



Ordinary Meeting of Council

AGENDA

9 November 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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Confidential - Not for Publication

16 REPORTS FOR CLOSED SESSION

16.1 Review of Expressions of Interest - Community Members for QPRC Heritage Advisory Committee

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

16.2 GM Performance Agreement

Item 16.2 is confidential in accordance with s10(A) (a) of the Local Government Act 1993 because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

17 CONCLUSION OF THE MEETING

LIST OF ATTACHMENTS

Open Attachments

Item 8.1 Rescission Motion

Attachment 1 Notice of Motion of Rescission (Under Separate Cover)

Item 9.1 Modification Application - DA.2020.1154.B - Modification of Consent Relating to Energy Supply - 44 Brooks Road, Bywong

Attachment 1 DA.2020.1154.B - Section 4.55 Assessment Report - 44 Brooks Road, Bywong (Under Separate Cover)

Attachment 2 DA.2020.1154.B - Plans - Proposed Location of Solar Power System - 44 Brooks Road, Bywong (Under Separate Cover)

Attachment 3 DA.2020.1154 - Stamped Subdivision Plans - 44 Brooks Road, Bywong (Under Separate Cover)

Item 9.3 Queanbeyan Sewage Treatment Plant Upgrade Business Case

Attachment 1 Draft Queanbeyan-Sewage Treatment Plant Upgrade Final Business Case (Under Separate Cover)

Item 9.4 Queanbeyan CBD Wayfinding Strategy

Attachment 1 Queanbeyan CBD Wayfinding Strategy (Under Separate Cover)

Attachment 2 Consultation Report - Queanbeyan CBD Wayfinding Strategy (Under Separate Cover)

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

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- Item 9.7 Reviewed Policies
Attachment 1 Compliance Obligations Policy (Under Separate Cover)
Attachment 2 Probity Policy (Under Separate Cover)
- Item 9.8 Audit, Risk and Improvement Committee Charter
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- Item 9.9 Request for Donation for Rates Relief
Attachment 1 Application for rates relief by Kano Jujitsu (Under Separate Cover)
- Item 9.10 Notice of Compensation Bungendore
Attachment 1 Cover letter from SINSW - Acquisition of QPRC Interests (Under Separate Cover)
Attachment 2 Compensation Notice - QPRC Land (Under Separate Cover)
Attachment 3 Compensation Notice - Crown Land (Under Separate Cover)
Attachment 4 VG Determination of Compensation - QPRC Lands (Under Separate Cover)
Attachment 5 VG Determination of Compensation - Crown Lands Manger (Under Separate Cover)
- Item 9.12 Financial Sustainability Options and Revised Long Term Financial Plan
Attachment 1 Draft Revised Long Term Financial Plan 2022-33 (Under Separate Cover)
Attachment 2 IPART Fact Sheet (Under Separate Cover)

Closed Attachments

- Item 16.1 Review of Expressions of Interest - Community Members for QPRC Heritage Advisory Committee
Attachment 1 Minutes of Ordinary Council Meeting 22 June 2022 (Extract) - Item 9.7 Committee Framework, Delegates and Representatives (Under Separate Cover)
Attachment 2 Summary of EOIs submitted for QPRC Heritage Advisory Committee 2022 (Under Separate Cover)
Attachment 3 Assessment Sheet for QPRC Heritage Advisory Committee Applicants 2022 (Under Separate Cover)
Attachment 4 Panel Scores for EOI - QPRC Heritage Advisory Committee 2022 (Under Separate Cover)
- Item 16.2 GM Performance Agreement
Attachment 1 \\qprc\users\$\isolou\Desktop\GM Performance Agreement 2022-23 Draft (Under Separate Cover)



MINUTES OF THE ORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held via Zoom at the Council Chambers, 253 Crawford Street, Queanbeyan on Wednesday, 26 October 2022 commencing at 5.30pm.

ATTENDANCE

Councillors: Cr Winchester (Chairperson)
Cr Biscotti – via Zoom (from 5.32pm)
Cr Burton
Cr Grundy
Cr Livermore
Cr Preston
Cr Taskovski
Cr Ternouth
Cr Webster
Cr Willis
Cr Wilson

Staff: R Ryan, General Manager
P Hansen, Director Infrastructure Services
M Thompson, Director Development and Environment
J Richards, Director Community, Arts and Recreation
K Monaghan, Director Corporate Services

Also Present: W Blakey, Clerk of the Meeting
L Ison, Minute Secretary

1. OPENING

The meeting commenced at 5.30pm.

2. ACKNOWLEDGEMENT OF COUNTRY

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

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

There were no apologies.

422/22

Procedural Motion

RESOLVED (Winchester/Preston)

That Council approve the attendance of Cr Biscotti to the meeting of 26 October 2022 by audio visual link; due to his inability to attend in person.

The resolution was carried unanimously.

Cr Biscotti joined the meeting at 5.32pm.

4. CONFIRMATION OF MINUTES

4.1 Minutes of the Ordinary Meeting of Council held on 12 October 2022

423/22

RESOLVED (Winchester/Livermore)

That the Minutes of the Ordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday 12 October 2022 be confirmed.

The resolution was carried unanimously.

5. DISCLOSURES OF INTERESTS

424/22

RESOLVED (Winchester/Webster)

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

The resolution was carried unanimously.

Cr Wilson declared a pecuniary interest disclosure for Item 9.4: Review of Determination - REV.2022.1002 - Request for Review of Council's Refusal of DA.2020.1109 – Place of Public Worship – 128 Bicentennial Drive, Jerrabomberra, stating he owns an investment property on the neighbouring properties. He proposes to leave the Chamber when the item is being considered.

6. ADJOURNMENT FOR PUBLIC FORUM

At this stage of the proceedings, the time being 5.35pm, Cr Winchester advised that the meeting should now adjourn for the Public Forum.

425/22

RESOLVED (Winchester/Willis)

That the meeting be adjourned to conduct the Public Forum.

The resolution was carried unanimously.

Presentation

The Mayor announced that at the LGNSW Annual Conference held this week in the Hunter Valley, at the formal dinner on Monday night, that Cr Taskovski was awarded an Outstanding Service Award. The award recognised his 25 years of service in Local Government in NSW as a Councillor of the former Queanbeyan City Council (1983-2008) and Queanbeyan-Palerang Regional Council in this current term re-elected in December 2021. Cr Taskovski served as Deputy Mayor on two occasions from 1990/1991 and 1994/1995. He has chaired numerous Council sporting, cultural and community committees, and represented Council as delegate on the Southern Tablelands County Council and South Coast Noxious Weeds Committee.

The Mayor presented the LGNSW Award and Certificate to Cr Taskovski, whilst Council, staff and the public gallery offered their thanks and congratulations by a round of applause.

ADJOURNMENT:

The meeting adjourned for the Public Forum at 5.35pm and resumed at 6.12pm.

7. MAYORAL MINUTE

There was no Mayoral Minute.

8. NOTICES OF MOTIONS OF RESCISSION

There were no Notice of Motion of Rescission.

9. REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.1 Development Application - DA.2021.1789 - Demolition and Construction - Seniors Living Housing - 16 Erin Street, Queanbeyan

426/22

RESOLVED (Willis/Taskovski)

That Development Application DA.2021.1789 for demolition and construction of a 48 bed seniors housing complex at Baptistcare George Forbes House including signage, internal road works, 23 parking spaces and associated landscape works at 16 Erin Street, Queanbeyan be granted conditional approval.

The resolution was carried unanimously.

9.2 Modification Application - 2020.1154.B - Modification to Conditions of Consent Relating to Energy Supply - 44 Brooks Road, Bywong

MOVED (Willis/Wilson)

1. That approval be granted to a variation to Clause 6.11 – Essential Services of the Palerang Local Environmental Plan 2014 to allow one lot of the approved three lot subdivision (DA.2020.1154) to be serviced by off-grid solar power installation for the following reasons:
 - a. The installation of a reticulated electricity supply for the proposed Lot 112 is unreasonable due to site constraints.
 - b. The solar panels, battery storage and backup generator for proposed Lot 112 will be supplied at the developer's expense and will be supplied at subdivision stage ensuring the lot will have a suitable electricity supply.
 - c. The proposed use of solar power is consistent with QPRC's Climate Change Action Plan: Community.
2. That modification application DA.2020.1154.B to enable one allotment to connect to solar power, battery storage and backup generator instead of a reticulated electricity supply on Lot 11 DP 245149 at 44 Brooks Road, Bywong be approved with the following changes to the conditions of consent:

Conditions to be deleted

- Condition 28
- Condition 29

New Conditions of Consent to be modified

Condition 26A - Electricity Supply

Prior to the issue of a Subdivision Certificate, the applicant is to provide a solar electricity system with a minimum generating capacity of 7.5kW to Lot 112. No infrastructure requiring tree removal is to be installed without prior consent from Queanbeyan-Palerang Regional Council. The applicant shall install the system at their own cost and prior to the issue of a Subdivision Certificate for the land. A specification document for each system should be provided to Council prior to the release of a Subdivision Certificate.

Reason: To ensure essential electrical supply is provided to the allotment.

Conditions of Consent to be modified

Condition 30 - Covenant on the Land (Amended)

Apply covenants under section 88B of the *Conveyancing Act 1919* to the new lots incorporating the restrictions listed below. Queanbeyan-Palerang Regional Council shall be nominated as the sole party with the power to vary or remove the required covenants.

- a. Creation of a Right of Carriageway 10m wide in favour of proposed Lot 111 over proposed Lot 110,
- b. Lot 112 will need an onsite system of power generation at the applicants cost as the land is unlikely to be serviced by a reticulated electricity supply system. The owner of Lot 112, at any point in time, is responsible for the ongoing maintenance and replacement of any panels, batteries, inverters, and any parts that form part of the operation of the solar electricity supply system and that it must be maintained in good working order and condition in perpetuity. Prior to any sale, evidence as to the age of the system and its maintenance status is to be provided to any potential purchaser(s).
- c. Nominating Council as the name of the person/authority empowered to release, vary or modify restriction or positive covenant numbered in the plan.
- d. Plantings on the entire site, including within the building envelopes, are to exclude species listed on the regional weeds lists.
- e. Ground covers are to be maintained at a minimum 70% in accordance with the guidelines contained in Queanbeyan-Palerang Regional Council's Palerang DCP 2015.

Reason: To ensure public utility services, access and restrictions are legalised over the land.

AMENDMENT (Preston/Winchester)

That consideration of Modification Application - 2020.1154.B, be deferred.

The amendment (of Crs Preston and Winchester) was PUT and CARRIED unanimously, and became the motion. The motion was PUT and CARRIED.

427/22

RESOLVED (Preston/Winchester)

That consideration of Modification Application - 2020.1154.B, be deferred.

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/Burton)

1. That 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. That the section 8.2 review application (REV.2022.1001) of development application DA.2021.1240 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. That Heritage New South Wales be forwarded a copy of Council's Notice of Determination.

Cr Willis foreshadowed a CONTRARY motion: ["That Council is not satisfied that the review application REV.2022.1001 is substantially the same as the original development refused by them on 9 March 2022 and therefore, as the consent authority, it cannot review the matter having regard to Section 8.3(3) of the *Environment Planning & Assessment Act 1979*. Reasons for this view are:

1. The application now includes major additional works with the potential to materially affect the significance of a local heritage item, namely demolition of the sheds.
2. The application has changed form – from a development application to an Integrated Development Application – While an applicant may choose which approval pathway to use in seeking approval for works, there is doubt that they can change approval pathways mid-stream."]

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

428/22

RESOLVED (Grundy/Burton)

1. That 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. That the section 8.2 review application (REV.2022.1001) of development application DA.2021.1240 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. That Heritage New South Wales be forwarded a copy of Council's Notice of Determination.

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

Cr Wilson declared an interest in the following item and left the Chambers at 6.32pm.

9.4 Review of Determination - REV.2022.1002 - Request for Review of Council's Refusal of DA.2020.1109 – Place of Public Worship – 128 Bicentennial Drive, Jerrabomberra

MOVED (Preston/Biscotti)

That Review Application REV.2022.1002 for Review of Determination for alterations and additions to existing dwelling for use as a Place of Public Worship, associated driveways, carparking and landscaping (DA.2020.1109) on Lot 166 DP 786394, No. 128 Bicentennial Drive, Jerrabomberra be approved subject to the recommended conditions of consent.

Cr Ternouth foreshadowed a CONTRARY motion: ["That Review Application REV.2022.1002 be refused for the following reasons:

- a. The development application has not been able to demonstrate satisfactory compliance with Clause 1.2 (2)(a) Aim of *Queanbeyan Local Environmental Plan 2012* as it does not facilitate the orderly and economic use and development of land in Queanbeyan based on ecological sustainability principles.
- b. The development application has not been able to demonstrate satisfactory compliance to meet Clause 2.3 Objective 3 of the long term vision for the R2 Low Density Residential Zone of *Queanbeyan Local Environmental Plan 2012* as it does not encourage development that considers the low density amenity of existing and future residents.
- c. The proposed development is inconsistent with the R2 Low Density Zone Land Use Table as proposed in Draft *Queanbeyan Palerang Local Environmental Plan 2022* which will prohibit a Place of Public Worship in the R2 Low Density Zone.

