



# Ordinary Meeting of Council

## AGENDA

24 August 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**Confidential - Not for Publication**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 Audit, Risk and Improvement Committee (ARIC) Independent External Member

*Item 16.1 is confidential in accordance with s10(A) (a) of the Local Government Act 1993 because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

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Item 9.1	Request to Waive Developer Contributions - DA.2020.1363.B - Queanbeyan District Pre-school Association - 181 Cooma Street, Karabar
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**QUEANBEYAN-PALERANG REGIONAL COUNCIL  
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- Fees
- Attachment 1 Request from Araluen Progress Association for Support with Paying DA Fees (Under Separate Cover)*
- Item 9.3 Scoping Proposal Housekeeping Amendments to the Queanbeyan Local Environmental Plan 2012
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- Item 9.9 CEO Performance Review Panel
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- Item 9.10 Lease Renewal for Bowling Club at 26 Farrer Place Queanbeyan
- Attachment 1 Valuation Report (Opteon Solutions) (Under Separate Cover)*
- Item 9.11 Investment Report - July 2022
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- Item 9.12 Reviewed Policies
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- Attachment 4 On-Site Sewage Management Policy (Under Separate Cover)*
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- Item 9.13 Post-Exhibition Report Library Collections Policy
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- Attachment 2 Library Collections Policy (Under Separate Cover)*
- Item 10.1 Braidwood Sale Yard Annual Update
- Attachment 1 Braidwood Sale Yard Performance Report 2016/17 - 2021/22 (Under Separate Cover)*
- Item 10.2 Stronger Communities Fund Round 5
- Attachment 1 Stronger Country Communities Fund Round 5 Program Guidelines (Under Separate Cover)*

**QUEANBEYAN-PALERANG REGIONAL COUNCIL  
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- Item 10.3 Delivery Program Update - July 2021 to June 2022  
*Attachment 1 Delivery Program Update 2021-22 - July-June 2022 (Under Separate Cover)*
- Item 11.1 Local Traffic Committee Meeting - 9 August 2022  
*Attachment 1 Minutes Local Traffic Committee - 9 August 2022 (Under Separate Cover)*
- Item 11.2 QPRC Sports Council Meeting Minutes - May 2022  
*Attachment 1 QPRC Sports Council Minutes 9 May 2022 (Under Separate Cover)*
- Item 11.3 Disability Access Committee Meeting Minutes 27 July 2022  
*Attachment 1 Access Committee Minutes 27 July 2022 (Under Separate Cover)*  
*Attachment 2 Crawford St Safety Upgrades Presentation (Under Separate Cover)*  
*Attachment 3 Lascelles St Upgrade Braidwood Presentation (Under Separate Cover)*

**Closed Attachments**

- Item 9.4 Acquisition of Land for North Elmslea Reservoir and Bungendore Landfill Buffer  
*Attachment 1 Valuation (Under Separate Cover)*
- Item 16.1 Audit, Risk and Improvement Committee (ARIC) Independent External Member  
*Attachment 1 Assessment of ARIC applicants (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, 10 August 2022 commencing at 5.30pm.

## ATTENDANCE

**Councillors:** Cr Winchester (Chairperson)

Cr Biscotti

Cr Burton

Cr Grundy

Cr Livermore

Cr Preston

Cr Taskovski

Cr Ternouth

Cr Webster

Cr Willis (via Zoom)

Cr Wilson

**Staff:**

P Hansen, A/CEO

M Thompson, Portfolio General Manager Natural and Built Character

J Richards, Portfolio General Manager Community Choice

K Monaghan, Portfolio General Manager Organisational Capability

N Cooke, A/Portfolio General Manager Community Connections

**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

There were no apologies.

**4. CONFIRMATION OF MINUTES**

**4.1 Minutes of the Ordinary Meeting of Council held on 27 July 2022**

Cr Willis advised that at the 27 July 2022 meeting she failed to declare a conflict of interest in relation to Item 9.3 for QPRC's Annual Community Grants Category B and Cultural Grants as she is an office bearer of a group that received grant funding detailed in that report.

Cr Willis further advised that she has since completed the appropriate notification form which has been provided to the Acting CEO and apologised for the error in failing to declare this interest at the meeting.

311/22

**RESOLVED (Winchester/Taskovski)**

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

The resolution was carried unanimously.

**5. DISCLOSURES OF INTERESTS**

312/22

**RESOLVED (Winchester/Biscotti)**

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

The resolution was carried unanimously.

Cr Livermore declared a significant pecuniary interest in Item 9.3: Emergency Accommodation for Women and Children Experiencing Domestic Violence, stating she is a member of the specified company or other body. Cr Livermore proposed to leave the Chambers when the Item is considered.

**6. ADJOURNMENT FOR PUBLIC FORUM**

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

313/22

**RESOLVED (Winchester/Ternouth)**

That the meeting be adjourned to conduct the Public Forum.

The resolution was carried unanimously.

**ADJOURNMENT:**

The meeting adjourned for the Public Forum at 5.34pm and resumed at 5.53pm.

**7. MAYORAL MINUTE**

There was no Mayoral Minute.

**8. NOTICES OF MOTIONS OF RESCISSION**

There were no Notices of Motions of Rescission.

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

**9.1 Development Application DA.2022.1182 - Alterations and Additions to a Rural Supplies Premises - 121 Wallace Street, Braidwood**

**MOVED (Preston/Willis)**

That Council refuse development application DA.2022.1182 for Alterations and Additions to a rural supplies premises on Lots 1 & 2 DP 596527, Lot 1 DP 995410 & Lot 2 DP 1208847, No.121 Wallace Street, Braidwood on the grounds that the development is not in keeping with the character and amenity of the locality and in particular:

1. With reference to Section 4.15(1)(b) of the *EP&A Act*, the nature and scale of the development is likely to lead to the intensification of activities that are not consistent with either the character, amenity or scale of other business activities in the area, nor with the mixed use residential development that is currently promoted through the relevant local planning instruments.
2. With reference to Section 4.15(1)(c) of the *EP&A Act*, the present site, on the main street of Braidwood and in the centre of the town, in a mixed use zone and immediately adjacent to a residential area, is not suitable for increased development on the scale being proposed.
3. With reference to Section 4.15(1)(e) of the *EP&A Act*, it is not in the public interest to encourage the expansion of this style of business in this particular location, in the centre of the town.

During discussion Cr Grundy raised a Point of Order stating Cr Willis' time limit for speaking had been reached. The Mayor advised that her time had almost expired and requested Cr Willis conclude her speech.

Cr Biscotti foreshadowed a CONTRARY motion: ["That development application DA.2022.1182 for alterations and additions to a rural supplies premises on Lots 1 & 2 DP 596527, Lot 1 DP 995410 & Lot 2 DP 1208847, at 121 Wallace Street, Braidwood be granted conditional approval."]

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



314/22

**RESOLVED (Preston/Willis)**

That Council refuse development application DA.2022.1182 for Alterations and Additions to a rural supplies premises on Lots 1 & 2 DP 596527, Lot 1 DP 995410 & Lot 2 DP 1208847, No.121 Wallace Street, Braidwood on the grounds that the development is not in keeping with the character and amenity of the locality and in particular:

1. With reference to Section 4.15(1)(b) of the EP&A Act, the nature and scale of the development is likely to lead to the intensification of activities that are not consistent with either the character, amenity or scale of other business activities in the area, nor with the mixed use residential development that is currently promoted through the relevant local planning instruments.
2. With reference to Section 4.15(1)(c) of the *EP&A Act*, the present site, on the main street of Braidwood and in the centre of the town, in a mixed use zone and immediately adjacent to a residential area, is not suitable for increased development on the scale being proposed.
3. With reference to Section 4.15(1)(e) of the *EP&A Act*, it is not in the public interest to encourage the expansion of this style of business in this particular location, in the centre of the town.

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

Against: Crs Biscotti, Burton, Grundy and Ternouth

**9.2 Reclassification and Transfer of Community Land in Googong Town Centre**

315/22

**RESOLVED (Preston/Wilson)**

That:

1. To facilitate the orderly and efficient use of the interface between Bunyip Park and the new Googong Town Centre, Council support in principle the reclassification of 323m<sup>2</sup> of community land to operational land for the purpose of transferring that land to GTPL, subject to Council's direct costs of the reclassification and transfer of the land being borne by Googong Township Pty Limited.
2. In order to facilitate the transfer of the above-mentioned land, a planning proposal be prepared for Council's consideration to begin the process of reclassifying the above-mentioned land from community to operational land.

The resolution was carried unanimously.

Cr Livermore declared an interest in the following Item and left the Chambers at 6.17pm.

**9.3 Emergency Accommodation for Women and Children Experiencing Domestic Violence**

316/22

**RESOLVED (Willis/Wilson)**

That Council:

1. Prepare a letter of support in principle for the Housing Plus and Molonglo Support Services Partnership Expression of Interest to the NSW Government.
2. Review and evaluate further assistance if the project proceeds to a Request for Tender.

The resolution was carried unanimously.

Cr Livermore returned to the Chambers at 6.19pm.

**9.4 Reviewed Policies**

317/22

**RESOLVED (Livermore/Biscotti)**

That:

1. Council place the following Policies on public exhibition for 28 days:
  - a. Equal Employment Opportunity Policy
  - b. Workplace Surveillance Policy
  - c. Complaint Management Policy
  - d. Development adjacent to Water, Sewer and Stormwater Mains Policy
  - e. Enterprise Risk Management Policy
  - f. Directional Signage Policy
2. If no submissions are received, the policies be adopted.

The resolution was carried unanimously.

**9.5 Investment Policy Review 2022**

318/22

**RESOLVED (Wilson/Preston)**

That Council place the draft Investment Policy on public exhibition for 28 days and if no submissions are received, the policy be adopted.

The resolution was carried unanimously.

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

319/22

**10.1 Exclusion of Item of Business from 27 July 2022 Business Paper**

**RESOLVED (Grundy/Biscotti)**

That the report be received for information.

The resolution was carried unanimously.

**10.2 Councillor Workshops**

320/22

**RESOLVED (Winchester/Wilson)**

That the report be received for information.

The resolution was carried unanimously.

**11. REPORTS OF COMMITTEES**

There were no Reports of Committees.

**12. NOTICES OF MOTIONS**

There were no Notices of Motions.

**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**

There were no matters for Closed Session.

**16. CONCLUSION OF THE MEETING**

The time being 6.23pm, the Mayor announced that the Agenda for the meeting had now been completed.

**CR KENRICK WINCHESTER  
MAYOR  
CHAIRPERSON**

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

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

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

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

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

**Recommendation**

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

7.1 NSW Audit Office Determination over the Accounting Treatment of RFS Assets (Author: Winchester/Winchester)

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File Reference: 52.8.2-03

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**Recommendation**

That Council:

1. Writes to the local State Member Nicole Overall, the Treasurer the Hon Matt Kean MP, Minister for Emergency Services and Resilience the Hon Stephanie Cook MP and the Minister for Local Government Wendy Tuckerman MP:
    - a. Expressing Council's objection to the NSW Government's determination on ownership of Rural Fire Service assets;
    - b. Advising of the impact of the Government's position on Council finances of this accounting treatment;
    - c. Informing that Council will not carry out RFS assets stocktakes on behalf of the NSW Government and will not record RFS assets in Council's financial statements;
    - d. Calling on the NSW Government to take immediate action to permanently clear up inequities and inconsistencies around the accounting treatment of Rural Fire Service (RFS) assets by acknowledging that rural firefighting equipment is vested in, under the control of and the property of the RFS; and
    - e. Amending s119 of the Rural Fires Act 1997 so that the effect is to make it clear that RFS assets are not the property of councils.
  2. Writes to the Shadow Treasurer Daniel Mookhey MLC, the Shadow Minister for Emergency Services Jihad Dib MP, the Shadow Minister for Local Government Greg Warren MP, the Greens Spokesperson for Local Government Jamie Parker MP and the leaders of the Shooters, Fishers and Farmers, Animal Justice and One Nation parties Robert Borsak MLC, Emma Hurst MLC and Mark Latham MLC:
    - a. Advising Members of Council's position, including providing copies of correspondence to NSW Government Ministers; and
    - b. Seeking Members' commitments to support NSW Councils' call to amend the Rural Fires Act 1997 as set out in correspondence.
  3. Reaffirms Council's position not to recognise RFS assets in accordance with the QPRC Agency Assets Policy.
  4. Affirms its support to Local Government NSW (LGNSW) and requests LGNSW continue advocating on Council's behalf to get clarification once and for all from the State Government about the accounting treatment of RFS assets
  5. Continue to support the local RFS brigades noting that Council's action is entirely directed towards the NSW Government's nonsensical position that rather than being owned and controlled by local brigades, RFS assets are somehow controlled by councils, which Council considers to be a cynical financial sleight of hand abdicating the NSW Government's responsibilities at the cost of local communities.
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**7.1 NSW Audit Office Determination over the Accounting Treatment of RFS Assets  
(Author: Winchester/Winchester) (Continued)**

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**Summary**

I am calling on Councillors to support the local government campaign on the financial Accounting treatment of Rural Fire Service (RFS) mobile assets known as the 'Red Fleet'.

