



Ordinary Meeting of Council

AGENDA

23 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

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Confidential - Not for Publication

16 REPORTS FOR CLOSED SESSION

- 16.1 Review of Expressions of Interest for Environment and Sustainability 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.*

17 CONCLUSION OF THE MEETING

LIST OF ATTACHMENTS

Open Attachments

- Item 9.1 Development Application DA.2022.1184 - Alterations and Additions to Braidwood Heritage Museum - 186 Wallace Street, Braidwood
- Attachment 1 DA.2022.1184 - S4.15 Matters for Consideration - Alterations and Additions to Braidwood Heritage Museum - 186 Wallace Street, Braidwood (Under Separate Cover)*
- Attachment 2 DA.2022.1184 - Architectural Plans - Alterations and Additions to Braidwood Heritage Museum - 186 Wallace Street, Braidwood (Under Separate Cover)*
- Attachment 3 DA.2022.1184 - Landscape Plan - Alterations and Additions to Braidwood Heritage Museum - 186 Wallace Street, Braidwood (Under Separate Cover)*
- Attachment 4 DA.2022.1184 - Statement of Environmental Effects - Alterations and Additions to Braidwood Heritage Museum -*

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- 186 Wallace Street, Braidwood Statement of Environmental Effects (Under Separate Cover)*
- Attachment 5 *DA.2022.1184 - Traffic Assessment - Alterations and Additions to Braidwood Heritage Museum - 186 Wallace Street, Braidwood Traffic Assessment (Under Separate Cover)*
- Attachment 6 *DA.2022.1184 - Heritage NSW General Terms of Approval - Alterations and Additions to Braidwood Heritage Museum - 186 Wallace Street, Braidwood Heritage GTAs (Under Separate Cover)*
- Attachment 7 *DA.2022.1184 - Draft Conditions of Consent - Alterations and Additions - Braidwood Museum - 186 Wallace Street, Braidwood (Under Separate Cover)*
- Item 9.2 Development Application DA.2022.1121 - Respite Care Centre - 16 Agnes Avenue, Crestwood
- Attachment 1 *DA.2022.1121 - S4.15 Matters For Consideration - Respite Care Facility - 16 Agnes Avenue, Crestwood (Under Separate Cover)*
- Attachment 2 *DA.2022.1121 - Plans - Respite Care Facility - 16 Agnes Avenue, Crestwood (Under Separate Cover)*
- Attachment 3 *DA.2022.1121 - Redacted Submissions - Respite Care Facility - 16 Agnes Avenue, Crestwood (Under Separate Cover)*
- Attachment 4 *DA.2022.1121 - Draft Conditions - Respite Care Facility - 16 Agnes Avenue, Crestwood (Under Separate Cover)*
- Item 9.3 Modification Application DA.2020.1022.D - Modification to Queanbeyan Civic and Cultural Precinct Development - 257 Crawford Street, Queanbeyan
- Attachment 1 *DA.2020.1022.D - Plans - Modification Application - QCCP - 257 Crawford Street (Under Separate Cover)*
- Attachment 2 *DA.2020.1022.D - Traffic Assessment - Modification Application - QCCP - 257 Crawford Street (Under Separate Cover)*
- Attachment 3 *DA.2020.1022.D - Redacted Submission - Modification Application - QCCP - 257 Crawford Street (Under Separate Cover)*
- Item 9.4 South Jerrabomberra Planning Proposal PP-2022-2258 - Rezoning of Rural Land to Residential Land - Result of Public Consultation and Agency Consultation
- Attachment 1 *Planning Proposal PP-2022-2258 (Under Separate Cover)*
- Item 9.5 Draft QPRC Affordable Housing Strategy
- Attachment 1 *QPRC Affordable Housing Strategy November 2022 (Under Separate Cover)*
- Attachment 2 *QPRC Affordable Housing Strategy - Background Paper (Under Separate Cover)*
- Attachment 3 *QPRC Affordable Housing Strategy - Background Paper Appendices (Under Separate Cover)*
- Attachment 4 *QPRC Affordable Housing Strategy - Case Studies (Under Separate Cover)*
- Item 9.6 Queanbeyan Showgrounds Cultural and Heritage Interpretation Plan
- Attachment 1 *Cultural and Heritage Interpretation Plan (Under Separate Cover)*

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- Item 9.7 Naming of New Off Lead Dog Area - Googong Neighbourhood 2
Attachment 1 Letter from PEET - Googong NH2 Dog Park Naming (Under Separate Cover)
- Item 9.9 Draft QPRC Bin Inspection and Contamination Policy
Attachment 1 Draft Bin Inspection and Contamination Policy (Under Separate Cover)
- Item 9.10 Establishment of s355 Committee for Braidwood Common
Attachment 1 Application for a s355 Committee - Commonwood Farm Inc (Under Separate Cover)
Attachment 2 Support for s355 Committee (Under Separate Cover)
Attachment 3 Council Resolution 2009 (Under Separate Cover)
Attachment 4 License for the Use of Braidwood Common (Under Separate Cover)
- Item 9.11 Annual Report - 2021-22
Attachment 1 2021-22 Annual Report (Under Separate Cover)
- Item 9.12 Reviewed Policies
Attachment 1 Corporate Sponsorship Policy (Under Separate Cover)
Attachment 2 Footpath Management Policy (Under Separate Cover)
Attachment 3 Cat Containment Policy (Under Separate Cover)
- Item 9.13 Memorandum of Understanding - 88 Wallace Street, Braidwood
Attachment 1 Memorandum of Understanding - occupancy of 88 Wallace Street, Braidwood (Under Separate Cover)
- Item 9.14 ACT-QPRC Statement of Intent
Attachment 1 Renewed ACT - QPRC Statement of Intent and Work Plan - DRAFT for exposure (Under Separate Cover)
- Item 9.15 Quarterly Budget Review Statement for the Quarter Ending 30th September 2022
Attachment 1 Sept 2022 Quarterly Budget Review Statement (Under Separate Cover)
- Item 9.17 Investment Report - October 2022
Attachment 1 Investment Report Pack - October 2022 (Under Separate Cover)
- Item 9.18 Financial Sustainability Options and Revised Long Term Financial Plan
Attachment 1 IPART Fact Sheet – Special Variations (Under Separate Cover)
Attachment 2 Draft Revision to Delivery Program 2022-26 (Under Separate Cover)
Attachment 3 Draft revised Long Term Financial Plan (Under Separate Cover)
- Item 10.1 Community Consultation Captains Flat Replacement Playground
Attachment 1 Your Voice Report for Captains Flat Playground (Under Separate Cover)
Attachment 2 Staff Response to Feedback Captains Flat Playground (Under Separate Cover)
- Item 10.2 Outcome of Community Consultation - Nerriga Main Street Upgrade
Attachment 1 Nerriga Recreation Area and Main Street Upgrade (Under Separate Cover)
Attachment 2 Survey Responses Nerriga Recreation Area and Main Street Upgrade (Under Separate Cover)

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- Item 11.1 Minutes of the QPRC Sports Council Meeting - August 2022
Attachment 1 QPRC Sports Council Minutes held 8 August 2022 (Under Separate Cover)
- Item 11.2 Disability Access Committee - November 2022
Attachment 1 Access Committee Minutes 1 Nov 2022 (Under Separate Cover)

Closed Attachments

- Item 16.1 Review of Expressions of Interest for Environment and Sustainability Advisory Committee
Attachment 1 Summary of EOI submissions (Under Separate Cover)
Attachment 2 Combined Assessment Score Sheet (Under Separate Cover)



MINUTES OF THE ORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held via Zoom and at the Council Chambers, 253 Crawford Street, Queanbeyan on Wednesday, 9 November 2022 commencing at 5.30pm.

ATTENDANCE

Councillors: Cr Winchester (Chairperson)
Cr Burton
Cr Grundy
Cr Livermore
Cr Taskovski
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

444/22

RESOLVED (Winchester/Taskovski)

That the apologies from Crs Biscotti, Preston and Ternouth be accepted and leave of absence granted.

The resolution was carried unanimously.

4. CONFIRMATION OF MINUTES

4.1 Minutes of the Ordinary Meeting of Council held on 26 October 2022

445/22

RESOLVED (Winchester/Taskovski)

That the Minutes of the Ordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday 26 October 2022 be confirmed.

The resolution was carried unanimously.

5. DISCLOSURES OF INTERESTS

446/22

RESOLVED (Winchester/Livermore)

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.

Rebecca Ryan declared a significant non-pecuniary interest in Item 8.1: Rescission Motion, and Item 12.1: Notice of Motion Albion Hotel Braidwood, stating the legal advice obtained by Cr Willis referenced in her public media statement was given by James Ryan from Stringybark Legal, and James Ryan is her brother-in-law. Mrs Ryan proposes to leave the Chambers when the matters are being considered.

Cr Katrina Willis declared a less than significant non-pecuniary interest in Item 16.1: Review of Expressions of Interest - Community Members for QPRC Heritage Advisory Committee, stating an applicant recommended for appointment is a friend, and two others are known to her. Cr Willis proposes to leave the Chambers when the matter is being considered.

6. ADJOURNMENT FOR PUBLIC FORUM

At this stage of the proceedings, the time being 5.33pm, Cr Winchester advised that the meeting should now adjourn for the Public Forum.

447/22

RESOLVED (Winchester/Willis)

That the meeting be adjourned to conduct the Public Forum.

The resolution was carried unanimously.

ADJOURNMENT:

The meeting adjourned for the Public Forum at 5.33pm and resumed at 6.14pm.

7. MAYORAL MINUTE

A Mayoral Minute on the General Manager's Performance Agreement will be considered in Closed Session.

Mrs Ryan having declared an interest in the Item, left the Chamber at 6.15pm.

8. NOTICES OF MOTIONS OF RESCISSION

8.1 Rescission Motion

RESOLVED (Willis/Webster)

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

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

Procedural Motion

448/22

RESOLVED (Winchester/Wilson)

That Item 12.1 be brought forward for consideration at this juncture.

The resolution was carried unanimously.

12. NOTICES OF MOTIONS

12.1 Notice of Motion - Albion Hotel Braidwood

449/22

RESOLVED (Willis/Webster)

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 and works to the stables.
2. The application has changed form - from a Development Application to an Integrated Development Application.

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

Mrs Ryan returned to the Chamber at 6.38pm.

9. REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

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

450/22

RESOLVED (Wilson/Webster)

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.

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.

The resolution was carried unanimously.

451/22 **9.2 Update on Concept Bypass Options for Bungendore and Braidwood**

RESOLVED (Willis/Wilson)

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.

The resolution was carried unanimously.

452/22 **9.3 Queanbeyan Sewage Treatment Plant Upgrade Business Case**

RESOLVED (Wilson/Willis)

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

The resolution was carried unanimously.

453/22 **9.4 Queanbeyan CBD Wayfinding Strategy**

RESOLVED (Willis/Livermore)

That Council adopt the Queanbeyan CBD Wayfinding Strategy.

The resolution was carried unanimously.

454/22 **9.5 Councillor Representatives for Floodplain Risk Management Committees**

RESOLVED (Willis/Wilson)

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

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

The resolution was carried unanimously.

The following Councillors were appointed to the Floodplain Risk Management Committees:

Bungendore FRMC: Crs Webster and Preston (alt Cr Willis)

Braidwood FRMC: Crs Willis and Winchester

Queanbeyan FRMC: Crs Wilson and Livermore

9.6 Community Use - Treehouse and Visitor Information Centre in Queanbeyan

455/22

RESOLVED (Wilson/Webster)

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.

The resolution was carried unanimously.

9.7 Reviewed Policies

456/22

RESOLVED (Wilson/Willis)

That Council:

1. 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.

The resolution was carried unanimously.

9.8 Audit, Risk and Improvement Committee Charter

457/22

RESOLVED (Willis/Grundy)

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

The resolution was carried unanimously.

9.9 Request for Donation for Rates Relief

458/22

RESOLVED (Taskovski/Wilson)

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.

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

9.10 Notice of Compensation Bungendore

459/22

RESOLVED (Wilson/Taskovski)

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.

The resolution was carried unanimously.

- 460/22 **9.11 Queanbeyan Civic and Cultural Precinct - 12 month report**
RESOLVED (Willis/Livermore)
That Council receive the 12 month construction progress report for the Queanbeyan Civic and Cultural Precinct project to October 2022.

The resolution was carried unanimously.

- 461/22 **9.12 Financial Sustainability Options and Revised Long Term Financial Plan**
RESOLVED (Wilson/Webster)
That consideration of the Financial Sustainability Options and Revised Long Term Financial Plan be deferred to a later meeting.

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

10. REPORTS TO COUNCIL - ITEMS FOR INFORMATION

- 462/22 **10.1 Councillor Workshops**
RESOLVED (Wilson/Livermore)
That the report be received for information.
The resolution was carried unanimously.

11. REPORTS OF COMMITTEES

There were no Reports of Committees.

12. NOTICES OF MOTIONS

- 12.1 Notice of Motion - Albion Hotel Braidwood**
This item was dealt with in earlier business.

13. REPORTS TO COUNCIL - DELEGATES REPORTS

There were no Delegates' Reports.

14. QUESTIONS WITH NOTICE

There were no Questions with Notice.

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

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

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

There were no presentations.

16. REPORTS FOR CLOSED SESSION

463/22

RESOLVED (Winchester/Livermore)

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.

The resolution was carried unanimously.

The meeting then moved into Closed Session at 7.30pm to discuss the matters listed above.

Cr Willis having declared an interest in the Item, left the Chamber at 7.30pm.

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

464/22

RESOLVED (Wilson/Taskovski)

That Council:

1. Endorse the selection of the following nine community members to the new QPRC Heritage Advisory Committee:
 - Hollie Gill
 - David Loft
 - Margaret Tuckwell
 - Jennifer Bird
 - Lorba Drewry
 - Ann Rocca
 - Andrew Riley
 - Sue Whelan
 - Bradley Mapiva Brown
2. Thank all those unsuccessful members of the community that submitted an expression of interest for the role.
3. Agree that the Heritage Committee formally reserve a position for a First Nations community representative into the future.

The resolution was carried unanimously.

Cr Willis returned to the Chamber at 7.32pm.

16.2 GM Performance Agreement

465/22

RESOLVED (Winchester/Livermore)

That Council endorse the Performance Agreement for the General Manager for the 2022/23 period.

The resolution was carried unanimously.

466/22

RESOLVED (Winchester/Taskovski)

That the meeting now return to Open Session.

The resolution was carried unanimously.

The meeting returned to Open Session at 7.33pm.

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

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

17. CONCLUSION OF THE MEETING

The time being 7.34pm, the Mayor announced that the Agenda for the meeting had now been completed.

**CR KENRICK WINCHESTER
MAYOR
CHAIRPERSON**

ITEM 5 DECLARATION OF CONFLICTS/PECUNIARY INTERESTS

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

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

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

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

Recommendation

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

9.1 Development Application DA.2022.1184 - Alterations and Additions to Braidwood Heritage Museum - 186 Wallace Street, Braidwood (Ref: ; Author: Thompson/Harlor)

File Reference: DA.2022.1184

Recommendation

That:

1. Council support a variation to the requirements of Part 7.30 of the Braidwood Development Control Plan 2006 by dispensing with the provision of on-site parking in this particular instance due to the following factors:
 - Access to the proposed development is severely constrained and substantially increasing the number of vehicle movements to and from the site would not be a desirable outcome.
 - The community benefits of the proposed development from both a heritage and social perspective mean that the utilisation of the site for Museum activities takes precedence over using that land for on-site carparking.
 - The existing on-street parking has capacity to absorb the additional parking demands generated by the development during its proposed hours of operation.
 - Disabled parking is able to be accommodated onsite.
 2. Development application DA.2022.1184 for alterations and additions to the existing Museum, new visitor accommodation, cafe, office, sales area, artisan studios, landscaping and associated infrastructure works at Lot 1 DP86338, No.186 Wallace Street, Braidwood be granted conditional approval.
-

Reason for Referral to Council

Council's Guidelines for Referral of Development Applications to Council specify that where Council is involved in an application which may result in a real or perceived conflict of interest, the application should be determined by the full Council rather than under delegation. In this case Council is responsible for overseeing the grant funds for the project on behalf of the Braidwood and District Historical Society.

In addition, the application seeks a significant variation to Council's planning controls.

As such it is appropriate that the application be determined by the full Council.

9.1 Development Application DA.2022.1184 - Alterations and Additions to Braidwood Heritage Museum - 186 Wallace Street, Braidwood (Ref: ; Author: Thompson/Harlor) (Continued)

Please note that Council has utilised the services of an external planning consultant to assess this application. As a result, the structure of the report may vary from the report format Councillors would normally review. The detailed assessment is provided in Attachment 1 – s4.15 Matters for Consideration.

Proposal:	Alterations and additions to the existing Museum, new visitor accommodation, cafe, office, sales area, artisan studios, landscaping and associated infrastructure works
Applicant/Owner:	Public Works Advisory / Braidwood and District Historical Society
Subject Property:	Lot 1 DP86338, 186 Wallace Street Braidwood
Zoning and Permissibility:	B4 Mixed Use under <i>Palerang Local Environmental Plan 2014</i> Development is Permissible in the zone
Public Submissions:	Nil
Issues Discussed:	Planning requirements, building height, carparking
Disclosure of Political Donations and Gifts:	Applicant declared no donations or gifts to any Councillor or Staff have been made

Summary

The proposal seeks development consent for alterations and additions to the existing Museum, new visitor accommodation, cafe, office, sales area, artisan studios, landscaping and associated infrastructure works. The specific elements and primary considerations of the proposal are:

- Site Accessibility - Currently, primary visitor access to the Museum is via steps at the front door. The application proposes an accessible pathway from the footpath, along the north side setback of the existing building, to a new Museum entry at its rear.
- Internal Accessibility - Currently, the only access to the upper level of the building is by stairs. The application proposes the installation of a lift in a location that will overcome access issues to the first floor. The existing ground floor of the Museum building has a number of floor level changes. The application proposes internal ramps to overcome these interior level changes.
- Reception and Shop - The proposal includes a small, single storey addition to the rear of the existing Museum building, that incorporates the accessible entrance to the Museum, the Museum reception and a Museum shop.
- Blacksmithing School and Demonstration Workshop – Is proposed in a location to form one edge of the ‘arrival courtyard’ in the precinct and be a prominent focal point as visitors access the site.
- Artisan Studios – The existing shed at the rear of the site will be retained and modified to house an “Artisanal College of Rare and Lost Crafts”. Artisan Studios and teaching facilities such as Bootmakers, Saddlers, Feltmakers, Clockmakers, Coopers, Bookbinders, Conservators, Furniture Makers, Instrument Makers, Fletchers, Upholsterers, Luthiers, Woodturners, Whip plaiters, Stonemasons, Tinsmiths, Weavers, Glassblowers, Silversmiths, Goldsmiths, and Wheelwrights will have a home to demonstrate, teach and continue to practice their trades. The precinct will provide affordable, purpose-built spaces for creative artisans to work collaboratively within the wider community.

9.1 Development Application DA.2022.1184 - Alterations and Additions to Braidwood Heritage Museum - 186 Wallace Street, Braidwood (Ref: ; Author: Thompson/Harlor) (Continued)

- Homestay Accommodation - self-contained "Homestay" – type accommodation is proposed at the rear of the site.
- Co-working Space - A new, single storey plus attic building is proposed, attached to the gable in the centre bay of the existing shed. The proposed attic level of this building is intended to accommodate simple, open co-working spaces for small, creative practices, such as graphic designers, industrial/product designers, architects, landscape architects, interior designers and writers / editors / copywriters.
- Café and Gathering Space - A café and gathering space is proposed in a simple structure, abutting a masonry shed structure, built to the shared boundary on the neighbouring property to the south.

The proposal is predicated on the Conservation Management Plan (CMP) for the site, prepared by Pip Giovanelli, dated May 2019. It incorporates the key aspects of the CMP, including accessible entry and disabled access, including a lift to the first floor. The amended DA proposal, that accompanies the updated version of the SEE, represents the revisions agreed after discussions with Heritage NSW subsequent to the submission of the initial DA.

The Museum currently comprises 440m² of exhibition space. This is proposed to be facilitated by a small-scale addition at the rear of the building, which will comprise an accessible entry, reception and shop.

The Braidwood Museum is listed on the State Heritage Register and is run by the Braidwood and District Historical Society (BDHS), a volunteer organisation. It opens 5 days a week and occasionally hosts functions in the hall. It opens less often in winter because of the lack of heating.

The BDHS applied for and have been successful in obtaining a grant to undertake the work.

The Museum was established in 1970, in a building built, c.1843-1846, as a hotel with attached accommodation. From about 1868, the Grand United Order of Oddfellows was renting the building before purchasing the property, for the Order's sole use, in 1868.

The site has a street frontage to Wallace Street, on its narrower, eastern side and has an approximate area of 2,049m². The land's current, long-term use is as a local history Museum.

The key planning issues associated with the proposed development are as follows:

- Heritage impact
- Parking provision
- Compliance with environmental planning instruments.

These issues are addressed in the full report which concludes that potential impacts can be satisfactorily mitigated with imposition of conditions of approval.

The proposal is considered a positive contribution to Braidwood's range of visitor activities and the outcome of diversifying the uses and activities on site to create a vibrant cultural asset for Braidwood and the wider Queanbeyan-Palerang district is supported.

The application is recommended for conditional approval.

9.1 Development Application DA.2022.1184 - Alterations and Additions to Braidwood Heritage Museum - 186 Wallace Street, Braidwood (Ref: ; Author: Thompson/Harlor) (Continued)

Background

The Braidwood Museum is a heritage-listed former hotel and Oddfellows Hall operated by the Braidwood and District Historical Society. The Society has identified the overall vision for the facility:

“...to build an economically self-sustaining cultural and creative centre to provide a place that connects our community & visitors”.

A previous development application for alterations and additions to the Museum was approved in 2010.

Description of Site and Locality

The subject site is described as Lot 1 DP 86338 and is commonly known as 186 Wallace Street, Braidwood located between McKellar Street and Park Lane. The site is occupied by the Braidwood Museum.



Figure 1: Site Aerial Photo - Source: Nearmap (July 2017) Not to Scale

9.1 Development Application DA.2022.1184 - Alterations and Additions to Braidwood Heritage Museum - 186 Wallace Street, Braidwood (Ref: ; Author: Thompson/Harlor) (Continued)



Figure 2 - View of Building from Wallace St

Property Burdens and Constraints

A survey plan submitted with the DA shows there are no easements affecting the property.

Proposal

The application seeks Council's approval for alterations and additions to the existing Museum, information and education facility, tourist and visitor accommodation and commercial development including, food and drink premises, office premises, shops, landscaping and associated infrastructure works. Plans are provided in Attachments 2 and 3.