- d. The proposed development is inconsistent with Part 2.1.2(2) Objective 2 of the Queanbeyan Development Control Plan 2012 as it is not considered able to maintain and improve the amenity of Queanbeyan.
- e. The proposed development is inconsistent with Part 2.3.6 Objective 1 of the Queanbeyan Development Control Plan 2012 as it is not considered able to provide effective management of noise.
- f. The proposed development is considered to have an unacceptable impact under the following matters required to be considered under Section 4.15 of the *Environmental Planning and Assessment Act 1979*:
 - Context & Setting
 - Site design and internal design
 - Cumulative impacts
 - Suitability of the site
 - The public interest

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

For: Nil

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

The foreshadowed motion (of Cr Ternouth) was brought forward, PUT and CARRIED.

429/22

RESOLVED (Ternouth/Webster)

That Review Application REV.2022.1002 be refused for the following reasons:

- a. The development application has not been able to demonstrate satisfactory compliance with Clause 1.2 (2)(a) Aim of *Queanbeyan Local Environmental Plan 2012* as it does not facilitate the orderly and economic use and development of land in Queanbeyan based on ecological sustainability principles.
- b. The development application has not been able to demonstrate satisfactory compliance to meet Clause 2.3 Objective 3 of the long term vision for the R2 Low Density Residential Zone of *Queanbeyan Local Environmental Plan 2012* as it does not encourage development that considers the low density amenity of existing and future residents.
- c. The proposed development is inconsistent with the R2 Low Density Zone Land Use Table as proposed in Draft *Queanbeyan Palerang Local Environmental Plan 2022* which will prohibit a Place of Public Worship in the R2 Low Density Zone.
- d. The proposed development is inconsistent with Part 2.1.2(2) Objective 2 of the Queanbeyan Development Control Plan 2012 as it is not considered able to maintain and improve the amenity of Queanbeyan.
- e. The proposed development is inconsistent with Part 2.3.6 Objective 1 of the Queanbeyan Development Control Plan 2012

as it is not considered able to provide effective management of noise.

f. The proposed development is considered to have an unacceptable impact under the following matters required to be considered under Section 4.15 of the *Environmental Planning and Assessment Act 1979*:

- Context & Setting
- Site design and internal design
- Cumulative impacts
- Suitability of the site
- The public interest

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

Against: Cr Willis

Cr Wilson returned to the meeting at 6.54pm.

9.5 Better Building Finance

430/22

RESOLVED (Willis/Livermore)

That Council agree to Environmental Upgrades Finance for commercial properties and support a two-year trial period with Better Building Finance.

The resolution was carried unanimously.

9.6 Reviewed Policies

431/22

RESOLVED (Willis/Preston)

That:

1. Council places the following Policies on public exhibition for 28 days:
 - Guidelines for Referral of Development Applications to Council and Independent Assessment of Development Applications
 - Asset Management Policy
 - Sustainable Design for Council Buildings Policy
 - Shopping Trolley Management Policy for Retailers
2. If no submissions are received, the policies be adopted.

The resolution was carried unanimously.

9.7 Post-Exhibition Policy Report

432/22

RESOLVED (Winchester/Livermore)

That Council adopt the Managing Unreasonable Conduct by Complainants Policy and Unsealed Road Grading Policy as attached to this Report.

The resolution was carried unanimously.

9.8 Draft Submission to the IPART Issues Paper on the Review of the Rate Peg Methodology

433/22

RESOLVED (Willis/Taskovski)

That Council make a submission to the IPART issues paper on the Review of the Rate Peg Methodology.

The resolution was carried unanimously.

9.9 Investment Report - September 2022

434/22

RESOLVED (Wilson/Biscotti)

That Council:

1. Receive the Investment Report for the month of September 2022.
2. Note the investment return for September 2022 was -\$328,224.
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.

The resolution was carried unanimously.

10. REPORTS TO COUNCIL - ITEMS FOR INFORMATION

10.1 Summary of Road Renewal and Maintenance Activities - Quarter 1 2022/23

435/22

RESOLVED (Willis/Biscotti)

That the report be received for information.

The resolution was carried unanimously.

10.2 WHS Quarterly Report

436/22

RESOLVED (Biscotti/Grundy)

That the report be received for information.

The resolution was carried unanimously.

10.3 Councillor Workshops

437/22

RESOLVED (Ternouth/Willis)

That the report be received for information.

The resolution was carried unanimously.

SUPPLEMENTARY REPORT

10.4 Site Inspection - REV.2022.1002 - Review of Council's Refusal of DA.2020.1109 - 128 Bicentennial Drive, Jerrabomberra

438/22

RESOLVED (Winchester/Livermore)

That the report be received for information.

The resolution was carried unanimously.

11. REPORTS OF COMMITTEES

11.1 Local Traffic Committee Meeting - 11 October 2022

439/22

RESOLVED (Ternouth/Livermore)

That Council:

1. Note the minutes of Local Traffic Committee held on 11 October 2022.
2. Adopt recommendations LTC 35/2022 to LTC 40/2022 from the meeting held on 11 October 2022.

LTC 35/2022: Under *The Roads Act 1993*, Signage design for Meals on Wheels parking on Lowe Street is rejected. Revised design to be submitted to LTC following consultation with business and use of compliant regulatory signage.

LTC 36/2022: Under *The Roads Act 1993*, approve the TGS/TMP for the 2022 Boogong event on Saturday 29th October with minor amendments as noted.

LTC 37/2022: Under *The Roads Act 1993*, approve the TGS/TMP for the Back to the Flat event on Saturday 4th March 2023 from 8am to 10pm.

LTC 38/2022: Under *The Road Transport Act 2013*, approve the TMP for Oktoberfest on Friday 28th and Saturday 29th October 2022, pending amendments noted.

LTC 39/2022: Under *The Road Transport Act 2013*, approve the TMP for the Queanbeyan Community Christmas Party on Saturday 10th December 2022, with minor amendments.

LTC 40/2022: Under *The Road Transport Act 2013*, approve the TMP for the Braidwood Community Christmas Party on Friday 2nd December 2022, with minor amendments.

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.

16. 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.

17. REPORTS FOR CLOSED SESSION

440/22

RESOLVED (Winchester/Grundy)

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 Quarterly Legal Report - 1 July 2022 - 30 September 2022

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

Item 16.2 Tender Evaluation - Supply and Construct Pavilion at Queanbeyan Showground

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.

The resolution was carried unanimously.

The meeting then moved into Closed Session at 7.04pm to discuss the matters listed above.

16.1 Quarterly Legal Report - 1 July 2022 to 30 September 2022

441/22

RESOLVED (Biscotti/Winchester)

That the report be received for information.

The resolution was carried unanimously.

16.2 Tender Evaluation - Supply and Construct Pavilion at Queanbeyan Showground

442/22

RESOLVED (Winchester/Biscotti)

1. That Council award Contract 2022-20 for the construction of a new pavilion at the Queanbeyan Showground to Rice Constructions Group in the amount of \$785,000 (excluding GST) as recommended in the Tender Evaluation Report.
2. That Council allocate \$200,000 held in section 7.11 contributions for Showground Pavilion works at the Queanbeyan Showground for the purpose of constructing a new pavilion under contract 2022-20.

The resolution was carried unanimously.

443/22

RESOLVED (Winchester/Preston)

That the meeting now return to Open Session.

The resolution was carried unanimously.

The meeting returned to Open Session at 7.14pm.

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.

18. CONCLUSION OF THE MEETING

The time being 7.15pm, the Mayor announced that the Agenda for the meeting had now been completed.

**CR KENRICK WINCHESTER
MAYOR
CHAIRPERSON**

ITEM 5 DECLARATION OF CONFLICTS/PECUNIARY INTERESTS

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

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

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

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

Recommendation

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

8.1 Rescission Motion (Ref: ; Author: Willis/Willis)

File Reference: 9 November 2022 Council Reports / REV.2022.1001

Notice

The following rescission motion signed by Cr Katrina Willis, Cr John Preston and Cr Edwina Webster has been received.

Motion

That Council rescind Resolution number 428/22 of 26 October 2022 Council meeting.

General Manager's Comment

At the 26 October meeting, Council resolved (**Resolution No 428/22**)

1. That 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. That the section 8.2 review application (REV.2022.1001) of development application DA.2021.1240 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. That Heritage New South Wales be forwarded a copy of Council's Notice of Determination

The rescission motion, received at 4.35pm on Friday 28 October, was signed by 3 Councillors and provided in accordance with Council's Code of Meeting Practice clause 17.10.

Should Council agree to the rescission of Resolution No 428/22, a Notice of Motion has been foreshadowed which is included in the Business Paper, being item No 12.1 page 46.

Attachments

Attachment 1 Notice of Motion of Rescission (*Under Separate Cover*)



9.1 Modification Application - DA.2020.1154.B - Modification of Consent Relating to Energy Supply - 44 Brooks Road, Bywong (Ref: ; Author: Thompson/Shumaker)

File Reference: DA.2020.1154.B

Recommendation

That:

1. Approval be granted to a variation to Clause 6.11 – Essential Services of the *Palerang Local Environmental Plan 2014* to allow one lot of the approved three lot subdivision (DA.2020.1154) to be serviced by an off-grid solar power system for the following reasons:
 - (a) The installation of a reticulated electricity supply for the proposed Lot 112 is unreasonable due to site constraints.
 - (b) The solar panels, battery storage and backup generator for proposed Lot 112 will be supplied at the developer's expense and will be supplied at subdivision stage ensuring the lot will have a suitable electricity supply;
 - (c) The proposed use of solar power is consistent with QPRC's Climate Change Action Plan: Community.
2. Modification application DA.2020.1154.B to enable one allotment to connect to solar power, battery storage and backup generator instead of a reticulated electricity supply on Lot 11 DP 245149 at 44 Brooks Road, Bywong be approved with the following changes to the conditions of consent:

Conditions to be deleted

- Condition 28
- Condition 29

New Conditions of Consent

Condition 26A - Electricity Supply

Prior to the sale of proposed Lot 112 the applicant is to provide a solar system with a minimum generating capacity of 7.5kW to the Lot. No infrastructure requiring tree removal is to be installed without prior consent from Queanbeyan-Palerang Regional Council. The applicant shall install the system at their own cost within 5 years of the date of registration of Lot 112. The specification of the solar system is to be generally consistent with the quotation submitted by CJ Solar dated 21 November 2021.

Prior to the issue of the Subdivision Certificate, a bond of \$65,000 shall be paid to Council and held in trust until one of the following occurs:

1. The applicant constructs the specified solar system, in which case the bond will be returned; or
2. If after a period of five years elapses from the date on which the land title for Lot 112 is created and the specified solar system has not been installed, Council may utilise the bond to take such actions as it deems necessary to provide an electricity supply to the site.

Nothing in this condition prevents the specified solar system being constructed in conjunction with a dwelling or any other building approved on Lot 112.

9.1 Modification Application - DA.2020.1154.B - Modification of Consent Relating to Energy Supply - 44 Brooks Road, Bywong (Ref: ; Author: Thompson/Shumaker) (Continued)

Reason: To ensure essential electrical supply is provided to the allotment.

Conditions of Consent to be modified

Condition 30 - Covenant on the Land (Amended)

Apply covenants under section 88B of the *Conveyancing Act 1919* to the new lots incorporating the restrictions listed below. Queanbeyan-Palerang Regional Council shall be nominated as the sole party with the power to vary or remove the required covenants.

- a) Creation of a Right of Carriageway 10m wide in favour of proposed Lot 111 over proposed Lot 110.
- b) Lot 112 will need an onsite system of power generation at the applicants cost as the land is unlikely to be serviced by a reticulated electricity supply system. The owner of Lot 112, at any point in time, is responsible for the ongoing maintenance and replacement of any panels, batteries, inverters, and any parts that form part of the operation of the solar system and that it must be maintained in good working order and condition in perpetuity. Prior to any sale, evidence as to the age of the system and its maintenance status is to be provided to any potential purchaser(s).
- c) Creation of a covenant over proposed Lot 112 preventing the sale of the land until the minimum 7.5kW solar system has been installed on the site.
- d) Nominating Council as the name of the person/authority empowered to release, vary or modify restriction or positive covenant numbered in the plan.
- e) Plantings on the entire site, including within the building envelopes, are to exclude species listed on the regional weeds lists.
- f) Ground covers are to be maintained at a minimum 70% in accordance with the guidelines contained in Queanbeyan-Palerang Regional Council's Palerang DCP 2015.

Reason: To ensure public utility services, access and restrictions are legalised over the land.

Council's Request to Defer Consideration of this Matter

Council previously considered this modification application at its meeting of 26 October 2022. At that meeting Council resolved to defer the matter to allow staff to consider a request from the applicant to suspend construction of the solar system until such time as they constructed a dwelling on the newly created allotment. Those discussions have now taken place and the outcome is reported as follows.

