



# Ordinary Meeting of Council

## AGENDA

28 September 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**

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

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<b>1</b>	<b>OPENING</b>	
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**Confidential - Not for Publication**

**16 REPORTS FOR CLOSED SESSION**

16.1 Unsolicited Proposal

*Item 16.1 is confidential in accordance with s10(A) (di) of the Local Government Act 1993 because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

16.2 Tender Recommendation for Crawford, Antill & Erin Intersection Safety Upgrades - Contract 2022-27

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

**17 CONCLUSION OF THE MEETING**

**LIST OF ATTACHMENTS**

**Open Attachments**

- Item 9.2 Adoption of Design for Bunyip Drive/Old Cooma Road Intersection  
*Attachment 1 Googong NH345 Traffic, Transport and Access Assessment - 10 September 2021 (Under Separate Cover)*  
*Attachment 2 Council Workshop Aug 2022 – Bunyip Drive Presentation (Under Separate Cover)*
- Item 9.4 Bungendore Water Security - Structure Plan/Current Planning Proposals and Scoping Proposals  
*Attachment 1 Bungendore Structure Plan 2048 (Under Separate Cover)*  
*Attachment 2 Relevant Resolutions (Under Separate Cover)*
- Item 9.5 Fixing Country Roads 2022  
*Attachment 1 Fixing Country Roads 2022 Program Guidelines (Under Separate Cover)*
- Item 9.6 Ellerton Drive Extension Post Construction Noise Assessment  
*Attachment 1 EDE Post Construction Noise Assessment Report (Under Separate Cover)*
- Item 9.7 Edwin Land Parkway Noise Assessment  
*Attachment 1 ELP Post Construction Noise Report 2020 (Under Separate Cover)*

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

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- Attachment 2*    *ELP Rosewood Glen Noise Memo (Under Separate Cover)*
- Attachment 3*    *ELP Property Treatment Report 2022 (Under Separate Cover)*
- Item 9.9    Draft Financial Statements 30 June 2022 - refer to Audit
- Attachment 1*    *Draft General Purpose Financial Statements 2021-22 (Under Separate Cover)*
- Attachment 2*    *Draft Special Purpose Financial Statements 2021-22 (Under Separate Cover)*
- Attachment 3*    *Assurance of the Preparation of the Financial Statements (Under Separate Cover)*
- Item 9.10    Sustainable Procurement and Contracts Policy
- Attachment 1*    *Draft Sustainable Procurement and Contracts Policy (Under Separate Cover)*
- Item 9.11    Investment Report - August 2022
- Attachment 1*    *Investment Report Pack - August 2022 (Under Separate Cover)*
- Item 9.12    Policies for Rescission
- Attachment 1*    *Water Wise Policy (Under Separate Cover)*
- Attachment 2*    *QCC Sustainable Event Management Policy (Under Separate Cover)*
- Item 11.1    QPRC Youth Advisory Committee Meeting Minutes 24 August 2022
- Attachment 1*    *QPRC Youth Advisory Committee Minutes 24 August 2022 (Under Separate Cover)*

**Closed Attachments**

- Item 16.1    Unsolicited Proposal
- Attachment 1*    *Letter to CEO QPRC - Crawford & Monaro Street development (Under Separate Cover)*
- Attachment 2*    *Pelligra Overview and Recent Projects (Under Separate Cover)*
- Attachment 3*    *Cirque proposal (Under Separate Cover)*
- Attachment 4*    *CG Queanbeyan Council Letter 200904 (Under Separate Cover)*
- Attachment 5*    *Cirque Group - South Jerra EOI (Under Separate Cover)*
- Attachment 6*    *Cirque Group PL - Unsolicited Proposal - Queanbeyan CBD (Under Separate Cover)*
- Attachment 7*    *Queanbeyan CBD confidential report from 27 March 2019 (Under Separate Cover)*
- Attachment 8*    *Queanbeyan CBD confidential attachments from 27 March 2019 (Under Separate Cover)*
- Attachment 9*    *Queanbeyan CBD confidential resolution from 27 March 2019 (Under Separate Cover)*
- Item 16.2    Tender Recommendation for Crawford, Antill & Erin Intersection Safety Upgrades - Contract 2022-27
- Attachment 1*    *Tender Evaluation Report (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, 14 September 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  
Cr Wilson

**Staff:**

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

**Also Present:** W Blakey, Clerk of the Meeting

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.

A minute of silence was observed in recognition of the passing of Queen Elizabeth II.

**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 24 August 2022**

351/22

**RESOLVED (Winchester/Willis)**

That the Minutes of the Ordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday 24 August 2022 be confirmed.

The resolution was carried unanimously.

**5. DISCLOSURES OF INTERESTS**

352/22

**RESOLVED (Winchester/Preston)**

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

The resolution was carried unanimously.

There were no disclosures.

**6. ADJOURNMENT FOR PUBLIC FORUM**

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

353/22

**RESOLVED (Winchester/Webster)**

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 6.21pm.

**7. MAYORAL MINUTE**

There was no Mayoral Minute.

**8. NOTICES OF MOTIONS OF RESCISSION**

There were no Notices of Motions of Rescission.

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

**9.1 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 SP 93173 known as 3-5 Gregory Street, Queanbeyan West**

354/22

**RESOLVED (Preston/Biscotti)**

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

1. The proposed development is not consistent with the following provisions of State Environmental Planning Policy (Industry and Employment) 2021:
  - i. Clause 3.6(a) – The proposed development is not compatible with the desired amenity and visual character of the area.
  - ii. Clause 3.6(b) – The proposed development does not meet the following criteria specified in Schedule 5:
    - Character of the Area
    - Special Areas
    - Views and Vistas
    - Streetscape, Setting and Landscape
    - Site and Building
    - Illumination
    - Safety
2. Council considers the proposed development is contrary to the aims specified in clause 1.2(2)(d), (e) and (f) of Queanbeyan Local Environmental Plan 2012:

*(d) to recognise and protect Queanbeyan’s natural, cultural and built heritage including environmentally sensitive areas such as Queanbeyan’s native grasslands, the Queanbeyan River and Jerrabomberra Creek;*

*(e) to protect the scenic quality, views and vistas from main roads and other vantage points within Queanbeyan of the escarpment and Mount Jerrabomberra, and*

*(f) to maintain the unique identity and country character of Queanbeyan.*
3. Council is not satisfied by the application and its accompanying documents that the proposed development is consistent with the objectives of Part 7 the Queanbeyan Development Control Plan 2012 specified by sections 7.1.2 (5):

*(5) Ensure development has a visually appealing appearance to the street.*
4. Council is not satisfied by the application and its accompanying documents that the proposed development is consistent with the objectives of Part 7 of Council’s applicable Queanbeyan Development Control Plan 2012 specified by sections 7.2.2 (5):

*(5) Protect and enhance the visual amenity of entry points into Queanbeyan.*

5. Council is not satisfied by the application and its accompanying documents that the proposed development meets the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 in respect of the safe distance of the sign from an intersection and Council considers that the proposal could have a significant safety impact on traffic on the corner of a priority-controlled T intersection (Corner of Canberra Avenue and Kealman Road).
6. Council considers the proposed location of the sign will reduce off-street parking spaces.
7. The proposal does not promote the aims of the Queanbeyan Local Environmental Plan 2012 particularly relating to vistas and visual amenity entering Queanbeyan City and as such Council considers there to be no overriding public interest in favour of granting consent for the proposed development.

The resolution was carried unanimously.

**9.2 Modification Application 452-2000.A - Extension to Operating Hours - Jerrabomberra Hotel - 2 Limestone Drive, Jerrabomberra**

**MOVED (Taskovski/Biscotti)**

That modified development application 452-2000.A, for the extension of the hours of operation for the Jerrabomberra Hotel bar on Lot 4 DP 1037309, 2 Limestone Drive Jerrabomberra, be granted conditional approval.

Cr Willis foreshadowed a CONTRARY motion: [That Council refuse consent for modified development application 452-2000.A, for the extension of the hours of operation for the Jerrabomberra Hotel bar on Lot 4 DP 1037309, 2 Limestone Drive Jerrabomberra, on the grounds that:

1. The adverse impacts on the amenity and safety of the neighbouring community outweigh any private benefit, namely the opportunity to sell alcohol until 3am in an area zoned B1 – Neighbourhood Centre, particularly given the proximity of homes to the hotel.
2. The NSW Police assessment of the impacts of the development application noted that police attend the area for offences which relate to the consumption of alcohol, namely drink-driving, assaults and property damage, as well as for illegal drug use.
3. Academic research cited in the Police report noting evidence linking the physical availability of alcohol, alcohol consumption and alcohol-related harm.
4. The extension of trading hours of licenced premises beyond midnight may increase demands to respond to incidents at a time that policing resources are constrained, with Police having one response vehicle for Greater Queanbeyan from midnight.
5. The Monaro Police District supports a decrease in trading hours of licenced premises as research has shown that an increase in



trading hours and selling alcohol late at night can increase the rates of violence and anti-social behaviour.”]

The motion (of Crs Taskovski and Biscotti) was PUT and LOST.

For: Cr Taskovski

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

The foreshadowed motion (of Cr Willis) was brought forward, seconded by Cr Wilson, PUT and CARRIED.

355/22

**RESOLVED (Willis/Wilson)**

That Council refuse consent for modified development application 452-2000.A, for the extension of the hours of operation for the Jerrabomberra Hotel bar on Lot 4 DP 1037309, 2 Limestone Drive Jerrabomberra, on the grounds that:

1. The adverse impacts on the amenity and safety of the neighbouring community outweigh any private benefit, namely the opportunity to sell alcohol until 3am in an area zoned B1 – Neighbourhood Centre, particularly given the proximity of homes to the hotel.
2. The NSW Police assessment of the impacts of the development application noted that police attend the area for offences which relate to the consumption of alcohol, namely drink-driving, assaults and property damage, as well as for illegal drug use.
3. Academic research cited in the Police report noting evidence linking the physical availability of alcohol, alcohol consumption and alcohol-related harm.
4. The extension of trading hours of licenced premises beyond midnight may increase demands to respond to incidents at a time that policing resources are constrained, with Police having one response vehicle for Greater Queanbeyan from midnight.
5. The Monaro Police District supports a decrease in trading hours of licenced premises as research has shown that an increase in trading hours and selling alcohol late at night can increase the rates of violence and anti-social behaviour.

The resolution was carried unanimously.

**9.3 Review of Determination REV.2022.1001 - 2 Lot Subdivision with Associated Works - Review of Council's Determination of DA.2021.1240 - Albion Hotel - 119 Wallace Street, Braidwood**  
**MOVED (Grundy/Biscotti)**

That:

1. Council note that it is precluded from refusing an application on 'heritage grounds' under s.4.48 of the *Environmental Planning and Assessment Act 1979* where:
  - The application is for integrated development for which a heritage approval is required; and
  - The same development is the subject of a heritage approval.
2. The section 8.2 review application (REV.2022.1001) of development application DA.2021.124 for a two lot Torrens title subdivision including ancillary demolition of two sheds and garage and associated works on Lot 1 DP 598830 at 119 Wallace Street, Braidwood be granted conditional approval.
3. Heritage New South Wales be forwarded a copy of Council's Notice of Determination.

**AMENDMENT (Willis/Preston)**

That Council defer consideration of Review of Determination REV.2022.1001 (DA.2021.1240) to seek clarification on a number of legal issues including:

1. Whether the scope of modifications to the original application for determination exceeds the variation permissible for a valid review application under the *Environment Planning and Assessment Act 1979* given it now includes demolition of items listed on the Palerang Local Environmental Plan 2014, and
2. Whether the review application is a validly made Integrated Development Application, in particular, whether the review application is permitted to rely on Section 60 approvals which were granted prior to the lodgement for a review of determination of DA.2021.1240.

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

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

The motion was PUT and CARRIED.

**RESOLVED (Willis/Preston)**

That Council defer consideration of Review of Determination REV.2022.1001 (DA.2021.1240) to seek clarification on a number of legal issues including:

1. Whether the scope of modifications to the original application for determination exceeds the variation permissible for a valid review application under the *Environment Planning and Assessment Act 1979* given it now includes demolition of items listed on the Palerang Local Environmental Plan 2014, and
2. Whether the review application is a validly made Integrated Development Application, in particular, whether the review application is permitted to rely on Section 60 approvals which were granted prior to the lodgement for a review of determination of DA.2021.1240.

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

Against: Crs Biscotti, Burton and Grundy

**9.4 Planning Proposal - Housekeeping Amendments to the Queanbeyan Local Environmental Plan 2012**

**MOVED (Wilson/Biscotti)**

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.

**AMENDMENT (Willis/Preston)**

That Council:

1. Remove Item 1 - Change the minimum lot size of land along a 100m strip of the southern boundary of the Googong Township and Old Cooma Road from the Scoping Proposal for housekeeping amendments to the *Queanbeyan Local Environmental Plan 2012*, as it is not in the public interest to erode the visual buffer between Googong Township and the surrounding rural lands.
2. Re-number the remaining items in the Scoping Proposal.
3. Agree to progress the amended Scoping Proposal.

The amendment (of Crs Willis and Preston) was PUT and LOST.

For: Crs Burton, Webster and Willis

Against: Crs Biscotti, Grundy, Livermore, Preston, Taskovski, Ternouth, Wilson and Winchester

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

356/22

**RESOLVED (Wilson/Biscotti)**

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.

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

**9.5 Planning Proposal - Rezoning of Some Lands Within Bywong and Wamboin from C4 Environmental Living to R5 Large Lot Residential**

**MOVED (Preston/Willis)**

That Council:

1. Not proceed with the Planning Proposal PP-2021-860 to rezone certain land at Bywong and Wamboin from C4 Environmental Living to R5 Large Lot Residential.
2. Re-visit the merits of the previous discontinued Planning Proposal to review the range of exempt and complying development allowed in the C4 Environmental Living zone.

Cr Grundy foreshadowed a CONTRARY motion: ["That Council:

1. Note the report.
2. Address concerns raised by the Department of Planning and Environment – Biodiversity and Conservation and the ACT Government by amending the planning proposal prepared by the independent planning consultant in the following way:
  - a. Including only allotments of land that are identified in the 2022 Biosis report as being 100% Class 3 (low value biodiversity) vegetation, as proposed R5 Large Lot Residential; and
  - b. Minimising fragmentation of land use zones by excluding areas less than 30 hectares.
3. Progress the Planning Proposal PP-2021-860 as amended in item 2, to rezone certain land zoned C4 Environmental Living to R5 Large lot Residential.
4. Note the advice from the Department of Planning and Environment that a further extension to the Gateway is denied.
5. Submit the amended planning proposal to the Department of Planning and Environment for a new Gateway Determination."]

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

357/22

**RESOLVED (Preston/Willis)**

That Council:

1. Not proceed with the Planning Proposal PP-2021-860 to rezone certain land at Bywong and Wamboin from C4 Environmental Living to R5 Large Lot Residential.
2. Re-visit the merits of the previous discontinued Planning Proposal to review the range of exempt and complying development allowed in the C4 Environmental Living zone.

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

Against: Crs Biscotti and Grundy

**9.6 Results of Community Consultation - Blind Creek Solar Farm - Draft Planning Agreement**

358/22

**RESOLVED (Willis/Preston)**

That Council:

1. Receive and note the matters raised as well as the responses and recommendations received as a result of the recent exhibition of the Blind Creek Solar Farm Planning Agreement.
2. Authorise the Mayor and CEO to execute the Blind Creek Solar Farm Planning Agreement.

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

Against: Cr Grundy

**9.7 Locality Boundary Re-alignment – Northangera / Braidwood**

359/22

**RESOLVED (Burton/Webster)**

That Council:

1. Endorse the proposed realignment of the Braidwood / Northangera Locality boundary to the east of existing line as per the map in Attachment 2.
2. Progress the change with the Geographical Names Board to be gazetted.

The resolution was carried unanimously.

360/22                      **9.8      Bungendore Men's Shed and Rotary Access to Sports Hub Land**  
**RESOLVED (Biscotti/Wilson)**

That:

1. Council agree in principle to the proposal to establish a base for the Bungendore Men's Shed and Bungendore Rotary at the Bungendore Sports Hub.
2. Council begin negotiations between the parties to prepare a draft lease agreement setting out the value of the lease and the responsibilities of each party.
3. Upon preparation of the draft lease agreement the matter be returned to Council for consideration.

The resolution was carried unanimously.

361/22                      **9.9      Cities Power Partnership - Adoption of Pledges**  
**RESOLVED (Willis/Wilson)**

That Council:

1. Pledge to prioritise and achieve the following five key sustainability actions:
  - Support local community energy projects and encourage investment in community energy.
  - Provide incentives for energy efficient developments and upgrades to existing buildings.
  - Install renewable energy (solar and battery storage) on Council buildings.
  - Encourage sustainable transport use such as public transport, walking and cycling through council transport planning and design.
  - Support community facilities to access renewable energy through incentives, support or grants.
2. Write to the Cities Power Partnership acknowledging nomination of the above five key actions.

The resolution was carried unanimously.

**9.10 Queanbeyan CBD Wayfinding Strategy**

362/22

**RESOLVED (Willis/Preston)**

That:

1. Council place the draft Queanbeyan CBD Wayfinding Strategy on public exhibition for 28 days.
2. Following the exhibition period, a further report be prepared for Council to consider the matters raised in submissions.
3. If no submissions are received, the draft Queanbeyan CBD Wayfinding Strategy be adopted.

The resolution was carried unanimously.

**9.11 German Auto Day - Sunday 25 September 2022 Traffic Report Approval**

363/22

**RESOLVED (Wilson/Biscotti)**

That Council approve the conduct of the German Auto Day car show to be held on Sunday 25 September 2022 from 10am to 3pm in Queanbeyan Park.

The resolution was carried unanimously.

**9.12 Stronger Country Community Fund Round 5 Project Nomination**

364/22

**RESOLVED (Biscotti/Wilson)**

That Council nominate projects in order of priority from the list contained in the report, to proceed to application under Round 5 of the Stronger Country Communities Fund.