A long-standing dispute over the accounting treatment of the Red Fleet has come to a head with the Auditor General's 2021 Report on Local Government on 22 June 2022. The Audit Report reemphasises the State Government determination that RFS assets are the "property" of councils and must be recorded in Council's financial statements with Council required to therefore absorb all depreciation costs.

**Background**

The NSW Audit Office Local Government Report 2021 has reinforced the notion that RFS mobile and other fire-fighting assets can somehow be deemed to be council assets and applies more pressure on councils and the Office of Local Government (OLG) to conform with this determination, despite the fact that councils do not have effective management or control of these assets.

Councils across the State and Local Government NSW (LGNSW) refute this determination. Councils do not have any say in the acquisition, deployment, or disposal of these assets. Comparable assets held by Fire & Rescue NSW (FRNSW) and the State Emergency Service (SES) are not vested anywhere other than with the organisations that purchase, use, maintain and dispose of them.

Councils and LGNSW have also raised concerns that the requirement breaches Australian Accounting Standards. The State Government's own *Local Government Accounting Code of Accounting Practice and Financial Reporting* provides for councils to determine whether to record RFS assets on their books as council assets. This position has been confirmed by the Secretary of the Department of Planning and Environment in his letter to the Auditor-General dated 7 June 2022, presented in Appendix1 on page 47 of the 2021 Local Government Audit Report.

Council notes advice from LGNSW that many councils are refusing to comply with the Auditor General's instructions. Councils remained firm in 2021, resisting pressure to record RFS assets with the majority (68), choosing not to record the RFS mobile assets in accordance with the Local Government Accounting Code. This was the same number of councils as in 2020. LGNSW is encouraging councils to continue resisting pressure from the Audit Office and make their own determinations notwithstanding overtures that ongoing non-compliance with the Auditor General's instructions may result in future qualified financial reports.

The latest Audit Report has made further impositions on (Council) by:

- recommending Council undertakes a stocktake of RFS assets and records the value in Council's financial statements;
- warning that if Council does not recognise the assets it will be found non-compliant and will have a high risk finding reported; and
- calling on the NSW Department of Planning and Environment (OLG) to intervene where councils do not recognise rural firefighting equipment.

The Government's blanket determination is not only nonsensical, it is also inconsistent with the treatment of the comparable assets of other emergency service agencies such as Fire &

**7.1 NSW Audit Office Determination over the Accounting Treatment of RFS Assets  
(Author: Winchester/Winchester) (Continued)**

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Rescue NSW (FRNSW) and the State Emergency Service (SES). There is no rational reason for maintaining this anomaly.

LGNSW has been advocating this position on Councils' behalf and has written to the NSW Treasurer the Hon. Matt Kean MP, Minister for Emergency Services, the Hon. Steph Cooke MP, Minister for Local Government the Hon. Wendy Tuckerman MP and the Auditor-General, Ms Margaret Crawford to express the local government sector's strong objection to the NSW Government's determination, applied by the Auditor-General, that RFS assets are the property of councils for accounting purposes and amend the Rural Fires Act 1997.

LGNSW has advised it will continue its advocacy efforts on councils' behalf and is asking all affected councils in NSW to consider adopting a resolution advising the Audit Office that Council will not carry out the RFS stocktakes on behalf of the NSW Government, and will not record RFS assets on Council's financial statements.

Council has previously written to the Auditor General advising that it will not account for any RFS plant and equipment in Council's financial statements and that Council is attempting to work cooperatively with the local brigade but has no legal authority to direct the brigades to perform a stocktake or condition assessment on the RFS plant and equipment. A copy of the letter is attached to this report.

**Attachments**

- |   |   |
|---|---|
| Attachment 1<br> | Letter from Auditor General - Rural Firefighting Equipment ( <i>Under Separate Cover</i> )  |
| Attachment 2<br> | Response to Auditor General - Rural Fire Fighting Equipment ( <i>Under Separate Cover</i> ) |

9.1 Request to Waive Developer Contributions - DA.2020.1363.B - Queanbeyan District Pre-school Association - 181 Cooma Street, Karabar (Ref: ; Author: Tonner/Adsett)

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File Reference: DA.2020.1363.B

**Recommendation**

**That Council approve the removal of Condition 15 of DA.2020.1363.B; thereby removing the requirement for development contribution fees to be paid.**

**Summary**

This application has been referred to Council as the applicant is requesting removal of condition 15 which relates to Section 7.11/7.12 Contributions and Section 64 Contributions of an existing development consent (DA.2020.1363.A).

The applicant has requested the removal of Section 7.12 Contributions and Section 64 Contributions on the basis that it provides a social and cultural contribution for the broader community.

Proposal:	Section 4.55(1A) Modification of DA.2020.1363.B to remove the requirement for development contributions for a non-profit centre-based childcare facility.
Applicant/Owner:	Queanbeyan & District Pre-School Association Incorporated
Subject Property:	Lot 1 DP 865848 181 Cooma Street, Karabar
Zoning and Permissibility:	R3 - Medium Density Residential under the Queanbeyan LEP 2012
Public Submissions:	Not required to be notified
Issues Discussed:	Planning requirements and Contribution Plans
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

**Background**

***Relevant Previous Applications***

*Development consent has been issued for the following:*

*DA.2020.1363* - Alterations and additions to an existing centre-based childcare facility

*DA.2020.1363.A* - Modification of the development consent to extend the northern building to the south for the staff room (additional 6m<sup>2</sup>), reduce the kitchen / library area (less 7m<sup>2</sup>) and increase the circulation area; remove the existing covered walkway to the east of the site and to be replace it with a part of the roof and slab that can be removed should Council need access to the sewer.

Modification DA.2020.1363.B is the subject of this report.



9.1 Request to Waive Developer Contributions - DA.2020.1363.B - Queanbeyan District Pre-school Association - 181 Cooma Street, Karabar (Ref: ; Author: Tonner/Adsett) (Continued)

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**Subject Property**

The subject site is legally described as Lot 1 DP 865848, Lot 309 DP 240185 and Lot 408 DP 241203 and is commonly known as 181 Cooma Street and 11 Queenbar Road, Karabar. The site has frontage to Cooma Street and Queenbar Road. The lot containing the existing buildings is 1,545m<sup>2</sup>.

The car park at 11 Queenbar Road servicing the Margaret Donoghue Oval is shared with the centre-based childcare facility and accessed from Queenbar Road.

Existing development within the locality consists of established residential, recreational and commercial uses.



**Figure 1: Locality plan**

**Planning Requirements**

Assessment of the application has been undertaken in accordance with Section 4.55(1A) of the *Environmental Planning and Assessment Act (EPAA) 1979*, as amended. The matters that are of relevance under Section 4.55(1A) are summarised below.

**9.1 Request to Waive Developer Contributions - DA.2020.1363.B - Queanbeyan District Pre-school Association - 181 Cooma Street, Karabar (Ref: ; Author: Tonner/Adsett) (Continued)**

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*Section 4.55(1A) Modifications involving minimal environmental impact*

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) *it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) *it has notified the application in accordance with:*
  - (i) *the regulations, if the regulations so require, or*
  - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be. Subsections (1), and (2) do not apply to such a modification.*

*Comment* - In regard to subclause (a), Council is satisfied that the proposed modification has no environmental impact as the application does not propose to increase the footprint or intensity of the use.

In regard to subclause (b), Council is satisfied that the development to which the consent as modified relates is substantially the same development for which consent was originally granted. In answering this threshold question, a comparative analysis of the approved development as modified has been undertaken.

With regard to subclauses (c) and (d), the application was not required to be notified in accordance with the Community Engagement and Participation Plan.

In determining a development application, the consent authority is to take into consideration the following matters of consideration contained within section 4.15 of the *Environmental Planning and Assessment Act, 1979* as relevant to the development application:

***Assessment of Modification Proposal***

The following planning instruments have been considered in the planning assessment of the subject modification to the existing development consent:

1. Queanbeyan Local Environmental Plan 2012
2. Queanbeyan Development Control Plan 2012
3. Queanbeyan Section 7.12 Fixed Levy Development Contributions Plan
4. Section 64 Contributions – Water Supply Head works and Sewerage Head works.

The significant issues relating to the modification for the Council's consideration are as follows.

9.1 Request to Waive Developer Contributions - DA.2020.1363.B - Queanbeyan District Pre-school Association - 181 Cooma Street, Karabar (Ref: ; Author: Tonner/Adsett) (Continued)

**(a) Compliance with Queanbeyan Local Environmental Plan 2012**

The proposed development as modified involves no change to the compliance of the development with the requirements of the *Queanbeyan Local Environmental Plan 2012*. **(b) Compliance with Queanbeyan Development Control Plan 2012**

The proposed development as modified involves no change to the compliance of the development with the requirements of the *Queanbeyan Development Control Plan 2012*.

**(c) Other Matters**

The proposal seeks to remove Condition 15 which relates to Section 7.12 Contributions and Section 64 Contributions totalling \$18,458.59 (listed below).

**SCHEDULE 1  
NOTICE OF CONTRIBUTIONS & CHARGES ASSOCIATED WITH DEVELOPMENT**

<b>PROJECT ADDRESS</b>	QUEANBEYAN FAMILY DAY CARE 181 COOMA STREET KARABAR NSW 2620 Lot 1 DP 865848
<b>PROJECT DESCRIPTION</b>	Alterations and additions to existing centre-based child care facility
<b>APPLICATION NO</b>	DA.2020.1363
<b>NAME OF APPLICANT</b>	Tony Rowley

**Important**

*The following contribution rates are those that apply at the date of issue of this consent. Rates are reviewed quarterly. Contributions will only be accepted at the rate applying at the date of payment. Council's Natural and Built Character section should be contacted to receive a current contribution notice of charges.*

Fee Description	Fee Due
<b>Contribution Plan</b>	
7.12 Contribution Fee	\$8000
<b>Contribution Plan</b>	
Section 64 - Water	\$5773.09
Section 64 - Sewer	\$4685.50
<b>Total Contributions Payable</b>	<b>\$18458.59</b>

**Relevant Criteria on which these calculations were made:**

**Section 64 Contribution Fees**

1.29 water equivalent tenements for water and 3.13 for sewer have been credited to this development.

**Section 7.12 Contribution Fees**

**Development to which this plan applies**

This plan applies to all applications for development consent and complying development certificates required to be made by or under Part 4 of the EP&A Act in respect of development on land to which this plan applies.

**Calculating the contribution**

Consent authorities, including Council and accredited certifiers, are responsible for determining any contribution in accordance with this plan. The consent authority will calculate the contribution on the basis of the following:

Table 1 – Contribution By Development Cost

Proposed Cost of Development	Levy (%)*
All development types valued at \$100,000 or less	Nil
All development types valued at \$100,001 and up to \$200,000	0.5 %
All development types valued in excess of \$200,000	1.0%

Date Generated: 15 December 2020

**9.1 Request to Waive Developer Contributions - DA.2020.1363.B - Queanbeyan District Pre-school Association - 181 Cooma Street, Karabar (Ref: ; Author: Tonner/Adsett) (Continued)**

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The Queanbeyan District Pre-school Association is a not for profit organisation and has requested the removal of Section 7.12 Contributions and Section 64 Contributions on the basis that certain fees and contributions may be waived for development that provides a social or cultural contribution for the broader community.