Council's proposed conditions of consent require that the solar system must be in place on proposed Lot 112 before the issue of a Subdivision Certificate (SC). Once a SC is issued the applicant is able to register the land titles for the newly created lots and sell them. As such, the SC is the last hold point Council has to ensure all works related to the subdivision are completed. The effect of the above is that proposed Lot 112 should not be sold until a solar system is installed.

The applicant seeks to amend this requirement. They are requesting Council's agreement to issue the SC but delay the construction of the solar system so that they can build it in conjunction with a dwelling they are proposing to erect on Lot 112. They say that this will

9.1 Modification Application - DA.2020.1154.B - Modification of Consent Relating to Energy Supply - 44 Brooks Road, Bywong (Ref: ; Author: Thompson/Shumaker) (Continued)

ensure the solar array does not sit unused for the projected three year construction period of the new dwelling.

Consideration of this request is only being considered because the applicant intends to retain proposed Lot 112 in their own ownership and build their own dwelling on it. However, they need to sell one of the other lots created in the subdivision (which already has an electricity supply) to fund the erection of the new dwelling. Without a SC they cannot create the other allotment to be sold.

They have indicated that if Council is prepared to issue the SC they are happy for some form of restriction being put in place that constrains Lot 112 being on-sold until a solar system has been installed. This could be achieved by placing a covenant on the title of the land to this effect.

Staff do have concerns that despite the best intentions of the applicant to construct a new dwelling, circumstances may occur that prevent them from doing so, leaving a property that is both vacant and unable to be sold. Council therefore suggested that the applicant pay a bond that could be used by Council to arrange for the installation of a solar system should the applicant fail to install it. The applicant has agreed to pay a bond equivalent to the quoted cost of installation of the solar system and that such a bond is able to be used by Council to construct a solar system should the applicant fail to do so within 5 years of the registration of the property title.

With these safeguards in place Council can be satisfied that proposed Lot 112 will be unable to be sold unless a solar system is provided to the site.

In order to achieve the above, Conditions 26A and 30 will need to be amended as follows. This revised wording has been included in the recommendation above.

Condition 26A - Electricity Supply

Prior to the sale of proposed Lot 112 the applicant is to provide a solar system with a minimum generating capacity of 7.5kW to the Lot. No infrastructure requiring tree removal is to be installed without prior consent from Queanbeyan-Palerang Regional Council. The applicant shall install the system at their own cost within 5 years of the date of registration of Lot 112. The specification of the solar system is to be generally consistent with the quotation submitted by CJ Solar dated 21 November 2021.

Prior to the issue of the Subdivision Certificate, a bond of \$65,000 shall be paid to Council and held in trust until one of the following occurs:

1. The applicant constructs the specified solar system, in which case the bond will be returned; or
2. If after a period of five years elapses from the date on which the land title for Lot 112 is created and the specified solar system has not been installed, Council may utilise the bond to take such actions as it deems necessary to provide an electricity supply to the site.

Nothing in this condition prevents the specified solar system being constructed in conjunction with a dwelling or any other building approved on Lot 112.

Condition 30 - Covenant on the Land (Amended)

Apply covenants under section 88B of the *Conveyancing Act 1919* to the new lots incorporating the restrictions listed below. Queanbeyan-Palerang Regional Council shall be nominated as the sole party with the power to vary or remove the required covenants.

- a) Creation of a Right of Carriageway 10m wide in favour of proposed Lot 111 over proposed Lot 110,

9.1 Modification Application - DA.2020.1154.B - Modification of Consent Relating to Energy Supply - 44 Brooks Road, Bywong (Ref: ; Author: Thompson/Shumaker) (Continued)

- b) Lot 112 will need an onsite system of power generation at the applicants cost as the land is unlikely to be serviced by a reticulated electricity supply system. The owner of Lot 112, at any point in time, is responsible for the ongoing maintenance and replacement of any panels, batteries, inverters, and any parts that form part of the operation of the solar system and that it must be maintained in good working order and condition in perpetuity. Prior to any sale, evidence as to the age of the system and its maintenance status is to be provided to any potential purchaser(s).
- c) Creation of a covenant over proposed Lot 112 preventing the sale of the land until the minimum 7.5kW solar system has been installed on the site.
- d) Nominating Council as the name of the person/authority empowered to release, vary or modify restriction or positive covenant numbered in the plan.
- e) Plantings on the entire site, including within the building envelopes, are to exclude species listed on the regional weeds lists.
- f) Ground covers are to be maintained at a minimum 70% in accordance with the guidelines contained in Queanbeyan-Palerang Regional Council's Palerang DCP 2015.

The remainder of this report remains largely the same as that considered by Council at its meeting of 26 October 2022 with minor alterations to reflect the most recent discussions.

Summary

Reason for Referral to Council

This application has been referred to Council as it considers matters that may set or alter policy implications for similar requests in the future.

Proposal:	Section 4.55(1A) Modification DA.2020.1154.B to enable one proposed lot of an approved three lot subdivision to connect to solar power, battery storage and backup generator instead of reticulated electricity supply.
Applicant/Owner:	Cheryl Lorraine Le Mesurier & David Barry Le Mesurier
Subject Property:	Lot 11 DP 245149 - 44 Brooks Road, Bywong
Zoning and Permissibility:	C4 Environmental Living under Palerang Local Environmental Plan 2014
Public Submissions:	Nil
Issues Discussed:	Planning Requirements
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

Background

Previous Applications

DA.2020.1154 - Three lot Torrens title subdivision approved 4 January 2021.

DA.2020.1154.A – Modification application change to Condition 31 – Correct the Right of Carrieway width from 20m to 10m approved 12 August 2021.

9.1 Modification Application - DA.2020.1154.B - Modification of Consent Relating to Energy Supply - 44 Brooks Road, Bywong (Ref: ; Author: Thompson/Shumaker) (Continued)

Proposed Development

The modification application seeks Council approval to modify consent conditions 28, 29 and 30 of the subdivision approval DA.2020.1154.A to:

- allow proposed Lot 112 to connect to solar power instead of a reticulated electricity supply, and
- provide battery storage and back-up generator.

The applicant's justification for not providing a reticulated electricity supply to proposed Lot 112 is that due to well established trees, infrastructure, distance and intrusion of power lines for future purchasers of proposed Lot 111, connection to the existing electrical supply via proposed Lot 111 to proposed Lot 112 is difficult.

A solar system could be achieved through the installation of either a ground mounted solar array or an array located on top of a building. Council does not have a preference as long as the electrical infrastructure is provided.

The applicant's preference is to mount 26 photovoltaic (PV) solar panels on the roof of a yet to be approved machinery shed, which will also house a battery to store the power (see Figure 1 below). The applicant has requested permission to defer installation of the solar system until such time as the machinery shed and an associated dwelling has been erected on the site by them. This is discussed in more detail in the *Council's Request to Defer Consideration of this Matter* above.

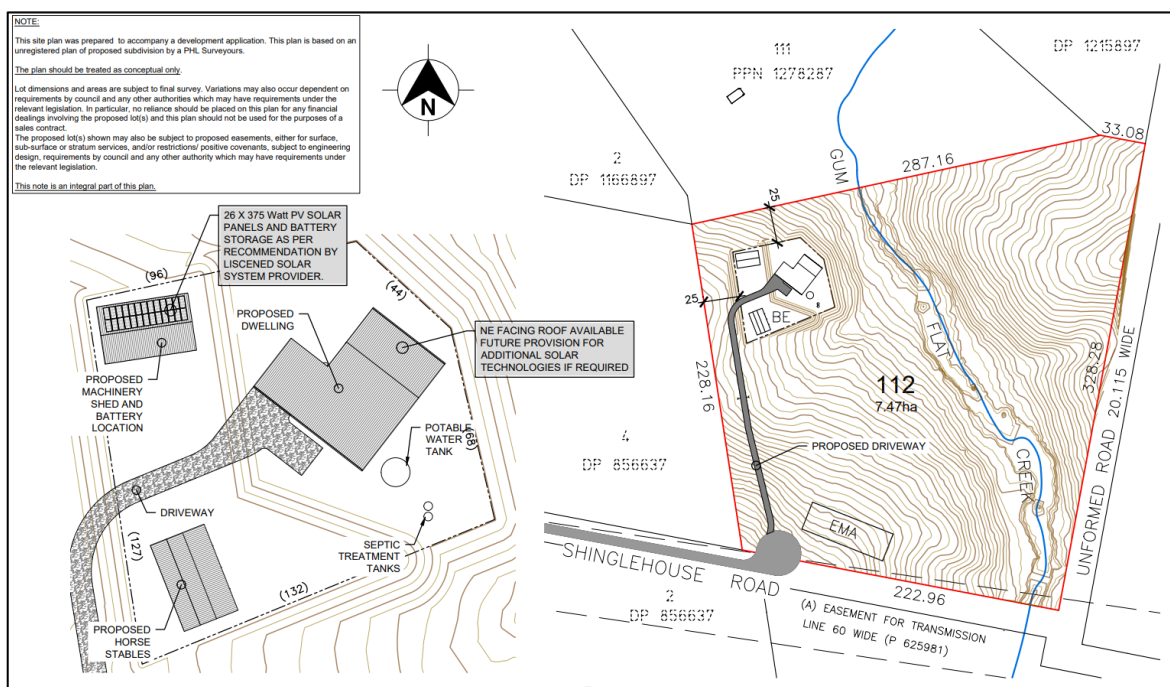


Figure 1 - Indicative site plan for proposed Lot 112, showing proposed locations of shed, solar panels and battery

Subject Property

The subject site, commonly known as 44 Brooks Road, Bywong, is described as Lot 11 on DP 245149, and is a single allotment with approval for a three-lot Torrens title subdivision. It has a total area of 19.61ha and has an existing, detached dual occupancy and ancillary structures constructed on the site. The approved subdivision will create lots that are 3.92ha, 8.22ha and 7.47ha in size. Two of the proposed lots will each contain one of the existing dwellings, while the third lot i.e. proposed lot 112, will include a building envelope for future development, subject to development consent. Proposed Lot 112 will be known as 83 Shinglehouse Road.

9.1 Modification Application - DA.2020.1154.B - Modification of Consent Relating to Energy Supply - 44 Brooks Road, Bywong (Ref: ; Author: Thompson/Shumaker) (Continued)

Planning Requirements

Assessment of the application has been undertaken in accordance with Section 4.55 of the *Environmental Planning and Assessment Act (EPAA) 1979*, as amended. The matters that are of relevance under Section 4.55 are summarised in the attached *Section 4.55 Table – Matters for Consideration*.

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

1. *Palerang Local Environmental Plan 2014 (PLEP)*.
2. *Palerang Development Control Plan 2012 (PDCP)*.

The development generally satisfies the requirements and achieves the objectives of these planning instruments. The significant issue of the proposal for consideration by Council is discussed in the following report.

(a) Compliance with PLEP

Clause 6.11 - Essential Services states that:

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—

- the supply of electricity,

Essential Energy requires 3kW of power to rural blocks. Council's engineer proposes a new condition if the modification is approved, to require a solar system with a minimum generating capacity of 7.5kW to Lot 112. This would exceed Essential Energy's requirements.

(b) Compliance with PDCP

Clause C1.2.9 of the PDCP outlines objectives for the provision of electricity as part of subdivisions including the provision:

- To promote opportunities for on-site generation of power.

The DCP also requires written evidence from the electricity supply body that the proposed electricity infrastructure is satisfactory prior to the release of the subdivision certificate. Essential Energy has indicated that it will provide a *notice of arrangement* on approval of this modification and once necessary arrangements to provide electrical services to the subdivision have been made.

(c) Development Engineer's Comments

Conditions 28 and 29 of the amended consent relate to reticulated electrical supply to the newly created lots prior to the issue of a Subdivision Certificate.

Council's policy is to have a reticulated electricity supply to all new subdivisions. However, section C1.2.9 (3) of the *Palerang Development Control Plan 2015* provides for consideration of alternative power sources in the RU1 Primary Production, C3 (E3) Environmental Management and C4 (E4) Environmental Living zones. The proviso is that, like a reticulated power supply, the alternate power supply must be provided prior to the issue of the Subdivision Certificate i.e. the new allotment cannot be sold unless some form of electricity supply has been provided.

9.1 Modification Application - DA.2020.1154.B - Modification of Consent Relating to Energy Supply - 44 Brooks Road, Bywong (Ref: ; Author: Thompson/Shumaker) (Continued)

Subsequently, Council's Development Engineer has supported amendment of Conditions 28 and 29 and amendment of Condition 30 is supported through this modification to allow for the installation of a solar system in place of reticulated electricity supply, subject to provision of the electrical infrastructure being installed prior to the release of the subdivision certificate. However, Council has since been approached by the applicant to defer installation of the solar system until such time as they construct a dwelling on the site. This proposal is discussed in more detail in *Council's Request to Defer Consideration of this Matter* above.

In order to achieve this the following conditions as per the amended consent, dated 12 August 2021, need to be removed or amended:

Condition 28 – Separate Connections & Services - *To be deleted.*

Condition 26A – Electricity Supply - *Replacement Condition as below.*

Condition 29 – Submission from Service Authority - *To be deleted.*

Condition 30 – Covenant on the Land - *To be amended as below.*

The additional/amended conditions are shown in the section on *Council's Request to Defer Consideration of this Matter* above.

