



Ordinary Meeting of Council

AGENDA

27 July 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 Inspections - Nil

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Confidential - Not for Publication

16 REPORTS FOR CLOSED SESSION

- 16.1 Tender Recommendation Braidwood Showground Lights and Power Upgrade
CN 2021-35

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

- 16.2 Tender 2022-29 - Araluen Road (Sites 1, 2 & 3) Slope Remediation

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

17 CONCLUSION OF THE MEETING

LIST OF ATTACHMENTS

Open Attachments

- Item 9.1 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 DP 93173 known as 3-5 Gregory Street Queanbeyan West
 - Attachment 1 DA.2021.1716 - s4.15 Matters for Consideration - Digital Sign - 3/5 Gregory Street, West Queanbeyan (Under Separate Cover)
 - Attachment 2 DA.2021.1716 - Plans - Digital Advertising Structure - Unit 3, 5 Gregory Place, Queanbeyan West (Under Separate Cover)
 - Attachment 3 DA.2021.1716 - Statement of Environmental Effects - Digital Advertising Structure - Unit3, 5 Gregory Street, Queanbeyan West (Under Separate Cover)
 - Attachment 4 DA.2021.1716 - Traffic Assessment - Digital Advertising Structure - Unit3, 5 Gregory Street, Queanbeyan West (Under Separate Cover)
- Item 9.2 Blind Creek Solar Farm - Planning Agreement
 - Attachment 1 Planning Agreement Letter of Offer (Under Separate Cover)
 - Attachment 2 Draft Planning Agreement - Blind Creek Solar Farm (Under Separate Cover)

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

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- Item 9.3 QPRC's Annual Community Grants Category B and Cultural Grants
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Attachment 2 Recommended Category B Funding (Under Separate Cover)
Attachment 3 Cultural Grants Application Braidwood Youth Performing Arts Inc. (Under Separate Cover)
Attachment 4 Cultural Grants Application Paint Club out of the Box (Under Separate Cover)
Attachment 5 QPRC Donations Policy 2020 (Under Separate Cover)
- Item 9.4 Event Proposal 2022/23 and 2023/24 Cricket NSW Country Colts U18s Championships-Queanbeyan
Attachment 1 Sports Marketing Australia Event Information and Proposal July 2022 (Under Separate Cover)
- Item 9.5 Reviewed Policies
Attachment 1 Street Banners and Sails Policy (Under Separate Cover)
Attachment 2 Media Policy (Under Separate Cover)
Attachment 3 Public Interest Disclosures - Internal Reporting Policy (Under Separate Cover)
- Item 9.6 Investment Report - June 2022
Attachment 1 Investment Report Pack - June 2022 (Under Separate Cover)
- Item 10.1 Annual Food Act Enforcement Activity Report
Attachment 1 Food Regulation Partnership Activity Report (Under Separate Cover)

Closed Attachments

- Item 16.1 Tender Recommendation Braidwood Showground Lights and Power Upgrade CN 2021-35
Attachment 1 Braidwood Showground Lights and Power Upgrade Detailed Tender Recommendation Report (Under Separate Cover)
- Item 16.2 Tender 2022-29 - Araluen Road (Sites 1, 2 & 3) Slope Remediation
Attachment 1 Tender Evaluation Report - Contract 2022-29 - Araluen Road (Sites 1, 2 & 3) Slope Remediation (Under Separate Cover)



MINUTES OF THE ORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held via zoom and at the Council Chambers, 253 Crawford Street, Queanbeyan on Wednesday, 13 July 2022 commencing at 5.30pm.

ATTENDANCE

Councillors: Cr Winchester (Chairperson)

Cr Biscotti
Cr Grundy
Cr Livermore
Cr Preston
Cr Taskovski
Cr Ternouth
Cr Webster
Cr Willis
Cr Wilson

Staff:

R Ryan, CEO
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

L Ison, Minute Secretary

1. OPENING

The meeting commenced at 5.30pm.

2. ACKNOWLEDGEMENT OF COUNTRY

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

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

267/22

RESOLVED (Winchester/Biscotti)

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

The resolution was carried unanimously.

4. CONFIRMATION OF MINUTES**4.1 Minutes of the Ordinary Meeting of Council held on 22 June 2022**

268/22

RESOLVED (Winchester/Biscotti)

That the Minutes of the Ordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday 22 June 2022 be confirmed subject to the following amendment:

Item 9.2 – amend the record of voting to show Cr Webster voted against Cr Ternouth’s amendment.

The resolution was carried unanimously.

5. DISCLOSURES OF INTERESTS

269/22

RESOLVED (Winchester/Preston)

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

The resolution was carried unanimously.

There were no Disclosures.

6. ADJOURNMENT FOR PUBLIC FORUM

At this stage of the proceedings, the time being 5.32pm, Cr Winchester advised that the meeting should now adjourn for the Public Forum.

270/22

RESOLVED (Winchester/Willis)

That the meeting be adjourned to conduct the Public Forum.

The resolution was carried unanimously.

ADJOURNMENT:

The meeting adjourned for the Public Forum at 5.32pm and resumed at 5.39pm.

7. MAYORAL MINUTE**7.1 Public Service Medal Honours List 2022**

271/22

RESOLVED (From the Chair)

That Council congratulate Michael Thompson for being awarded the Public Service Medal announced in the Queen’s Birthday Honours List June 2022.

The resolution was carried unanimously.

8. NOTICES OF MOTIONS OF RESCISSION

There were no Notices of Motions of Rescission.

9. REPORTS TO COUNCIL - ITEMS FOR DETERMINATION**9.1 Development Application DA.2021.1157 - Construction of a Child Care Facility, Recreation Facility (indoor) Gymnasium and Two Shops/Food and Drink Premises - 14 Ferdinand Lane, Jerrabomberra**

272/22

RESOLVED (Ternouth/Taskovski)

That Council grant conditional approval for development application DA.2021.1157 for construction of a centre-based child care facility, recreation facility (indoor) gymnasium, two shops/food and drink premises and basement carparking on Lot 4 DP 1246134, No.14 Ferdinand Lane, Jerrabomberra.

The resolution was carried unanimously.

9.2 South Jerrabomberra Planning Proposal PP-2022-2258 - Rezoning of Rural Land to Residential Land

273/22

RESOLVED (Wilson/Livermore)

That Council:

1. Agree that Planning Proposal PP-2022-2258 can now be progressed to allow further consideration of the proposed rezoning.
2. Submit the Planning Proposal to the Department of Planning and Environment seeking a Gateway determination.

The resolution was carried unanimously.

9.3 De-listing of Heritage Item - Googong Shearing Shed

274/22

RESOLVED (Willis/Grundy)

That Council:

1. Agree to the revised design for the relocation and redevelopment of the Googong Shearing Shed.
2. Agree to the delisting of the Shearing Shed Complex as a local heritage item under Council's applicable Local Environmental Plan.

The resolution was carried unanimously.

9.4 Bungendore Sports Hub Funding

275/22

RESOLVED (Biscotti/Livermore)

That Council:

1. Accept the 2021/22 NSW Government Multi-Sport Community Facility Fund Grant of \$1,100,000 for the Bungendore Sports Hub.
2. Allocate matching funds of \$1,100,000 from Local Roads and Community Infrastructure Fund Phase 3 Extension Funds.

The resolution was carried unanimously.

9.5 Locality / Area Committee Review

276/22

RESOLVED (Willis/Wilson)

That Council:

1. Approve the continuation of the 21 s355 Committees as listed in the report with updated guidelines, clear contact points and service level agreements.
2. Nominate a Councillor delegate to each s355 Committee.
3. As a result of Councillor delegates nominated for each s355 Committee, dissolve the Locality/Area Committees including Araluen, Braidwood, Bungendore, Wamboin, Captains Flat and Burra.
4. Acknowledging the importance of the local Progress Associations and Village Committees, develop arrangements for regular communication between the smaller settlements and Council, by expanding and adapting the Community forums model currently held in Bungendore, Braidwood and Queanbeyan to other localities; including but not limited to Araluen, Wamboin, Captains Flat, Burra and Googong.

The resolution was carried unanimously.

S355 Committees and Councillor Delegates

S355 Committee	Councillor	Alternate
1. Les Reardon Reserve	Grundy	Burton
2. Greenways	Willis	Burton
3. Burra/Cargill Park Reserves	Wilson	Ternouth
4. Nerriga Sports Ground Reserve Trust	Livermore	Taskovski
5. Captains Flat Area	Winchester	Taskovski
6. Braidwood Showground Reserve Trust	Grundy	Preston
7. Braidwood Gymnasium	Taskovski	Preston
8. Carwoola/Stoney Creek Community Hall	Willis	Winchester
9. Canning Close Reserve	Burton	Grundy

S355 Committee	Councillor	Alternate
10. Mick Sherd Oval Canteen	Webster	Grundy
11. Fernleigh Park	Ternouth	Winchester
12. Braidwood Recreation Ground	Preston	Webster
13. Royalla Common	Willis	Wilson
14. Wamboin Community Hall	Burton	Wilson
15. Hoskinstown Hall	Ternouth	Webster
16. Braidwood National Theatre and Community Centre	Preston	Webster
17. Bungendore War Memorial	Grundy	Biscotti
18. Araluen Area	Winchester	Willis
19. Bungendore Multi-purpose School Hall	Wilson	Burton
20. Bungendore School of Arts	Preston	Livermore
21. Mongarlowe Hall	Winchester	Livermore

9.6 Application for a Council Cultural Grant

277/22

RESOLVED (Wilson/Preston)

That Council approve a Cultural Grant Donation of \$1,500 to assist with costs for the Braidwood Young Writers' Festival 2022.

The resolution was carried unanimously.

9.7 Social Media Policy

278/22

RESOLVED (Wilson/Willis)

That Council:

1. Endorse and place the Social Media Policy on public exhibition for 28 days.
2. Adopt the Social Media Policy if there are no objections raised during the exhibition period.