The Queanbeyan and District Preschool Association has prepared a lengthy submission to Council in support of the modification request (copy attached). The following is an excerpt from their letter detailing their rationale for the modification:

***Queanbeyan Fixed Levy (Section 7.12) Development Contributions Plan***

Clause 1.9 of the plan sets out where exemptions to the levy apply. Specifically, this clause states:

*Council may consider exempting the following development, or components of a development from a contribution under the plan:*

- a) development undertaken for public schools*
- b) development associated with providing infrastructure funded by a section 7.12 levy;*
- c) development the involves the repair or rebuilding of damage resulting from a declared natural disaster; and*
- d) development that provides a social or cultural contribution to the broader community.*

Subclause d) is the relevant clause under which the exemption is sought.

The clause goes onto to say that applicants seeking exemption must provide a submission which demonstrates how the development falls within one of the categories identified above. In particular, the plan provides that Council should take into account the following matters when considering the request for exemption:

- a) The extent to which the proposed development comprises or includes the provision, extension or augmentation of public amenities of public services that provide a public benefit; and/or*
- b) Whether the applicant is affected by any adverse financial circumstances which will impact on its ability to fund the payment of the levy which is imposed in accordance with the plan.*

In support of the Associations exemption request the following submission is made:

- a) Contribution of the development as a public service for the public benefit - The development of the new preschool by QDPA contributes the following:
  - Long term education and economic benefits of access to preschool education have been well researched and documented.
  - Providing access for more children to access early learning and education in the form of Preschool in the year prior to attending school.
  - Support several community playgroups each week including an Indigenous playgroup
  - Foster community relationships and partnerships
  - Allow smoother transition into preschool & formal schooling
  - Employment of 12-15 additional teachers, Educators & staff
  - Job opportunities for local sub-contractors and tradespeople for the renovation and building works on the property.

9.1 Request to Waive Developer Contributions - DA.2020.1363.B - Queanbeyan District Pre-school Association - 181 Cooma Street, Karabar (Ref: ; Author: Tonner/Adsett) (Continued)

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b) Financial circumstances

- Following many years of frugal financial management and fundraising by our volunteer Management Committee, we were in the position to purchase the property to create the new Preschool for the community. With the completion of the project any reduction in expenditure (such as relief from developer contributions) would be beneficial in making safe and replacing the existing poor quality play equipment left from the previous use of the site as a meeting location for Family Day Care.

***Development Servicing Plans for Sewerage and Water***

While the Association notes that sewerage and water contributions are calculated under two separate plans the provision relating to the waiving of fees is identical and is contained in clause 5.5 of both plans which provides for the following:

*5.5 Developer Contribution Waiver*

*Greater Queanbeyan City Council may waive DC ordinarily attributable to subdivision and development, where the proponent demonstrates to Greater Queanbeyan City Council's satisfaction, that it is a non-profit and charitable organisation, which by virtue of carrying out such development, is considered by the Greater Queanbeyan City Council to be making a significant and positive contribution to the community.*

In demonstrating that the Association makes a significant and positive contribution to the community the following supporting information is provided:

- Long term education and economic benefits of access to preschool education have been well researched and documented.
- Providing access for more children to access early learning and education in the form of Preschool in the year prior to attending school.
- Support several community playgroups each week including an Indigenous playgroup
- Foster community relationships and partnerships
- Allow smoother transition into preschool & formal schooling
- Employment of 12-15 additional teachers, Educators & staff
- Job opportunities for local sub-contractors and tradespeople for the renovation and building works on the property.

**Financial Implications**

Council would forego the collection of contribution charges totalling \$18,458.59.

**Engagement**

The proposed modification was not required to be notified in accordance with the Community Engagement and Participation Plan.

**9.1 Request to Waive Developer Contributions - DA.2020.1363.B - Queanbeyan District Pre-school Association - 181 Cooma Street, Karabar (Ref: ; Author: Tonner/Adsett) (Continued)**

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**Conclusion**



The Queanbeyan District Pre-school Association is considered a non-profit centre-based facility. As provision is made in the Sewer and Water Development Servicing Plan's to waive developer charges for a non-profit and charitable organisation, it is recommended that the S64 charges totalling \$10,458.59 are waived.

Further, provision is also made in the Queanbeyan Fixed Levy (Section 7.12) Development Contribution Plan for Council to consider exempting development from contribution charges when a social or cultural contribution is provided to the broader community. The Preschool Association provides a social and cultural contribution to the community and it is therefore recommended that the Section 7.12 charge of \$8000 is waived.

The applicant has demonstrated that the Preschool Association provides a public benefit and is affected by adverse financial circumstances which will impact on its stability to fund the payment of any levy.

As such it is recommended that the contribution charges are waived and Condition 15 of DA.2020.1363.B is deleted.

**Attachments**

- |   |  |
|---|--|
| Attachment 1  | DA.2020.1363.B - Assessment Report - 181 Cooma Street, Karabar<br><i>(Under Separate Cover)</i>  |
|  |  |
| Attachment 2  | DA.2020.1363.B - Letter from The Queanbeyan and District Preschool<br>Association to Council - 19 April 2022 <i>(Under Separate Cover)</i> |
|  |  |

9.2 Request from Araluen Progress Association for Support with Development Application Fees (Ref: ; Author: Ryan/Thompson)

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File Reference: DA.2021.1354

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**Recommendation**

For Council's consideration.

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**Summary**

Council has received a request from the Araluen Progress Association to provide assistance with the cost of paying fees associated with the lodgement of their development application for their proposed redevelopment of the Araluen Federal Hall at 5989 Araluen Road, Araluen.

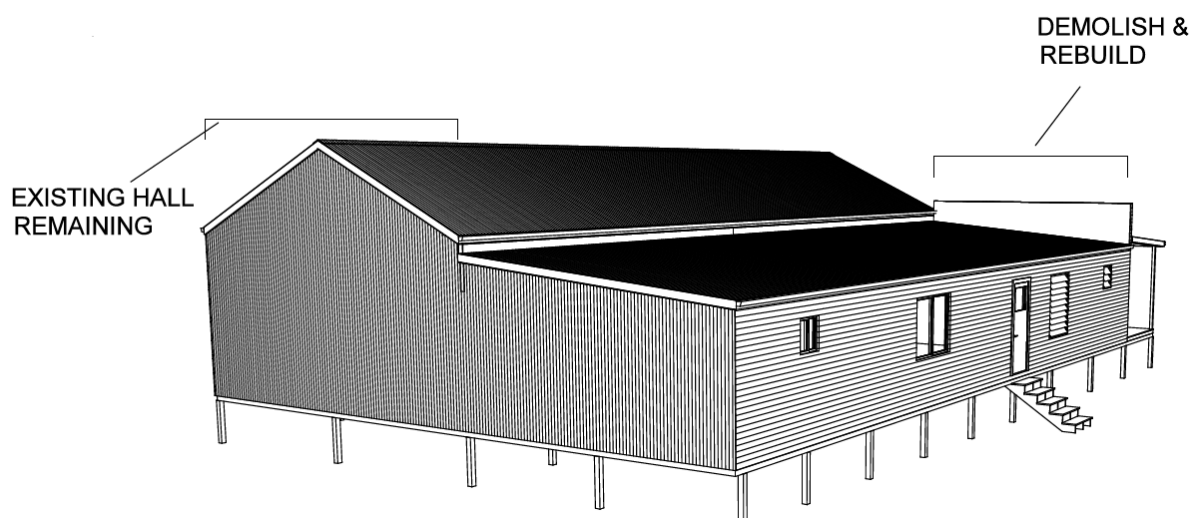
**Background**

The Araluen Progress Association (APA) is an incorporated not for profit association. The APA both manages the Hall use and pays for the costs associated with the operation of the Hall. The APA relies on volunteers for fundraising efforts.

The APA advises that the local community relies on having the Hall for many local events including formal meetings in the valley, family celebrations, weddings and wakes, community education, film nights, yoga classes and support groups. However, the fabric of the Hall has deteriorated to such an extent that the annexe, which houses the kitchen and other amenities, was not useable or repairable.

**Report**

Development application DA.2021.1354 was approved in November 2021 and the APA began the process of replacing the annexe, using the same footprint, but providing new amenities and an upgraded kitchen; and importantly, bringing the building up to code for access and for ceiling height. Local fundraising has contributed to the re-development of the Hall, with local Landcare and the local Sports Day Association contributing funds. The refurbishment of the main hall was carried out by volunteers, with a small grant that covered electrical work and materials.



***Figure 1 – Perspective View of Redevelopment of Araluen Federal Hall***

## 9.2 Request from Araluen Progress Association for Support with Development Application Fees (Ref: ; Author: Ryan/Thompson) (Continued)

The applicants have sought support from Council to assist with the payment of fees associated with lodging the application (Attachment 1). The fees paid include the following:

Type of Fee	Amount
Plan First Levy and Plan First Admin Fee	\$181.31*
Development Application Fee	\$1,058.69
Advertising & Notification Fee	\$174.00
Admin Fee - Notice to Commence P&D	\$67.00
Inspection Fee for Plumbing and Drainage	\$900.00
Admin Fee - Notice to Commence	\$74.00
LG Fee – Alter Waste Treatment Device	\$305.00
LG Fee – Operate OSSM Approval	\$154.00
Construction Certificate Fees	\$3201.80
Building Inspection Fees	\$942.00

\*NSW Government Charges

All outstanding fees associated with the application have been paid.

### **Risk/Policy/Legislation Considerations**

#### ***Policy***

The request from the applicant is that Council waive the fees. Such requests are infrequent, and Council has no specific Policy regarding support for DA fees for non-profit organisations, however, in recent years Council has adopted the principle of not waiving DA fees.

Rather, the fees are treated as a donation and paid to the Development Branch from other Council revenue sources such as the donations fund or from some other general ledger account. This provides a transparent and accountable process for funding Council's services.

Council pursued this principle with the DA fees with the rebuilding of Mr Fluffy homes, those destroyed in the 2019/20 bushfires and more recently with the proposed Queanbeyan Respite Centre. Such requests for such donations were considered and approved by Council.

\$181.31 of the associated fees are statutory fees which are payable to the NSW Government and marked with an \* above. Whilst Council is being asked to donate this expense, a request for this could be made to the NSW Government.

The applicants have also sought a refund of the Construction Certificate and Inspection Fees amounting to \$4,143.80 in total. These fees are contestable with the private sector and to refund them would be inconsistent with Council's obligations under competitive neutrality guidelines. As such they should not be refunded.

Taking all of the above into account the total donation required to offset the fees that Council can reasonably refund, should Council agree, will be \$2,732.69.



## 9.2 Request from Araluen Progress Association for Support with Development Application Fees (Ref: ; Author: Ryan/Thompson) (Continued)

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### Financial, Budget and Resource Implications

The land is owned by the Trustees of the Araluen Hall and the property is non-rateable. As such Council does not collect any land rates for this property.

Staff have been unable to identify any existing funds from which a donation could be drawn. As such, if Council agrees to grant its support for offsetting the fees in the amount of \$2,732.69 it will be unfunded expenditure which ultimately has a negative impact on Council's end of year result.

As the applicant has already paid the required fees, Council's support for the request will result in a refund.

### Links to QPRC/Regional Strategic Plans

There are no specific impacts on any local or strategic plans regardless of whether Council chooses to support the request. However, as indicated above the Araluen Hall is one of a network of community halls throughout the local government area that provide important gathering facilities for local communities.

### Conclusion

The redevelopment of the Araluen Federal Hall is a worthy project and will ensure the building continues to provide a needed community facility. While Council may determine to support the organisation by providing an offset for the DA fees paid for the application, in doing so it will be unfunded expenditure.

Council may either support or decline this request.