Financial Implications

There are no financial implications to Council as a result of approving this modification application. The proposed bond in lieu of installation of the solar system can be achieved through either a cash bond or Bank guarantee. This surety is held in trust and returned to the applicant when they have meet the obligation to install the solar system.

Engagement

The application was notified between 21 January 2022 and 08 February 2022. No submissions were received.

Compliance or Policy Implications

Over the previous two years Council has begun to receive some subdivision proposals where the installation of a solar system has been put forward as an alternative to connect to a reticulated electricity supply. Generally speaking, Council has resisted this move because:

- Some developers have tried to avoid the cost of providing electricity to a new property and transfer that cost to the new owner who has to install a solar system.
- There is an expectation from the purchaser of a new property that it will be provided with a reticulated electricity supply.
- A solar system may not be able to supply the electrical supply that the owner requires e.g. three phase power.

Where Council has allowed an alternate power supply to be provided it has been done on the following basis:

- Because the supply of reticulated electricity is unreasonable due to topography, biodiversity impacts, cost or similar constraints.
- The developer is required to install the infrastructure for the alternate power supply before the subdivision is released, thereby ensuring that the new owner does not have to bear those costs.
- A statement is included on the land title making any prospective purchaser aware that the property is provided with a solar system and obliging them to maintain that system should the property be sold in the future.

9.1 Modification Application - DA.2020.1154.B - Modification of Consent Relating to Energy Supply - 44 Brooks Road, Bywong (Ref: ; Author: Thompson/Shumaker) (Continued)

The proposed modification and the arrangements around the timing of the installation of the solar system meet the objectives of these guidelines.

Links to QPRC/Regional Strategic Plans

Council has committed in the QPRC Community Climate Change Action Plan to a reduction of emissions and to encourage the community to install photovoltaic solar systems. The modification is consistent with those objectives.

Conclusion




The submitted proposal is for a modification to a three lot Torrens title subdivision at Lot 11 DP 245149, 44 Brooks Road, Bywong. The modification proposes to change Conditions 28, 29 and 30 to enable one allotment to connect to solar power, battery storage and backup generator instead of electricity supply. The proposal was notified to adjoining owner/occupiers and no submissions were received.

The proposal has been assessed under Section 4.55 *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Palerang Local Environmental Plan 2014* and *Palerang Development Control Plan 2015*.

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

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

Attachments

- | | |
|---|---|
| Attachment 1
 | DA.2020.1154.B - Section 4.55 Assessment Report - 44 Brooks Road, Bywong (<i>Under Separate Cover</i>) |
| Attachment 2
 | DA.2020.1154.B - Plans - Proposed Location of Solar Power System - 44 Brooks Road, Bywong (<i>Under Separate Cover</i>) |
| Attachment 3
 | DA.2020.1154 - Stamped Subdivision Plans - 44 Brooks Road, Bywong (<i>Under Separate Cover</i>) |

9.2 Update on Concept Bypass Options for Bungendore and Braidwood (Ref: ;
Author: Thompson/Hogg)

File Reference: PJT0061-3

Recommendation

That Council note the report on the development of concept options for bypasses of Braidwood and Bungendore; through the endorsed Bungendore Structure Plan and the upcoming discussion paper for the draft Braidwood Structure Plan.

Summary

The purpose of this report is to update Councillors and finalise an outstanding Council resolution, of progress on concept options for bypasses of Braidwood and Bungendore as requested by Council in 2017. Council determined (Minute No. 407/17) that:

1. *Concept options be developed for road bypasses of Bungendore and Braidwood.*
2. *Those concept options be included as key elements of the structure plans for towns as they are developed.*
3. *Council allocate appropriate funding towards development of those options.*
4. *Council consider funding for the Braidwood structure plan review in the Delivery Program.*

Report

Bungendore Bypass Options

The endorsed Bungendore Structure Plan 2048 includes three road bypass options for Bungendore. Preliminary discussions have been held with the then NSW Roads and Maritime Services in relation to route and funding options. It should be noted that there has been no detailed environmental analysis of any routes. Further consideration of the bypass options would include the identification of a 100 metre wide corridor together with the necessary studies including groundwater and native flora and fauna studies, commercial/retail impact assessment on the Bungendore centre, Aboriginal cultural heritage studies, topography assessments and current traffic data (vehicle counts, particularly on weekends, and accident statistics). The inclusion of bypass options within the Bungendore Structure Plan, which has been endorsed by both Council and the NSW Department of Planning and Environment, ensures potential bypass routes are identified and not compromised by incompatible development or rezonings and that these are recognised by a key State agency.

As opportunities arise Council staff continue to advocate with Transport for NSW for the future bypass routes around Bungendore.

Braidwood Bypass Options

Council staff have commenced work on a discussion paper which will provide background information on the issues such as housing affordability, zoning options, infill, growth, environmental limitations, challenges and housing needs that need to be considered in the Braidwood Structure Plan. The discussion paper will include several concept options for a bypass as well as identifying the key issues for future residential development in Braidwood.

The discussion paper will be reported to Council in early in 2023 and will be followed by the community engagement in the development of the Braidwood Structure Plan.

Funding for the discussion paper and the Braidwood Structure Plan are being allocated to the relevant project account.

**9.2 Update on Concept Bypass Options for Bungendore and Braidwood (Ref: ;
Author: Thompson/Hogg) (Continued)**

Risk/Policy/Legislation Considerations

The principal risk with progressing bypass locations and then implementing the agreed solution is that the roads being diverted are State roads. Therefore, Council will need to rely on both funding and approval from the State to progress the solutions. Council needs to continue advocating for these bypasses for inclusion in future works programs within the State budget.

Financial, Budget and Resource Implications

Costs associated with inclusion of potential bypass routes in Council Structure Plans can be accommodated within existing staff budgets. However, costs associated with studies to examine the suitability of routes and then the subsequent approval and construction of the bypass are projects well beyond Council's capability to fund. Therefore, funding will need to come through grants or be included in the future works programs of the State government.

Links to QPRC/Regional Strategic Plans

Since Council's initial resolution the bypass actions for Braidwood and Bungendore have been included in Council's Local Strategic Planning Statement (LSPS) at Item 4.8.2 and in the Planning Outcomes Section (Part 5.2) for Bungendore. Although Council has an advocacy role in progressing the bypass options at this stage the LSPS recognises both bypasses as critical to sustainable future development in both Bungendore and Braidwood.

Conclusion

Resolution (Minute No. 407/17) has been actioned by the development of concept options for bypasses through the endorsed Bungendore Structure Plan and the upcoming Discussion Paper for the draft Braidwood Structure Plan. Any opportunities for funding that may arise for preparing studies on determining which routes are the most suitable should be taken as they arise.

Attachments

Nil

9.3 Queanbeyan Sewage Treatment Plant Upgrade Business Case (Ref: ; Author: Hansen/Boulton)

File Reference: PJ 100123

Recommendation

That Council endorse the draft business case for the Queanbeyan Sewage Treatment Plant Upgrade.

Summary

A draft business case for the Queanbeyan Sewage Treatment plant upgrade project has been prepared to meet the requirements of the NSW Government's Safe and Secure Water Program Stage 2 business case funding. The business case sets out the need, strategic alignment, options, cost, funding, value for money and delivery arrangements for the proposal. Council endorsement of the business case is recommended. The business case is now ready for circulation to the NSW Government for review and to progress discussions regarding grant funding. Staff will now submit the draft business case to the NSW Government for review.

Background

In 2018 QPRC was successful in receiving a \$3m allocation of grant funding through the Restart NSW – Safe and Secure Water Program Fund for the Queanbeyan Sewage Treatment Plant (QSTP) Upgrade project. The grant covers 25% of the cost to prepare a concept design, a business case, and obtain development approval.

Milestone 2 of the grant funding deed requires QPRC to submit a draft and final business base to Infrastructure NSW for review.

QPRC engaged Hunter H2O to prepare a business case for the QSTP Upgrade project. The business case has been prepared using the Infrastructure NSW final business case template.

Report

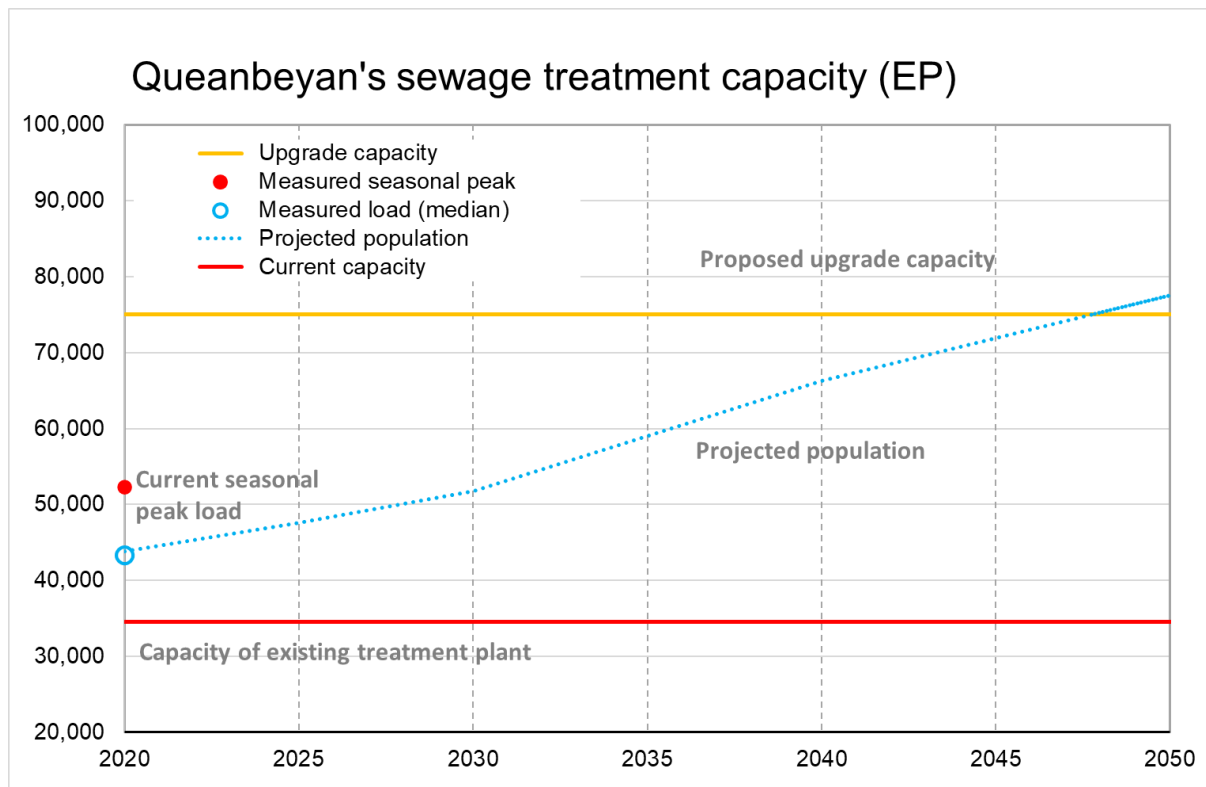
The executive summary of the Business Case is provided below.

Project need

Queanbeyan-Palerang Regional Council (QPRC) is responsible for the management and operation of the Queanbeyan Sewage Treatment Plant (QSTP) that provides treatment to sewage from Queanbeyan prior to discharge into the Molonglo River approximately 9 km upstream of Lake Burley Griffin.

Queanbeyan's existing sewage treatment plant was initially constructed in the 1930's with the most recent major upgrade being completed in the 1980's. The existing treatment plant is overloaded and at the end its service life and needs replacing. Due to its age, the plant is experiencing structural failure, reduced equipment reliability and maintenance issues.

9.3 Queanbeyan Sewage Treatment Plant Upgrade Business Case (Ref: ; Author: Hansen/Boulton) (Continued)



Queanbeyan’s existing sewage treatment plant is overloaded and operating well above its design capacity which limits the ability of the plant to achieve the treatment levels required prior to discharge into the Molonglo River. The existing treatment plant has an assessed capacity to treat sewage from an equivalent population (EP) of 34,500 EP. An assessment of inflow completed in 2019 estimated that the plant was receiving a median load of 43,400 EP and a seasonal peak load of 52,000 EP. The population served by the QSTP is forecast to continue to increase as new and already approved developments connect to sewer. This will increasingly overload the existing STP. An assessment of future needs estimates that the QSTP will be required to treat an equivalent population of 73,000 EP by 2045.

QPRC operates the Queanbeyan STP under the terms of an Environmental Authorisation granted by the EPA under the Environmental Protection Act 1997. During the most recent annual reporting period (2021/22) the effluent discharged into the Molonglo River from QSTP failed to meet the water quality requirements of this authorisation on multiple occasions for thermotolerant coliforms, suspended solids and ammonia.