The specific elements of the proposal are:

- Creation of a new entrance, reception area and gift shop at the rear of the Museum building comprising light weight construction clad in metal sheeting.
- Construction of a new lift to the rear of the original building.
- Construction of new two-storey accommodation facility at rear of the site.
- Construction of a new two-storey Museum display and co-working space to be attached to the gable end of the existing shed.
- Construction of a standalone café and exhibition space
- Provision of new amenities adjacent to existing storage shed
- Minor internal modifications to the Museum building – removal of partition walls
- Conversion of existing window into door access of Museum building to create a new entrance
- Construction of new awning for the length of the existing storage shed
- Relocation of Log Lockup
- Construction of standalone 'Blacksmith's' workshop
- Provision of external exhibition space
- New fencing along northern boundary
- New landscaping works

9.1 Development Application DA.2022.1184 - Alterations and Additions to Braidwood Heritage Museum - 186 Wallace Street, Braidwood (Ref: ; Author: Thompson/Harlor) (Continued)

The studio spaces are to be within the existing shed to the rear of the Museum building and are proposed to be used by artisans of rare and lost crafts such as Bootmakers, Saddlers, Felt makers, Clockmakers, Coopers, Bookbinding, Conservators, Furniture Makers, Instrument Makers, Fletchers, Upholsters, Luthiers, Woodturners, Whip plaiters, Stonemasons, Tinsmiths, Weavers, Glassblowers, Silversmiths, Goldsmiths, and Wheelwrights.

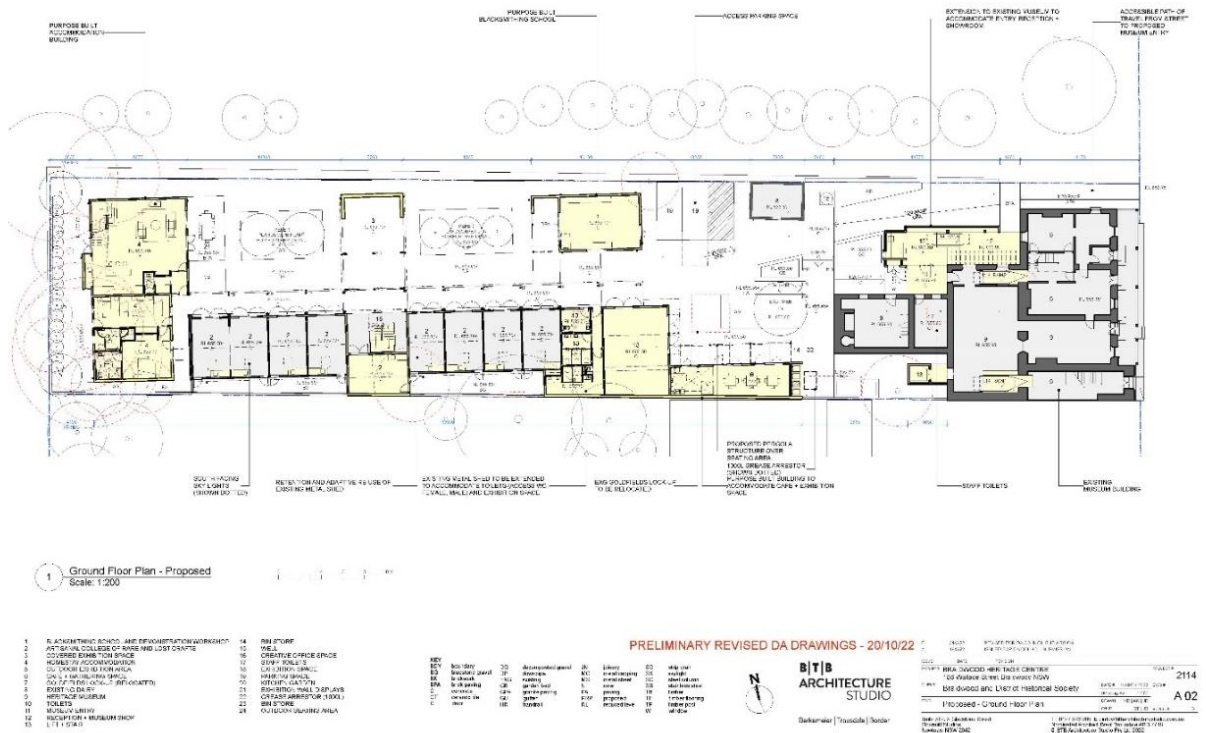


Figure 3 – Site Layout - Source: BTB Architects



Figure 4 - View to rear of Museum building, old dairy to the left

9.1 Development Application DA.2022.1184 - Alterations and Additions to Braidwood Heritage Museum - 186 Wallace Street, Braidwood (Ref: ; Author: Thompson/Harlor) (Continued)



Figure 5 - View of rear of site, existing shed to the left



Figure 6 - View of rear area of the site looking east

9.1 Development Application DA.2022.1184 - Alterations and Additions to Braidwood Heritage Museum - 186 Wallace Street, Braidwood (Ref: ; Author: Thompson/Harlor) (Continued)



Figure 7 - Old gaol relocated from Mongarlowe



Figure 8 - Side of Museum showing constrained existing access to rear of the site

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z Perspective Views of Proposal

Figure 9 - Perspective Views - Source: BTB Architects



1 Axonometric View 01

2 Axonometric View 02

Figure 10 – Perspective Views - Source: BTB Architects

9.1 Development Application DA.2022.1184 - Alterations and Additions to Braidwood Heritage Museum - 186 Wallace Street, Braidwood (Ref: ; Author: Thompson/Harlor) (Continued)

Report

Planning Requirements

Section 4.10 Designated Development – EP&A Act 1979

The proposal is not Designated Development

Section 4.47 Integrated Development – EP&A Act 1979

The proposal is Integrated Development and was referred to:

- Transport for NSW
- Heritage NSW.

Section 4.15 – Matters for Consideration - EP&A Act

S.4.15 (1) (a) - the provisions of any environmental planning instrument.

The relevant planning instruments are:

- Palerang Local Environmental Plan 2014
- State Environmental Planning Policy (Resilience & Hazards) 2021
- State Environmental Planning Policy (Transport & Infrastructure) 2021
- State Environmental Planning Policy (Biodiversity & Conservation) 2021
- State Environmental Planning Policy (Industry & Employment) 2021

These instruments are considered in the following sections.

Palerang LEP 2014

Land Use Zone - The site is zoned B4 – Mixed Use

Permissibility - The proposed development is considered to fall within two defined land uses, being:

- Information and education facility
- Hotel or motel accommodation

An information and education facility is defined as a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, Museum, library, visitor information centre and the like.

The accommodation proposed at the rear of the site is considered to be hotel or motel accommodation which is defined as a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that:

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles, but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

While the proposal also includes a café, shop and offices, these are considered to be ancillary to the primary land use as a Museum and are not in themselves independent land uses.

Both Information and education facility and hotel or motel accommodation are permissible uses within the B4 zone.

9.1 Development Application DA.2022.1184 - Alterations and Additions to Braidwood Heritage Museum - 186 Wallace Street, Braidwood (Ref: ; Author: Thompson/Harlor) (Continued)

Zone Objectives - The objectives of the B4 Mixed Use zone are:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To ensure that new development has regard to the character and amenity of the locality.
- To strengthen the viability of Palerang's existing business centres as places for investment, employment and cultural activity.
- To support business development by providing parking and other civic facilities.

It is considered that the proposal provides a mix of compatible land uses, is a suitable site for the activity, is consistent with the character of the locality, strengthens Braidwood's business centre and provides civic facilities for Braidwood. As such, the proposed development is considered to be consistent with the objectives of the zone.

Part 4 - Principal Development Standards - The only relevant development standard under Part 4 of Palerang LEP 2014 is 'Clause 4.3 Height of Buildings' that specifies that the height of a building is not to exceed 7.2m. The plans submitted with the DA indicate that a small section of the roof to the accommodation building at the rear of the site exceeds the 7.2m height limit. However, amended plans received on 31 October 2022 have revised the building height and the proposal is now compliant with the LEP height provisions.

Part 5 - Miscellaneous Provisions - The only relevant provision under Part 5 of Palerang LEP 2014 is 'Heritage Conservation'. Both Braidwood and Its Setting and the Braidwood District Historical Society Museum are of State Significance.

As such, Clause 5.10 (Heritage Conservation) of the LEP applies. The objectives of this clause are:

- a) to conserve the environmental heritage of Palerang
- b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views
- c) to conserve archaeological sites
- d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

Clause 5.10 requires Council to consider the effect of the proposed development on the heritage significance of the item or area concerned.

A Heritage Impact Statement was prepared by NSW Public Works on behalf of the Braidwood and District Historical Society and submitted with the DA. The Heritage Impact Statement concludes that there is potential for the identified heritage significance, values and potential archaeological resources to be subject to direct and indirect impacts as a result of the proposal. However, the Report considers that these impacts can be effectively managed and minimised provided recommended measures are implemented to reduce and avoid impacts to the place.

The recommendations are confirmed through the NSW Heritage advice and conditions of approval.

9.1 Development Application DA.2022.1184 - Alterations and Additions to Braidwood Heritage Museum - 186 Wallace Street, Braidwood (Ref: ; Author: Thompson/Harlor) (Continued)

S.4.15 (1) (a) (iii) - the provisions of any development control plan.

The relevant DCP that applies to the site and proposed development is the Braidwood Development Control Plan 2006.

The Braidwood DCP continues to operate under the *Heritage Act 1977* in the State listed conservation area 'Braidwood and its setting' as the document which determines whether or not approval under section 60 of the Act is required. Any development in the State listed area which does not comply with the provisions of the Braidwood Development Control Plan 2006 will require Heritage Act approval and will be considered as integrated development under Division 4.8 of the *Environmental Planning and Assessment Act 1979*.

The most recent version of this DCP was adopted by Council on 27 October 2021 and became effective on 10 November 2021.

Precinct 1a – Wallace Street Commercial Area - The subject site is within the area identified in the DCP as 'Precinct 1a – Wallace St Commercial Area'. The objectives for this Precinct area are:

- a) to preserve the historical character of the precinct's townscape and the contributory and individual significance of the individual heritage items within it;
- b) to ensure development in the vicinity of buildings with historical importance is in harmony with the form and scale of those buildings; and
- c) to encourage the location of retailing, office space, and other commercial enterprises which service local and regional needs.

Land Use - The proposed uses are consistent with the preferred land uses listed in the DCP.

New Development - The DCP prescribes that new development shall:

- be no higher than the maximum height of the adjacent building;
- not obscure significant views of adjacent buildings;
- be sympathetic to and consistent with the historic built form evident in the main street;
- not be visually dominant in the streetscape; and
- have direct access from the main street, i.e. a doorway opening onto the main street.

The proposal is consistent with the above provisions.

Setbacks in Wallace Street between McKellar and Lascelles Streets - The DCP specifies building setback distances for new or 'unsympathetic' structures to heritage listed buildings. In general, the setbacks are as follows:

- Side 0.0m
- Front 0.0m
- Rear 6m

The rear setback to the proposed accommodation building varies between 3.64m and 4.19m. While this is less than the DCP requirement it is considered an acceptable outcome. The new buildings have doors and windows to the rear boundary, but these do not overlook any residential properties. The adjacent school buildings do not face the subject site and entry to the recent classroom is to the side of the subject Museum site.

Internal Referrals

Engineering Comments

Water - There are existing reticulated water mains located on both sides of Wallace Street. The 100mmØ AC water main is located within the western verge of Wallace Street. No increased size of the water service is proposed under this development. Should an increase water service be required, the upsize of the service should be supported by a hydraulics

9.1 Development Application DA.2022.1184 - Alterations and Additions to Braidwood Heritage Museum - 186 Wallace Street, Braidwood (Ref: ; Author: Thompson/Harlor) (Continued)

consultant. Connections and disconnections of water services to the live water mains shall be done by Council at no cost to Council.

Sewer - There is an existing 150mmØ VC (AZ/2 – AZ/1) sewer main located within the western verge of Wallace Street and is approximately 1.1m deep, with existing sewer tie connections to the existing structure within the lot. The existing sewer main is sufficient for the needs of this development. However, the development proposes new amenities and as such, if new service connections to the live sewer are required for those, the applicant is to submit an application for those new connections. Connections or disconnections to the live sewer mains shall be done by Council at no cost to Council.

Storm Water - The proposed additions are likely to increase pre-development stormwater runoff, therefore the development will need to implement an on-site detention (OSD) system to limit the site discharge to the pre-development flow rates for the 20% and 1% AEP storm events in accordance with QPRC's D5 Stormwater Design Specification. For this site, the lawful point of discharge is the drainage system in Wallace Street, peak flows are to be constrained by OSD to pre-development flows.

The development may propose non potable water usage for toilets, hand basin, facility water cleaning and minor landscaping usage. All plumbing shall comply with AS3500 and be isolated from the potable water supply.

Access and Parking - The site has an existing kerb crossing that serves the site and the adjacent lot owned by the Education Department (refer photo below). There is no constructed driveway into the site and the gap between the existing Museum building and the side boundary is only about 2.4m wide.

The amended plans include vehicle turning paths that confirm that a simple manoeuvre from Wallace Street into the site results in a car encroaching into the adjoining Department of Education site. To address this, it is proposed to secure a Right of Way (ROW) or easement to be registered over part of Department of Education land. At the time of submission of the amended plans, final agreement for the easement had not been secured. However, as vehicle access to the site is physically possible without the easement, albeit quite restrictive needing cumbersome manoeuvres to avoid encroachment on to adjoining land, there is minimal risk in granting approval, subject to later resolution of the easement.



Figure 11 - View of existing vehicle crossover.

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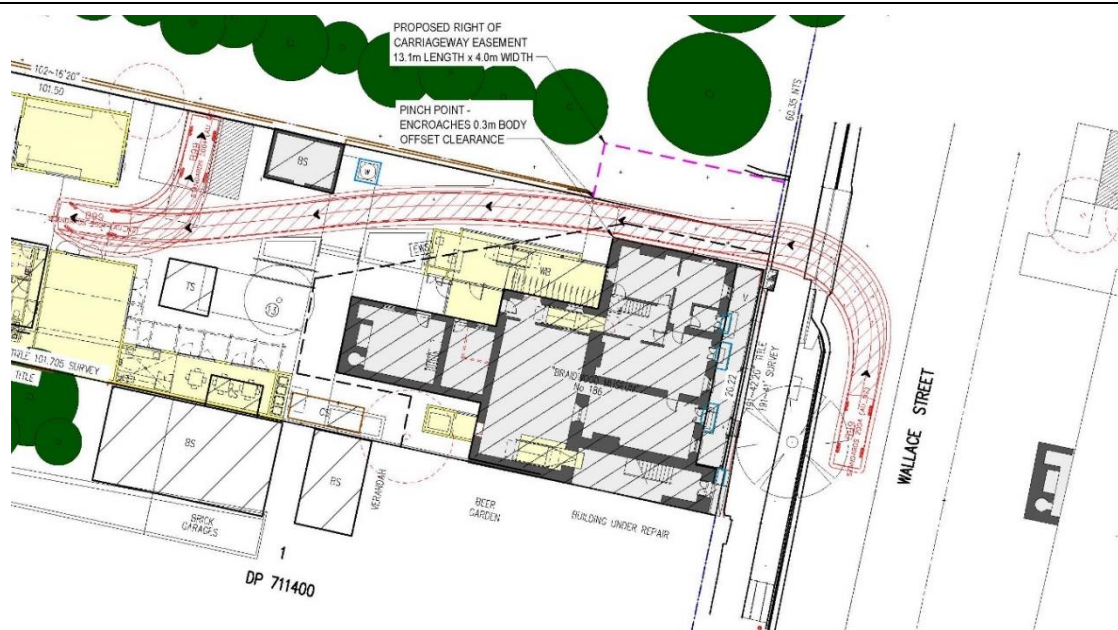


Figure 12 - Manoeuvring Area for Vehicles Accessing Disabled Parking Space
Source: SCT Consulting Engineers

The revised Traffic and Transport Impact Assessment Report (Attachment 5) submitted on 1 November 2022 evaluated the parking rates for the proposed development. Based on the standards, the development is estimated to require 20 parking spaces, inclusive of accessible parking. The amended plans show provision for 2 off-street parking spaces, 1 reserved for disabled persons and the other for service and waste vehicles.

The report confirms that Wallace Street, a state highway, forms the local transport link through the Braidwood town centre with a 50km/h speed limit through Braidwood. The 22m wide, dual carriageway road, accommodates angled parking on both its sides offering town centre parking for the locals and visitors.

The report outlines the parking rates, per the Braidwood and Palerang DCP, which are presented in the table below for the different land uses of the development.

Activity	Area m ² GFA	Land Use	Parking rate	Source	Required parking
Blacksmith	53.5	No comparable land use in GTGD, Business park used	1.5 spaces / 100m ² gross leasable area	5.11.4 GTGD, 2002	7.4 spaces
Artisan studios	195				
Existing Museum space	227	Museum	No spaces provided		
Cafe	35	Retail – shopping centres	6.1 / 100m ² of gross leasable area	3.7.2 GTGD, 2002	2.1 spaces
Creative office space	77	Office	1 / 40m ² gross floor area ¹	5.6 GTGD, 2002	1.9 spaces
Accommodation 6 beds	254	Casual accommodation – Motel	1 space / unit plus 1 space / 2 employees	5.5.1 GTGD, 2002	7 spaces
Total					18.4 spaces

The parking assessment included four site visits, two during the AM weekday peaks and two during the PM weekday and weekend peaks to gauge the current car parking occupancy at and around the Braidwood Museum. The on-street parking was generally empty on both sides of Wallace Street. Increased activity was observed on Friday afternoon, mainly at the frontage of the Café south of the Museum and on Sunday evening at the Smokey Horse restaurant and

9.1 Development Application DA.2022.1184 - Alterations and Additions to Braidwood Heritage Museum - 186 Wallace Street, Braidwood (Ref: ; Author: Thompson/Harlor) (Continued)

Museum. The occupancy at these peak periods is still able to accommodate further demand that the proposed development may produce.

The report concludes that the off-street parking shortfall of 17 spaces is able to be accommodated by on-street parking on Wallace Street having over 60 spaces north of Wilson Street.

While this is a significant departure from Council's DCP requirements, Clause 7.30 of the DCP states:

Parking, unloading and loading facilities shall be provided for all development in accordance with the NSW Roads and Traffic Authority Policy Guidelines and Procedures for Traffic Generating Development. In some instances, the need for onsite parking may not be enforced. In these cases, payment In lieu of provision of parking spaces will be required to facilitate the development of a street parking area or where a Council car park is planned.

The DCP provisions suggest that there will be circumstances where other factors, such as the preservation of heritage significance, is more important to a development outcome than on-site provision of customer car parking. In such cases the DCP indicates that Council will consider street parking rather than on-site parking.

The circumstances of this proposal require Council to consider such a scenario. A requirement to provide an additional 17 on-site parking spaces is effectively a refusal of the development as there is insufficient area on site for both parking and proposed Museum facilities. In addition, due to the narrow access to the side of the existing building, customer parking would not be readily visible to visitors and would be unlikely to be utilised with visitors simply parking in available on-street parking spaces.

It is also considered that the community benefits of the proposed Heritage Centre should be considered as a factor in not enforcing on-site parking. The focus on retention of heritage features and provision of additional visitor experiences for the community's benefit (rather than a private developer's profit) ensures that the waiving of the requirement for all parking to be provided on-site does not set any precedent for other development proposals in Braidwood.

Given all of the above it is recommended that Council grant a variation to the DCP requirements for on-site parking in this particular instance due to the following factors:

- Access to the proposed development is severely constrained and substantially increasing the number of vehicle movements on and off the site would not be a desirable outcome.
- The community benefits of the proposed development from both a heritage and social perspective mean that the utilisation of the site for Museum activities takes precedence over using that land for on-site carparking.
- The existing on-street parking has capacity to absorb the additional parking demands generated by the development during its proposed hours of operation.
- Disabled parking can be accommodated onsite.

Parking for the Disabled – The original proposal did not include any on-site parking for people with disabilities with the application relying on on-street parking to meet this demand. Council was not satisfied with this arrangement as the cross falls and difference in levels between the on-street angle parking and footpath would have made it impossible to construct a complying accessible path of travel from the road to the footpath. As a result, changes were made to the plans to make provision for a disabled parking space onsite. As noted above this has required some negotiations with the adjoining Department of Education to ensure legal access can be achieved over the driveway on the northern side of the building. With the site access resolved and disabled access now provided on site this is considered satisfactory.

Flooding - Not applicable. The development is not located within the Braidwood flood planning area.

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Health and Building Comments

Any approval is to be subject to standard conditions for this type of development.

Heritage Advisor

The application was referred to Council's Heritage Advisor who has advised as follows:

Historic building - There is very little physical impact on significant fabric other than removing brick from under a window to enable installation of a lift and escape stairs on the upper floor and removing stone and brick under the window to allow free movement between the reception area and the rest of the Museum. This impact is acceptable.

Reception and Museum shop - In my view the angular form of the north wall is not consistent with the architecture of the historic building. The CMP makes the recommendation that new structures should be designed to fit harmoniously into the site's historic context. This does not mean they have to be reproductions of heritage buildings but should draw on existing structures for scale and form.

The wall should either be a simple rectilinear form, stepped in plan if necessary, or virtually all glass if it is to remain on the angle. Its current appearance is more military or industrial rather than uplifting and creative.

The exhibition (Space 3) and in particular the second storey (Space 16) is over scaled, overly dominant, likely to cast inappropriate shade and should be deleted from the project at this stage. If there is a need for an additional structure it could be added at a future stage and able to be designed more in keeping with future needs. In the interim its function could take place in one of the artisan studios.

The exhibition wall displays (Item 21) seem contrived and may be better off deleted at this stage and designed/ installed to meet their specific purpose.

Careful thought needs to be given to glazing, solar access and in particular solar passive heating in winter.

The comments of the Heritage Advisor have been taken into account and some amendments made in consultation with Heritage NSW. Please see below comments from Heritage NSW who have now issued their General Terms of Approval for the proposal.

External Referrals**TfNSW**

The referral to TfNSW was rejected as being not necessary as it is only the "travel lanes" of the Kings Highway / Wallace Street that they have interest in and it has been determined that this development will have little impact.

NSW Heritage

The proposal was referred to NSW Heritage and a number of meetings and discussions were held between the applicant, Council officers and NSW Heritage. A summary of NSW Heritage requirements is provided below. The full General Terms of Approval are provided in Attachment 6 and these requirements are incorporated into the conditions of approval for the DA.