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

Against: Cr Grundy

9.8 Reviewed Policies

279/22

RESOLVED (Willis/Wilson)

That:

1. Council place the following policies on public exhibition for 28 days:
 - a. Tourism Policy
 - b. Petition Policy, with an addition to clause 2.3 dot point 4 as follows:
 - Are the same or very similar to petitions that Council has already considered in the previous 12 months, except where a matter is being brought to the attention of newly elected Council.
 - c. Sewer Connections - Limit of Council Responsibility Policy
 - d. Procedures for the Administration of the Code of Conduct
2. If no submissions are received, the policies be adopted.

The resolution was carried unanimously.

9.9 Policies for Rescission

280/22

RESOLVED (Preston/Ternouth)

That Council rescind the following Policies:

1. Community Meetings Policy
2. Decision Making Framework Policy
3. Requests for assistance with Legal Costs Policy
4. Private Works Prepayment Policy
5. Former QCC Loose-Fill Asbestos Insulation Rates Relief Policy

The resolution was carried unanimously.

9.10 LGNSW Annual Conference 2022

281/22

RESOLVED (Winchester/Taskovski)

That Council nominate the following Councillors to register as delegates to attend the LGNSW Annual Conference 2022:

1. Voting delegates:
 - Mayor Cr Winchester
 - Cr Taskovski
 - Cr Biscotti
 - Cr Grundy
2. Non-voting delegates:
 - Cr Wilson

The resolution was carried unanimously.

9.11 Renewal of Lease for 66 Old Mines Road, Captains Flat with Amplitel Pty Ltd

282/22

RESOLVED (Preston/Grundy)

That:

1. Council Agree to renew the lease agreement with Amplitel Pty Ltd on the proposed terms.
2. The duration of the lease be set at 20 years, comprising of an initial five-year lease with three additional option terms.

The resolution was carried unanimously.

9.12 Anti-Fraud and Corruption Policy

283/22

RESOLVED (Wilson/Livermore)

That Council:

1. Endorse and place the Anti-Fraud and Corruption Policy on public exhibition for 28 days inviting submissions to be received.
2. Adopt the Anti-Fraud and Corruption Policy if there are no objections.

The resolution was carried unanimously.

9.13 Resourcing Strategy and Workforce Management Strategy

284/22

RESOLVED (Willis/Preston)

That Council adopt the Resourcing Strategy (2022) and endorse the Workforce Management Strategy 2022-26.

The resolution was carried unanimously.

9.14 Long Term Financial Plan 2022-32

285/22

RESOLVED (Willis/Wilson)

That:

1. Council adopt the 2022-2032 Long Term Financial Plan, with amendments to match the adopted Operational Plan Budget.
2. Modelling for community consultation on an SRV, include but not be limited to:
 - i. A lower annual SRV implemented over a longer timeframe that ensures no shortfall of cash in the General Fund and caps the surplus over the life of the plan at 2%; and
 - ii. The impact on all scenarios modelled of removing dividends paid to the General Fund from the Water and Sewer Funds over the term of the long-term financial plan.
3. Conduct an Organisational Service Review to identify opportunities for financial improvement.
4. Council include the outcomes of the Review in a revised Long Term Financial Plan within six months before making any decision to apply for a Special Rate Variation.

The resolution was carried unanimously.

9.15 Investment Policy Review 2022

286/22

RESOLVED (Wilson/Willis)

That consideration of the draft Investment Policy be deferred to the 27 July 2022 Council meeting.

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

Against: Cr Grundy

10. REPORTS TO COUNCIL - ITEMS FOR INFORMATION**10.1 NSW Rail Trails Framework and Evaluation**

287/22

RESOLVED (Wilson/Preston)

That the report be received for information.

The resolution was carried unanimously.

10.2 Anzac Day Event Report 2022

288/22

RESOLVED (Ternouth/Webster)

That the report be received for information.

The resolution was carried unanimously.

- 289/22 **10.3 2022 HSEQ Surveillance Audit Report - Summary**
RESOLVED (Willis/Ternouth)
That the report be received for information.

The resolution was carried unanimously.

- 290/22 **10.4 Councillor Workshops**
RESOLVED (Willis/Preston)
That the report be received for information.

The resolution was carried unanimously.

11. REPORTS OF COMMITTEES

- 291/22 **11.1 Audit, Risk and Improvement Committee Minutes - 16 March 2022**
RESOLVED (Wilson/Biscotti)
That Council note the minutes of the Audit, Risk and Improvement Committee held on 16 March 2022.

The resolution was carried unanimously.

12. NOTICES OF MOTIONS

- 12.1 Queanbeyan Showground Place Nomination**
MOVED (Biscotti/Winchester)

Noting resolution 234/22 of 8 June 2022 regarding the application from the Ngambri Local Aboriginal Land Council to Heritage NSW to declare the Queanbeyan Showground an Aboriginal Place, that Council:

1. Conduct a workshop and invite Heritage NSW to attend, with the objective of facilitating a better understanding of the intent of the application, including the Aboriginal Community management goals and any effect this may have on the future use of the Queanbeyan Showground.
2. Establish a working group with representatives from all relevant stakeholder groups to ensure full consultation on the development of the draft Aboriginal Place Management Plan:
 - i. Note representatives should include, but are not limited to, members of the QPRC, Ngambri Local Aboriginal Land Council, Ngunawal community, First Nations Consultative Committee, Queanbeyan Showground Advisory Committee, Queanbeyan Show Society, and other major event organisers.

3. Request Heritage NSW engage with the working group to develop a draft Aboriginal Place Management Plan for the Queanbeyan Showground.
4. Place draft plan on public exhibition for 28 days.
5. Following feedback on the draft Aboriginal Place Management Plan be submitted to the Minister for Environment and Heritage for consideration.

AMENDMENT (Wilson/Willis)

Noting resolution 234/22 of 8 June 2022 regarding the application from the Ngambri Local Aboriginal Land Council to Heritage NSW to declare the Queanbeyan Showground an Aboriginal Place, that Council conduct a workshop and invite Heritage NSW and the Ngambri Land Council to attend, with the objective of facilitating a better understanding of the intent of the application, including the Aboriginal Community management goals and any effect this may have on the future use of the Queanbeyan Showground.

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

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

Against: Crs Biscotti, Grundy, Ternouth and Winchester

292/22

RESOLVED (Wilson/Willis)

Noting resolution 234/22 of 8 June 2022 regarding the application from the Ngambri Local Aboriginal Land Council to Heritage NSW to declare the Queanbeyan Showground an Aboriginal Place, that Council conduct a workshop and invite Heritage NSW and the Ngambri Land Council to attend, with the objective of facilitating a better understanding of the intent of the application, including the Aboriginal Community management goals and any effect this may have on the future use of the Queanbeyan Showground.

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

Against: Crs Biscotti, Grundy and Ternouth

12.2 Public Place Charging Infrastructure

293/22

RESOLVED (Willis/Preston)

That Council receive a report on progress with public place electric vehicle charging infrastructure in QPRC including:

1. Any impediments to progress and options to address them.
2. Potential opportunities drawing on state and federal government grants and other programs supporting the transition to electrical vehicles.

The resolution was carried unanimously.

13. REPORTS TO COUNCIL - DELEGATES REPORTS

There were no Delegates' reports.

14. QUESTIONS WITH NOTICE

There were no Questions with Notice.

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

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

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

294/22

RESOLVED (Winchester/Ternouth)

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 Legal Matters

Item 16.1 is confidential in accordance with s10(A) (e) of the Local Government Act 1993 because it contains information that would, if disclosed, prejudice the maintenance of law and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Item 16.2 Tender Number 2021-38: Construct Pavilion at Bungendore Sports Hub

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

Item 16.3 Tender Number 2021-43: Washroom Services Contract

Item 16.3 is confidential in accordance with s10(A) (c) of the Local Government Act 1993 because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and

discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

The resolution was carried unanimously.

The meeting then moved into Closed Session at 6.54pm to discuss the matters listed above.

16.1 Legal Matters

295/22

RESOLVED (Winchester/Biscotti)

That the report be received for information.

The resolution was carried unanimously.

16.2 Tender Number 2021-38: Construct Pavilion at Bungendore Sports Hub

296/22

RESOLVED (Livermore/Preston)

That Council award contract 2021-38 to construct the amenities at the Bungendore Sports Hub to Rice Constructions in the amount of \$1,637,900 inclusive of GST.

The resolution was carried unanimously.

16.3 Tender Number 2021-43: Washroom Services Contract

297/22

RESOLVED (Wilson/Ternouth)

That Council award the 3-year Contract 2021-43 to Flick Anticimex for the sum of \$151,785 (GST exclusive).

The resolution was carried unanimously.

298/22

RESOLVED (Winchester/Ternouth)

That the meeting now return to Open Session.

The resolution was carried unanimously.

The meeting returned to Open Session at 7.00pm. The doors of the Chambers were opened to allow the public to enter.

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

17. CONCLUSION OF THE MEETING

The time being 7.01pm, the Mayor announced that the Agenda for the meeting had now been completed.

**CR KENRICK WINCHESTER
MAYOR
CHAIRPERSON**

ITEM 5 DECLARATION OF CONFLICTS/PECUNIARY INTERESTS

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

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

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

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

Recommendation

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

9.1 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 DP 93173 known as 3-5 Gregory Street Queanbeyan West (Ref: ; Author: Thompson/Jauncey)

File Reference: DA.2021.1716

Recommendation

That development application DA.2021.1716 for erection of a pole mounted, digital advertising structure at Lot 3 SP 93173, 3/5 Gregory Street, Queanbeyan West be refused for the reasons specified below:

- 1) The proposed development is not consistent with the following provisions of *State Environmental Planning Policy (Industry and Employment) 2021*:
 - a) Clause 3.6(a) – The proposed development is not compatible with the desired amenity and visual character of the area.
 - b) Clause 3.6(b) – The proposed development does not meet the following criteria specified in Schedule 5:
 - Character of the Area
 - Special Areas
 - Views and Vistas
 - Streetscape, Setting and Landscape
 - Site and Building
 - Illumination
 - Safety
 - 2) The proposed development is not permissible in the IN2 light industrial zone as it is not a building or business identification sign.
 - 3) Council considers the proposed development is contrary to the aims specified in clause 1.2 (2)(d), (e) and (f) of *Queanbeyan Local Environmental Plan 2012*:
 - (d) *to recognise and protect Queanbeyan’s natural, cultural and built heritage including environmentally sensitive areas such as Queanbeyan’s native grasslands, the Queanbeyan River and Jerrabomberra Creek;*
 - (e) *to protect the scenic quality, views and vistas from main roads and other vantage points within Queanbeyan of the escarpment and Mount Jerrabomberra*
 - (f) *to maintain the unique identity and country character of Queanbeyan*
 - 4) Council is not satisfied by the application and its accompanying documents that the proposed development is consistent with the objectives of Part 7 of Council’s applicable Queanbeyan Development Control Plan specified by sections 7.1.2 (5):
 - (5) *Ensure development has a visually appealing appearance to the street.*
 - 5) The proposed development does not meet the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 in respect of the safe distance of the sign from an intersection and Council considers that the proposal could have a significant safety impact on traffic on the corner of a priority-controlled T intersection (Corner of Canberra Avenue and Kealman Road).
 - 6) The proposal does not promote the aims of the *Queanbeyan Local Environmental Plan 2012* particularly relating to vistas and visual amenity entering Queanbeyan City and as such Council considers there to be no overriding public interest in favour of granting consent for the proposed development.
-

9.1 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 DP 93173 known as 3-5 Gregory Street Queanbeyan West (Ref: ; Author: Thompson/Jauncey) (Continued)

Summary

Reason for Referral to Council

This application has been referred to Council because it raises concerns which cannot be overcome with a condition of consent and where plans are unable to be amended to overcome such concerns.