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

The following projects were nominated:

No	Project	Budget Estimate	Funding Sought
1	Queanbeyan Aquatic Centre Upgrade Change Rooms	\$ 552,052	\$ 271,233
2	QCCP Foyer, Forecourt and Walkway Acknowledgment of Country Artworks	\$ 200,000	\$ 200,000
3	Public Amenities Disability Upgrades	\$ 250,000	\$ 250,000
4	Braidwood - Accessible paths and ramp for access from parking space to pool entry and public toilets	\$ 120,000	\$ 120,000
5	Pool pods Braidwood and Queanbeyan Outdoor Pools	\$200,000	\$200,000
6	Captains Flat Pool leak rectification and disability access	\$ 576,630	\$ 576,630
7	Shared Path - Wallace Street Braidwood	\$ 274,176	\$ 274,176
8	Playground replacement at Carwoola and Naylor Parks	\$ 200,000	\$ 200,000

**9.13 Monaro Rail Trail**

365/22

**RESOLVED (Preston/Livermore)**

That Council:

1. Receive and note the finalised Trail Development Plan for Stage 1a of the MRT and the working draft of v.3 of the MRT Business Case.
2. Provide in-principle support for the Monaro Rail Trail (MRT) and continue to:
  - a. work with Snowy Monaro Regional Council (SMRC) and other stakeholders to bring the Queanbeyan-Michelago stage of the MRT to an investment-ready position;
  - b. identify suitable models for a partnership with SMRC and/or MRT Inc for the construction and operational phases of the project;
  - c. discuss potential lease arrangements with Transport for NSW for the rail corridor and report back to Council;
  - d. identify options and plan for the extension of the MRT into the Queanbeyan CBD and existing cycle networks to maximise the economic and community benefit of the project, and
  - e. identify funding opportunities for the construction of the initial stage of the MRT and, subject to the support of Council, prepare and submit funding applications.

The resolution was carried unanimously.

**9.14 Carry Forward / Revote of Expenditure to Financial Year 2022/23**

366/22

**RESOLVED (Wilson/Livermore)**

That Council carry forward and re-vote budgets of \$22,255,182 into the 2022-23 financial year for the projects listed in the attached report.

The resolution was carried unanimously.

**9.15 June 2022 Quarterly Budget Review Statement**

367/22

**RESOLVED (Wilson/Webster)**

That Council:

1. Accept the June 2022 Quarterly Budget Review Statement.
2. Accept the Cash and Reserves Report and confirm the internal cash reserves as at 30 June 2022 as per the report.

The resolution was carried unanimously.



**9.16 Reviewed Policies**

368/22

**RESOLVED (Willis/Ternouth)**

That:

1. Council place the following Policies on public exhibition for 28 days:
  - Statement of Business Ethics
  - Unsealed Road Maintenance Policy
  - Stakeholder and Community Engagement Policy Framework
  - Playground Management Policy
  - Signs by Remote Supervision Policy
  - Street Verge Maintenance Policy
  - Managing Unreasonable Conduct by Complainants Policy
  - Volunteering Policy
  - Operations Sustainability Policy
  - Boundary Fences Adjoining Council Public Reserves Policy
2. If no submissions are received, the policies be adopted.

The resolution was carried unanimously.

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

**10.1 Resolution Action Sheet**

369/22

**RESOLVED (Burton/Winchester)**

That the report be received for information.

The resolution was carried unanimously.

**10.2 Councillor Workshops**

370/22

**RESOLVED (Preston/Grundy)**

That the report be received for information.

The resolution was carried unanimously.

**11. REPORTS OF COMMITTEES**

**11.1 First Nations Consultative Committee Minutes 3 August 2022**

371/22

**RESOLVED (Willis/Ternouth)**

That Council:

1. Note the minutes of the First Nations Consultative Committee held on 3 August 2022.
2. Retain the word 'emerging' in all Acknowledgement of Country statements within Council, including webpages.

The resolution was carried unanimously.

**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**

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

Cr Winchester then asked if, in accordance with Clause 59.6 of the Council's Code of Meeting Practice, there were any presentations as to why the matters listed below should not be dealt with in Closed Session.

There were no presentations.

**16. REPORTS FOR CLOSED SESSION**

372/22

**RESOLVED (Winchester/Ternouth)**

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

**Item 16.1 Tender 2022-30 - Cooma Road Realignment**

*Item 16.1 is confidential in accordance with s10(A) (d) of the Local Government Act 1993 because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**Item 16.2 Renewable Energy Power Purchase Agreement-Variation of Binding Agreement**

*Item 16.2 is confidential in accordance with s10(A) (d) of the Local Government Act 1993 because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

The resolution was carried unanimously.

The meeting then moved into Closed Session at 7.50pm to discuss the matters listed above.

**16.1 Tender 2022-30 - Cooma Road Realignment**

373/22

**RESOLVED (Wilson/Ternouth)**

That Council award Contract 2022-30 for the Cooma Road Realignment contract to Denrith Pty Ltd T/A Divall's Earthmoving and Bulk Haulage for the amount of \$1,332,486 (Ex GST).

The resolution was carried unanimously.

**16.2 Renewable Energy Power Purchase Agreement - Variation of Binding Agreement**

374/22

**RESOLVED (Preston/Wilson)**

That Council:

1. Authorise the CEO to sign the Binding Agreement variation that includes a revised Ceiling Price.
2. Authorise the CEO to execute the electricity supply contract documents to be provided by Procurement Australia post acceptance of a final offer should Procurement Australia accept an offer.

The resolution was carried unanimously.

375/22

**RESOLVED (Winchester/Preston)**

That the meeting now return to Open Session.

The resolution was carried unanimously.

The meeting returned to Open Session at 7.57pm.

The doors of the Chambers were opened to allow the public to enter.

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

**17. CONCLUSION OF THE MEETING**

The time being 7.58pm, 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 **Uluru Statement from the Heart (Author: Monaghan/Flint)**

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File Reference: 28 September Council Reports

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**Recommendation**

**That Council accepts the invitation of the Uluru Statement from the Heart and:**

- 1. Hears and supports the Aboriginal and Torres Strait Islander peoples' call for the establishment of a First Nations Voice to be enshrined in the Constitution and for a referendum on this matter;**
  - 2. Welcomes working with the First Nations Voice once established with respect to the development of relevant local government policy and laws, and**
  - 3. Looks forward to working with our constituents, other levels of governments and all Australians to take this next step in our shared future.**
- 

**Background**

In May 2017, Aboriginal and Torres Strait Islander people forged a consensus around the Uluru Statement from the Heart. This consensus followed a process of consultation and engagement of Aboriginal and Torres Strait Islander people from across Australia through deliberative dialogues in 13 regions.

Each dialogue had approximately 100 representatives from local traditional owners, Indigenous community-based organisations and Indigenous leaders. These dialogues in turn selected their representatives to attend the First Nations Constitutional Convention at Uluru. At this Convention, Indigenous leaders articulated how meaningful constitutional recognition and structural reform could take place. At the conclusion of the Convention, in an overwhelming consensus, more than 250 delegates adopted the "Uluru Statement from the Heart"

This is the first time that there has been a national consensus on the constitutional change that is desired by Indigenous Australians.

More details on the development of the "Uluru Statement from the Heart" can be found here: <https://www.1voiceuluru.org/>

**Report**

**What does the Uluru Statement call for?**

The Uluru Statement rejects symbolic constitutional recognition in favour of substantive constitutional reform and calls for three fundamental changes: Voice, Treaty, Truth. The first reform is the constitutional enshrinement of a First Nations Voice. The Voice will empower Aboriginal and Torres Strait Islander peoples politically. It will be a permanent institution for expressing First Nations' views to the parliament and government on important policy decisions affecting their rights.

The next reform after the Voice is established is Treaty, followed by Truth. These reforms involve establishing an independent Makarrata Commission to oversee the negotiation of treaties and truth-telling processes.

**7.1 Uluru Statement from the Heart (Author: Monaghan/Flint) (Continued)**

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**Why support the Uluru Statement?**

The lack of constitutional recognition of First Nations peoples is one of Australia's longest standing unresolved issues. The historic consensus achieved at Uluru means that now is the appropriate time for a national discussion on the best way forward

**What does QPRC do currently?**

Council is here to assist, to service and to make life easier for the people of our local government area. Council has a recently adopted a Reconciliation Action Plan, has a permanent full-time Aboriginal Liaison Officer, a First Nations Committee and provides a support role in facilitating programs with youth and schools, in particular on First Nations education. Council is an advocate for self-determination and provides support and opportunity for voices to be heard. First Nations voices are always taken into consideration in all that we do, and we have clearly defined consultative processes in place.

**Risk/Policy/Legislation Considerations**

This action would support the intent and spirit of Council's Reconciliation Action Plan.

**Financial, Budget and Resource Implications**

Nil

**Links to QPRC/Regional Strategic Plans**

Strategic Objective 1.1 – Our community is strengthened through connection and participation that enhances our community and cultural life

Strategy: Recognise, respect and support our Traditional Owners and First Nations People's historical and ongoing connection to country.

**Conclusion**

Council is asked to accept the invitation of the Uluru Statement from the Heart.

**Attachments**

Nil

9.1 Election of Deputy Mayor (Ref: ; Author: Monaghan/Flint)

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File Reference: 52.7.1

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**Recommendation**

**That Council elect a Deputy Mayor to serve between September 2022 and September 2023; and if more than one Councillor is nominated, the election will proceed by open voting.**

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**Summary**

Section 231 of the Local Government Act 1993 provides that a Deputy Mayor may be elected by councillors and hold the office for the mayoral term or a shorter term.

At the 12 January 2022 Extraordinary Council Meeting, Council resolved to:

1. *Elect a Deputy Mayor to serve between January and September 2022.*
2. *At the expiration of the term, Council elect a Deputy Mayor to serve between September 2022 and September 2023.*
3. *Council elect a Deputy Mayor in September 2023 to serve until completion of the term in September 2024.*
4. *The method of ballot for the position of Deputy Mayor be by show of hands, pursuant to Schedule 7, Part 1(3) of the Local Government (General) Regulation 2021.*

**Background**

The Deputy Mayor of a council is the person who may be elected to the office by Councillors from among their number. A Deputy Mayor elected by Councillors may hold that office for the mayoral term (two years) or for a shorter term and commences the day the person elected to office is declared to be so elected.

At the 12 January 2022 meeting, Council determined the term of office for the Deputy Mayor will be 12 months.

**Report**

The process for conducting the election of the Deputy Mayor by Councillors is outlined in Schedule 7: Election of Mayor by Councillors (Parts 1-4) of the Local Government (General Regulation) 2021.

- The CEO or their delegate is the returning officer for the election.
- A Councillor may be nominated without notice and that such nomination is to be made in writing by two or more Councillors. The nomination is not valid unless the nominee has shown consent to the nomination in writing.
- The Returning Officer is to announce the names of the nominees at the Council Meeting at which the election is held.
- If only one Councillor is nominated, that Councillor is declared elected.



**9.1 Election of Deputy Mayor (Ref: ; Author: Monaghan/Flint) (Continued)**

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- If more than one Councillor is nominated, the Council is to resolve whether the election is to be by open voting, ordinary ballot or preferential ballot.

At the 12 January 2022 meeting, Council determined that this will be open voting; which means by a show of hands.

- If there are only two candidates, the candidate with the higher number of votes is elected. However, if there are only two candidates and they are tied, the election is chosen by lot.
- If there are three or more candidates, the one with the lowest number of votes is to be excluded and a further vote is taken of these candidates and the one with the lowest number of votes from that further vote is excluded. The above procedure is to be repeated until two candidates remain. If two or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.
- To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper, the slips are folded, mixed and one is drawn at random by the Returning Officer. The candidate whose name is on the slip drawn from the lot is chosen.

**Risk/Policy/Legislation Considerations**

The election of the Deputy Mayor of QPRC is being conducted in accordance with the NSW Local Government Act 1993 and the NSW Local Government (General) Regulation 2005.

**Financial, Budget and Resource Implications**

Nil

**Links to QPRC/Regional Strategic Plans**

Nil

**Conclusion**

Council is requested to fill the position of Deputy Mayor for 2022-23, and to choose the method of ballot for the election. The options are open voting, ordinary ballot or preferential ballot.

**Attachments**

Nil

9.2 Adoption of Design for Bunyip Drive/Old Cooma Road Intersection (Ref: ;  
Author: Carswell/Reich)

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File Reference: 21.2.1

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**Recommendation**

That Council:

1. Endorse a signalised intersection without a bypass lane (Option 4) as the final design for the proposed Bunyip Drive and Old Cooma Road intersection to be constructed as part of the subdivision works for Neighbourhoods 3 to 5 in Googong Township.
  2. Begin investigations into the upgrade of the intersection of Old Cooma Road and Googong Road to examine the feasibility of providing a northbound bypass lane including commencing negotiations with Googong Township Pty Limited as to reaching an agreement on a contribution toward the cost of such upgrade.
- 

**Summary**

The proposed development of Neighbourhoods 3 to 5 at Googong will see the construction of a third and final intersection onto Old Cooma Road. A report prepared by the developer's traffic consultant examined five options for the intersection which is attached for information.

At its meeting of 22 September 2021 Council resolved to place the five options for the intersection on public exhibition. The outcomes of this public exhibition process were reported to a workshop with Councillors held on 3 August 2022.

This report details the outcome of Council's deliberations and recommends that the design for a signalised intersection without a bypass lane be adopted for implementation.

**Background**

In 2021 Council staff met with the developer of Googong Township (GTPL) to commence planning discussions/negotiations for an upcoming DA for the Googong Neighbourhoods 3, 4 & 5 (NH345) development. These neighbourhoods are the southern-most extent of the Googong development and consist of 1398 residential lots, 14 superlots and 5 neighbourhood centre lots. The need for a third access into the estate from Old Cooma Road was discussed as part of these negotiations. The need for a third access had also previously been acknowledged by the Structure Plan included in the Googong Development Control Plan 2010. That development application will shortly be determined by the Southern Regional Planning Panel and as such determining the final design of the intersection is necessary.

The development application included a priority-controlled give-way intersection, 230 m south of Fernleigh Drive along Old Cooma Road. While this was considered adequate for the immediate needs of the Googong development it was not considered suitable for the likely long term traffic impacts as areas south of Googong continue to grow. Council therefore negotiated with GTPL to examine all five options prepared as part of GTPL's Traffic Analysis.

In considering the matter Council determined to place all five options on public exhibition.

## 9.2 Adoption of Design for Bunyip Drive/Old Cooma Road Intersection (Ref: ; Author: Carswell/Reich) (Continued)

### Report

The options for the intersection form exhibited were as follows:

- Option 1* - Single lane roundabout
- Option 2* - Single lane roundabout with northbound bypass
- Option 3* - Priority controlled give-way intersection
- Option 4* - Signalised intersection
- Option 5* - Signalised intersection with northbound bypass

Council exhibited the options through the Your Voice forum from October 2021 to November 2021 and received 188 responses. Overwhelmingly (172 responses), the community preferred options that included a bypass lane. Notwithstanding this, the analysis of the proposed intersection indicates that a bypass lane would provide little to no benefit at this location. This is because there are two further signalised intersections further to the north (heading into Queanbeyan) that do not have bypass lanes. The only location where a bypass lane would be benefit traffic flow is at the most northerly intersection of Googong and Old Cooma Roads.

The table below shows a summary of the community preference rankings, with a lower ranking out of five being the most desirable option from the respondent's point of view.

<b>OPTIONS</b>	<b>AVERAGE RANK</b>
<b>Option 2 – Single lane roundabout with bypass lane heading north on Old Cooma Road</b>	1.48
<b>Option 5 – Traffic signals that provide for a bypass lane for traffic heading north towards Queanbeyan</b>	2.40
<b>Option 1 – Single lane roundabout</b>	3.29
<b>Option 3 – Priority intersection – give-way arrangement or seagull intersection</b>	3.69
<b>Option 4 – Traffic signals will hold all through traffic on Old Cooma Road while the traffic in Bunyip Drive is cleared</b>	4.14

It is noted that each intersection form as assessed by GTPL's Traffic Consultant (SCT Consulting 2021) performed acceptably under the forecast traffic conditions during both the AM and PM peak hour scenarios. See Figure 1 below.

## 9.2 Adoption of Design for Bunyip Drive/Old Cooma Road Intersection (Ref: ; Author: Carswell/Reich) (Continued)

Table 7: Intersection Performance By Different Intersection Layouts

Intersection layout	Performance Metric	Development Application		Planning Proposal	
		AM peak	PM peak	AM Peak	PM Peak
Priority	DoS	0.40	0.34	0.40	0.37
	Delay	9.0s	9.7s	9.0s	9.8s
	LoS	A	A	A	A
Roundabout	DoS	0.37	0.45	0.37	0.44
	Delay	13.0s	12.0s	13.0s	12.1s
	LoS	A	A	A	A
Roundabout with bypass lane	DoS	0.24	0.45	0.24	0.44
	Delay	12.0s	11.6s	12.0s	11.6s
	Los	A	A	A	A
Signalised intersection	DoS	0.39	0.34	0.39	0.35
	Delay	20.2s	17.4s	20.2s	18.1s
	LoS	B	B	B	B
Signalised intersection with a bypass lane	DoS	0.28	0.34	0.28	0.35
	Delay	12.3s	15.7s	12.3s	16.3s
	LoS	A	B	A	B

Source: SCT Consulting, 2021  
 Note that the delay is based on worst movement for priority and roundabout and based on the average for signal-controlled intersections; DoS is based on worst movement for all types of intersections

**Figure 1 - Intersection form assessment of Level of Service.**

Aside from the Level of Service (LOS) performance assessment, each form has other associated implications for construction and impact on adjacent intersections and road users. The implications of each option are listed below:

*Option 1* - A single lane roundabout requires space that is not currently available in the location of the proposed intersection. Whilst it is acknowledged that land acquisition may make the roundabout option possible, it is noted that the function of a roundabout precludes the necessary AM peak hour breaks in traffic flow needed to assist with left or right turn movements out of Fernleigh Drive at the next intersection north.

- For this reason, Council staff cannot recommend that this option be pursued.

*Option 2* - A single lane roundabout with northbound bypass lane suffers the same shortfalls as noted above with the additional complexities of:

- a. Additional land acquisition for the space required to implement this form, and
  - b. A shortfall in the length required for merging the bypassing traffic with the right hand turners out of Bunyip Drive. Austroads Guide to Road Design Part 4a Table 5.5 requires 235m for this process assuming a starting speed of 0km/h. Only 230m is available.
- Council staff cannot recommend this option be pursued.

**9.2 Adoption of Design for Bunyip Drive/Old Cooma Road Intersection (Ref: ; Author: Carswell/Reich) (Continued)**

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*Option 3* - A Priority controlled give-way intersection minimises the potential traffic breaks in the AM peak hour available to right and left turners out of Fernleigh Drive who are the community most significantly impacted by the creation of this intersection. Whilst the assessed LOS of this form of intersection appears to perform well, it has limitations when scaled to cope with increasing traffic volumes in the future.

- Council staff cannot recommend this option be pursued.

*Option 4* - A signalised intersection is shown to have the highest delay times for the worst case vehicle movement of any of the assessed options. However, it is noted that the delay times are still very low overall and the assessed Level of Service (LOS) is still very high. This is a very acceptable result when assessing purely from an LOS point of view. In addition to this, it is noted that the provision of signals provides for future proofing of the intersection by enabling the capacity to adjust the performance of the intersection from both an LOS point of view and a safety perspective when addressing changes in future traffic volumes and distributions. This design also provides the necessary AM peak hour breaks in traffic flow needed to assist with left or right turn movements out of Fernleigh Drive at the next intersection north.