- To mitigate the physical impacts, including loss of significant fabric, as well as impact on integrity the conversion of window to door in the western stone wall is not approved.

9.1 Development Application DA.2022.1184 - Alterations and Additions to Braidwood Heritage Museum - 186 Wallace Street, Braidwood (Ref: ; Author: Thompson/Harlor) (Continued)

- To reduce their dominance and improve visibility of heritage fabric the extent of the proposed northern attachment and café addition shall be reduced and glazed area along the north increased.
- Conservation works must be carried out in accordance with a Conservation Schedule.
- A heritage consultant must be nominated to provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values.
- The heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.
- All work to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.
- Significant built and landscape elements are to be protected during site preparation and the works from potential damage.
- A photographic archival recording must be prepared prior to the commencement of works, during works and at the completion of works.
- Submit an Archaeological Assessment and Archaeological Research Design for approval by the Heritage Council of NSW
- If substantial intact archaeological deposits and/or State significant relics or any other buried fabric, are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified.
- An application under section 60 of the *Heritage Act 1977* must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

Engagement

The application was notified in accordance with Council's Community Engagement and Participation Plan from 7 June to 5 July 2022. No submissions were received.

Financial

The proposed development attracts developer contributions under s7.11 of the *EP&A Act* and water and sewer contributions under s64 of the *Local Government Act 1993*.

Both the s7.11 and s64 Plans make provision for certain community and non-profit organisations to apply for relief from the payment of developer contribution fees under certain circumstances and subject to submitting justification for the fee relief.

Conclusion

The proposal for alterations and additions to the existing Museum, new visitor accommodation, cafe, office, sales area, artisan studios, landscaping and associated infrastructure works at 186 Wallace Street Braidwood is supported by a Statement of Environmental Effects (SEE) and was notified to adjoining owners/occupiers. No submissions were received during the notification period.

The proposed development will have positive social and economic outcomes as it essentially provides for upgrades to the existing Museum and construction of ancillary structures and complementary uses.

9.1 Development Application DA.2022.1184 - Alterations and Additions to Braidwood Heritage Museum - 186 Wallace Street, Braidwood (Ref: ; Author: Thompson/Harlor) (Continued)

The proposal has been assessed under Section 4.15 of the *Environmental Planning & Assessment Act* including the relevant provisions of applicable *State Environmental Planning Polies, the Palerang Local Environmental Plan 2014, Draft Queanbeyan Palerang Local Environmental Plan 2020* and Braidwood Development Control Plan 2006. With exception of the provision of on-site parking the proposal satisfies the requirements and achieves the objectives of these instruments. A variation to the on-site parking requirements is supported in this case. The application is therefore recommended for approval.

Attachments

- Attachment 1  DA.2022.1184 - S4.15 Matters for Consideration - Alterations and Additions to Braidwood Heritage Museum - 186 Wallace Street, Braidwood (*Under Separate Cover*)
- Attachment 2  DA.2022.1184 - Architectural Plans - Alterations and Additions to Braidwood Heritage Museum - 186 Wallace Street, Braidwood (*Under Separate Cover*)
- Attachment 3  DA.2022.1184 - Landscape Plan - Alterations and Additions to Braidwood Heritage Museum - 186 Wallace Street, Braidwood (*Under Separate Cover*)
- Attachment 4  DA.2022.1184 - Statement of Environmental Effects - Alterations and Additions to Braidwood Heritage Museum - 186 Wallace Street, BraidwoodStatement of Environmental Effects (*Under Separate Cover*)
- Attachment 5  DA.2022.1184 - Traffic Assessment - Alterations and Additions to Braidwood Heritage Museum - 186 Wallace Street, BraidwoodTraffic Assesement (*Under Separate Cover*)
- Attachment 6  DA.2022.1184 - Heritage NSW General Terms of Approval - Alterations and Additions to Braidwood Heritage Museum - 186 Wallace Street, BraidwoodHeritage GTAs (*Under Separate Cover*)
- Attachment 7  DA.2022.1184 - Draft Conditions of Consent - Alterations and Additions - Braidwood Museum - 186 Wallace Street, Braidwood (*Under Separate Cover*)

9.2 Development Application DA.2022.1121 - Respite Care Centre - 16 Agnes Avenue, Crestwood (Ref: ; Author: Thompson/McManus)

File Reference: DA.2022.1121

Recommendation

That development application DA.2022.1121 for a construction of a community facility for use as a respite care centre on Lot 33, Lot 34 DP 14341 and Lot 35 DP 14341, No.16 Agnes Avenue, Crestwood be granted conditional approval.

Summary

Reason for Referral to Council

This application has been referred to Council because the development is on Council owned land classified as community land. Section 47E of the *Local Government Act 1993* specifies that such an application cannot be determined under delegation.

Proposal:	Construction of a community facility for use as a respite care centre
Applicant/Owner:	Respite Care for Queanbeyan Incorporated/ Queanbeyan-Palerang Regional Council
Subject Property:	Lot 33 DP 14341, Lot 34 DP 14341 and Lot 35 DP 14341, No. 16 Agnes Avenue Crestwood "Ross Park"
Zoning and Permissibility:	RE1 - Public Recreation under Queanbeyan Local Environmental Plan 2012
Public Submissions:	2
Issues Discussed:	Planning and Engineering requirements
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made.

Background

The subject site is located on Council owned community land.

The subject site (including adjacent Lot 53, 54 & 55 DP 14341) and the proposed development have been discussed at various Council meetings since 2018 and on 28 November 2018 Council resolved to:

Agree in principle to lease part of the preferred site at 16 Agnes Avenue Queanbeyan to Respite Care for QBN Incorporated for a 30 year period and the Lease be progressed in accordance with S45 of the Local Government Act 1993, and Council undertake the necessary planning actions (including the preparation of a Planning Proposal if necessary) to ensure that the proposed use as a respite centre for the benefit of carers (being residential accommodation) is permissible on the site.

9.2 Development Application DA.2022.1121 - Respite Care Centre - 16 Agnes Avenue, Crestwood (Ref: ; Author: Thompson/McManus) (Continued)

Further to this Council resolved to support the re-classification of the subject land (Lots 33, 34 and 35 DP 14341) from “Sportsground” to “General Community Use” and adopt a Plan of Management (PoM) that provided for the respite care centre to be erected on the land.

The Plan of Management – General Community for 16 Agnes Avenue, Crestwood was adopted on 13 November 2019.

Subject Property

The subject site is legally described as Lot 33 -35 DP 14341 and is commonly known as 16 Agnes Avenue Crestwood. The three lots making up the development site have a combined area of 2090.4m² with the eastern boundary having frontage to Ross Road and the western boundary a frontage to Agnes Avenue.

Access is currently available from Ross Road and Agnes Avenue and existing development on the sites comprises 2 basketball/netball courts.

There is no significant slope on the sites and existing vegetation consists of predominately grass vegetation (and bitumen surface).

Existing development within the locality consists of dwelling houses and outbuildings with multi-dwelling housing located on the northern boundary of the site.



Figure 1: Locality plan

9.2 Development Application DA.2022.1121 - Respite Care Centre - 16 Agnes Avenue, Crestwood (Ref: ; Author: Thompson/McManus) (Continued)

Figures 2-5: Site photos of existing basketball/netball courts

Proposed Development

The development application seeks approval for the construction of a community facility for use as a respite care centre.

The specific elements of the proposal are as follows:

- Single storey community facility comprising 6 bedrooms, bathrooms/toilets, carers room, office space, lounge area, dining room, kitchen, laundry, outdoor area and shed,
- Construction of car park,
- Associated landscaping,
- Building signage,
- Consolidation of Lots 33, 34 and 35.

9.2 Development Application DA.2022.1121 - Respite Care Centre - 16 Agnes Avenue, Crestwood (Ref : ; Author: Thompson/McManus) (Continued)



Figure 6: Site location plan (prepared by AMC Architecture)



Figure 7: 3D image looking North-West (prepared by AMC Architecture)

9.2 Development Application DA.2022.1121 - Respite Care Centre - 16 Agnes Avenue, Crestwood (Ref: ; Author: Thompson/McManus) (Continued)



Figure 8: 3D image looking North-East (prepared by AMC Architecture)

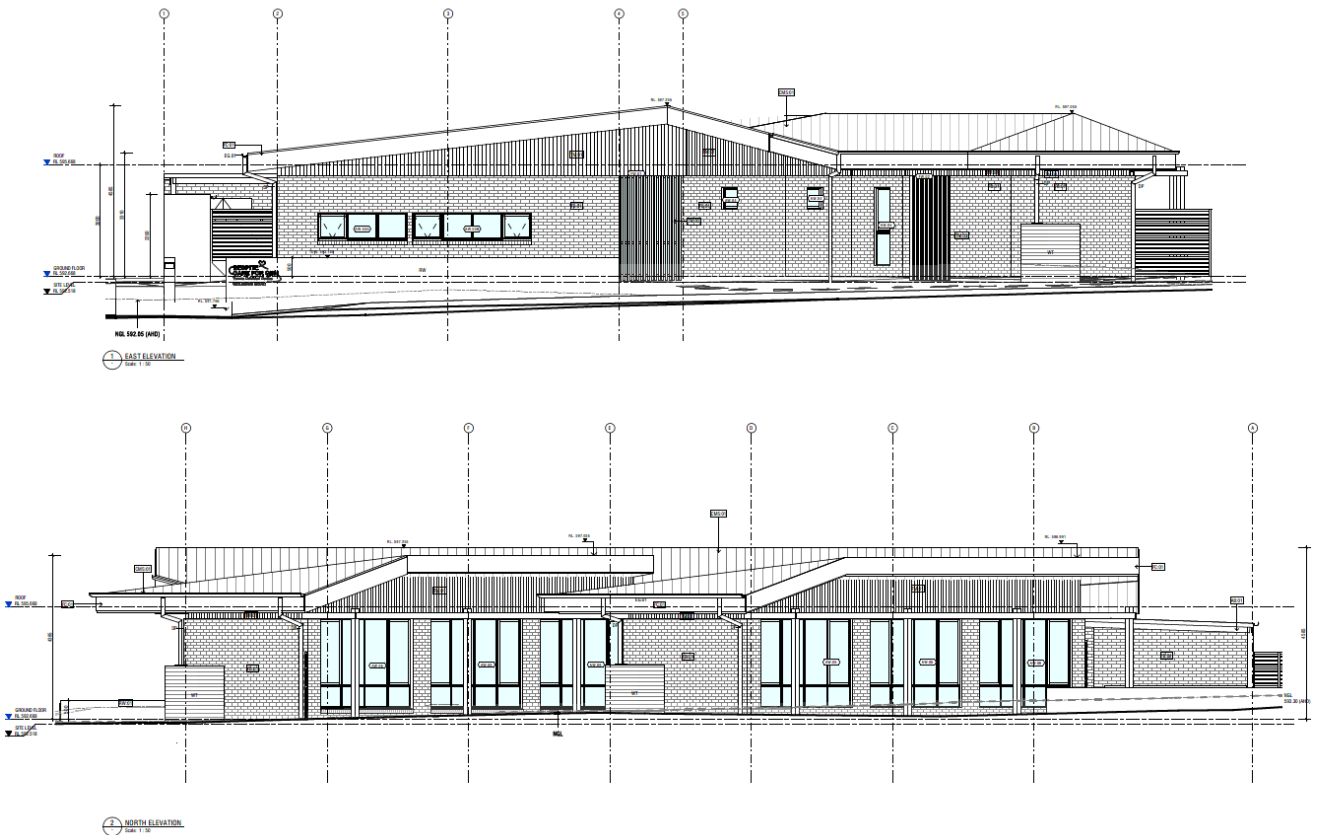


Figure 9: 3D image of entry on Ross Road (prepared by AMC Architecture)

9.2 Development Application DA.2022.1121 - Respite Care Centre - 16 Agnes Avenue, Crestwood (Ref: ; Author: Thompson/McManus) (Continued)

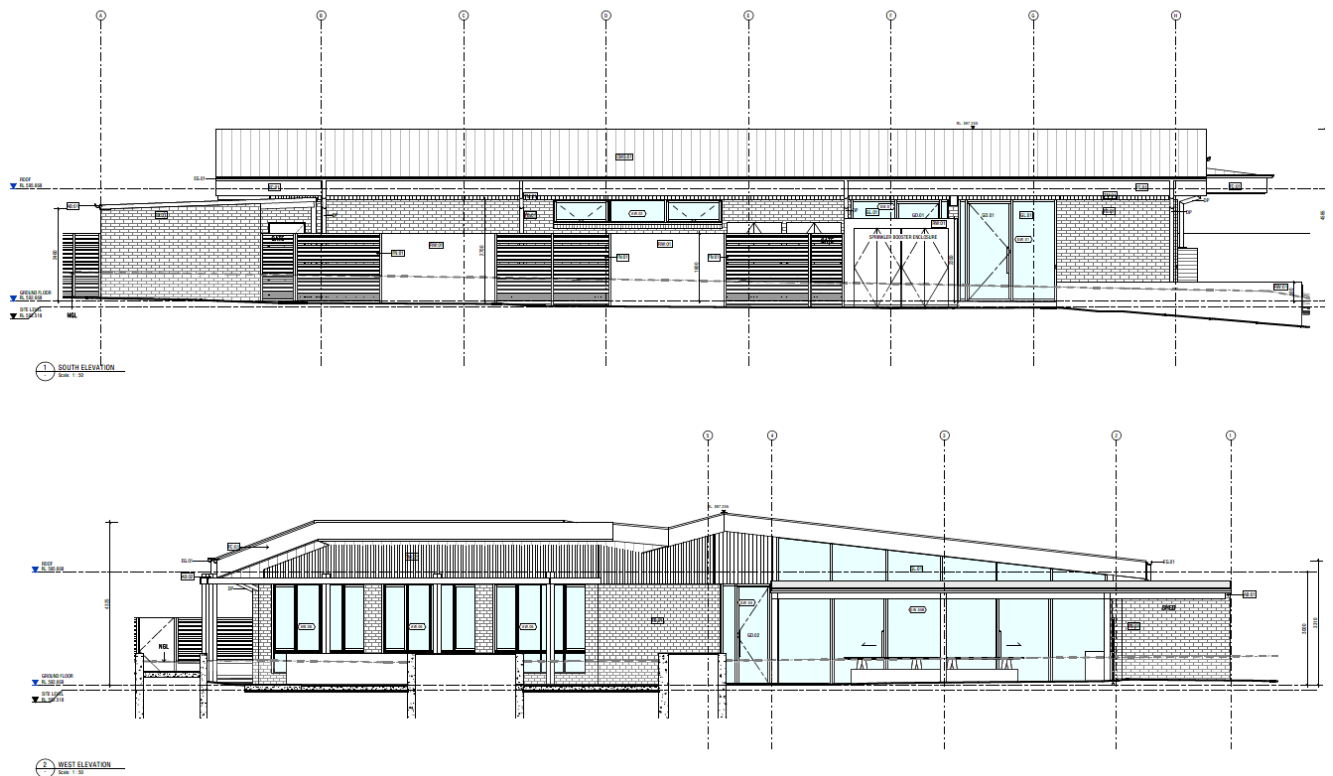


Figure 10: 3D image of view from Agnes Avenue (prepared by AMC Architecture)



Figures 11 and 12: East and North Elevations (prepared by AMC Architecture)

9.2 Development Application DA.2022.1121 - Respite Care Centre - 16 Agnes Avenue, Crestwood (Ref: ; Author: Thompson/McManus) (Continued)



Figures 13 and 14: South and West Elevations (prepared by AMC Architecture)

Planning Requirements

Assessment of the application has been undertaken in accordance with Section 79C(1) of the Environmental Planning and Assessment Act (EPAA) 1979, as amended. The matters that are of relevance under Section 79C(1) are summarised in the attached *Section 79C(1) Table – Matters for Consideration*.

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

1. *State Environmental Planning Policy (Transport and Infrastructure) 2021*
2. *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
3. *State Environmental Planning Policy (Resilience and Hazards) 2021*
4. *State Environmental Planning Policy (Industry and Employment) 2021*
5. *Queanbeyan Local Environmental Plan 2012 (QLEP 2012)*
6. *Queanbeyan Development Control Plan 2012 (QDCP 2012)*

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

(a) Compliance with LEP

The proposed development is consistent with the aims of the QLEP 2012 and satisfies the relevant objectives and development standards (refer to *Section 4.15 Table – Matters for Consideration* for a detailed assessment).

9.2 Development Application DA.2022.1121 - Respite Care Centre - 16 Agnes Avenue, Crestwood (Ref: ; Author: Thompson/McManus) (Continued)

(b) Compliance with DCP

The proposed development is consistent with the general provisions of the Queanbeyan Development Control Plan 2012 (Refer Attachment 1 for detailed assessment).

Other Comments/Internal Referrals**(a) Building Surveyor's Comments**

Council's Building Officer offered no objections to the proposal, subject to the imposition of recommended conditions of consent

(b) Development Engineer's Comments

Council's Development Engineer has provided comment for water, sewer, stormwater, access and parking and roads.

The Development Engineer offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

(c) Environmental Health Comments

The proposal was referred to Council's Environmental Health Officer and the following comments were received:

"The low impact nature of the site is likely to ensure a low noise impact however the low number of toilets is a concern as there are only 3 toilets for the 6 rooms to cater for all residents and their visitors."

Comment: Clarification was requested from Council's Building Officer who provided comment that *"...the number of facilities provided complies with clause F2.1(b) of the BCA"*.

(d) Heritage Advisor's Comments

The proposal was referred to Council's Heritage Advisor and the following comments were received:

"The respite centre is across the road from the Heritage Conservation Area and is not on land that is individually heritage listed.

The development is single storey and hence relatively low scale.

It is unlikely to have any adverse impact on the heritage values of the conservation area."

(e) Waste Officer

Council's Waste Officer raised no objection to the proposed development; however, a request was made for Waste Management Plans to be provided to include a build and post build plan. The plan will be required to detail how much and what type of waste will be produced during the build and where materials will be disposed of and or recycled/ reused.

A further request was made that detail is to be submitted as to how much and what types of waste will be produced to ensure adequate collection services as Council kerbside collection service may not be adequate.

9.2 Development Application DA.2022.1121 - Respite Care Centre - 16 Agnes Avenue, Crestwood (Ref: ; Author: Thompson/McManus) (Continued)

The applicant advised Council that *“it is difficult for us to determine how much waste and disposal/recycle when we have not appointed a contractor yet.”* and that *“The waste produced by the centre will be as for a typical 6 bedroom home. We expect it would be 2 waste bins and 2 recycle bins. For any sanitary waste the operator will engage a sanitary waste contractor to provide waste bins and undertake regular collections.”*

Relevant conditions of consent will be imposed to ensure that satisfactory Waste Management Plans are provided to Council for approval.

(f) Trade Waste Officer

Council's Trade Waste Officer offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

Financial Implications

The proposed development attracts the following developer contributions:

- Section 7.12 Developer Contributions - \$17,971.40
- Section 64 Water and Sewer contributions - \$16,791.00

Both the s7.12 and s64 Plans make provision for certain community and non profit organisations to apply for relief from the payment of developer contribution fees under certain circumstances and subject to submitting justification for the fee relief.

Engagement

The proposal required notification under the Community Engagement and Participation Plan from 11 April 2022 to 29 April 2022 (with an extension provided to 16 May for one submitter) with two submissions received. One of the submissions supported the development. The remaining submission raised of matters with the relevant issues summarised below:

1. Notification

Concern was raised that insufficient notice was provided for the development application and that the timing of the notification was not reasonable as it was within a period of school and public holidays. Furthermore, that the local community was not provided with sufficient notification and that an application that results in a loss of public recreation space should be notified to more than the required adjoining owners and that a sign on the site and notices in the papers should be required.

Comment: Council notified the development application in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*, The Regulations 2021, and its Community Engagement and Participation Plan.

Under the Community Engagement and Participation Plan the development application was required to be notified for 14 days. Public holidays were accounted for in this time and an additional 4 days were provided for any lodgement of submissions. Any requests for an extension to the time to lodge a subdivision were also granted. A public notice advertisement was also placed on Council's website.

In addition, the Community Engagement and Participation Plan requires notification to owners of all properties sharing a common boundary with the subject property, including those separated by a roadway or similar thoroughfare. The application was notified beyond this scope and can be referenced in Figure 15 below.

Further, the proposed use of the site for a respite centre was extensively discussed during the planning proposal to re-classify the land to allow for the development, including a public hearing.

9.2 Development Application DA.2022.1121 - Respite Care Centre - 16 Agnes Avenue, Crestwood (Ref: ; Author: Thompson/McManus) (Continued)

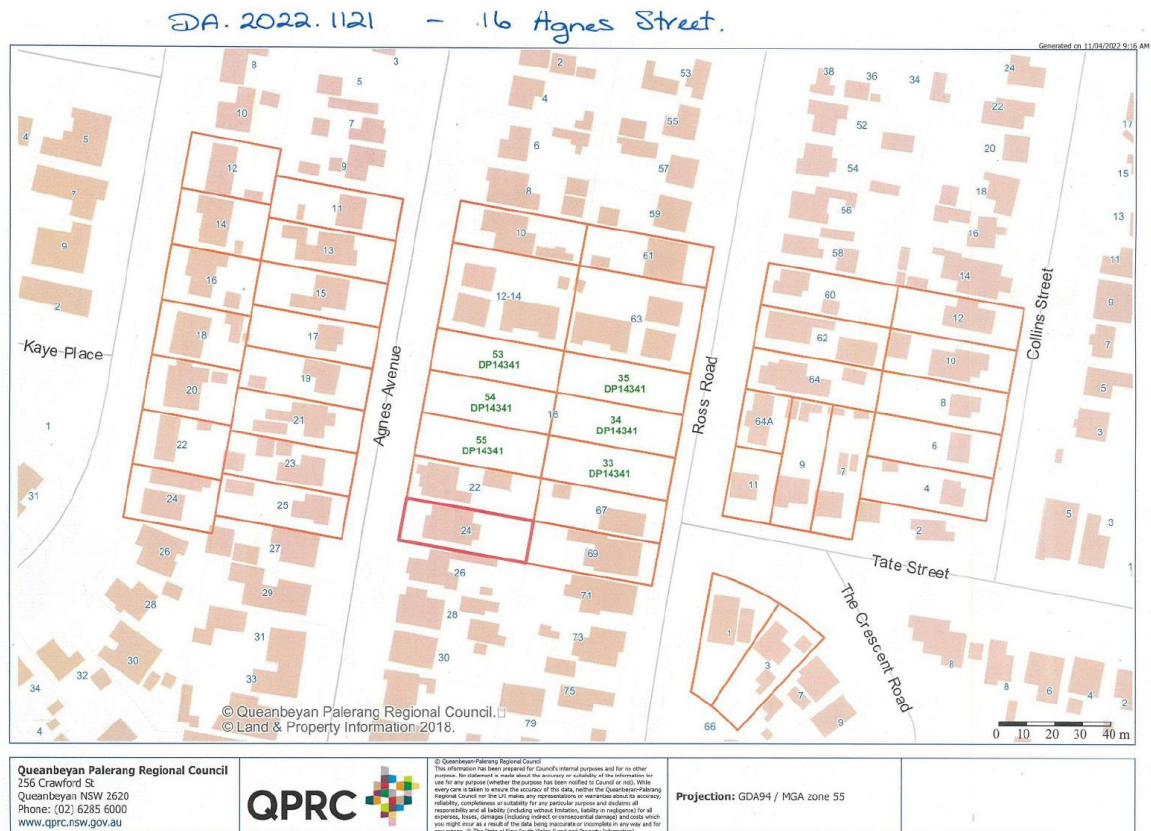


Figure 15: Notification plan for DA.2022.1121

2. Landscaping

Concern was raised that there are no native trees proposed to be planted and that native species would encourage local habitat.