Proposal:	Erection of a single screen pole-mounted digital advertising structure
Applicant/Owner:	Mr K Malouf – EIMedia Pty Ltd/ N Kovacevic
Subject Property:	Lot 3 SP 93173, 3/5 Gregory Street Queanbeyan West
Zoning and Permissibility:	IN2 - Light Industrial under Queanbeyan Local Environmental Plan 2012
Public Submissions:	Nil
Issues Discussed:	<ul style="list-style-type: none">• Non compliance with the Industry and Employment SEPP• Non compliance with QLEP• Inconsistent with QDCP• Traffic Safety• Public Interest
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

Background

Proposed Development

The site has been the subject of compliance action for the erection of an unauthorised billboard type structure attached to the external wall of the existing shed on site. As a result of the enforcement action the unauthorised billboard has been removed and this development application lodged.

The development application seeks approval for the erection of a single screen, pole-mounted, digital advertising structure to display third party advertisements and community messages. The advertising structure will have a display area of 18 square metres and will display third party advertisements. It is not intended to advertise the business/s operating on the site but will advertise varied items as requested by third party advertisers.

The advertising structure will be constructed on the north side of the site and will only be viewed by traffic on Canberra Avenue while heading south into Queanbeyan. The structure will be mounted on a single pole 1m in diameter and the base of the sign will be 4m above ground level. The display area of the sign will be 2.2m high and 8.3m wide. This will provide for an overall height of 6.2 metres (see Attachment 2).

9.1 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 DP 93173 known as 3-5 Gregory Street Queanbeyan West (Ref: ; Author: Thompson/Jauncey) (Continued)

Subject Property

The site is located at Lot 3 SP 93173 and is known as 3/5 Gregory Street, Queanbeyan West. The site is situated on the corner of Canberra Avenue and Kealman Road and has excellent exposure to traffic travelling into Queanbeyan on Canberra Avenue. The site is shown in Figure 1 below.

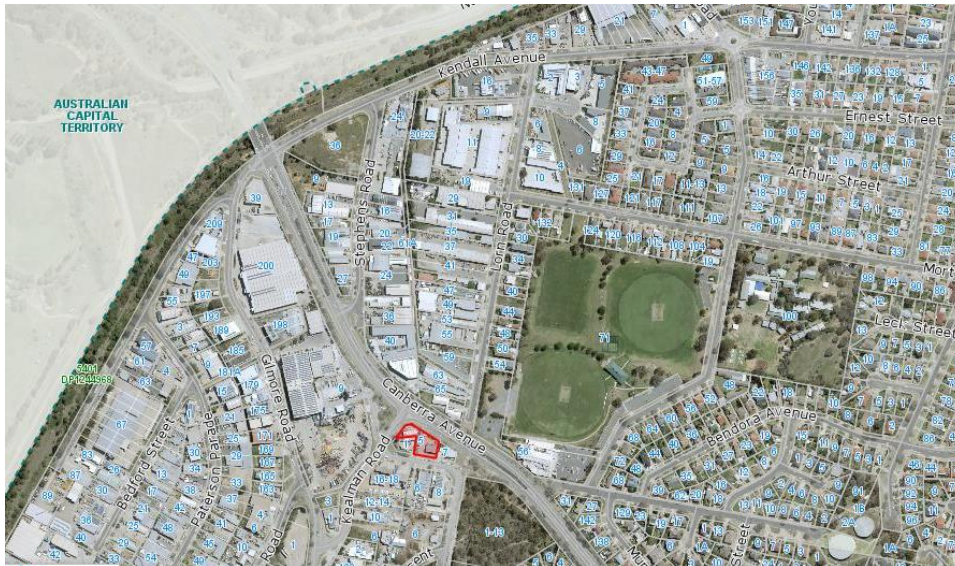


Figure 1 – Locality Plan

The subject site is located on the northern side of Gregory Street and is bounded by Canberra Avenue on the northern boundary and Kealman Road on the western boundary. Access to the property is from Gregory Street on the southern boundary. The site has an approximate area of 1680 square metres.

5 Gregory Street is a strata titled property divided into three lots. Lot three is the western most of the three lots as shown in Figure 2 below.

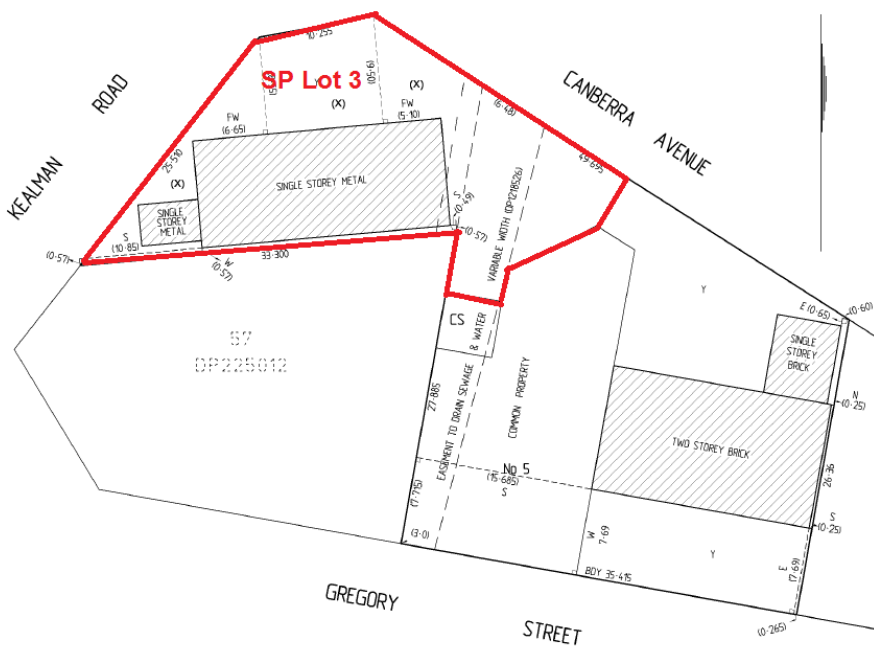


Figure 2 – Location of Strata Plan Lot 3

9.1 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 DP 93173 known as 3-5 Gregory Street Queanbeyan West (Ref: ; Author: Thompson/Jauncey) (Continued)

The site contains an existing metal clad shed as shown in Figure 3 below.



Figure 3 – Aerial View of Site



Figure 4 – Location of Proposed Development

9.1 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 DP 93173 known as 3-5 Gregory Street Queanbeyan West (Ref: ; Author: Thompson/Jauncey) (Continued)



Figure 5 – Photomontage Showing Location of Digital Signage



Figure 6: View Sight Lines of Site Driving from Canberra

9.1 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 DP 93173 known as 3-5 Gregory Street Queanbeyan West (Ref: ; Author: Thompson/Jauncey) (Continued)

Planning Requirements

The development application has been considered using the heads of consideration listed in Section 4.15 of the *Environmental Planning & Assessment Act 1979*. Based on this assessment against the provisions of the planning instruments listed below the application is considered to be unsatisfactory and it is recommended that the application be determined by way of refusal subject to reasons as specified in the recommendation.

1. *State Environmental Planning Policy (Industry and Employment) 2021*
2. *Queanbeyan Local Environmental Plan 2012 (LEP)*.
3. *Queanbeyan Development Control Plan 2012 (DCP)*

Assessment against the provisions of the various environmental planning instruments applicable to the site/and the proposed development has been undertaken and is shown in the *s4.15 Matters for Consideration* in Attachment 1. The relevant matters arising from the assessment for Council's consideration are as follows.

State Environmental Planning Policy (Industry and Employment) 2021

This application was lodged with Council on 19 November 2021. The SEPP applicable at that time was *State Environmental Planning Policy 64 (Advertising and Signage)*. This SEPP has since been repealed with the new consolidated SEPP *State Environmental Planning Policy (Industry and Employment) 2021* which commenced on 1 March 2022. The provisions relating to signage are substantially the same. As such the application has been assessed against the provisions of the Industry and Employment SEPP. The detailed assessment is shown in the attached *s.4.15 Matters for Consideration*. However, it is considered that the proposed development is non-compliant with the SEPP in the following respects.

Chapter 3 of the SEPP relates to advertising and signage that:

- (a) *Can be displayed with or without development consent under another environmental planning instrument that applies to signage; and*
- (b) *Is visible from any public place or public reserve.*

Comment – The proposed sign is visible from a public place and therefore Chapter 3 of the SEPP applies.