- For these reasons, Council staff have assessed this option as the most preferable.

*Option 5* - A signalised intersection with a northbound bypass lane has the general benefits noted above for a signalised intersection but also attracts the following drawbacks:

- a) Similar to the roundabout forms, there is no provision of a break in traffic during the AM peak hour to assist right and left turners out of Fernleigh Drive.
- b) A shortfall in the length required for merging the bypassing traffic with the right hand turners out of Bunyip Drive. Austroads Guide to Road Design Part 4a Table 5.5 requires 235m for this process assuming a starting speed of 0km/h. Only 230m is available.

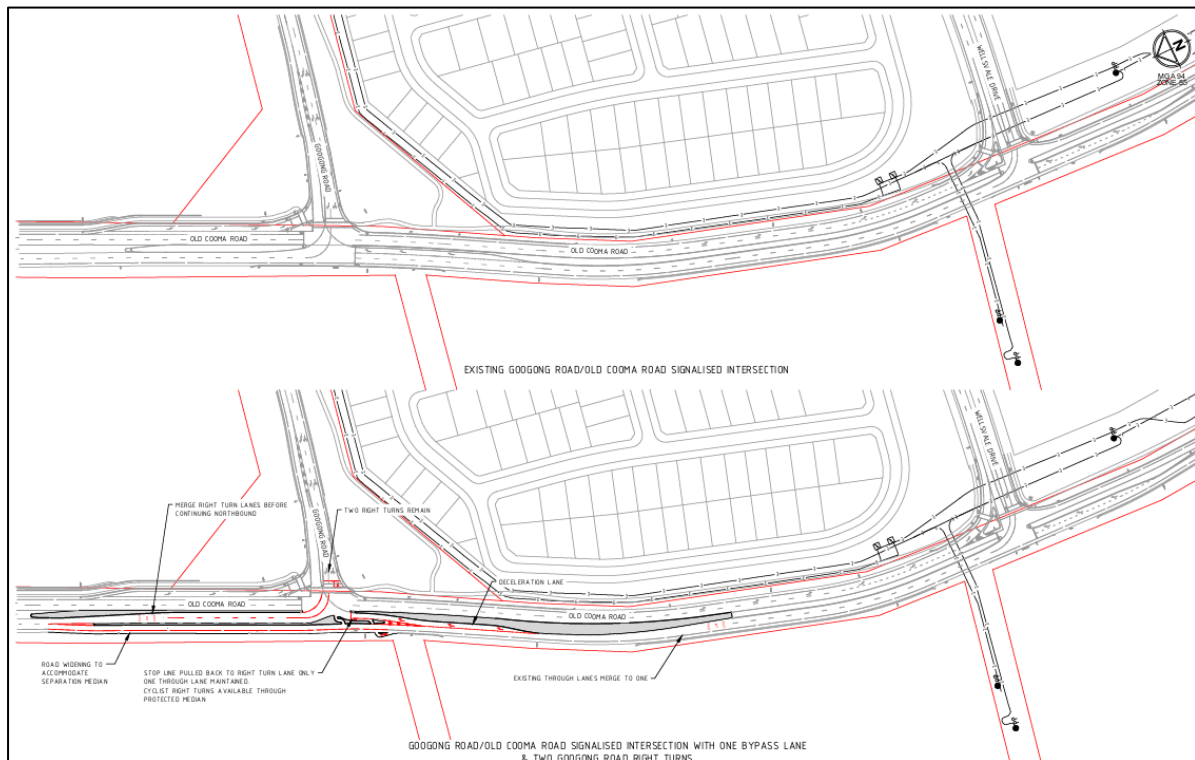
- For the above reasons, Council staff cannot recommend pursuing a signalised intersection with a northbound bypass lane.

In summary the intersection which provides the best result in the long term is Option 4 – A signalised intersection with no by-pass lane.

Further to the above, whilst it is noted that the community prefer arrangements that include a bypass lane, the forecast traffic movements for the fully developed Googong township do not warrant the need for a bypass lane at the Bunyip Drive intersection. It would likely have little effect on the community residing north of the intersection. However, in the interest of working with the community and Council, GTPL have made an offer for Council's consideration:

1. GTPL will construct a signalised intersection with Bunyip Drive without a bypass lane as Council's preferred intersection form: and
2. GTPL agree to contribute a lump sum for a Council project to provide a bypass of Googong Road rather than Bunyip Drive. This alternative is seen more favourably than bypassing Bunyip Drive as it would provide the bypass benefit to a greater proportion of the community and provide a greater contribution to the reduction of delays and congestion on this local road network. Under this offer, GTPL would provide a lump sum contribution for a Council run project through its Contracts and Projects Team within the Community Connections Portfolio. A preliminary concept of how this may be achieved is shown in Figure 2 below. GTPL have advised they would be willing to enter into an agreement to facilitate the contribution.

9.2 Adoption of Design for Bunyip Drive/Old Cooma Road Intersection (Ref: ;  
Author: Carswell/Reich) (Continued)



**Figure 2 - Googong Road intersection bypass concept.**

**Risk/Policy/Legislation Considerations and Financial Considerations**

Should Council resolve to endorse Option 4 as the preferred intersection, GTPL will need to seek approval through Transport for NSW (TfNSW). The most appropriate mechanism to achieve this approval is for GTPL to lodge a modification to the development application which will trigger a referral to TfNSW requesting amended General Terms of Approval.

In relation to GTPL's offer to contribute a lump sum to a bypass lane at the Googong Road intersection, it is noted that there is a risk to Council in relation to cost overrun. As an upfront agreed contribution, this does not necessarily accurately reflect the actual cost of completing the project. In accepting such an offer, Council staff will be required to work closely with GTPL to determine the project cost as accurately as possible to minimise this risk.

Council should also be aware that there is potential for exposure to reputational risk for works to the Googong Road / Old Cooma Road intersection which was only rebuilt to its current form three years ago.

Lastly, should the bypass of the Googong Road intersection not eventuate, there is potential for reputational risk associated with the construction of a new intersection at Bunyip Drive which does not match the popular desire of the community revealed during community consultation. Whilst Council may not have control over this, the provision of a bypass of Googong Road may offset concerns regarding the form of the new intersection at Bunyip Drive.

**9.2 Adoption of Design for Bunyip Drive/Old Cooma Road Intersection (Ref: ;  
Author: Carswell/Reich) (Continued)**

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**Links to QPRC/Regional Strategic Plans**



The installation of the Bunyip Drive/Old Cooma Road intersection is part of the planned road network for Googong Township and has been included in the Structure Plan for the township since its adoption.

**Conclusion**

Option 4 provides the safest and most adaptable intersection form for the new intersection of Bunyip Drive and Old Cooma Road whilst obtaining capacity to provide the type of road improvements in the region that the community desire.

If investigations into a potential bypass lane at the Googong Road and Old Cooma Road intersection prove viable Council should continue to negotiate with GTPL regarding their contribution to this intersection upgrade.

**Attachments**

- |   |  |
|---|--|
| Attachment 1<br> | Googong NH345 Traffic, Transport and Access Assessment - 10 September 2021 ( <i>Under Separate Cover</i> ) |
| Attachment 2<br> | Council Workshop Aug 2022 – Bunyip Drive Presentation ( <i>Under Separate Cover</i> )                      |

9.3 **Bungendore Water Security - Integrated Water Cycle Management Plan (Ref: ; Author: Hansen/Cunningham)**

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File Reference: 26.1.4/PJT0060-02-02/PJT0021-01/PJT0037-01/PJT0007/01

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**Recommendation**

**That Council:**

- 1. Adopt the Palerang Communities IWCM Strategy Option 3 – 2019 (Queanbeyan to Bungendore bulk water supply trunk main) as the preferred solution to the issue of the long-term water security for the town of Bungendore.**
  - 2. Endorse the development of the Queanbeyan to Bungendore bulk water supply trunk main (Palerang Communities IWCM Strategy Option 3 – 2019) to tender ready stage.**
  - 3. Accept an offer for grant funding made by the NSW Government under tranche 3 of the Safe and Secure Water Program for the above purpose.**
  - 4. Provide funds for Council's contribution toward the project from the Palerang Communities Water Fund reserves; and report back to Council via the Quarterly Budget Review Process of any supplementary vote request.**
- 

**Summary**

Council exercises water supply and sewerage functions under Division 2, Part 3, Chapter 6 of the Local Government Act 1993. The NSW Department of Planning & Environment (DPIE), along with other local water utility (LWU) regulators, oversees and supports LWUs in the delivery of these services. Strategic Planning forms a key consideration for LWUs and historically this has been achieved through the development of an Integrated Water Cycle Management (IWCM) plan. Now routinely called the *Strategic Planning Assurance Framework*, the purpose of the plan (amongst other things) is to review and identify issues within the subject schemes and to develop strategies that address these issues in a timely way.

The *Palerang Communities IWCM* was commenced in 2015 and formally adopted by Council in February 2019. Without doubt the single most significant issue identified as part of this process was the need for the securement of additional sources of town water supply to support the future growth of Bungendore. Over the past six years, efforts have been concentrated toward the strategies identified as addressing this issue with initial indicators all being quite positive, the sentiment of which formed the basis of a key input to the *Bungendore Structure Plan 2048* and thus the enabling of greenfield development beyond the bounds of the established village boundary. Regrettably, the water availability situation since these initial successes has not eventuated as expected. It is now time to take stock on this situation, what it might mean for the future of further greenfield development (both in the immediate and longer term) and what might be the next steps for a supplementary supply of potable water for Bungendore.

This has serious implications from a land-use planning perspective given clause 6.11 Essential Services of *Palerang Local Environmental Plan 2014* which amongst other things states that development consent must not be granted unless the consent authority is satisfied that water services are available or that adequate arrangements have been made to make available when required. These issues are explored in detail and a further report follows which outlines the land-use planning matters.



**9.3 Bungendore Water Security - Integrated Water Cycle Management Plan (Ref: ; Author: Hansen/Cunningham) (Continued)**

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**Background*****The Existing System***

The Bungendore water supply scheme was first commissioned in 1966. It was based on the local *Bungendore Alluvial* groundwater source and, despite a number of augmentations since, this remains the case today. There are five existing groundwater bores within the system, four of which are located at Bungendore the fifth being located some 7.2km to the village's north east at Currandooly. Figure U-1 following shows a schematic of the system.

The four town-based bores are underpinned by Water Access Licence (WAL) 40AL412630 which has assigned a total annual allocation of 322ML/a. The Currandooly bore is attached to WAL 40AL415917 which enjoys an allocation of 150ML/a. Together these two WALs support Bungendore's town water supply to a combined capacity of 472ML/a.

The issuing of a WAL is not, however, all that is required to enable Council to access its groundwater entitlement. Physical bores can only be established through the issue of formal *Works Approvals* which are in turn attached to the WALs. For WAL 40AL412630 there are four bores that are collectively approved under Works Approval 40CA412631. For the Currandooly system, the single bore at that location is attached to its WAL 40AL415917 via Works Approval 40CA415918. The importance of this relationship between WAL and Works Approvals will become more apparent later in this report.

In terms of historical consumption, detailed records of annualised monthly usage for Bungendore have been kept by Council since 2001/2002. In that time the village has grown remarkably from some 398 connected properties in 01/02 to 1,599 connected properties by 1 July 2022; an effective expansion of some 332%. Conversely though, usage has remained modestly stable with an average annual consumption increase of only 3.36ML/annum or 26.6% over the 21 years of records. This outcome is the result of a number of factors including.

- Changes in usage patterns following droughts during the data period;
- Implementation of new tariff structures and pricing signals;
- Introduction of standing Water Conservation Measures;
- The effect of BASIX and measures such as rainwater tanks in a residential setting
- Greater consumer awareness of water as a resource and climate change more generally.

Figure U-2 following shows historical usage for Bungendore from 2001/2002 to today.

9.3 Bungendore Water Security - Integrated Water Cycle Management Plan (Ref: ; Author: Hansen/Cunningham) (Continued)

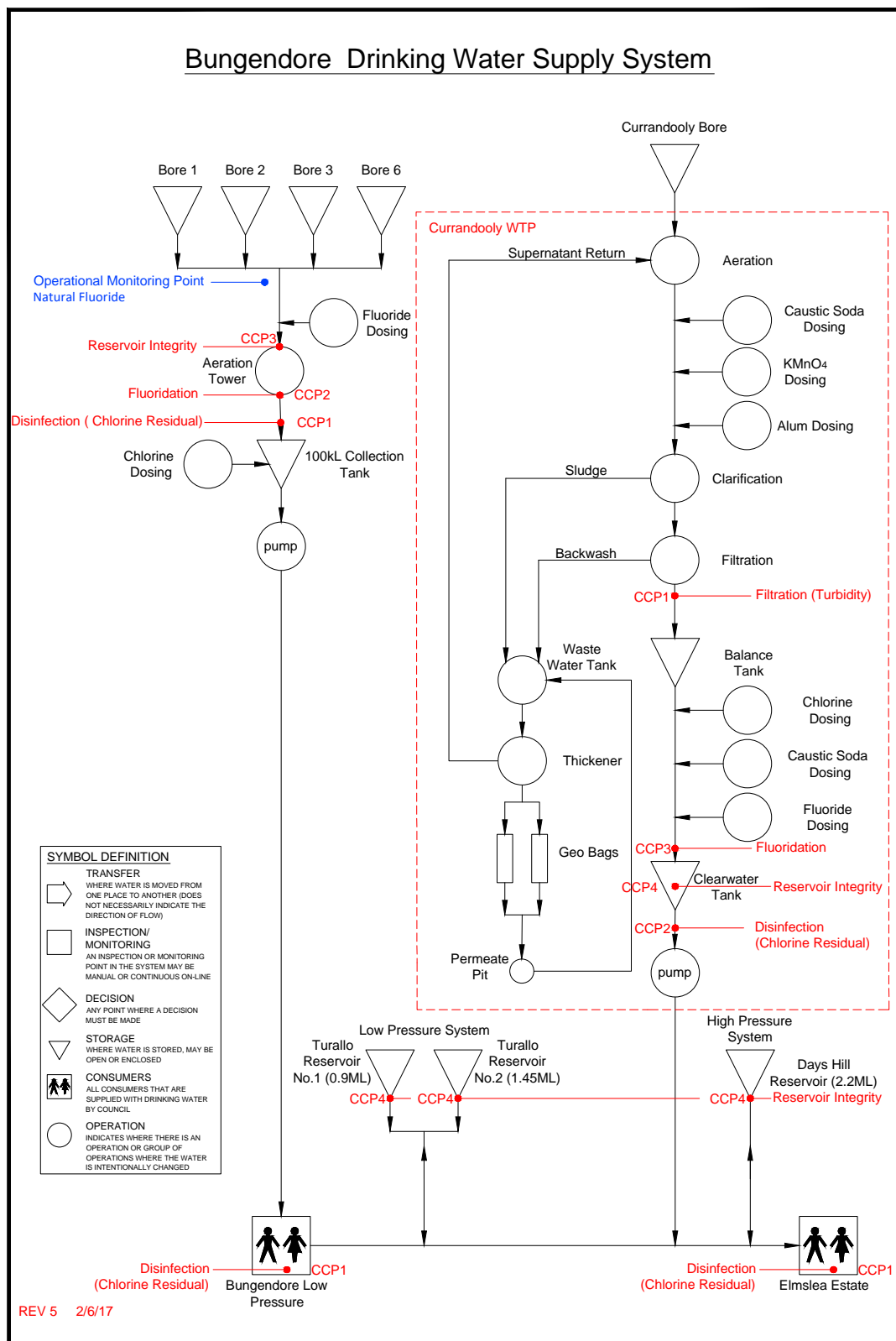


Figure U-1 – Bungendore Water Supply Schematic

9.3 Bungendore Water Security - Integrated Water Cycle Management Plan (Ref: ; Author: Hansen/Cunningham) (Continued)

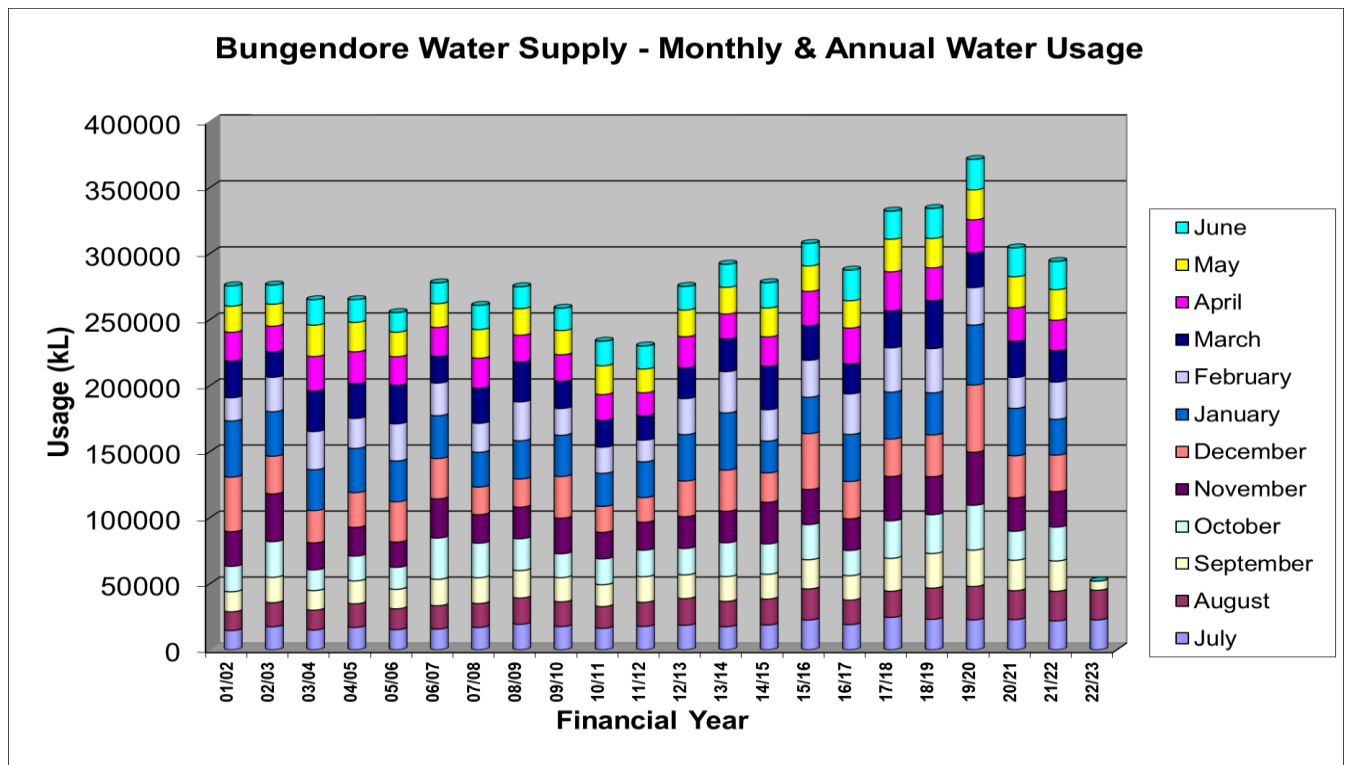


Figure U-2 – Historical water consumption for Bungendore

Despite the fact that both sources (WALs) are allocated from the same Bungendore alluvial groundwater source, the raw water quality from both is markedly different. As a result, the level of treatment required is also quite different. Water drawn from the town-based bores is of such superior quality that little additional treatment is required save aeration (to remove dissolved carbon dioxide), chlorination and disinfection. The raw supply from the Currandooly bore has elevated levels of iron and manganese and as such the level of treatment required, and thus capital investment, is much greater. The contrast in these two treatment trains is starkly demonstrated in the schematic shown in figure U-1.

