



Ordinary Meeting of Council

AGENDA

22 February 2023

Commencing at 5.30pm

Council Chambers
253 Crawford St, Queanbeyan

Despite the easing of COVID restrictions, it should be noted that there is a limited number of public gallery seats available in the Chambers. Presentations can be made in writing or via Zoom. A live stream of the meeting can be viewed at:

<http://webcast.qprc.nsw.gov.au/>

Statement of Ethical Obligations

The Mayor and Councillors are reminded that they remain bound by the Oath/Affirmation of Office made at the start of the council term to undertake their civic duties in the best interests of the people of Queanbeyan-Palerang Regional Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the *Local Government Act 1993* or any other Act, to the best of their skill and judgement.

The Mayor and Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with the Code of Conduct and Code of Meeting Practice.

On-site Inspections - Nil

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

A recording of the meeting will be archived on the website.

To view webcasts or archived recordings, please go to webcast.qprc.nsw.gov.au

Webcasts of Council meetings cannot be reused or reproduced in any way and are subject to copyright under the *Copyright Act 1968*.

1 OPENING

2 ACKNOWLEDGEMENT OF COUNTRY

3 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

4 CONFIRMATION OF MINUTES

4.1 Minutes of the Ordinary Meeting of Council held on 8 February 2023

5 DISCLOSURES OF INTERESTS

6 ADJOURNMENT FOR PUBLIC FORUM

7 MAYORAL MINUTE

8 NOTICES OF MOTIONS OF RESCISSION

9 REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.1	Scoping Proposal PP.2022.0001 - Residential Rezoning - 141 Googong Road Googong (Sunset)	2
9.2	Development Application DA.2021.1453 - Construction of a Three Storey Boarding House - 2 Ross Road, Queanbeyan	13
9.3	Modification Application - MOD.2011.077.B - Variation to Electricity Supply Arrangements and Fencing - 7123 Nerriga Road, Corang	22
9.4	Road Naming - Proposed New Road Name - Holland Drive	33
9.5	Locality Renaming Proposal - Dissolving "Back Creek" into Mongarlowe	36
9.6	Queanbeyan Sewage Treatment Plant Upgrade Business Case	39
9.7	Floodplain Management Program 2022-23 - Funding Acceptance	45
9.8	Australia Day Donations to Assisting Community Groups	48
9.9	Federal Government Funding for TROVE	50
9.10	PCYC Alternate Use of Squash Court	52
9.11	Loan Refinance	54
9.12	Investment Report - January 2023	56
9.13	Vacancies on Committees	59

10 REPORTS TO COUNCIL - ITEMS FOR INFORMATION

10.1	Delivery Program Update - July-December 2022	61
10.2	Bungendore History Walk	62
10.3	Stronger Country Communities Fund Round 5 Successful Projects	64

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

BUSINESS PAPER AGENDA – 22 February 2023 Page ii

10.4	Councillor Workshops	66
11	REPORTS OF COMMITTEES	
11.1	Local Traffic Committee Meeting - February 2023.....	67
12	NOTICES OF MOTIONS	
13	REPORTS TO COUNCIL - DELEGATES REPORTS	
14	QUESTIONS WITH NOTICE	
15	NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION	69

Confidential - Not for Publication

16 REPORTS FOR CLOSED SESSION

16.1 Bungendore Property

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

17 CONCLUSION OF THE MEETING

LIST OF ATTACHMENTS

Open Attachments

Item 9.1	Scoping Proposal PP.2022.0001 - Residential Rezoning - 141 Googong Road Googong (Sunset)
Attachment 1	Scoping Proposal document - 141 Googong Road Googong (Under Separate Cover)
Attachment 2	Scoping Proposal Document Appendix A Proposed LEP Maps (Under Separate Cover)
Attachment 3	Scoping Proposal Document Appendix B - Survey (Under Separate Cover)
Attachment 4	Scoping Proposal Document Appendix C - Local Environmental Study - Willana Associates - Googong urban investigation area 2007 (Under Separate Cover)
Attachment 5	Scoping Proposal document Appendix D - Bushfire Assessment - 141 Googong Road Googong Sunset Stage 2 ECM_1777694_v1 (Under Separate Cover)
Attachment 6	Scoping Proposal document Appendix E - Geotechnical investigation - 141 Googong Road Googong Sunset Stage 2 (Under Separate Cover)
Attachment 7	Scoping Proposal document Appendix F - Biodiversity Survey Report - 141 Googong Road Googong Sunset Stage 2 (Under Separate Cover)
Item 9.2	Development Application DA.2021.1453 - Construction of a Three Storey Boarding House - 2 Ross Road, Queanbeyan
Attachment 1	DA.2021.1452 - Architectural Plans (Under Separate Cover)

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

BUSINESS PAPER AGENDA – 22 February 2023 Page iii

- Attachment 2* *DA.2021.1453 - Statement of Environmental Effects - Boarding House - 2 Ross Road, Queanbeyan (Under Separate Cover)*
- Attachment 3* *DA.2021.1453 - Landscape Plans - Boarding House - 2 Ross Road, Queanbeyan (Under Separate Cover)*
- Attachment 4* *DA.2021.1453 - Plan of Management - Boarding House - 2 Ross Road, Queanbeyan (Under Separate Cover)*
- Attachment 5* *DA.2021.1453 - Waste Management Plan - Boarding House - 2 Ross Road, Queanbeyan (Under Separate Cover)*
- Attachment 6* *DA.2021.1453 - Acoustic Assessment - Boarding House - 2 Ross Road, Queanbeyan (Under Separate Cover)*
- Attachment 7* *DA.2021.1453 - Traffic Report - Boarding House - 2 Ross Road, Queanbeyan (Under Separate Cover)*
- Attachment 8* *DA.2021.1453 - Redacted Submissions - Boarding House - 2 Ross Road, Queanbeyan (Under Separate Cover)*
- Attachment 9* *DA.2021.1453 - S4.15 Report - 2 Ross Road (Under Separate Cover)*
- Attachment 10* *DA.2021.1453 - Draft Conditions - 2 Ross Road (Under Separate Cover)*
- Item 9.3 Modification Application - MOD.2011.077.B - Variation to Electricity Supply Arrangements and Fencing - 7123 Nerriga Road, Corang
- Attachment 1* *MOD.2022.077.B - Section 4.15 Assessment Report - 7123 Nerriga Road CORANG (Under Separate Cover)*
- Item 9.6 Queanbeyan Sewage Treatment Plant Upgrade Business Case
- Attachment 1* *Queanbeyan Sewage Treatment Plant Upgrade Final Business Case (Under Separate Cover)*
- Item 9.12 Investment Report - January 2023
- Attachment 1* *Investment Report Pack - January 2023 (Under Separate Cover)*
- Item 10.1 Delivery Program Update - July-December 2022
- Attachment 1* *Delivery Program update - July-December 2022 (Under Separate Cover)*
- Item 10.3 Stronger Country Communities Fund Round 5 Successful Projects
- Attachment 1* *SCCF Successful Letter (Under Separate Cover)*
- Item 11.1 Local Traffic Committee Meeting - February 2023
- Attachment 1* *Local Traffic Committee Meeting Minutes - 7 February 2023 (Under Separate Cover)*
- Attachment 2* *Local Traffic Committee - 7 February 2023 Agenda & Reports (Under Separate Cover)*

Closed Attachments

- Item 9.11 Loan Refinance
- Attachment 1* *Loan Repayments Cost Comparison (Under Separate Cover)*
- Item 16.1 Bungendore Property
- Attachment 1* *Contract (Under Separate Cover)*



MINUTES OF THE ORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held via Zoom and at the Council Chambers, 253 Crawford St, Queanbeyan on Wednesday, 8 February 2023 commencing at 5.30pm.

ATTENDANCE

Councillors: Cr Winchester (Chairperson)
Cr Biscotti
Cr Burton
Cr Grundy
Cr Livermore
Cr Macdonald
Cr Preston
Cr Taskovski
Cr Webster
Cr Willis
Cr Wilson

Staff: R Ryan, General Manager
J Richards, Director Community, Arts and Recreation
K Monaghan, Director Corporate Services
R Ormella, Director Development and Environment
D Tooth, A/Director Infrastructure 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

3.1 Application for Leave of Absence

This item of business was WITHDRAWN.

There were no apologies.

Oath or Affirmation of Office for Cr Macdonald

Following the resignation of Cr Ternouth, Ross Macdonald was elected on 7 February 2023.

In accordance with Section 233A of the *Local Government Act 1993*, Cr Macdonald was invited to take either the oath of office or affirmation of office.

The following affirmation was declared before the General Manager on 8 February 2023:

I, Ross Macdonald, solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of the Queanbeyan-Palerang Region and the Queanbeyan-Palerang Regional Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.

4. CONFIRMATION OF MINUTES**4.1 Minutes of the Ordinary Meeting of Council held on 18 January 2023**

020/23

RESOLVED (Winchester/Preston)

That the Minutes of the Ordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday 18 January 2023 be confirmed.

The resolution was carried unanimously.

5. DISCLOSURES OF INTERESTS

021/23

RESOLVED (Winchester/Webster)

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

The resolution was carried unanimously.

There were no disclosures.

6. ADJOURNMENT FOR PUBLIC FORUM

At this stage of the proceedings, the time being 5.37pm, Cr Winchester advised that the meeting should now adjourn for the Public Forum.

022/23

RESOLVED (Winchester/Preston)

That the meeting be adjourned to conduct the Public Forum.

The resolution was carried unanimously.

ADJOURNMENT:

The meeting adjourned for the Public Forum at 5.37pm and resumed at 6.24pm.

ADJOURNMENT: Due to technical issues, the meeting adjourned at 6.25pm and resumed at 6.47pm.

7. MAYORAL MINUTE

There was no Mayoral Minute.

8. NOTICES OF MOTIONS OF RESCISSION

There were no Notices of Motions of Rescission.

9. REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.1 Financial Sustainability Options and Special Rate Variation

023/23

RESOLVED (Wilson/Preston)

That Council:

1. Accept the Community Engagement Report and noting the considerable feedback and participation at meetings thank the community for their involvement.
2. Adopt the draft revised Long Term Financial Plan, as exhibited.
3. Adopt the amendments to the 2022-26 Delivery Program, as exhibited.
4. Lodge an application with the Independent Pricing and Regulatory Tribunal for a Special Variation as outlined in Scenario 2 in the Long Term Financial Plan, for a permanent rate increase of 18% each year for 3 years, inclusive of the rate peg. This amounts to a cumulative rates increase of 64.3%.
5. Conduct a review of the rating structure in 2023-24.

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

Against: Crs Burton, Grundy and Macdonald

9.2 DA.2022.1479 - 13 Nelson Terrace, Bungendore NSW - Construction of two storey dwelling house to be used as an exhibition home

MOVED (Biscotti/Grundy)

That:

1. Approval be granted for the construction of a two-storey dwelling house to be used as an exhibition home in the North Elmslea new residential development area with regard to the Desired Future Characteristics of Part D6 of Palerang Development Control Plan 2015 to allow for the following reasons:
 - a. The proposal meets the height requirements of Clause 4.3 of PLEP 2014 and the PLEP 2014 does not prevent the two-storey dwelling on the subject site.