The following provisions of Clause 3.1 and 3.6 of the SEPP are particularly relevant:

Clause 3.1(1) states that

- (1) *This chapter aims-*
 - (a) *To ensure that signage (including advertising)-*
 - (i) *Is compatible with the desired amenity and visual character of an area, and ...*
 - (b) *To regulate signage (but not content) under Part 4 of the Act, and...*
 - (d) *To regulate the display of advertisements in transport corridors, and...*
 - (e) *To ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*

9.1 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 DP 93173 known as 3-5 Gregory Street Queanbeyan West (Ref: ; Author: Thompson/Jauncey) (Continued)

Clause 3.6(a) similarly states that:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied-

(a) That the signage is consistent with the objectives of this chapter as set out in Section 3.1(1)(a), and

Comment: The proposed sign is not considered to be compatible with the desired amenity and visual character of the area as the main entry point into Queanbeyan from the Australian Capital Territory. In addition, the proposed sign does not ensure that public benefits are derived from advertising in and adjacent to Canberra Avenue.

Clause 3.6(b) goes on to state that:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied-

(b) That the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.

Schedule 5 provides the Assessment Criteria for an application. The criteria relevant to non-compliance of the application are as follows:

1. Character of the area

- *Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?*
- *Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

Comment: The proposed sign is not compatible with the existing or desired future character of the area or locality in which it is proposed to be located. Council has not established a particular theme for outdoor advertising in Queanbeyan.

2. Special areas

- *Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?*

Comment: The proposed sign does not recognise Queanbeyan's natural, cultural and built heritage.

3. Views and vistas

- *Does the proposal obscure or compromise important views?*
- *Does the proposal dominate the skyline and reduce the quality of vistas?*
- *Does the proposal respect the viewing rights of other advertisers?*

Comment: The proposed sign will obscure or compromise important views and dominate the approach the main entry point into the Queanbeyan CBD. The proposed sign does not respect the viewing rights of other advertisers.

9.1 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 DP 93173 known as 3-5 Gregory Street Queanbeyan West (Ref: ; Author: Thompson/Jauncey) (Continued)

4. Streetscape, setting or landscape

- *Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?*
- *Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*
- *Does the proposal reduce clutter by rationalising and simplifying existing advertising?*
- *Does the proposal screen unsightliness?*
- *Does the proposal protrude above buildings, structures or tree canopies in the area or locality?*
- *Does the proposal require ongoing vegetation management?*

Comment: The proposed sign is inappropriate for the streetscape and setting. The size, location and illumination of the proposed sign will dominate the streetscape on this main entry into Queanbeyan City. The proposed sign does not contribute to the visual interest of the streetscape or setting. The sign does not screen unsightliness, nor does it protrude above buildings, structures or tree canopies

5. Site and building

- *Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?*
- *Does the proposal respect important features of the site or building, or both?*
- *Does the proposal show innovation and imagination in its relationship to the site or building, or both?*

Comment: The proposed sign is not compatible with the scale, proportion and other characteristics of the site. The proposed sign does not show innovation or imagination in its relationship to the site

6. Associated devices and logos with advertisements and advertising structures

- *Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?*

Comment: Complies

7. Illumination

- *Would illumination result in unacceptable glare?*
- *Would illumination affect safety for pedestrians, vehicles or aircraft?*
- *Would illumination detract from the amenity of any residence or other form of accommodation?*
- *Can the intensity of the illumination be adjusted, if necessary?*
- *Is the illumination subject to a curfew?*

Comment: The illumination of the proposed sign would result in unacceptable glare in the locality. The illumination would affect the safety of drivers on Canberra Avenue and those turning from Canberra Avenue into Kealman Road

8. Safety

- *Would the proposal reduce the safety for any public road?*
- *Would the proposal reduce the safety for pedestrians or bicyclists?*
- *Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*

Comment: The proposed sign would reduce the safety for traffic on Canberra Avenue.

9.1 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 DP 93173 known as 3-5 Gregory Street Queanbeyan West (Ref: ; Author: Thompson/Jauncey) (Continued)

Queanbeyan Local Environmental Plan 2012

The land is zoned IN2 – Light Industrial.

The Land Use Table of the QLEP 2012 specifies developments for the purpose of Building identification signs and Business identification signs are permitted with consent in Zone IN2 – Light Industrial. However, developments for the purpose of signage are prohibited in Zone IN2 – Light Industrial.

The Dictionary under QLEP 2012 defines signage as follows:

signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following-

- (a) an advertising structure,*
- (b) a building identification sign,*
- (c) a business identification sign*

but does not include a traffic sign or traffic control facilities.

What this means is that building and business identification signs are permitted in the IN2 zone while other forms of signs are not. Building and business identification signs are defined as follows:

building identification sign - means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

business identification sign means a sign:

- (a) that indicates—
 - (i) the name of the person or business, and
 - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

Essentially business and building identification signs must relate to the business or building on the site where they are erected.

The proposed digital advertising structure will be used to advertise many forms of businesses and services unrelated to the premises on which the sign is erected. As such the sign does not meet the definition of a business or building identification sign and is therefore prohibited in the IN2 zone and cannot be approved.

Queanbeyan Development Control Plan 2012 (QDCP)

The Queanbeyan Development Control Plan 2012 provisions are divided into two components: objectives and controls. The objectives provide the framework for assessment under each requirement and outline key outcomes that a development is expected to achieve. The controls contain both numerical standards and qualitative provisions. Any proposed variations from the controls may be considered only where the applicant successfully demonstrates that an alternative solution could result in a more desirable outcome that still meets the objectives.

9.1 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 DP 93173 known as 3-5 Gregory Street Queanbeyan West (Ref: ; Author: Thompson/Jauncey) (Continued)

The proposal generally complies with the relevant requirements of the QDCP with the exception of Part 7.1.2 – Overall Objectives for Industrial Development which states under subclause (5) that one of the objectives is to:

- (5) *Ensure development has a visually appealing appearance to the street.*

The proposal for a large illuminated pole sign on the main entrance to Queanbeyan City does not present a visually appealing appearance to the street and will detract from the general vistas of Queanbeyan. On this basis it is considered that the proposed sign is inconsistent with the objectives of Part 7 of Council's applicable Queanbeyan Development Control Plan specified by sections 7.1.2 (5)

Likely Impacts of the Development (Section 4.15 (1)(b))

This section requires the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality, to be considered. The proposed development is inconsistent with the dominant character in the locality. Further the proposal will result in detrimental social or economic impacts on the locality.

The Public Interest (Section 4.15 (1)(e))

The proposed sign does not promote the aims of the *Queanbeyan Local Environmental Plan 2012* in regard to the following. Specifically the proposal does not:

- (d) recognise and protect Queanbeyan's natural, cultural and built heritage including environmentally sensitive areas such as Queanbeyan's native grasslands, the Queanbeyan River and Jerrabomberra Creek;
- (e) protect the scenic quality, views and vistas from main roads and other vantage points within Queanbeyan of the escarpment and Mount Jerrabomberra
- (f) maintain the unique identity and country character of Queanbeyan

Accordingly, the proposal is not considered to be in the public interest.

External Referrals

Transport for NSW - Transport for NSW advised that the sign has an area of 18m² which falls under the size trigger of greater than 20m² and the height proposed of 6.2m is less than the height trigger of 8m. On this basis TfNSW did not provide a comment.

Department of Infrastructure, Transport, Regional Development and Communications (Canberra Airport) - Flysafe – Airspace Protection have issued an approval for the subject pole sign subject to conditions dated 29 March 2022.

Department of Defence (HMAS Harman) - The Department of Defence have issued a concurrence for the development dated 15 December 2021.

9.1 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 DP 93173 known as 3-5 Gregory Street Queanbeyan West (Ref: ; Author: Thompson/Jauncey) (Continued)

Internal Referrals - Development Engineering

Location - The location of the proposed sign is the corner of a priority-controlled T intersection. Whilst the location only provides viewing access to east bound traffic (travelling into Queanbeyan), the proposed location presents the possibility that the advertisements will distract motorists on the approach to the intersection. The Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (Department of Planning and Environment) require that locations suitable for roadside advertising need to be a minimum safe distance (for the design speed of the road) from the intersection or decision/conflict point. The relevant extract from the Guidelines is shown below.

3.2.3 Proximity to decision making points and conflict points

It is important that drivers are not distracted near decision making points or conflict points to allow concentration to be focused on the driving task where the driver's attention requirements are greater.

Decision making points include areas in which merging, diverging, turning and weaving traffic manoeuvres take place. Conflict points are locations such as intersections or pedestrian crossings where crash risk is greater.

To minimise distraction near decision making points and conflict points, and ensure there is sufficient distance for a driver to recognise, react and, if required, stop safely before reaching one of these points, the following criteria apply to all advertising signage:

- a. The sign should not be located:
 - i. less than the safe sight distance from an intersection, merge point, exit ramp, traffic control signal or sharp curves
 - ii. less than the safe stopping sight distance from a marked foot crossing, pedestrian crossing, pedestrian refuge, cycle crossing, cycleway facility or hazard within the road environment
 - iii. so that it is visible from the stem of a T-intersection.

According to the Guideline, Council has calculated that the minimum safe distance from the intersection for a sign in this speed zone is approximately 180m. The actual distance of the sign from the conflict point of the intersection is approximately 40m. As such the proposed development does not meet the Guidelines for the safe distance from an intersection and cannot be supported in this location.

9.1 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 DP 93173 known as 3-5 Gregory Street Queanbeyan West (Ref: ; Author: Thompson/Jauncey) (Continued)

Parking and Access - The proposed signage does not occupy a part of the subject land that was otherwise intended for vehicle manoeuvring or parking to meet existing use approval/s.

The development will not generate an increase in vehicle movements as it is signage only. The existing site access would suffice for maintenance purposes if the application was approved.

Luminance Levels - If approved, the signage would need to comply with the zone requirements of Table 6 of the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (Department of Planning and Environment).

Dwell Time – Dwell time is the period for which an individual advertising message remains on screen. The SEE accompanying the proposal indicates that the dwell time adopted for any advertisement would be a minimum of 10 seconds and that this is compliant with Palerang DCP (PDCP). However, the PDCP does not apply to the subject site. The applicable standard for dwell time is 25 seconds for signage addressing a road with a speed limit of 80km/h or greater. This requirement is found in Table 3 of the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (Department of Planning and Environment). If the application was to be approved, a condition would be imposed to utilise minimum dwell times of 25 seconds in accordance with the above.