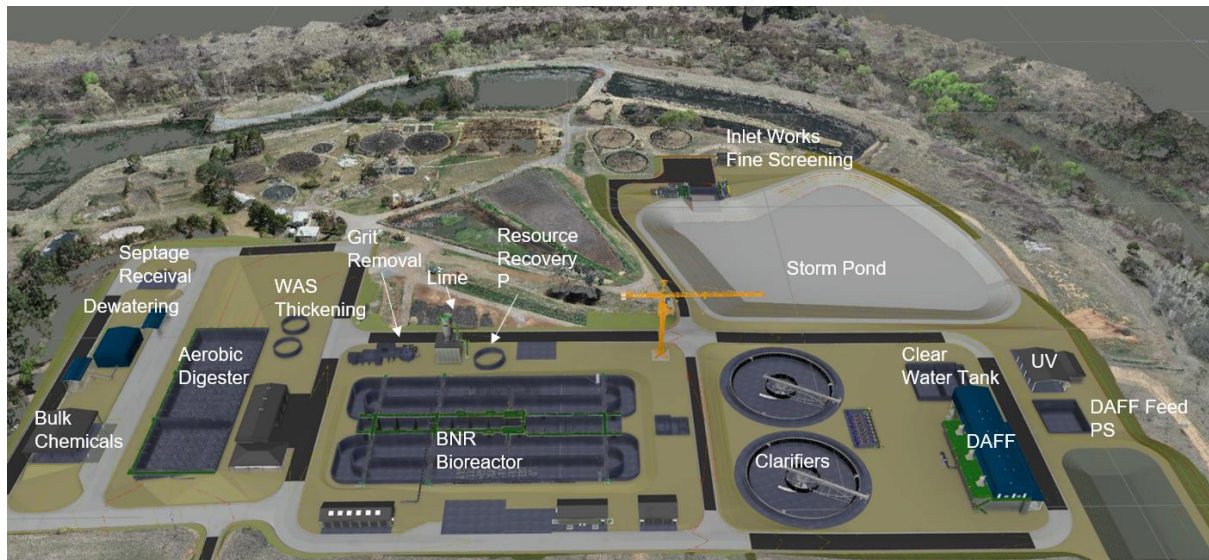
Continued operation of the existing treatment plant as Queanbeyan’s population grows presents an increasing risk that the STP continues to fail to meet the EPA regulatory Environmental Authorisation requirements for effluent discharged to the Molonglo River. The resulting pollution could result in adverse impacts on aquatic species in the Molonglo River and Lake Burley Griffin, environmental prosecution, and substantial reputational damage.

Project description

The Queanbeyan STP upgrade project will replace the existing sewage treatment plant with a modern robust and reliable treatment facility that will provide additional capacity and improve treatment reliability. The upgrade provides 75,000 EP of treatment capacity to support growth and development in Queanbeyan including currently approved development.

9.3 Queanbeyan Sewage Treatment Plant Upgrade Business Case (Ref: ; Author: Hansen/Boulton) (Continued)

The upgrade provides a tertiary treatment standard including filtration and UV disinfection that will improve the quality of the treated effluent discharged into the Molonglo River upstream of Lake Burley Griffin and enable QPRC to continue to meet its regulatory requirements. The treatment plant has been designed to be expandable by 50% to a total of 112,500 EP if required in the future.



The QSTP will be constructed on the existing lease area that is located above the nominated flood level for the site, reducing the risk of damage to assets during flooding. The location enables the existing STP to continue to provide treatment during the construction, testing and commissioning of the new facility, which is estimated to take two years.

Cost and funding

Preliminary cost estimates for the QSTP upgrade have been developed from a risk-based engineering cost estimate during the design phase. The cost estimate for the total project cost including contingency and escalation allowance is \$162M as summarised in the table below.

9.3 Queanbeyan Sewage Treatment Plant Upgrade Business Case (Ref: ; Author: Hansen/Boulton) (Continued)

Sub-Project	Budget Request (\$ ex. GST)
Construction Costs	101,465,500
QPRC Costs	26,449,000
Base Estimate	127,914,500
Contingency for Risks	15,475,000
Project Estimate	143,389,500
Escalation	18,916,500
Total Outturn Cost	162,306,000

A cost benefit analysis has been conducted to estimate whether the economic benefits generated exceed the project costs. The analysis returned a Benefit to Cost Ratio of 1.42 which supports the project.

Funding for the replacement of the Queanbeyan STP has been considered in QPRC's Integrated Water Cycle Management (IWCM) Plan for Queanbeyan which is the strategic planning instrument that provides a framework for Council to determine long-term strategic planning for water and wastewater management.

The project will be funded through contributions from QPRC's Sewer Fund, Section 64 developer charges, loan funding and government grants as summarised below. QPRC has received a \$3M grant from the NSW Government through the Safe and Secure Water Program (SSWP). Financial modelling completed for the IWCM has found that QPRC will require a minimum additional grant funding of 25% of the construction phase (i.e. an additional \$36M in grant funding).

9.3 Queanbeyan Sewage Treatment Plant Upgrade Business Case (Ref: ; Author: Hansen/Boulton) (Continued)

Income source	Income source contribution (\$)
Sewage fund	76,114,500
Section 64 Developer Contributions	7,000,000
Loan	40,000,000
NSW Government Safe and Secure Water Program grant	3,000,000
Additional grant funding	36,191,500
Total	162,306,000

The IWCM includes a financial analysis that assesses the impact of proposed water and sewer capital expenditure programs on the financial position of the Council over a twenty-year period and the impact to the water and wastewater typical residential bill (TRB) to deliver the service. The analysis also considers the forecast cashflow and account balances under external funding scenarios for 0%, 25% and 50% for specific QSTP asset support only.

The IWCM recommends that that the project be funded by:

- An additional 25% grant funding (\$36M) for the QSTP upgrade in 2023/24 and 2024/25
- Loan funding of \$40M over the two-year period 2023/24 and 2024/25
- Rate increases across two stages: an initial increase of 6.5% for six years followed thereafter by annual rate increases aligned to the consumer price index (2.5%)

Project status and next steps

QPRC has completed the detailed design and tender documentation for the upgrade and will be in a position to advertise a call for expressions of interest for construction of the work as early as April 2023 or whenever funding and planning approvals are confirmed. Early vendor engagement has been used to select and establish contracts for the supply and delivery of key equipment packages for the upgrade to minimise procurement delay risks.

A final Environmental Impact Statement for the project has been submitted and a development application for the work can be lodged with the ACT Government in February 2023 once the EIS has been determined.

The project team will continue to progress work to assist the project becoming ready for construction. Key actions include:

- Seeking additional grant funding contributions from both the NSW and ACT Governments

9.3 Queanbeyan Sewage Treatment Plant Upgrade Business Case (Ref: ; Author: Hansen/Boulton) (Continued)

- Obtaining development approval from the ACT Government
- Progressing discussion with the ACT EPA regarding the operating and licencing requirements for the new facility
- Undertaking further early vendor engagement and tendering for equipment supply for the works
- Progressing early works design, approval and construction for items including power supply upgrade and potable water supply that facilitates construction of the upgrade
- Progressing design and approval of the Mountain Road upgrade including land acquisition of Nimrod Road and part of Mountain Road
- Confirming client resources for managing the construction phase.

Risk/Policy/Legislation Considerations

Continued operation of the existing treatment plant as Queanbeyan's population grows presents an increasing risk that the STP continues to fail to meet the EPA regulatory Environmental Authorisation requirements for effluent discharged to the Molonglo River. The resulting pollution could result in adverse impacts on aquatic species in the Molonglo River and Lake Burley Griffin, environmental prosecution, and substantial reputational damage.

Financial, Budget and Resource Implications

The business case is 25% funded by NSW Government's Restart NSW – Safe and Secure Water Program Fund. Milestone 2 of the funding deed allows QPRC to claim \$1.35m once the business case is complete (following review and comment from Infrastructure NSW). Submission of the draft business case will take us a step closer to completing Milestone 2.

Update QPRCs budgets to reflect the updated total outturn cost estimate of \$162.3m to complete the project.

Links to QPRC/Regional Strategic Plans

The Queanbeyan Sewage Treatment Plant Upgrade project is included in QPRCs strategic and long term financial plans.

Conclusion

A draft business case has been prepared to meet the Infrastructure NSW and QPRCs requirements. The business case is now ready for circulation to the NSW Government for review and to progress discussions regarding grant funding.

Attachments

- Attachment 1  Draft Queanbeyan-Sewage Treatment Plant Upgrade Final Business Case (*Under Separate Cover*)

9.4 Queanbeyan CBD Wayfinding Strategy (Ref: ; Author: Hansen/Long)

File Reference: 36.1

Recommendation

That Council adopt the Queanbeyan CBD Wayfinding Strategy.

Summary

The draft Queanbeyan CBD Wayfinding Strategy (attachment 1) was placed on public exhibition from 14 September 2022 to 13 October 2022. This report considers the four submissions which were received during the exhibition period.

Background

During consultation for the Monaro Street Upgrade it was identified that a consistent approach to wayfinding in the Queanbeyan CBD would be beneficial as part of current and future projects associated with the Queanbeyan CBD Spatial Masterplan. At its meeting on 14 September 2022, Council resolved to place the draft Queanbeyan CBD Wayfinding Strategy on public exhibition and to consider any matters raised in submissions.

Report

The Community Engagement Report (attachment 2) details the submissions received following during exhibition.

The four submissions received, all indicated general support for the strategy. Questions were raised regarding specific routes and locations for signage. Whilst the strategy is not intended to provide specific route or location details, the suggestions provided will be considered in the implementation of the strategy as a separate project. Further consultation with the community will be carried out at that time.

Risk/Policy/Legislation Considerations

The draft Queanbeyan CBD Wayfinding Strategy is separate, but complementary, to Council's Directional Signage Policy which was on public exhibition until 8 September 2022.

The design and location of signage recommended in the draft Queanbeyan CBD Wayfinding Strategy is consistent with requirements of the Disability and Discrimination Act 1992

Financial, Budget and Resource Implications

Adoption of the Queanbeyan CBD Wayfinding Strategy does not require a separate commitment of funds to implement its recommendations. It provides a basis for the implementation of signage in the CBD to be included in the budgets of future projects.

Links to QPRC/Regional Strategic Plans



The Monaro Street Upgrade is a major capital project identified in Council's Operational Plan under Strategic Pillar 2 as part of Delivery Program 2.4 under the Community Strategic Plan 2.1 and 4.1.

9.4 Queanbeyan CBD Wayfinding Strategy (Ref: ; Author: Hansen/Long) (Continued)

Conclusion

The submissions received on the draft Queanbeyan CBD Wayfinding Strategy do not require changes to the document. The draft Queanbeyan CBD Wayfinding Strategy is commended to Council for adoption.

Attachments

- | | |
|--|--|
| Attachment 1 | Queanbeyan CBD Wayfinding Strategy (<i>Under Separate Cover</i>) |
|  Attachment 2 | Consultation Report - Queanbeyan CBD Wayfinding Strategy (<i>Under Separate Cover</i>) |
|  | |

9.5 Councillor Representatives for Floodplain Risk Management Committees
(Ref: ; Author: Hansen/Tooth)

File Reference: Project no's 104213, 104642, 104674

Recommendation

That Council appoint two representatives to each of the following Floodplain Risk Management Committees (FRMC):

1. Bungendore FRMC
 2. Braidwood FRMC
 3. Queanbeyan FRMC
-

Summary

Council has received funding for projects related to the Floodplain Risk Management in Braidwood, Bungendore and Queanbeyan. The projects will require meetings of the Floodplain Risk Management Committees (FRMC) to review the projects, plans and community discussions.

Councillor Representatives are required for the committee and this report seeks the nomination and appointment of Councillors for the three committees.

Background

The FRMC's are Advisory Committees that meet as required to assist Council in the development and implementation of flood management plans and studies for the area(s) under its jurisdiction. Work was completed on the Floodplain Risk Management Studies & Plans (FRMS&P) for the different towns:

- Bungendore – 2014
- Braidwood – 2019
- Queanbeyan – 2020

Membership of the FRMC's includes Councillors, Council staff, NSW SES, officers from NSW Department of Planning & Environment (DPE) and local community representatives. Community representatives have previously been appointed for each FRMC following a call for nominations. The formal selection process and endorsement was carried out by Council in March 2021 for Bungendore, in 2019 for Braidwood and 2017 for Queanbeyan.

Councillor representatives on the FRMC's for the three towns noted above are yet to be appointed.

Report

The Bungendore FRMC will be involved in a review and update of the Bungendore Floodplain Risk Management Study and Plan (FRMSP). The project is a review and update of the adopted 2014 plan. This work is already underway, with the Bungendore FRMC meeting once already in July 2021 with the next meeting planned for early 2023.

9.5 Councillor Representatives for Floodplain Risk Management Committees (Ref: ; Author: Hansen/Tooth) (Continued)

The Braidwood FRMC will be involved with a Major Overland Flow Study in Braidwood. This study is one of the recommended implementation measures from the Braidwood FRMSP (completed in 2019).

The Queanbeyan FRMC will be involved with developing a Comprehensive Floodplain Risk Management Strategy for the Queanbeyan CBD which was a recommendation from the recently completed FRMS&P. The strategy will identify specific issues and requirements for the Queanbeyan CBD.