- b. The desire of a “single storey” characteristic as suggested in the PDCP, is not a consideration in regard to the requirements in Part 3C – Greenfield Housing Code and Part 3D – Inland Code of SEPP (Exempt and Complying Development Codes) 2008 which would otherwise allow for the two-storey dwelling house if the approval pathway was under a Complying Development Certificate (CDC).
 - c. The proposal is considered consistent with the aims of the Palarang LEP 2014 and objectives of the R2 Low Density Residential zone as it provides for the housing needs of the community within a low-density residential environment.
 - d. The proposed dwelling adequately addressed the streetscape with modulated building forms, articulated facades, variety of front setbacks, mixed materials and colours and suitable landscaping to ensure that it will not detract from the existing and desire future character.
 - e. The upper storey component has been appropriately designed and is setback a suitable distance from adjoining properties to minimise any impacts on the amenity of adjoining residents.
 - f. The proposed development including driveway has been designed and sited to allow for street tree planting opportunity.
 - g. The controls under Part D6 of the Palarang DCP 2015 do not specify that dwellings must be single storey as this would be contrary to the Palarang LEP 2014 and the current Queanbeyan-Palarang LEP 2022.
2. Council support a variation to the requirements of Part D6 of Palarang Development Control Plan 2015 to allow for the ground level of the dwelling to be setback 3.5m from the rear boundary for the following reasons:
- a. There is a discrepancy between the rear setback requirement under Part D6 and in Table 13 of Clause C2.2.2 of the Palarang DCP 2015. In accordance with Table 13, 0.9m rear setback is required for building less than 3.6m high and 3m is required for building more than 3.6m high. However, in accordance with controls under Part D6, dwellings are to be setback a minimum of 5m from rear boundary. The proposed ground level of the dwelling is setback 3.5m from the rear boundary and the upper level is setback 8.85m from the rear boundary. The proposed rear setbacks meet the requirement under Clause C2.2.2 of Palarang DCP.
 - b. The proposed variation is considered to be minor and the encroachment will not have adverse impact on the existing streetscape. The variation is not considered to reflect an overdevelopment of the site and can be supported in this instance.

- c. The rear elevation is well articulated and will be constructed of mixed materials and colours compatible with the desired future character of the area. Recessed walls and windows/doors add interest to the appearance of the building and reduce the bulk and scale of the wall. The development is not considered to be out of character in the area.
 - d. The impact on the amenity of the adjoining residents and existing streetscape is considered minimal. The proposed dwelling is setback a suitable distance to adjoining dwellings. Additionally, the proposed 1.8m high boundary fence will reduce any overlooking impact from the ground floor windows.
3. Development application DA.2022.1479 for the construction of a two-storey dwelling house to be used as an exhibition home on Lot 69 DP 1282739, No. 13 Nelson Terrace, Bungendore NSW 2621 be granted conditional approval.

Cr Willis foreshadowed a CONTRARY motion:

That Council refuse consent for the construction of a two-storey dwelling house to be used as an exhibition home in the North Elmslea new residential development area for the following reasons:

- 1. The proposal does not conform to the objectives of the R2 – Low Density Residential zoning of the Palerang Local Environmental Plan 2014, in particular the objectives:
 - a. To ensure new development complements the scale, density and form of existing development.
- 2. The proposal is not consistent with the objectives of part D6 of the Palerang Development Control Plan (DCP) 2015.
- 3. The proposal is not consistent with the control in Part D6 of the Palerang DCP 2015 requiring a pitched gable or hipped roof.
- 4. The proposal seeks a variation of the rear setback requirement of Part D6 of the Palerang DCP 2015 of a minimum of 5 metres to 3.5 metres which is not considered reasonable in light of the scale of the proposed dwelling and the impact on neighbouring residents of the intended use of the building as an exhibition home on three days a week, including weekends, for up to five years.

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

024/23

RESOLVED (Biscotti/Grundy)

That:

1. Approval be granted for the construction of a two-storey dwelling house to be used as an exhibition home in the North Elmslea new residential development area with regard to the Desired Future Characteristics of Part D6 of Palerang Development Control Plan 2015 to allow for the following reasons:
 - a. The proposal meets the height requirements of Clause 4.3 of PLEP 2014 and the PLEP 2014 does not prevent the two-storey dwelling on the subject site.
 - b. The desire of a “single storey” characteristic as suggested in the PDCP, is not a consideration in regard to the requirements in Part 3C – Greenfield Housing Code and Part 3D – Inland Code of SEPP (Exempt and Complying Development Codes) 2008 which would otherwise allow for the two-storey dwelling house if the approval pathway was under a Complying Development Certificate (CDC).
 - c. The proposal is considered consistent with the aims of the Palerang LEP 2014 and objectives of the R2 Low Density Residential zone as it provides for the housing needs of the community within a low-density residential environment.
 - d. The proposed dwelling adequately addressed the streetscape with modulated building forms, articulated facades, variety of front setbacks, mixed materials and colours and suitable landscaping to ensure that it will not detract from the existing and desire future character.
 - e. The upper storey component has been appropriately designed and is setback a suitable distance from adjoining properties to minimise any impacts on the amenity of adjoining residents.
 - f. The proposed development including driveway has been designed and sited to allow for street tree planting opportunity.
 - g. The controls under Part D6 of the Palerang DCP 2015 do not specify that dwellings must be single storey as this would be contrary to the Palerang LEP 2014 and the current Queanbeyan-Palerang LEP 2022.
2. Council support a variation to the requirements of Part D6 of Palerang Development Control Plan 2015 to allow for the ground level of the dwelling to be setback 3.5m from the rear boundary for the following reasons:
 - a. There is a discrepancy between the rear setback requirement under Part D6 and in Table 13 of Clause C2.2.2 of the Palerang DCP 2015. In accordance with Table 13, 0.9m rear setback is required for building less than 3.6m high and 3m

is required for building more than 3.6m high. However, in accordance with controls under Part D6, dwellings are to be setback a minimum of 5m from rear boundary. The proposed ground level of the dwelling is setback 3.5m from the rear boundary and the upper level is setback 8.85m from the rear boundary. The proposed rear setbacks meet the requirement under Clause C2.2.2 of Palerang DCP.

- b. The proposed variation is considered to be minor and the encroachment will not have adverse impact on the existing streetscape. The variation is not considered to reflect an overdevelopment of the site and can be supported in this instance.
 - c. The rear elevation is well articulated and will be constructed of mixed materials and colours compatible with the desire future character of the area. Recessed walls and windows/doors add interest to the appearance of the building and reduce the bulk and scale of the wall. The development is not considered to be out of character in the area.
 - d. The impact on the amenity of the adjoining residents and existing streetscape is considered minimal. The proposed dwelling is setback a suitable distance to adjoining dwellings. Additionally, the proposed 1.8m high boundary fence will reduce any overlooking impact from the ground floor windows.
3. Development application DA.2022.1479 for the construction of a two-storey dwelling house to be used as an exhibition home on Lot 69 DP 1282739, No. 13 Nelson Terrace, Bungendore NSW 2621 be granted conditional approval.

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

9.3 Scoping Proposal Complying Development in Zone C4 Environmental Living

025/23

RESOLVED (Grundy/Burton)

That consideration of the Scoping Proposal Complying Development in Zone C4 Environmental Living be deferred until a community workshop and Councillor workshop can be conducted.

The resolution was carried unanimously.

9.4 2023 Election Funding Projects**MOVED (Biscotti/Taskovski)**

That Council endorse the following list of priority projects to be presented for funding in advance of the 2023 NSW election.

Description	Estimated Cost	Funding Sought	Council Contribution or already Funded
Finalise sealing of Nerriga Road	\$13m	\$10m	\$3m
Regional Sports Complex Stage 2	\$14m	\$14m	\$0
Bungendore Pool (Sports Hub)	\$10m	\$5m	\$5m
Braidwood Depot Relocation	\$13m	\$13m	\$0
Queanbeyan Sewerage Treatment Plant Upgrade	\$160m	\$40m	\$120m
Bungendore Flood Mitigation Strategy stage 2	\$2.7m	\$2.7m	\$1.8m
Monaro Street Upgrade	\$15m	\$5m	\$10m

AMENDMENT (Willis/Webster)

With the exception of the Regional Sports Complex Stage 2, Council endorse the list of priority projects to be presented for funding in advance of the 2023 NSW election.

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

For: Crs Webster and Willis

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

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

026/23

RESOLVED (Biscotti/Taskovski)

That Council endorse the following list of priority projects to be presented for funding in advance of the 2023 NSW election.

Description	Estimated Cost	Funding Sought	Council Contribution or already Funded
Finalise sealing of Nerriga Road	\$13m	\$10m	\$3m
Regional Sports Complex Stage 2	\$14m	\$14m	\$0
Bungendore Pool (Sports Hub)	\$10m	\$5m	\$5m
Braidwood Depot Relocation	\$13m	\$13m	\$0
Queanbeyan Sewerage Treatment Plant Upgrade	\$160m	\$40m	\$120m
Bungendore Flood Mitigation Strategy stage 2	\$2.7m	\$2.7m	\$1.8m
Monaro Street Upgrade	\$15m	\$5m	\$10m

The resolution was carried unanimously.

9.5 Proposed Name South Jerrabomberra Town Park Central Lawn

027/23

RESOLVED (Wilson/Taskovski)

That Council endorse the name Robert 'Bob' Winnel Lawn for the South Jerrabomberra Town Park central lawn and place the proposal on public exhibition for 28 days.

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

9.6 Administration of the September 2024 Ordinary Election

028/23

RESOLVED (Biscotti/Willis)

That Council:

1. Pursuant to s.296(2) and (3) of the Local Government Act 1993 (NSW)('the Act') that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. Pursuant to s.296(2) and (3) of the Act, as applied and modified by s.18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
3. Pursuant to s.296(2) and (3) of the Act, as applied and modified by s.18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

The resolution was carried unanimously.

10. REPORTS TO COUNCIL - ITEMS FOR INFORMATION**10.1 Progress - South Jerrabomberra Regional Jobs Precinct Draft Master Plan**

029/23

RESOLVED (Biscotti/Winchester)

That the report be received for information.

The resolution was carried unanimously.

10.2 Bi-Annual Review of Councillor Expenses

030/23

RESOLVED (Wilson/Biscotti)

That the report be received for information.

The resolution was carried unanimously.

10.3 Councillor Workshops

031/23

RESOLVED (Webster/Willis)

That the report be received for information.

The resolution was carried unanimously.

11. REPORTS OF COMMITTEES**11.1 Bungendore Town Centre and Environs Advisory Committee Meeting Minutes**

032/23

RESOLVED (Macdonald/Grundy)

That Council:

1. Note the minutes of Bungendore Town Centre and Environs Committee Meeting held on 21 November 2022.
2. Endorse the Ellendon Street Sculpture Project.
3. Task its Place Making group to update the Bungendore Village Town Centre Plan in conjunction with BTCEC to form the basis for integrated forward planning.

The resolution was carried unanimously.

12. NOTICES OF MOTIONS**12.1 172 Foxlow Street Captains Flat**

033/23

RESOLVED (Willis/Preston)

That Council receive a report on options for future use of the former medical centre at 172 Foxlow Street Captains Flat.

The resolution was carried unanimously.

034/23

12.2 Proposed Council Administration Building - Bungendore**RESOLVED (Willis/Preston)**

That Council, in developing a design brief for the proposed Council administration building and community centre in Bungendore, incorporate the following requirements:

- a. a minimum seven-star energy rating;
- b. passive solar design principles;
- c. maximum use of solar energy;
- d. battery storage if cost effective based on a 7-year pay-back period;
- e. electricity for space heating and cooking facilities;
- f. maximum use of recycled materials;
- g. electrical vehicle charging;
- h. change rooms and parking facilities for cyclists;
- i. non-potable water for outdoor landscaping (e.g. through on-site collection of rainwater), and
- j. have regard to Council's Urban Forest and Cooling Strategy.

The resolution was carried unanimously.

13. REPORTS TO COUNCIL - DELEGATES REPORTS

There were no Delegates Reports.

14. QUESTIONS WITH NOTICE

There were no Questions with Notice.

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

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

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

There were no presentations.

16. REPORTS FOR CLOSED SESSION

035/23

RESOLVED (Winchester/Grundy)

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

Item 16.1 Bungendore Temporary Office

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

The resolution was carried unanimously.

The meeting then moved into Closed Session at 8.00pm to discuss the matters listed above.

16.1 Bungendore Temporary Office

036/23

RESOLVED (Biscotti/Macdonald)

That Council act in accordance with the report.

The resolution was carried unanimously.