Summary of Development Engineering Issues - The location of the proposed sign is not in accordance with the road safety prescriptions in the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (Department of Planning and Environment). Additionally, when assessed against the Assessment Criteria in the Industry and Employment SEPP, it is considered that the proposal could reduce the safety of Canberra Avenue (as a public road). As such, the proposed location is not considered suitable for the development.

Engagement

The owners of adjoining and likely affected neighbouring properties were notified of the proposed development in accordance with the Queanbeyan-Palerang Community Engagement and Participation Plan 2019 from 7 December 2021 to 11 January 2022. There were no submissions received as a result of the notification process.

Financial Implications

No developer contributions are relevant to this proposal.

As with any determination resulting in the refusal on an application, there is the possibility that an appeal against the determination could be lodged by the applicant in the Land and Environment Court.

9.1 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 DP 93173 known as 3-5 Gregory Street Queanbeyan West (Ref: ; Author: Thompson/Jauncey) (Continued)

Conclusion




The proposed development has been assessed using the heads of consideration listed in Section 4.1 of the *Environmental Planning and Assessment Act 1979* and is found to be unsatisfactory.

The key issues of the impacts of the proposed pole mounted, digital advertising sign can be summarised as follows:

- i. *Inconsistencies with the Industry and Employment SEPP* - The proposed development is not consistent with a number of objectives and assessment criteria of the SEPP.
- ii. *Permissibility* – The proposed development does not comply with the QLEP in that it is not a Business of Building Identification Sign and as such is not permissible in the zone.
- iii. *Inconsistent with the Objectives of the QLEP* - The proposed development is inconsistent with the dominant character in the locality. Further the proposal will result in detrimental social or economic impacts on the locality.
- iv. *The Public Interest* - The proposed sign does not promote the aims of the *Queanbeyan Local Environmental Plan 2012* particularly relating to vistas and visual amenity entering Queanbeyan City.
- v. *Inconsistent with the Objectives of the QDCP* - The proposal for a large illuminated pole sign on the main entrance to Queanbeyan City does not present a visually appealing appearance to the street and will detract from the general vistas of Queanbeyan. On this basis it is considered that the proposed sign is inconsistent with the objectives of Part 7 of Council's applicable Queanbeyan Development Control Plan specified by sections 7.1.2 (5).
- vi. *Road Safety* - As discussed by Council's Development Engineer the proposed sign is not in accordance with the road safety prescriptions in the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (Department of Planning and Environment). Additionally, when assessed against the Assessment Criteria in Schedule 1 of SEPP 64, it is considered that the proposal could reduce the safety of Canberra Avenue (as a public road). As such, the author does not believe the proposed location is suitable for the development.

As such the application cannot be supported and should be refused.

Attachments

- | | |
|--|---|
| Attachment 1 | DA.2021.1716 - s4.15 Matters for Consideration - Digital Sign - 3/5 Gregory Street, West Queanbeyan (<i>Under Separate Cover</i>) |
|  Attachment 2 | DA.2021.1716 - Plans - Digital Advertising Structure - Unit 3, 5 Gregory Place, Queanbeyan West (<i>Under Separate Cover</i>) |
|  Attachment 3 | DA.2021.1716 - Statement of Environmental Effects - Digital Advertising Structure - Unit 3, 5 Gregory Street, Queanbeyan West (<i>Under Separate Cover</i>) |
|  Attachment 4 | DA.2021.1716 - Traffic Assessment - Digital Advertising Structure - Unit 3, 5 Gregory Street, Queanbeyan West (<i>Under Separate Cover</i>) |

9.2 **Blind Creek Solar Farm - Planning Agreement (Ref: ; Author:
Thompson/Carswell)**

File Reference: 21.4.3-06

Summary

This report seeks Council's agreement to put a draft Planning Agreement for the Blind Creek Solar Farm on public exhibition. The process to reach this stage has included the submission of letters of non-binding offers from the original developers/owners of Blind Creek Solar Farm, a previous report to Council's meeting of 28 July 2021, a Council workshop on 30 March 2022, the submission of a letter of offer from the new developers (reflected in the draft planning agreement), negotiations and legal advice and preparation of a draft planning agreement.

Recommendation

That Council:

- 1. Agree to accept the letter of offer.**
 - 2. Place on public exhibition the draft Blind Creek Solar Farm Planning Agreement for a minimum period of 28 days.**
 - 3. Report back to Council on any submissions received during that period.**
 - 4. If no submissions are received during the exhibition period execute the draft Planning Agreement.**
-

Background

Council's agreement is sought to endorse the draft Planning Agreement for the Blind Creek Solar Farm for public exhibition. The process to reach this stage has included the submission of letters of non-binding offers from the original developers/owners of Blind Creek Solar Farm, a previous report to Council's meeting of 28 July 2021, a Council workshop on 30 March 2022, the submission of a letter of offer from the new developers (Attachment 1) (reflected in the draft Planning Agreement), negotiations and legal advice in regard to a draft planning agreement, and, a draft planning agreement (Attachment 2).

Blind Creek Solar Farm (BCSF) has evolved from the Capital Solar Farm which was approved by NSW Planning in 2013 and sits on land adjacent to Tarago Road. Capital Solar Farm was originally developed by Infigen Energy but was initially taken over by the landholders when Infigen Energy's agreements lapsed. However, in late March 2022 it was announced that a joint venture between Octopus Australia and the Clean Energy Finance Corporation will develop and deliver the project. As a result, the original other party to the draft Planning Agreement has been replaced by a Trust known as Ms BCSF Holdings Pty Ltd (CAN 657 738 371) as trustee for the Blind Creek Solar Farm (ABN 11 996 217 449) on the draft Planning Agreement.

The current project has been moved to a larger but more suitable location with an increased buffer from neighbouring properties and will require a new development approval as State Significant Development (SSDA). Council has recently submitted comments on the Environmental Impact Statement (EIS) for this project. Ideally it would be preferred if a Planning Agreement is in place at the time the SSDA is assessed so that any approval can include a condition requiring compliance with the Planning Agreement.

9.2 Blind Creek Solar Farm - Planning Agreement (Ref: ; Author: Thompson/Carswell) (Continued)

Endorsement of the draft Planning Agreement for exhibition does not mean that Council has adopted a position on whether to support the overall project. That opportunity will arise when the SSDA is placed on formal exhibition. At that time Council will have an opportunity to comment on the project and provide feedback on any aspects of the development that Council has concerns with or where Council believes a condition of consent is warranted.

Endorsement of the Planning Agreement simply ensures that should the application be approved by the Department of Planning, that Council has in place a mechanism to collect the appropriate contributions from the development.

The proposed new location is in the vicinity of the Canberra Sand and Gravel quarry and the neighbouring Capital Wind Farm. The new site is flat, sandy country which is naturally clear of trees and much of the land has been used for grazing sheep and cattle, with some cropping (see Figure 1 below).



Figure 1 – Location of Proposed Blind Creek Solar Farm

The new proposal is for a 350MW solar energy farm with an estimated construction cost of \$350M. This cost does not include any associated substation (battery) estimated to cost \$50-\$100M.

This solar farm is expected to operate for around 30 years and at the end of this time it could be decommissioned, and the land returned to its original condition or repurposed.

9.2 Blind Creek Solar Farm - Planning Agreement (Ref: ; Author: Thompson/Carswell) (Continued)

In previous times a charge under Council's s94A contributions plan could have applied. However, as part of the current infrastructure contribution reforms, there is a proposal to limit contributions for these type of developments to a maximum of \$450,000. Council, along with other councils in the region objected to this through the Canberra Joint Organisation. However, at the time of writing the result of this objection is unknown. Therefore, it is recommended that Council endorse the draft Planning Agreement which nominates an agreed amount to be provided that was negotiated between Council and the Developer.

At its meeting of 28 July 2021 Council resolved (Minute No. 222/21):

That Council:

1. *Agree in principle to proceed with a Planning Agreement with the proponent based on Option 2 as outlined in this report, subject to development approval being given for the project.*
2. *Authorise the CEO to continue negotiations with the proponents, with a further report to Council.*

Since this time, a fresh letter of offer has been received which basically reflects the draft Planning Agreement as negotiated.

Draft Planning Agreement

The draft Planning Agreement has gone through a few iterations both under the original proponents for the project and under the current proponents.

There are a few key features of the current draft Planning Agreement which need highlighting. These are in the order that they appear in the draft Planning Agreement and include:

- Parties - As indicated above there has been a change in the name of the Developer which is now a Trust.
- Clause 4.2 Undertaking and Acknowledgement - This outlines the type of infrastructure that contributions will be spent on. Specifically, the funds in the Planning Agreement will be for:
 - a) Installing, maintaining, and operating a pool at Bungendore; and
 - b) Installing, maintaining, and operating other facilities within the Bungendore Sports Hub precinct.
- Schedule 3 Development Contributions (Clause 4) - This identifies the contribution amounts, review mechanism and the timing of contributions. The total value of the agreement will result in contributions of approximately \$1,235,000 over 20 years. The first payment of contributions will be triggered at the commercial operation commencement date which is defined in the Operative Provisions part of the draft Planning Agreement.
- Schedule 5 Explanatory Note. - This is a plain English summary of the objectives, nature and effect of the proposed agreement required by the *Environmental Planning and Assessment Regulations 2021*.
- Schedule 6 Security Terms - This approach has been insisted on by the other party to the draft Planning Agreement and is being offered in lieu of having the Planning Agreement registered on the title of the land. It provides for security of \$150,000.

The original letters of offer received in July 2021 also referred to a community benefits scheme. These contributions relate to specific arrangements between the proponent and individual landowners and do not involve the Council. As such the community benefits scheme is no longer included in the draft Planning Agreement.

9.2 Blind Creek Solar Farm - Planning Agreement (Ref: ; Author: Thompson/Carswell) (Continued)

Implications***Legal***

Exhibition of the draft Blind Creek Solar Farm Planning Agreement is subject to a statutory process under the *Environmental Planning and Assessment Act 1979* and is necessary before a planning agreement can be executed by the parties. Negotiating and entering into a Planning Agreement is a voluntary process and will only occur if Council and the proponents agree, and the State Significant Development Application is approved.