Notwithstanding the superior qualities of the town sourced raw groundwater and the treated Currandooly product water, consumer experiences with a groundwater-based town supply can be varied, particularly for new residents unaccustomed to groundwater supplies. For the most part this relates to the fact that groundwater almost always comes with higher levels of mineral hardness and Total Dissolved Solids (TDS); two largely aesthetic criteria that routinely present themselves to more sensitive consumers as visible scaling of some appliances and taste or “mouth feel”, respectively.

Figure U-3 following shows the results of these two analytes for Bungendore when compared to the surface water based supplies at Braidwood and Captains Flat for the routine NATA laboratory tests conducted on 21 June 2022.

**9.3 Bungendore Water Security - Integrated Water Cycle Management Plan (Ref: ; Author: Hansen/Cunningham) (Continued)**

Analyte	NHMRC <sup>1</sup> Guideline Value <sup>2</sup>	Bungendore		Braidwood	Captains Flat
		Town Supply	Currandooly Supply		
Total Hardness as CaCO <sub>3</sub> (mg/L)	200 <sup>3</sup>	147	80	27	24
TDS (mg/L)	600 <sup>4</sup>	371	293	65	54

Figure U-3

Notes:

1. National Health and Medical Research Council – Australian Drinking Water Guidelines
2. Table 10.6 (ADWG) Guideline values for physical and chemical characteristics
3. 60-200mg/L good quality. <60mg/L possibly corrosive. >200m/L increasing scaling
4. <600mg/L = good. 600-900mg/L = fair. 900-1200mg/L = poor. >1200mg/L = unacceptable

Whilst it is evident that the Bungendore water supply is well within the acceptable industry standards for these two water quality parameters, the starkness in difference between the comparative surface water supplies certainly gives some insight as to why new residents might more readily notice a difference, particularly if they have just relocated from areas of surface supplies like Canberra or Sydney.

### ***The IWCM***

The principal purpose of the IWCM process was effectively to take a complete stocktake of the subject water and sewerage schemes, to identify any issues, to consider strategies aimed at addressing these issues, to prioritise them and thus to adopt a preferred path going forward. The outcomes of the IWCM were instrumental in the subsequent development of the supporting *Development Servicing Plans* (adopted by Council on 24 June 2020) and the new tariff structure (adopted by Council on 28 April 2021).

Without doubt, the single biggest issue identified by this IWCM process was the growth pressures facing Bungendore and thus the need for additional supplies of town water to support this growth. Undertaken prior to the independent *Bungendore Structure Plan 2048* project, the IWCM similarly identified likely high growth scenarios that could potentially result in demand for serviced residential properties upwards of 4,000 tenements or around 11,700 residents by the end of the 30 year planning or study window (see excerpt from IWCM in figure U-4 following).

### 9.3 Bungendore Water Security - Integrated Water Cycle Management Plan (Ref: ; Author: Hansen/Cunningham) (Continued)

#### 5.2 Population projections

The occupied residential property projection for each town is shown in Table 5.1, and the serviced population projection for each water supply and sewerage scheme is provided in Table 5.2.

**Table 5.1: Occupied residential property projections**

		2016	2021	2026	2031	2036	2041	2046
Bungendore	Water	1,074	1,719	2,356	2,918	3,379	3,737	4,004
	Sewerage	1,068	1,713	2,350	2,912	3,373	3,731	3,998
Braidwood	Water	469	499	530	563	599	636	676
	Sewerage	426	456	487	520	556	593	633
Captains Flat	Water	193	195	197	199	202	204	206
	Sewerage	182	184	186	188	191	193	195

**Table 5.2: Serviced residential population projections**

		2016	2021	2026	2031	2036	2041	2046
Bungendore	Water	3,148	5,039	6,905	8,554	9,904	10,952	11,734
	Sewerage	3,130	5,022	6,887	8,536	9,887	10,934	11,717
Braidwood	Water	1,062	1,129	1,200	1,276	1,356	1,441	1,532
	Sewerage	965	1,032	1,103	1,179	1,259	1,344	1,434
Captains Flat	Water	426	431	436	440	445	450	455
	Sewerage	402	407	411	416	421	426	431

Figure U-4 (IWCM population projections for Bungendore)

In terms of what this meant for the Bungendore Water Supply going forward, the IWCM identified the need for the following by the end of the 30 year planning window:

- An additional 1,000 ML/a of supply capability; and
- An additional 4.5ML/day of headwork capacity.

In considering how to deal with this first requirement the Project Reference Group (PRG) of the time considered the following options:

- Additional entitlements and supporting extraction ability from the town alluvial system;
- Exploration of a new borefield in the Lachlan Fold Belt (LFB) fractured rock groundwater source;
- A pipeline connection to Canberra's ICON source from the established Queanbeyan water supply system.

Council's preference of the time was for additional extraction ability from the town based alluvial source although this was deemed not possible due to the limits imposed by the *Long Term Average Annual Extraction Limit* (LTAAEL); a regulated cap limiting the total volume of WALs that can be issued for the aquifer. The IWCM identified the cap at 1,268ML/a noting that the sum of all of the aquifer's WALs issued at the time totalled some 1,238ML/a. Despite this 30ML/a gap in allocations, the clear outcome of the time was that unless some licence trading was possible the Bungendore alluvial groundwater source was essentially fully allocated and therefore not a going concern in terms of satisfying Bungendore's future requirements, or even an acceptable portion thereof.

### 9.3 Bungendore Water Security - Integrated Water Cycle Management Plan (Ref: ; Author: Hansen/Cunningham) (Continued)

It was at this juncture that the LFB fractured rock source was first considered. This was an entirely new proposition to Council and was actively encouraged by DPIE officers of the time due to its relative underutilisation and to what was otherwise thought by regulators to be a theoretically large and readily available resource.

In developing the final options, the PRG settled on the following (Figure U-5)

Target for compliance	Issue	Option	Scenario		
			1	2	3
Water Security and headworks capacity Level of Service	The dry year demands exceed the current licensed entitlement. The peak day demand will exceed the combined capacity of the Bungendore and Currandooly WTPs around 2025.	<b>Water Supply Option 1</b> – Extraction from Lachlan Fold Belt source followed by Bungendore alluvial source.	✓ Stage 1 2019 Stage 2 2032	-	-
		<b>Water Supply Option 2</b> – Extraction from Lachlan Fold Belt source only.	-	✓ Stage 1 2019 Stage 2 2032	-
		<b>Water Supply Option 3</b> – Bulk supply from ICON Water	-	-	✓ 2019

Figure U-5 (taken from table S1 of the IWCM Strategy)

Option 1 was favoured since it allowed the development of the solution in stages, thus assisting in terms of cash flows, whilst keeping the initially preferred solution from the alluvial source open for the second stage in the eventuality that access rules or trading circumstances changed for the better.

Option 2 was the natural alternative to option 1 in the situation that the second stage alluvial conditions remained restricted at the nominal year of 2032. Of course, both options 1 and 2 were based on an underlying assumption that the fractured rock source was economically and readily available. Virtually nothing was known about fractured rock as a town water source at the time though and that was about to be a journey in its own right.

Option 3 was least preferred at the time due to its cash flow implications although it was noted that, as a solution, its benefit would extend well beyond just the 30-year planning window considered by the IWCM.

#### **Fractured Rock**

The search for fractured rock bore candidates commenced in 2016 with the identification of around eight initial target sites. Over the following 12 months around \$600,000 was invested in the drilling of test bores, two of which, were ultimately identified as being potential production bore candidates. These were locally known as the Jim Gray and Bungendore East bore sites. Council's consultant hydrogeologist of the time conducted a series of tests including bore logging and field pump tests (both constant and step) the results of which were published in a report that recommended a potential combined annual yield of up to 635ML/a. This report was the subject of a number of consultations with DPIE hydrogeologists which eventuated in the

**9.3 Bungendore Water Security - Integrated Water Cycle Management Plan (Ref: ; Author: Hansen/Cunningham) (Continued)**

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presentation of a Departmental memorandum (WAMs 25960 – 13 November 2017) which recommended (amongst other things):

1. *The pumping test data indicates that a more realistic capacity from the bores is around 500ML/year subject to monitoring and mitigation of impacts*
2. *Discuss alternative options for mitigating potential impacts with Council as the next step*

In providing the report, the covering introduction went on to say.

*“Council should note that the estimated capacity of the bores is difficult to assess and could be more or less than envisaged and there is some risk associated with attributing a volume based on the info [sic] provided. The estimated capacity of 500 ML/yr should not be relied upon but is provided to give some indication of the possible yield to assist Council in their considerations.*

*A trigger and action plan provides the best opportunity to maximise yield without significant impact on 3rd parties and there may be some avenue for Council to negotiate satisfactory outcomes with potentially affected parties.”*

The intention of providing the above exchange is not at all to apportion blame for the ultimate failure of the fractured rock program. Rather it is to demonstrate, perhaps now with some considerable hindsight, the collective lack of understanding as to the workings of this aquifer source and to introduce the vexed concept of the rules around third party impacts for groundwater extraction in NSW.

Suffice to say though that even at the suggested and reduced yield of 500ML/a the Jim Gray and Bungendore East bores were still considered to be entirely viable (notwithstanding the latter’s more challenging TDS and hardness qualities), and it was on this basis that an application was made for a LFB fractured rock WAL for 1,000ML/a. This was issued on 16 July 2019 under WAL 40AL417755.

Formal application for a Works Approval for these two bores, based on a combined allocation of 500ML/a, was made on 11 March 2021. The regulator’s determination was issued on 12 July 2021 where a combined volume of only 216ML/a was offered based on an apportionment of 16ML/a to Jim Gray and 200ML/a to Bungendore East. In addition to this, the maximum flowrate for Jim Gray was reduced from its former 8.5l/s to 6.5l/s. In making this initial determination, the regulator made the following two additional comments:

- *“These limits have been imposed due to assessed risks at both sites”*
- *“These extraction limits may be varied at any time by the Department in the event of unanticipated unacceptable impacts to neighbours or the environment.”*

A number of considerations came into play following this advice not the least of which related to the viability of fractured rock going forward. Whereas alluvium targets can fairly confidently be targeted at any location within the known bounds of the alluvium, fractured rock targets, as the name suggests, need to coincide with water bearing rock fissures. A difficult task at best and along with it comes challenges in respect of land access, easements, long pipelines and even access to electricity. The value in fractured rock being a solution for the Bungendore Water Supply lay in its promise to provide a large volume solution and at even the slightly reduced expectation suggested in the Department’s November 2017 memorandum it did that.

**9.3 Bungendore Water Security - Integrated Water Cycle Management Plan (Ref: ; Author: Hansen/Cunningham) (Continued)**

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At 500ML/a the proposal still represented the midpoint of the long term target of 1GL/a and as such reflected nicely the intent of Council's adopted "option 1" of its IWCM strategy.

Whilst the determination did not elaborate on what the "assessed risks" were, with time it became evident that the main issue lay in third party impacts. In other words, the effect of Council's proposed bore/s on established third party bores. Even those issued for Basic Landholder Rights (BLR), the learning being that town water supply purposes holds no higher priority for water than any other use, even BLR.

In consultation with the Regulator, Council made the decision to conduct further field pumping tests on the Jim Gray bore given that this bore was the site most affected by the determination. Over a period of three weeks in September 2021 the Jim Gray bore was the subject of continuous pumping with detailed monitoring established at nearby private fractured rock bores in an effort to better quantify any third party impacts. The tests were conducted by Council's consultant hydro geologists and culminated in a report to the regulator seeking a review of the July 2021 determination. This request was submitted on 3 November 2021. The response to this report was received from the Regulator on 7 June 2022 at which time the original determination was reaffirmed.

Over the period of these fractured rock investigations around \$1m was spent on various field works, studies, consultancies and advance designs. The value in fractured rock as a solution was always about its volumetric promise. It was always going to require some significant treatment, and thus financial investment, and this could have readily been justified against the yields initially anticipated. Regrettably, at the reduced yields identified in the determination, it now cannot.

***The Alluvium***

At about the time of the follow up field testing of the Jim Gray bore in September 2021, and as a contingency, attention again turned to the prospects of the alluvium source and, for the first time since the IWCM, the prospect of option 3 – the bulk water supply line.

With the encouragement of DPIE, Council made a formal application for both the residual 30ML/a of entitlement that remained within the alluvial LTAAEL as well as a special 300ML/a entitlement known as a Special Purpose Access Licence (SPAL). The thinking behind this being related to Council's long-term preference for the superior quality town based alluvial source and its relatively low cost capital and operational outlay. At a potential entitlement of only 330ML/a it was not ever thought of being the whole solution but certainly as a good interim measure given that greenfield development was now well underway. The bulk water pipeline option could thus be investigated and developed in its own time as part of the more complete solution.

WAL43990 for the 30ML/a of alluvium was issued to Council on 9 November 2021 with WAL44105 SPAL for the 300ML/a being issued on 15 March 2022. The task now lay in establishing additional bores to access these entitlements. In effect, Works Approvals.

A number of prospective bore sites were identified, all within the town area and all within Council controlled land. Again, with the encouragement of DPIE, Council engaged the services of an eminent consultant to assess the proposed sites against the established regulator's own assessment rules. Like for the fractured rock, these were almost entirely concerned with third party impacts and, like for the fractured rock, Council's consultant reported favourably on the prospects of all five nominated sites.



**9.3 Bungendore Water Security - Integrated Water Cycle Management Plan (Ref: ; Author: Hansen/Cunningham) (Continued)**

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The formal application for Works Approval was made on 16 May 2022 with the determination, refusal, being issued on 9 September 2022. In determining the matter, the regulator stated:

*“The WM Act does not permit the granting of an approval where it cannot be demonstrated that there will be no more than minimal harm done to the water source as a consequence of the construction and use of the proposed works.”*

Interestingly, the determination offered a suggestion for two other potential alluvial bore sites though, both located around 7.5km NNE from Bungendore on private property within the area of the existing Currandooly bore but closer to Lake George. This suggestion, whilst welcomed, is not favoured given its long distance from town, its location on private property, its closer proximity to Lake George (potential quality issues) and its almost certain requirement for an additional Water Treatment Plant. In a similar vein to the fractured rock situation, the level of investment required is considered too great for just 300ML/a when in the ultimate term 1,000ML/a is required.

**Report**

As it currently stands, and despite now holding additional groundwater entitlements of 1,330ML/a, Council does not have actual access to any additional supplies of water for the township of Bungendore beyond the 472ML/a that it has traditionally held. Through the journey described above, and in good faith, judgements were made that supported the greenfield growth of Bungendore. Underpinning this growth was an assessment that there were indeed available additional supplies of water although it is now evident that these cannot be reliably secured from groundwater, not without some review or relaxation of the rules and almost certainly not to the volumetric extent initially envisaged and ultimately required for the town.

In consideration of the Bungendore Structure Plan’s assessment for expected infill growth going forward, and with the knowledge of the number of additional greenfield allotments currently approved, the IWCM predicts that Council’s current entitlement of 472ML/a will be exceeded at 538ML/a in a dry year and will reach around 424ML/a in a normal year. The decision now therefore is whereto from here?

Assuming the desire is to continue to attempt to secure an additional source of water then it is recommended that Council’s attention now be directed again toward the bulk water pipeline option.

Considered as option 3 in the original IWCM project, and effectively revived as such internally from about September 2021, a number of actions have already been put into play since this time in an effort to better prepare Council should it decide to pursue this option. The first relates to intergovernmental negotiations.

The reticulation of water from the Queanbeyan network to any area beyond the former Queanbeyan City Council’s LGA (as at 2006) is not automatically permitted and is subject to agreement between the NSW and ACT Governments and possibly even the Commonwealth. A mechanism exists, via the *Cross Border Water MOU 2006*, and initiated recently by the NSW Government with a proposal to establish a working group with the ACT Government, QPRC and Yass Valley Council representatives to facilitate regional town water security discussions.

The development of an agreement that permits Council to extend its supply from Queanbeyan to Bungendore via a trunk main would be an absolute precondition for any construction works. It does not though preclude the development of the project through feasibility, concept,

**9.3 Bungendore Water Security - Integrated Water Cycle Management Plan (Ref: ; Author: Hansen/Cunningham) (Continued)**

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detailed design or even ready for tender stage and that forms the basis of one for the recommendations before Council in this report.

The second development is a recent unsolicited offer for funding assistance from the NSW Government under its tranche 3 of the Safe and Secure Water Program (SSWP). The offer directly relates to assisting with a solution for the issue of Bungendore's long-term water security and is aimed at the delivery of a tender ready package of works by 30 June 2024. Whilst the offer is made on the basis of a 25% contribution, given that the package may be as much as \$5m, any financial assistance would be most beneficial. Council's contribution for the package could be taken from available water fund externally restricted assets such as s.64 developer contributions. The deadline for the project is ambitious though and study works would need to commence with haste following any Council decision to do so and the finalisation of any enabling funding deed.

Land acquisitions and easements are likely to be the biggest risks to the project as they often have quite significant timeframes. These would need to commence soonest following the feasibility study and that gateway's signoff on the project's operational financial viability. Whilst the current SSWP funding does not extend to the construction phase it is almost certain that Council will require substantial financial support for that when the time comes. The recently announced Accelerated Infrastructure Fund Round 3 is the sort of program that would be ideal for that purpose at some later date.

The third development relates to the programmed revision of the IWCM. As part of its 2022/23 Operational Plan, Council voted funds to review the IWCM in line with the usual 4 yearly cycle. The events in Bungendore and the offer of the tranche 3 SSWP have overtaken this process somewhat. In normal circumstances the IWCM would be reviewed and modified in the light of the past few years of groundwater works at which time after adoption by Council any new strategies would be implemented. The review will still occur, but it is proposed to do that concurrently to the project of firming of the bulk supply option to tender ready stage. The nexus to this arrangement lies in the fact that the option was identified and prioritised as part of the original IWCM process and as such continues to have validity. Application has also been made for grant assistance for the IWCM review process as well and it is expected that this application will be determined by the Department within the next few weeks. Regardless of the outcome though, the review will be undertaken during the 22/23 financial year with the strategy to be presented to Council for adoption at that time.