Council representatives should assess the community, political and policy implications of any actions contemplated with the objective of producing an equitable result for the local government area served.

Financial, Budget and Resource Implications

The three projects are being managed with existing Council staff in the Infrastructure Directorate within existing Budgets. Both the Bungendore and Queanbeyan projects are funded state government grants (2/3 State, 1/3 Council) and does not include staff resources funding.

The Braidwood project is a grant from the Commonwealth Government Department of Industry, Science, Energy & Resources at 100% allocation including internal staff resources.

Attachments

Nil

9.6 Community Use - Treehouse and Visitor Information Centre in Queanbeyan
(Ref: ; Author: Ryan/Richards)

File Reference: Community Centres 1.3.1

Recommendation

Council agree that:

1. **The Queanbeyan Visitor Information Centre building become the new Senior Citizens centre when Council staff relocate to new premises in 2023.**
 2. **Pending a successful development application, the Lions Book Centre can be located in Treehouse noting tenure will remain subject to the completion of a Master Plan for the Park and precincts.**
 3. **Agreements be prepared for each entity to cover peppercorn rental, insurances, utilities and cleaning as needed to formalise these arrangements.**
-

Summary

Providing community spaces is an important part of encouraging social connection and community spirit. The guidelines for community usage of various Council venues are currently under review and will come to Council over the next few months. In the interim, some specific, time sensitive requests require Council support. These are the subject of this report.

Background

Demand for usage of Council premises has increased over the past year. In many circumstances, groups can afford to pay to hire Council's various centres across the Local Government Area (LGA). In addition, Council's Grants Program; Donation Category B exists to assist those who cannot afford to pay. Staff are developing a new program to allow maximum usage of Council premises, especially during times when the centres would otherwise be empty. This will be presented to Council at the beginning of 2023, ready for implementation in the new financial year and taking into account properties that will be released when staff move to the new QCCP. However, some groups with special circumstances have requested earlier decisions to provide them with some certainty about their future. A further report on the former Library premises in Braidwood will be provided to Council at the 23 November meeting.

1. Queanbeyan Visitor Information Centre (VIC)

In 2018, the Queanbeyan Senior Citizen's Centre was demolished in readiness for the construction of the QCCP. This was distressing for many of the seniors who had worked hard to fundraise for their premises. At the time Council could not provide any alternate location but supported rental of the Salvation Army premises in Morissett Street on a shared use basis. Council confirmed that premises would be found for the seniors on a permanent basis in the CBD as soon as it was possible.

When 10 Rutledge Street was demolished in the early construction phase of the new building, several staff moved to the VIC. Following the first round of COVID19 lockdowns, the Salvation Army discontinued rental to seniors and other groups and Council agreed that seniors could use the rear of the VIC as their club house. This is a relatively small area and seniors have requested Council's support for them to take over the entire building when staff eventually move out. Senior numbers are increasing as is their range of activities and they would like some assurances to plan for the future. As in their former building, the Seniors group regularly

9.6 Community Use - Treehouse and Visitor Information Centre in Queanbeyan (Ref: ; Author: Ryan/Richards) (Continued)

permit other groups to use their premises for a minimal donation when they are not using them.

2. Treehouse

Treehouse is a heritage building (with an additional small brick building at the rear of the premises) that sits on the edge of Queanbeyan Town Park. It will be part of a Masterplan that is to be developed for the park area including the adjoining buildings, Axis Youth Centre, the Heritage Museum, the Print Museum and the Depot.

Treehouse was occupied for many years by an early intervention centre for children living with disabilities. Council charged a peppercorn rent over many years. The building has been vacant for around three years and is currently not fit for rental, requiring an estimated \$60-\$100K of renovation work.

The Lions Club book centre is a community operation that will be losing its current premises early in 2023. The Lions Club have expressed interest in using Treehouse as an interim location, pending the eventual outcomes of the Masterplan. The Lions Club have made early enquiries about a Development Application and potential sources of funding to upgrade the premises. Council provided in principle support for a Stronger Country Communities Fund (SCCF) Round 4 application, which was submitted by The Lions Club under the community organisations/groups stream.

Report

The two premises covered in this report are either crown or community land, empty or soon to be empty and are unlikely to attract high rental fees for Council. Whilst generally Council does not support sole usage of premises, the two requests in Queanbeyan could be considered exceptions. The VIC would finally provide a Senior Citizens Centre, replacing the building that was required to be demolished by Council for the construction of the QCCP. Treehouse is unlikely to be upgraded by Council and would likely remain empty for several years.

Financial, Budget and Resource Implications

Agreements with various parties will need to be developed and are anticipated as follows:

- VIC – agreement with the Seniors in line with the prior arrangements for their former centre
- Treehouse – agreement with The Lions Club to require payment of utilities and peppercorn rental, and cover cleaning and other services.

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

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

Strategic Objective 1.2 Our health, wellbeing and resilience is supported by strong partnerships and access to services

9.6 Community Use - Treehouse and Visitor Information Centre in Queanbeyan (Ref: ; Author: Ryan/Richards) (Continued)

Conclusion

Usage of the two premises in question will permit a significantly increased community value of centres that currently do not provide a significant rental income. Treehouse in Queanbeyan will provide upgraded premises and a community purpose for a building that is likely to remain empty for the foreseeable future. The VIC will return to the Seniors a centre that was promised following the loss of their building several years ago.

Attachments

Nil

File Reference: 52.5.4

Recommendation

That:

- 1. Council place the Compliance Obligations Policy on public exhibition for 28 days and if no submissions are received, the Policy be adopted.**
 - 2. Rescind the Probity Policy.**
-

Summary

The attached Policy has undergone a review by the relevant business unit and as a result, some amendments have been made. The intent of the Policies as they currently exist has not changed, but rather reflects updated best practice and timely revisions.

Report

Policy

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

Compliance Obligations Policy – Formally titled ‘Legislative Compliance Policy’

The name change reflects that compliance is more than just legislative compliance and encompasses the entirety of Council’s compliance obligations.

Although Council has recently signed up to Local Government Legal, which provides legislative compliance updates in relation to all pieces of legislation affecting NSW Councils, there needs to be a more holistic framework in place. A more holistic framework will assist in ensuring that legislative changes are appropriately assessed (in relation to the impact on the organisation), implemented, monitored, and reviewed.

Similarly, many Council’s focus on meeting compliance requirements through addressing the OLG Compliance Calendar. However, this only represents a portion of Council’s compliance reporting requirements.

The change in policy is in keeping with the increased focus on compliance and having a level of assurance that Council is meeting its compliance obligations.

The policy provides a basis on which to build a more robust compliance framework and compliance capability within the organisation. This will assist with:

- Implementation of compliance related changes
- Reporting to the ARIC on compliance matters
- Satisfy the Audit Office NSW
- Assist with building a positive compliance culture
- Better integration with the Ethical and Anti-Fraud and Corruption Frameworks

9.7 Reviewed Policies (Ref: ; Author: Monaghan/Flint) (Continued)

Probity Policy – The Probity Policy is being recommended for rescission for the following reasons:

1. Probity within high risk areas such as procurement and application assessment is very much governed by Part 4 of the Code of Conduct. There is a clearly defined process for the lodgement of Conflict of Interest declarations for both Councillors and Staff.
2. Section 4.8 requires Councillors and Designated Senior Staff to disclose interests annually or when interests change.
3. Probity Plans will be developed for high risk areas within the Organisation.

Conclusion

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

Attachments

Attachment 1 Compliance Obligations Policy (*Under Separate Cover*)



Attachment 2 Probity Policy (*Under Separate Cover*)



9.8 Audit, Risk and Improvement Committee Charter (Ref: ; Author:
Monaghan/Cakalic)

File Reference: 45.3.1

Recommendation


That Council adopt the Audit, Risk and Improvement Committee Charter.

Summary

The mandate for the establishment of the Audit, Risk and Improvement Committee (ARIC) is derived from Part 428A of the *Local Government Act (NSW)*, as amended by the *Local Government Amendment (Governance and Planning) Act 2016 (NSW)*.

The purpose and responsibilities of the Committee is set out in the ARIC Charter (Charter). In accordance with section 14 of the Charter, the ARIC is required to review its Charter each year to identify potential improvements. The Charter was reviewed by the ARIC at its meeting of 21 September 2022. It was resolved to endorse the Charter for Council adoption without any amendments. However, since this date there have been position title changes approved by Council. The Charter has been amended to reflect these changes. The ARIC has been notified of the change, and have noted the amendments out-of-session.

Attachments

Attachment 1  ARIC Charter as adopted by Council October 2021 (*Under Separate Cover*)

9.9 Request for Donation for Rates Relief (Author: Monaghan/Robinson)

File Reference: 52.5.2-01

Recommendation

That Council approve the application under Category C(e) of the QPRC Donations policy for 55% rate relief in the amount of \$2,058.42.

Summary

Council has received an application for financial assistance from Kano Jujutsu Institute Limited. The request is additional to the approved list of rates donations for non profit organisations already requested in the donations policy.

When the donations policy is next reviewed, this organisation should be considered with the new schedule to minimise future, adhoc requests outside the annual donations program.

Background

Council adopted its Donations Policy on 28 October 2020 to provide financial assistance to the community with funding for activities and programs that align with Council's strategic objectives. The Policy provides objective criteria to assess applications in accordance with four funding categories.

A donation application under Category C of the Donations Policy has been received from Kano Jujutsu Institute Limited. Category C allows Council to make annual donations to rebate Council rates.

Report

Kano Jujutsu Institute Limited owns and runs a martial arts training hall on the property at 36 Atkinson Street, Queanbeyan East. Although the organisation charges training fees to junior and senior members, it relies on the goodwill of its members for maintenance and upkeep. The property is rated as Business Ordinary and is not exempt from Ordinary Rates. Kano Jujutsu Institute Limited is not listed under Schedule 1 of the QPRC Donations policy for annual rates donations. Kano Jujutsu is registered as a non-profit company with ASIC.

Council resolved to grant a one-off 50% rebate on the General Rates on the property in the 2018/19, 2019/20 financial years and 55% in the 2020/21, 2021/22 financial years. The total value of the Ordinary Business Rates in the current 2022/23 financial year is \$3,742.59.

Risk/Policy/Legislation Considerations

The relevant section of the QPRC Donation Policy state that:
2.6.3 Category 'C' Funding – rates, fees and annual charges

(e) Council may at its discretion consider upon application a one-off rates rebate for sporting, recreational and other community organisations that are able to demonstrate registered not-

9.9 Request for Donation for Rates Relief (Author: Monaghan/Robinson) (Continued)

for-profit status with the Australian Charities and Not-for-Profit Commission and/or a legal entity registered with ASIC and has not-for-profit in its organisational objectives.

Financial, Budget and Resource Implications

The application includes a self-assessment against the criteria included in schedule 1 of the Council's donation policy, and as a result Kano Jujutsu has requested a donation of 55% of the general rate, being \$2,058.42. The donation is able to be funded from the existing rates donation budget.

Conclusion

Kano Jujutsu Institute Limited meets the policy requirements and Council should consider the request for a one-off general rates rebate.

Attachments

Attachment 1 Application for rates relief by Kano Jujutsu (*Under Separate Cover*)



9.10 Notice of Compensation Bungendore (Ref: ; Author: Hansen/Ryan)

File Reference: 46.1.1-34

Recommendation

That Council:

1. Notes the offer of compensation of \$7,327,935.02 from the Minister for Education and Early Learning for 2,4,6 and 10 Majara Street Bungendore and the Majara Street Road reserve.
2. Request that SINSW make an advance payment to it in the amount of 90% of the compensation offer for 2,4,6 and 10 Majara Street Bungendore and the Majara Street Road reserve pursuant to s.48 of the *Land Acquisition (Just Terms Compensation) Act 1991*.
3. Seek advice on lodging an objection with the Land and Environment Court to the amount of compensation offered for 2,4,6 and 10 Majara Street Bungendore and the Majara Street Road reserve.
4. Delegate authority to the General Manager to lodge an objection in the Land and Environment Court seeking review of the amount of compensation offered for 2,4,6 and 10 Majara Street Bungendore and the Majara Street Road reserve.
5. Notes the offer of compensation of \$3,480,241.78 from the Minister for Education and Early Learning for Part of Bungendore Oval and Part of Turallo Terrace Reserve.
6. Request that SINSW make an advance payment to it in the amount of 90% of the compensation offer for Part of Bungendore Oval and Part of Turallo Terrace Reserve pursuant to s.48 of the *Land Acquisition (Just Terms Compensation) Act 1991*.
7. Seek advice on lodging an objection with the Land and Environment Court to the amount of compensation offered for Part of Bungendore Oval and Part of Turallo Terrace Reserve.
8. Delegate authority to the General Manager to lodge an objection in the Land and Environment Court seeking review of the amount of compensation offered for Part of Bungendore Oval and Part of Turallo Terrace Reserve.
9. Following the receipt of either the compensation amounts or the advanced payments from the Minister for Education and Early Learning, commence the delivery of the new Bungendore Office building proposed at 19 -21 Gibraltar Street Bungendore.