Policy

The current policy in relation to this type of development is *Palerang Section 94A Development Contributions Plan*. However, as indicated above there is a proposal by the government to limit section 7.12 contributions (previously section 94A contributions) for these type of developments to a maximum of \$450,000. Whilst Council along with other councils in the Region objected to this, at the time of writing the result of this objection is unknown.

The NSW Productivity Commission's review of Infrastructure Contributions in NSW (which preceded the Government's local infrastructure reforms) also raised issues with the use of planning agreements for energy related projects for benefit sharing schemes such as this offer proposes. However, in this case it can be argued that the applicants have indicated an expressed desire to contribute through this mechanism.

Given the above it recommended that Council proceed with this draft Planning Agreement.

Sustainability

The Blind Creek Solar farm will provide a source of renewable energy.

Asset

It is proposed that contributions from the draft Planning Agreement will be used to create and support a Council asset being a new aquatic centre at Bungendore, with an initial \$250K capital contribution to construction and an annuity assisting debt servicing for a proposed \$5m loan.

Social / Cultural

It is proposed that contributions from the draft Planning Agreement will assist towards creating and maintaining a social/cultural/recreational asset(s) for the Bungendore community and surrounds.

Strategic

Contributions generated by the draft Planning Agreement will be used to give effect to initiatives and recommendations as outlined in Council's strategic documents such as the adopted Sports Facilities Strategic Plan and the Palerang Sports Field Provision Report.

Engagement

The statutory process and Council's Community Engagement and Participation Plan for the draft Planning Agreement requires community consultation for a minimum of 28 days.

9.2 Blind Creek Solar Farm - Planning Agreement (Ref: ; Author: Thompson/Carswell) (Continued)

Financial

Depending on the capacity of the solar farm (if approved), the draft Planning Agreement would result in a total contribution of about \$1,235,000 over 20 years. This would consist of an initial contribution of \$250,000 and an additional annuity over 20 years of \$49,250 per annum adjusted by Producer Price Index No.3020.

Costs will also include administrative and legal costs. At the stage of reporting the other party has reimbursed \$5,290 of Council's legal costs. Administrative costs are covered by Council.

Resources (including staff)

The process requires one member of staff working on a part time basis.

Integrated Plan

Taking this draft planning agreement forward is consistent with several Key Goals relevant to the Character Portfolio as outlined in the Community Strategic Plan 2018 – 2028.


Conclusion

Council has recently received an updated letter of offer from the current proponent of the proposed State Significant development of Blind Creek Solar Farm (BCSF) (Attachment 1). This reflects the draft Planning Agreement (Attachment 2) which has involved extensive negotiation and legal advice. The draft Planning Agreement if executed, and the development application if approved, would result in a significant contribution towards funding a recreational facility (Aquatic Centre) and other recreational facilities at Bungendore in the order of \$1,235,000 over 20 years.

The development is a proposed 350MW solar farm plus an additional battery. It is at the stage of the process where an Environmental Impact Statement has been prepared and released for comment. A final decision on the development will be made by either the Minister for Planning (and Homes) or by the Independent Planning Commission if certain circumstances arise during the process.

Notwithstanding whom determines the final application, Council will only be able to make recommendations including a condition that contributions be paid through a Planning Agreement. Council should agree to accept the letter of offer and exhibit the draft Planning Agreement as it has the potential to provide funding for significant community recreational facilities in Bungendore.

Attachments

- | | |
|--|---|
| Attachment 1 | Planning Agreement Letter of Offer (<i>Under Separate Cover</i>) |
|  Attachment 2 | Draft Planning Agreement - Blind Creek Solar Farm (<i>Under Separate Cover</i>) |

9.3 QPRC's Annual Community Grants Category B and Cultural Grants (Ref: ;
Author: Richards/Mirowski)

File Reference: 11.10 Grants

Recommendation

That Council approve:

1. **Category B venue hire donations for 2022/23 totalling \$34,702.52 as recommended in Attachment 2.**
 2. **QPRC Cultural Grants of \$1,500 for The Braidwood Youth Performing Arts Association Inc. and \$667.16 for the Paint Club Creative Kids in Queanbeyan.**
-

Summary

QPRC has advertised and sought applications from community groups who seek assistance with the cost of hire of Council venues in 2022/23. Council is now invited to consider applications for assistance under QPRC's Annual Community Program Category B 2022/23, in accordance with the *QPRC Donations Policy* and approve two applications under the QPRC Cultural Grant program.

Background

QPRC's Annual Community Program Category B 2022/23

Council provides Category B donations annually to community groups, under the *QPRC Donations Policy 2020*. To ensure wide distribution of funds from a finite funding pool, community groups are eligible to apply for a maximum \$2,000 funding. The policy states:

'Financial assistance will be provided to community, not-for-profit or charitable organisations that wish to hire or lease a Council facility but are unable to meet this cost. The grant will be non-monetary and will be recognised financially as a donation and income for the facility. The grant will be either full or partial payment of venue hire or lease'.

Applications for Category B opened on 10 June 2022 and closed 26 June 2022. All recipients of Category B funding in 2021/22 were contacted and invited to apply. After the funding round closed, QPRC staff identified community organisations who regularly hire QPRC venues that had not applied. QPRC staff contacted these organisations urging them to apply. Five late applications were accepted.

26 community organisations submitted applications. Total funding requested was \$37,315.52, which exceeded the \$35,000 Category B 2022/23 financial allocation. An eligibility check showed one applicant had applied for more than the \$2,000 allowable limit, and another had applied for some ineligible costs. When ineligible costs were removed from consideration, total eligible requested donations were \$34,702.52. Donation requests for Category B, and the requested and recommended funding amounts are at Attachment 1.

QPRC Cultural Grant- Braidwood Youth Performing Arts Association

On 4 July 2022 Braidwood Youth Performing Arts Association Inc applied for a 2022/23 QPRC Cultural Grant. The application, at Attachment 3, seeks funding towards the costs of rehearsal and workshop space in Braidwood, to allow high school students to contribute to the upcoming Two Fires 'Come Together Festival Event' in Braidwood, and to provide the space needed for regular after school workshops and activities for the performing arts group.

The application aligns with the eligibility criteria for a QPRC Cultural Grant of \$1,500. The project has the potential to provide strong arts and cultural benefits to the LGA through providing creative development opportunities to young people in Braidwood. It also aligns with

9.3 QPRC's Annual Community Grants Category B and Cultural Grants (Ref: ; Author: Richards/Mirowski) (Continued)

the *QPRC Strategic Plan*'s strategic objectives and strategies under 'Community', particularly Strategic Objective 1.1 'Our community is strengthened through connection and participation that enhances our community and cultural life'.

QPRC Cultural Grant – Paint Club Creative Kids

On 4 July 2022 Ms Courtenay Trinder applied for a QPRC Cultural Grant of \$667.16 on behalf of the Paint Club Creative Kids in Queanbeyan. The Paint Club, which uses The Hive premises is seeking funding for arts materials to allow children to participate in a combined arts installation for the inaugural Outside the Square Arts Exhibition. Each child will be given a 15cm hexagonal canvas to create their own individual work. They will then cooperate in class to fit them together to make a single combined honeycomb for the arts exhibition. The funding application is at Attachment 4.

The Club provides visual arts lessons and practice for local children aged from 5 – 12 years and is managed by more than 30 volunteers including visual artists. The project has potential to provide sound artistic and cultural benefits to the Queanbeyan-Palerang Community by creating opportunities for local children to develop their visual arts skills. It will also enhance inclusivity and social connection by allowing children to participate in a regional art exhibition. The project aligns with the aims and eligibility criteria of QPRC Cultural Grants and aligns well with the vision and mission of the *QPRC Community Strategic Plan*, and with the strategic objectives and strategies under 'Community'.

Financial

Sufficient funds are available to pay the recommended Category B funding, and the Cultural Grants. Eligible 2022/23 Category B funding requests are within the \$35,000 financial allocation. Council approval of the recommended funding will leave \$297.48 unallocated. \$25,000 is available for Cultural Grants in 2022/23.

One Cultural Grant of \$1,500 was approved at the 13 July 2022 Council Meeting, leaving a \$23,500 in the allocation for 2022/23.





Links to QPRC Policies

Annual Community Grants and Donations Program Category B funds and Council's Cultural Grants are administered in compliance with the *QPRC Donations Policy 2020* at Attachment 5. Under s.356 of the *Local Government Act 1993*, QPRC may exercise a function by resolution to provide various forms of assistance to the community through grants, donations, rental rebates, rate relief, non-financial contributions, in-kind donations and sponsorships.

Conclusion

The recommended 2022/23 Category B donations and the Cultural Grants will assist community groups in the Queanbeyan-Palerang LGA.

Attachments

- | | |
|--|--|
| Attachment 1 | Table of Category B funding requests (<i>Under Separate Cover</i>) |
|  Attachment 2 | Recommended Category B Funding (<i>Under Separate Cover</i>) |
|  Attachment 3 | Cultural Grants Application Braidwood Youth Performing Arts Inc. (<i>Under Separate Cover</i>) |
|  Attachment 4 | Cultural Grants Application Paint Club out of the Box (<i>Under Separate Cover</i>) |
|  Attachment 5 | QPRC Donations Policy 2020 (<i>Under Separate Cover</i>) |

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.4 Event Proposal 2022/23 and 2023/24 Cricket NSW Country Colts U18s Championships- Queanbeyan (Ref: ; Author: Richards/Wightman)

File Reference: 1.4.1 Economic and Community Events

Recommendation

That Council support the Queanbeyan District Cricket Club in securing an agreement between Cricket NSW, QPRC and the Queanbeyan District Cricket Club to host the NSW U18s Country Colts Championships for 22-23 and 23-24 by:

- 1. Assisting the Queanbeyan District Cricket Club to gain corporate sponsorship to help host the event.**
 - 2. Allocate up to \$4,000 for hosting of the event in the first quarter budget review statement (QBR) 2022/23.**
-

Summary

The Cricket NSW U18s Country Colts Championships is a prestigious annual cricket tournament for male youths, providing an integral step in the development pathway of up and coming regional cricketers. The carnival includes eight regional teams in over four days of competition. The teams represent the best of their zones, having made it through their regional tournaments, to compete at Country Colts Championships. The top ranked team at the end of the competition will be declared the best regional team in the state and recipient of the Hughes Lilienthal Shield.