Appropriate wording for a resolution supporting the request would be as follows:

**That Council support the request from the Araluen Progress Association to provide support to refund paid development application fees for DA.2021.1354 by providing a donation of \$2,732.69, noting that such donation will be unfunded expenditure.**

Appropriate wording for a resolution declining the request would be as follows:

**That Council advise the Araluen Progress Association that it is unable to support their request to offset development application fees as no funds are available from Council's budgeted donations allocation.**

### Attachments

Attachment 1  Request from Araluen Progress Association for Support with Paying DA Fees (*Under Separate Cover*)

9.3 Scoping Proposal Housekeeping Amendments to the Queanbeyan Local Environmental Plan 2012 (Ref: ; Author: Thompson/Jansen)

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File Reference: PJT0061-22-02

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**Recommendation**

**That Council agree to progress the submitted Scoping Proposal for housekeeping amendments to the *Queanbeyan Local Environmental Plan 2012* in respect of the Googong Urban Release Area.**

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**Summary**

The purpose of this report is to provide Council with advice in respect of a scoping proposal that has been submitted on behalf of Googong Township Pty Ltd for land at Googong. The Scoping Proposal is for 'housekeeping' amendments to the *Queanbeyan Local Environmental Plan 2012 (QLEP 2012)* for the Googong Urban Release Area.

In summary, the Scoping Proposal seeks to make a number of amendments to the planning controls in place at Googong to:

- ensure the controls are consistent with Council's expectations for future development of the land,
- to update heritage controls applying to the land, noting Council's recent agreement to relocate the Googong Shearing Shed, and
- to amend density controls in respect of land fronting Old Cooma Road and the southern boundary of the urban release area.

Should the Scoping Proposal be supported by Council and, in the event that the *Queanbeyan-Palerang Local Environmental Plan 2022* is notified (gazetted) in the near future, this Scoping Proposal will be amended to amend that plan rather than the *QLEP 2012*.

**Background**

The land at Googong was rezoned for urban purposes in 2009 and since then development has progressed with construction of Neighbourhoods 1A, 1B and the northern part of Neighbourhood 2 which is nearing completion. A development application has also been lodged for subdivision of the remaining Neighbourhoods 3,4 and 5 and the assessment of that application is nearing completion.

Googong Township Pty Ltd has now lodged a Scoping Proposal with the Council seeking to undertake a number of housekeeping amendments to *QLEP 2012*. This Scoping Proposal is shown at Attachment 1.

**Report**

The Scoping Proposal seeks the following amendments to *QLEP 2012*:

1. *Change the minimum lot size of land along a 100m strip of the southern boundary of the Googong Township and Old Cooma Road.*

Currently the minimum lot size of land within 100m of Old Cooma Road and the southern boundary of Googong is 600m<sup>2</sup>, compared to a 330m<sup>2</sup> lot size for the remainder of the residential area. The intention of these controls when they were established was to ensure lower residential density at the interface of residential and rural/environmental zones, and, to reduce the perceived visual density of land when travelling along Old Cooma Rd.

**9.3 Scoping Proposal Housekeeping Amendments to the Queanbeyan Local Environmental Plan 2012 (Ref: ; Author: Thompson/Jansen) (Continued)**

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It is now proposed to reduce the width of the 600m<sup>2</sup> minimum lot size from 100m to 35m. This will mean only the lots immediately adjacent to the southern boundary and Old Cooma Road will be greater than 600m<sup>2</sup>. On balance, the proposed change is supported. Dual occupancy developments can already be undertaken on the 600m<sup>2</sup> minimum lot size land, which in practice means there is little difference (from a density or visual impact perspective) to single dwellings on 330m<sup>2</sup> lots.

A number of lots were lost from the overall urban release area as a result conserving biodiversity habitat in the assessment of Neighbourhoods 3, 4 and 5. The change ensures that the balance of allotments projected for the completion of the township will remain consistent with the original plans and maintains this important source of further housing supply to assist prospective homeowners.

Lots within 35m of the southern boundary and Old Cooma Road will still be required to have a minimum lot size of 600m<sup>2</sup>.

2. *Rezone all Council owned reserves at Googong to RE1 Public Recreation.*

Currently all Council owned reserves within the urban area of Googong remain zoned R1 General Residential. Given significant areas of land have now been dedicated to the Council for open space and recreation, it is proposed such land to now be rezoned RE1 Public Recreation to reflect the purpose and status as a Council reserve.

This is supported.

3. *Correct the shape of the RE1 Public Recreation Zone along Montgomery Creek to be consistent with more recent and detailed studies.*

It is proposed to amend the RE1 Public Recreation zone to be consistent with the actual area of the Googong Common. This will be given effect by updating the Googong Common Map. This is a minor change which will not result in any impact on the recreational areas provided at Googong. This proposed change is supported as it will ensure the structure plans are consistent with approved and proposed subdivision plans for the area.

4. *Amend Additional Development Areas on Googong Map.*

The additional development areas at Googong provide for the location of proposed neighbourhood centres. These areas allow for a range of commercial activities and also additional subdivision potential aimed at achieving higher densities around the proposed neighbourhood centres.

More detailed planning has now occurred for the next stages of development at Googong. This has resulted in a request to amend the location of the additional development areas and proposed neighbourhood centres at Googong. This is a relatively minor change and will not result in any significant change to the size of the additional development area or in any new development potential. The existing locations of additional development areas and neighbourhood centre was indicative at the time the plan was approved. Following more detailed planning, their location is now finalised, and the amendment will ensure consistency with proposed subdivision plans. The amendment will not result in any policy change in regard to the neighbourhood centres, it will simply shift the location in a manner that is acceptable to Council.

**9.3 Scoping Proposal Housekeeping Amendments to the Queanbeyan Local Environmental Plan 2012 (Ref: ; Author: Thompson/Jansen) (Continued)**

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**5. *Minor amendments to the R1/R5 interface near the NH5 Neighbourhood Centre.***

It is proposed that the boundaries between the R1 General Residential land and R5 Large Lot Residential land along the northern and southern/eastern boundaries of Neighbourhood 5, northern and eastern boundaries of Neighbourhoods 1A and 1B be adjusted in accordance with the maps provided in the Scoping Proposal document.

No additional development potential has been created.

These amendments are supported and will result in the corrections to boundaries to ensure consistency with approved and proposed subdivision plans.

**6. *Remove Googong Shearing Shed from the Schedule 5 and delete the item for the relevant map.***

Council at its meeting on 13 July 2022 resolved to (Minute No. 274/22):

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 Scoping Proposal does not require any changes to the written standards or controls of the *QLEP 2012*, except for the removal of the heritage item I178 from Schedule 5 of the *QLEP 2012*. The proposed changes are appropriate and are aimed at bringing the *QLEP 2012* into alignment with approved and/or current development applications before Council.

**Risk/Policy/Legislation Considerations**

The NSW Department of Planning and Environment (DPE) has recently issued new guidelines in regard to the rezoning process and has prepared Local Environmental Plan Making Guidelines. These Guidelines came into effect on 15 December 2021. The Guidelines advise that new planning proposals should undertake a pre-lodgement assessment, including the preparation of a Scoping Proposal (as well as initial consultation with any relevant State agencies) to understand and resolve agency issues earlier in the process. The Scoping Proposal is required to be progressed consistent with the requirements of the *NSW Environmental Planning & Assessment Act, 1979*.

The steps required under the new guideline are as follows:

1. Report to Council on Scoping Proposal.
2. Council refers Scoping Proposal to relevant State Government Agencies.
3. Pre-lodgement meeting held (Agencies, Proponent and Council Representatives).
4. Report to Council on formal Planning Proposal.
5. Council lodges Planning Proposal.
6. DPE completes initial assessment and issues Gateway determination.
7. Completion of studies (if applicable)
8. Agency consultation
9. Consultation and public exhibition
10. Review of submission.
11. Report to Council for decision to continue with Planning Proposal or not.
12. Request LEP amendment be made.

### 9.3 Scoping Proposal Housekeeping Amendments to the Queanbeyan Local Environmental Plan 2012 (Ref: ; Author: Thompson/Jansen) (Continued)

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Accordingly, this is the first step of progressing the Scoping Proposal and does not commit Council to making any changes. The proposal will be reconsidered after initial consultation of the Scoping Proposal has been undertaken, at which time a further report will be made to the Council for determination (and prior to submitting any formal Planning Proposal to the Department of Planning & Environment).

The Scoping Proposal is otherwise generally consistent with the Googong Master Plan of the *Googong Development Control Plan 2010* and Council's long-term vision for Googong.

#### **Financial, Budget and Resource Implications**

If approved by Council, the applicants will be required to pay the cost of processing a Planning Proposal in accordance with Council's current fees. The required fee for the 2022-23 financial year is \$7,100 plus \$178 per hour after 40 hours.

Any approved Planning Proposal would require the part-time resources of two town planners in the Land-Use Planning Branch. This will be partly offset by the payment of fees by the applicants.

#### **Links to QPRC/Regional Strategic Plans**

The Scoping Proposal is considered to be generally consistent with the *Queanbeyan-Palerang Regional Council Local Strategic Planning Statement 2020* and the *Queanbeyan Residential and Economic Strategy 2031*.

#### **Conclusion**

The Scoping Proposal submitted by the proponents for housekeeping amendments to the *QLEP 2012* is considered to have sufficient strategic merit to proceed to a formal pre-lodgement meeting. A further report will be prepared for the Council after the pre-lodgement meeting.

The changes as proposed will ensure the *QLEP 2012* is consistent with the approved development applications for Googong and Council's long terms vision for the urban release area of Googong. The Scoping Proposal will not result in any significant changes to the permissible development yield at Googong.

Accordingly, it is recommended that Council agree to the submitted Scoping Proposal being progressed.

#### **Attachments**

Attachment 1



Googong Housekeeping Scoping Proposal July 2022 (*Under Separate Cover*)

9.4 Acquisition of Land for North Elmslea Reservoir and Bungendore Landfill Buffer (Ref: ; Author: Ryan/Cunningham)

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File Reference: Project 700040-01

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**Recommendation**

**That Council:**

1. Authorise the acquisition of proposed Lot 3 DP 1282741 being 5,794m<sup>2</sup> from the subdivision of Lot 1 in DP 880087 and Lot 1 in DP 1236462 for the purposes of town water supply from Share Star Holdings Pty Ltd for the lump sum of \$230,000 (ex GST).
  2. Authorise the acquisition of proposed Lot 2 DP 1282741 being 7,028m<sup>2</sup> from the subdivision of Lot 1 in DP 880087 and Lot 1 in DP 1236462 for the purposes of a landfill buffer from Share Star Holdings Pty Ltd by way of donation.
  3. Classify, on acquisition, both lots 2 and 3 as Operational Land in accordance with section 31 of the *Local Government Act 1993*.
- 

**Summary**

Council's development contribution plan for the Palerang Communities water supplies makes provision for the delivery of a wide array of headworks aimed at supporting development; both infill and greenfield.

For the latter the principal focus is for Bungendore where Council supplied works include the provision of storage reservoirs to the north of the existing village in an area referred to as 'Chinnery's'. Construction of the first reservoir (North Elmslea) is already underway under Council contract 10043781.