**Risk/Policy/Legislation Considerations**

Without doubt the biggest risk for the bulk pipeline solution lies in the current lack of certainty for intergovernmental approval to supply water beyond bounds of the former Queanbeyan City Council LGA. Whilst this does not affect the construction phase, since clearly construction would not commence without these matters being satisfactorily resolved, it risks the sunken costs of any detailed design work and, perhaps more importantly, the costs of any land/easement acquisitions along the route. In the event that the necessary intergovernmental approvals were never realised the value of the "for tender" packages would be lost along with the potential for the further development of Bungendore.

**Financial, Budget and Resource Implications**

Something of the order of \$1m has been expended on the development of the various groundwater solutions aimed at resolving the future Bungendore water supply. Unless an opportunity arises that would enable ready access to additional town based alluvial sources that might act as an immediate supplement to supply there is not much point in investing further in groundwater.

**9.3 Bungendore Water Security - Integrated Water Cycle Management Plan (Ref: ; Author: Hansen/Cunningham) (Continued)**

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Option 3 (the bulk supply pipeline) should now be considered the preferred option and it seems logical to progress this through the various stages of design development with the aim to have it at tender ready stage at the earliest opportunity. As with the recently announced Accelerated Infrastructure Fund Round 3 opportunity, projects really only gain candidacy for opportunities such as these if they are indeed “tender ready”.

The potential to secure SSWP funding for this design process presents an additional incentive as does the ambitious target date of 30 June 2024.

Council’s contribution toward the design, land acquisition and tender ready stage would be sourced from reserves held in the water fund.

**Links to QPRC/Regional Strategic Plans**

The proposal is consistent with Option 3 as identified in the Strategic Direction of the Palerang Communities IWCM adopted by Council in February 2019.

**Conclusion**

The future development of Bungendore is dependent on the expansion of the Bungendore Water Supply. The Palerang Communities IWCM identified this as a significant issue and recommended a series of three prioritised options by way of remedy. The initially preferred solutions of groundwater have now proved to be unviable, and attention is now turned to the third option, the bulk water pipeline from Queanbeyan. Part of the recommendation above seeks to secure Council’s concurrence for the development of this option (including land acquisition/easement matters) to the point of “tender ready” status. It also seeks consent to accept any grant funding offered for this purpose.

It is acknowledged that the resolution of any intergovernmental approvals will be contingent on the project ultimately progressing to construction phase as will be the securement of additional grant funds for that purpose in the future.

The Palerang Communities IWCM review will continue as originally planned with the final document to be presented to Council for consideration and adoption at the earliest opportunity.

**Attachments**

Nil

9.4 Bungendore Water Security - Structure Plan/Current Planning Proposals and Scoping Proposals (Ref: ; Author: Hansen/Carswell)

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File Reference: PJ0060-02-02, 26.1.98-02

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**Recommendation**

**That Council:**

1. **Note that the current water supply for Bungendore is conditionally adequate for:**
    - a. **the approved subdivisions within Bungendore, and**
    - b. **infill subdivisions on land in Bungendore currently zoned for residential uses where the Development Application demonstrates compliance with the existing minimum lot size under the Palerang Local Environmental Plan 2014.**
  2. **Review the supply source of potable water situation for the future residential growth of areas identified in the Bungendore Structure Plan 2048 every 6 months and report to Council with the first due by April 2023.**
  3. **Agree not to progress Scoping Proposals or Planning Proposals for rezoning of land for residential purposes located in the area covered by the Bungendore Structure Plan 2048 until a supplementary source of potable water for Bungendore has been adequately arranged.**
  4. **Review the Bungendore Structure Plan 2048 upon the release of the findings of a reviewed Queanbeyan-Palerang Regional Council Integrated Water Cycle Management Strategy – Palerang Communities 2018.**
  5. **Request the advocacy and support of the NSW Government to provide a supplementary source of potable water for Bungendore noting that this has been identified as a priority action in the draft South East and Tablelands Regional Plan 2041 and in the NSW State Infrastructure Strategy 2022 where the implementation of the regional water strategies to improve water security are to be done in earnest before the next drought occurs.**
  6. **Receive a further report in relation to the refunding or otherwise of fees for Scoping and Planning Proposals already received by Council for proposals in Bungendore that now cannot progress.**
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**Summary**

As highlighted in the previous report, Bungendore Water Security - Integrated Water Cycle Management Plan, the implications from a land-use planning perspective is significant for Council and the community.

The gravity of this is further added to following the receipt of recent correspondence from the Department of Planning and Environment stating *“...If it is confirmed that access to a secure water supply cannot be realised in the short-medium term, DPE will not support any planning proposals to rezone the land identified in the Bungendore Structure Plan for future residential use, including the Bungendore East planning proposal.”*

The purpose of this report is to ensure Council is suitably informed of the current demands for housing growth and the ramifications an unsecured town water supply has on current and future Planning Proposals.

#### 9.4 Bungendore Water Security - Structure Plan/Current Planning Proposals and Scoping Proposals (Ref: ; Author: Hansen/Carswell) (Continued)

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##### Background

The forward planning for the growth and land use zone changes in Bungendore has been guided by Land Use and Water Strategies as well as Land-Use Structure Plans. The most recent being the *Bungendore Structure Plan 2048* which reviewed and replaced the *Bungendore Land use Strategy & Structure Plan* adopted by Council on 5 August 2010. This Structure Plan has also been referenced and incorporated into the Bungendore section of the *Queanbeyan Palerang Local Strategic Planning Statement* which sets the land use planning direction for the local government area for the next 20 years.

The *Bungendore Structure Plan 2048* was prepared on the information available at the time and was adopted by Council in February 2020 (Attachment 2 – Minute No. 041/20). Endorsement by the NSW Department of Planning, Industry and Environment then occurred in September 2020. Bungendore was identified to grow within the capacity of the town's water allocation which was increased by the NSW Government.

This Structure Plan identified residential growth areas for Bungendore for the following years to 2048. The growth areas were identified with a short/medium term and a long term timing sequence to allow for the orderly development and expansion of servicing (Attachment 1 – Figure 1L). As such, the Plan (and its predecessor) provides the strategic justification to consider rezonings for additional housing that are consistent with the Plan.

##### Report

###### Current Rezoning Activity in Bungendore

The term Planning Proposal is the name given to rezoning applications and Local Environmental Plan amendments under the *Environmental Planning and Assessment Act 1979*. Planning Proposals for rezoning land for residential purposes have been considered by Council (Attachment 2) and include the area north of Elmslea at 176 Tarago Road (now known as Elm Grove Stage 1 and 2) and the area at 4610 Kings Highway known as Bungendore East. The Elm Grove rezoning was finalised in May 2020 and the land rezoned from RU1 Primary Production to R2 Low Density Residential.

Following the finalisation of the *Bungendore Structure Plan 2048*, a request was submitted for rezoning of land at 175 and 217 Tarago Road known as Ashby (125 dwellings approximately). This was considered at Council's Planning and Strategy meeting of 14 October and wasn't supported at that time (Attachment 2 - PLA 149/20).

The Planning Proposals for the short/medium term options are the North Elmslea (Elm Grove Estate Stages 1 and 2) (351 dwellings) and Bungendore East Planning Proposals (592 dwellings) and are labelled on the Structure Plan Map in Attachment 1.

###### Bungendore East Planning Proposal

The Bungendore East rezoning had been lodged in 2015 with the former Palerang Council and held in abeyance until the completion of the *Bungendore Structure Plan 2048* and the confirmation of water supply for the growth area. Upon the issue of the Water Access Licence (WAL) by the NSW government, this was provided to the NSW Department of Planning, Industry and Environment who advised that it satisfied their preconditions to authorise the consideration of the rezoning of land at Bungendore East (4610 Kings Highway). This authorisation is called a Gateway Determination and it specifies consultation, conditions and timeframe for the rezoning (which are called Planning Proposals) to be completed.

The Bungendore East Planning Proposal is nearing the completion of the Agency Consultation stage and is yet to reach the Public Consultation stage of the process. The Department's timeframe in the Gateway Determination specified 21 July 2022 for the completion of the process and they have yet to advise of any extension to this timeframe.

9.4 Bungendore Water Security - Structure Plan/Current Planning Proposals and Scoping Proposals (Ref: ; Author: Hansen/Carswell) (Continued)

Scoping Proposals

Rezoning activity in Bungendore also includes the lodgement of Scoping Proposals. These are the precursors to a formal Planning Proposal and are similar in many ways to the Preliminary rezoning enquiry process Council had in place before the Department of Planning introduced a new process and guidelines in late 2021. The scoping proposal process was a way the Department of Planning and Environment saw to reduce the timeframe of Planning Proposals, by requiring studies and agency input at the Scoping Proposal stage. Council resolved to adopt a process to consider Scoping Proposals at the 13 April 2022 Council meeting (Attachment 2 - Minute No. 147/22).

To date, Council has received three Scoping Proposals for residential rezonings in Bungendore. One was for that part of 176 Tarago Road located between the 250m and 500m radius of the Bungendore Waste Transfer Facility and referred to as Elm Grove Stage 3. This was supported by Council at its meeting 23 February 2022 (Attachment 2 – Minute No. 079/22). The second Scoping Proposal is for 175 Tarago Road known as Ashby and is still being reviewed by staff. The third proposal is at 174 Tarago Road, only recently submitted that is referred to as Elm Grove Stage 4 which proposes 789 lots.

The location and context (excepting Elm Grove Stage 4) to the *Bungendore Structure Plan 2048* is shown in Figure 2L below.

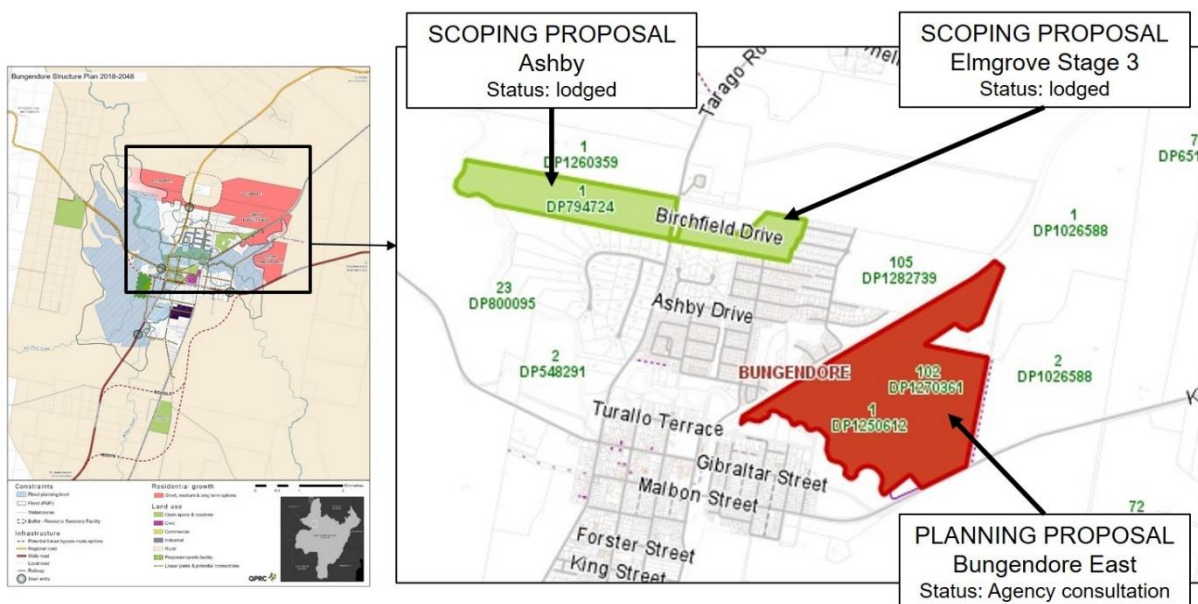


Figure 2L - Current rezoning proposals (Scoping and Planning Proposals) September 2022

Rezoning enquiries

In addition to the Planning Proposal and Scoping Proposals, two enquiries to pursue future Scoping Proposals have been submitted for rezonings for residential purposes. One is on land identified within the *Bungendore Structure Plan 2048* as a long-term growth area and the other is outside the area identified for growth. In the normal course of events, the consideration and advice to proponents would be that long term options identified in the Structure Plan would not be supported until the completion of the Short / Medium term area (namely Bungendore East). This is consistent with Council’s resolution on 14 October 2020 (Attachment 2 – PLA 149/20) as previously discussed.

#### 9.4 Bungendore Water Security - Structure Plan/Current Planning Proposals and Scoping Proposals (Ref: ; Author: Hansen/Carswell) (Continued)

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The advice given for the rezonings on land not identified for residential growth in the Structure Plan has been to not support as there is no strategic justification. Council's policy for growth in Bungendore is set by the *Bungendore Structure Plan 2048*.

At this point in time additional advice for both enquiries is that the issue of a supplementary source of potable water for Bungendore is required to be addressed and arranged prior to accepting any future Scoping Proposals or Planning Proposals.

##### Development Applications and existing zoned residential land

In terms of residential subdivisions occurring on land that is currently zoned to support residential development, the *Bungendore Structure Plan 2048* anticipated up to 460 lots/dwellings over the life of the plan (i.e. to 2048). From 2017 when the infill development research was conducted, there have been 192 new residential lots created (refer to Figure 3L).

In addition, the land rezoned in 2020 for the Elm Grove Stages 1 and 2 residential development, there have been two Development Applications for subdivision into 91 lots and 260 lots respectively (refer to Figure 4L). Both applications have been approved with the Stage 1 subdivision being registered and the separate titles created for the lots. Council has been advised that it is expected that dwelling construction on Stage 1 will begin to occur later this year. Stage 2 of the Elm Grove development is at the subdivision construction stage.

In assessing Development Applications for development including subdivision, the *Palerang Local Environmental Plan 2014* requires Council to be satisfied that the supply of water is available. This clause (Clause 6.11) is reproduced below.

##### **6.11 Essential services**

*Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—*

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) stormwater drainage or on-site conservation,*
- (e) suitable vehicular access.*

The supply of water is essential for any residential subdivision of land. The existing water supply capacity for Bungendore is adequate for the approved Elm Grove Stages 1, and 2 subdivisions and for the infill subdivisions anticipated by the *Bungendore Structure Plan 2048*.

These developments and the subsequent construction of dwellings on the new lots created can occur without exceeding the 50<sup>th</sup> percentile normal to dry year differential capacity of the water supply capacity.

9.4 Bungendore Water Security - Structure Plan/Current Planning Proposals and Scoping Proposals (Ref: ; Author: Hansen/Carswell) (Continued)



Figure 3L - Bungendore Infill Residential Subdivisions since 2017



9.4 Bungendore Water Security - Structure Plan/Current Planning Proposals and Scoping Proposals (Ref: ; Author: Hansen/Carswell) (Continued)

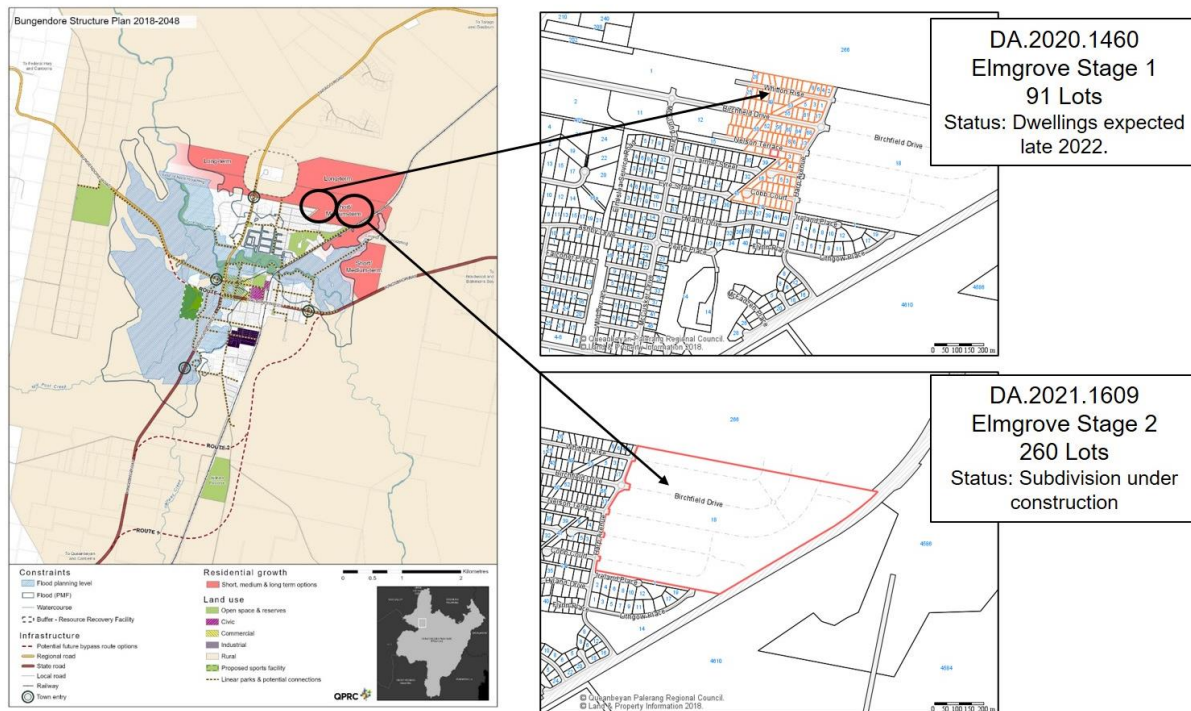


Figure 4L - Development Applications for Residential Subdivision Approved for Elm Grove

**Risk/Policy/Legislation Considerations**

During the preparation of the *Bungendore Structure Plan 2048* staff have acted on the best available information as well as in accordance with Council policy and the requirements of the *Environmental Planning and Assessment Act 1979* and its Regulations. Nevertheless, it is considered that there is some potential for reputational risk. In addition, it is likely that the achievement of Palerang Communities IWCM Strategy Option 3 – 2019 (Queanbeyan to Bungendore bulk water supply trunk main) will take considerable time to gain approval and to build. This provides the opportunity for housing in Bungendore to become unaffordable.

**Land Use Planning Policy and Legislation**

Forward planning for future land use and growth is covered in Part 3 of the *Environmental Planning and Assessment Act 1979*. The Act requires Council to prepare and review a Local Strategic Planning Statement (LSPS) every 7 years. The Queanbeyan Palerang LSPS was prepared and adopted by Council in June 2020 (Attachment 2 - Minute No. 154/20) and published on the NSW Planning portal as required. This LSPS incorporated the findings of the *Bungendore Structure Plan 2048*. Both documents set the strategic policy direction for land use and rezonings (Planning Proposals) for Bungendore.

