition now requires Council to progress with the delivery of a number of activities to ensure that councils best interests are preserved and that disruptions to staff and Council services in Bungendore are minimised.

Claim for Compensation.

As part of the Compulsory Acquisition (CA) process, Council is entitled to be compensated for the loss of the land and buildings acquired by DoE and for the costs associated with moving Council activities and services from current locations to new locations. (known as disturbance costs).

As required by the CA process, claims for compensation have already been submitted for the land that has been acquired.

It must be noted that the Majara Street road reserve and the current Bungendore Library could not be claimed through the CA claims process as they did not meet the definition of being claimable. Claims for these two items will need to be made directly with DoE.

The Valuer General will now provide a determination on the claim made by Council. Once this is received, Council must decide to either accept the amount offered by DoE or take the matter to court.

If Council decides to accept the offer, DoE must pay the full amount of the compensation within 28 days of the acceptance of the offer. If Council decides to contest the amount of

**10.1 Bungendore High School Status Update (Ref: ; Author: Tooth/Hansen)
(Continued)**

compensation offered, Council may ask the DoE for the payment of 90% of the DoE offer before the matter is settled in court. DoE must then pay that amount immediately with the remaining amount to be determined by the court.

Leasing of current buildings and pool

The land that was previously owned and/or managed by Council contains the Bungendore Administration building, the Bungendore Community building and the Bungendore pool. As Council is no longer the owner/manager of this land, lease agreements will now be prepared to permit Council staff and the community to continue to occupy/use these buildings until they are required for the construction of the new high school.

Lease documents have been prepared that provide for the occupation of these buildings as summarised below:

1. 10 Majara Street - Council administration building

- a. Council will lease the building from DoE until 30 November 2022 with no option to extend.
- b. Staff will continue to occupy the building till this date.
- c. Rent will be \$1.00 if demanded.
- d. Council will pay 100% of outgoings.
- e. Council will maintain the building to be fit for its continued use by Council.
- f. Council will maintain public liability insurance to the value of \$20,000,000.00.
- g. DoE will ensure there is public access available to the building until the expiry date of the lease.

2. 2 Majara Street – Council community building

- a. Council will lease the building from DoE until 30 June 2023 with no option to extend.
- b. The building will continue to be used for community purposes during this time
- c. Rent will be \$1.00 if demanded.
- d. Council will pay 100% of outgoings.
- e. The building will continue to be used for community purposes during this time.
- f. Council will maintain the building to be fit for its continued use by Council.
- g. Council will maintain public liability insurance to the value of \$20,000,000.00.
- h. DoE will ensure there is public access available to the building until the expiry date of the lease.

**10.1 Bungendore High School Status Update (Ref: ; Author: Tooth/Hansen)
(Continued)**

3. Bungendore Pool

- a. Council will lease the building from DoE until 16 March or until the approval of the State Significant Development Application (SSDA) with no option to extend.
- b. The building will continue to be used for community purposes during this time
- c. Rent will be \$1.00 if demanded.
- d. Council will pay 100% of outgoings.
- e. The building will continue to be used for community purposes during this time.
- f. Council will maintain the building to be fit for its continued use by Council.
- g. Council will maintain public liability insurance to the value of \$20,000,000.00.
- h. DoE will ensure there is public access available to the building until the expiry date of the lease.

New Administration Building and Temporary Staff Accommodation

Following the CA, Council will now need to construct a new administration building and pool. To meet the expected construction time frames of DoE, this work needs to commence promptly to minimise disruptions to staff and services.

In addition to the construction of a new administration building, temporary staff accommodation is required for the period between being unable to occupy the current administration building and the completion of construction of the new building.

- **New Administration Building**

Council has already purchased 19 - 21 Gibraltar Street in anticipation of building a new administration building in Bungendore. The preparation of plans and initiation of the development approvals process will now commence to enable a contract to design and construct the new building to be prepared and entered into with a suitable building contractor.

It is intended to fully fund the new administration building from the compensation received.

- **Temporary Staff Accommodation**

To temporarily accommodate staff before the new building is completed, it is proposed to provide temporary office accommodation

It is intended to fully fund the provision of temporary accommodation, including the purchase of any land to facilitate temporary buildings from the compensation received.

Library and Majara Street Road Reserve

As noted above, compensation for these two items was not able to be included in the above compensation claim. Council intends to seek financial compensation for these two items outside of the CA claim for compensation.

**10.1 Bungendore High School Status Update (Ref: ; Author: Tooth/Hansen)
(Continued)****Abbeyfield Development**

The Abbeyfield development is proposed on a section of Majara Street to be closed as shown on the plan below:



This road is intended to be closed by Council and provision made for continued access to both the Scout Hall and a separate lot located to the rear of the Preschool.

Abbeyfield have advised Council that this site is suitable for their needs and seeks to work with Council to provide their facility. Council is now proceeding with the road closure and subsequent planning approvals required for the Abbeyfield development.

Joint Use Agreements

Part of the proposal by DoE is to establish joint use agreements for the Mick Sherd Oval, the new community building and new library.

The new library and community facility are planned to be included within the buildings of the new high school. These facilities will be shared with the high school and agreement must be reached on how this is to occur.