Comment: A landscape plan prepared by a category 1 and 2 consultant (dsb Landscape Architects) was prepared and submitted for the development application.

The landscaping is considered appropriate for the site and will provide adequate amenity to the occupants and embellish the streetscape and common areas.

3. Building Works

Concern was raised as to the fencing of the construction site and if the adjacent park would be used for access, storage of materials etc.

Comment: Conditions of consent will require fencing to be erected between the development site and public places and that all works are to be confined to the site.

Further conditions will ensure that no building materials are stored or construction activities undertaken on public or adjoining land without further consent from Council.

9.2 Development Application DA.2022.1121 - Respite Care Centre - 16 Agnes Avenue, Crestwood (Ref: ; Author: Thompson/McManus) (Continued)

4. Adjacent land/Basketball Courts

Concern was raised as to the adjacent land and if it will remain as a park and upgraded for use. Further comment was made as to whether the basketball courts can be replaced on the adjoining park or on a site nearby.

Comment: Council at previous meetings discussed options for the adjacent sites (Lot 53, 54 & 55 DP 14341) and in its meeting of 22 April 2020 endorsed a landscape concept Option A (see figure 16) for embellishment of the park at Agnes Ave. Potential staging options, estimates and sourcing of grants to fund the project were also discussed.

At the meeting held on 24 June 2020 Council endorsed the staging options with stage one to be considered for inclusion in Council’s next Delivery Program and advised staff to investigate grant funding sources to fund the embellishment.

Councils Projects and Technical team has advised that at this stage there is no date for these works as the project is currently unfunded and reliant on grants.



This park option provides a central active core for sports, play and recreation. The sports courts will enhance the communities opportunities for fitness and will accommodate multi-use activities, surrounded and framed by large shade canopy trees. Surrounding the sport court will be a sequence of play spaces and fitness stations that form an active circulation loop, encouraging health and well being. The loop will include a variety of active and passive spaces to maximize user amenity.

PREFERRED OPTION BY PUBLIC: OPTION A - ORGANIC PARK WITH SPORTS COURT

DESCRIPTION: CONCEPT DESIGN
DATE: 17.03.2020

PROJECT NAME: ROSS PARK
PROJECT NUMBER: 7327



Figure 16: Option A developed by Indesco (from report to Council on 22 April 2020)

5. Conflict of Interest

Concern was raised that the current Mayor was Deputy Chair of Respite Care for Queanbeyan and has raised funds for the proposed centre and therefore is required to declare a conflict of interest. Further comment was made that the applicant should have stated that they have a relationship with the Mayor and that although the Mayor is no longer on the committee, he should still declare a conflict of interest and not vote. A further request was made that the application should be assessed on its merit with no input from the Mayor or other councillors on the report prepared by staff.

9.2 Development Application DA.2022.1121 - Respite Care Centre - 16 Agnes Avenue, Crestwood (Ref: ; Author: Thompson/McManus) (Continued)

Comment: Councillors (and staff) are required to abide by a code of conduct (and *Local Government Act, 1993*) which provides guidance about the standards of behaviour expected and to disclose any conflicts of interest.

It is also noted that at previous Council meetings where the Respite Care Centre was considered, Mayor Winchester declared an interest and was not present when the matter was being discussed or decisions made.

The report for the proposed development is required to be referred to Council for determination as it is development on QPRC land. It is a matter for individual Councillors to decide at that meeting whether they have a conflict of interest to declare.

6. Zone objectives

Concern was raised that the proposed development does not align with the objectives of the zone and that the existing public recreation space should not be removed for a private and restrictive use. Further comment was made that the development is more suited to land that is appropriately zoned for the use and that Council should maintain the existing recreation facility for use by all residents.

Comment: The proposed development is a non-profit organisation providing a facility that will be used by the community. This is considered to be a suitable use for public land. The adjacent land will still retain public open space and area for public recreation.

The land was re-classified to General Community Use for the purpose of the Respite Centre. It was recognised in the plans and the consultation that took place that this was a suitable use for the site.

7. Lodgement of the application

Concern was raised that as the land is Council owned who consented to the lodgement of the application and at what point Councillors were consulted.

Comment: Council resolved to enter into a lease with the proponents for the purpose of the proposed development and as such provided consent for the development to proceed.

8. Financially viable development

Concern was raised as to the financial viability of the development and that public land used for recreation should not be redirected for private use that services a small part of the population.

Comment: The raising of funds in relation to the cost of construction is not a matter for consideration under the Act and the lease of the land was considered by Council at a previous meeting.

The proposed development will fill a need for short-term residential accommodation for people in the community who are suffering from terminal or chronic illness.

9. Use of public land

Concern was raised as to the duty that Council has for management of the public land and that the application states that the land is no longer used by residents. Comment was made that the basketball courts are regularly used by local residents and furthermore that it is used for other activities including a safe area to ride bikes. The use of the land through the COVID-19 lockdowns was also very valuable to nearby residents as it allowed a suitable outdoor recreation space.

9.2 Development Application DA.2022.1121 - Respite Care Centre - 16 Agnes Avenue, Crestwood (Ref: ; Author: Thompson/McManus) (Continued)

Comment: These issues were extensively canvassed during the assessment on whether to re-classify the land for General Community Use. Council determined that the use of the land for the respite centre was a preferred use. The proposed embellishment of the remaining open space would see an improvement in the ability of the community to use the land. Pedestrian access will also be retained from Ross Road to the park fronting Agnes Ave.

10. Neglect of the land

Comment was made that Council has neglected the facilities over time to an unsafe standard which resulted in the local residents having to invest their own time and money.

Comment: Council's Project team have advised that if a request for repairs was made then Council would be obliged to undertake the request and carry out the repairs; a recommendation was made that such a request for repair or maintenance should be submitted to Council.

Conclusion

The submitted proposal for the construction of a community facility for use as a respite care centre on Lot 33 DP 14341, Lot 34 DP 14341 and Lot 35 DP 14341, No.16 Agnes Avenue Crestwood is supported by a Statement of Environmental Effects.





The proposal was notified, and 2 submissions were received (one in support).

The proposal has been assessed under Section 79C *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Queanbeyan Local Environmental Plan 2012* and *Queanbeyan Development Control Plan 2012*.

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

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

Attachments

- | | |
|---|---|
| Attachment 1
 | DA.2022.1121 - S4.15 Matters For Consideration - Respite Care Facility - 16 Agnes Avenue, Crestwood (<i>Under Separate Cover</i>) |
| Attachment 2
 | DA.2022.1121 - Plans - Respite Care Facility - 16 Agnes Avenue, Crestwood (<i>Under Separate Cover</i>) |
| Attachment 3
 | DA.2022.1121 - Redacted Submissions - Respite Care Facility - 16 Agnes Avenue, Crestwood (<i>Under Separate Cover</i>) |
| Attachment 4
 | DA.2022.1121 - Draft Conditions - Respite Care Facility - 16 Agnes Avenue, Crestwood (<i>Under Separate Cover</i>) |

9.3 Modification Application DA.2020.1022.D - Modification to Queanbeyan Civic and Cultural Precinct Development - 257 Crawford Street, Queanbeyan (Ref: ; Author: Thompson/Harlor)

File Reference: DA.2020.1022.D

Recommendation

That modification application DA.2020.1022.D for a public administration building including civic and cultural precinct, basement car parking, subdivision and ancillary infrastructure on Lot 2 DP 748338, Lot 18 DP 548244, Lot 1 DP 748338, Lot 1 DP 1179998, Lot 2 DP 1179998, Lot 5 DP 1179998, No.257 Crawford Street, Queanbeyan be granted approval in accordance with the original conditions of development consent as modified by the following:

Modify condition 1 to reflect the amended plans except as otherwise varied by any other conditions of the consent as follows (for clarity amendments are highlighted in grey):

Drawing Reference	Date
Plans prepared by Cox Architects	12.08.22
DA 01-01 Coversheet Drawing Index, revision 7	27.04.21
DA 10-01 Subdivision Plan Existing, revision 7	27.04.21
DA 11-01 Site Plan, revision 12	12.08.22
DA 13-01 Staging Plan, revision 8	27.04.21
DA 15-01 Demolition Plan, revision 9	12.08.22
DA 21-01 A Basement Plan, revision 12	12.08.22
DA 21-01 B Basement Plan, revision 1	12.08.22
DA 21-02 A Ground Plan, revision 12	12.08.22
DA 21-02 B Ground Plan, revision 1	12.08.22
DA 21-03 Mezzanine Plan, revision 10	27.04.21
DA 21-04 Level 1 Plan, revision 9	27.04.21
DA 21-05 Level 2 Plan Revision 9	27.04.21
DA 21-06 Level 3 Plans, revision 9	27.04.21
DA 21-07 Level 4 Plans, revision 9	27.04.21
DA 21-08 Level 5 Plans, revision 9	27.04.21
DA 21-09 Plant – Mechanical + Services, revision 8	27.04.21
DA 21-10 Roof Plans, revision 8	27.04.21
DA 30-01 Elevations, revision 8	27.04.21
DA 30-02 Elevations, revision 8	27.04.21
DA-30-03 Elevations, revision 4	12.08.22
DA-30-04 Elevations, revision 1	12.08.22
DA 31-01 Site Elevation, revision 7	27.04.21

9.3 Modification Application DA.2020.1022.D - Modification to Queanbeyan Civic and Cultural Precinct Development - 257 Crawford Street, Queanbeyan (Ref: ; Author: Thompson/Harlor) (Continued)

DA 32-01 External Finishes Schedule, revision 6	27.04.21
DA 40-01 Sections, revision 6	27.04.21
DA 40-02 Sections, revision 7	27.04.21
DA-50-01 Basement Ramp, revision 3	12.08.22
DA-60-01 Bike Store – Ground Plan, revision 1	12.08.22
DA-60-02 Bike Store – Roof Plan, revision 1	12.08.22
DA 70-01 Solar Study, revision 5	27.04.21
DA 71-01 Shadow Diagram – Summer, revision 7	27.04.21
DA 71-02 Shadow Diagram Equinox, revision 7	27.04.21
DA 71-03 Shadow Diagram Winter Solstice, revision 7	27.04.21
DA 90-01 GFA Schedules, revision 8	27.04.21
DA 94-01 Signage Schedule, revision 6	27.04.21
Plan prepared by Indesco	
025 Ramp Plan Grade and Section, revision 1	04.07.22
030 Swept Path Analysis, revision 1	04.07.22
S080 Ramp Marking Plans, revision 1	04.07.22
S081 Ramp Sections and Details, revision 1	04.07.22
Other Documents	
Statement of Environmental Effects prepared by SMEC	07.05.21
Landscape Plans	Appendix B
Civil Plans	Appendix C
Traffic Assessment _QPRC – Rutledge Street Ramp Alterations and Lowe Street Car Park Access Closure	08.07.22

Summary

Reason for Referral to Council

Council's Guidelines for Referral of Development Applications to Council specify that where Council is involved in an application which may result in a real or perceived conflict of interest, the application should be determined by the full Council rather than under delegation.

Further the *Guidelines* specify that where Council stands to gain financially as a result of the decision in respect of a development application, the application should be assessed by an independent town planner.

As such this modification application has been assessed by a planning consultant who is independent of the Council. Other than formatting, grammatical and spelling alterations the report is reproduced below. As a result, the structure of the report may vary from the report format Councillors would normally review.

9.3 Modification Application DA.2020.1022.D - Modification to Queanbeyan Civic and Cultural Precinct Development - 257 Crawford Street, Queanbeyan (Ref: ; Author: Thompson/Harlor) (Continued)

Proposal:	Section 4.55(1A) Modification DA No. 2020.1022.D for a public administration building including civic and cultural precinct, basement car parking, subdivision and ancillary infrastructure
Applicant/Owner:	SMEC/Queanbeyan-Palerang Regional Council
Subject Property:	Lot 2 DP 748338, Lot 18 DP 548244, Lot 1 DP 748338, Lot 1 DP 1179998, Lot 2 DP 1179998, Lot 5 DP 1179998, No. 257 Crawford Street, Queanbeyan
Zoning and Permissibility:	B3 Commercial Core under Queanbeyan Local Environmental Plan 2012. The use is permissible with consent
Public Submissions:	One
Issues Discussed:	Closure of access to Lowe Street Car Park from Rutledge Street.
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

Background

The development application was determined by the Southern Regional Planning Panel on 27 November 2020 subject to 80 Conditions of development consent. The determination included the approval of a variation to the height control in the QLEP 2012. The Panel also determined that the concerns relating to the potential impact on heritage items, car parking, maintenance of existing trees and security can be addressed through the imposition of conditions.

The proposal has been the subject of three minor and administrative modifications as work progresses on the site. The site is the subject of approved DA.2020.1022.C for the development of the QCCP. Construction of the new buildings and associated works is currently underway.

Proposed Development

The application seeks Council approval to modify the existing development consent to accommodate the efficient redevelopment of the adjoining site by enabling a single access point to basement parking for both the Queanbeyan Civic and Cultural Precinct (QCCP) and adjoining development site (formerly owned by Council and subject to a separate application).

The specific elements of the proposal to be amended are outlined in the application and are summarised as follows:

- Modification to the entry ramp – amendment to the ramp to accommodate the integrated redevelopment of the adjoining site on Rutledge Street, minimising the access points and providing a more pedestrian friendly environment.
- Sight lines – increase in the length of the ramp by 8m and subsequent increase in sight distance to 14m (previously 6m) improving public safety.
- Ramp width – removal of the 0.4m median and subsequent reduced ramp width from 7m to 6.6m. Compliance with the AS/NZS 2890.1-2004 is maintained.
- Rutledge Lane closure – the laneway access to the Lowe Street carpark is currently closed for construction. The Traffic Assessment supporting the modification considered the impact of permanent closure of the laneway with access via Lowe Street. Particular consideration was given to peak movements at St Gregory's Primary School. School pick up is outside the PM peak for the Lowe Street access to the carpark and closure of the

9.3 Modification Application DA.2020.1022.D - Modification to Queanbeyan Civic and Cultural Precinct Development - 257 Crawford Street, Queanbeyan (Ref: ; Author: Thompson/Harlor) (Continued)

Rutledge Street carpark access on a permanent basis is unlikely to have a noticeable increase in traffic volumes in Lowe Street.

- Ancillary modifications – include the following:
 - Relocate and split the bike parking facilities
 - Alteration of line marking in Rutledge Street
 - Installation of directional signage
 - Alteration of pedestrian path alignments and access ramps to improve pedestrian visibility.

Plans of the proposed modifications are included in Attachment 1.

Modification to Conditions of Consent

The modification relates only to the amendment of condition 1 relating to the approved plans. No other conditions are impacted by the modification.

Subject Property

The subject site is legally described as Lot 2 DP 748338, Lot 18 DP 548244, Lot 1 DP 748338, Lot 1 DP 1179998, Lot 2 DP 1179998, Lot 5 DP 1179998 and is commonly known as 257 Crawford Street, Queanbeyan. The site is located on the western side of Crawford Street and extends south to Rutledge Street.

Planning Requirements

Assessment of the application has been undertaken in accordance the *Environmental Planning and Assessment Act (EPAA) 1979*, as amended.

Section 4.55 Modifications – Generally EP&A Act, 1979**4.55(1A) Modifications involving minimal environmental impact**

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

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

Comment: In regards subclause 'a', it is considered that the modifications sought as part of this application are of minimal environmental impact.

In regards to subclause 'b', Council is satisfied that the development to which the consent as modified relates is substantially the same development for which consent was originally

9.3 Modification Application DA.2020.1022.D - Modification to Queanbeyan Civic and Cultural Precinct Development - 257 Crawford Street, Queanbeyan (Ref: ; Author: Thompson/Harlor) (Continued)

granted. In answering this threshold question, a comparative analysis of the approved development as modified has been undertaken.

The proposal relates to minor amendments to the access ramp. The amendment will facilitate an improved amenity and public safety outcome by consolidating access to the site at a single point between the QCCP and adjoining redevelopment site in Rutledge (to be developed by others). Lengthening the ramp improves sight lines and public safety. The modification does not disrupt the built form itself. The development remains as approved in terms of the characterisation of the land use being “substantially the same development”.

With regard to subclause ‘c’ and ‘d’, the application was required to be notified in accordance with the Queanbeyan-Palerang Community Engagement and Participation Plan. [One submission was received.]

Section 4.15 Considerations – EP&A Act, 1979

Section 4.55(3) of the EPA Act states that:

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

The relevant provisions of applicable Environmental Planning Instruments (EPIs), Development Control Plans (DCPs), and matters prescribed by the Regulation in accordance with Section 4.15 of the EPA Act have been considered below.

Section 4.15(1)(a) the provisions of:

(i) any environmental planning instruments

State Environmental Planning Policy (Planning Systems) 2021

The development application triggered the SEPP and was originally determined by the Regional Planning Panel being development with a Capital Investment Value exceeding \$5 million and the proponent being Council.

The proposed modification does not interfere with the operation of any other SEPPs.

Queanbeyan Local Environmental Plan (QLEP) 2012

The proposal is consistent with the general aims of QLEP 2012 below:

Cl. 1.2(2)	Aims	Complies
(a)	To facilitate the orderly and economic use and development of land in Queanbeyan based on ecological sustainability principles.	Yes
(b)	To provide for a diversity of housing throughout Queanbeyan.	Yes
(c)	To provide for a hierarchy of retail, commercial and industrial land uses that encourage economic and business development catering for the retail, commercial and service needs of the community.	Yes
(d)	To recognise and protect Queanbeyan’s natural, cultural and built heritage including environmentally sensitive areas such as Queanbeyan’s native grasslands, the Queanbeyan River and Jerrabomberra Creek.	Yes
(e)	To protect the scenic quality, views and vistas from main roads and other vantage points within Queanbeyan of the escarpment and Mount Jerrabomberra.	Yes

9.3 Modification Application DA.2020.1022.D - Modification to Queanbeyan Civic and Cultural Precinct Development - 257 Crawford Street, Queanbeyan (Ref: ; Author: Thompson/Harlor) (Continued)

(f)	To maintain the unique identity and country character of Queanbeyan.	Yes
(g)	To facilitate the orderly growth of the urban release area in Googong in a staged manner that promotes a high level of residential amenity and the timely provision of physical and social infrastructure through appropriate phasing of the development of land.	Yes

The relevant provisions of the QLEP were considered in the original assessment of the proposal. The modification does not interfere with the initial assessment against the QLEP.

4.15(1)(a)(ii) any draft environmental planning instruments

The draft Comprehensive LEP applies to the development site, however, is not considered to be triggered by the proposed modification.

4.15(1)(a)(iii) any development control plan

The modification has been assessed against the provision of the Queanbeyan Development Control Plan 2012 (QDCP) to the extent that those provisions are relevant.

Basement Parking (2.2.7) – the modification proposes changes to the arrangement of the access ramp to the basement carpark, however, no changes proposed interfere with the provisions of the QDCP as previously assessed.

Public safety (2.2.9.2) – considerations include road frontage, sight distance, intersections and potential conflicts. The proposed changes to pedestrian alignments and the access ramps facilitate improvements in visibility and hence public safety.

Sight distance (2.2.9.3) – the amended arrangement continues to comply with AS/NZS 2890.1-2004: Off-street carparking.

Design of access driveways (2.2.10) – vehicles will continue to enter and exit in a forward direction and traffic is two way. Traffic modelling undertaken to support the modification demonstrates that the intersection at Rutledge Street is sufficient and will not have an impact in on-street queuing.

The DCP requires that the driveway is designed to be relatively level for the first 6m and a maximum grade of 5%. The longer ramp (14m) retains a grade of maximum 5% for the first 14 m.

Parking and design area (2.2.12) and Bicycle Parking (2.2.17) – the amendment includes the splitting of the bike storage area into two locations between the ground floor and basement. The number of spaces remains consistent. Parking has been designed to comply with AS/NZS 3890 series Parking Facilities.

4.15(1)(a)(iiia) any planning agreement or draft planning agreement

No planning agreement has been entered into under section 7.4 of the *Environmental Planning and Assessment Act 1979*.

4.15(1)(a)(iv) matters prescribed by the regulations

Clause 375(1) of the *Environmental Planning and Assessment (EP&A) Regulation 2021* enables Council to determine an application for a minor 4.55(1A) modification of a development consent on behalf of a Planning Panel.

Appropriate conditions of consent are included within the existing consent to ensure compliance with any relevant regulations.

9.3 Modification Application DA.2020.1022.D - Modification to Queanbeyan Civic and Cultural Precinct Development - 257 Crawford Street, Queanbeyan (Ref: ; Author: Thompson/Harlor) (Continued)

4.15(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The modification is defined as a minor modification with minimal impact. The documentation submitted with the modification includes a Traffic Assessment prepared by TTW (ACT) Pty Ltd (Attachment 2). The Traffic Assessment considers two elements; the modification of the ramp; and the impact of removal of access to the Lowe Street Car Park from Rutledge Street.

The ramp continues to comply with the relevant standards as noted in the assessment against the QDCP above.

In relation to the closure of the alternative access to the Lowe Street Car Park, the Traffic Assessment noted that the additional traffic data collected related to the Lowe Street Car Park being accessed off Lowe Street only, as the Rutledge Street access is currently closed to facilitate construction of the QCCP. An adjustment was made for the post development scenario which would see the Lowe Street Car Park increase capacity from 134 (currently during construction) to 186 (post construction). The traffic demand assumption included a 50% increase to accommodate the post-development scenario.

The Traffic Assessment also noted the installation of the raised pedestrian crossing to St Gregory's Primary School at mid-block in Lowe Street.