Planning proposals are required to be prepared in accordance with the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment Guidelines for Preparing Local Environmental Plans.

Planning proposals must have a strategic justification (in this case, consistency with the *Queanbeyan-Palerang Local Strategic Planning Statement*, and the *Bungendore Structure Plan 2048*) and be reviewed against the relevant *State Environmental Planning Policies* (SEPP's) and Ministerial Directions. To progress, Planning proposals must be supported by Council and receive a Gateway Determination from the NSW Department of Planning. The Gateway Determination will then specify the consultation required and timeframe for completion. Where a Gateway Determination timeframe cannot be met, Council may request an extension.

#### 9.4 Bungendore Water Security - Structure Plan/Current Planning Proposals and Scoping Proposals (Ref: ; Author: Hansen/Carswell) (Continued)

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The Gateway Determination for Bungendore East (PP-2021-916) was issued on 21 January 2021. The time frame for completion of the process was 21 July 2022 (this included an extension of 6 months). Council's further request for an extension has yet to be determined. In light of the water security concern Council received the following advice from DPE 6 September 2022:

*"...If it is confirmed that access to a secure water supply cannot be realised in the short-medium term, DPE will not support any planning proposals to rezone the land identified in the Bungendore Structure Plan for future residential use, including the Bungendore East planning proposal."*

This means that any proposals for the rezoning of land for residential purposes within the *Bungendore Structure Plan 2048* area cannot be supported or progressed now. Further work is now required to secure a supplementary source of potable water for additional residential zonings. Until that work is complete, current, and future Scoping Proposals should not be accepted

#### Development Applications Policy and Legislation Considerations

Development applications for land uses requiring the supply of water continue to be assessed under clause 6.11 Essential Services of the *Palerang Local Environmental Plan 2014*. As detailed in the Palerang Communities IWCM, development applications for infill development within the existing urban zoned areas of Bungendore are within the capacity of the 50<sup>th</sup> percentile differential between a normal and dry year. This means that at full development of Elm Grove Stages 1 and 2 as well as the anticipated infill, Council's entitlement in a repeat of a 2019/2020 year would probably be exceeded by up to 48ML (or by 10%). If there are development applications for a high-water consumption uses within Bungendore, they will need to be reviewed carefully and a determination made as to the availability within the existing water supply to service them.

#### Financial, Budget and Resource Implications

Planning proposals and Scoping Proposals are subject to the payment of fees. The uncertainty of securing a supplementary source of potable water supply for the future rezonings for Bungendore mean that the current Scoping Proposals and Planning Proposals cannot be progressed. This raises the issue of payment and reimbursement of fees.

#### Planning Proposal fees

The Bungendore East Planning Proposal fees were confirmed at Council's Planning and Strategy Meeting on 10 June 2020 (Attachment 2 – PLA070/20) where Council resolved that:

*"...f. The applicant pays the fees for the processing of the planning proposal that would have applied under the former Palerang Council Fees and Charges, indexed to the current financial year."*

Initial fees were paid, and the next fees are due at the Public Exhibition milestone. These fees are based on the hours worked and currently amount to 169 hours equating to \$46,767. In light of the uncertainty of the progression of the Planning Proposal, the response from the Department, and the potential for the Gateway timeframe not being extended with the risk of the applicant being required to recommence the process, Council has the following options:

1. to charge the fee to date (\$46,767)
2. forgo the fees accumulated to date
3. charge the fees as per Council's 2022/23 Operational Fees and Charges (\$47,244 plus \$178 per hour after 280 hours) when the Planning Proposal process recommences. This option assumes the Department of Planning and Environment decline to issue a further Gateway extension of time.

#### 9.4 Bungendore Water Security - Structure Plan/Current Planning Proposals and Scoping Proposals (Ref: ; Author: Hansen/Carswell) (Continued)

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##### Scoping Proposals

Currently there are three scoping proposals lodged with Council. One where fees have been paid and two where the invoice for payment is yet to be issued. As both cannot progress at present, the following options are available to Council:

1. continue to invoice and charge as normal
2. cease accepting Scoping Proposals for residential purposes for Bungendore until a supplementary source of potable water for Bungendore is arranged
3. reimburse charges/and or provide credits (where payment has been made) for current scoping proposals for residential purposes for Bungendore once they can resume the process.

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

The relevant land use Strategic Plans are the *Queanbeyan-Palerang Local Strategic Planning Statement*, the South East and Tablelands Regional Plan 2036, the draft South East and Tablelands Regional Plan 2041 (on exhibition until 23 September 2022) and the State Infrastructure Strategy 2022-2042.

The *Queanbeyan-Palerang Local Strategic Planning Statement* and the South East and Tablelands Regional Plans both anticipate growth for Bungendore and link that growth to a secure water supply.

The current the South East and Tablelands Regional Plan 2036 states that:

*An acceptable reticulated water supply is required for any new land release or an increase in housing densities in existing areas. The provision of potable water must conform to the following water planning principles:*

- *a reliable supply to provide certainty for consumers (both residential and other);*
- *an affordable water supply in terms of both capital and recurring costs; and*
- *a quality of supply that meets relevant health standards.*

The draft South East and Tablelands Regional Plan 2041 goes further and identifies on pages 25 and 62 that:

*Resolution of infrastructure deficiencies and water security will be a key focus [for the Capital Subregions which includes QPRC].*

*The State Infrastructure Strategy 2022-2042 identifies the need to improve water security and quality in regional NSW...*

*However, the current local water utility entitlements, particularly surrounding the ACT, are not sufficient to meet future demand from the potential population growth. Establishing close, inter-jurisdictional planning for infrastructure delivery and service provision will address the barriers for water security in areas such as Yass, Murrumbateman and Bungendore.*

The draft South East and Tablelands Regional Plan also then puts forward the following priority action:

##### **Action 10.1 (Priority)**

*Explore the development and implementation of a sub-regional water strategy for the Capital subregion that addresses water security, infrastructure provision and allocation.*

*Stakeholders*

**9.4 Bungendore Water Security - Structure Plan/Current Planning Proposals and Scoping Proposals (Ref: ; Author: Hansen/Carswell) (Continued)**

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- *Department of Regional NSW, NSW Office of the Cross-Border Commissioner, Water NSW, Department of Premier and Cabinet and other NSW Government agencies where relevant*
- *Yass Valley, Queanbeyan - Palerang and Goulburn - Mulwaree Councils*
- *ACT Government.*

This action is supported, and the urgency should be conveyed to the NSW Government to ensure that the housing supply anticipated and planned for in good faith in the *Bungendore Structure Plan 2048* can be realised as planned. To this end it is recommended that Council formally request advocacy and support from the NSW Government. This is particularly relevant as the State Infrastructure Strategy 2022-2042 also affirms the importance and priority of secure water supplies including in regional areas.

The State Infrastructure Strategy 2022-2042 states:

*Completing strategic planning for each catchment across the State should remain an important priority of the NSW Government. The Government should also begin to plan in earnest for each new infrastructure project it identifies. It is essential that the Government progresses implementation of the State, metropolitan and regional water strategies to improve water security before the next drought occurs.*

...

*It is critical that water resources are shared equitably and responsibly to ensure economic growth in regions without compromising the health and resilience of natural water systems.*

...

*The NSW Government has also implemented the Safe and Secure Water Program which is investing in upgrades to infrastructure (such as bores, pipelines and treatment plants) that will assist LWUs with the provision of safe and reliable water for regional communities. In certain cases, this work is supported by the Public Works Advisory to ensure community needs and public health are protected.*

The Safe and Secure Water Program is a source of funding for Council to pursue and support and advocacy from the NSW Department of Planning and Environment should be requested to emphasise Council's case for Bungendore, especially as it endorsed the growth planned for Bungendore by endorsing the *Bungendore Structure Plan 2048*.

**Conclusion**

Currently the residential growth for Bungendore that was identified by Council's adopted *Bungendore Structure Plan 2048* in February 2020 and then endorsed by the Department of Planning, Industry and Environment in September 2020, cannot be realised due to the limited future Water Allocation.

Licences issued by the NSW Government are not being able to be implemented in the subsequent Works Approvals. This means that the current Bungendore East Planning Proposal Council has been progressing through the agency consultation stage, cannot proceed. Advice to that effect has been received from the Department of Planning and Environment. It also means that the Scoping Proposals for residential purposes in Bungendore are also unable to be progressed.

Land already zoned for residential purposes and the infill residential subdivision that can occur on them under the current *Palerang Local Environmental Plan 2014*, may still be considered for development consent where a development application is lodged as the current water supply for Bungendore has conditional capacity for the existing zoned land.

**9.4 Bungendore Water Security - Structure Plan/Current Planning Proposals and Scoping Proposals (Ref: ; Author: Hansen/Carswell) (Continued)**

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In the interim until a supplementary source of potable water is secured for the growth of Bungendore, no further Scoping Proposals, Planning Proposals or rezoning enquiries should be supported or encouraged. Proposals currently lodged with Council should not progress.

Council should receive a further report in relation to the refunding or otherwise of fees for Scoping and Planning Proposals already received by Council for proposals in Bungendore that now cannot progress.

**Attachments**

Attachment 1      Bungendore Structure Plan 2048 (*Under Separate Cover*)



Attachment 2      Relevant Resolutions (*Under Separate Cover*)



9.5 Fixing Country Roads 2022 (Author: Hansen/Cooke)

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File Reference: 31.1

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**Recommendation**

**That Council nominate the rehabilitation of Nerriga Road for grant funding through the Fixing Country Roads 2022 application process.**

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**Summary**

The NSW Governments \$543 million Fixing Country Roads Program is now open. There is no set minimum or maximum funding amount for a single project, nor are there specific allocations for each stream. Applicants can apply for up to 100 per cent of the value of the project, but co-contributions from council, industry and Australian Government programs are strongly encouraged.

**Background**

To be eligible, projects must comply with the following checklist:

- Are you an eligible local government body listed at the end of this document or a Joint Organisation of Councils (JOCs) representing an eligible council?
- Is the project on the local or regional road network?
- Does the project improve the movement of freight?
- Is your project supported by industry or industry organisations?
- Can you confirm that all costs to complete the project as per the outlined scope have been included in this application?
- Can construction commence within 18 months from receipt of a successful project letter and delivered within 24 months of starting construction?
- Does the project have a Benefit to Cost Ratio (BCR) greater than 1?

Staff recommend the reconstruction and sealing of the 4.7km Ningee Nimble section of Nerriga Road be submitted for funding for \$10.10m as part of the Fixing Country Roads 2022 and an additional \$1.0m be submitted to undertake much required pavement rehabilitation works.

**Report**

Nerriga Road (MR92) is recognised as a regionally important freight transport link for goods, quarried materials and stock between Nowra, Braidwood, Queanbeyan, Canberra and the Monaro Highway. It also forms an important transport link between the ACT, south-western NSW, southern Australia and the South Coast of NSW including the Port of Eden and Port Kembla.

Council has reconstructed and sealed approximately 11.42km of Nerriga Road as part of the Monaro Palerang Roads Package. TfNSW has agreed to allow Council to allocate any unspent funds from the \$70m Monaro Palerang Roads Package on the reconstruction and seal of the Ningee Nimble section of Nerriga Road. With only the Kings Highway and Nerriga Road intersection remaining to be completed, Council estimate that there is \$3.80m remaining in

**9.5 Fixing Country Roads 2022 (Author: Hansen/Cooke) (Continued)**

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the package to be allocated to Ningee Nimble. These funds can be used as a co-contribution towards the overall cost to reconstruct and seal the last remaining unsealed section of Nerriga Road.

Improving regional freight connectivity is a major focus of the Fixing Country Roads 2022 funding. Nerriga Road meets all of the funding requirements for the grant and with the inclusion of the \$3.80m Monaro Palerang Roads package funding as a co-contribution, this should allow for a strong application to be submitted.

**Financial, Budget and Resource Implications**

The reconstruction and seal of the 4.7km Ningee Nimble section of Nerriga Road has been estimated to cost \$13.90m. Funding available for this project in the Monaro Palerang Roads Package is estimated at \$3.80m. Funding required to complete the reconstruction and seal of the 4.7km section through the Fixing Country Roads program is \$10.10m.

An additional \$1.0m is required to undertake much needed pavement repairs on the existing sealed sections of Nerriga Road. If successful, this funding will be added to the already committed \$1.0m to undertake repairs. Committed funds include Extractive industries Section 94 funds and Council endorsed Local Government Recovery Grant funds.

**Links to QPRC/Regional Strategic Plans**

The business case created by TfNSW as part of the Monaro Palerang Roads Package identified the following plans and strategies that the upgrade of Nerriga Road complements:

**NSW Freight and Ports Strategy**

The NSW Freight and Ports Strategy aims to create a transport network where goods move efficiently to their markets. This proposal contributes to the following freight-specific objectives and reflects the importance of the freight transport network in creating a competitive and productive NSW economy.

- Delivery of a freight network that efficiently supports the projected growth of the NSW economy – the proposed investment in Nerriga Road will provide an alternative, viable and practical HML standard transport route across the escarpment from the Illawarra-Shoalhaven region. The upgraded link will improve productivity, efficiency and reliability of travel for freight to and from the South Coast region between southern Wollongong and Ulladulla.
- Balancing of freight needs with those of the broader community and the environment by providing increased capacity for all road users. The upgrade will provide additional support for freight movements while also delivering a higher standard of road that will provide positive road safety outcomes.

**Heavy Vehicle Safety & Productivity Program**

The HVSP is an Australian Government initiative to fund infrastructure projects that improve productivity and safety outcomes of heavy vehicle operations across Australia. The proposed investment on MR92 aligns with this Australian Government Programme in that it would

**9.5 Fixing Country Roads 2022 (Author: Hansen/Cooke) (Continued)**

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enhance the capacity of the existing road, improve a freight network interconnection and improve safety for high productivity vehicles.

From a regional perspective, the proposed investment on Nerriga Road also:

- Forms part of the “Route Beyond Nerriga” corridor adopted by South East Australian Transport Strategy Inc (SEATS, of which all proponent Councils are members)
- Addresses issues contained in the RDA South Inland Regional Plan 2013-2016 and RDA Far South Coast Strategic Regional Plan 2013- 2018 namely, the need to support business and industry sector development, development of transport infrastructure and services and broadening the economic base of the area.

**Conclusion**

QPRC is eligible to apply for Fixing Country Roads 2022 funding, with applications closing on 14 October 2022. It is recommended that Council submit an application for the reconstruction and sealing of the 4.7km Ningee Nimble section of Nerriga Road for \$10.10m and an additional \$1.0m for sealed pavement repairs on Nerriga Road as part of the competitive Fixing Country Roads program.

**Attachments**

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





9.6 Ellerton Drive Extension Post Construction Noise Assessment (Ref: ; Author: Hansen/Ramsland)

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File Reference: 104672

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**Recommendation**

**That Council:**

- 1. Note the Post Construction Noise Compliance Assessment report for the Ellerton Drive Extension (EDE).**
  - 2. Proceed with the installation of treatments to the additional floors identified in the Post Construction Noise Compliance Assessment for the EDE.**
  - 3. Receive a further report detailing options to extend the assessment to properties adjacent to the EDE that are currently below the noise criteria set by the NSW Road Noise Policy.**
- 

**Summary**

A noise assessment was completed to evaluate the performance and effectiveness of the constructed noise mitigation measures for Ellerton Drive by comparing post-construction road traffic noise levels with the original (2017) predicted/forecasted noise levels. The noise mitigation measures which were built as part of the project included the use of quieter road pavement, noise barriers at some locations along the project as well as treatments at some homes.

The post construction noise assessment work concluded that the volume of traffic using Ellerton Drive is significantly higher than forecasted in the 2017 noise model. This has led to higher noise levels and a larger number of homes that require treatment.

**Background**

The Ellerton Drive Extension (EDE) project involved the extension of Ellerton Drive between Mowatt Street and Cooma Street. A noise assessment was completed in 2017 which predicted the expected noise levels at properties along the road corridor before the road opened to traffic and made recommendations on the road pavement, noise barrier heights and locations to be built as part of the project, as well as properties required further treatment.

Noise assessments of road projects are undertaken prior to construction (noise predictions) as well as within one year of road opening (actual noise) and for a future design year, usually 10 years after road opening. The current work is for post construction (one year after road opening) and updates the predicted noise levels for the 10 year period after road opening.

Transport for NSW's Noise Model Validation Guideline (NMVG) contains the procedures for assessing post-construction operational road traffic noise levels. In accordance with the NMVG, Council's noise consultant undertook noise measurements by conducting monitoring at representative locations along the project, together with traffic counting to develop a post-construction noise model. The results of this model are then compared to the criteria set in the NSW road noise policies that applied at the time the project was approved.

### 9.6 Ellerton Drive Extension Post Construction Noise Assessment (Ref: ; Author: Hansen/Ramsland) (Continued)

The road noise policy that applied to the EDE project is the current/2011 NSW Road Noise Policy (RNP). The RNP assessment criteria that applies to the EDE project is:

Road Category	Type of Project/Land Use	RNP Assessment Criteria	
		Day (dBA)	Night (dBA)
Sub-Arterial Road	Existing residences affected by noise from new sub-arterial road	55	50
	New road corridor	Existing traffic +12 (external)	Existing traffic +12 (external)
	Places of worship	40 (internal)	40 (internal)

The post construction noise assessment work concluded that due to the higher than expected traffic volumes using the EDE, the noise levels are higher, and more homes require treatment.

#### Report

The post construction noise assessment for Ellerton Drive identified that the number of property treatments are as follows:

Treatment Category	Criteria	Treatment	Pre-Construction No. Eligible Receiver Floors	Post-Construction No. Eligible Receiver Floors (additional)
Category 1	External noise levels exceed: Day – 50 dBA Or Night – 45 dBA	Windows are required to be closed as mitigation measure. Mechanical ventilation is required to be provided to meet fresh air requirements.	41	105 <sup>1</sup>
Category 2	External noise levels exceed: Day – 60 dBA Or Night – 55 dBA	Category 1 treatment plus: Upgraded façade elements (ie. increased glazing/door thickness, acoustic seals etc) are likely to be required to achieve appropriate internal Noise levels.  Each dwelling should be inspected to determine appropriate mitigation based on predicted worst case noise levels and the existing construction of building	0	11 <sup>1</sup>

Note 1: Total includes properties already with noise reducing glazing as required under their DA.

**9.6 Ellerton Drive Extension Post Construction Noise Assessment (Ref: ; Author: Hansen/Ramsland) (Continued)**

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Letters were sent to property owners along the road corridor to advise of the recommendations for their property with an invitation to attend a community drop-in session where they could ask staff questions about the noise assessment and/or the next steps to get treatments to their homes.

Some of these property owners do not agree with the recommended treatments and are either seeking additional/higher level of works or compensation for what noise mitigation measures they have installed themselves at their cost.