037/23

RESOLVED (Winchester/Burton)

That the meeting now return to Open Session.

The resolution was carried unanimously.

The meeting returned to Open Session at 8.16pm.

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 8.16pm, 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.

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.1 Scoping Proposal PP.2022.0001 - Residential Rezoning - 141 Googong Road Googong (Sunset) (Ref: ; Author: Ormella/Blacklock)

File Reference: PP.2022.0001

Recommendation**That Council:**

- 1. Supports the progression of the Scoping Proposal for the rezoning of part of Lot 39 DP 1257837 No. 141 Googong Road, Googong, to a Planning Proposal, subject to the following:**
 - a. the area of threatened ecological communities and in particular the EPBC Box-Gum Woodland that is currently zoned R1 General Residential, being rezoned the C2 Environmental Conservation; and**
 - b. the payment of the fees outlined in Council's Fees and Charges for the preparation of a Complex Planning Proposal.**
 - 2. Considers the merits of entering into a Local Planning Agreement with the landowner of Lot 39 DP 1257837 No. 141 Googong Road, Googong, for the C2 Environmental Conservation zoned land and riparian corridors, as part of the Planning Proposal preparation and consultation stage.**
-

Summary

The subject of this report is the scoping proposal for a residential rezoning at 141 Googong Road, Googong (also known as Sunset estate) (Figure 2). Councillors were briefed on this scoping proposal at a Council workshop held on 20 September 2022.

This scoping proposal together with further information requested from the applicant Urbane Studio on behalf of Binowee Development Pty Ltd, for the rezoning of C2 Environmental Conservation land adjoining the existing R1 zoned land at 141 Googong Road, Googong has been reviewed (Attachments 1-7). The review has considered the original Local Environmental Study completed by Willana Associates in 2007 for the rezoning of Googong Township, which included the subject land, and the applicant's site-specific reports.

The original Local Environmental Study supporting the rezoning of Googong township, delineated the boundary of the Environmental Conservation and Residential zones on Lot 39 DP 1257837 based on geological and ecological assessments. These assessments were completed at the scale that covered 1390 hectares that formed the original study area for the rezoning for Googong township. The applicant has supplied a site-specific biodiversity report and geotechnical report indicating that land on the periphery of the current R1 General Residential zone has very low and low instability risk and is generally free of significant areas of threatened species and threatened ecological communities (TECs).

The scoping proposal is recommended for consideration to progress to a planning proposal which also includes the compensatory area of TECs that is currently Zoned R1, being back zoned to C2 Environmental Conservation. The progression to a Planning Proposal will also attract the necessary fees as per Council's Fees and Charges for a Complex Planning Proposal.

9.1 Scoping Proposal PP.2022.0001 - Residential Rezoning - 141 Googong Road Googong (Sunset) (Ref: ; Author: Ormella/Blacklock) (Continued)

Background

A scoping proposal is the precursor to the submission of a Planning Proposal for rezoning which if supported, is submitted by Council to the Department of Planning and Environment requesting a Gateway determination. If the Department agrees to issue a Gateway determination the formal process of consultation on the rezoning may commence. The process and where this report fit in sequence is shown in Figure 1.

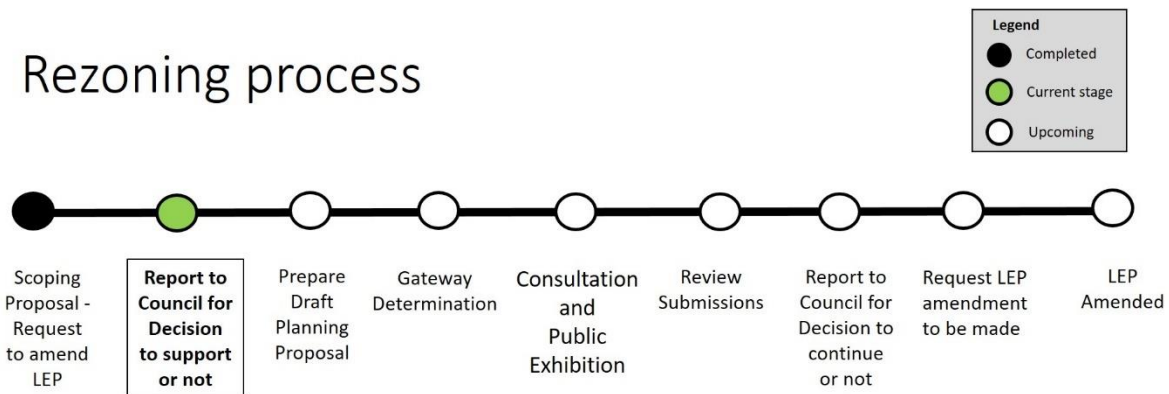


Figure 1 Rezoning process and current stage for 141 Googong Road Googong Scoping Proposal

Report

A scoping proposal for the rezoning of part of the land at 141 Googong Road Googong (Lot 39 DP 1257837) was lodged by Urbane Studio on behalf of Binowee Development Pty Ltd on 30 March 2022. It was followed by a series of meetings with the landowner and his consultants.

The 30.71 ha parcel of land comprising Lot 39 DP 1257837 is located on the northern side of Googong Road, Googong and is shown outlined in red in the following Figure 2. The land is currently zoned part C2 Environmental Conservation, R5 Large Lot Residential and R1 General Residential under the Queanbeyan-Palerang Regional Local Environmental Plan 2022.

The adjoining land to the southeast is zoned R1 General Residential and has an approved subdivision for 38 residential lots, known as Sunset Stage 1. The R1 General Residential zoned land of the subject site and the proposed land to be rezoned is referred to as Sunset Stage 2.

9.1 Scoping Proposal PP.2022.0001 - Residential Rezoning - 141 Googong Road Googong (Sunset) (Ref: ; Author: Ormella/Blacklock) (Continued)

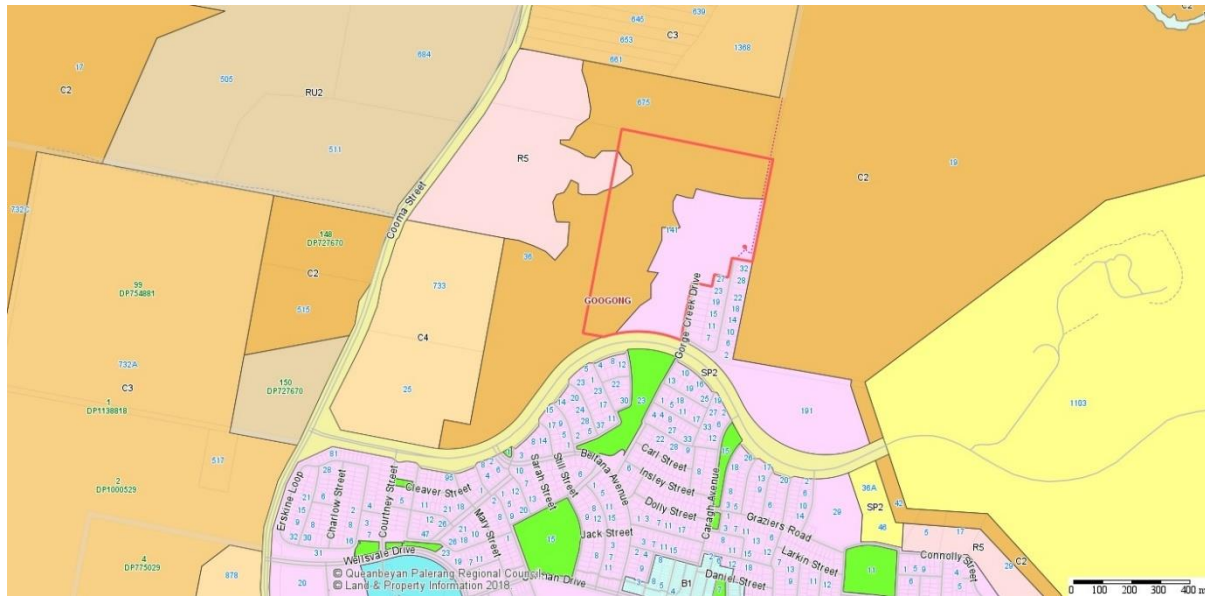


Figure 2 Location of Lot 39 DP 1257837, 141 Googong Road Googong (Sunset Stage 2) with Current Zoning under Queanbeyan-Palerang Regional Local Environmental Plan (LEP) 2022

The scoping proposal requests the following changes to the LEP and management of the land:

1. Rezoning a portion of C2 Environmental Conservation zoned land to R1 General Residential:
2. Reduction of the minimum lot size for subdivision in the following way:
 - Change from 10ha to 1000m² for land rezoned from C2 to R1
 - Change from 1000m² to 600m² for existing R1 zoned land on the subject land
3. It is also the intention of the landowner to enter into a Local Planning Agreement with Council for the management of the land within the C2 Environmental Conservation zone, the reestablishment of the riparian corridor and management of the heritage item on the land.

The implications of the requested changes could mean that approximately 26 additional residential lots could be created on the subject land. While it is noted that the applicant's scoping proposal includes an indicative subdivision layout, any support of the progression of the Scoping Proposal does not imply that the subdivision design is supported. The scoping proposal and planning proposal process is to determine the suitability of the land for the land use zones and LEP controls proposed. Any subdivision layout is subject to meeting the minimum lot size prescribed in the LEP and relevant development control plan requirements as well as other matters required to be considered under section 4.15 *Environmental Planning and Assessment Act 1979*. The design would need to be assessed and approved when a Development Application is lodged. The layout provides an indication of one possible option based on the information available now.

The R1 General Residential and C2 Environmental Conservation zoning of the land was established with the rezoning for Googong Township in 2009. This rezoning was supported by the Willana Associates Local Environmental Study 2007. The C2 Environmental Conservation zoning boundary of the subject land was defined as part of the 86 hectares of land located on the northern side of Googong Road *identified as being environmentally*

9.1 Scoping Proposal PP.2022.0001 - Residential Rezoning - 141 Googong Road Googong (Sunset) (Ref: ; Author: Ormella/Blacklock) (Continued)

sensitive and .. suitable to be either rezoned to Environmental Protection or subjected to further investigation to determine alternative private ownership and management regimes.” (Page 149 of 2007 Willana Study).

In recommending the land potentially suitable for low density or eco living development the 2007 Willana Study also detailed that *“The potential for these parcels to sustain urban development is constrained by their proximity to environmentally sensitive areas; ... and visual prominence (in the case of the two pockets to the north of Googong Road). [the subject land] ... Residential densities and housing forms within these pockets would need to demonstrate appropriate responses to the adjoining rural residential and “lifestyle properties, adequately protect the environmental and heritage qualities of adjoining sensitive land and avoid significant scenic impacts.”* (Page 147 of 2007 Willana Study).

The general principles for the rezoning of land established in the 2007 Willana Study that are relevant for the subject land are as follows:

- Areas with a slope of greater than 20% should be excluded from development. Development on slopes greater than 15% should be suitably designed to ensure slope stability and avoid long-term erosion impacts.
- Proposed exclusion areas defined by the Johnstone Centre Environmental Consulting should be excluded from urban development. (NB This was a specialist ecological report which was commissioned as part of the Willana Study).

The subject land was not identified as an “excluded area” in the Johnston Centre Ecological Assessment, however, Talpa, the property immediately adjoining to the north and northeast, was identified. The Willana Study in this context, recommends that *“Buffer zones will be required between urban development and any excluded areas to protect the areas and to allow for appropriate bushfire management measures such as the establishment of asset protection zones (APZs).”* (Page 77 of 2007 Willana Study)

Since lodgement of the scoping proposal in March 2022 and as part of the review of the proposal, the applicant has provided further information relating to biodiversity, visual impact, environmentally sensitive lands, bushfire and asset protection zones and the adequacy of servicing and capacity for the increased lot yield proposed.