The eight Country Zones that contest these championships are the Central Coast, Central Northern, Newcastle, North Coastal, ACT, Southern Districts, Greater Illawarra, Riverina, and Western Zones.

Cricket NSW has approached the Queanbeyan District Cricket Club and QPRC to host the event in 2022-23 and 2023-24 on Monday 12, Tuesday 13, Wednesday 14, Thursday 15 December in 2022, and relative dates in 2023.

Attached is the Event Information and Proposal document sent to the Events team and to the Queanbeyan Cricket Club by Sports Marketing Australia for Cricket NSW, with the funding request for \$6,000. It is acknowledged that volunteer/in-kind contribution for waiving of facility fees be also included in bid.

Background

Cricket NSW has identified four potential ovals in the Queanbeyan-Palerang Region including two fields at Freebody Oval, the Rocklea Oval at Googong and Brad Hadden Oval in Queanbeyan Town Park.

The event will attract eight teams with 16 players and team officials in each plus approximately 22 match officials and event staff 150 participants in all.

Ninety percent of participants will be from outside the region with approximately 10% local. Each participant will bring up to two accompanying guests.

9.4 Event Proposal 2022/23 and 2023/24 Cricket NSW Country Colts U18s Championships- Queanbeyan (Ref: ; Author: Richards/Wightman) (Continued)

Financial, Budget and Resource Implications

The Economic Development Indicator Tool assesses that, based on:

- 90% of 150 participants coming from out of the region (135),
- across 4 days of activities (540),
- with an accompanying guest ratio of 1 : 2 (1,620 total bed nights),
- with an average daily spend of \$267, (current TRA daily spend figure for sports tourist – Dec 2021),

The proposed direct economic impact of this event would be \$432,540.

Funding support requested to assist with bringing the event to the region is \$6,000 + GST. This support assists with planning, marketing, logistical and operational expenses. The Queanbeyan District Cricket Club (QDCC) is seeking corporate sponsorship to help fund this event and a contribution of up to \$4,000 from Council.

In the past, Council allocated both events and sports budgets to allow it to support events of this nature. However, both of these budgets have been removed. This means that there is no current allocation to fund this project.

If Council were to agree to providing up to \$4,000 in actual funds to the event, this would require a first quarter budget review and a commensurate increase in Council outgoings.

In addition to a cash contribution (if any), Council will provide in-kind support to assist with sourcing sponsorship, event management and marketing through the Events team. Whilst the QDCC has estimated sourcing \$2,000 from corporate sponsorship, a higher contribution may be achieved with assistance by Council staff.

Council also provides ovals and facilities at no cost which is standard for local sporting clubs. Since the event will be hosted by the Queanbeyan Cricket Club, they will have access to the fields with no hire fee.

Links to QPRC/Regional Strategic Plans*Community Strategic Plan*Strategy 1.2

Active recreational, sporting and health pursuits are supported by the availability of programs, events and assets in the Queanbeyan-Palerang region.

Strategy 2.2

Programs, facilities and events promote and enhance the Queanbeyan-Palerang region to make it a destination of choice

*Transformation Strategy*Strategy 4.1

Events and activity add to the vibrancy of the CBD public realm environment
Support cultural and promotional activities that contribute to the CBD identity

*Regional Economic Development Strategy*Strategy 3

Grow the population and internal markets of the region
Improve access to cultural, sporting and social facilities and services within Queanbeyan-Palerang.

Tourism Plan

Sports tourism opportunities should be explored, especially in relation to Queanbeyan.

9.4 Event Proposal 2022/23 and 2023/24 Cricket NSW Country Colts U18s Championships- Queanbeyan (Ref: ; Author: Richards/Wightman) (Continued)

*Events Strategy*Category Three:

Promoting QPRC (Be Here) Events or festivals with the primary purpose of promoting visitor generation within the Local Government Area. Category Three Events:

- Have a state or national profile
- Attract interstate visitors, as well as intrastate visitors.
- Contribute significant economic and/or visitor generation to the LGA
- Contribute to the growing reputation of QPRC as a region where interesting things happen

Conclusion

The U18s Country Colts Championship is a prestigious event that will attract a significant number of visitors to Queanbeyan and provide a strong economic infusion to the town over the four days of competition. It is the type of event that QPRC has been highly supportive of in the past.

Attachments

Attachment 1  Sports Marketing Australia Event Information and Proposal July 2022
(Under Separate Cover)

9.5 Reviewed Policies (Ref: ; Author: Monaghan/Flint)

File Reference: 52.5.4

Recommendation

That:

1. Council place the following Policies on public exhibition for 28 days:
 - a. Street Banners and Sails Policy
 - b. Media Policy
 - c. Public Interest Disclosures – Internal Reporting Policy
 2. If no submissions are received, the policies be adopted.
-

Summary

The Media Policy and Public Interest Disclosures – Internal Reporting Policy have undergone a review by the relevant business units and as a result, some amendments have been made. The intent of the Policies as they currently exist has not changed, but rather reflects updated best practice and timely revisions.

The Street Banners and Sails Policy was a former Queanbeyan City Council Policy, now revised and updated to reflect the Banners and Sails installations in the Queanbeyan-Palerang region.

Implications

Policy

Changes made to the policies as part of this review process are outlined below:

Banners and Sails Policy – This policy was created to set guidelines for the use of the street banners and sails for the advertising of local events, public awareness campaigns and road safety programs.

It provides the minimum standard of banner and sail specifications as well as providing information regarding the booking window and maximum display periods.




Media Policy – Updates to relevant Legislation and addition of clause 5.5.

Public Interest Disclosures – Internal Reporting Policy – Noting the pending ratification of the *Public Interest Disclosures Act 2022*, only minor content changes have been made to this Policy, including updating of Disclosures Coordinator, Mayor and CEO. This Policy will be reviewed and amended accordingly once this legislation is passed and new guidelines from the Ombudsman's Office is released.

Conclusion

Within 12 months of an Election, Council must review all Policies. This process is underway and it is recommended that revised versions of these four Policies be exhibited for public comment before being formally re-adopted.

Attachments

- | | |
|--|---|
| Attachment 1 | Street Banners and Sails Policy (<i>Under Separate Cover</i>) |
|  Attachment 2 | Media Policy (<i>Under Separate Cover</i>) |
|  Attachment 3 | Public Interest Disclosures-Internal Reporting Policy (<i>Under Separate Cover</i>) |
|  | |

9.6 Investment Report - June 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 June 2022.

Recommendation

That Council:

1. Note the investment return for June 2022 was **-\$701,022**.
 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 June 2022.
-

Background

Cash and Cash Equivalent Investments

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

Over the last 12 months, Council's portfolio produced an annualised rate of return of -0.96%, underperforming the benchmark Bank Bill Index by -1.06%.

On 30 June 2022, the principal amount invested was \$213,646,516 and the 2021/22 financial year return was -\$522,052 compared to a budgeted return of \$2 million.

Market Update

At its July 2022 meeting the Reserve Bank (RBA) decided to raise the cash rate by 50 basis points to 1.35%, continuing their withdrawal of monetary support for the Australian economy. The Board is expected to take further steps in the process of normalising Australian monetary conditions in the months ahead. The size and timing of future interest rate rises will be guided by incoming data and the Board's assessment of the outlook for inflation and the labour market.

Of the total \$214 million investment portfolio, Council holds \$26 million in TCorpIM long-term and medium-term funds. June continued the downward 2022 trend, ending a difficult financial year for these funds with respective heavy regressions of \$670,598 and \$278,357.

Despite the poor performance in this current challenging economic climate, Council's investment advisor, Laminar Capital continue to recommend 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.

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.

Councils have a fiduciary responsibility when investing. Councils should exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of others persons.

Certified by Josh Staniforth, Responsible Accounting Officer, 15/7/2022.

Policy

The Investment Policy was adopted by Council on 28 July 2021 and is currently under review.

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 Section 5 of the attached Investment Report Pack.

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 (3.7% 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.

9.6 Investment Report - June 2022 (Ref: ; Author: Monaghan/Drayton) (Continued)

The internal and external restrictions are currently being reconciled for the end of financial year and will be reported to Council with the 4th Quarter Budget Review and Annual Financial Statements.

Conclusion

On 30 June 2022, the 2021/22 Financial Year investment return amounted to -\$522,052. 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 - June 2022 (*Under Separate Cover*)



10.1 Annual Food Act Enforcement Activity Report (Ref: ; Author:
Thompson/Abbott)

File Reference: 12.1.6

Recommendation

That the report be received for information.

Report

As part of the Food Regulation Partnership between the NSW Food Authority and local councils, an annual enforcement activity report must be submitted to the NSW Food Authority each year. The information contained in the Report also provides a useful overview of Council's food safety and education activities.

Reporting requires completion of a standard set of questions regarding enforcement activities undertaken by Council in the last financial year. The contents of the annual report have been compiled by Council's Environmental Health Team and a summary of the QPRC Food Inspection Program for 2021/2022 is provided below.

It should be noted that the ongoing COVID-19 pandemic has greatly impacted the local food businesses especially those relying on tourist trade such as those in the Braidwood area. Several food businesses have closed, and others have only recently recommenced trading.

Food Business Profile

Number of high risk food businesses	15
Number of medium risk food businesses	150
Number of low risk food businesses	72

High Risk typically means businesses which:

- handled and served ready-to-eat foods that may contain pathogenic microorganisms and support their growth, and
- also had known risk-increasing factors such as:
 - potential for inadequate/incorrect temperature control (reheated or hot-held food),
 - larger scale of operations (employed more than 10 people),
 - large catering operations (different preparation and serving location), and/or
 - supplied directly to at-risk customers (childcare centres; nursing home caterers).

Medium risk typically means businesses which:

- handled cooked or thawed foods that may contain pathogenic microorganisms and support their growth,
- served ready-to-eat foods that may contain pathogenic microorganisms but not generally support growth, or unlikely to contain pathogenic microorganisms but may support growth if present,
- served high-and medium-risk, ready-to-eat foods only portioned before receipt by the customer,
- were small or medium scale of operations (less than 10 people), and/or
- were small or medium scale catering

10.1 Annual Food Act Enforcement Activity Report (Ref: ; Author: Thompson/Abbott) (Continued)

Low risk typically means businesses which:

- served foods unlikely to contain pathogenic microorganisms and unlikely to support growth if present,
- served pre-packed food only, or
- supplied foods that are not ready-to-eat.