In addition to the properties identified in the Post Construction Noise Compliance Assessment for treatment, the owners of other properties that have not be identified in the Assessment have contacted Council concerned with the level of noise being experienced at their properties.

Further investigation is required to determine noise treatments that may be applied to these properties, but this work is unable to be funded as part of the current work.

**Risk/Policy/Legislation Considerations**

The noise policy that applied to the Ellerton Drive Extension project approval is the current NSW Department of Environment, Climate Change and Water's (now EPA) *NSW Road Noise Policy* (RNP). The RNP aims to identify the strategies that address the issue of road traffic noise from existing roads, new road projects, road redevelopment projects and new traffic generating developments.

The RNP also defines criteria to be used in assessing the impact of such noise. The RNP criteria that were set acknowledge the balance that is required between providing efficient road transport infrastructure and minimising the adverse impacts of traffic noise to adjacent properties. Noting that the state's road system contributes to the economic and social wellbeing of the people of NSW. At the same time, road traffic noise can have a significant impact to the community.

**Financial, Budget and Resource Implications**

The property treatment work recommended by the post construction noise assessment can be funded from the balance of the \$86million project budget.


**Links to QPRC/Regional Strategic Plans**

Ellerton Drive Extension was recommended to be built as a new road link within the Queanbeyan Traffic Study.

**Conclusion**

A post construction noise assessment was carried out within one year of the Ellerton Drive Extension project opening to traffic. This work identified that the traffic volumes using the road are significantly higher than forecasted in the 2017 pre-construction noise model. As a result noise levels are higher and the number of homes requiring treatments has increased.

**Attachments**

Attachment 1  EDE Post Construction Noise Assessment Report (*Under Separate Cover*)

9.7 Edwin Land Parkway Noise Assessment (Ref: ; Author: Hansen/Ramsland)

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File Reference: 104671

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**Recommendation**

**That Council:**

- 1. Note the 2019 Edwin Land Parkway Noise Assessment report.**
  - 2. Consider funding an amount of \$50,000 for the cost of installing mechanical ventilation systems at the properties and floors identified in the report in the 23/24 budget.**
  - 3. Receive a further report detailing options to extend the assessment to properties adjacent to the Edwin Land Parkway that are currently below the noise criteria set by the NSW Road Noise Policy.**
- 

**Summary**

A noise assessment was completed to evaluate whether the actual noise levels along the road corridor of Edwin Land Parkway (ELP) in Jerrabomberra are within the NSW road noise policy criteria.

The assessment found that the properties experiencing noise levels above the noise criteria are located to the east of Stringybark Drive where the lower/more stringent “new road” criteria applied and were mainly for rooms on the upper floor of two-storey homes.

These properties were inspected for the current building envelope’s ability to reduce noise and make recommendations on acoustic treatments that would/could apply to these properties to achieve the internal criteria.

**Background**

The Edwin Land Parkway Stage 2 project was the construction of a new road link between Stringybark Drive and Cooma St. No road upgrades were undertaken to the existing section of Edwin Land Parkway between Tomsitt Drive and Stringybark Drive, however this section of road was included in noise assessments after feedback from the community.

Noise assessments of road projects are undertaken prior to construction (noise predictions) as well as within one year of road opening (actual noise) and a future design year, usually 10 years after road opening.

A noise assessment was undertaken in 2009 (before new road section opened) which predicted the expected noise levels at properties along the road corridor before the road opened to traffic and made recommendations on the road pavement, noise barrier heights and locations to be built, as well as any properties that may require further treatment. As a result, the design and construction of the project included quieter road pavement to the East of Stringybark Drive, noise walls on the southern side of the new section of ELP and upgraded fences to sections of the northern side of the new section of ELP. No property treatments had been identified at the time.

A post construction noise assessment was completed in 2013 (within one year of new road section opening) to evaluate the performance and effectiveness of the constructed noise

### 9.7 Edwin Land Parkway Noise Assessment (Ref: ; Author: Hansen/Ramsland) (Continued)

mitigation measures for ELP Stage 2 by comparing the actual traffic noise to the (2009) predicted/forecasted noise levels. This assessment concluded that noise levels from the ELP at adjacent properties were within the noise limits and no further action was taken.

Following concerns raised by the Jerrabomberra community, a check of noise levels from the ELP was completed in 2019 and for the year 2022, which is 10 years after opening the new section of the ELP.

Transport for NSW's Noise Model Validation Guideline (NMVG) contains the procedures for assessing post-construction operational road traffic noise levels. In accordance with the NMVG, Council's noise consultant undertook noise measurements by conducting noise monitoring at representative locations along the project, together with traffic counting to develop a post-construction noise model. The results of this model are then compared to the criteria set in the NSW road noise policy that applied at the time the project was approved.

The road noise policy that applied to the ELP Stage 2 project at the time of project approval was the NSW Environment Protection Authority's Environmental Criteria for Road Traffic Noise (ECTRN). The assessment criteria that applies to the project are:

Section of ELP	Type of Project/Land Use	Noise Assessment Criteria	
		Day (dBA)	Night (dBA)
Tomsitt Drive to Stringybark Drive	Existing residences affected by additional traffic on existing road	60	55
East of Stringybark Drive	Existing residence affected by noise from a new road	55	50

#### **Report**

The current noise assessment for Edwin Land Parkway identified that the properties experiencing noise levels above the noise criteria are located to the east of Stringybark Drive where the lower/more stringent "new road" criteria applies and are mainly for rooms on the upper floor of two-storey homes.

These properties were inspected for the current building envelope's ability to reduce noise and make recommendations on acoustic treatments that would/could apply to these properties to achieve the internal targets for habitable rooms.

The property inspections found that the existing building envelopes are expected to provide sufficient road noise reduction to achieve the internal noise targets.

Mechanical fresh air ventilation (that does not compromise sound insulation through the building envelope and that meet Building Code of Australia requirements) are recommended as the treatment for these properties. Installation of further noise barriers is not feasible considering the treatments are for first floors of two-storey properties plus one isolated single storey home.

Letters were sent to property owners along the road corridor to advise of the recommendations for their property.

**9.7 Edwin Land Parkway Noise Assessment (Ref: ; Author: Hansen/Ramsland)  
(Continued)**

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In addition to the properties identified in the 2019 Edwin Land Parkway Noise Assessment report for treatment, the owners of other properties that have not been identified for treatment in the Report have contacted Council concerned with the level of noise being experienced at their properties. Concerns from residents have identified deceleration and acceleration adjacent to the Numeralia/Stringybark/ELP roundabout along with noise from heavy vehicles using the road especially at night or early morning.

Further investigation is required to determine noise treatments that may be applied to these properties and additional funds are required to complete this work.

**Risk/Policy/Legislation Considerations**

The applicable noise policy for the Edwin Land Parkway Stage project was the NSW Environment Protection Authority's Environmental Criteria for Road Traffic Noise (ECTRN).

**Financial, Budget and Resource Implications**

There is no current budget for the installation of treatments at properties identified in the noise assessment for Edwin Land Parkway. This work will need to be considered as part of future budget considerations.

**Links to QPRC/Regional Strategic Plans**

Edwin Land Parkway Stage 2 was recommended to be built as a new road link within the Queanbeyan Traffic Study.

**Conclusion**

At the request of the community, a noise assessment for Jerrabomberra properties along Edwin Land Parkway was undertaken in 2019 to assess whether properties were experiencing noise levels above the NSW noise criteria. This work identified that the properties experiencing noise levels above the noise criteria are located to the east of Stringybark Drive where the lower/more stringent "new road" criteria applied and are mainly for rooms on the upper floor of two-storey homes. Building inspections of these properties concluded that the building envelopes would sufficiently reduce internal noise levels to the targets and thus mechanical ventilation to provide fresh air to the applicable habitable rooms are recommended.

There is no current budget for the installation of mechanical ventilation systems at properties identified in the current noise assessment for Edwin Land Parkway. This work will need to be considered as part of future budget considerations.

**Attachments**

Attachment 1      ELP Post Construction Noise Report 2020 (*Under Separate Cover*)



Attachment 2      ELP Rosewood Glen Noise Memo (*Under Separate Cover*)



Attachment 3      ELP Property Treatment Report 2022 (*Under Separate Cover*)



9.8 Classification of Lot 4 DP1271857 as Operational Land (Ref: ; Author:  
Hansen/Belcher)

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File Reference: 33.2.3

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**Recommendation**

**That, in accordance with section 31 of the *Local Government Act*, Council classify 230 Envirova Drive Envirova (Lot 4 DP 1271857) as Operational land.**

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**Summary**

Lot 4 DP 1271857 has been gifted to Council as part of the South Jerrabomberra subdivision. The land is known as 230 Envirova Drive Envirova and contains a sewer pump station constructed to service the South Jerrabomberra subdivision.

This report recommends that Council classify the subject land as Operational Land in accordance with section 31 of the *Local Government Act*. It further recommends that the land be vested in the ownership and management of the Queanbeyan sewer fund.

**Background**

To cater for growth in the South Jerrabomberra area, Village Building Company were required to construct a sewer pump station and then gift that pump station and associated land to Council. While the pump station has been under the care and control of Council for approximately 9 months, the transfer of land has only recently occurred.

**Report**

Upon receipt of land, either through purchase or gifting, Council is required to classify land in accordance with section 31 of the *Local Government Act*. Council was gifted the land known as Lot 4 DP 1271857 on 18 August 2022 and will need to classify the land as Operational Land by 18 November 2022. If no classification is made by this date, the land will automatically be classified as Community Land and several limitations and requirements will come into effect on the subject land.

9.8 Classification of Lot 4 DP1271857 as Operational Land (Ref: ; Author: Hansen/Belcher) (Continued)

The location of the land is shown in the following image.

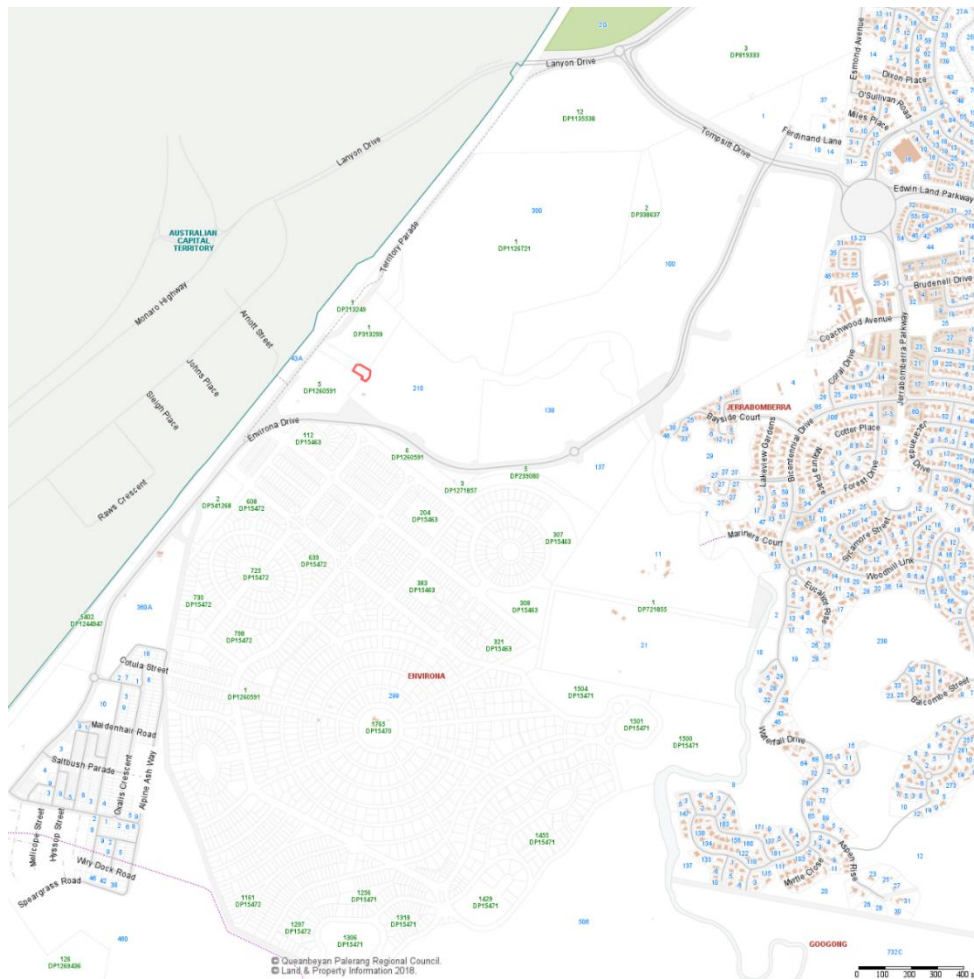
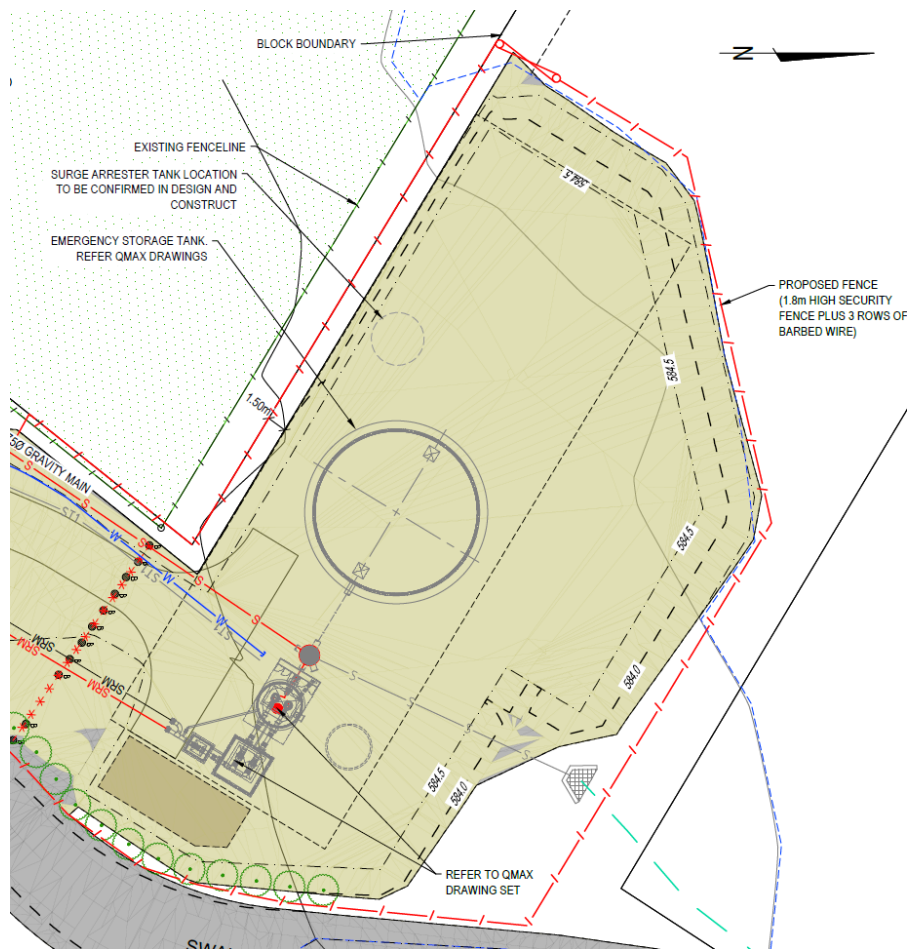


Figure 1 – Local context of Lot 4 DP 1271857 (shown by the red outline)

The land has been gifted to Council following construction of a sewer pump station to service the South Jerrabomberra development area. The land contains the sewer pump station, an emergency storage vessel and associated electrical and mechanical infrastructure. The layout of the pump station is shown in the following image. The subject land is entirely enclosed by security fencing to prevent damage to Council infrastructure and to manage public safety risks.



## 9.8 Classification of Lot 4 DP1271857 as Operational Land (Ref: ; Author: Hansen/Belcher) (Continued)



**Figure 2 – Lot layout (Lot boundary shown approximately by the red outline)**

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

Land acquired (whether purchased or gifted) must be classified as either Operational or Community land in accordance with section 31 of the *Local Government Act*. If a classification is not made within 3 months of acquisition, the land is taken to be classified as Community Land.

The resolution seeks to classify the subject lot as Operational Land. Land related to sewer operations is commonly classified as Operational Land.

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

The resolution relates to the classification of the land and has no direct impact on finances, budget or resources.

Management of the subject land and associated sewer pump station will be undertaken by Council's Utilities branch using existing resources. The Queanbeyan sewer fund has appropriate provision for funding the on-going operation and maintenance of the pump station and land.

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

Nil

9.8 Classification of Lot 4 DP1271857 as Operational Land (Ref: ; Author:  
Hansen/Belcher) (Continued)

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**Conclusion**

Council is required to classify land as Operational or Community within three months of acquisition. This report recommends that Lot 4 DP 1271857 be classified as Operational Land.

**Attachments**

Nil

9.9 Draft Financial Statements 30 June 2022 - refer to Audit (Author:  
Monaghan/Sullivan)

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File Reference: 43.6.3-06

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**Recommendation**

That Council:

1. Refer the 2021/22 Financial Statements to audit in accordance with section 413(1) of the *Local Government Act 1993*.
  2. Note that the 2021/22 financial statements have been prepared in accordance with:
    - a. The *Local Government Act 1993* and regulations made thereunder
    - b. The Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board
    - c. The Local Government Code of Accounting Practice and Financial Reporting.
  3. Note that the 2021/22 financial statements present fairly the operating result and financial position and accord with Council's accounting and other records.
  4. Is not aware of any matter that would render these statements false or misleading in any way.
  5. Delegates authority to the Mayor, Deputy Mayor, CEO and Responsible Accounting Officer to sign the Statement by Councillors and Management for the General Purpose Financial Statements and Special Purpose Financial Statements.
  6. Delegate authority to the CEO to issue the financial statements upon receipt of the audit report.
- 

**Summary**

The Financial Statements for the year ended 30 June 2022 have been completed to draft stage.

The Audit Office is expected to complete the audit and issue the Independent Auditors Report by 26 October 2022, with the final statements and audit report to be presented to Council on 23 November 2022.

**Background**

The statement preparation process has been overseen by Council's Audit, Risk and Improvement Committee Financial Statements Subcommittee (FSSC), who has met with Council officers throughout the project period to monitor progress against the workplan, issues and risks. The FSSC has been able to provide Council with high level assurance regarding the processes and controls followed by staff in the preparation financial statements, and to ensure the Audit, Risk and Improvement Committee (ARIC) has remained informed of all significant issues that could affect the financial statements.

### 9.9 Draft Financial Statements 30 June 2022 - refer to Audit (Author: Monaghan/Sullivan) (Continued)

#### Report

On finalisation of audit and receipt of the audit report, the financial statements will be made available to the public and advertised in accordance with the *Local Government Act (1993)*. Council's Auditors will be invited to present their findings to the 23 November Council meeting.