Biodiversity

A Stage 1 Biodiversity Assessment, Biodiversity Survey Report (22 April 2022) by Capital Ecology was provided in addition to the original scoping proposal (Attachment 7). It identified and documented the occurrence of flora and fauna listed as threatened under the *Biodiversity Conservation Act 2016* (NSW) (BC Act 2016) and Matters of National Environmental Significance listed under the *Environment Protection and Biodiversity Conservation (EPBC) Act 1999* (Comm) (EPBC Act 1999). Vegetation surveys and targeted surveys for threatened species were completed and the report summarises that the land supports the following significant biodiversity values:

- 13.93 ha of native vegetation as defined in the BC Act - shown in orange in Figure 3
- 2.00 ha of EPBC Act Box-Gum Woodland (EPBC Act Critically Endangered) – shown in yellow hatching in Figure 3
- 4.01 ha of BC Act Box-Gum Woodland (BC Act Critically Endangered) – shown in green in Figure 3
- 3.85 ha of Pink-tailed Legless Lizard habitat (EPBC Act and BC Act Vulnerable) – shown in pink on Figure 4

9.1 Scoping Proposal PP.2022.0001 - Residential Rezoning - 141 Googong Road Googong (Sunset) (Ref: ; Author: Ormella/Blacklock) (Continued)

- 10 individual Hoary Sunray plants (EPBC Act Endangered) – shown on Figure 4
- Habitat for threatened birds including Gang-gang Cockatoo and Dusky Woodswallow



Figure 3 Native Vegetation (Capital Ecology Biodiversity Survey Report Figure 4)

9.1 Scoping Proposal PP.2022.0001 - Residential Rezoning - 141 Googong Road
Googong (Sunset) (Ref: ; Author: Ormella/Blacklock) (Continued)

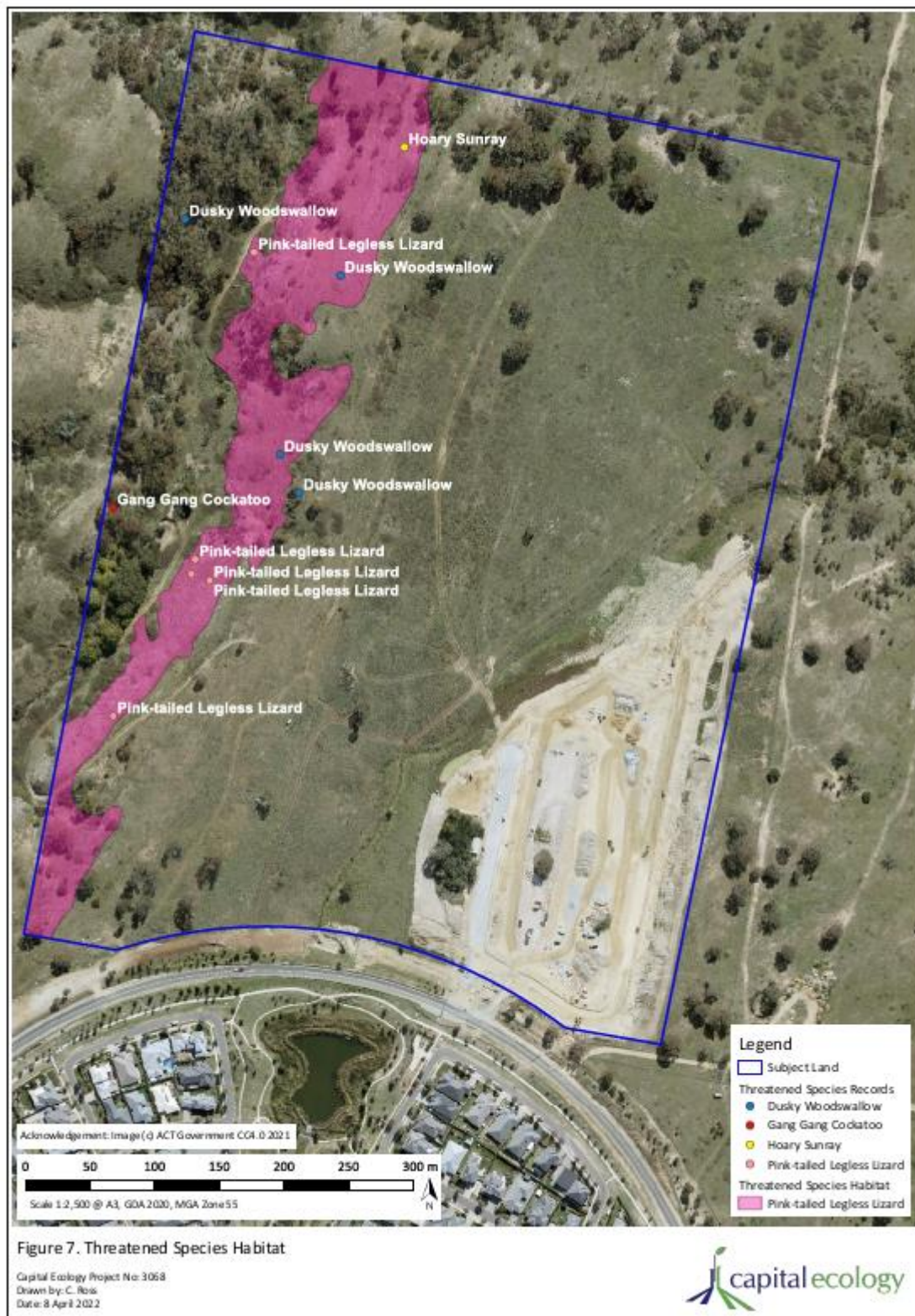


Figure 4 Threatened Species Habitat (Capital Ecology Figure 7)

The Scoping Proposal does not propose to change the C2 Environmental Conservation zoning over the threatened species habitat as shown in in Figure 4. In terms of the identified

9.1 Scoping Proposal PP.2022.0001 - Residential Rezoning - 141 Googong Road Googong (Sunset) (Ref: ; Author: Ormella/Blacklock) (Continued)

Threatened Ecological Communities (TECs) which include the Box Gum Woodland shown in yellow hatching and coloured green on Figure 3, the TECs are currently located within the C2 Environmental Conservation zone and the R1 General Residential zone. The existing R1 zone covers a substantive TEC area located on the north-eastern boundary. This TEC extends beyond the boundary of subject land and into the adjoining lot, which is zoned C2 Environmental Conservation.

Through the review process with Council, the applicant has agreed to have this area considered for back zoning from R1 to C2. This concession will allow for the proposal to demonstrate consistency more readily with the NSW Local Planning Direction 3.1 Conservation Zones which requires a planning proposal to include provisions that facilitate the protection and conservation of environmentally sensitive areas as well as not reducing the conservation standards that apply to the land. The applicant has submitted a revised concept of the area proposed for R1 and C2 zoning as shown in Figure 5.

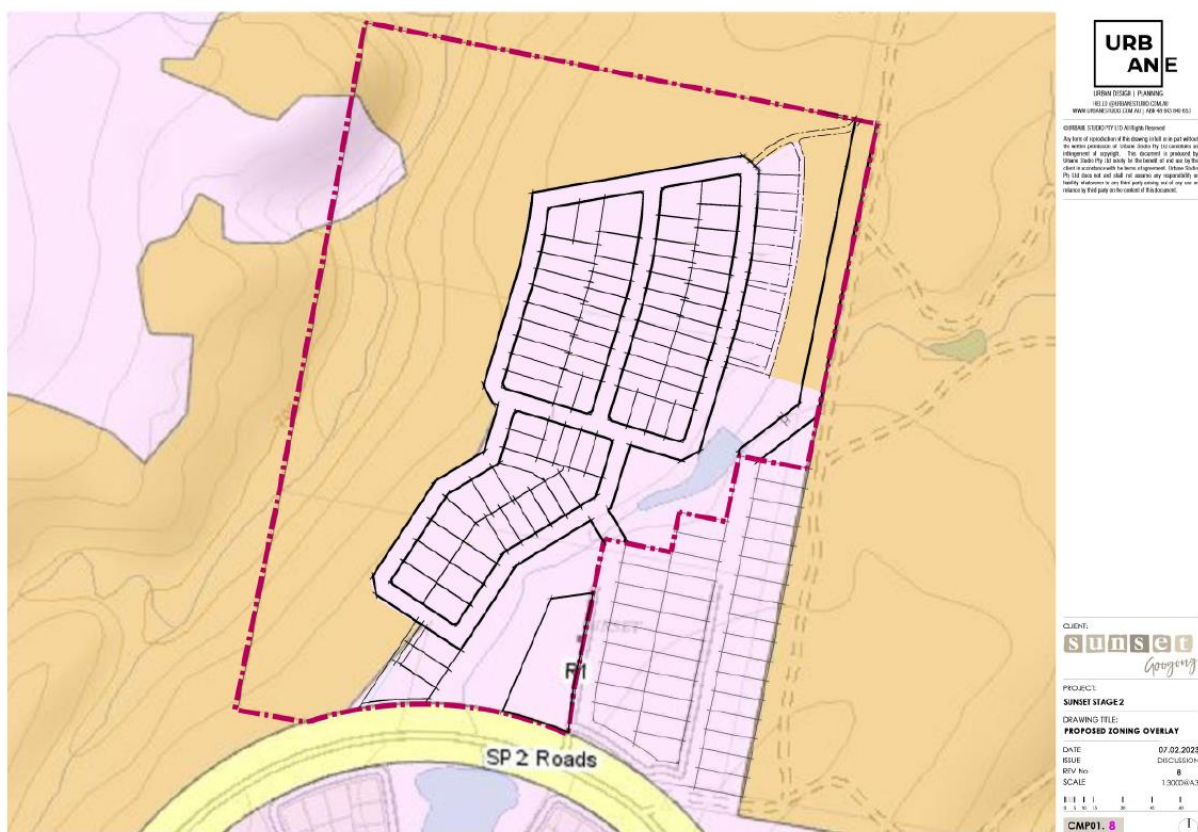


Figure 5 Applicant's amended proposal incorporating rezoning R1 General Residential land containing TECs on north-eastern boundary to C2 Environmental Conservation

Visual Impact

The additional R1 zoned land proposed around the periphery of the existing R1 land will maintain the 1000m² minimum lot size to manage the interface between the urban and non-urban lands. A detailed visual impact assessment will be required to support the Planning Proposal should Council support the progression of the scoping proposal to that stage. It is anticipated that any adverse visual impact can be mitigated due to the relatively small area of land proposed to be rezoned to R1.

**9.1 Scoping Proposal PP.2022.0001 - Residential Rezoning - 141 Googong Road
Googong (Sunset) (Ref: ; Author: Ormella/Blacklock) (Continued)*****Environmentally Sensitive Lands – slope and stability***

The scoping proposal and further information on slope has provided adequate detail to ensure that the land proposed for the R1 General Residential zone generally has slopes of less than 10% and generally avoids land that has medium or high instability risk. Slope is shown in Figure 6 and the instability risk is shown in Figure 7.