Summary

At the 11 May meeting, in noting the gazettal of the compulsory acquisition of lands by the NSW Minister for Education and Early Learning (the Minister), Council authorised the General Manager to negotiate with items not included in the compensation process. A further report was to be presented once an offer for compensation had been received.

9.10 Notice of Compensation Bungendore (Ref: ; Author: Hansen/Ryan) (Continued)

A formal Notice of Compensation has been received from Schools Infrastructure NSW (SINSW) on behalf of the Minister, for Council consideration.

Background

On 26 April 2022, in accordance with the *Land Acquisition (Just Terms Compensation) Act (1991)* the compulsory acquisition of lands required for the proposed Bungendore High School was gazetted. This included the following lands:

Land for which Council was the owner of the freehold:

- 2 Majara Street, Bungendore (Lot 12 DP1139067);
- 4 Majara Street, Bungendore (Lot 13 DP1139067);
- 6 Majara Street, Bungendore (Lot 14 DP1139067);
- 10 Majara Street, Bungendore (Lot 3 DP830878), and
- Majara Street Road Reserve between Gibraltar Street and Turallo Terrace (Lot 1 of proposed DP1276279).

And land for which Council was the crown land manager:

- part of Bungendore Oval (part Lot 701 DP 1027107, being Lot 1 in proposed DP1276282), and
- part of Turallo Terrace Reserve (part Lot 701 DP 96240, being Lot 1 in proposed DP 1276285).

The process involved Council submitting a claim for compensation, the details of which were presented to Council at the 11 May meeting, to the NSW Valuer General and SiNSW. SiNSW then had an opportunity to respond to the claim, prior to the Valuer General determining the amount of compensation payable for the two land types. This was completed on 7 and 10 October 2022.

SINSW has now formally issued a Notice of Compensation to Council with an offer of compensation by the Minister, which is the same as that determined by the NSW Valuer General.

For both offers, the Council must decide to either accept the amount offered or object to it and take the matter to court. A decision must be made within 90 days from the date the offer was received.

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

If Council decides to contest the amount of compensation offered, SINSW will be required to pay 90% of the offer amount, with any remaining amount to be paid following determination of the claim by the Court. SINSW may pay this amount early, but at the latest must pay that amount to Council within 28 days of the commencement of the Court proceedings.

The Council can also ask SINSW to make an advance payment while it considers whether or not it wishes to accept or lodge an objection to the offer.

Report

Attached for Council in formation are the following documents:

1. Cover letter for notices of compensation in relation to the acquisition of lands for a new high school in Bungendore.
2. Compensation notice for QPRC's freehold interests acquired.
3. Compensation notice for QPRC's interests acquired as Crown Land Mangers.

9.10 Notice of Compensation Bungendore (Ref: ; Author: Hansen/Ryan) (Continued)

4. A copy of the Valuer Generals determination of compensation in relation to QPRC's freehold interests acquired.
5. A copy of the Valuer Generals determination of compensation in relation to QPRC's interests acquired as Crown Land Mangers.

The summary table following shows a \$3,808,235 (rounded) difference between the claim submitted by Council to the SINSW offer.

Land and Claim Description	SINSW Offer	Council Claim	Difference
Freehold Land			
<ul style="list-style-type: none"> • 2, 4, 6 and 10 Marjara Street, and • Road Reserve • Loss Attributable to Disturbance 	\$ 7,327,935	\$ 9,336,888	(\$2,008,953)
Crown Land			
<ul style="list-style-type: none"> • Swimming Pool and Park • Loss Attributable to Disturbance 	\$ 3,480,242	\$ 5,274,524	(\$1,794,282)
Total	\$10,808,177	\$14,611,412	(\$3,803,235)

Risk/Policy/Legislation Considerations

Pursuing an objection to the compensation amounts in the Land and Environment Court is not without risk. There is no guarantee that the compensation amounts will be increased nor is there a guarantee that the Court will not decrease the compensation amounts.

Council should seek legal advice on this matter before proceeding to lodge an objection with the Land and Environment Court.

A significant factor in determining the compensation amounts is estimating the cost to construct a new office/administration building and a new aquatics facility to replace those facilities that were compulsorily acquired. Council has relied on cost estimates prepared by a Quantity Surveyor engaged by Council and the Valuer General has relied on their own Quantity Surveyor in the determination of the compensation offered. It would be prudent to review the cost estimates completed by Council's Quantity Surveyor using an independent Quantity Surveyor to provide further confidence in the cost estimates before proceeding to Court.

The above steps can be completed within the legislated 90-day period before which an objection should be lodged with the Land and Environment Court if decided by Council.

Financial, Budget and Resource Implications

The cost to rate payers and the Bungendore community to fund the deficit \$3.8m to provide temporary office accommodation, construct new office/community centre/library space and build a new swimming pool at the Regional Sports Hub is prohibitive.

If Council does not accept the offers for compensation as detailed above, and lodges an objection in the Land and Environment Court, an advanced payment of \$9,727,359.30 will be made to Council. If the final amount awarded by the Court is less than the advanced payment amount, Council must repay the excess to the Minister.

9.10 Notice of Compensation Bungendore (Ref: ; Author: Hansen/Ryan) (Continued)






Notwithstanding the delay to the development approval for the High school, Council needs to progress the construction of the new office and the construction of the new pool to minimise disruption to staff and the community when the facilities that have been acquired are no longer available for use by Council. The current estimate to arrange temporary office accommodation and construct a new office building including community rooms and library is \$9.0m. It is recommended that this work commence as soon as the above funding is received.

The delivery of the new aquatic facility will be considered further by Council once the compensation matter has been progressed.

Conclusion

Council should pursue a financial outcome that is fully compensated by the Minister as Council has not planned to contribute funds to this cost.

Attachments

- | | |
|---|---|
| Attachment 1
 | Cover letter from SINSW - Acquisition of QPRC Interests (<i>Under Separate Cover</i>) |
| Attachment 2
 | Compensation Notice - QPRC Land (<i>Under Separate Cover</i>) |
| Attachment 3
 | Compensation Notice - Crown Land (<i>Under Separate Cover</i>) |
| Attachment 4
 | VG Determination of Compensation - QPRC Lands (<i>Under Separate Cover</i>) |
| Attachment 5
 | VG Determination of Compensation - Crown Lands Manger (<i>Under Separate Cover</i>) |

9.11 Queanbeyan Civic and Cultural Precinct - 12 month report (Ref: ; Author: Hansen/Damo)

File Reference: 100265

Recommendation

That Council receive the 12 month construction progress report for the Queanbeyan Civic and Cultural Precinct project to October 2022.

Summary

The Queanbeyan Civic and Cultural Precinct (QCCP) project commenced construction on 28 July 2021. Since then the approximately 2/3 of the basement has been completed and the tower structure has been completed to the roof. Beautification works have been completed on both Blacksmiths and No-name Lanes.

Current works occurring on site are the fitting of the triple glazing façade, rough-in on level 3 with preparations for fitout imminent. Works have commenced on the Q-link between the Bicentennial Hall (The B) and The Q.

The project has been impacted by delays in construction from:

- Alterations to the Essential Energy high voltage network (substations)
- Wet weather
- Supply chain issues
- Accommodating changes from adjoining development sites

These delays have meant that the basement construction had to be staged to allow the project to continue around electrical infrastructure as well as the building construction was changed to accommodate delayed substation relocation.

Subject to any further delays, the project is on track for completion in June 2023 which is approximately a 4-5 month delay to the original program.

The Sustainability goals of the project are still on track to be reached:

- 5-star Green star rating
- 5-star NABERS rating for energy
- 4-star rating for water

A Development Application (DA) modification (s4.55) has been submitted following the executed agreement with the Village Building Company (VBC) to allow for a modified ramp entry to the basement carparking that would allow for joint access to both the QCCP development and proposed VBC development.

There are approximately 3½ floors that will be tenanted at commercial terms when the building is complete. Two of these floors are progressing well with agreements currently being finalised for integrated fitout which will ensure the lease will commence as soon as possible.

9.11 Queanbeyan Civic and Cultural Precinct - 12 month report (Ref: ; Author: Hansen/Damo) (Continued)

Report**Project Development**

Although some elements of the project are still being finalised. The Design is noted as complete with the following elements requiring scope finalisation:

- First Nations Artwork
 - Acknowledgement of Country – lobby or forecourt
 - Breezeway soffit
 - Breezeway walls and public domain outside the Q
- Value management of fitout
- Value management of Furniture Fixtures and Equipment (FF&E)
- S4.55 design elements
 - HV Pathway
 - Entry Ramp
 - Gas meter location
 - Sewer diversion
 - Bike Storage
- Fire System upgrades to The Q and The B

The s4.55 application has been submitted and the assessment is currently underway independently of the project team. Meetings have been held with Monaro Street business owners with regards to both the approve DA and proposed modification. Concerns raised during the meeting included proposal to only retain one access/egress to the Lowe street carpark. Owners were advised to make submission to the DA process.

Following the s4.55 determination designs will be finalised for incorporation into the construction program.

Construction Progress

Milestones that have been achieved in the construction program are:

- Sod Turning - 28 July 2021
- Bottom out (basement) - 21 December 2021
- Top Out (tower) - 27 September 2022
- Energisation Substations - 23 October 2022

9.11 Queanbeyan Civic and Cultural Precinct - 12 month report (Ref: ; Author: Hansen/Damo) (Continued)

Upcoming Milestones

- Enclosure of the Building - December 2022
- Q-Link completion - May 2023
- Public Domain - April 2023 - S4.55 impact yet to be realised
- Lowe St Carpark - April 2023 – S4.55 impact yet to be realised

At contract award completion date for the contract was 19 January 2023, the current projected completion date is in July 2023.

Tenants

A heads of agreement (HoA) with Property NSW for the lease of 2 floors (10 + 5 + 5 years) has been executed. The lease and fitout agreement are currently being finalised to enable an integrated fitout with QPRC floors

Work is currently underway marketing the remaining floor (office) and part floor (smart hub) to potential tenants.

Risk/Policy/Legislation Considerations

To date the project has experienced many challenges and risk mitigation activities including but not limited to the following:

- COVID lockdowns and Public Health Orders for self-isolation impacting worker density and local resourcing
- Unexpected finds (well and cistern) beneath existing buildings which required heritage review (delays to excavation)
- Essential Energy approval delays
- Substation supply delays impacted by flooding demand
- Design changes associated with S4.55 changes
- Asbestos Containing Material within Electrical infrastructure
- Wet Weather in exceedance of reasonable expectation

The most significant delay to the project has been the high voltage network noting that QPRC (as do most Councils) has allowed the use of publicly owned land for the location of electrical infrastructure to service the community. The land owned by council related to the project included 3 substations that serviced the CBD area from Crawford, Monaro, Lowe and Rutledge streets. The relocation and enhancement of 3 new substations as part of the project has been impacted by natural disaster and COVID related issues. The critical path items that have blown out completion dates has been approval and manufacturing times of the High Voltage (HV) Substations. As noted above the energisation of the new HV works was completed on 23 October 2022.

9.11 Queanbeyan Civic and Cultural Precinct - 12 month report (Ref: ; Author: Hansen/Damo) (Continued)

Whilst every endeavour was taken to identify and mitigate potential risks to the project during the project development the ones noted above have led to innovative solutions to allow the project to continue moving. The risk mitigation strategies have included, staging of the basement construction, alternate propping of the construction to allow construction over the Electrical Infrastructure and sourcing of mini piling equipment.

Financial, Budget and Resource Implications

The original budget of the project has been impacted by both changes to scope, unforeseeable delays along with unexpected finds. A further report will be provided to Council detailing the impact of these items on the current budget.

The significant items that have impacted both the scope and resource items are:

- High Voltage and Essential Energy delays including the resequencing of works, additional shoring and additional mobilisation of piling crews has amounted to approximately \$3m of costs and 22 weeks of Delay.
- Delays due to failure to correctly obtain correct building certificate approval 2 weeks (borne by the builder)
- Modification to scope surrounding the S4.55 submission has impacted both program and cost however it is expected that additional income will offset these costs
- Additional scope in the Laneway beautification projects was offset by additional income but no additional resource, \$500k
- Scope and design changes requested by the major tenant that should be offset by the Lease agreement income however this is still in negotiation.
- S4.55 application, direct design and approval costs \$400k Construction cost to be determined.
- Value management has currently identified approximately \$1-1.3M of savings for over embellished items in the design, these will be managed within the scope of the contract.

It is expected that another report to Council early in the new year will summarise the outcome of the s4.55 application scope changes and agreed costs along with finalising the delay costs associated with the Substation impacts.

Links to QPRC/Regional Strategic Plans

The project is delivering on the following significant QPRC strategy and masterplans.

Queanbeyan CBD Spatial Masterplan – Key Block Plan B

- New Council Head Office including Smart Hub, co-working space and public foyer
- New Civic Square adjacent to The Q for hosting events
- Activated laneways

9.11 Queanbeyan Civic and Cultural Precinct - 12 month report (Ref: ; Author: Hansen/Damo) (Continued)

Queanbeyan CBD Transformation Strategy – Outcome - 1C

- Primary Precinct housing theatre, galleries, conference, library and entertainment facilities

Conclusion

The project is progressing well however it is acknowledged there are delays as detailed in this report. A further report will be provided to Council on the financial ramifications of the changes once these are quantified and assessed within the current project scope.