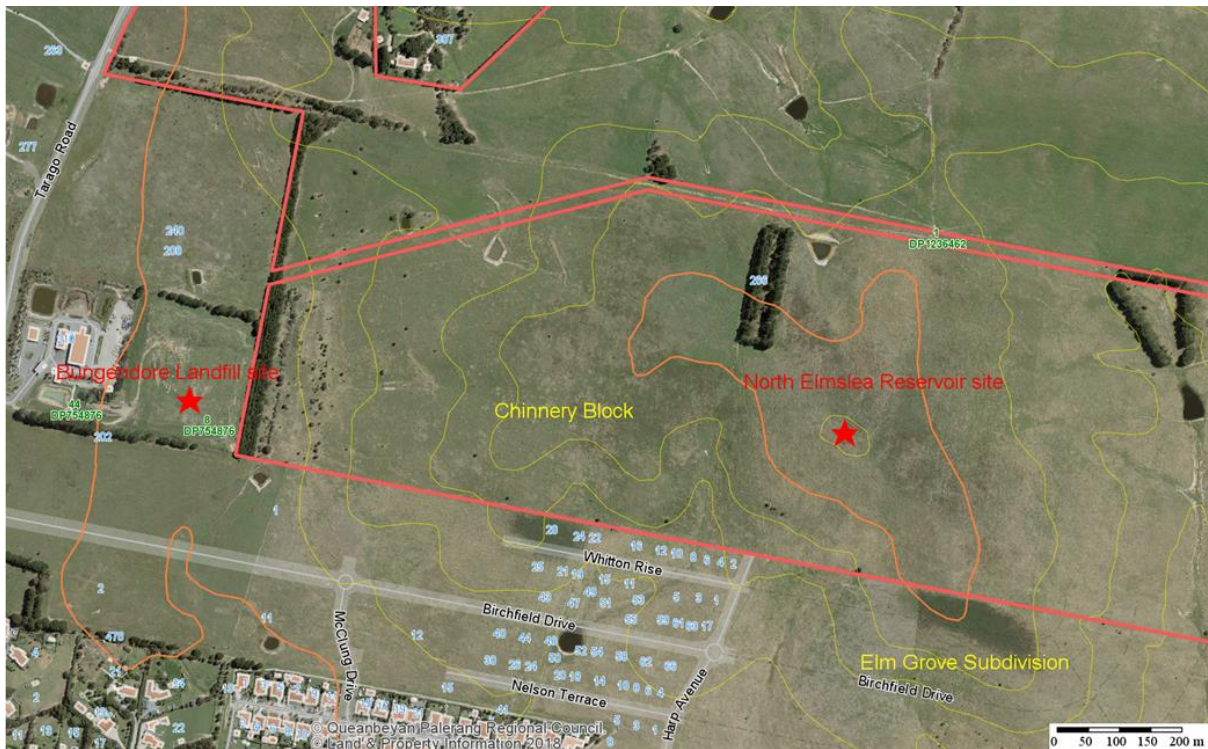
In accordance with a deed between Council, the developer of Elm Grove and the owner of Chinnerys, arrangements now need to be made to acquire the parcel of land that will contain this reservoir. For convenience, the proposed subdivision will also make provision for the transfer of a small parcel of land adjacent to the former Bungendore landfill site for the purposes of a buffer.

The purpose of this report is to give formal effect to these two acquisitions.

9.4 Acquisition of Land for North Elmslea Reservoir and Bungendore Landfill Buffer  
(Ref: ; Author: Ryan/Cunningham) (Continued)

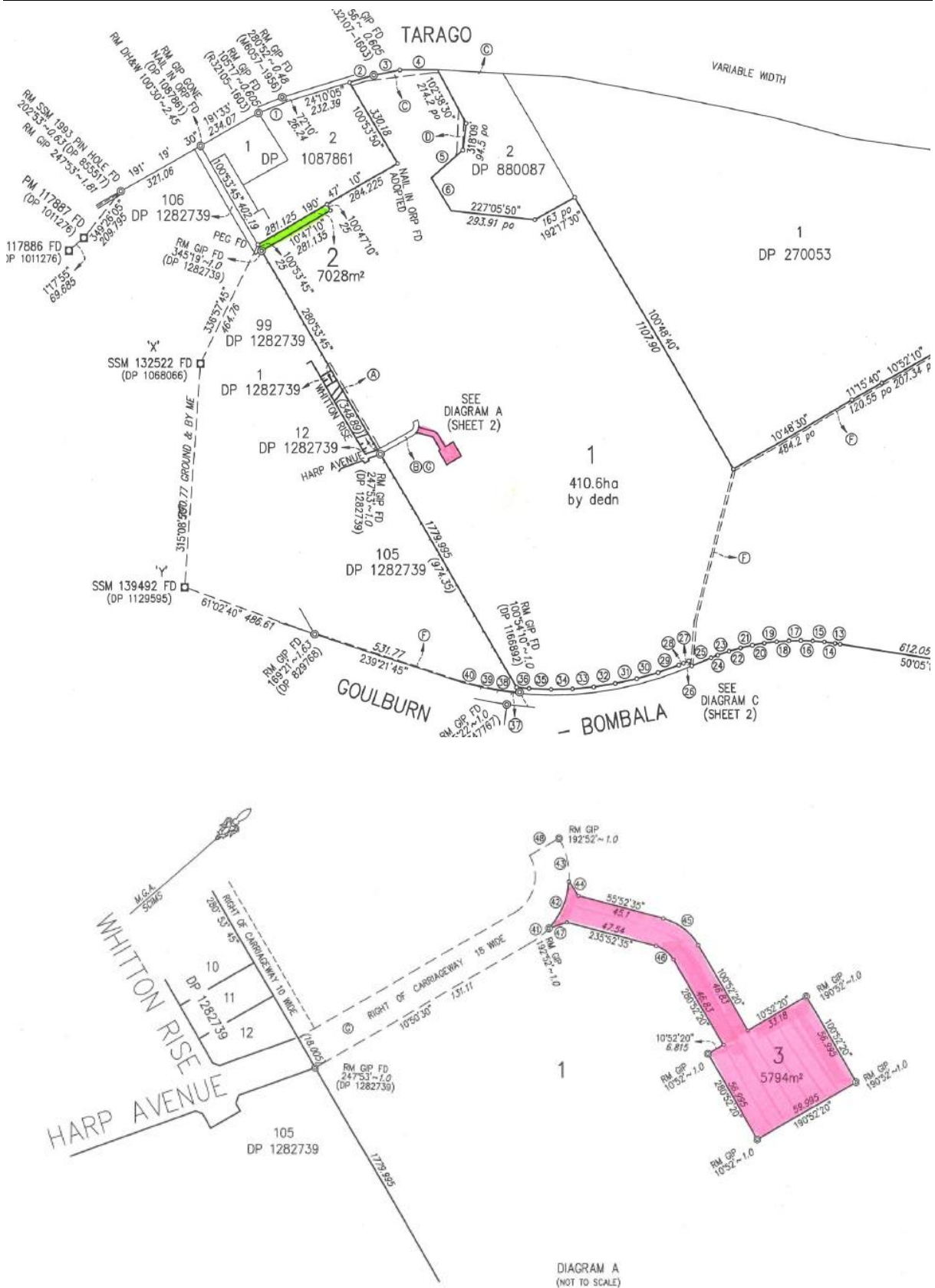
**Background**

An overview of the parcels in question is shown in the annotated aerial photograph below.



The draft plan of subdivision consists of the following parcels to be acquired by Council as proposed lot 2 (landfill buffer) and lot 3 (North Elmslea Reservoir).

9.4 Acquisition of Land for North Elmslea Reservoir and Bungendore Landfill Buffer (Ref: ; Author: Ryan/Cunningham) (Continued)





**9.4 Acquisition of Land for North Elmslea Reservoir and Bungendore Landfill Buffer  
(Ref: ; Author: Ryan/Cunningham) (Continued)**

An aerial photograph of the reservoir construction site taken May this year is shown below to give perspective.

**Report**

The Palerang Communities Water Supply Development Serving Plan (DSP) was formally adopted by Council in June 2020. The plan sets out the contributions to be paid by each new equivalent tenement (ET) created by any development to assist in the provision of supporting headworks.

With the commencement of works associated with the Elm Grove Development, the trigger for the first tranche of works identified in the DSP was realised, that being the construction of the Days Hill Water Pumping Station and the North Elmslea Reservoir. These are currently under construction by Council under contracts 10043771 and 10043781 respectively.

In planning for these works it was necessary to identify appropriate locations for the infrastructure that catered for the needs of both the immediate development as well as any that may follow in the future. Given that these resulted in impacts on private land holdings it was deemed prudent to enter into a formal deed of agreement between all affected parties such that arrangements for access, construction, payments, land acquisitions (and the like) could be defined; and responsibilities settled. A deed of agreement was entered into between Council and the owners of Lot 1 DP 880087/Lot 1 DP 1236462 (Chinnery) and Lot 1 DP 798111 (Elm Grove) on 3 June 2021.

The deed contemplated the site of the proposed North Elmslea Reservoir to be on the Chinnery land and through its Part C codified the process under which the land would be identified and ultimately acquired by Council. All precursor arrangements in relation to this matter have now been concluded, including agreement as to the compensation; this being settled in accordance with the deed and as per independent valuation (attached under separate cover).

**9.4 Acquisition of Land for North Elmslea Reservoir and Bungendore Landfill Buffer  
(Ref: ; Author: Ryan/Cunningham) (Continued)**

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The proposed 25 metre wide buffer lot to the former Bungendore landfill site (shown as lot 2 on the draft plan of subdivision) is not part of the DSP or deed but is (for convenience) proposed to be gifted to Council as part of the same subdivision process.

The recommendation above seeks to finalise these acquisitions through a resolution of Council authorising the registration of the plan of survey and the payment of any compensation amounts (where applicable).

**Risk/Policy/Legislation Considerations**

A Council resolution is required to give effect to any land acquisition proposal. In addition to this, any lands acquired must be classified as either operational or community land in accordance with section 31 of the Local Government Act.

The resolution above seeks to classify both proposed lots 2 and 3 as Operational Land.

**Financial, Budget and Resource Implications**

The agreed valuation for proposed lot 3 (the North Elmslea Reservoir site) is \$230,000 (ex GST). Funds are available for this purpose from the Palerang Communities Water Supply section 64 reserve, greenfield development.

**Links to QPRC/Regional Strategic Plans**

The proposal is consistent with Council's adopted Integrated Water Cycle Management Plan for the Palerang Communities and the adopted Palerang Community Development Servicing Plan for Water Supply.

**Conclusion**

Proposed Lot 3 in DP 1282741 represents a 5,794 m<sup>2</sup> parcel of land required to accommodate a future 2ML reservoir at North Elmslea which is currently under construction. The acquisition was identified in a formal deed between that parties and is consistent with the capital works plan contained in Council's water supply DSP.

A valuation of \$230,000 (ex GST) has been obtained and is agreed to by the respective parties. A resolution of Council is required to finalise this process.

The provision of an additional lot (proposed as Lot 2 in DP 1282741) is planned for the purposes of a buffer to the former Bungendore landfill as part of this same subdivision. The owner of the donor lot has offered proposed Lot 2 to Council without charge.

**Attachments**

Attachment 1 Valuation (*Under Separate Cover*) - **CONFIDENTIAL**

9.5 Fixing Local Roads - Round 4 Application (Author: Ryan/Cooke)

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File Reference: 31.1

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**Recommendation**

**That Council nominate the rehabilitation of Oallen Road for grant funding through the Fixing Local Roads Round 4 application process.**

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**Summary**

Round 4 of the NSW Governments \$691 million Fixing Local Roads Program is now open. In Round 4, Councils may apply for up to \$3 million for a single road project and up to \$1 million for packages of small road projects.

**Background**

To be eligible, projects must be:

- located on a Local Road managed by Council (note: Regional and Crown roads are not eligible)
- identifiable as a priority or important local road for the local government area or region
- able to commence in the first six months from receipt of signed funding deed
- deliverable within 24 months of notification from Transport for NSW
- maintenance-driven such as repairing, patching, maintaining or sealing existing roads.

Staff recommend that Oallen Road be submitted for funding for \$3m as part of the Fixing Local Roads Round 4 funding to undertake much required pavement rehabilitation works.

\$3m would rehabilitate, widen and bitumen seal a length of approximately 10.0km of Oallen Road. QPRC's section of Oallen Road runs between Nerriga Road and the Shoalhaven River, a length of approximately 13.7km. Over the past 5 years, Council has rehabilitated approximately 3.0km of Oallen Road through pavement rehabilitation programs. This funding would allow Council to rehabilitate the remaining sections of Oallen Road to increase safety, reduce ongoing maintenance costs and provide a higher standard of pavement for this highly trafficked rural road.

**Conclusion**

QPRC is eligible to apply for Fixing Local Roads Round 4 funding, with applications closing on 9 September 2022. It is recommended that Council submit an application for the rehabilitation of Oallen Road for \$3m as part of the competitive Fixing Local Roads program.