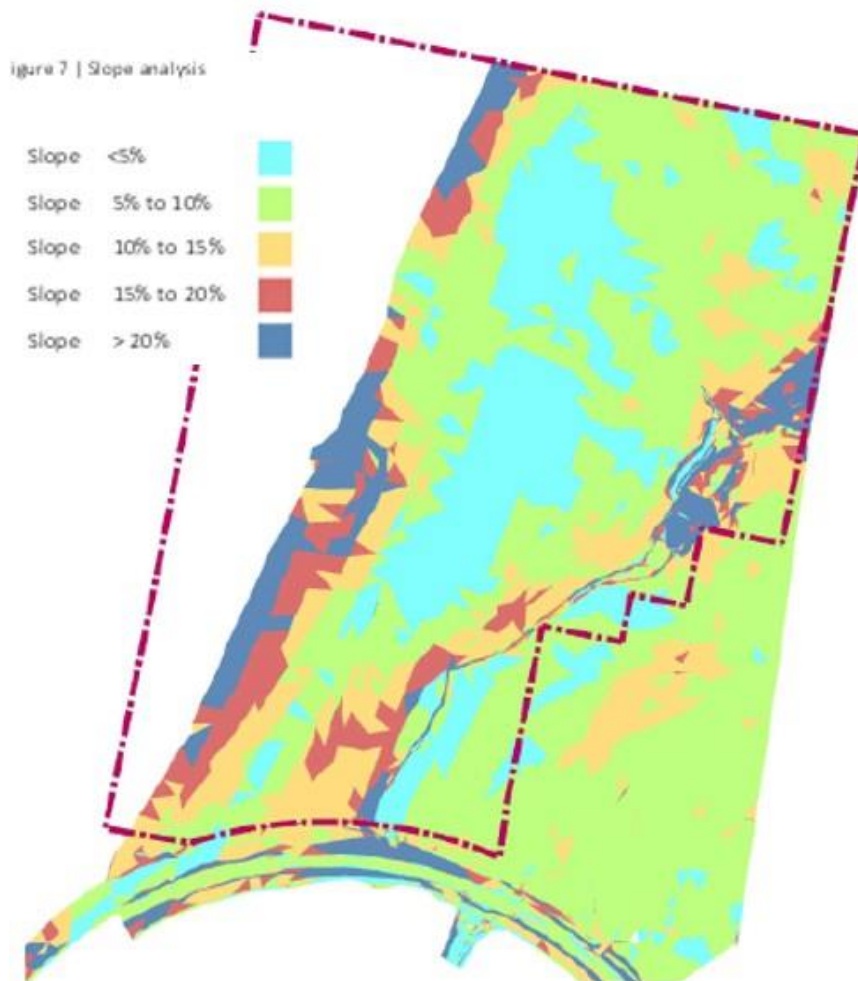


Figure 6 Slope – areas of proposed R1 zone are generally less than 10% (land shown coloured green and blue)

9.1 Scoping Proposal PP.2022.0001 - Residential Rezoning - 141 Googong Road Googong (Sunset) (Ref: ; Author: Ormella/Blacklock) (Continued)

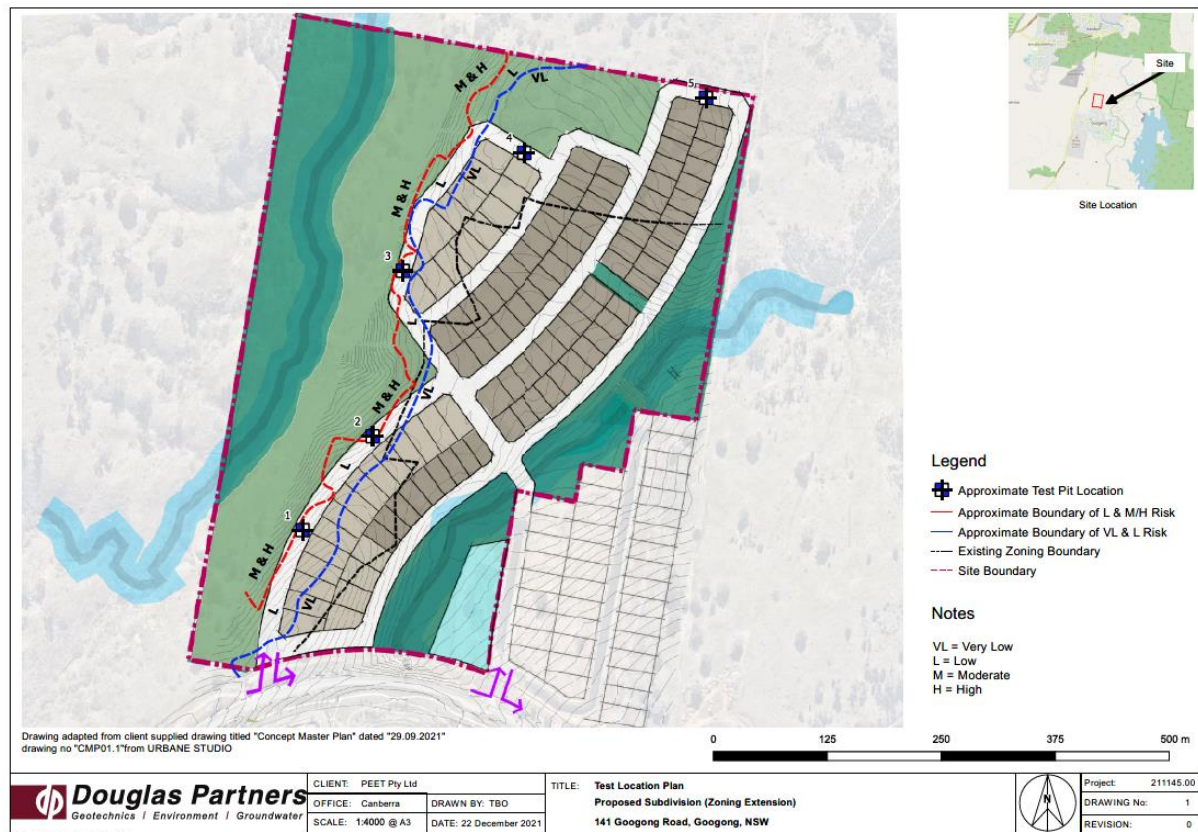


Figure 7 Instability Risk – land on the western side of the red dotted line has moderate and high risk

Bushfire hazard and asset protection zones

The scoping proposal and the amended R1 zone boundary can accommodate the required asset protection zones required for the bushfire hazard within the property boundary and not impinge on the adjoining land. Suitable access that can comply with the State Government's Planning for Bushfire requirements can be designed on the subject land.

Servicing capacity of water and sewerage infrastructure

There is adequate capacity within the water and sewerage infrastructure to service the potential additional 26 dwellings that may be generated by the redefining the R1 and C2 zone boundary together with the proposed decrease in minimum lots size over a portion of the exiting R1 zoned land. It is noted that an additional 26 dwellings/lots is a relatively small in comparison to the original 6190 projected dwellings estimated for the Googong Township urban zoning and infrastructure planning.

Review and next steps

Following the review of the scoping proposal and the additional information provided, it is recommended that R1 zoned land be restricted to only that land that does not contain threatened species or threatened ecological communities. This in combination with avoiding the land identified as high or moderate instability risk and including the back zoning of the TEC area currently zoned R1, provides a justifiable refinement of the zone boundaries for this land.

9.1 Scoping Proposal PP.2022.0001 - Residential Rezoning - 141 Googong Road Googong (Sunset) (Ref: ; Author: Ormella/Blacklock) (Continued)

This means that the land on the northern eastern boundary of the subject land is to be excluded the decreasing the minimum lot size and should revert to C2 Environmental Conservation.

If the scoping proposal is to be progressed to a planning proposal, consultation with the state agencies will be required. Notably this would include:

- Department of Planning and Environment – Environment and Heritage
- Department of Planning and Environment – Water
- Department of Planning and Environment – Natural Resources Access Regulator (NRAR)
- Department of Planning and Environment – Planning
- ACT Government
- Transport for NSW

These agencies may require further details and studies to assist their assessment and this information will be required for the applicant should the requests arise.

Risk/Policy/Legislation Considerations

The scoping proposal has been reviewed in line with Council's procedure for considering scoping and planning proposals. The *Environmental Planning and Assessment Act 1979* sets the process for Planning Proposals which is to be followed should the scoping proposal be progressed to that stage. The NSW Local Planning Directions are applicable for any rezoning proposal and Direction 3.1 Conservations zones is particularly relevant where changes to C2 Environmental Conservation zones are proposed. With the applicant's agreement to back zone the portion of existing R1 General Residential land that currently contains TECs on the north-eastern boundary of the site, the proposal on balance is likely to be consistent with its requirements to protect and conserve environmentally sensitive areas in this locality.

Financial, Budget and Resource Implications

Staff resources have been expended in the review of the scoping proposal. Any recommendation to progress to the preparation of a Planning Proposal to support the rezoning of the land will attract the fees as listed in Council's Fees and Charges. This proposal fits with the complex planning proposal category for the purpose of the fee structure.

This is currently \$47,224 plus \$178/hr after 280 hours.

The consideration of the applicant's interest in entering into a Local Planning Agreement for the management of the C2 Environmental Conservation zoned land and rehabilitation of the riparian areas can be explored should Council agree to preparing a Planning Proposal. The financial and resource implications of such an agreement can be explored through that process before any decision is made by Council.

Links to QPRC/Regional Strategic Plans

This land is not specially identified for rezoning or investigation in Council's Local Strategic Planning Statement, however, can be considered as a refinement of the zone boundaries that were implemented in the urban zoning for Googong Township. The landowner has also explored this possibility over several years.

9.1 Scoping Proposal PP.2022.0001 - Residential Rezoning - 141 Googong Road Googong (Sunset) (Ref: ; Author: Ormella/Blacklock) (Continued)

Conclusion

A scoping proposal for the rezoning of part of Lot 39 DP 1257837, 141 Googong Road Googong was lodged by Urbane Studio on behalf of Binowee Development Pty Ltd on 30 March 2022. The scoping proposal includes:

- 1) Rezoning a portion of C2 Environmental Conservation zoned land to R1 General Residential:
- 2) Reduction of the minimum lot size for subdivision in the following way:
 - a) Change from 10ha to 1000m² for land rezoned from C2 to R1
 - b) Change from 1000m² to 600m² for existing R1 zoned land on the subject land
- 3) It is also the intention of the landowner to enter into a Local Planning Agreement with Council for the management of the land within the C2 Environmental Conservation zone, the reestablishment of the riparian corridor and management of the heritage item on the land.

The implications of the requested changes mean that approximately 26 additional residential lots could be created on the subject land.

Councillors were provided a briefing on the scoping proposal on 20 September 2022. The review of the scoping proposal and the additional information provided, has been completed. It is recommended that R1 General Residential zoned land be restricted to only that land that does not contain threatened species or threatened ecological communities. This in combination with avoiding the land identified as high or moderate instability risk and including the back zoning of the threatened ecological community (TEC) area currently zoned R1, provides a justifiable refinement of the zone boundaries for this land.

Subject to that recommendation it is considered reasonable and justifiable for the scoping proposal to progress, and a Planning Proposal be prepared. The preparation of the Planning Proposal will attract the fees charges for a Complex Planning Proposal as outlined in the Fees and Charges. The preparation of the Planning Proposal can also be a catalyst to further consider the applicant's intention to enter into a Local Planning Agreement for the management of the C2 Environmental Conservation zoned land and the rehabilitation of the riparian corridors.

Attachments

- | | |
|--------------|---|
| Attachment 1 | Scoping Proposal document - 141 Googong Road Googong (<i>Under Separate Cover</i>) |
| Attachment 2 | Scoping Proposal Document Appendix A Proposed LEP Maps (<i>Under Separate Cover</i>) |
| Attachment 3 | Scoping Proposal Document Appendix B - Survey (<i>Under Separate Cover</i>) |
| Attachment 4 | Scoping Proposal Document Appendix C - Local Environmental Study - Willana Associates - Googong urban investigation area 2007 (<i>Under Separate Cover</i>) |
| Attachment 5 | Scoping Proposal document Appendix D - Bushfire Assessment - 141 Googong Road Googong Sunset Stage 2 ECM_1777694_v1 (<i>Under Separate Cover</i>) |
| Attachment 6 | Scoping Proposal document Appendix E - Geotechnical investigation - 141 Googong Road Googong Sunset Stage 2 (<i>Under Separate Cover</i>) |
| Attachment 7 | Scoping Proposal document Appendix F - Biodiversity Survey Report - 141 Googong Road Googong Sunset Stage 2 (<i>Under Separate Cover</i>) |

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.2 Development Application DA.2021.1453 - Construction of a Three Storey Boarding House - 2 Ross Road, Queanbeyan (Ref: ; Author: Ormella/Harlör)

File Reference: DA.2021.1453

Recommendation

That development application DA.2021.1453 for demolition of existing structures and construction of a three-storey boarding house on Lot 5 DP 21396, No. 2 Ross Road, Queanbeyan be granted conditional approval.