Attachments

Nil

9.12 Financial Sustainability Options and Revised Long Term Financial Plan (Ref: ;
Author: Ryan/Monaghan)

File Reference: 51.1.1-01

Recommendation

That Council:

- 1. Endorse the revised 2022-32 Long Term Financial Plan for community consultation on the Special Rate Variation options.**
 - 2. Endorse the three proposed Special Rate Variation options for community consultation with community feedback to be considered at the Council meeting on 18 January 2023.**
 - 3. Notify IPART of its intention to invite community feedback on three SRV options and its intention to apply for an SRV.**
-

Summary

The purpose of this report is to present the results of the independent financial sustainability review and the options available to Council and the community to correct its immediate financial shortfall.

Background

The 2022-32 Long Term Financial Plan (LTFP) was adopted by Council in July 2022 after a 28 day public exhibition period where community engagement was sought. With its adoption, Council resolved to conduct an organisational service review to identify opportunities for financial improvement and to review the LTFP within six months before making any decision to apply for a Special Rate Variation (SRV).

Council subsequently engaged Morrison Low to undertake an independent financial assessment, including an organisational review to identify financial improvements that could improve value for ratepayers and minimise the SRV.

The Morrison Low assessment forms the financial modelling included in the revised draft 2022-32 long term financial plan, including an assessment of the SRV options.

Report

Morrison Low have presented their independent financial assessment of Council and identified that without intervention:

- the average operating deficit for the 10 year forecast period is estimated at \$20.6M per annum
- the general fund has insufficient money to maintain service levels or asset renewals at levels the community requires
- inadequate infrastructure renewal will result in the degradation of community infrastructure
- under funding for expected growth and expanded services required for the growing population.

9.12 Financial Sustainability Options and Revised Long Term Financial Plan (Ref: ; Author: Ryan/Monaghan) (Continued)

The Morrison Low assessment identified the contributing factors to the structural financial deficit noting that growth in core costs have outpaced growth in revenue. They noted the fundamental flaw in the income and cost structures for NSW local government affecting all NSW Councils. Costs to maintain community infrastructure and services are more than the revenue that local government receives.

All of the financial scenarios that were assessed for inclusion in the LTFP include additional financial savings measures; one-off cash injections from the sale of property and ongoing efficiency targets. In addition to the productivity improvements that have already been implemented and that are ongoing, Morrison Low undertook an Organisational Service Review to identify additional financial improvements to improve value for ratepayers and minimise the SRV. The review identified a number of efficiency savings that Council has already begun to implement and has identified further opportunities including a future program of detailed service reviews to prioritise ongoing improvement and future efficiency savings.

Whilst there may be savings of up to \$500K per annum by closing or reducing services, Council has considered and ruled out the reduction and removal of community services and community infrastructure as a potential savings measure.

Long Term Financial Plan (LTFP)

In refining its LTFP Council engaged Morrison Low to provide an independent financial model and analysis. The outcome of this modelling is an ongoing deficit averaging \$20.6M per annum. For Council's financial sustainability and to avoid a risk of unplanned service reduction, this must be addressed.

Council has updated its LTFP to include and show the impacts of both the Business as Usual (BAU) – no change scenario, and the three SRV options as a solution to the revenue shortfall.

The 3 financial sustainability options to be discussed with the community are as follows:

1. A proposed one-off SRV of 64.5% in addition to the rate peg. Including the rate peg this amounts to a rates increase of 69.1%.
2. A 3 year SRV option of around 23% for 3 years (23%, 23% and 20.5%) in addition to the rate peg. Including the rate peg, this amounts to a cumulative increase of 97.07% at the end of 3 years.
3. A 5 year decreasing option (20%, 18%, 15%, 9%, 4.75%) in addition to the rate peg. Including the rate peg, this amounts to a cumulative increase of 111% at the end of 5 years.

All of the options include an allowance to increase the pensioner rebate up to \$525, reflected by an increase to Council's voluntary pensioner rebate to \$100 for all pensioners across the LGA.

All of the options include an allowance for additional service and infrastructure improvements including:

- Increased asset renewal spend of \$11M per annum from 2024 - 2028 and onwards for roads, stormwater and buildings.
- Additional services focusing on improved environmental outcomes of \$1.3M per annum.
- Additional investment in new and upgraded community assets of \$400K per annum including footpath extensions.
- Additional investment in asset renewal of \$1.9M per annum including roads, pools and other community facilities.

**9.12 Financial Sustainability Options and Revised Long Term Financial Plan (Ref: ;
Author: Ryan/Monaghan) (Continued)**

Community Engagement Plan

The objective of community engagement is to ensure that the community is adequately informed and consulted about both the need for and impact of the proposed SRV. It outlines the community engagement process including the following.

- The proposed engagement approach, to inform and consult on the SRV proposal to provide the community with information and to facilitate feedback.
- The processes to build community awareness and information, through factsheets, media releases, webpage, and other communication methods.
- The processes of formal consultation, being the exhibition of draft documents, face to face meetings and surveys.
- The key audience, being all ratepayers and other stakeholders.
- Engagement methods, to reach a wide range of stakeholders and provide access to information and feedback mechanisms.
- Key messages, including legislative requirements, Council's financial sustainability and how to seek further information and provide feedback.
- Other key information, including details such as why the SRV is needed, SRV options and the potential increases for ratepayers under the SRV.
- Reports being the Engagement Report and Council Report, to document the engagement process and its outcomes. These will inform the Elected Council in determining whether to progress with an application to IPART for the SRV.
- Monitoring and risk, an overview of the risks with community engagement.

The process will ensure that engagement targets a wide range of community segments and in particular to engage directly with community committees and associations across the local government area, in their own forums.

The community engagement process will use a variety of techniques and media and provide comprehensive information so that by the end of the consultation period, the community feel they had been well informed and were able to express their views about the financial sustainability decisions facing Council.

This Community Engagement Plan is supported by the following detailed action plan, including engagement activities, and will produce a summary report of the engagement outcomes for Council's consideration as part of the Rates Harmonisation decision making process.

As the initial engagement period is over the Christmas holiday, a long community engagement period is being proposed.

**9.12 Financial Sustainability Options and Revised Long Term Financial Plan (Ref: ;
Author: Ryan/Monaghan) (Continued)**

Timeframes	Responsibility	Community Engagement Activity
10 Nov 22 to 8 Jan 23	Council	8 weeks community engagement activity: <ul style="list-style-type: none"> • Community meetings • Media release • QPRC news • Mayors Column • Fortnightly press ad • Social media • Council website / options / analysis / reports / FAQs • Community Committees, Hall, Rate Payers, Locality and Progress, Associations – meetings and briefings with the General Manager and Mayor/Councillors
18 Jan 23	Council	<ul style="list-style-type: none"> • Receive report on community feedback and recommendation on the preferred SRV option • Adopt the LTFP with the preferred SRV Option. • Re-adopt the Delivery Program with the preferred SRV Option.
Feb 23 to April 23	IPART	IPART independent community engagement activity: <ul style="list-style-type: none"> • Promote through Council website
April 23	Council	Adopt Operational Plan including Revenue Policy for public exhibition (28 days)
April 23 – May 23	Council	Community Engagement Activity – Operational Plan and Revenue Policy <ul style="list-style-type: none"> • Community meetings • Media releases • QPRC news • Social Media
May 2023	IPART	IPART Final Report on SRV Assessment
June 23	Council	Receive report on community feedback on operational plan and Revenue Policy Adopt Rates
July 23	Council	Close the loop activity – Provide Community Information on adopted Operational Plan and Ratepayer Impacts

Risk/Policy/Legislation Considerations

Section 403 of the Local Government Act 1993 (the Act) requires Council to have a long-term strategy (called its resourcing strategy) for the provision of the resources required to perform its functions (including implementing the strategies set out in the community strategic plan).

The Office of Local Government provides guidelines for the preparation of an application for a special variation to general income which includes the criteria that IPART will assess in considering a council's SRV application.

**9.12 Financial Sustainability Options and Revised Long Term Financial Plan (Ref: ;
Author: Ryan/Monaghan) (Continued)**

IPART sets the rate peg and approves rate increases above the rate peg.

The Local Government Act 1993 Sets out the following principles of sound financial management at Chapter 3 8B:

- (a) *Council spending should be responsible and sustainable, aligning general revenue and expenses.*
- (b) *Councils should invest in responsible and sustainable infrastructure for the benefit of the local community.*
- (c) *Councils should have effective financial and asset management, including sound policies and processes for the following—*
 - (i) *performance management and reporting,*
 - (ii) *asset maintenance and enhancement,*
 - (iii) *funding decisions,*
 - (iv) *risk management practices.*
- (d) *Councils should have regard to achieving intergenerational equity, including ensuring the following—*
 - (i) *policy decisions are made after considering their financial effects on future generations,*
 - (ii) *the current generation funds the cost of its services.*



Conclusion

The key risks that have been identified are that the LTFP and engagement doesn't meet IPART assessment criteria and that the potential rate increase is at a time when rate payers are also faced with inflationary cost of living pressures.

There will be extensive community consultation as per the Community Engagement Plan outlined in this report. Council will consider all community feedback at the January 2023 Council Meeting.

“Doing nothing” is not an acceptable risk to Council. Council must deliver on its financial governance responsibilities as legislated and required by the NSW Government. The BAU will result in Council eventually running out of cash reserves and it will have failed to keep its assets in acceptable condition.

Attachments

- Attachment 1  Draft Revised Long Term Financial Plan 2022-33 (*Under Separate Cover*)
- Attachment 2  IPART Fact Sheet (*Under Separate Cover*)

10.1 Councillor Workshops (Ref: ; Author: Ryan/Ison)

File Reference: 9 November 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 20 October to 2 November 2022, the following workshops were held:

Date	Workshop Items	External Presenter/s (if applicable)
29/10/2022	Financial Sustainability Strategy Day – Special Rate Variation Options	From Morrison Low - Greg Smith
01/11/2022	1. Site inspection – Jerrabomberra bike tracks 2. Woodlawn Advanced Energy Recovery Centre Environmental Impact Statement 3. Monaro Rock Quarry Update	From Veolia - Kathryn Whitfield, Project Director; Skye Mcparland, Stakeholder and Engagement; Pablo Gonzalez Carrasco, Technical EfW and Paul McMahon, Stakeholder and Community Engagement From Monaro Rock Pty Ltd - John Hewitt, General Manager; John Patterson, Operations Manager and from RW Corkery & Co Pty Ltd - Nick Warren, Principal Environmental Consultant
02/11/2022	1. ICAC Presentation 2. Majors Creek and Araluen Greenwaste Options Report and Community consultation	From ICAC - Giselle Tocher and Anthony Pedroza

Attachments

Nil

12.1 Notice of Motion Albion Hotel Braidwood (Ref: ; Author: Willis/Willis)

File Reference: 9 November 2022 Council Reports / REV.2022.1001

Notice

Councillor Katrina Willis will move the following motion:

Motion

That Council is not satisfied that the review application REV.2022.1001 is substantially the same as the original development refused by them on 9 March 2022 and therefore, as the consent authority, it cannot review the matter having regard to Section 8.3(3) of the *Environmental Planning and Assessment Act 1979*:

- 1. The application now includes major additional works with the potential to materially affect the significance of a local heritage item, namely demolition of the sheds.**
 - 2. The application has changed form - from a Development Application to an Integrated Development Application.**
-

Comment from Councillor Willis in support of this Notice of Motion

The review application REV.2022.1001 is not substantially the same as significant works have been added with the potential to materially affect a local heritage item, namely the conjoined sheds. This is the first time the Council has been asked to approve these additional works. Therefore, the application fails to meet the test for review. It is more accurately described as a modification.

Staff Comment

This Notice of Motion is only moved in the event that the Rescission Motion signed by Crs Willis, Webster and Preston, concerning the Council Resolution 428/22 is successful.

This matter refers to Item No 9.3 of the Ordinary Meeting Business Paper dated 26 October 2022. The report recommendations and legal advice has not changed.

- The Assessment Planning Report justified the reasons why the DA is substantially the same.
- Council's legal advice confirmed that it is the applicant who determines whether the application is to be processed as Integrated Development, not Heritage NSW.
- The application was made for Integrated Development and Council has met its obligations in referring it to Heritage NSW.
- Heritage NSW did not consider that the application needed to be dealt with as Integrated Development because it had already given its approval to the development, which included the removal of the sheds.

Heritage NSW's comment on the review application has been circulated separately to Councillors as requested.

Attachments

Nil

15 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION

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

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

Recommendation

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

Item 16.1 Review of Expressions of Interest - Community Members for QPRC Heritage Advisory Committee

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

Item 16.2 GM Performance Agreement

Item 16.2 is confidential in accordance with s10(A) (a) of the Local Government Act 1993 because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.