**Attachments**

Attachment 1      Fixing Local Roads Program Guidelines 2022 (*Under Separate Cover*)



9.6 Lascelles Street Upgrade - s94 Funding (Author: Cunningham/Long)

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File Reference: 36.1

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**Recommendation**

That Council allocate funds to the Lascelles Street Upgrade Project (PJ100701) from the following Section 94 Contributions Plans:

1. \$193,359 from the Tallaganda Shire Council Section 94 Contributions Plan No. 3 Roadworks (Kings Highway East) Reserve.
  2. \$45,000 from the Tallaganda Shire Council Section 94 Contributions Plan No. 3 Roadworks (Braidwood Village) Reserve.
- 

**Summary**

A schedule of rates tender for the upgrade of Lascelles Street, Braidwood was accepted by Council in May 2022. The construction tender approved was \$1,506,052 (including GST) which exceeded the project budget and, as a result, a review of both project scope & opportunities for additional funds was carried out. The review identified balances in s94 fund reserves which could be allocated to the Lascelles Street upgrade project.

**Background**

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

Following a tender process, Council awarded the construction contract for \$1,506,052 (inclusive of GST). Without additional funding, the scope of the Lascelles Street upgrade would need to be reduced, with 100 metres of pavement and kerb and gutter replacement removed from the project.

After the award of the tender, a value management exercise and scope review reduced the funding shortfall to something of the order of \$238,000 (excluding GST).

**Report**

A review of Council's Reserve funds has identified potential sources of additional funding from the Tallaganda Shire Council Section 94 Contributions Plan No. 3 Roadworks Reserve. Amongst other areas this plan applies to Braidwood and this reserve had a balance of \$3,451,218 as at 30 June 2022 and comprises 61 separate accounts for individual roads/areas. Table 1 summarises the details of two of these accounts which are relevant to the work planned for Lascelles Street.

**9.6 Lascelles Street Upgrade - s94 Funding (Author: Cunningham/Long) (Continued)****Table 1:** Tallaganda Shire Council Section 94 Contributions Plan No. 3 Roadworks – selection of accounts

<b>Account Name</b>	<b>Account #</b>	<b>\$ balance 30 June 2022</b>	<b>\$ Budgeted</b>	<b>\$ Unallocated</b>	<b>\$ requested</b>
Braidwood Village	35674	412,628	358,176	54,452	45,000
Kings Highway – East	35654	193,359	0	193,359	193,359

The nexus for requesting these funds is based on stormwater work at the intersection of Lascelles Street and Wallace Street that will help manage stormwater from the Kings Highway, and footpath work on Lascelles Street which is consistent with the budgeted footpath projects from the 'Braidwood Village' account.

Additionally, a Direction from the Minister for Planning and Public Spaces in May 2020 (see Attachment 1) allows Council to pool contributions paid for different purposes identified in more than one contribution plan to the provision of public services to which any of the plans relate.

The application of the requested funds is consistent with the Tallaganda Shire Council Section 94 Contributions Plan No. 3 Roadworks and the Minister's direction.

**Financial, Budget and Resource Implications**

Allocation of \$238,359 from the Tallaganda Shire Council Section 94 Contributions Plan No. 3 Roadworks reserve will not affect any current or planned projects funded from this reserve.


**Links to QPRC/Regional Strategic Plans**

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

**Conclusion**

The allocation of funds from the Tallaganda Shire Council Section 94 Contributions Plan No. 3 Roadworks reserve to PJ100701 – Lascelles Street Upgrade will allow the full scope of upgrade works to be completed.

**Attachments**

- Attachment 1  Environmental Planning and Assessment (Local Infrastructure Contributions - Pooling of Contributions) Direction 2020 (*Under Separate Cover*)

9.7 Withdrawal of Endorsement to Participate in a Shared Scheme E-scooter Trial  
(Ref: ; Author: Cunningham/Parameswaran)

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File Reference: 36.1

---

**Recommendation**

**That Council not submit an application for an e-scooter trial in the Googong Township.**

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**Summary**

At its meeting of 11 May 2022, Council endorsed an expression of interest to participate in the 12-month NSW Shared Scheme E-scooter trial in Googong Township (**Resolution No 192/22**). Transport for NSW (TfNSW) released guidelines for the Trial on 27 July 2022. These guidelines significantly increase the scope of the work and estimated resources required by Council to prepare an application.

The requirements expected by TfNSW indicate that Googong is not suitable for the trial, and Council concurrence is sought to withdraw from this program.

**Background**

QPRC was approached by TfNSW with an opportunity to participate in a 12-month trial of shared scheme e-scooters. Council endorsed an expression of interest to implement the trial in Googong Township at the 11 May meeting, after which TfNSW released guidelines for participation in the trial.

Additionally, some of the TfNSW requirements to implement the e-scooter trial make Googong Township not fit for purpose. The requirements state that the e-scooters in the trial are only to be used along:

- Shared paths (defined as 2.5m wide, signed paths); or
- Dedicated on-road cycle lanes; or
- Roads with less than 50km/h speed limit.

**Report**

Figure 1 shows the location of shared paths and on-road cycle lanes in Googong Township. Green lines depict on-road cycle lanes and red lines show locations of 2.5m wide shared paths.

## 9.7 Withdrawal of Endorsement to Participate in a Shared Scheme E-scooter Trial (Ref: ; Author: Cunningham/Parameswaran) (Continued)



**Figure 1:** Googong infrastructure suitable for the e-scooter trial

While Googong has many interconnected pathways it is not a suitable location for the e-scooter trial due to the lack of the specific infrastructure that supports the requirements of the trial:

- There are very few paths in Googong Township that are 2.5m wide
- Most of the suitable paths in Googong Township are far away from strategic centres where the village centre and shops are/will be located.
- Dedicated on-road cycle lanes are only available on existing parts of Wellsvale Drive and Gorman Drive

### **Risk/Policy/Legislation Considerations**

Nil

### **Financial, Budget and Resource Implications**

Nil

### **Links to QPRC/Regional Strategic Plans**

N/A

### **Conclusion**

Considering the lack of connected infrastructure that complies with the trial parameters, it is recommended not to submit an application for the e-scooter trial in the Googong Township.

### **Attachments**

Nil

9.8 QPRC Cultural Grants Application (Author: Richards/Mirowski)

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**File Reference:** Grants 11.10

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**Recommendation**

**That Council approve a Cultural Grant of \$500 to Mrs Sylvie Carter towards costs for a solo art exhibition at Rusten House Arts Centre, Queanbeyan.**

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**Report**

On 12 August 2022 local emerging artist, Sylvie Carter applied for a Council Cultural Grant. Sylvie is seeking \$500 to pay venue hire costs of Rusten House Arts Centre, so that she can afford to present a solo art exhibition from September 29 through to 22 October 2022 during the QPRC Arts Trail. The exhibition will present over 40 artworks, featuring landscape paintings of our region.

The application aligns with the eligibility criteria for a Cultural Grant, with individual artists eligible for up to \$500 for projects which benefit the community through their creative or artistic outcomes. The exhibition will enhance the offerings of the QPRC Arts Trail. It will also provide great community engagement and learning opportunities through delivering six free water-colour painting beginners' demonstrations/workshops. The workshops will be well advertised, especially to local senior citizens groups, community organisations and nursing homes.

The funding will provide development opportunities and exposure to an emerging local artist. It will also progress cultural outcomes for the LGA through the creation of a historical record of our landscapes. The Funding Application is at Attachment 1.

**Risk/Policy/Legislation Considerations**

Council's Cultural grants are administered in compliance with the QPRC Donations Policy 2020. 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.

The Cultural Grants Policy is being reviewed, with a proposal to offer these Cultural Grants in two rounds in May and November; which will be presented to the next Council meeting.

**Financial, Budget and Resource Implications**

Sufficient funds remain in the 2022/23 Cultural Grants allocation of \$25,000 to pay the request. \$3,667.16 has been released in 2022/23, leaving \$21,332.84 available for distribution.

**Links to QPRC/Regional Strategic Plans**

The project aligns with the strategic objectives and strategies of the Queanbeyan-Palerang Community Strategic Plan 2042 under 'Community', particularly Strategic Objective 1.1 'Our community is strengthened through connection and participation that enhances our community and cultural life.'



9.8 QPRC Cultural Grants Application (Author: Richards/Mirowski) (Continued)

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**Conclusion**

The Cultural Grants application aligns with the eligibility criteria for a Cultural Grant of \$500 and will progress cultural and creative development in the Queanbeyan-Palerang LGA.

**Attachments**

Attachment 1      Cultural Grants Application - Mrs Sylvie Carter (*Under Separate Cover*)



9.9 CEO Performance Review Panel (Author: Monaghan/Tozer)

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File Reference: 41.1.2

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**Recommendation**

**That Council:**

- 1. Adopt the Terms of Reference for the CEO's Performance Review Panel.**
  - 2. Delegate to this Council Committee the task of developing a Performance Agreement, conducting Performance Reviews, reporting the findings and recommendations of those reviews to Council.**
  - 3. Nominate a Councillor to sit on the CEO's Performance Review Panel.**
- 

**Summary**

Council is required to have a CEO's Performance Review Panel which is a Council Committee, established and delegated to:

- Conduct performance reviews of the CEO
- Report the findings and recommendations of those reviews to council
- Develop the performance agreement.

**Background**

Council's CEO, Rebecca Ryan commenced a 5 year contract of employment on 9 May 2022, with a Performance Agreement workshop undertaken with external recruitment consultant, Stephen Blackadder from Blackadder and Associates held on 18 July attended by Councillors. A draft Performance Agreement will be circulated to the Performance Review Panel for review and finalisation before being presented to Council for adoption.

**Report**

Following the election in December 2021, and the appointment of Council's new CEO in early 2022, membership of the CEO's Performance Review Panel has not yet been determined.

Office of Local Government (OLG) Guidelines (2011) state that the Panel should consist of:

- The Mayor,
- The Deputy Mayor,
- A councillor nominated by Council, and
- A councillor nominated by the CEO.

Council may also consider including an independent observer on the Panel.

Council should delegate the task of performance reviews of the CEO to this Panel including discussions about performance, any actions that should be taken and the determination of the new performance agreement. Councillors not involved on the Panel will be provided opportunities to give feedback and input prior to the Panel convening their meetings.

**9.9 CEO Performance Review Panel (Author: Monaghan/Tozer) (Continued)**

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**Risk/Policy/Legislation Considerations**

In accordance with section 23A of the Local Government Act (1993) the OLG has published Guidelines for the Appointment and Oversight of the General Manager, in line with the Standard Contract.

These are accessible on the OLG website and have been attached for Council information.

<https://www.olg.nsw.gov.au/wp-content/uploads/Guidelines-for-the-Appointment-and-Oversight-of-General-Managers.pdf>

Council will engage an independent person with relevant local government skills and experience to act as facilitator for the Panel.

Following determination of the Panel members, the CEO's first years Performance Agreement will be finalised, a draft of which will be provided to the Panel.

**Financial, Budget and Resource Implications**

The cost associated with the CEO Performance Review Panel will be the independent facilitator, which is within Council's Operational Plan.



**Links to QPRC/Regional Strategic Plans**

The oversight of the CEO and establishing of a Performance Agreement, contributes to the objectives and strategies within the QPRC Community Strategic Plan (2042) strategic pillar Capability: Contemporary civic leadership and governance that is open, transparent and accountable.

**Conclusion**

Council is required to review the performance of the CEO at least once per year. The Panel will meet at least twice per year to discuss the performance of the CEO. These meetings will be coordinated by the Mayor. The annual review will be undertaken by the Performance Review Panel and reported back to Council in closed session.

**Attachments**

- |   |  |
|---|--|
| Attachment 1<br> | Terms of Reference CEO Performance Review Panel ( <i>Under Separate Cover</i> )                          |
| Attachment 2<br> | OLG Terms of Reference for Appointment and Oversight of General Managers ( <i>Under Separate Cover</i> ) |

9.10 Lease Renewal for Bowling Club at 26 Farrer Place Queanbeyan (Author: Monaghan/Turland)

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File Reference: 46.1.1-12

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**Recommendation**

**That Council enter into the new lease with Queanbeyan Sports & Community Club on the proposed terms for a further 20- year period**

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**Summary**

QPRC has an ongoing lease agreement with the Queanbeyan Sports & Community Club for use of the grounds at 26 Farrer Place. This lease is due to expire at the end of August 2022. Management for the Club has approached Council and expressed interest in renewing the lease on similar terms.

The property comprises a lawn bowling club on an RE1 (Public Recreation) zoned site of 5,675 sqm. The site is improved with a single, grassed, croquet green and two, synthetic bowls greens and associated brick club house.