Summary***Reason for Referral to Council***

This application has been referred to Council in accordance with QPRC *Guidelines for Referral of Development Applications to Council and Independent Assessment of Development Applications* (2022), Clause 8. Written submissions received during the notification period of the development application raised concerns which have been overcome via suitable conditions of consent. The proposal was significantly modified to mitigate these concerns however the objections have not been resolved.

Proposal:	Demolition of existing structures and construction of three-storey boarding house
Applicant/Owner:	Alvic and Partners Pty Ltd / Gilbert Pascua Melgar, Dyan Mae Atienza Camara
Subject Property:	Lot 5 DP 21396, No. 2 Ross Road QUEANBEYAN
Zoning and Permissibility:	R4 High Density Residential under Queanbeyan Local Environmental Plan 2012
Public Submissions:	Ten (10)
Issues Discussed:	Planning Requirements Issues raised in submissions
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made.

Background***Proposed Development***

The development application is for the demolition of existing structures, tree removal and construction of a three-storey boarding house comprising twenty-four (24) rooms and one (1) manager's residence.

9.2 Development Application DA.2021.1453 - Construction of a Three Storey Boarding House - 2 Ross Road, Queanbeyan (Ref: ; Author: Ormella/Harlor)
(Continued)

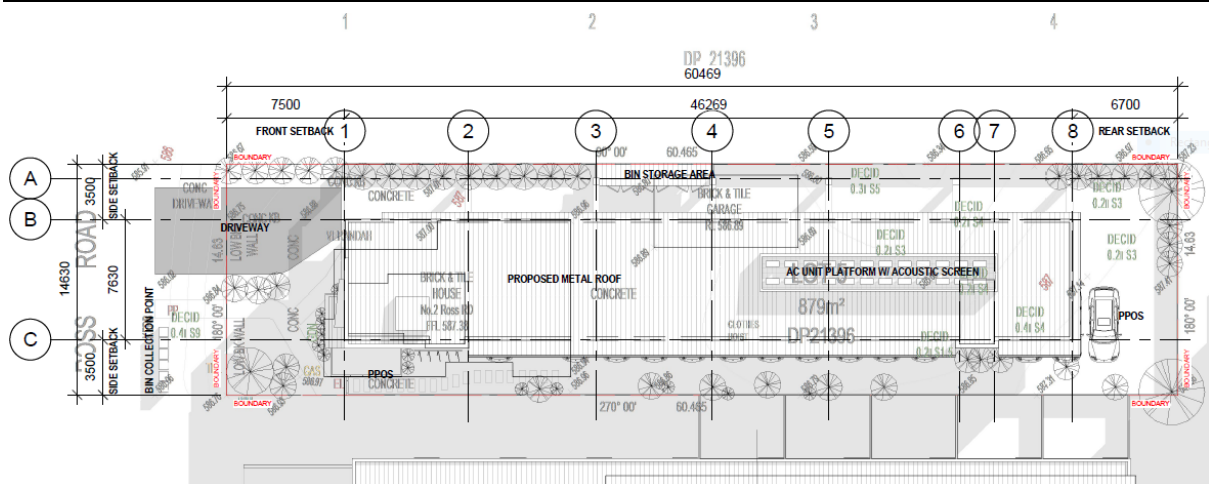


Figure 1 – Site Plan

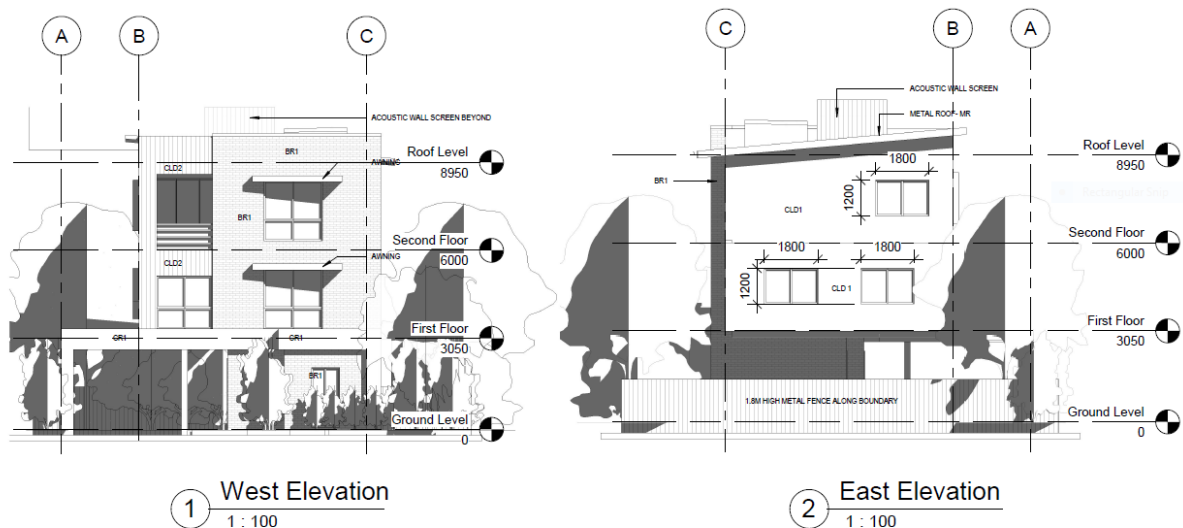


Figure 2 – Front and Rear Elevations



Figure 3 – Artists Impression

9.2 Development Application DA.2021.1453 - Construction of a Three Storey Boarding House - 2 Ross Road, Queanbeyan (Ref: ; Author: Ormella/Harlor)
(Continued)

Subject Property

The subject site is legally described as Lot 5 DP 21396 and commonly known as 2 Ross Road, Queanbeyan. The site has an area of 878.93m², has an existing dwelling and garage which are proposed to be demolished and is accessed via an existing entrance on Ross Road. Existing development within the locality consists of a range of uses including multi-dwelling housing, single dwelling houses and outbuildings.



Figure 4 – Aerial View of the Site

Planning Requirements

Assessment of the application has been undertaken in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act (EPAA) 1979*, as amended. The matters that are of relevance under Section 4.15(1) are summarised in the attached *Section 4.15(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 (Affordable Rental Housing) 2009*
2. *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
3. *State Environmental Planning Policy (Infrastructure) 2007*
4. *State Environmental Planning Policy No. 55 – Remediation of Land*
5. *Queanbeyan Local Environmental Plan 2012 (LEP)*
6. *Queanbeyan Development Control Plan 2012 (DCP)*

The development generally satisfies the requirements and achieves the objectives of these planning instruments. The significant issues relating to the proposal for Council's consideration are as follows.

9.2 Development Application DA.2021.1453 - Construction of a Three Storey Boarding House - 2 Ross Road, Queanbeyan (Ref: ; Author: Ormella/Harlor) (Continued)

(a) State Environment Planning Policy (Housing) 2021

The subject application was lodged on the 29 July 2021 prior to the introduction of *State Environmental Planning Policy (Housing) 2021* and is therefore required to be assessed under the provisions of the former *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARH SEPP). The provisions of the ARH SEPP prevail to the extent of any inconsistencies with the provisions of the QLEP 2012.

The proposed development is considered to be a boarding house as defined under the QLEP 2012. The proposal is consistent with Section 40 of the AFH SEPP which contains standards for boarding houses. The proposal also complies with the provisions under Section 29 which contains development standards that cannot be used as grounds to refuse consent. A detailed assessment against the full requirements of the ARH SEPP is contained within the attached *Section 4.15 Assessment Report* (Attachment 1).

(b) Queanbeyan Local Environmental Plan 2012

The land is zoned R4 High Density Residential. The objectives of the R4 High Density Residential zone are:

- To provide for the housing needs of the community within a high-density residential environment.
- To provide a variety of housing types within a high-density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage development that considers the high-density amenity of existing and future residents.

The proposed development is defined as a boarding house in the Dictionary under the QLEP 2012.

Boarding house means a building or place –

- (a) That provides residents with a principal place of residence for at least 3 months, and*
- (b) That contains shared facilities, such as communal living room, bathroom, kitchen or laundry, and*
- (c) That contains rooms, some or all of which have private kitchen and bathroom facilities, and*
- (d) Used to provide affordable housing, and*
- (e) If not carried out by or on behalf of the Land and Housing Corporation = managed by a community housing provider.*

But does not include backpackers' accommodation, co-living housing, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

The Land Use Table of the QLEP 2012 specifies that development for the purpose of a boarding house is permitted with consent in the R4 High Density Residential zone.

The proposed development complies with the relevant provisions of the Queanbeyan Local Environmental Plan (QLEP) 2012 as outlined in the attached Section 4.15 Assessment Report.

The proposed development is consistent with the aims of the QLEP 2012, is permissible with consent in the R4 High Density Residential zone, is consistent with the objectives of the R4 High Density Residential zone and complies with the maximum building height prescribed by Clause 4.3.

9.2 Development Application DA.2021.1453 - Construction of a Three Storey Boarding House - 2 Ross Road, Queanbeyan (Ref: ; Author: Ormella/Harlor) (Continued)

(c) Queanbeyan Development Control Plan (DCP) 2012

The proposed development is considered to be generally consistent with the objectives and controls of the Queanbeyan Development Control Plan (DCP) 2012. The proposed development does not comply with the required car parking for a boarding house as prescribed by Part 2 of the QDCP 2012, however, the development complies with the car parking provisions contained within *State Environmental Planning Policy (Affordable Rental Housing) 2009* and therefore cannot be refused on these grounds.

(d) Draft Environmental Planning Instruments

The draft Queanbeyan-Palerang Regional LEP was publicly exhibited in June 2020. It became the Queanbeyan-Palerang Regional Environmental Plan 2022 on 14 November 2022. Savings provisions provide that if an application is lodged before the commencement of the new LEP it is to be assessed under the provisions of the QLEP 2012. As this application was lodged in 2021 the QLEP prevails.

(e) Planning Agreements

No planning agreement has been entered into or is proposed under Section 7.4 of the *Environmental Planning and Assessment Act 1979* in relation to the land.

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. These conditions relate to compliance with the National Construction Code and submission of an Annual Fire Safety Statement.

(b) Development Engineer's Comments

Council's Development Engineer does not object to the proposed development subject to recommended conditions of consent. The existing water supply is to be upgraded, the existing sewer main is to be diverted, a new driveway is to be constructed and stormwater will be managed via on-site detention. Section 64 Contributions are applicable to the development and a condition of consent will be imposed requiring their payment.

(c) Tree Management Officer's Comments

Council's Tree Management Officer offered no objections to the proposal subject to recommended conditions of consent. The existing Council street tree is to be retained and protected throughout the works. A condition of consent is recommended requiring the developer to prepare and submit an Arboriculture Impact Assessment and Tree Management Plan detailing how the Council street tree will remain viable post-construction and be protected from proposed works.

(d) Heritage Advisor's Comments

The building is not individually listed and is not in a conservation area. However, the existing building to be demolished appears to date from before 1960 and is a fair example of its type, and of a style that is increasingly subject to demolition. It is recommended that a photographic record of the building be prepared for posterity and be attached to Council's electronic file for the site. The record should comprise an electronic image of each external elevation and a representative example of internal features – of an appropriate file size suitably labelled.

9.2 Development Application DA.2021.1453 - Construction of a Three Storey Boarding House - 2 Ross Road, Queanbeyan (Ref: ; Author: Ormella/Harlor) (Continued)

(e) Waste Officer's Comments

Council's Waste Officer offered no objections to the proposed subject to recommend conditions of consent. The Proposed development will not be provided with a kerbside hard rubbish collection.

(f) Environmental Health Officer

Council's Environmental Health Officer reviewed the application with specific focus on the submitted acoustic assessment report. Should development consent be forthcoming, conditions of consent will be imposed requiring compliance with the recommendations and specifications detailed in the acoustic assessment report.