The Traffic Assessment concludes that, restricting all access to the Lowe Street Car Park to be via Lowe Street does not adversely impact the Lowe Street intersection which continues to perform at level of service A or B.

4.15(1)(c) the suitability of the site for the development

The site suitability was determined under the original approval.

4.15(1)(d) any submissions made in accordance with this Act or the regulations

The application was placed on public exhibition for a period of 28 days during which time Council received a group submission representing adjoining property owners and businesses (Attachment 3).

The key issue is the removal of the vehicular access to the ground level carpark from Rutledge Street. The submission states that entry and egress should be via both Lowe Street and Rutledge Street.

In the first instance it is noted that the existing development consent does not approve an exit from the Lowe Street Car Park to Rutledge Street. The modification proposes to remove the carpark entry only. All movements from the Lowe Street carpark (as approved in the DA) are via Lowe Street.

The issues raised in the submission are summarised as follows:

Issue	Comment
Inconvenience – Significant delays in exiting the carpark particularly at peak school drop off/collection times	The traffic assessment undertaken for the modification prepared by TTW (ACT) Pty Ltd, relies on background information prepared for the QCCP Development Application in 2022 and traffic surveys taken in early March 2022. It also references the traffic report by TTW describing the surrounding road network and dated June 2020.
Congestion – Currently very bad and will greatly increase with new development	
Safety – Huge risks with drivers becoming frustrated with congestion at exiting	

9.3 Modification Application DA.2020.1022.D - Modification to Queanbeyan Civic and Cultural Precinct Development - 257 Crawford Street, Queanbeyan (Ref: ; Author: Thompson/Harlor) (Continued)

	<p>In summary the report finds that the closure of the Rutledge Street access to the Lowe Street Car Park will not have a significant impact on the performance of the intersection at Lowe Street or the surrounding road network. Further, the removal of the additional trafficable access point will reduce conflict between pedestrians and vehicles in Rutledge Street.</p>
<p>Property values potentially decreased – Existing business and premises were historically purchased with easy, convenient dual access to a large public carpark as well as far more ground level public parking available which over the years has continued to be reduced by Council</p>	<p>Businesses will retain access to the carpark. In addition they will enjoy proximity to a significant civic space which include a number of additional basement car parking opportunities. Although land value is not a planning consideration, Council are conscious of delivering a QCCP that will result in an overall improvement in the amenity of CBD. The improvement in the amenity of the immediate area is unlikely to result in downward impact on land value.</p>
<p>Council's intention to sell the public road access off Rutledge Street – This action appears to favour the adjoining developers as opposed to assisting existing businesses and premises owners backing onto the carpark.</p>	<p>The closure of the access will reduce the need for an additional basement access along side that which has been approved for the QCCP when the adjoining site is developed. This will result in a better planning outcome in terms of access, impact on the streetscape, conflict in traffic movements and improved pedestrian safety. The pedestrian amenity will also be ultimately improved by planning for the consolidation of the ramp access for both the QCCP and the redevelopment of the land on Further, in relation to the ramp itself, it is noted that the proposed (amended) arrangement will cater for the same vehicle movements as the previously approved arrangement and ultimately ties into Rutledge Street at the same location as the previously approved arrangement.</p>

[Staff Comment – Since the preparation of this report Council has negotiated with the proponents of the development on the adjoining land to include egress from the ground level carpark to Rutledge Street via a right of way to be constructed between the western boundary of the existing Queanbeyan Library and eastern boundary of the Rutledge Plaza (Ian McNamee Building). This will be formalised through a Deed of Agreement between Council and VBC (the future land owner of the adjoining land).]

9.3 Modification Application DA.2020.1022.D - Modification to Queanbeyan Civic and Cultural Precinct Development - 257 Crawford Street, Queanbeyan (Ref: ; Author: Thompson/Harlor) (Continued)

4.15(1)(e) the public interest

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council. Improvements in public safety are in the interest of the whole community. The proposed development is not considered to be contrary to the public interest.

Referrals

(a) Development Engineer's Comments

Council's Development Engineer has commented on the proposal and made no objection to the modification providing the following comments:

The modification proposal consists of two parts;

- 1. amend the proposed basement access ramp connecting the QCCP underground car park and Rutledge Street, and*
- 2. closure of the vehicle access to the Lowe Street public car park from Rutledge Street.*

Entrance and Access – QCCP Underground Car Park

In accordance with the Queanbeyan DCP 2012 Sections 2.2.7 Basement Parking, and 2.2.9 Access Ways Associated with Car Parking Areas, the access to the QCCP underground car park must demonstrate two way or separate access and egress allowing all vehicles to enter and leave in a forward direction.

Referring to the Traffic and Parking Assessment Report dated 8 July 2022 as prepared by TTW, the proposed change to the ramped access and egress from Rutledge Street the QCCP underground car park continues to demonstrate compliance with AS/NZS 2890.1-2004 Parking Facilities Off-Street Car Parking and the Queanbeyan DCP 2012 with the internal access designed based on passenger vehicle manoeuvrability and car park functionality for B99 vehicle.

The former laneway from Rutledge Street will be for QCCP underground car park access and egress only, deleting the initially proposed one-way only slip lane deviating from the underground parking access to the Lowe Street car park.

Entrance and Access – Lowe Street Public Car Park

The Lowe Street car park entrance and exit is proposed to become the only access and egress point which may impact on the Lowe Street pedestrian crossing adjacent to Saint Gregory's Primary School as previously reported in the initial engineering report for the QCCP development dated 28 July 2020.

Referring to the recent Traffic and Parking Assessment Report dated 8 July 2022 as prepared by TTW, the Lowe Street intersection is reported to perform at a Level of Service A and B with the proposed Lowe Street public car park access and egress only off Lowe Street, with the proposed Rutledge Street access closed.

It appears the peak children pick up and drop off times at the Saint Gregory's Primary School do not coincide with the peak traffic flows through the Lowe Street intersection, and subsequently do not adversely impact the performance of the intersection.

In summary, Development Engineering supports the modification to amend the proposed basement access and egress ramp connecting the QCCP underground car park and Rutledge Street, and closure of the vehicle access to Lowe Street public car park from Rutledge Street.

There are no changes to, nor additional engineering conditions.

9.3 Modification Application DA.2020.1022.D - Modification to Queanbeyan Civic and Cultural Precinct Development - 257 Crawford Street, Queanbeyan (Ref: ; Author: Thompson/Harlor) (Continued)

(b) TfNSW

Although not explicitly required, the application was referred to TfNSW for comment. TfNSW raised no concerns with the proposal as submitted.

Conclusion

An application for the modification application DA.2020.1022.D for a public administration building including civic and cultural precinct, basement car parking, subdivision and ancillary infrastructure on Lot 2 DP 748338, Lot 18 DP 548244, Lot 1 DP 748338, Lot 1 DP 1179998, Lot 2 DP 1179998, Lot 5 DP 1179998, No. 257 Crawford Street, Queanbeyan has been received by Council.

The application has been assessed having regard to Section 4.15 and 4.55(1A) of the *Environmental Planning and Assessment Act 1979* to the extent that they relate to the conditions of consent proposed to be modified.

The application was notified and a number of objections were raised by adjoining land owners and businesses. These matters relate primarily to the closure of the entry to the Lowe Street Car Park from Rutledge Street. The application was supported by a Traffic Assessment that considered the impact of the amendment to the ramp design and closure of the second entry to the Car Park. The Traffic Assessment concluded that the proposal would not create have a significant impact on the intersection at Lowe Street.

It is recommended that the development consent be modified generally in accordance with the application.

Attachments

- | | |
|--------------|--|
| Attachment 1 | DA.2020.1022.D - Plans - Modification Application - QCCP - 257 Crawford Street (<i>Under Separate Cover</i>) |
| Attachment 2 | DA.2020.1022.D - Traffic Assessment - Modification Application - QCCP - 257 Crawford Street (<i>Under Separate Cover</i>) |
| Attachment 3 | DA.2020.1022.D - Redacted Submission - Modification Application - QCCP - 257 Crawford Street (<i>Under Separate Cover</i>) |

9.4 South Jerrabomberra Planning Proposal PP-2022-2258 - Rezoning of Rural Land to Residential Land - Result of Public Consultation and Agency Consultation (Ref: ; Author: Carswell/Lodder)

File Reference: PJT00061

Recommendation

That Council:

1. Note the outcomes of the recent public exhibition of the Planning Proposal for South Jerrabomberra being PP-2022-2258.
 2. Adopt Planning Proposal PP-2022-2258.
-

Summary

At its meeting of 13 July 2022, Council resolved to seek a Gateway determination from the Department of Planning and Environment to allow the subject Planning Proposal for South Jerrabomberra to formally proceed (**Resolution No. 273/22**). A Gateway determination was subsequently issued by the Department on 9 September 2022 and the Planning Proposal has recently been exhibited consistent with the requirements of that determination.

The purpose of this report is to provide Council with advice in respect of the outcomes of that public exhibition, and to recommend Council now adopt and finalise the Planning Proposal.

Background

The Planning Proposal seeks to rezone a small parcel of land (approximately 3,000m²) from RU2 Rural Landscape to R2 Low Density Residential. This will allow the land to be developed for residential purposes and the Planning Proposal is shown at Attachment 1. The subject land is located on the eastern edge of the South Tralee residential subdivision (adjoining the land known as 'Environa') and is shown in Figure 1 below.

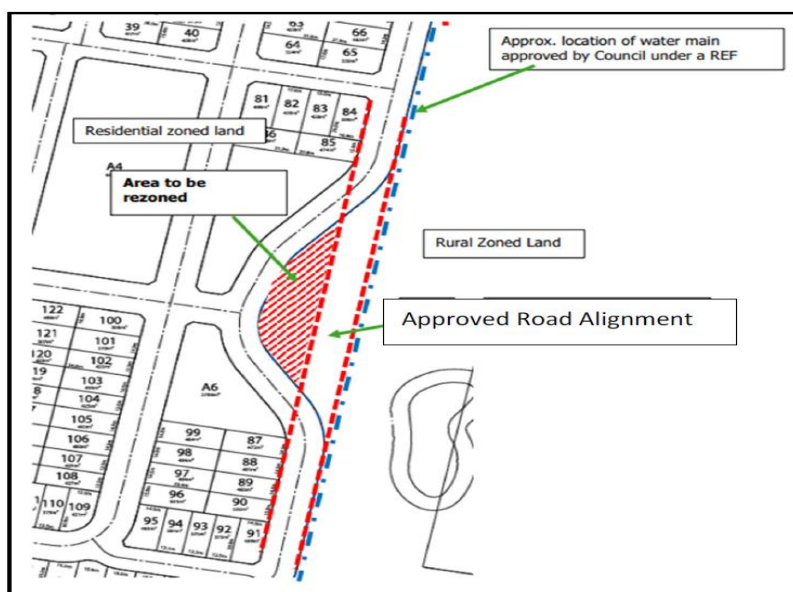


Figure 1: Planning Proposal Land

9.4 South Jerrabomberra Planning Proposal PP-2022-2258 - Rezoning of Rural Land to Residential Land - Result of Public Consultation and Agency Consultation (Ref: ; Author: Carswell/Lodder) (Continued)

As noted above, the Department of Planning & Environment issued a Gateway determination for the Planning Proposal to proceed on 9 September 2022. That Gateway determination required consultation with a number of agencies and also required the Planning Proposal to be publicly exhibited. The details of this consultation and exhibition are set out below.

Report

The following government agencies and external organisations were consulted on the Planning Proposal during October 2022:

1. Biodiversity and Conservation Division of the NSW Department of Planning and Environment (BCD DPE);
2. NSW Rural Fire Service;
3. Heritage NSW;
4. Canberra Airport; and
5. ACT Government Environment, Planning and Sustainable Development Directorate.

A summary of the responses received are shown below in Table 1.

Organisation	Abbreviated Response
1. BCD DPE	The impacts have already occurred with the area as a result of the construction of the road. No additional comments.
2. NSW Rural Fire Service	No objections to the proposal subject to a requirement that the future subdivision of the land complies with <i>Planning for Bush Fire Protection</i> .
3. Heritage NSW DPE	An Aboriginal Heritage Impact Permit (AHIP) C0004264 is valid from 2019 until 2029. All works are to comply with the conditions of that AHIP.
4. Canberra Airport	No objections or concerns of the rezoning based on the documentation provided.
5. ACT Government	No response received after two emails and a phone call.

Table 1: Responses from External Organisations

Council also exhibited the Planning Proposal on the Council's Your Voice website from 7 October 2022 to 4 November 2022. One written submission was received during this period. It stated:

"I 100% disagree with this proposal. All it does is hand more land over to the developers, who are already creating an awful development with tiny blocks and hardly any park land. If the area is already zoned agricultural how about turning it into community gardens, for which there will be a huge need as the yards on these blocks are so small. This is a much more sustainable solution and would do a lot to help create community in a development that is frankly awful with so many tiny blocks."

The area proposed to be rezoned in this instance is considered to be small in the context of the broader development of South Jerrabomberra and will facilitate a more logical urban design than would be in place otherwise. The lot sizes at Tralee provide for a range and diversity of housing forms and the proposal in this instance is not inconsistent with development occurring in the broader area. Significant open space and recreational facilities are intended to be provided in the local area under the respective structure plans and contribution plans that are in place. This includes local parks, community parks and sporting facilities.

9.4 South Jerrabomberra Planning Proposal PP-2022-2258 - Rezoning of Rural Land to Residential Land - Result of Public Consultation and Agency Consultation (Ref: ; Author: Carswell/Lodder) (Continued)

Risk/Policy/Legislation Considerations

This Planning Proposal process is consistent with the requirements of the NSW *Environmental Planning and Assessment Act 1979* and the *Local Environmental Plan Making Guideline 2021*.

Financial, Budget and Resource Implications

A fee for this Planning Proposal has been paid by the proponents in accordance with Council's Fees and Charges at the time. Two planners in the Land-use Planning team have managed this proposal on a part-time basis since February 2022.

Links to QPRC/Regional Strategic Plans

This Planning Proposal is consistent with Planning Priority 8 Outcome of the *QPRC Local Strategic Planning Statement 2020 (Towards 2040)* which is to provide an appropriate supply of well-located housing stock to meet the needs of the population and providing diversity of housing for the region.

This Planning Proposal is consistent with the *Queanbeyan Residential and Economic Strategy 2031*, the *South Jerrabomberra Structure Plan 2013* which represent Council's long-term vision for Tralee.

Conclusion

The Planning Proposal has now been subject to agency consultation and public exhibition and no significant issues have been raised that should prevent the Planning Proposal being finalised.

Accordingly, staff are recommending the Planning Proposal be adopted and finalised.

Attachments

Attachment 1 Planning Proposal PP-2022-2258 (*Under Separate Cover*)



9.5 Draft QPRC Affordable Housing Strategy (Ref: ; Author: Thompson/Jansen)

File Reference: PJT0033-01

Recommendation

That Council place the draft QPRC Affordable Housing Strategy and its background material on public exhibition for a minimum period of 60 days.

Summary

The purpose of this report is to present the draft QPRC Affordable Housing Strategy (draft Strategy) and to recommend Council now place the draft Strategy and its background material on public exhibition.

Background

Council at its meeting on 9 March 2022 (**Resolution No. 105/22**) agreed to prepare an Affordable Housing Strategy for the LGA.

Following the Council resolution, a consultant brief was prepared by staff and submissions invited. Following assessment of the submissions the successful consultant, Judith Stubbs and Associates, was engaged to commence work on the Strategy. Workshops with Council and the consultant were subsequently held on 15 June and 17 August 2022.

It should be noted that the delay in presenting the draft Strategy is predominantly due to the timing of the release of the 2021 Census data, and the preference to include this information to ensure the currency of the draft Strategy.

Report

The draft Strategy and its background material is provided at Attachments 1-4, and covers the following aspects:

- a background and overview of housing affordability across the local government area, region and State,
- a range of socio-economic data detailing the demographic profile of local residents and the extent of housing need in the local government area,
- the planning, funding and policy environment relevant to the delivery of affordable housing in NSW at this time,
- the details of stakeholder consultation undertaken so far as part of the development of the draft Strategy, and
- potential strategies for Council to consider to better address affordable housing need in the local government area (ranging from more 'interventionist' to more 'market led' options).

The background paper to the draft Strategy is provided in Attachment 2. Attachment 3 contains the Appendices to the background paper and Attachment 4 contains case study examples.

Staff have reviewed the draft Strategy and are of the view it is a well drafted and professional document that provides Council with a range of credible strategies to further address housing affordability concerns into the future.

Given the importance of this issue which has been raised by local support agencies, social/community housing providers and community groups to Council on many occasions, the draft Strategy should now be placed on public exhibition for comment.

9.5 Draft QPRC Affordable Housing Strategy (Ref: ; Author: Thompson/Jansen) (Continued)

It is proposed that the Strategy be placed on exhibition from the end of November 2022 until the end of January 2023. During January, a workshop for Councillors with the consultant in attendance will be organised. It is expected that a report will come back to Council detailing the feedback from the exhibition including costing of strategies in early March 2023 for prioritisation.

Risk/Policy/Legislation Considerations

The QPRC Affordable Housing Strategy is not a statutory document but rather a strategic plan that provides a range of strategies (17 in total) for Council to consider with regard to affordable housing matters. The finally adopted strategies can potentially be included in Council's broader planning documents such as the Local Strategic Planning Statement (LSPS). Where appropriate these are then implemented under relevant statutory planning instruments such as the local environmental plan (LEP).

Financial, Budget and Resource Implications

The project is funded from the budget of the Land-use Planning branch. At this stage it has cost \$16,855.

Two staff members from the Land-use Planning branch are directly managing the project with regular input from the respective Manager.

There may be future financial implications depending on the final strategies adopted by Council.

Links to QPRC/Regional Strategic Plans





Relevant to this is Strategic Objective 3.2 of the Queanbeyan-Palerang Community Strategic Plan 2022 which states:

3.2 We have robust planning systems that provide zoned and serviced land that supports affordability and choice to liveability of the area.

Conclusion

Staff are recommending the draft Strategy and its background documents now be placed on public exhibition to receive feedback from the public. The outcomes of that public exhibition will be detailed in a future report to the Council. Staff intend to also provide advice on the suitability of the various strategies, and how they may be best implemented in the future by staff.

Attachments

- | | |
|---|--|
| Attachment 1
 | QPRC Affordable Housing Strategy November 2022 (<i>Under Separate Cover</i>) |
| Attachment 2
 | QPRC Affordable Housing Strategy - Background Paper (<i>Under Separate Cover</i>) |
| Attachment 3
 | QPRC Affordable Housing Strategy - Background Paper Appendices (<i>Under Separate Cover</i>) |
| Attachment 4
 | QPRC Affordable Housing Strategy - Case Studies (<i>Under Separate Cover</i>) |

9.6 Queanbeyan Showgrounds Cultural and Heritage Interpretation Plan (Ref: ;
Author: Thompson/Sibbick)

File Reference: 19 Farrer Place

Recommendation

That Council endorse the Queanbeyan Showground Cultural and Heritage Interpretation Plan to be placed on public exhibition to the end of January 2023 and the resulting Community Engagement Report come back to Council for consideration.

Summary

A condition of the development consent to construct a new pavilion at the Queanbeyan Showground required the preparation of a Cultural and Heritage Interpretation Plan. Subsequently, a Cultural and Heritage Interpretation Plan was prepared by consultant Arterial Design and presented to a Councillor workshop for information on 19 October 2022. The Plan details the cultural significance of the Queanbeyan Showground to the Ngambri and Ngunnawal people, and makes recommendations to interpret the First National People's stories and suggests locations across the site for installation of those interpretative features.

Following the workshop with Councillors the Plan is now presented to Council for endorsement to place on public exhibition.

Background

The development application for the construction of a new pavilion at the Queanbeyan Showground was approved in March 2022. The Showground is listed as a State Heritage Item due to its significance to both First Nation's People and European heritage. Part of the assessment of the application for the pavilion identified the land's cultural significance to the local First Nations People and the value of the site as a traditional camping and ceremonial place.

The Heritage Council of NSW have placed conditions on the development consent when issuing their general terms of approval. One of those conditions requires the preparation of an interpretation plan, to be prepared by an interpretation specialist and submitted for approval to the Heritage Council prior to the issue of a construction certificate. The general terms also state that the Plan must be implemented prior to the issue of an Occupation Certificate.

Report

Arterial Design have prepared a Cultural and Heritage Interpretation Plan following consultation with the local Ngambri and Ngunnawal people. The purpose of the Plan is to promote understanding and awareness of the cultural heritage values of the Showground site. Not only is the Plan a condition of the DA approval, but it is also a "positive step towards reconciliation and recognising the long history of the Queanbeyan Showground."

The Plan is intended to "recognise and protect Aboriginal cultural heritage" within the Showground site, whilst also allowing community activities and events to continue.

As part of the exhibition process it is proposed to present the Plan to representatives of the Queanbeyan Show Society and Showground Advisory Committee, with Ngambri and Ngunnawal people present at the presentation.

9.6 Queanbeyan Showgrounds Cultural and Heritage Interpretation Plan (Ref: ; Author: Thompson/Sibbick) (Continued)

Arterial have made recommendations in the Plan based on discussions with the Ngambri and Ngunnawal people. The Plan suggests various methods of interpreting cultural and historically significant stories and suggested various locations for installation across the Showground. Interpretation methods discussed in the Plan include:

1. "Welcome to Country" panels at each entry gate
2. History Wall
3. Honour Wall
4. Yarning Circle
5. Art Trail Message Sticks

The site map in Figure 1 below has been extracted from the Plan and shows the indicative locations for the interpretative features.



Figure 1: Site Map, Potential Interpretation Locations

The Heritage Council's general terms of approval state the Plan must detail how the information will be provided for the public, including recommendations regarding public accessibility, signage, public art and an education booklet for the site. Additionally, the plan must identify the types, locations, materials, colours, dimensions, fixings and text of interpretive devices that will be installed as a part of the project, including a timeline for delivery.

9.6 Queanbeyan Showgrounds Cultural and Heritage Interpretation Plan (Ref: ; Author: Thompson/Sibbick) (Continued)

Note that this Plan is based purely on the requirements of the DA to construct a new pavilion on site at the Showground. It is important to note, the plan is developed for consultation and elements within the plan can be adjusted through consultation to ensure the best outcome for the whole community.

This Plan is unconnected to the recent "Aboriginal Place" nomination for the Showground. That is an unrelated process which will proceed independently of the Cultural and Heritage Interpretation Plan.