Ancillary improvements including fencing, paving and landscaping and associated bowling and croquet infrastructure. There is also a disused amenities block, converted for storage. There is no onsite parking available however street parking is available in the immediate vicinity.



**Background**

In 2004, the Queanbeyan City Council entered a lease with the Queanbeyan Bowling Club Ltd over the property for a period spanning 1 September 2002 to 31 August 2022. In 2018, the

**9.10 Lease Renewal for Bowling Club at 26 Farrer Place Queanbeyan (Author: Monaghan/Turland) (Continued)**

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lease was assigned to the Queanbeyan Sports & Community Club. The Club is branded and trades under the name Campbell & George.

**Risk/Policy/Legislation Considerations**

The property is Council Managed Crown Land. However, as the lease was in place prior to 1 July 2018, Council is exempt from additional requirements imposed on Reserve Managers under section 3.22 of the *Crown Land Management Act* (2016) and Ministerial Consent is not required for this lease.

**Financial, Budget and Resource Implications**

A rental valuation was carried out by Opteon Solutions on 24 February 2022. The rental value listed in this report as \$15,000 per annum, and the lease includes an annual cpi increase for the first 4 years, market rent review every 5 years and a 4% increase from year 6.

**Conclusion**

The lease is a source of revenue for Council, as well as facilitating local community sport. There are no obvious risks to Council, or reasons that the lease should not be renewed on the proposed terms.

**Attachments**

Attachment 1 Valuation Report (Opteon Solutions) (*Under Separate Cover*)



9.11 Investment Report - July 2022 (Author: Monaghan/Drayton)

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File Reference: 43.6.5-02

**Summary**

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

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**Recommendation**

**That Council:**

1. Note the investment return for July 2022 was \$1,177,345.
  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 July 2022.
- 

**Background**

***Cash and Cash Equivalent Investments***

A list of Council's cash and investments held on 31 July 2022 is detailed in the attached Investment Report Pack.

Over the last 12 months, Council's portfolio produced an annualised rate of return of -0.57%, underperforming the benchmark Bank Bill Index by -0.79%.

On 31 July 2022, the principal amount invested was \$203,809,962 and the 2022/23 financial year to date return was \$1,177,345 which is 29.5% of Council's 2022/23 budgeted return.

***Market Update***

The Reserve Bank (RBA) made another step towards normalising monetary conditions in Australia by raising the cash rate by 50 basis points to 1.85% at its August 2022 meeting. The Board is expected to take further steps 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 \$204 million investment portfolio, Council holds \$27 million in TCorpIM long-term and medium-term funds. The 2022/23 financial year is off to a positive start with July providing solid returns for both funds with respective gains of \$566,003 and \$326,066.

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

**9.11 Investment Report - July 2022 (Author: Monaghan/Drayton) (Continued)**

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Certified by Josh Staniforth, Responsible Accounting Officer, 11/8/2022.

Council has a fiduciary responsibility to exercise the care, diligence, and skill that a prudent person would exercise in managing the affairs of other persons.

**Policy**

Council continues to operate under the Investment Policy adopted by Council on 28 July 2021. The 2022 revised policy is currently on public exhibition.

**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 (3.9% 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.

Council's internal and external restriction balances are currently being reconciled for the 2021/22 financial year and will be reported to Council with the Annual Financial Statements.

**Conclusion**

On 31 July 2022, the 2022/23 financial year to date investment return amounted to \$1,177,345. 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 - July 2022 (*Under Separate Cover*)



File Reference: 52.5.4

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### Recommendation

That:

1. Council place the following Policies on public exhibition for 28 days:
    - Competitive Neutrality Complaints Policy
    - Road Names Policy
    - Liquid Trade Waste Policy
    - On-Site Sewage Management Policy
    - Open Burning Policy
    - Environmental Controls on Construction Sites Policy
  2. If no submissions are received, the policies be adopted.
  3. Council rescind the Reporting Legal Matters Policy.
- 

### Summary

The attached Policies 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.

### Report

#### *Policy*

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

**Competitive Neutrality Complaints Policy** – No changes have been made to this Policy given the current review of policies and processes being undertaken by IPART at present. Council has been involved in a joint submission with other councils on this matter and it is anticipated a final report will be presented to the Treasurer and Minister for Customer Service by February 2023 and the Policy will then be reviewed and amended accordingly.

**Road Names Policy** - The policy has been updated to more clearly reflect Council's requirements when assessing new road name proposals. The policy has been expanded to include:

- A specific focus on the inclusion of Aboriginal language and names;
- To create a more equal gender balance among proposed commemorative names;
- To clarify the intent and purpose of the Road Names Register;
- Specific road name proposal requirements for small and large lot subdivisions; and
- Council's preference for avoiding duplication of road names within the LGA.



**9.12 Reviewed Policies (Author: Tozer/Flint) (Continued)**

The following Local Aboriginal Land Councils were notified of the proposed changes to the policy.

- Ngambri LALC
- Ulladulla LALC
- Batemans Bay LALC
- Mogo LALC
- Additionally, Dr Aunty Matilda House received a copy of the Policy via Paul Girrawah House.

Two responses were received. Neither indicated that the Policy should not proceed to full community consultation through public exhibition.

**Liquid Trade Waste Policy** – Clause 5.1.2 updated to latest Guidelines released.

NOTE: This Policy has prior approval from DPE Water provided no substantial changes are made.

**On-Site Sewage Management Policy** – Standard legislative updates throughout document have been made as well as additional information around the process for dealing with failed systems.

**Open Burning Policy** – Policy reviewed. No changes made.

**Environmental Controls on Construction Sites Policy** – This Policy is a former Queanbeyan City Council Policy. It has subsequently been completely overhauled and re-written.

**Reporting Legal Matters Policy** – It is recommended this Policy be rescinded as regular reporting processes have been established to notify Council of new legal actions taken against Council. This involves quarterly reporting and as required reporting via the CEO on urgent matters.

### **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 Policies be exhibited for public comment before being formally re-adopted.

### **Attachments**

Attachment 1	Competitive Neutrality Complaints Policy <i>(Under Separate Cover)</i>
 Attachment 2	Road Names Policy <i>(Under Separate Cover)</i>
 Attachment 3	Liquid Trade Waste Policy <i>(Under Separate Cover)</i>
 Attachment 4	On-Site Sewage Management Policy <i>(Under Separate Cover)</i>
 Attachment 5	Open Burning Policy <i>(Under Separate Cover)</i>
 Attachment 6	Environmental Controls on Construction Sites Policy <i>(Under Separate Cover)</i>
 Attachment 7	Reporting Legal Matters Policy <i>(Under Separate Cover)</i>
	



9.13 Post-Exhibition Report Library Collections Policy (Author: Richards/Flint)

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File Reference: 52.5.4

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**Recommendation**

**That Council:**

- 1. Adopt the Library Collections Policy.**
  - 2. Endorse the development of a Local History Policy.**
- 

**Summary**

As part of Council's policy harmonisation project, all former Queanbeyan and Palerang Councils Library Policies have been reviewed to develop one library-specific policy related to Library Collections. The attached revised policy will be the primary guiding document for all QPRC libraries.

Council resolved to place the Library Collections Policy on public exhibition for 28 days. The exhibition period extended from 11 July 2022 to 9 August 2022.

During this time, the Policy attracted 33 site visits, 10 document downloads and four written submissions. The attached Community Engagement report outlines the nature of each submission.

**Background**

On 22 June 2022, Council was presented with the new Library Collections Policy prepared by staff. Council Resolution 258/22 resolved to amend the Policy to add and 'recycling as a last resort' to the section on Disposal of unwanted donation or withdrawn books, to endorse the removal of Library fines for overdue items and to place the Library Collections Policy on public exhibition for 28 days inviting submissions to be received.

One of the written submissions received was to express appreciation for the Library service; another was to comment on the treatment of ebooks and audiobooks; and a third submission queried the handling of donated resources, volunteers and the craft of book binding. None of these comments required changes to the policy. The fourth submission was regarding the extensive and growing local history collection. QPRC's local history collection is such that it requires a separate Local History Policy. Such a policy would deal with acceptance of donations, sourcing important collection data, deselection and weeding of local history items, digitisation and storage of precious local history resources.

**Risk/Policy/Legislation Considerations**

This policy aligns with *Access to information in New South Wales public libraries: Library Council of New South Wales Guideline* that promotes freedom of information within collections. It will also be supported by the QPRC Library strategy which is currently being finalised.

The Policy will be reviewed again in two years.

9.13 Post-Exhibition Report Library Collections Policy (Author: Richards/Flint)  
(Continued)

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**Conclusion**

It is recommended this Policy now be formally adopted following consideration of public submissions received.

**Attachments**

Attachment 1      Post-Exhibition Engagement Report (*Under Separate Cover*)



Attachment 2      Library Collections Policy (*Under Separate Cover*)



9.14 Application for Leave of Absence (Ref: ; Author: Ryan/Flint)

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File Reference: 52.7.7

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**Recommendation**

**That Council approve the Leave of Absence application submitted by Councillor Grundy for the 24 August 2022 Council Meeting.**

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**Summary**

Councillor Grundy is seeking Council approval for a Leave of Absence, for the 24 August 2022 Council Meeting.

**Report**

Councillor Grundy will be an apology for the 24 August 2022 Council Meeting and has submitted an application to Council for this Leave of Absence.

**Risk/Policy/Legislation Considerations**

This request is in accordance with clause 5.4 and 5.6 of Council's Code of Meeting Practice and S234(1)(d) of the *Local Government Act (1993)*, whereby Council may grant leave prior to or at any of the meetings concerned.

**Financial, Budget and Resource Implications**

Nil

**Attachments**

Nil

10.1 Braidwood Sale Yard Annual Update (Author: Richards/Darcy)

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File Reference: 11.8.1-01

**Recommendation**

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

**Report**


The attached Sale Yard Performance Report is updated annually to review number of cattle sold, and financial performance of revenue and expenditure.

In summary, the report finds the following:

- The number of cattle sold has significantly improved following a decline due to destocking caused by the drought, bushfires and Covid-19 closures.
- Revenue has increased since reintroducing of fees that were waived during the drought.
- Expenditure has increased due to capital works expenditure including replacing wooden yard palings with steel, new water troughs and repairing the weighbridge.

Overall the saleyard financial performance has returned a net positive result.

**Attachments**

Attachment 1  Braidwood Sale Yard Performance Report 2016/17 - 2021/22 (*Under Separate Cover*)

10.2 Stronger Communities Fund Round 5 (Author: Richards/Mirowski)

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File Reference: 11.10

**Recommendation**

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

**Report**

The following information on the Stronger Country Communities Fund (SCCF) Round 5 and the application process is provided for Council.

Round 5 of the SCCF is open for applications, closing 23 September 2022. The SCCF provides funding for projects which deliver infrastructure and activities that enhance the lives and wellbeing of communities in regional NSW. The fund is administered by the NSW Government Department of Regional NSW.

The NSW Government notified each eligible NSW Council in writing of the funding allocation available to their local government area. The funding envelope for the Queanbeyan-Palerang LGA is \$2,247,578. Of this, \$1,548,810 is available to Council, with the balance of \$698,768 open only to eligible community organisations. Councils may submit one SCCF application only, which may contain up to 10 projects.

The minimum funding amount per project is \$100,000. No maximum amount is set. The SCCF Round 5 priority theme is 'Inclusion and Accessibility' and 'Improved outcomes for Aboriginal people'. The SCCF Round 5 Program Guidelines are at Attachment 1.

Council has commenced communication with local community groups in the LGA, seeking expressions of interest for eligible projects. These will be considered by Council for endorsement to be nominated with Council facilitated projects.

**What will the SCCF fund?**

SCCF Round 5 will fund community amenity and community service infrastructure, including: community centres and halls; libraries; BBQ/picnic areas and recreation facilities; sporting infrastructure; murals or community art; memorials or statues; emergency services infrastructure; aquatic facilities; playgrounds, parks, shared paths and fixed fitness stations; seating; planter boxes, landscaping and paving; street lighting to improve safety; shade cloth, awnings and pergolas; public toilets; infrastructure for health and community services; homeless shelters; men's sheds; children's special needs premises; community aged care facilities; infrastructure to support improved accessibility to community facilities; town and tourism signage, and main street beautification projects.