Risk/Policy/Legislation Considerations

The proposed development complies with the relevant development controls and is able to be approved.

Financial Implications

Section 7.12 Contributions are applicable at the rate of 1% of the estimated cost of construction.

Further, Section 64 of the *Local Government Act 1993* allows contributions to be levied towards the provision of water, sewerage, and stormwater infrastructure. If development consent is forthcoming, a condition will be imposed requiring the payment of Section 64 Contributions. Based on current Queanbeyan S64 rates as at 8 August 2022, the contributions will be:

- Water (Queanbeyan): \$34,985.09
- Sewer (Queanbeyan East): \$18,618.27
- TOTAL: \$53,603.36

Engagement

The proposal required notification under Queanbeyan DCP 2012. Ten (10) submissions were received. The relevant issues raised are as follows:

***Issue:* Car Parking**

Comment: Submissions received have raised concerns regarding the lack of the car parking provided to the site given that the development proposes 14 car parking spaces, 6 bicycle spaces and 7 motorcycle spaces for up to 50 people. Whilst car parking rates are provided in Part 2 of the QDCP 2012, under *Section 29 of State Environmental Planning Policy (Affordable Rental Housing) 2009*, the consent authority must not refuse consent to a development on the grounds of parking if the development provides at least 0.5 parking spaces per boarding room and 1 parking space per employee who resides on site. As there are 24 rooms and 1 manager's residence proposed, the development requires a minimum of 13 spaces. The proposal provides for 14 car parking spaces. As such, the proposal complies with the minimum parking requirements required by the SEPP and therefore cannot be refused on these grounds.

***Issue:* Privacy**

Comment: Concerns have been raised regarding privacy impacts on adjoining developments arising from the siting of the proposed development in close proximity to the southern side setback. Should development consent be forthcoming, conditions of consent will be imposed requiring first floor and second floor south facing windows to be obscured. South facing

9.2 Development Application DA.2021.1453 - Construction of a Three Storey Boarding House - 2 Ross Road, Queanbeyan (Ref: ; Author: Ormella/Harlor) (Continued)

windows in the development consist of bedrooms, stairway voids and bathrooms, with windows in the proposed common areas facing either east or north. It is considered that the proposed development is satisfactory regarding privacy impacts.

Issue: Overshadowing

Comment: Concerns have been raised regarding the potential overshadowing impacts arising from the proposed development on the existing residential development to the south of the subject site. Very detailed shadow diagrams have been provided that differentiate between the shadow cast by the proposed building as compared to the shadow impacts of the impacted building upon itself.

Council staff raised concerns with the applicant regarding overshadowing as depicted in the June shadow diagrams. The applicant responded to these concerns stating that the development complies with the minimum setback controls, complies with the maximum building height and site coverage controls, and complies with the relevant development standards prescribed by the ARH SEPP. It is noted that June shadows are worst case scenario throughout the year, therefore it is considered reasonable to consider overshadowing impacts arising from the development throughout the year.

The applicant has also re-configured the roof so that it falls from the north to south. This has the effect of lowering the building along the southern façade and thus further reducing the amount of shadow cast. It is considered that the proposed development does not have unreasonable adverse impacts on adjoining development by way of overshadowing, and is considered satisfactory for approval, subject to recommended conditions of consent.

Issue: Tree Removal

Comment: Council's Tree Management Officer has reviewed the application in regard to tree removal and offered no objections. Conditions of consent have been recommended to ensure protection of the existing Council street tree.

Issue: Noise Impacts

Comment: Submissions received have raised concerns regarding potential noise impacts arising from the development, including noise emission from plant such as air conditioning units. An Acoustic Assessment Report was submitted with the application to predict potential noise levels against the relevant policies/legislation and provide recommendations. Council's Health Officer has reviewed the submitted acoustic assessment and offered no objection subject to the imposition of recommended conditions of consent.

Issue: Loss of Value of Adjoining Development

Comment: Impacts on property value of nearby developments is not a matter for consideration under the EPA Act 1979.

Issue: Impact of Sewer Diversion

Comment: Concerns have been raised regarding the potential impacts on adjoining development arising from the required sewer diversion. Council's Development Engineer has reviewed the application and in principle does not object to the realignment of the sewer main.

However, Council's Development Engineer has raised several concerns regarding the information provided in the application which will need to be addressed with revised plans and investigation reports when applying for a Section 68 application under the *Local Government Act 1993* and Section 138 application under the *Roads Act 1993* should development consent be forthcoming.

9.2 Development Application DA.2021.1453 - Construction of a Three Storey Boarding House - 2 Ross Road, Queanbeyan (Ref: ; Author: Ormella/Harlor) (Continued)

Issue: Proposed rooms and communal areas are too small

Comment: Concerns have been raised through the notification process regarding the size of the proposed communal living areas. Submissions have stated that the proposed communal areas are too small and will detract from end user amenity.

Issue: House rules are too restrictive

Comment: The proposed development is considered to be compliant with the provisions of the relevant legislation and policies. The house rules have been created to minimise impacts to adjoining developments whilst creating a liveable development. Should the managing company wish to make changes to the house rules in the future, a modification application is required to be lodged and assessed by Council.

Issue: Lack of green open space

Comment: The proposed development is provided with a private open space (POS) area of at least 24m² in the rear setback of the property for the users of the development, and an 8.2m² POS area directly adjacent to the manager's room solely for their use.

The development is provided with POS in accordance with the minimum requirements prescribed by *Section 29(2)(d) of State Environmental Planning Policy (Affordable Rental Housing) 2009*. As such, the proposal cannot be refused on these grounds.

The submitted landscape plan shows that the rear, sides and front setback will consist of landscaping with a mix of turf, shrubs/hedges, trees and paving.

Issue: Lack of laundry and drying facilities

Comment: The proposed development is provided with a common laundry on the first floor as shown in drawing No. DA 07.

Issue: Development is an assisted boarding house.

Comment: A submission was received stating that due to the number of disabled residents/rooms in the development, it constitutes an assisted boarding house and therefore requires input from the relevant organisation. This is not a planning requirement that is considered as part of the assessment. If the development is an assisted boarding house, it is the responsibility of the developer/managing company to follow the relevant legislative requirements.











Conclusion

The submitted proposal for a boarding house at 2 Ross Road, Queanbeyan is supported by a Statement of Environmental Effects (SEE) and architectural plans. The proposal was notified to adjoining owner/occupiers and ten (10) submissions were received.

The proposal has been assessed under Section 4.15 *Environmental Planning & Assessment Act 1979* including the provisions of the relevant State Environmental Planning Policies, the *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.

9.2 Development Application DA.2021.1453 - Construction of a Three Storey Boarding House - 2 Ross Road, Queanbeyan (Ref: ; Author: Ormella/Harlor)
(Continued)

Attachments

- | | |
|---|--|
| Attachment 1 | DA.2021.1452 - Architectural Plans (<i>Under Separate Cover</i>) |
|  | |
| Attachment 2 | DA.2021.1453 - Statement of Environmental Effects - Boarding House - 2 Ross Road, Queanbeyan (<i>Under Separate Cover</i>) |
|  | |
| Attachment 3 | DA.2021.1453 - Landscape Plans - Boarding House - 2 Ross Road, Queanbeyan (<i>Under Separate Cover</i>) |
|  | |
| Attachment 4 | DA.2021.1453 - Plan of Management - Boarding House - 2 Ross Road, Queanbeyan (<i>Under Separate Cover</i>) |
|  | |
| Attachment 5 | DA.2021.1453 - Waste Management Plan - Boarding House - 2 Ross Road, Queanbeyan (<i>Under Separate Cover</i>) |
|  | |
| Attachment 6 | DA.2021.1453 - Acoustic Assessment - Boarding House - 2 Ross Road, Queanbeyan (<i>Under Separate Cover</i>) |
|  | |
| Attachment 7 | DA.2021.1453 - Traffic Report - Boarding House - 2 Ross Road, Queanbeyan (<i>Under Separate Cover</i>) |
|  | |
| Attachment 8 | DA.2021.1453 - Redacted Submissions - Boarding House - 2 Ross Road, Queanbeyan (<i>Under Separate Cover</i>) |
|  | |
| Attachment 9 | DA.2021.1453 - S4.15 Report - 2 Ross Road (<i>Under Separate Cover</i>) |
|  | |
| Attachment 10 | DA.2021.1453 - Draft Conditions - 2 Ross Road (<i>Under Separate Cover</i>) |
|  | |

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.3 Modification Application - MOD.2011.077.B - Variation to Electricity Supply Arrangements and Fencing - 7123 Nerriga Road, Corang (Ref: ; Author: Ormella/Yeomans)

File Reference: TSC/80/2002/DA / MOD.2011.077.B

Recommendation

That:

1. Conditions 9, 10 and 10A remain unchanged and read:

Condition 9:

The applicant is to provide a ground mounted solar electricity system with a minimum generating capacity of 7.5kW to each of the concessional lots (i.e. proposed Lots 2, 3 and 4). No infrastructure is to be installed if tree removal is required without prior consent from Queanbeyan-Palerang Regional Council. The applicant shall install the systems at their own cost and prior to the issue of a Subdivision Certificate for the land. A specification document for each system should be provided to Council prior to the release of a Subdivision Certificate.

Condition 10A:

A section 88B legal instrument burdening each of the three approved concessional allotments is to be created prior to issue of a Subdivision Certificate. It is to specify that the owner of the lot at any point in time is responsible for the on-going maintenance and replacement of any panels, batteries, inverters, and any parts that form part of the operation of the solar electricity supply system and that it must be maintained in good 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 purchasers.

Condition 10:

A section 88B legal instrument burdening proposed lots 1 and 5 to 7 is to be created prior to issue of a Subdivision Certificate. It is to specify that prospective purchasers of the property will need to provide an on site system of power generation at their own cost as the land is unlikely to be able to be serviced by a reticulated electricity supply system.

2. Condition 8 for rural fencing be amended to read:

All public road frontages and public open space areas are to be fenced to the following standards:

- *height 1.2 metres (or higher depending on the type of stock, should be higher)*
 - *strainers – spacing 100 metres to 120 metres depending on terrain*
 - *steel posts at 6 metre centres*
 - *steel droppers, one at centre of span between steel posts*
 - *one 4.0 mm high tensile, high visibility PVC coated wire on top ('horse sighter' or similar)*
 - *one carry 2.5mm high tensile wire at least 300mm below the top wire*
 - *one bottom 2.5 mm high tensile wire at least 150mm above the ground*
-

9.3 Modification Application - MOD.2011.077.B - Variation to Electricity Supply Arrangements and Fencing - 7123 Nerriga Road, Corang (Ref: ; Author: Ormella/Yeomans) (Continued)

- *6/70/30 hinged joint netting with each horizontal wire tied to each post and dropper*
- *one standard galvanised steel farm gate with steel mesh (minimum 3.65 metres) at an approved entrance.*

3. Modification application MOD.2011.077.B at Lot 3 DP 1063771, No.7123 Nerriga Road, Corang be granted conditional approval, subject to the original conditions of consent imposed TSC/80/2002/DA and MOD.2011.077.A as amended.

Summary

Reason for Referral to Council

This application has been referred to Council in accordance with QPRC *Guidelines for Referral of Development Applications to Council and Independent Assessment of Development Applications* (2022), Clause 7. The application involves a significant variation to a requirement in a development control plan.

Proposal:	Modification: Request to delete conditions of approval requiring solar power to Lots 2, 3 & 4 and to change fencing condition
Applicant/Owner:	Upside Planning / Almeno Number One P/L
Subject Property:	Lot 3 DP 1063771, No. 7123 Nerriga Road, Corang, NSW
Zoning and Permissibility:	RU1 Primary Production Zone under the Palerang Local Environmental Plan 2014
Public Submissions:	Nil
Issues Discussed:	Planning Requirements and Proposed Variation
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

Background

Subject Property

The subject site is legally described as Lot 3 DP 1063771, and is commonly known as 7123 Nerriga Road, Corang. The site is located on the western side of Nerriga Road and has an area of 175.5ha. There is no existing development on the site except for clearing and construction of internal roads associated with the subdivision. Vehicular access is provided to the site via Nerriga Road. Existing development within the locality consists of a mixture of rural residential and agricultural uses.