Retail Sector Requirements

Number of food businesses requiring a Food Safety Supervisor	149
Number of these businesses that have a current Food Safety Supervisor	118

The *Food Act 2003* (NSW) requires certain food businesses in the NSW hospitality and retail food service sector to have at least one trained Food Safety Supervisor (FSS). The FSS needs to have gained specific units of competency under the national Vocational Education Training system plus additional egg safety components unique to NSW.

The NSW Food Authority's FSS program was established to help reduce foodborne illness in the hospitality and retail food service sectors in NSW by improving food handler skills and knowledge.

Due to Council's proximity to the ACT, many of the food business have gained food safety supervisor training certificates from ACT based training organisations. The NSW *Food Act 2003* only accepts food safety certificates provided by a NSW Food Authority approved training organisation thereby creating an administrative issue based on training locations. Where this is the case Council officers are monitoring the food business for food safety non-compliances and requiring additional NSW based training when/if required. There are only a small number of food business without any training and Council is taking appropriate enforcement action in these cases.

Resources Profile

Number of authorised officers/contractors engaged in food regulatory work over the 12 month reporting period	3
Number of FTE authorised officers/contractors engaged in food regulatory work over the 12 month reporting period	0.7

Regulation Inspection Profile of High and Medium Risk Businesses

Number of primary inspections conducted for fixed food premises	149
Number of high and medium risk food premises inspected	137
Number of fixed food premises requiring re-inspections	12
Number of these re-inspected premises that required additional re-inspections	9

Primary inspection means any planned, programmed or routine inspection but does not include re-inspection or complaint inspection. Due to Council risk based food safety inspection program some food business that are on an 18 month inspection cycle (for great food safety practices) would not have been inspection during the 21-22 financial year.

10.1 Annual Food Act Enforcement Activity Report (Ref: ; Author: Thompson/Abbott) (Continued)

Food Business Inspection Scored Outcomes

5 Star rating (0-3 points)	60
4 Star rating (4-8 points)	56
3 Star rating (9-15 points)	37
0 Star rating (16+ points)	13

As part of the NSW Food Authorities 'Scores on Doors' program each council must record a food safety rating score, regardless of the business' participation in the program, dictated by the standardised Food Premises Assessment Report.

Food Complaint Profile

Hygiene and handling	7
Foreign matter	2
Food quality including deterioration	4
Labelling and advertising	1
Single-incident Food borne illness	3
Other	1
<i>Total number of food complaints investigated</i>	<i>18</i>

All food related complaints were investigated by Council officers and involved onsite inspections. All complaints were related to single events with no evidence found to substantiate further in-depth investigations. The number of food related complaints received by Council is more than last financial year and this is most likely due to the COVID restrictions easing.

Enforcement action

Number of Warnings issued	60
Number of Improvement Notices issued	9
Number of Penalty Notices issued	2
Number of Seizure Notices issued	0
Number of Prohibition Orders served	1
Number of Prosecutions determined relating to Food Act breaches	0

Enforcement action listed above is the accumulation of all inspections (primary and re-inspections) conducted during the 2021-22 financial year. Enforcement activity includes the issuing of warning letters, improvement notices, penalty notices, prohibition orders or prosecution. It is worth noting that a large portion of food businesses received a satisfactory result due to acceptable or exemplary food safety practices.

Value-added services

Council has a maturing and improving relationship with food businesses in line with its Enforcement Strategy and continues to work with them to improve the food safety standard of the premises. Further information was provided in the report on the following matters.

**10.1 Annual Food Act Enforcement Activity Report (Ref: ; Author: Thompson/Abbott)
(Continued)**

Participation in the 'Scores on Doors' – QPRC has participated in the Scores on Doors program for many years however, the local food businesses close to Canberra show little interest in the program as it does not mirror any similar program from the ACT. Regional towns such as Bungendore and Braidwood are more receptive to the program but due to the voluntary nature only well performing businesses are participating.

Technical advice and information (factsheets, website, newsletter etc.) provided to food businesses - Council offers a large selection of factsheets, website information, and sends out a quarterly newsletter to all food businesses containing helpful tips and advice.

Food handler training organised or facilitated - Council pays for and provides free access to the "I'm Alert" online training and recommends that all food businesses have their food handlers complete the free training course.

Other services provided or participated in? - Council participates in food related surveys when received. Council participates in the regional food group meetings and workshops when available.

COVID-19 Impacts – The food safety inspection program was impacted by the lockdowns that occurred at the beginning of the 21/22 financial year. Inspections that would have occurred in July to September of 2021 were suspended and this compressed the inspection program from 12 months to 9 months. Despite this limitation the inspection program targets were met, and the program was completed for the 21/22 period.

Attachments

Attachment 1 Food Regulation Partnership Activity Report (*Under Separate Cover*)



10.2 Summary of Road Renewal and Maintenance Activities - Quarter 4 2021/22
(Ref: ; Author: Hansen/Harris)

File Reference: 31.1.98-02

Recommendation

That the report be received for information.

Report

Maintenance Grading of Unsealed Roads

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

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

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

The following table shows the maintenance grading works completed by Council and its Contractors during the fourth quarter of 2021/22 (between 1 April 2022 and 30 June 2022).

Road Name	Completion Date	Length Graded (km)
Jerrabattgulla Road	03.05.2022	12.75
Northangera Road	17.05.2022	6.39
Glenmore Road	19.05.2022	3.09
Dawsons Lane	23.05.2022	1.12
Deloraine Lane	24.05.2022	1.39
Sandholes Road	26.05.2022	3.07
Charleys Forest Road	30.05.2022	26.38
Urila Road	04.06.2022	2.03
Webbs Road	10.06.2022	1.49
Farringdon Road	10.06.2022	12.8
Jinglemoney Road	16.06.2022	4.58
Mayfield Road	20.06.2022	18.68
Tudor Valley Road	23.06.2022	2.00

Gravel Re-sheeting

The following table shows the completed gravel re-sheeting works completed by Council's Contractors during the fourth quarter of 2021/22 (between 1 April 2022 and 30 June 2022) as per funding from the Disaster Recovery Funding Arrangement.

Road Name	Completion Date	Length Re-sheeted (km)
Parlour Creek Road	18.05.2022	2.00
Northangera Road	20.05.2022	2.50
Cooma Road	20.05.2022	2.00
Charley's Forest Road	27.05.2022	1.50

10.2 Summary of Road Renewal and Maintenance Activities - Quarter 4 2021/22 (Ref: ; Author: Hansen/Harris) (Continued)

Stabilisation/Rehabilitation

The following table shows the completed in-situ stabilisation and pavement rehabilitation works completed by Council and its Contractors during the fourth quarter of 2021/22 (between 1 April 2022 and 30 June 2022) as per various funding arrangements and Councils Capital Works Budget.

Road Name	Completion Date	Length Stabilised/Rehabilitated (km)
Araluen Road (Majors Creek Road to Reidsdale Road)	04.2022	1.50
Araluen Road (Jembaicumbene Bridge #3 to Monga Lane)	04.2022	1.50
Burra Road	04.2022	1.40
Bungendore Road	05.2022	1.50
Gregory Street	05.2022	0.30
Gum Flat Lane	05.2022	0.60
Captains Flat Road	06.2022	5.30

Reconstruction

The following table shows the completed reconstruction works completed by Council and its Contractors during the fourth quarter of 2021/22 (between 1 April 2022 and 30 June 2022).

Road Name	Completion Date	Length Resealing (km)
Burra Road	04.2022	1.40
Old Goldmines Road	06.2022	2.10
Captains Flat Road	06.2022	0.30

Resealing

The following table shows the completed resealing works completed by Council and its Contractors during the fourth quarter of 2021/22 (between 1 April 2022 and 30 June 2022).

Road Name	Completion Date	Length Resealing (km)
Wickerslack Lane	05.2022	1.81
Brooks Road	05.2022	0.58

Attachments

Nil

10.3 Australian Wind Symphony (AWS) (Ref: ; Author: Ryan/Richards)

File Reference: 1.3.2-03

Recommendation

That the report be received for information.

Report

On 23 October 2019, Council endorsed an agreement with the Australian Wind Symphony to establish a home base in the newly refurbished Bicentennial Hall (the B). This arrangement was to feature in their publicity and media. The agreement was for a trial period during the calendar year of 2020 to provide the B at no hire cost for four concerts throughout the year and as rehearsal space for four x three-hour rehearsal periods prior to each of the concerts. In return, the AWS was to perform one concert at the venue where all proceeds would go to QPRC.

This trial was for the calendar year of 2020. Due to NSW Health Department restrictions for theatres during 2020, the agreement could not be enacted. On 24 March 2021, Council resolved to transfer the agreement to 2021 with a new set of rehearsal and performance dates. Due to COVID postponements, AWS performed two concerts in the first half of 2022.

Whilst the agreement anticipated a range of benefits for both parties, neither the AWS or Council have sought to extend the arrangement. Since the original agreement, the B has become a highly sought-after music venue for external hirers and bookings are having to be made well in advance. Should AWS seek to perform at the B another time that was available, this of course will be encouraged and facilitated.

This report concludes the trial agreement.

Attachments

Nil

File Reference: 27 July 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 7 to 20 July 2022, the following workshops were held:

Date	Agenda Items	Presenter/s (if applicable)
19/07/2022	Future and Strategic Direction for Library Services Road/Street Naming Policy	N/A
20/07/2022	Draft Integrated Water Cycle Management Plan and Queanbeyan Sewage Treatment Plant Upgrade Business Case Land Acquisition North Elmslea Reservoir Policies for Review	N/A

Attachments

Nil

15 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION

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

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

Recommendation

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

Item 16.1 Tender Recommendation Braidwood Showground Lights and Power Upgrade CN 2021-35

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

Item 16.2 Tender 2022-29 - Araluen Road (Sites 1, 2 & 3) Slope Remediation

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