Attachments**Attachment 1**

Summary of Council Workshops, Agenda Reports and Council Resolutions Timeline (*Under Separate Cover*)

REPORTS TO COUNCIL - ITEMS FOR INFORMATION

10.2 Councillor Workshops (Ref: ; Author: Flint/Ison)

File Reference: 25 May 2022 reports

Synopsis

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

Recommendation

That the report be received for information.

Report

During the period 5 to 18 May, the following workshops were held:

Date	Workshops	Presenter/s (if applicable)
18/05/2022	Long Term Financial Plan	
18/05/2022	Veolia briefing on Woodlawn Advanced Energy Recovery Centre and update on EIS	From Veolia: <ul style="list-style-type: none"> • Tony Grebenshikoff • Christine Hodgkiss • Pablo Gonzalez
18/05/2022	Monaro Rail Trail – update on project development, consultation and business case	From Monaro Rail Trail Inc: <ul style="list-style-type: none"> • Carlo Botto • Rick Moor • Ken Lister
18/05/2022	15 Year Management Review by NSW Heritage of the Braidwood and its Setting State Heritage Register Listing – desktop review, stakeholder engagement and community consultation progress update	<ul style="list-style-type: none"> • Natalie Blake, A/Manager Heritage Programs South, Heritage NSW • Damian Tybussek, Senior Heritage Officer (South), Heritage NSW • Sharon Veale, CEO, GML Heritage • Loredana Sipione, Consultant, Heritage Places, GML Heritage • Martin Rowney, Principal, GML Heritage

Attachments

Nil

11.1 QPRC Sports Council Meeting Minutes - February 2022 (Ref: ; Author:
Harlor/Spear)

File Reference: 4.3.3

Summary

The QPRC Sports Council has submitted for Council's information, the minutes of their meeting (attached).

Recommendation

That Council note the minutes of the QPRC Sports Council held on 14 February 2022.

Attachments

Attachment 1 QPRC Sports Council Minutes February 2022 (*Under Separate Cover*)



12.1 Refugee Welcome Zone (Ref: ; Author: Willis/Willis)

File Reference: 25 May 2022 Reports

Notice

Councillor Katrina Willis will move the following motion:

Motion

That Council:

- 1. Notes that this year, Australia marks Refugee Week from Sunday 19 June to Saturday 25 June and Queanbeyan-Palerang Regional Council has committed to being a Refugee Welcome Zone.**
 - 2. Agrees to allocate up to \$2,000 from the Cultural Grants Program to assist local refugee and asylum seeker support groups to mark Refugee Week.**
-

Comments from Cr Willis in support of this Notice of Motion

As the number of refugees and asylum seekers continues to rise around the world, it is likely that more people in such circumstances will seek to find a new home in our community.

Refugees and asylum seekers have usually experienced personal trauma and shock. They arrive needing care and attention for many day-to-day tasks, to ensure a successful transition to their new life in our community.

A key player in our community is the Queanbeyan branch of Rural Australians for Refugees (RARQ), established in 2014 and whose mission is to influence policy towards compassionate, timely and humane treatment to refugees and those seeking asylum.

This voluntary charitable organisation has approached Council, keen to partner with QPRC in supporting refugee and asylum seeker needs.

A commitment from Council to work with refugees and community groups such as RARQ is, therefore, timely.

Note from Staff

Council currently supports refugee and asylum seekers through both our community and events teams.

- Refugee groups are major stakeholders and stall holders at our Multicultural Festival in Queanbeyan each year and Refugee sporting groups involved in Chinlone (Cane Ball) and Wrestling do demonstrations throughout the day.
- We are also hoping to hold a citizenship ceremony during refugee week this year.
- The Multicultural Centre is currently planning activities for Refugee week which QPRC supports and promotes.
- Although the RAR Queanbeyan group does not attend our Interagency Support Networks which meet quarterly in Queanbeyan and Braidwood, other local refugee groups do. Staff will reach out to this group to ensure they have the opportunity to join.

12.1 Refugee Welcome Zone (Ref: ; Author: Willis/Willis) (Continued)

- Staff would welcome an application for a cultural grant from the RAR Queanbeyan. Any cultural group can apply through our website or directly to QPRC Grants Officer. Guidelines for eligibility are not onerous and are on the QPRC website.

Attachments

Nil

NOTICE OF MOTIONS

12.2 Dunns Creek Road (Ref: ; Author: Wilson/Wilson)

File Reference: 25 May 2022 motions

Notice

Councillor Bryce Wilson will move the following motion:

Motion

That Council provide a progress report on the Dunns Creek Road Corridor project.

Comments from Cr Wilson in support of this Notice of Motion

Dunns Creek Road - linking Googong township to the Monaro Highway, is an important element of the QPRC road network.

In March 2019, both NSW Labor and the NSW Nationals committed funds to Dunns Creek Road. The NSW Government provided \$27 million to QPRC in 2020 for planning and to purchase the road corridor. Federal Labor has also committed further funds to Dunns Creek Road.

Staff Comment

Council are progressing relevant studies necessary for this project.

Attachments

Nil

QUESTIONS WITH NOTICE

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

File reference: 25 May 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.

Recommendation

That the report be received for information.

Attachments

Attachment 1 Responses to Councillors' Questions (*Under Separate Cover*)



Attachment 2 Responses to Councillors' Questions with Confidential Information
(*Under Separate Cover*) - **CONFIDENTIAL**

15 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION

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

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