Risk/Policy/Legislation Considerations

- *Environmental Planning and Assessment Act 1979, Section 4.47*
- *Heritage Act 1977*
- *The Aboriginal and Torres Strait Islander Heritage Protection Act*
- Burra Charter 2013
- Interpreting Heritage Places and Items Guidelines (2005)

Financial, Budget and Resource Implications

There is currently no funding to implement the physical elements within the interpretation plan and more work needs to be done on construction detail to allow accurate estimates. It is proposed the implementation be carried out in stages, subject to availability of grant funding.

Both levels of Government periodically open grant programs to deliver on the national commitment to reconciliation and support for First Nations perspectives and practices.

Links to QPRC/Regional Strategic Plans

The use of the Queanbeyan Showground and overlay proposed by the Cultural and Heritage Interpretation Plan is supported by the following strategic policies and plans:

- Queanbeyan CBD Place Plan Report
- QPRC Events Strategy 2018-2015
- QPRC Tourism Plan

Conclusion

The condition of the DA (for the construction of a new pavilion at the Queanbeyan Showground) to prepare an interpretation plan, has now been met. The Cultural Heritage Interpretation Plan is now complete and meets the requirements of the NSW Heritage for the purpose of issuing a Construction Certificate.

The Plan will be forwarded to Heritage NSW, as part of the community engagement process, to meet the requirements of the DA. It is recommended that the Plan be placed on public exhibition for an extended period of time, with the closing date for submissions being 1 February 2023.

Any feedback received will be brought back to Council for consideration and will also be forwarded to Heritage NSW.

Attachments

Attachment 1 Cultural and Heritage Interpretation Plan (*Under Separate Cover*)



9.7 Naming of New Off Lead Dog Area - Googong Neighbourhood 2 (Ref: ;
Author: Thompson/Sibbick)

File Reference: 26.4.1-04

Recommendation

That Council endorse the name of “Scentral Bark” for the new dog park at Googong, Neighbourhood 2, Stage 14.

Summary

Council has received a letter from the Googong Township Pty Ltd (GTPPL) Development Manager, requesting endorsement of “Scentral Bark” as the name of the future dog park in Neighbourhood 2, stage 14 of the Googong township development. This report is to provide background to that request and to recommend endorsement of the proposed new dog park name.

Background

At Council’s meeting on 12 August 2020 (Item 7.10) Council raised no objection to GTPPL coordinating nominations from the community to name the proposed off lead dog area, and to seek Council endorsement of any selected name. The dog park is in Neighbourhood 2, stage 14, of the Googong township development (see Figure 1 below).



Screenshot of the Googong Masterplan showing the location of the dog park

Figure 1 - New Dog Park Location at Googong, Neighbourhood 2, Stage 14

A letter has now been received from the Development Manager of GTPPL, requesting Council endorsement of the name “Scentral Bark” for the new dog park at Googong (Attachment 1).

9.7 Naming of New Off Lead Dog Area - Googong Neighbourhood 2 (Ref: ; Author: Thompson/Sibbick) (Continued)

Report

GTPL held an online survey in June 2022, using survey monkey, seeking preferences on the name of the new Googong Dog Park. Three names were proposed:

- Two Tails Dog Park
- Canine Commons
- Scentral Bark

The survey resulted in 510 people responding, with 76 preferences for Two Tails Dog Park, 144 preferences for Canine Commons and 290 preferences for Scentral Bark. GTPL therefore are seeking endorsement from Council for the name “Scentral Bark” as the name of the future dog park in Googong. Refer to Figure 2 below for the survey results.

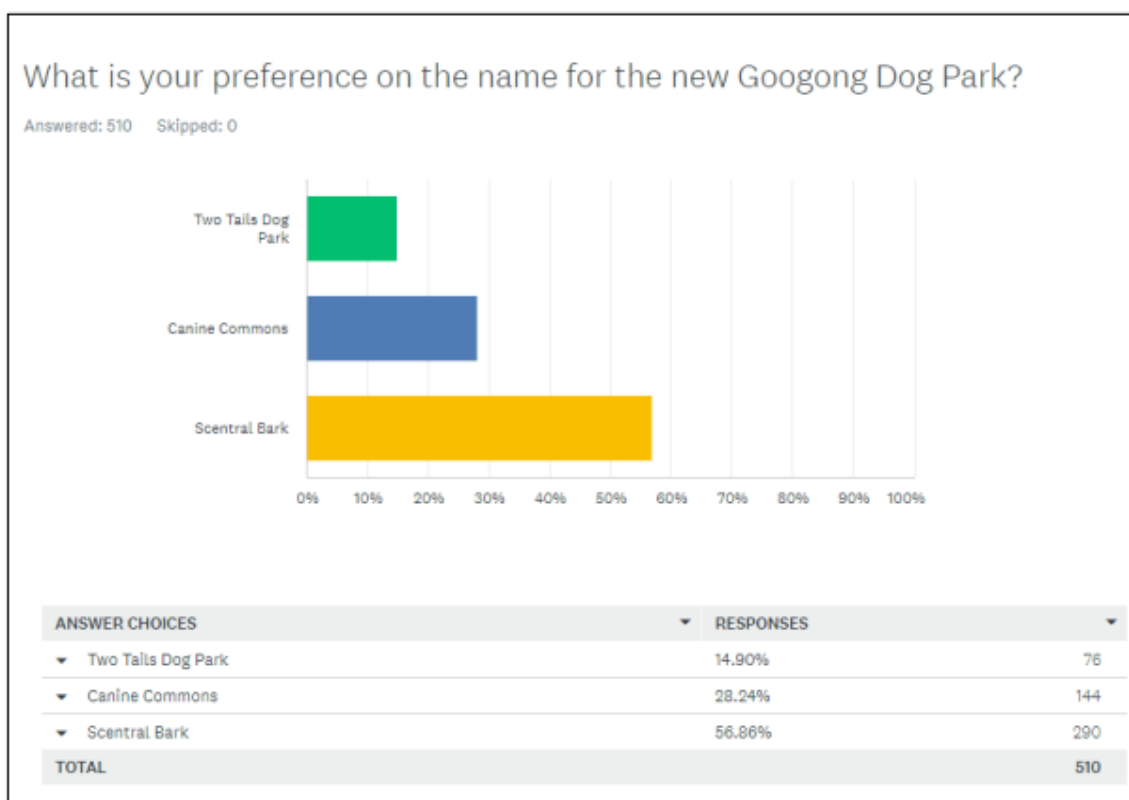


Figure 2 - Survey Results for Preferences of the New Googong Dog Park

Risk/Policy/Legislation Considerations

At its meeting of 12 August 2020 Council agreed that the proposed name for the dog park could be established through a broad community engagement process. There are no legal or policy reason not to accept the name “Scentral Bark”.

Financial, Budget and Resource Implications


Nil

9.7 Naming of New Off Lead Dog Area - Googong Neighbourhood 2 (Ref: ; Author: Thompson/Sibbick) (Continued)

Conclusion

Council consented to GTPL co-ordinating nominations and feedback from the community for the naming of the new off-lead dog area in Googong. Feedback on the nominations was achieved through a community survey that showed a clear preference for one of the three names nominated. As a result, it is recommended that Council endorse the name “Scentral Bark” as the name of the new dog park in Googong.

Attachments

Attachment 1  Letter from PEET - Googong NH2 Dog Park Naming (*Under Separate Cover*)

9.8 Proposed Transfer of a Crown Road (Brick Kiln Lane) to Council (Ref: ;
Author: Ryan/Hansen)

File Reference: 23.6.2 & Brick Kiln Lane (Streets)

Recommendation

That Council object to the transfer of Brick Kiln Lane at Bendoura for the following reasons:

- 1. Council does not have the financial capacity to become the roads authority for this road.**
 - 2. Brick Kiln Lane at Bendoura does not meet the transfer criteria contained in Council's Crown Road Management Policy.**
 - 3. Council does not have the resources capacity to manage the administration of this road and any associated maintenance and repair requirements.**
-

Summary

The Department of Planning and Environment – Crown Lands & Office of Local Government (the department) has identified a Crown road at Bendoura that may be suitable for transfer to Queanbeyan Palerang Regional Council (Council) for future management.

Transferring the road to Council will not benefit the users of the road and will impose ongoing administration cost on Council as well as increased pressure from road users for Council to undertake maintenance and repairs on the road.

Background

There are a significant number of crown roads that exist within the QPRC local government area. These roads are presently managed by The Department of Planning and Environment – Crown Lands & Office of Local Government (the department). The department is a “roads authority” in the same way that Council is and has the power to manage the construction, repair and maintenance on all crown roads.

Over time, more and more crown roads are being used to access properties as the owners these construct houses and other structures following approval by Council. Council will impose minimum construction standards on the applicant for the crown roads used as access however the initial construction cost and the ongoing maintenance costs remain with the users of the crown road.

In accordance with Councils Crown Road Management Policy, Council will only accept the transfer of a crown road if:

- Council resolves to transfer the road, or where Council would normally transfer the road as the result of an approved development using authority delegated to staff, and;
- It has been constructed to Councils minimum construction standard as detailed in the Unsealed Road Maintenance – Grading policy or to a higher standard as determined by Council and;

9.8 Proposed Transfer of a Crown Road (Brick Kiln Lane) to Council (Ref: ; Author: Ryan/Hansen) (Continued)

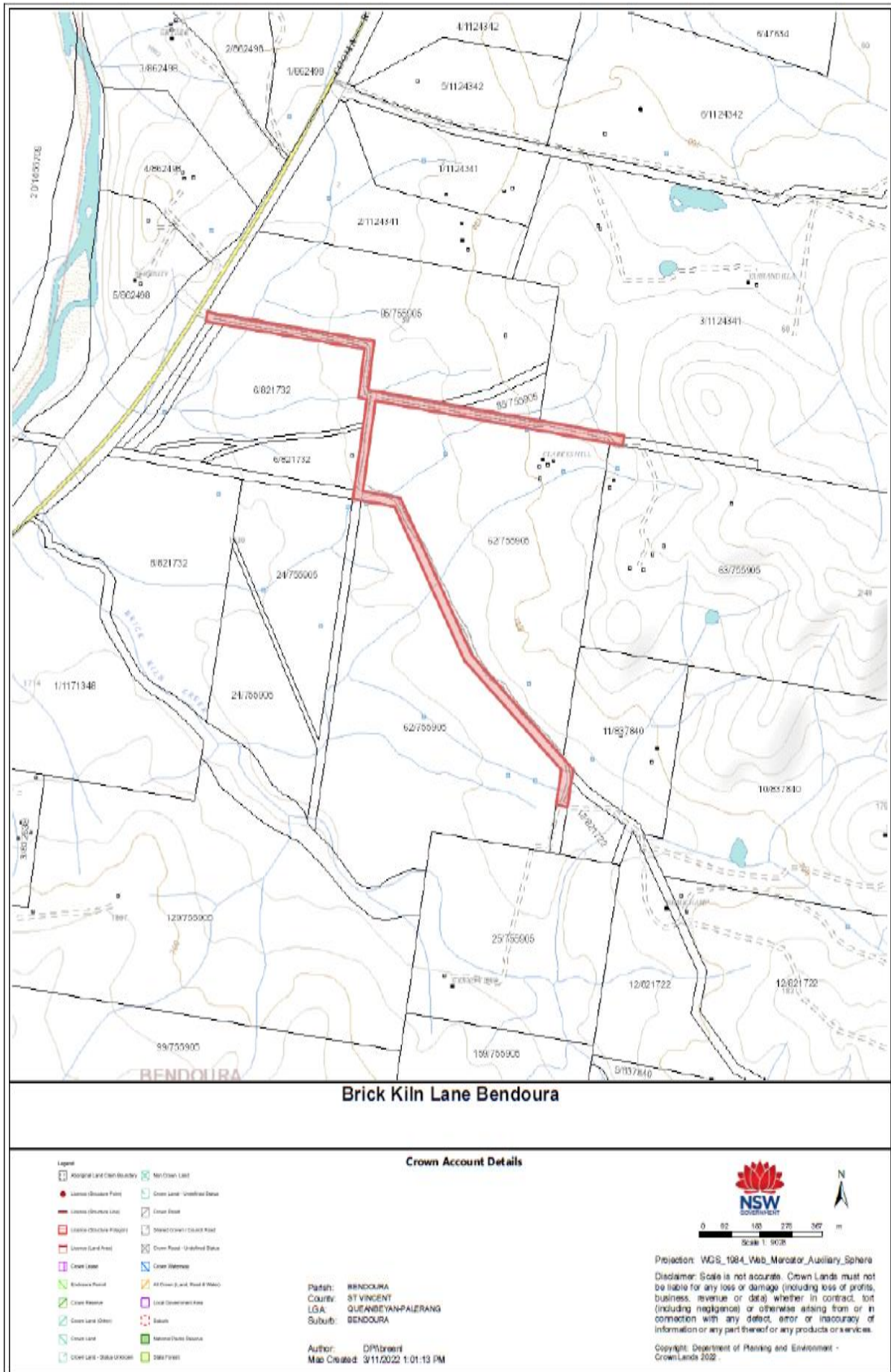
- The road will provide access to more than two dwellings where the dwellings are located on separate parcels of land.

In this case, the above criteria has not been met and Council should object to the proposed transfer.

Report

The Department of Planning and Environment – Crown Lands & Office of Local Government (the department) has identified a Crown road at Bendoura that may be suitable for transfer to Queanbeyan-Palerang Regional Council (Council) for future management. The subject road is Crown road known as Brick Kiln Lane at Bendoura and is shown in red on the attached diagram.

9.8 Proposed Transfer of a Crown Road (Brick Kiln Lane) to Council (Ref: ; Author: Ryan/Hansen) (Continued)



9.8 Proposed Transfer of a Crown Road (Brick Kiln Lane) to Council (Ref: ; Author: Ryan/Hansen) (Continued)

It is the practice of the department to consult with the affected council before processing a Crown road transfer, each proposal will be considered on a case by case basis.

The department considers Crown roads suitable for transfer to council when they meet one or more of the eight criteria in the Administration of Crown Roads Policy. The department has assessed that the Crown road meets the following criteria in the policy:

- The formed Crown road provides road access to urban or rural areas or provides access within country towns, villages, local communities and public areas.
- Development consent has been granted by a council that requires use of the Crown road to service a traffic generating development.

If the road is deemed suitable for transfer the Crown road will be transferred to council by order in the Government Gazette under s152I of the Roads Act 1993. If the road is deemed unsuitable for transfer the transfer proposal will be withdrawn and council will be notified, and the road will remain a Crown road.

Risk/Policy/Legislation Considerations

The transfer of crown roads to Council brings with it considerable risk to the ongoing sustainability of Council due to the increased cost to administer this this road. Even if no maintenance is undertaken by Council on the road, it will be added to Councils asset base and depreciated accordingly.

There is no doubt that the Minister for Crown Lands has the power to transfer crown roads to Council without Councils consent however Council may object to the transfer of the road.

Brick Kiln Lane at Bendoura is in very poor condition and has been the subject of many complaints by the users of that road. There is significant work required to bring that road to a reasonable standard.

Even if the road is transferred, it will be classed as a Category 10 road in accordance with Councils Unsealed Road Maintenance – Grading Policy and remain as a road that is not maintained by Council. It will, however, need to be added to Councils road asset list and depreciated accordingly.

In consideration of the above, there is no benefit to the road user to transfer this road Council. The department gains the only benefit of this transfer as it shifts the cost of managing this road to Council. In addition to the cost shifting, the residents that use this road will subsequently increase their representations to Council to take up the responsibility of the maintenance of the road.

Financial, Budget and Resource Implications

Transferring this road to Council will increase Councils administrative costs. Further cost increases will occur if Council agrees to repair or improve this road in any way.

Links to QPRC/Regional Strategic Plans

Crown Road Management Policy

Unsealed Road Maintenance – Grading Policy

9.8 Proposed Transfer of a Crown Road (Brick Kiln Lane) to Council (Ref: ; Author: Ryan/Hansen) (Continued)

Conclusion

It is recommended that Council object to the proposed transfer of Brick Kiln Lane at Bendoura as it will not provide any benefit to the users of that road and will have a negative effect on Council.

Attachments

Nil

9.9 Draft QPRC Bin Inspection and Contamination Policy (Ref: ; Author:
Hansen/Belcher)

File Reference: 34.1.98

Recommendation

That Council:

- 1. Place the Draft Bin Inspection and Contamination Policy on public exhibition in accordance with Council policies.**
 - 2. Receive a future report detailing the consultation process and outcomes.**
-

Summary

This report provides information on a new policy to manage bin contamination. It recommends that the draft Policy is placed on exhibition for community comments. Once consultation concludes, a further report will be provided to Council outlining the results and next steps.

Background

Contamination of waste bins is an ongoing issue for all Councils. The wrong materials are frequently placed in residual, commingled recycling and organics bins with impacts on downstream processing and collection vehicles.

Prior to amalgamation, the former Queanbeyan LGA operated an informal “three strikes” policy for contamination of bins. When contamination was detected, letters were sent to a property and if a third strike was registered, the owner/resident was notified that the bin would not be collected. The former Palerang LGA did not monitor contamination levels due to resource constraints. This situation is largely unchanged to this day.

With the wider rollout of the Food Organics Garden Organics (FOGO) collection service that is now underway, the current inspection program will undoubtedly bring a greater level of scrutiny to this informal policy.

Report

A Draft Bin Inspection and Contamination Policy has been developed to proactively manage contamination of waste bins.

The Draft Policy covers any property that receives a kerbside waste collection service, including any property where Council or its Contractors enter private property to collect waste. The Draft Policy also covers all waste streams – namely residual waste, commingled recycling and organics.

The Draft Policy:

- Provides a consistent approach to the management of bin contamination
- Clarifies for staff and residents what actions Council can take in the event of bin contamination
- Clearly states how we will work with residents to minimise contamination
- Provides an opportunity for residents to pro-actively reduce the contamination level
- Provides information and data to inform future education campaigns

9.9 Draft QPRC Bin Inspection and Contamination Policy (Ref: ; Author: Hansen/Belcher) (Continued)

In accordance with Council policy and good governance, it is appropriate to place the Draft Policy on public exhibition prior to adoption. Following consultation, a further report will be provided to Council summarising the outcomes and recommending further actions as appropriate.

Risk/Policy/Legislation Considerations

Currently, Council and ratepayers are exposed to the following risks:

1. Financial penalties under existing Contracts for excessive contamination of incoming loads
2. Environmental risks due to the presence of prohibited materials in bins (for example, full motor oil containers)
3. WHS and public safety risks from the presence of prohibited materials in bins (for example, gas bottles)
4. Reputational risk related to inconsistent application of the informal policy

Future adoption of this Policy will enable Council to manage these risks more proactively and appropriately.

Financial, Budget and Resource Implications

No financial or budget implications arise directly from this report. Delivery of the consultation process is within existing resource availability.

Future implementation of this Policy, if adopted, will be covered using existing resources.

Links to QPRC/Regional Strategic Plans

The draft Policy is consistent with Section 4.2 of the Queanbeyan-Palerang Community Strategic Plan 2042, the NSW Waste and Sustainable Materials Strategy 2041, and the QPRC Waste Strategy.

Conclusion

A Draft Policy has been developed to manage bin inspections and contamination. This report briefly summarises the Draft Policy and recommends that it be placed on public exhibition. Once public exhibition is completed, the report further recommends that Council receive a report on the consultation process.

Attachments

Attachment 1 Draft Bin Inspection and Contamination Policy (*Under Separate Cover*)



9.10 Establishment of s355 Committee for Braidwood Common (Author:
Ryan/Richards)

File Reference: 52.3.3

Recommendation

That Council agree to the establishment of a Section 355 Committee to manage the land currently referred to as Braidwood Common.

Summary

Council recently received a request to establish a Section 355 (s355) Committee to manage the area in Braidwood known as The Braidwood Common. The area has been under a license agreement to a private individual since 2010. During this time, collaboration between the licensee and local groups has resulted in significant physical improvements.

A recent meeting was held with the General Manager, staff and stakeholders of the area. Stakeholders felt that, given the nature and uses of the area, continuing a private lease to the existing lessee would be unfair as this would place a significant burden on one person when the benefit accrues to the community. After considering a range of options, stakeholders agreed that the establishment of a s355 committee to manage the area would provide the most universal benefit.

Background

Council owns 'Operational Land' along Flood Creek at 42 Bombay Road, Braidwood. The large area of land, treated as one parcel, was compulsorily acquired from the Crown in 2007 for potential future use by the wastewater treatment plant located opposite in Bombay Road; however, it is acknowledged that not all the land is required for Council purposes. The land was due to be revalued in 2020 but this did not occur.

As the land was acquired using funds from the sewer fund it is similarly an asset of the sewer fund. Part of the area, referred to by the community as the "Common", has been under a licence agreement since 2010 to a private individual. During this time, collaboration between the licensee and local groups has resulted in significant physical improvements.

There is a community garden, coordinated by the licensee of the adjoining operational land, on land that is excluded from the current licence agreement. A former Council resolution annexed this land for the purposes of a community garden area and recommended that a separate lease be established for it. This was never actioned, and a copy of that licence has not been found. The community garden area is considered well suited to be included as part of the proposed management of Braidwood Common.

Hassel Reserve is located to the east of the land in question, however is not part of the land to be managed under this proposal. This is crown land maintained by Council, as Reserve Trust Manager.

The map below shows the current lease footprint and the existing community gardens (all outlined in red). This area is known as the Braidwood Common and would be the area managed by the prospective 355 committee. For reference, the map also shows Hassel Reserve further to the east.

9.10 Establishment of s355 Committee for Braidwood Common (Author: Ryan/Richards) (Continued)**Report**

Stakeholders in the Braidwood community have requested the creation of a Section 355 Committee to manage the Braidwood Common (42 Bombay Road Braidwood) on behalf of QPRC and the Braidwood community. This arrangement would transfer the common from its existing private license to a more accountable community management structure, better able to facilitate ongoing access and sustainable use by the Braidwood community and by visitors to the region.

At a recent meeting, stakeholders discussed visions for the future for further tree planting, a Biodiversity Habitat open to preschools and primary schools for viewing of migratory birds and platypus; agistment for the Braidwood Central School sheep, a community facility; community events; indigenous events and education; a public walking track; a semi-commercial nursery; and a community kitchen using grown produce. They discussed an eventual nursery with retail opportunities. They stated that the importance of the land locally is to continue to provide a healthy environment and open spaces for the community to gather and an opportunity to provide meaningful work and connection for local volunteers.

The Shoalhaven Landcare Council stakeholders discussed their interest in setting up a nursery on Hassel Reserve. They have a \$48K grant and would require a small 4x6m shed and shade cloth for propagating. They anticipate a retail element – at cost for community groups and at profit for commercial and the public. The venture would require a driveway, disabled access, water, further structures such as shade or glass houses and public insurance. The group indicated that nursery sales could be at cost for community groups and at profit for commercial groups and the public. This project is unlikely to proceed in the short term due to planning requirements on Hassel Reserve, however there may be opportunities to co-locate on the Braidwood Common.