Community programs and events, including multicultural festivals, intergenerational activities, environmental education and working bees, short-term disability or carer support programs, training, programs that promote accessibility and inclusion, and community wellbeing programs are also eligible for funding.

**Eligible projects under the Round 5 theme**

Projects that improve accessibility and inclusion for people with disability, and projects that improve outcomes for Aboriginal people will be considered favourably as a priority for this funding fund.

The program seeks to fund universally designed projects, and applicants must demonstrate consideration of accessibility and inclusion measures in their application. Projects that

**10.2 Stronger Communities Fund Round 5 (Author: Richards/Mirowski) (Continued)**

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improve community participation and accessibility and inclusion outcomes, and/or projects which demonstrate the provision of fit-for-purpose, accessible and safe facilities, and increased participation opportunities by increasing accessibility are encouraged.


Projects that seek to improve outcomes for Aboriginal people and deliver positive impacts on social outcomes for Aboriginal people and communities are also encouraged.

The Grant Guidelines request that Councils seeking funding above the nominated LGA allocation rank their projects in their order of local priority. It is recommended that Council applies for projects totalling more than the allocation, to maximise Council's chances of receiving our entire allocation of SCCF Round 5 funds.

SCCF round 5 projects will potentially contribute to the social and/or cultural development of the community through improved community facilities, improved access, and programs and services which enhance the wellbeing of the community. The capital works and program projects will also provide immediate economic stimulus and increased employment opportunities in the Queanbeyan-Palerang local government area.

A workshop has been scheduled to allow Councillors to review and discuss eligible projects for this grant.

**Attachments**

Attachment 1  Stronger Country Communities Fund Round 5 Program Guidelines  
(Under Separate Cover)



10.3 Delivery Program Update - July 2021 to June 2022 (Author: Monaghan/Tozer)

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File Reference: 51.1.2-03

**Recommendation**

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


**Report**

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

Council has prepared the attached update report based on the 2021-22 financial year which will form the basis of the 2021-22 Annual Report.

The attached update provides councillors and the community with an understanding of the progress Council is making with its capital projects and key performance indicators.

**Attachments**

Attachment 1  Delivery Program Update 2021-22 - July-June 2022 (*Under Separate Cover*)

File Reference: 24 August 2022 reports

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**Recommendation**

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

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**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.

**Report**

During the period 4 to 17 August 2022, the following workshops were held:

<b>Date</b>	<b>Workshop Items</b>	<b>External Presenter/s (if applicable)</b>
16/08/2022	<ol style="list-style-type: none"><li>1. Draft South East and Tablelands Regional Plan</li><li>2. C4 Planning Proposal for Bywong and Wamboin</li></ol>	Daniel Thompson, Director, Southern Region DPIE
17/08/2022	<ol style="list-style-type: none"><li>1. Affordable Housing Strategy Update</li><li>2. Policies for review next meeting:<ul style="list-style-type: none"><li>- Liquid Trade Waste</li><li>- On Site Sewerage Management Policy</li><li>- Open Burning Policy</li><li>- Reporting Legal Matters Policy</li><li>- Competitive Neutrality Complaints Policy</li><li>- Unreasonable Complainant Conduct Policy</li><li>- Road Names Policy</li><li>- Environmental Controls on Construction Sites Policy</li></ul></li></ol>	Judith Stubbs from Judith Stubbs Consulting

**Attachments**

Nil

11.1 Local Traffic Committee Meeting - 9 August 2022 (Ref: ; Author:  
Cunningham/Zubrinich)

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File Reference: 31.4.1

**Recommendation**

**That Council:**

1. Note the minutes of Local Traffic Committee held on 9 August 2022.
2. Adopt recommendations LTC 29/2022 to LTC 34/2022 from the meeting held on 9<sup>th</sup> August 2022.

**LTC 29/2022** Under *The Roads Act 1993* approve the TCP/TMP for the Country Rocks 2022 with minor amendments.

**LTC 30/2022** Under *The Roads Act 1993* approve the TCP/TMP for the Queanbeyan Swap Meet 2022 with amendments.

**LTC 31/2022** Under *The Roads Act 1993* approve the TCP/TMP for the 27<sup>th</sup> National Model A Ford Meet 2022 with amendments.

**LTC 32/2022** Under *The Road Transport Act 2013* approve proposed line marking and signage to the Elmgrove Development with minor amendments.

**LTC 33/2022** Under *The Road Transport Act 2013* approve proposed Apartment Complex – 15 Macfarlane Ave Googong, Signage/linemarking designs with minor amendments.

**LTC 34/2022** Under *The Road Transport Act 2013* approve proposed Jumping Creek Development signage/linemarking designs with minor amendments.

**Summary**

Minutes of Local Traffic Committee meeting held on 9 August recommending items LTC 29/2022 – 34/2022 be adopted.

**Attachments**

Attachment 1  Minutes Local Traffic Committee - 9 August 2022 (*Under Separate Cover*)

11.2 QPRC Sports Council Meeting Minutes - May 2022 (Ref: ; Author:  
Thompson/Spear)

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File Reference: 4.3.3

**Recommendation**

That Council note the minutes of the QPRC Sports Council held on 9 May 2022.

**Summary**

The QPRC Sports Council has submitted for Council's information, the minutes of their meeting held 9 May 2022 (attached).

**Attachments**

Attachment 1 QPRC Sports Council Minutes 9 May 2022 (*Under Separate Cover*)



11.3 Disability Access Committee Meeting Minutes 27 July 2022 (Ref: ; Author: Richards/De Jongh)

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File Reference: 2.5.2

**Recommendation**

**That Council:**

1. Note the minutes of Disability Access Committee held on 27 July 2022.
2. Endorse recommendations DAC01/2022 to install a Pedestrian Warning Sign (yellow diamond sign) with a panel below reading “Aged” at pedestrian crossing on Campbell Street next to the Heritage Care Aged Care Home to improve pedestrian safety.
3. Endorse recommendation DAC03/2022 to investigate options to install a STOP sign at corner of Erin Street before the left hand turn on to Crawford Street to slow traffic approaching the pedestrian crossing on Crawford Street.
4. Endorse recommendation DAC03/2022 to investigate moving the pedestrian crossing with refuge further south on Crawford Street to improve pedestrian safety.

**Summary**

Two presentations were made to the Committee on upcoming projects that will improve accessibility in Queanbeyan and Braidwood:




1. Upgrade of intersection of Crawford St/Campbell St, Queanbeyan
2. Lascelles St Upgrade, Braidwood

An update was also provided on the publication of QPRC’s new Disability Inclusion Action Plan 2022 – 2026 and on the positive progress of the Zero Barriers project with local businesses across the LGA. QPRC has now signed up 17 local businesses as “Zero Barriers” accredited businesses across our LGA.

**Risk/Policy/Legislation Considerations**

If Council chooses to endorse the recommendations of the Disability Access Committee, these recommendations will be referred to the Traffic Committee and/or addressed by staff under delegation.

**Attachments**

- |  |   |
|--|---|
| Attachment 1   | Access Committee Minutes 27 July 2022 ( <i>Under Separate Cover</i> )       |
|  Attachment 2 | Crawford St Safety Upgrades Presentation ( <i>Under Separate Cover</i> )    |
|  Attachment 3 | Lascelles St Upgrade Braidwood Presentation ( <i>Under Separate Cover</i> ) |
|               |   |

12.1 Motion for Submission LGNSW Annual Conference 2022 (Ref: ; Author: Webster/Webster)

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File Reference: 24 August 2022 Motions

**Notice**

Councillor Webster will move the following motion:

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**Motion**

That Council submit the following motion to the Local Government NSW Annual Conference 2022:

1. That LGNSW advocate to amend the Local Government Act and remove the reference and terms of a 'minimum and maximum range' from the Local Government Remuneration Tribunal (LGRT), with an annual determination of only one fee payable to councillors, members of county councils and mayors in each category.
- 

**Comment from Cr Webster in support of this Notice of Motion**

The Local Government Remuneration Tribunal (LGRT) is required to make annual determinations on the categorisation of each council, county council and mayoral office for the purpose of determining the minimum and maximum fees payable to councillors, members of county councils and mayors in each category. A determination of a range, with a minimum and maximum creates a difficult debate for Council with some public perception that councillors are awarding themselves a large wage increase, if they determine to accept the maximum.

Simple amendments to delete words as shown in the relevant sections in the Local Government Act (1993), would resolve this matter, and remove any doubt of a conflict of interest from the council decision making process.

**Chapter 9 Part 2 Division 4 Local Government Remuneration Tribunal**

**239 Categorisation of councils and mayoral offices**

- (1) The Remuneration Tribunal must, at least once every 3 years—
  - (a) determine categories for councils and mayoral offices, and
  - (b) place each council and mayoral office into one of the categories it has determined.
- (2) The determination of categories by the Remuneration Tribunal is for the purpose of enabling the Remuneration Tribunal to determine the ~~maximum and minimum~~ amounts of fees to be paid to mayors and councillors in each of the categories so determined.

**241 Determination of fees**

The Remuneration Tribunal must, not later than 1 May in each year, determine, in each of the categories determined under section 239, the ~~maximum and minimum~~ amounts of fees to be paid during the following year to councillors (other than mayors) and mayors.

**12.1 Motion for Submission LGNSW Annual Conference 2022 (Ref: ; Author: Webster/Webster) (Continued)****Chapter 9 Part 2 Division 5 What fees, expenses and facilities may be paid or provided to councillors?****248 Fixing and payment of annual fees for councillors**

- (1) A council must pay each councillor an annual fee.
- (2) A council ~~may fix the annual fee and, if it does so,~~ it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.
- (3) The annual fee so fixed must be the same for each councillor.
- (4) ~~A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.~~

**249 Fixing and payment of annual fees for the mayor**

- (1) A council must pay the mayor an annual fee.
- (2) The annual fee must be paid in addition to the fee paid to the mayor as a councillor.
- (3) A council ~~may fix the annual fee and, if it does so,~~ it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.
- (4) ~~A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.~~
- (5) A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee.

**Staff Comment**

LGNSW have developed a Motion Submission Guide, which is attached for Council information. Submissions of Motions are made online via the LGNSW Conference Portal, which closes Sunday 25 September 2022.

Motions will be included in the Business Paper for the Conference only where they:

1. are consistent with the objects of LGNSW (see Rule 4 of the Association's rules),
2. relate to or concern local government as a sector in NSW and/or across Australia,
3. seek to establish or change policy positions of LGNSW and/or improve governance of the Association,
4. have a lawful purpose,
5. are clearly worded and unambiguous in nature, and
6. do not express preference for one or several members over one or several other members.

Before submitting motions for the Annual Conference, members are encouraged to review Action Reports (on the member only pages of the LGNSW website) from previous Conferences and the LGNSW Policy Platform to ensure the proposed motion wording reflects any recent developments and does not duplicate existing policy positions.

At the 2022 Special Conference, held in February this year a similar motion submitted by Murrumbidgee Council was endorsed by the Conference.

**Resolution No 14 Local government remuneration**

1. Notes the Remuneration Tribunal is not truly independent. The Tribunal identifies every year in its Annual Report and Determination that it must work within the legislation. A specific section is 242A (Tribunal to give effect to declared government policy on remuneration for public sector staff).
2. Delete Section 242A from the Act
3. Advocates that a truly independent Tribunal, free from Government and legislative constraints sets remuneration in local government, similarly to the process for other levels of government, whereby councillors and individual councils do not vote on their

**12.1 Motion for Submission LGNSW Annual Conference 2022 (Ref: ; Author:  
Webster/Webster) (Continued)**

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own remuneration, noting the inherent conflict.

LGNSW have corresponded to the Minister for Local Government, the Hon. Wendy Tuckerman MP with no resolution received to date.

**Attachments**

Nil



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

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

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

**Recommendation**

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

**Item 16.1 Audit, Risk and Improvement Committee (ARIC) Independent External Member**

*Item 16.1 is confidential in accordance with s10(A) (a) of the Local Government Act 1993 because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*