#### Operating Result

Council's consolidated operating result (after capital) is a deficit of \$785k.

Council's operating result by fund is:

General Fund - \$8.3m deficit

Water Fund - \$2.9m surplus

Sewer Fund - \$4.7m surplus

This result is an improvement on last year's consolidated deficit of \$7.9m which was affected by an accounting adjustment to recognise the Council's tip restoration provision.

The deficit is driven by several factors including a significant increase in annual depreciation of assets due to the recognition of new developer gifted assets, (15% variance to budget). In addition, revenue from investment declined against prior years and budget due to poor market performance of managed funds.

#### Cash and Investments

Council recorded a total balance of cash, cash equivalents and investments at 30 June 2022 of \$213M. Whilst overall cash and investments increased by \$20M during the year, the increase relates to externally restricted cash.

Council recorded a net receivables balance of \$32M at 30 June 2022, an increase of \$4M from 30 June 2021. This is attributed to an unusually high value of fees for State Roads contract work owed to Council by the NSW government as at 30 June 2022.

#### Financial Performance

	2022	2021	2020	Benchmark
Operating Performance Ratio	2.15%	-2.77%	3.11%	> 0
Own Source Revenue Ratio	46.6%	49.93%	50.78%	>60%
Unrestricted Current Ratio	1.32x	1.64x	1.57x	>1.5x
Debt Service Cover Ratio	4.82x	4.00x	3.84x	>2x
Rates and Annual Charges Outstanding	8.58%	9.25%	9.74%	<10%
Cash Expense Cover Ratio	9.46 months	8.10 months	7.44 months	>3 months

The operating performance ratio measure's Council's ability to fund operational expenditure with operational revenue. Council's operating performance ratio is above the break-even benchmark, reflecting that QPRC as a consolidated entity contained expenditure within revenue for the year ending 30 June 2022.

**9.9 Draft Financial Statements 30 June 2022 - refer to Audit (Author: Monaghan/Sullivan) (Continued)**

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However, the positive performance includes one-off timing differences as follows:

1. Additional amount of financial assistance grant received in advance which has improved the 2021-22 operating result by \$1.9M.
2. Late reimbursement of \$780k fire fighting expenses incurred in 2019-20 by the RFS for Council's direct costs in the Black Summer bushfire fighting.

Own source revenue measures the extent to which Council relies on external sources (i.e. grants and contributions) for revenue. Own source revenue remains below the benchmark of 60%, indicating that Council continues to attract a high level of grants from external organisations to fund local community projects and services; and that it is at risk of becoming dependent upon external income for the provision of services.

The unrestricted current ratio is a measure of Council's ability to service its current liabilities; and it includes Council's cash as well as current receivables. Council's unrestricted current ratio has fallen below the benchmark of 1.5x and shows how close council is to falling below a ratio of 1.0 – at which time it will have insufficient current assets to pay its current debts. This ratio is a critical measure and combined with the general fund operating deficit over several years indicates a risk to Council's short term financial sustainability.

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

The Rates and Annual Charges outstanding ratio rose in 2020 in conjunction with Council's decision to grant additional financial hardship relief to ratepayers that were affected by natural disasters (fire, flood, drought and pandemic), this policy continues in the 2022 year and ratepayers are able to make repayments over an extended period on interest free terms. With hardship policy support and ongoing regular debt recovery actions having resumed, this ratio has decreased to the lowest since 2019.

The Cash Expense Cover ratio indicates the number of months Council could continue to pay its immediate expenses without additional cash inflow. It must be noted that the Cash Expense Cover ratio makes an assumption that all cash is available to Council, regardless of external restrictions in place. In future years Council will advise the Office of Local Government (OLG) to update this ratio to take cash restrictions into account to more accurately reflect Council's actual ability to use its cash and investments for operational expenditure.

**9.9 Draft Financial Statements 30 June 2022 - refer to Audit (Author: Monaghan/Sullivan) (Continued)**

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**Risk/Policy/Legislation Considerations**

Section 413 of the *Local Government Act* requires a resolution of Council to refer the draft financial statements to audit.

Section 413 (2c) requires a resolution of Council that the annual financial statements have been prepared in accordance with:

- The *Local Government Act 1993* (as amended) and the Regulations made there under
- The Australian Accounting Standard and professional pronouncements,
- The Local Government Code of Accounting Practice and Financial Reporting.

and that, to the best of their knowledge and belief, the financial statements present fairly the operating result and financial position and accord with Council's accounting and other records.

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

**Financial, Budget and Resource Implications**

The cost of undertaking the external independent is included in the Operational Plan with a budgeted expenditure of \$157k.

**Conclusion**




As required by legislation, Council should refer the annual financial statements for audit, and to resolve its opinion about the compliance of the Financial Statements, in the prescribed format.

The NSW Audit Office conducted an interim audit, including an assessment of the effectiveness of Council's internal controls as they relate to the risk of misstatement in the financial statements. No new audit findings were reported as a result of the Interim Audit.

The Audit Risk and Improvement (ARIC) subcommittee FSSC has met with staff to oversee the preparation of the 2022 financial statements and have oversight of risks and issues.

Additionally, in order to provide confidence to the Council, the FSSC has requested the CFO provide direct assurance over the content of the member's statement, provided as a memo, attached to this report.

**Attachments**

- |   |  |
|---|--|
| Attachment 1<br> | Draft General Purpose Financial Statements 2021-22 ( <i>Under Separate Cover</i> )       |
| Attachment 2<br> | Draft Special Purpose Financial Statements 2021-22 ( <i>Under Separate Cover</i> )       |
| Attachment 3<br> | Assurance of the Preparation of the Financial Statements ( <i>Under Separate Cover</i> ) |

9.10 Sustainable Procurement and Contracts Policy (Ref: ; Author:  
Monaghan/Blakey)

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File Reference: 43.7.1-10

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**Recommendation**

That:

1. Council place the Sustainable Procurement and Contracts Policy on public exhibition for 28 days.
  2. If no submissions are received, the policy be adopted.
- 

**Summary**

The Procurement Policy was last adopted in December 2020 and is due for review. The current revision follows the same principles as the previous version but has been rewritten to align with the Procurement and Contract Management Framework Standard for Local Government.

The Framework provides a complete set of resources including templates, tools and training to plan, source and manage procurement. The resources have been designed by ArcBlue with review and input by the 14 founding NSW Councils, including QPRC. Having a consistent policy including procurement thresholds across local government means that QPRC staff can participate in the standard procurement training and use the guided buying tools and templates.

**Background**

The draft *Sustainable Procurement and Contracts Policy* provides the principles to be followed by all Council officers and representatives when purchasing goods and services and managing associated contracts. It follows the same procurement principles adopted in the previous policy, continuing to place emphasis on the quadruple bottom line (QBL):

1. The cost and **economic impact** of the procured product or service,
2. The **environmental** impact,
3. Any **social** and ethical implications, and
4. The application of **good governance**.

The principles and inclusion of local employment outcomes in addition to environmental benefits form part of the QBL and provides strong policy support for local procurement. Local economic outcomes should be considered throughout the entire procurement process and beyond just sourcing.

Local suppliers will benefit from the overall focus on better procurement by QPRC through the 3 broad stages: plan, source and manage. As QPRC applies consistent, good procurement practice to be a local *customer of choice*, this in turn will provide the best chance of reaching successful procurement outcomes that benefit all parties – including providing benefit to local suppliers.

**9.10 Sustainable Procurement and Contracts Policy (Ref: ; Author: Monaghan/Blakey)  
(Continued)**

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**Procurement Thresholds**

The draft Procurement Policy supports the implementation of the new Local Government Contracts and Procurement Standard Framework through adopting the standard procurement thresholds. Threshold consistency across the sector allows the shared development of a standard framework of tools and training across the industry.

Adjusted procurement thresholds are recommended for adoption within the Procurement Policy, and have been developed based on:

- Alignment to the Standard Framework.
- Consultation with stakeholders from 14 local councils who have recommended thresholds that are similar to commonly used levels across the industry.
- Less emphasis on the minimum procurement activities by \$ value threshold and more guidance around responsibilities for making value for money decisions (considering pricing, level of risk, timeliness of supply, quality of supply and efficient processes.)

**Risk / Policy / Legislation Consideration**

The Sustainable Procurement and Contract Management policy complies with:

- a) Local Government Act 1993, Part 3, Division 1, section 55
- b) Local Government (General) Regulations 2005, Part 7, Divisions 1-3, Sections 163-179
- c) Tendering Guidelines for NSW Local Government (October 2009)

**Financial, Budget and Resources implications**

Nil


**Links to QPRC/ Regional Strategic Plans**

Nil

**Conclusion**

The Procurement and Contracts Policy has been reviewed by Council Staff to set the standards by which Council will conduct its procurement activities, that align with the principles of transparency, probity and good governance, and that deliver best value for money while considering environmental, socially, ethical implications and promotion of the local economy.

**Attachments**

Attachment 1  Draft Sustainable Procurement and Contracts Policy (*Under Separate Cover*)



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

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File Reference: 43.6.5-02

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**Recommendation**

**That Council:**

- 1. Receive the Investment Report for the month of August 2022.**
  - 2. Note the investment return for August 2022 was \$153,880.**
  - 3. 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.**
- 

**Summary**

This report presents the investment result for August 2022.

**Background**

In accordance with *Clause 212* of the *Local Government (General) Regulation 2021*, the Investment Report is presented to Council monthly.

**Report**

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

Market Update - The Reserve Bank (RBA) again tightened monetary conditions in Australia by raising the cash rate by 50 basis points to 2.35% at its September 2022 meeting. The Board is expected to continue raising interest rates 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.

Environmental Awareness - 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 (3.6% of the total portfolio) invested in deposits with Westpac which have been deemed suitable to carry the Climate Bonds Standard Certification badge.

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

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**Risk/Policy/Legislation Considerations**

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.

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.

Certified by Josh Staniforth, Responsible Accounting Officer, 16/9/2022.

The Investment Policy was adopted by Council on 9 September 2022 and is due for review in June 2023.

**Financial, Budget and Resource Implications**

Over the last 12 months, Council's portfolio produced an annualised rate of return of -0.80%, underperforming the benchmark Bank Bill Index by -1.17%.

On 31 August 2022, the principal amount invested was \$223,527,698 and the 2022/23 financial year to date return was \$1,331,225 which is 33.4% of Council's 2022/23 budgeted return.

Of the total \$224 million investment portfolio, Council holds \$27 million in TCorpIM long-term and medium-term funds. After a positive start to 2022/23 financial year the Long-term and medium-term funds gave back some of their gains in August with respective falls of -\$79,823 and -\$111,673.

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.

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

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

The following tables show the 31 August 2022 cash and investments balance by fund and by restriction.

<b>Fund</b>	<b>\$</b>
General	96,898,014
Water	41,046,971
Sewer	81,119,252
Trust	98,880
Unrestricted*	4,364,581
<b>Total Cash &amp; Investments</b>	<b>223,527,698</b>

<b>Restriction</b>	<b>\$</b>
Unexpended Loans	11,166,714
Developer Contributions	58,015,540
Unexpended Grants	21,768,886
External Restrictions (Other)	114,022,778
Internal Restrictions	14,189,199
Total Restrictions	219,163,117
Unrestricted*	4,364,581
<b>Total Cash &amp; Investments</b>	<b>223,527,698</b>

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

**Links to QPRC/Regional Strategic Plans**

Financial management, accounting, and reporting are considered in Section 43.6 of QPRC's Operational Plan.

**Conclusion**

On 31 August 2022, the 2022/23 financial year to date investment return amounted to \$1,331,225. 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 - August 2022 (*Under Separate Cover*)



File Reference: 52.5.4

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### **Recommendation**

**That Council rescind the following policies:**

- 1. Water Wise Policy**
  - 2. Former Queanbeyan City Council Sustainable Event Management Policy**
- 

### **Summary**

The attached Policies have undergone a review by the relevant business units and as a result, it has been determined are no longer required as adopted Policies.

### **Report**

Water Wise Policy – Council has historically been subscribed to the Water Wise initiative. The current Water Wise scheme is only attracting very limited applicants and when it does get taken up, the benefit for the investment is low. The alternative is The Water Conservancy, consider more cost effective, enabling a variety of tailored messages to be broadcast to a much wider audience. Council has recently signed up to The Water Conservancy at a cost of \$5,000 for the next 3 years. Therefore, this Policy is now redundant given Council's new subscription to The Water Conservancy.

Queanbeyan City Council Sustainable Event Management Policy – subsumed by QPRC Event Strategy and Event Guide which covers waste management, sound management and sustainable food preparation requirements. Further, Council is also governed by the NSW Premier and Cabinet Event Guidelines (Sustainability Chapter).

### **Conclusion**

Within 12 months of an election, Council must review all Policies. This process is underway and it is recommended that the Water Wise Policy and QCC Sustainable Event Management Policies be rescinded.

### **Attachments**

Attachment 1      Water Wise Policy (*Under Separate Cover*)



Attachment 2      QCC Sustainable Event Management Policy (*Under Separate Cover*)



10.1 Recruitment Senior Staff Position (Ref: ; Author: Ryan/Tozer)

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File Reference: 41.1

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**Recommendation**

**For Council information.**

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**Report**

Council has received formal notification from long-standing and well respected Portfolio General Manager, Natural and Built Character Mike Thompson that he intends retire at the end of 2022. Mr Thompson intends to take six months leave from the end of 2022, before retiring.

QPRC has four senior staff positions, being the Portfolio General Managers of each Portfolio, who are employed under an employment contract based on the standard contract approved by the Office of Local Government (OLG). These roles make up the executive team of QPRC.

A recruitment process is necessary to ensure the demands of the organisation are met, and the replacement appointed for commencement as early in 2023 as possible.

The Chief Executive Officer will seek expressions of interest from local government recruitment agencies, then after assessment and consultation with councillors, engage the most suitable to facilitate the recruitment process.

A selection panel will comprise of the Chief Executive Officer, the Portfolio General Manager Organisation Capability, a Planning and Development specialist member likely from another Council, with the recruitment agency selected acting as an external independent. Once the appointment has been made, Council will receive a report on the outcome of the recruitment process, as per section 337 of the Act which requires the General Manager to consult Council as to the appointment (and dismissal) of senior staff.

It is anticipated that we complete this process and a new Portfolio General Manager will commence early in 2023

Under the current provisions of the Act, the holders of positions determined by Council to be senior staff positions must be employed using standard contracts of between 1–5 years duration. Section 332 of the Act, requires Council, after consulting the General Manager to determine:

1. the senior staff positions within the organisation structure;
2. the roles and reporting lines of the senior staff positions; and
3. the resources to be allocated towards the employment of staff

Resources are allocated by Council's adoption of the Operational Plan and Delivery Program.

In accordance with s333, Council must review and may re-determine, the organisation structure within 12 months after any ordinary election of the council. An internal review is underway, with the intention of the outcomes and endorsement of the organisation structure being reported to Council in early October.

**10.1 Recruitment Senior Staff Position (Ref: ; Author: Ryan/Tozer) (Continued)**

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The structure was last reviewed by Council in November 2020. At this review, the Chief Financial Officer was moved to report to the Portfolio General Manager, Organisation Capability and not the CEO.

Whilst the name of our Portfolio General Managers, the portfolios/directorates and some reporting lines of other areas may change, it is intended that Council maintains the current four departments and that all senior staff position remain.

As we have some three months before the incumbent has retired, it is critical that the recruitment process gets underway.

As per section 338 of the Local Government Act 1993, general managers and senior staff of a Council must be employed under a standard contract. The standard contracts ensure consistency and certainty in employment relationships at the executive level in local government and reflect community expectations by providing greater transparency and accountability.

The Office of Local Government has proposed a new model whereby only the general manager would be employed under a standard contract and all other council staff, including senior executives, would be employed under the Award. Until this proposal is legislated, the employment of a new senior staff position would be under the current arrangements of a Standard Contract of Employment with a five-year contract.

**Financial, Budget and Resource Implications**

The recruitment process is expected to cost in the vicinity of \$20k.

**Links to QPRC/Regional Strategic Plans**

Council has adopted a Workforce Management Strategy (WMS) which forms part of its Resourcing Strategy. The WMS identifies the challenges that Council faces over the coming years and highlights the areas where additional resources are required to ensure service delivery is not compromised. A Workforce Management Plan has been prepared for each Portfolio to estimate likely staff turnover, retirements and change in FTE to accommodate growth in development, facilities and infrastructure.

**Attachments**

Nil

File Reference: 28 September 2022 reports

**Recommendation**

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

**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 8 to 21 September 2022, the following workshops were held:

<b>Date</b>	<b>Workshop Items</b>	<b>External Presenter/s (if applicable)</b>
13/09/2022	<ol style="list-style-type: none"><li>1. Bungendore Water and Bungendore Planning Proposals current and future</li><li>2. Braidwood Depot – Master Plan D&amp;S Motors, Stormwater and Depot Relocation</li></ol>	
20/09/2022	<ol style="list-style-type: none"><li>1. Wombats of the QPRC Region - Presentation by Wombat Support &amp; Rescue NSW/ACT</li><li>2. Claims and Insurances</li><li>3. Sunset Googong Planning Proposal</li></ol>	<p>Yolandi Vermaak and Adam Henderson from Wombat Support and Rescue NSW/ACT</p> <p>Martin Townsend and Lee Capilli from Statewide Mutual</p>
21/09/2022	<ol style="list-style-type: none"><li>1. EV Charging Policy and Locality Plan</li><li>2. SINSW Bungendore High School Project Update</li><li>3. Fixing Country Roads Round 6</li><li>4. Parking and Enforcement Priority Policy</li></ol>	<p>Carlo Bellinato and Scott Nemeth from Schools Infrastructure NSW</p>

**Attachments**

Nil

11.1 QPRC Youth Advisory Committee Meeting Minutes 24 August 2022 (Ref: ;  
Author: Richards/Hansen)

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File Reference: 2.2

**Recommendation**


**That Council:**

- 1. Note the minutes of QPRC Youth Advisory Committee held on 24 August 2022.**
- 2. Change QPRC Youth Advisory Committee Terms of Reference to include eight to twelve Committee members.**

**Summary**

The Committee Chair welcomed and introduced the new members. The Committee discussed and proposed changes to the Terms of Reference. Grant and project opportunities for future consideration were also put forward and the 7-day self-care challenge was announced.

**Attachments**

Attachment 1  QPRC Youth Advisory Committee Minutes 24 August 2022 (*Under Separate Cover*)



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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 Unsolicited Proposal**

*Item 16.1 is confidential in accordance with s10(A) (di) of the Local Government Act 1993 because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**Item 16.2 Tender Recommendation for Crawford, Antill & Erin Intersection Safety Upgrades - Contract 2022-27**

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