9.10 Establishment of s355 Committee for Braidwood Common (Author: Ryan/Richards) (Continued)

Identified priorities of the Common are:

- Food security
- A habitat corridor
- River environments
- Weed management
- Fencing – maintenance
- Maintaining pathways
- Land management including cool burns
- Day-to-day management
 - long-term planning
 - oversight
 - transparency
 - involving more community members
 - facilitated by the community

Financial, Budget and Resource Implications

Lease fees for the property in 2020 were \$2,393 (ex GST). There has been no request for payment since this time, pending a review, however invoices are due to be sent to the licensee to bring payments up-to-date.

It is unlikely that the licensee would want to renew the license and equally unlikely that it would attract significant interest from other potential licensees. The community, through the licensee, has put considerable work into improving and caring for the property.

Challenges and Risks

The current arrangement poses significant public liability risk for the licensee who collaborates with the community in the use of this land. The licensee needs to insure against these risks and limit community access to the land, which is not ideal. Similarly an Advisory Committee would not provide the ongoing surety of future uses for the land including the considerable improvements already made. A s355 committee gives the community who care for this land, determination of how it will operate. Representatives of various different community groups agreed that the s355 committee would serve the largest community of interest, ensure the optimal use of the land and provide protection from Council in terms of insurance and governance for volunteers and visitors.

Further improvements to land that have financial implications will be subject to the normal processes of s355 committees in terms of seeking grant funding or Council support.

Although QPRC Sewer operations do not require any portion of this land at the current time, part of the s355 agreement will include the acknowledgement and agreement that portions of the land may be required to be returned for Council operational purposes. This area is unlikely to be where most of the current community activity is focussed.

Links to QPRC/Regional Strategic Plans

Community Strategic Plan – Strategic Goal 1.3

Our public and community places are inviting, accessible, encourage participation and are well maintained.

- Maintain public spaces to a high standard
- Community facilities are accessible, safe and inclusive

9.10 Establishment of s355 Committee for Braidwood Common (Author: Ryan/Richards) (Continued)

Community Strategic Plan – Strategic Goal 3.3

Our land, vegetation and waterways are managed in an integrated and sustainable manner.

- Sustain, manage and protect our land, biodiversity, vegetation and waterways.
- Sustainably manage natural landscapes and open spaces





Next Steps

If Council approves the establishment of a s355 committee, staff will meet with the community to explain the rights and responsibilities of these committees, including Council governance and accounting standards. As noted above, this particular agreement will recognise the future potential of Council needing to operationalise part of the area in question. The community will then be required to determine committee members, office holders and Terms of Reference, noting that membership must be open to all interested members of the community. Once this has been achieved a report will come to Council noting these steps and requesting a Council representative for the committee.

Conclusion

The Braidwood Common is already managed by a wide range of stakeholders through the current licensee. The formation of a s355 committee to continue to sustainably manage this land on behalf of Council will enable increased community visitation and participation.

Attachments

Attachment 1 	Application for a s355 Committee - Commonwood Farm Inc (<i>Under Separate Cover</i>)
Attachment 2 	Support for s355 Committee (<i>Under Separate Cover</i>)
Attachment 3 	Council Resolution 2009 (<i>Under Separate Cover</i>)
Attachment 4 	License for the Use of Braidwood Common (<i>Under Separate Cover</i>)

File Reference: 51.1

Recommendation

That Council endorse the Annual Report 2021-22.

Summary

Council is required to prepare an Annual Report for the 2021-22 financial year. A checklist of inclusions for the Annual Report is provided by the Office of Local Government. In addition, a number of Council policies also require reporting in the Annual Report.

Background

The Annual Report outlines the progress of projects and actions that were contained in the Operational Plan 2021-22. The Financial Statements for 2021-22 will be attached when they are finalised.

Report

The Annual Report 2021-22 has been completed and meets all legislative requirements including:

- Section 54P, 67, 428 and 508 of the *Local Government Act 1993*
- Clauses 132, 217, Local Government (General) Regulations 2005
- Section 125, *Government Information (Public Access) Act 2009*
- Section 33, *Privacy and Personal Information Protection Act 1998*
- Section 93G(5) *Environmental Planning and Assessment Act 1979*
- Section 16 of the Guidelines on the Exercise of Functions under the *Companion Animals Act*.
- Section 125 of the *Government Information (Public Access) Act 2009*
- *Swimming Pools Act 1992 and Regulation 2008*
- Capital Expenditure Guidelines
- *Disability Inclusion Act*

The following Council policies also state other information to be included in the Annual Report:

- Fraud Control Policy
- Corporate Sponsorship Policy
- Privacy Policy
- Risk Management Policy
- Property Policy

Risk/Policy/Legislation Considerations

Section 428 of the *Local Government Act 1993* (NSW) requires all NSW councils to prepare an annual report that details its achievements in implementing its delivery program and the effectiveness of the principal activities undertaken, within 5 months of the end of the financial year.

The annual report must be prepared in accordance with the guidelines under section 406; and contain a copy of the council's audited financial statements and such other information as the regulations or the guidelines under section 406 may require.

A copy of the annual report must be posted on Council's website.

Financial, Budget and Resource Implications

Nil

Links to QPRC/Regional Strategic Plans

Strategic Pillar 5. Capability Contemporary civic leadership and governance that is open, transparent and accountable.

Conclusion

The 2021-22 Annual Report includes progress updates on all projects and actions contained in Council's Operational Plan 2021-22 and a number of statutory reporting requirements as defined by the Office of Local Government.

Attachments

Attachment 1 2021-22 Annual Report (*Under Separate Cover*)



File Reference: 52.5.4

Recommendation

That:

1. Council place the following Policies on public exhibition for 28 days:
 - Corporate Sponsorship Policy
 - Footpath Management Policy
 - Cat Containment Policy
 2. If no submissions are received, the policies be adopted.
-

Summary

The attached policies have 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:

Corporate Sponsorship Policy – The Corporate Sponsorship Policy was last reviewed by Queanbeyan City Council in 2010. Following the review of the Policy this year, most of the content from the 2010 document has been retained. However, the primary benefit of the review has been to restructure and streamline the Policy to make it more user-friendly for Council staff. The revised Policy also aims to improve internal accountability for Corporate Sponsorship arrangements by creating an internal register to track and manage all Corporate Sponsorships, especially if the quantity of such arrangements increases into the future.

Footpath Management Policy – QPRC manages more than 210km of formed pathways across the LGA. This network is expanding annually through the gifting of assets associated with large subdivisions and through continuation of capital works funded through grants.

In 2013, the former Queanbeyan City Council developed a Footpath Policy to formalise asset inspection requirements to minimise risks of trips and falls and to reduce insurance claims against Council, in line with Statewide Mutual guidance.

The former Palerang Shire Council did not have a corresponding policy and therefore, the 2013 QCC Footpath Policy has been operational since merger.

The new Policy includes the following changes:

1. Applies to entire LGA
2. Footpath hierarchy and inspection intervals has been revised and aligned to Institute of Public Works Engineering Australasia (IPWEA) Guide Notes
3. Rectification requirements aligned to QPRC's Customer Service Charter
4. Risk assessment approach included to determining maintenance programming

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



5. Prescribed condition calculations based on defects removed and condition aligned to IPWEA 1 – 5 condition rating methodology.

Cat Containment Policy – As per tracked changes in Attachment 3.

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 | Corporate Sponsorship Policy (<i>Under Separate Cover</i>) |
|  Attachment 2 | Footpath Management Policy (<i>Under Separate Cover</i>) |
|  Attachment 3 | Cat Containment Policy (<i>Under Separate Cover</i>) |

9.13 Memorandum of Understanding - 88 Wallace Street, Braidwood (Author: Ryan/Flint)

File Reference: 52.4.1

Recommendation

That Council:

1. **Endorse the Memorandum of Understanding for the use of 88 Wallace Street, Braidwood by the Braidwood Heritage Museum for a period of 3 months, with the option to extend for a further 3 months if operationally suitable.**
 2. **Request a financial contribution towards electricity charges for the duration of the occupancy at the premises.**
-

Background

The former D&S Motors Site at 88 Wallace Street Braidwood is currently vacant and subject to future demolition and remediation works in the first half of 2023. The site is to be redeveloped, including the construction of a smart car park partially located within the existing depot at 88 Wallace Street.

Report

Council staff have been approached by the Braidwood Heritage Museum to undertake a community volunteer project involving the restoration and re-assembly of a 1930 Dodge. The volunteer run project is seen to be a good way for the group to involve a wide cross-section of the community in museum activities. That is, people who would not normally be involved. When complete, the vehicle will be registered as an historical vehicle and be available for promotional activities for the new precinct and the town.

At present, the Dodge is currently being stored at a warehouse in Mitchell, ACT, which makes working on the vehicle an undertaking for the volunteers dedicating their time.

Risk/Policy/Legislation Considerations

The Braidwood Heritage Museum have their own Public Liability Insurance which covers volunteer activities outside the Museum. The coverage is under affiliation with Royal Historical Society to the value of \$20 million.

The site will be controlled by the volunteers of the Museum and will not be open to the public.

Financial, Budget and Resource Implications

Council has been required to undertake some minor maintenance works to the building in order to see it suitable for use by the Braidwood Heritage Museum, at a total cost of \$2,000. This expense is covered in the properties R&M budget.

There are no further expected financial implications resulting from the temporary use of this site.

9.13 Memorandum of Understanding - 88 Wallace Street, Braidwood (Author: Ryan/Flint) (Continued)

Council staff recommend that in lieu of rent being charged, a contribution towards electricity costs be provided to Council by the group. This has been reflected in the draft Memorandum of Understanding attached to this report. The meter at the premises will be read prior to any occupancy and will be billed to the Braidwood Heritage Museum at the conclusion of the stay.


Links to QPRC/Regional Strategic Plans

Community Strategic Plan Objective 4.3 – Our community facilities and assets are well planned, meet the needs of the community and enhance social connection

Conclusion

Council are asked to consider endorsing the Memorandum of Understanding attached to this report, for the Braidwood Heritage Museum to base the restoration of the 1930 Dodge at the former D&S Motors Site at 88 Wallace Street Braidwood.

Attachments

Attachment 1  Memorandum of Understanding - occupancy of 88 Wallace Street, Braidwood (*Under Separate Cover*)

File Reference: 31.7.1

Recommendation

That Council authorise the Mayor to execute the ACT-QPRC Statement of Intent and Work Plan 2022.

Summary

The ACT-QPRC Statement of Intent and Work Plan has been updated to reflect current priority areas, projects and cross border services that require collaboration between local government and ACT jurisdictions. Council support of this agreement is sought, with the Mayor authorised to execute it, following formal approval by the ACT Cabinet in December, with any minor changes after this to be endorsed by the Chief Minister.

Background

At the 9 February 2022 meeting, Council endorsed a draft ACT-QPRC Statement of Intent and priority areas to be submitted to the ACT Chief Minister for consideration. Council authorised the Mayor and General Manager to execute if it remained substantively unchanged by the Chief Minister.

Report

The Mayor and General Manager met in person with the Chief Minister on 29 September and have agreed on the revised ACT-QPRC Statement of Intent. The principles of effective engagement between the ACT Government and QPRC are based on a history of working together to optimise regional outcomes, pursuing a borderless approach to infrastructure planning and delivery, and sharing information/data to inform planning and policy development and initiatives. The attached Statement of Intent and Workplan is essentially the same as that drafted and endorsed by Council at the February meeting, with some minor changes to reflect current projects and cross border services.

Priority areas for collaboration and engagement are:

- improving cross border connectivity of transport including road, rail, freight and active travel networks for both passenger and freight movements
- policy and planning opportunities to consider management of water, sewage, waste and renewable energy on a regional scale
- planning for major contiguous developments and land use planning along the border corridor
- understanding the infrastructure requirements to support population growth and housing affordability
- promoting the visitor economy and coordinating efforts to support major events across the ACT and QPRC
- coordination on matters of regional employment, skills and innovation, including joint advocacy for NSW and Commonwealth investment
- opportunities to enhance sustainability and address climate change

9.14 ACT-QPRC Statement of Intent (Ref: ; Author: Ryan/Ryan) (Continued)

There are 7 Key Focus Areas which include:

1. Improving cross border public transport connectivity
2. Policy and planning opportunities to consider management of water and sewage
3. South Jerrabomberra Regional Jobs Precinct
4. Regional freight hub
5. Land and housing
6. Implementation of the Canberra Region Economic Development Strategy, QPRC Regional Economic Development Strategy and CBR Switched On: ACT's Economic Development Priorities 2022-2025
7. Regional resilience

The Statement of Intent will support discussions around the Queanbeyan Sewage Treatment Plant, regional water strategy, supply and catchment management under the ACT-NSW Memorandum of Understanding for Regional Collaboration and the Queanbeyan Water Supply Agreement.

Risk/Policy/Legislation Considerations

There is no risk, policy or legal obligation with the Statement, other than ensuring its content is in line with the NSW-ACT MoU and guiding the collaboration between the heads of the organisations and staff.

Financial, Budget and Resource Implications

Nil

Links to QPRC/Regional Strategic Plans

The workplan is aligned with the QPRC Community Strategic Plan, and ACT documents relating to cross border and regional initiatives.

Conclusion

Since the new QPRC Council was elected, a revised draft ACT-QPRC Statement of Intent and priority areas has been developed for the new Council term. This Statement of Intent will be presented to the ACT Cabinet in December, with any minor changes after this to be endorsed by the Chief Minister.

Attachments

Attachment 1  Renewed ACT - QPRC Statement of Intent and Work Plan - DRAFT for exposure (*Under Separate Cover*)

9.15 Quarterly Budget Review Statement for the Quarter Ending 30th September 2022 (Ref: ; Author: Monaghan/Blakey)

File Reference: 43.7.2-20

Recommendation

That Council receive the September 2022 Quarterly Budget Review Statement and adopt the budget variations outlined in the report and note the opinion of the Responsible Accounting Officer in relation to Council's financial performance and projected year result is unsatisfactory.

Summary

The September 2022 Quarterly Budget Review Statement (QBRS) provides a summary of Council's financial performance at the end of the September 2022 quarter and reports on progress made against the original budget adopted by Council in its 2022/23 Operational Plan.

The budget adjustments recommended to Council for approval result in a net increase to the consolidated budgeted surplus before capital items of \$312k.

The revised budgeted operating result for the year to 30 June 2023 is a surplus of \$2.2m comprising a deficit of \$9.1m in the General Fund and a surplus of \$11.3m in the combined Water and Sewer Funds.

Background

Quarterly Budget Review Statements provide progress reporting against the original annual budget, and subsequent revisions at the end of each quarter. A detailed list of budget adjustments recommended is provided in the below listed reports included in the September QBRS:

1. Income Statement by fund and consolidated – This is budget summary and shows the actual income & expenditure as at 30 September 2022 against the original annual budget, with proposed budget adjustments and an updated annual budget forecast.
2. Consolidated budget summary by service – Provides the same information for the Council, listed by service.
3. Capital Expenditure Statement – This report is in the same format, with the actual balances as at 30 September 2022 for capital works projects, with proposed budget adjustments and an updated annual budget forecast.
4. Cash and Reserves Budget Summary – This report shows the Council's total cash and reserves and working funds on 30 September 2022
5. Key Performance Indicators – Council's performance as at 30 September 2022 measured against Office of Local Government benchmarks
6. Contract Budget Review Statement
7. Consultancy & Legal Expenses Overview
8. Loan Summary – Current and proposed loans

**9.15 Quarterly Budget Review Statement for the Quarter Ending 30th September 2022
(Ref: ; Author: Monaghan/Blakey) (Continued)**

Report

See attached for full details of the QBRs.

Risk/Policy/Legislation Considerations

Council prepares quarterly budget review statements in accordance with clause 203(1) of the Local Government (General) Regulation 2005 which requires that, not later than 2 months after the end of each quarter, excluding the June quarter, the Responsible Accounting Officer (RAO) must submit a budget review statement to Council.

The budget review statement must include or be accompanied by a report as to whether or not the RAO believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure, and if that position is unsatisfactory, recommendations for remedial action.

In the opinion of the RAO, the September QBRs projects that the financial position as at 30 June 2023 will be unsatisfactory based on the following:

1. a deficit general fund budget, when accumulated with previous years' deficits, is not financially sustainable;
2. a deficit budget and an unrestricted cash deficit position does not enable the governing body to plan for unforeseen events;
3. a deficit budget relies on a deterioration of the capital base for ongoing operations;

Recommended remedial action to deal with this unsatisfactory position includes:

1. Adopt a new Long Term Financial Plan and submit to IPART an application for a special rate variation;
2. Future budgets need to be in surplus to restore to an adequate level of working capital;
3. Opportunities to increase revenue must be considered;
4. Confirm Council's objectives:
 - a. that general fund expenditure does not exceed income,
 - b. there is enough available cash to pay current liabilities
 - c. and assets are maintained to a standard that meets community expectations.

Financial, Budget and Resource Implications

Consolidated net budget adjustments of \$312k will increase the projected June 2023 surplus before capital items to \$2.24m.

General Fund net budget adjustments of -\$1.361m will increase the projected June 2023 deficit before capital items from -\$7.8m to -\$9.1m. This is mainly due to the following projects:

- QBN Civic & Cultural Precinct - no further grant money to be received. \$1.1m capital cultural grant was expected however is now unlikely to be sourced.
- Emergency Services Levy – increase in Levy by \$351k
- Insurance - increase in general insurance premium by \$170k

Water Fund net budget adjustments of \$1.969m will increase the projected June 2023 surplus before capital items from \$3.6m to \$5.5m. This is due to the reallocation of employee costs from Water to Sewer fund resulting in reduction in expenditure. Other adjustments

**9.15 Quarterly Budget Review Statement for the Quarter Ending 30th September 2022
(Ref: ; Author: Monaghan/Blakey) (Continued)**

included a reduction of budget for materials and services for QBN Water Operation and reallocated to internal labour charges.

Sewer Fund net budget adjustments of -\$295m will decrease the projected June 2023 surplus before capital items from \$6.15m to \$5.9m. This major budget adjustment includes a reduction in Capital Grants & Contributions of (-\$7.3m) for the QBN Sewage Treatment Plant (STP) upgrade. This capital grant is part of the Safe and Secure Water Program, however the grant funding will not be received till the business case has been approved. This is offset by a reduction in capital expenditure.

Capital Projects

The original capital works 2022-23 budget plus prior year carry over budget is \$176.8m of which \$18m (10%) has been expended by 30 September 2022. This budget is recommended to be reduced by \$32.8m at September and a projected year end capital budget of \$144.1m. The QBRs provides a full list of recommended capital budget adjustments however some of the major projects are listed below:

- QBN - STP Upgrade reduction in current year budget of \$26m due to timing of the design. Total project cost is \$156m and DA approval is expected in December 2022.
- Monaro Street upgrade (Lowe to Crawford St) \$7m budget is recommended to be reallocated to 2023/23 due to delays in obtaining planning approvals. Total project cost is \$15.5m of which \$10m is grant funded and Council to contribute \$5m. This project is scheduled to be completed in 2023-24.
- Bungendore Water Treatment Plant Upgrade. Budget is recommended to be reduced by \$7m. This was reported in the Queanbeyan to Bungendore Bulk Water Pipeline Report to Council on the 28/9/22.
- Increases in budget to Local Roads and Community Infrastructure (LRCI) Projects Phase 3 grant funding for Halfway Creek \$850k, Wright Park \$1.3m, Archery Club \$240k.
- Bungendore Sports Hub stage 1 - for two capital grants being \$495k for Multi Sports & LRCI for \$565k.
- Fixing Country Bridges Grant - round 2 for Jembaicumbene Bridge 1,2, & 3 Replacement for \$4.6m.

Cash Reserves

The cash and reserves summary, reports Council's current total reserve funds, and balance of working funds as of 30 September 2023. Working funds move significantly up and down throughout the year based on large cashflow movements for quarterly rates instalments, grant payments and spending on large capital projects. Most of Council's projected year end cash is externally restricted, totalling \$193.6m and limited in its use to specific purposes by contracts or legislation.

Internal reserves which total \$13.3m, are used as a device to reserve certain portions of surplus cash to make them unavailable for other purposes. They are a decision of Council to set aside surpluses for future liabilities and provisions, for example, employee leave entitlements, plant purchases, and infrastructure replacement. However, it is always recognised that internal reserves are not a guarantee that the cash will always be available for the purpose when required.

**9.15 Quarterly Budget Review Statement for the Quarter Ending 30th September 2022
(Ref: ; Author: Monaghan/Blakey) (Continued)**

All the internal and external reserves have been reconciled for the actual income and expenditure received and spent for the financial year to date as shown in the Attached Report.

Recommended budget adjustments to reserves include but are not limited to the following:

- General fund increase in external restrictions for unspent loans not yet been drawn down in prior years for the of \$5m for the Reginal Sports Complex and Monaro Street loan of \$5.25m.
- Water Fund projected year end budget for external restrictions has increased by \$11.4m due to delays in the QBN water main replacement project and changes to the Bungendore Water Plant treatment projects.
- Sewer Fund increase in external restrictions \$8.4m as a result of a delay in the QBN STP.

Cash and Reserves reported are a point in time measure, and as at 30 September 2022 there is a projected year end negative unrestricted cash balance of -\$164k, which is unsatisfactory level of working funds for Council.

Links to QPRC/Regional Strategic Plans

This report is part of the Operational Plan 2022-23 reporting.

Conclusion

The September Quarterly Budget Review Statement provides a summary of Council's 2022-23 financial performance and reports on progress against the adopted budget and projected financial position as 30 June 2023 which will be unsatisfactory.

As highlighted to Council previously, the low level of unrestricted cash and internally restricted reserves continue to remain critical. Recommended Council resolve corrective action and adopt a new Long Term Financial Plan and submit to IPART an application for a special rate variation.

Attachments

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



9.16 Loan Agreement - Common Seal of Council (Ref: ; Author:
Monaghan/Drayton)

File Reference: 43.6.5-04

Recommendation

That Council authorise the use of the Common Seal for the execution of the Loan Agreement with ANZ Bank.

Summary

Council's current loan agreement with the ANZ bank had a 10 year fixed rate for the first half of the loan term. Staff sought quotes to ensure the new fixed rate quoted remained competitive before requesting the existing loan balance be rolled into a new fixed rate for the remaining 10 years of the loan term commencing September 2022.

The purpose of this report is to seek a resolution authorising the use of the Council seal to finalise the execution of the variation to the ANZ loan agreement.

Attachments

Nil

File Reference: 43.6.5-02

Recommendation

That Council:

- 1. Receive the Investment Report for the month of October 2022.**
 - 2. Note the investment return for October 2022 was \$1,241,816.**
 - 3. Note the investment portfolio has been made in accordance with the *Local Government Act (1993)*, the *Local Government (General) Regulation (2005)* and Queanbeyan-Palerang Regional Council's Investment Policy.**
-

Summary

This report presents the investment result for October 2022.

Background

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

Report

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

Market Update - The Reserve Bank (RBA) again raised the cash rate by 25 basis points at its November 2022 meeting, taking the target to 2.85%. The Board has increased interest rates materially since May 2022 and expects to raise rates further over the period ahead. The size and timing of these hikes will continue to be determined by the incoming data and the Board's assessment of the outlook for inflation and the labour market in Australia.

Environmental Awareness - Market Forces is a campaign group focusing on environmental protection by exposing institutions financing projects that have a negative environmental impact. They have assessed over 115 banks, mutuals and credit unions to determine their position on lending to or investing in the fossil fuel (coal, oil, and gas) industry. Council's investment advisor, Laminar Capital has applied Market Forces' findings to Council's current investment portfolio with the results outlined in Section 5 of the attached Investment Report Pack.

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

The Climate Bonds Standard Board operates as an advisory committee of the Climate Bonds Initiative Board and oversees the development of the Climate Bonds Standard. The Climate Bonds Standard and Certification Scheme is a labelling scheme for bonds and loans. Rigorous scientific criteria ensure that bonds and loans with Certification are consistent with the 2 degrees Celsius warming limit in the Paris Agreement.

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

Council has \$8,000,000 (3.8% of the total portfolio) invested in deposits with Westpac which have been deemed suitable to carry the Climate Bonds Standard Certification badge.

**9.17 Investment Report - October 2022 (Ref: ; Author: Monaghan/Drayton)
(Continued)**

Risk/Policy/Legislation Considerations

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

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

Certified by Josh Staniforth, Responsible Accounting Officer, 14/11/2022.

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

Financial, Budget and Resource Implications

Over the last 12 months, Council's portfolio produced an annualised rate of return of -0.08%, underperforming the benchmark Bank Bill Index by -0.84%.

On 31 October 2022, the principal amount invested was \$211,776,936 and the 2022/23 financial year to date return was \$2,244,817 which is 56.3% of Council's 2022/23 budgeted return.

Of the total \$212 million investment portfolio, Council holds \$27 million in TCorpIM long-term (LTGF) and medium-term (MTGF) funds. Both funds provided positive returns in October 2022 with respective gains of \$598,842 and \$226,644.

The following table shows the funds' performances since the original deposit.

	LTGF \$	MTGF \$
2017-18	981,891	-44,845
2018-19	1,160,462	635,485
2019-20	21,702	37,815
2020-21	2,557,413	927,076
2021-22	-1,300,450	-742,711
2022-23		
July	566,003	326,066
August	-79,823	-111,673
September	-504,031	-212,626
October	598,842	226,644
November		
December		
January		
February		
March		
April		
May		
June		
Return since inception	4,002,010	1,041,231
Initial Placement	\$12,000,000	\$10,000,000

While these funds are exposed to additional investment risks to generate higher potential returns, they are structured with longer term time horizons. The minimum advised investment time frame for the MTGF is 3-7 years and 7+ years for the LTGF.

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

Council's cash and investment balance is made up of restricted and unrestricted funds. Restrictions can be external eg Developer Contributions, or internal eg by resolution of

**9.17 Investment Report - October 2022 (Ref: ; Author: Monaghan/Drayton)
(Continued)**

Council. Restricted investments cannot be used for general purpose expenses as they are either subject to some form of external legislative or contractual obligation or are dedicated to future Council commitments.

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

Fund	\$
General	88,923,735
Water	39,642,982
Sewer	80,885,602
Trust	142,341
Unrestricted*	2,182,275
Total Cash & Investments	211,776,936

Restriction	\$
Unexpended Loans	5,560,758
Developer Contributions	58,434,831
Unexpended Grants	18,070,826
External Restrictions (Other)	113,273,703
Internal Restrictions	14,254,543
Total Restrictions	209,594,661
Unrestricted*	2,182,275
Total Cash & Investments	211,776,936

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

Links to QPRC/Regional Strategic Plans

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

Conclusion

On 31 October 2022, the 2022/23 financial year to date investment return amounted to \$2,244,817. Investment returns are added to the associated restricted funds (e.g. developer contributions) that form Council's investment portfolio.

Attachments

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



9.18 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 draft Long Term Financial Plan 2022-32 for public exhibition, inclusive of Scenario 3 as the preferred scenario.
 2. Endorse the amendments to the 2022-26 Delivery Program for public exhibition.
 3. Endorse the three proposed Special Rate Variation scenarios for community consultation with feedback to be considered at the extraordinary Council meeting to be held on 1 February 2023.
 4. Notify IPART of its intention to apply for a special variation.
-

Summary

The purpose of this report is to present the results of the independent financial sustainability review and revised draft long term financial plan.

The 3 financial scenarios presented to the previous Council meeting have been updated following additional Council workshops and review that further considered options to reduce the impact on ratepayers. The 3 financial scenarios presented in this draft LTFP include rate rise scenarios that spread the rate rise over 3 years. 2 of the scenarios include additional expenditure reductions to minimise the extent of the rate rise and this would involve service reductions.

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

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

- 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.

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.

All of the financial scenarios include a continuation of the annual savings that Council has already implemented and additional savings targets for future efficiency improvements as well as targets to increase user fees and charges to offset higher rate rises. The detail of Council's targeted and tracked financial savings is outlined in the attached 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.

Long Term Financial Plan

Council has updated its LTFP to assess and report the impacts of both the base case (no response) scenario, and the three SRV options as a solution to the revenue shortfall.

The financial modelling demonstrates that the base case scenario would result in council's financial failure and requires intervention.

The 3 financial scenarios to be canvassed with the community are as follows:

Scenario 1 – Significantly reduced services

- A 3 year rate increase of 12% each year, including the rate peg.
- This amounts to a cumulative rates increase of 40.5% and requires additional annual expense reduction of \$5.5M from next year (2023-24).

Scenario 2 – Reduced services

- A 3 year rate increase of 18% each year, including the rate peg.

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

- This amounts to a cumulative rates increase of 64.3% and requires additional annual expense reduction of \$12M from next year (2023-24).

Scenario 3 – Maintain services

- A 3 year rate increase of 28%, 25% and 23%, including the rate peg.
- This amounts to a cumulative rates increase of 96.8% and fully funds the current level of services.
- Under this scenario Council would increase the pensioner rebate by \$100 in addition to the compulsory rebate amount.
- This scenario allows for an appropriate level of asset maintenance and renewal (additional \$1.9M pa), funding for Council's existing environmental commitments (\$1.3M pa), and funds that allow Council to plan for asset expansion for a growing population and match 1:1 capital grant opportunities (\$400k pa).

Scenario 3 is the only scenario that includes 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.

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.

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

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.

Timeframes	Responsibility	Community Engagement Activity
24 Nov 22 to 26 Jan 23	Council	<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/Directors and Mayor/Councillors
1 Feb 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

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

Timeframes	Responsibility	Community Engagement Activity
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.

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. The guidelines require the Delivery Program and Long Term Financial Plan should clearly set out the extent of the General Fund rate rise under the special variation.

The Long Term Financial Plan and Delivery Program must be exhibited, approved and adopted by the council before the council applies to IPART for a special variation to its general income. It is expected that councils will hold an extraordinary meeting if required to adopt the relevant IP&R documents before the deadline for special variation applications.

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.

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

There will be extensive community consultation as per the Community Engagement Plan outlined in this report. Council will consider all community feedback at the extraordinary Council meeting to be held in February 2023.

“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	IPART Fact Sheet – Special Variations <i>(Under Separate Cover)</i>
Attachment 2	Draft Revision to Delivery Program 2022-26 <i>(Under Separate Cover)</i>
Attachment 3	Draft Revised Long Term Financial Plan <i>(Under Separate Cover)</i>

10.1 Community Consultation Captains Flat Replacement Playground (Ref: ;
Author: Thompson/Sibbick)

File Reference: 12 Spring Street, Captains Flat

Recommendation

That the report be received for information.

Report

The playground at Foxlow Parklet at Captains Flat is located on the corner of Spring and Foxlow Streets. The playground has been closed for over 12 months, after soil testing identified higher than acceptable lead levels. The contamination is being linked to the former Lake George mine site that operated at Captains Flat from 1882 to 1962. The 630m² park is located on a Crown reserve managed by Queanbeyan-Palerang Regional Council.

Staff had subsequently organised the removal of the play equipment at the Park. The old play equipment cannot be reinstalled, due to non-compliance with current playground safety standards.

Refer to Figures 1 and 2 of Foxlow Parklet at Captains Flat, prior to and after playground removal.



Figure 1: Foxlow Parklet, Captains Flat Prior to Playground Removal

10.1 Community Consultation Captains Flat Replacement Playground (Ref: ; Author: Thompson/Sibbick) (Continued)

Figure 2: Foxlow Parklet, Captains Flat After Playground Removal

The Department of Planning and Environment - Crown Lands is providing \$400,000 to Queanbeyan-Palerang Regional Council for the clean-up of the contamination within the Park. Council is contributing a further \$100,000 from the Federal Government's Local Roads and Community Infrastructure (LRCI) program funding to allow for purchase and installation of replacement play equipment.

The Park clean-up will be conducted separately to the playground replacement project, with a tender currently being prepared for the contamination removal, based on a Lead Abatement Plan.

An online consultation took place earlier this year, through Council's Your Voice, asking for ideas from the local community for the replacement play equipment at the Park.

The community were notified that the budget for the replacement equipment was limited. The community were provided with a list of potential play equipment items to select from, or to put forward their own play equipment ideas for consideration.

10.1 Community Consultation Captains Flat Replacement Playground (Ref: ; Author: Thompson/Sibbick) (Continued)

Suggested ideas from Council staff included:

- Spinning apparatus, (e.g. merry-go-round)
- Swings for babies, older children, or nest swings
- Slides
- Themed spring rockers, e.g. animals, insects, vehicles, etc.
- Climbing frame
- Picnic seating and shelters



The consultation has now closed with the community ideas generated, attached to this report.

A large number of comments indicate a desire to see a skatepark at the playground site in lieu of a replacement playground. However, the Park site is not sufficient in size to support a concrete skatepark, nor is there sufficient funding in this budget (\$100,000) to construct a skatepark.

To support the community in their desire for a skatepark, Urban Landscapes staff are in consultation with the Captains Flat community. Staff and the community will investigate options for a suitable location; promote ongoing consultation; and assist with grant funding opportunities.

A tender for the supply and installation of a new playground will be submitted to LGP Vendor Panel after the site clean-up has been carried out and the Park is deemed safe. The tender will take into consideration the community's preferences for replacement play equipment.

Attachments

- | | |
|--|---|
| Attachment 1 | Your Voice Report for Captains Flat Playground (<i>Under Separate Cover</i>) |
|  Attachment 2 | Staff Response to Feedback Captains Flat Playground (<i>Under Separate Cover</i>) |
|  | |

10.2 Outcome of Community Consultation - Nerriga Main Street Upgrade (Ref: ;
Author: Thompson/Sibbick)

File Reference: 43.6.4-05

Recommendation

That the report be received for information.

Report

Council has received funding of \$945,000 under the Black Summer Bushfire Recovery Grants Program, to undertake upgrades to the recreation area and main street of Nerriga, after the Black Summer bushfires of 2019 / 2020.

The community were asked to comment on Council's proposed upgrades, that included the following:

- Create a tree lined approach to town, including a formal avenue of plantings at the town entrances.
- Create a hard surface pathway through the main street for accessibility.
- Undertake tree plantings in the recreation area.
- Upgrade of the recreation ground including installing a new playground, barbecue, seating and shelter.
- Improved path network and parking within the recreation ground.

A landscape architect student from the University of Canberra, undertaking volunteer work as part of their course, developed a landscape concept for the main street and the recreation area. Refer to Figures 1 and 2 below. A version which can be enlarged is provided in the attached "Nerriga Recreation Area and Main Street Upgrade" document (Attachment 1).



Figure 1: Concept Plan including Recreation Area upgrades (Eddie Case Dobinson)

10.2 Outcome of Community Consultation - Nerriga Main Street Upgrade (Ref: ; Author: Thompson/Sibbick) (Continued)

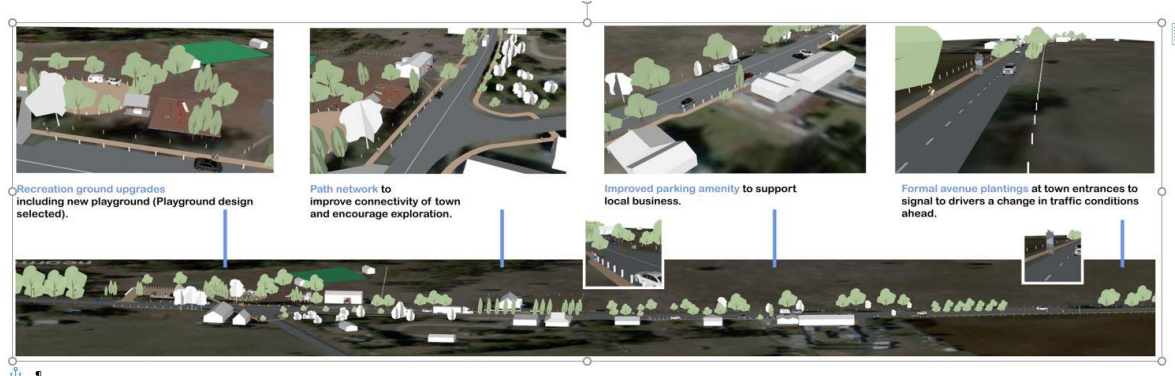


Figure 2: Concept Plan Street upgrades (Eddie Casey Dobinson)

The community were able to provide feedback through Council's Your Voice web platform, that was open from 25 August to 22 September. An additional consultation was conducted in Nerriga, through several meetings with the community. Additionally, all information and contact details were placed at the Nerriga Hotel over the exhibition period.

Attached are the survey responses from Your Voice, with a total of 14 people visiting the site and 9 people contributing comments (Attachment 2). Staff feedback to community comments has been included in the attached survey response.

Comments from the community included:



- Water crossing, bushfire protection and hazard reduction burns, which are not the responsibility of Council.
- A few comments related to the preservation of monuments in the main street. These will not be touched and will be retained in their current position.
- The selection of tree species. Council's arboriculture and horticultural staff will take on board the suggested species.
- Safety aspects, including traffic calming devices and playground safety.

Note that some work in Nerriga has already commenced:

- The supply of a new playground for the recreation area has been ordered. Installation is due to commence early in December 2022.
- A new solar barbecue with shelter and picnic seating has been purchased. Installation will occur after the playground works are complete.
- Works to resurface the tennis courts has commenced.
- New town entrance signage has been ordered.
- Roadworks are planned, but have been held up due to the weather

All works are due for completion by the end of February 2023.

Attachments

- | | |
|---|--|
| Attachment 1
 | Nerriga Recreation Area and Main Street Upgrade (<i>Under Separate Cover</i>) |
| Attachment 2
 | Survey Responses Nerriga Recreation Area and Main Street Upgrade (<i>Under Separate Cover</i>) |

10.3 Finalisation of Power Purchase Agreement (Ref: ; Author: Thompson/Corey)

File Reference: 24.4.1-02

Recommendation

That the report be received for information.

Report

In August 2020 Council's Environment and Sustainability Team commenced discussions with Procurement Australia regarding a combined, grid connected, long term renewable energy Power Purchase Agreement (PPA). The intent of the project was to provide a stable and fixed price for electricity and procure Large Generation Certificates (LGC's) for offsets to help achieve Council's emission reduction targets. The specific requirements of the project were:

- A PPA term of between 7 and 12 years in duration
- Commencement date of 1 January 2023 to avoid the need for bridging contracts
- A solution for public lighting, large market sites and smart metered small market sites
- A cited generating asset located in NSW (preferably wind or solar)
- Fixed commodity and LGC prices for the PPA term
- Ability to roll in new and existing sites during the term of the PPA

In June 2021 Council committed to and signed a Binding Agreement to establish a long-term renewable energy Power Purchase Agreement (PPA) for Council's large market electricity sites and public lighting through Procurement Australia's offer alongside six other NSW councils, including:

- Albury City
- Bega Valley
- Camden
- Penrith
- Wollongong
- Wingecarribee

Put simply Council entered into an agreement with a consortium of councils to seek a more favourable electrical energy contract via a PPA.

In June 2021 Council committed to the following ceiling prices for the PPA.

Segment	Ceiling Price (\$/MWh)
Large Market	69.70
Public Lighting	85.35

Over the intervening 12 month period market prices and Large Generation Certificate (LGC) prices substantially increased since the Initial Business Case and ceiling price were developed for the project. As a result, all initial offers substantially exceeded the established initial ceiling price.

**10.3 Finalisation of Power Purchase Agreement (Ref: ; Author: Thompson/Corey)
(Continued)**

In September 2022, Council considered a report recommending a new ceiling price be set for the PPA. Council agreed to the following revised ceiling prices:

Segment	Ceiling Price (\$/MWh)
Large Market	159.79
Public Lighting	145.54

All participating Council's accepted the revised ceiling prices as above allowing the PPA negotiations to proceed.

Procurement Australia have advised that following a two-year project term including a lengthy tender review and evaluation period a tender for the PPA has been accepted. Procurement Australia and the seven partner councils will enter into an agreement with Red Energy to provide green power from a renewable asset, Large Generation Certificates, and black power where required to ensure continuous, uninterrupted supply.

The linked asset for the PPA is the Metz Solar Farm located 15km east of Armidale in NSW. The Metz Solar Farm is a 115 Mega Watt solar farm, spanning 430ha, with a generating lifespan of approximately 30 years. The generating source of LGC's is registered with the Clean Energy Council and will provide LGC's up to 31 December 2030.



Figure 1 - Metz Solar Farm

The final tender price came in under the agreed ceiling price and represents good value for Council in terms of comparison to a 'business as usual' scenario. Procurement Australia modelled low, medium and high risk 'business as usual' scenarios against the final offer. The modelling shows the final offer in the PPA provided a better preferred result than all 'business as usual' scenarios in the ten year contract period.

The final tender prices accepted were below the ceiling price specified by the council consortium as shown below.

10.3 Finalisation of Power Purchase Agreement (Ref: ; Author: Thompson/Corey) (Continued)

Segment	Final \$/MWh	Ceiling Price	Variation
Large Market	\$155.27	\$159.79	\$4.52 favourable
Public Lighting	\$144.59	\$145.54	\$0.95 favourable

The retail contract has been provided by Red Energy and will be signed and executed by the General Manager in accordance with the delegation provided by Council at its meeting of 14 September 2022.

The following existing large market sites operated by QPRC will have power supplied under the PPA, and importantly there is unlimited roll in for new sites meaning that the QCCP and the new Queanbeyan Sewage Treatment Plant will be able to be part of the PPA.

Site Name	Contracted Annual Usage (kWh)
Queanbeyan Street Lighting	1,792,900
Palerang Street Lighting	209,000
Queanbeyan Sewage Treatment Plant	1,961,000
Googong Water Recycling Plant	1,330,000
Queanbeyan Aquatic Centre	484,000
Sewage Pump Station – Morisset Street	250,517
Bungendore Sewage Treatment Plant	234,589
Queanbeyan Works Depot	181,761
The Q Performing Arts Centre	160,000
Water Pump Station – Thorntons Estate	88,000

Power will be supplied under the PPA commencing on 1 January 2023.

Attachments

Nil

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

File Reference: 23 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 3 to 16 November 2022, the following workshops were held:

Date	Workshop Items	External Presenter/s (if applicable)
08/11/2022	SRV Communications Strategy	N/A
10/11/2022	LTFP Deferral Options	N/A
14/11/2022	SRV Scenarios LTFP	N/A
16/11/2022	1. QPRC Bin Inspection and Contamination Policy 2. Queanbeyan CBD Properties 3. Policies for review next meeting – Cat Containment Policy	N/A

Attachments

Nil

11.1 Minutes of the QPRC Sports Council Meeting - August 2022 (Ref: ; Author:
Thompson/Spear)

File Reference: 4.3.3

Recommendation


That Council note the minutes of the QPRC Sports Council held on 8 August 2022.

Summary

The QPRC Sports Council has submitted for Council's information, the minutes of their meeting held on 8 August 2022 (attached).

There are no formal recommendations referred to Council for adoption.

Attachments

Attachment 1  QPRC Sports Council Minutes held 8 August 2022 (*Under Separate Cover*)

11.2 Disability Access Committee - November 2022 (Ref: ; Author: Richards/De Jongh)

File Reference: 2.5.2

Recommendation

That Council:

1. Note the minutes of Disability Access Committee held on 1 November 2022.
2. Adopt recommendations DAC 04/2022 to 06/2022 from the meeting held on 1 November 2022.

DAC 04/2022 Communications team to seek feedback from the Access Committee on the accessibility of the QPRC website and systems before the end of 2022. Any suggestions to be reviewed and adopted where possible to improve usability and accessibility of content.

DAC05/2022 Communications team to commit to user beta testing with the Access Committee going forward when considering major changes to content or structure.

DAC06/2022 Events team to consult with Access Committee on their plan for community events in 2023. Suggestions to improve accessibility include incorporation of Auslan at major events, closed captions for recorded events, sensory spaces at festivals, all terrain wheelchairs, etc.

Summary

The Access Committee met for the third time during 2022. Five new Committee members were accepted via an EOI process. The Committee discussed digital accessibility and reviewed the new Disability Inclusion Action Plan (2022 – 2026). The following actions were agreed as priorities going forward:

- 1.1.1 Continue to work with the QPRC Access Committee to raise awareness in the community about diverse types of disability and inclusion related issues
- 1.1.4 Work with Access Committee to develop and deliver an annual public awareness campaign to encourage inclusive behaviours in public spaces (e.g. play spaces, town centres, parking)
- 2.2.2 In line with the QPRC Pedestrian and Mobility Plan (PAMP) and other accessibility priorities, increase the number of continuous accessible paths of travel that include footpaths, road crossings and kerb ramps in our town centres and to key destinations such as recreation and community facilities.
- 2.5.1 Audit accessibility of event facilities (e.g. showground) and source funding for upgrades
- 2.5.2 Include information about accessibility options at our community events in our marketing and promotional material.

Attachments

Attachment 1 Access Committee Minutes 1 Nov 2022 (*Under Separate Cover*)



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 for Environment and Sustainability 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.