Proposed Development

TSC/80/2002/DA approved the Torrens title subdivision of land to create seven (7) lots ranging in size from 3.5ha to 40ha.

The development also includes the construction of a new internal road from Nerriga Road to provide vehicular access to each lot within the subdivision. Fencing and the supply of electricity were sought through conditions.

MOD.2011.077

Page 24 of the Ordinary Meeting of the QUEANBEYAN-PALERANG REGIONAL COUNCIL held 22 February 2023.

9.3 Modification Application - MOD.2011.077.B - Variation to Electricity Supply Arrangements and Fencing - 7123 Nerriga Road, Corang (Ref: ; Author: Ormella/Yeomans) (Continued)

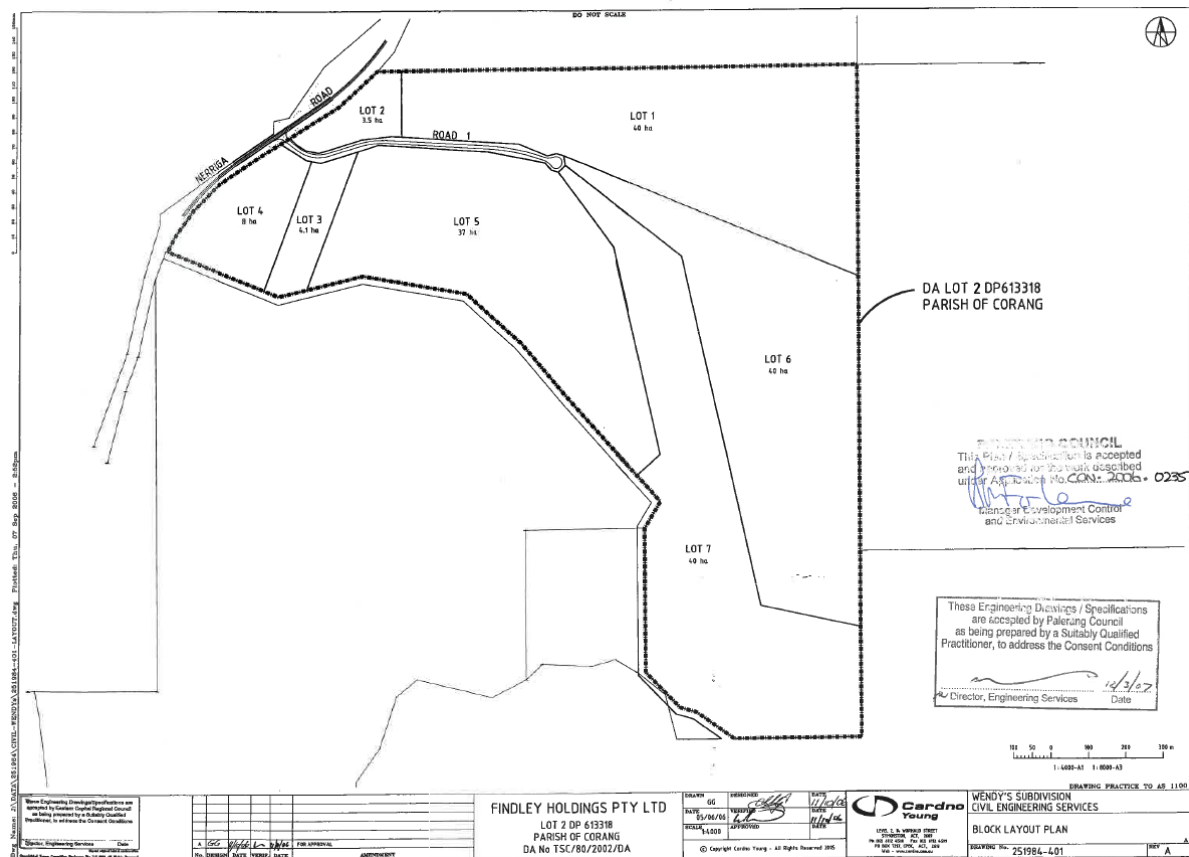


Figure 2 – Approved Subdivision Plan (TSC/80/2002/DA)

MOD.2011.077.A

MOD.2011.077.A amended Condition 9 to remove the requirement for reticulated electricity to be supplied to Lots 2, 3, and 4 with a solar power system to be provided as an alternative. Figure 4 shows the indicative location of ground mounted solar installations on the nominated Lots.

9.3 Modification Application - MOD.2011.077.B - Variation to Electricity Supply Arrangements and Fencing - 7123 Nerriga Road, Corang (Ref: ; Author: Ormella/Yeomans) (Continued)

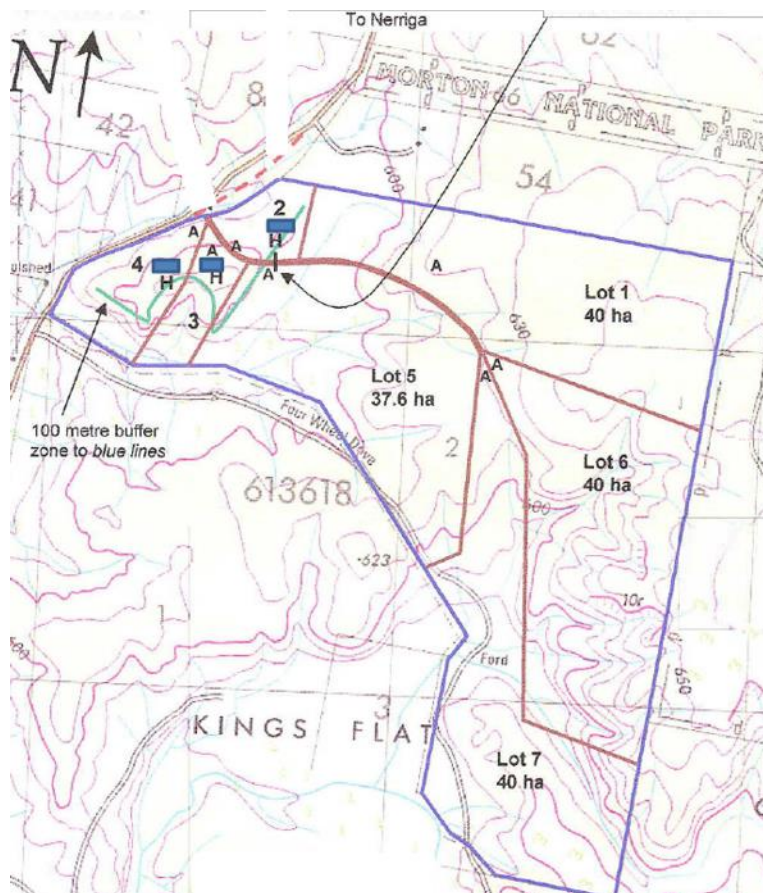


Figure 4 – Indicative Location of Ground Mounted Solar on Nominated Lots

Modification now proposed (MOD.2011.077.B)

Conditions 9 is proposed to be deleted. It seeks the provision of ground mounted solar electricity system be installed to Lots 2, 3 and 4 and reads:

Condition 9:

The applicant is to provide a ground mounted solar electricity system with a minimum generating capacity of 7.5kW to each of the concessional lots (i.e. proposed Lots 2, 3 and 4). No infrastructure is to be installed if tree removal is required without prior consent from Queanbeyan-Palerang Regional Council. The applicant shall install the systems at their own cost and prior to the issue of a Subdivision Certificate for the land. A specification document for each system should be provided to Council prior to the release of a Subdivision Certificate.

The significant issue relating to this proposal is whether a variation to this should be approved which would result in no electricity supply infrastructure being installed in Lots 2, 3 and 4. This is discussed further in this report in relation to the Local Environmental Plan and Development Control Plan compliance.

The applicant also proposes Condition 10A be deleted. This condition seeks that the system installed as a requirement of Condition 9 be maintained. Condition 10A and reads:

Condition 10A:

A section 88B legal instrument burdening each of the three approved concessional allotments is to be created prior to issue of a Subdivision Certificate. It is to specify that the owner of the lot at any point in time is responsible for the on-going maintenance and replacement of any

9.3 Modification Application - MOD.2011.077.B - Variation to Electricity Supply Arrangements and Fencing - 7123 Nerriga Road, Corang (Ref: ; Author: Ormella/Yeomans) (Continued)

panels, batteries, inverters, and any parts that form part of the operation of the solar electricity supply system and that it must be maintained in good 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 purchasers.

Given the applicants intention that no electricity supply be provided, they propose that Condition 10 be amended. It currently seeks that prospective purchasers of the larger rural lots, being Lots 1, 5 and 7, be advised there is no power to the lot and reads:

A section 88B legal instrument burdening proposed lots 1 and 5 to 7 is to be created prior to issue of a Subdivision Certificate. It is to specify that prospective purchasers of the property will need to provide an on site system of power generation at their own cost as the land is unlikely to be able to be serviced by a reticulated electricity supply system.

The applicant proposes Condition 10 be amended to refer to all lots in the subdivision, advising prospective purchasers that the lot does not have an electricity supply.

By way of background, Lots 1, 5 to 7 were approved under clause 13 of the Tallaganda LEP 1991 for an agricultural purpose. These lots were not created for a residential purpose and as agricultural lots there was no obligation to supply electricity.

The applicant has not proposed any electricity infrastructure be provided prior to the release of the Subdivision Certificate. Council officers do not support the deletion of Conditions 9 and 10A nor any change to Condition 10.

The applicant has also sought that Condition 8 requiring rural fencing be amended to require fencing to Nerriga Road only. The applicant argues that having to provide fencing to the lot boundaries will require the removal of native vegetation.

Condition 8 currently reads

All Rural 1(a) subdivision blocks must be fenced to the following minimum standard:

- (a) 1200 mm high;*
- (b) Consist of 5 plain wires evenly spaced with one barbed wire on top;*
- (c) Star steel stakes at 4-metre maximum centres, and*
- (d) Strainer post at appropriate intervals, taking into account the terrain, topography and distance. The fence is to be strained to a tension to prevent stock access. Posts must have a minimum life of 20 years.*

The applicant has argued that part of the site accommodates native vegetation and an amendment to the fencing condition will limit vegetation clearing.

Council officers recognise that the current rural fencing requirements in the Palerang Development Control plan are less onerous than imposed as a condition of the original consent. Accordingly, officers are able to support an amendment to the rural fencing condition to only be required to the existing or proposed road frontages.

Native vegetation is not mapped along the frontage to the site nor adjoining the proposed internal road.

9.3 Modification Application - MOD.2011.077.B - Variation to Electricity Supply Arrangements and Fencing - 7123 Nerriga Road, Corang (Ref: ; Author: Ormella/Yeomans) (Continued)

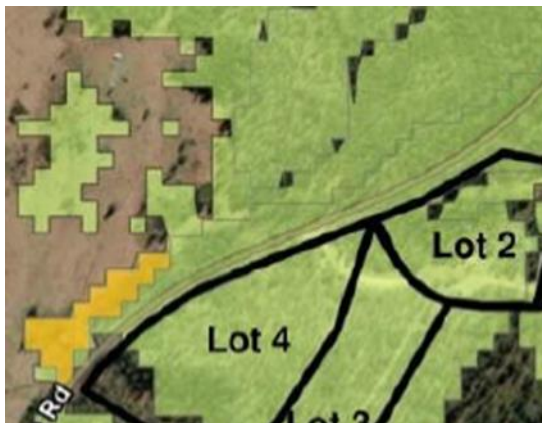


Figure 5 – no mapped native vegetation to Nerriga Road frontage

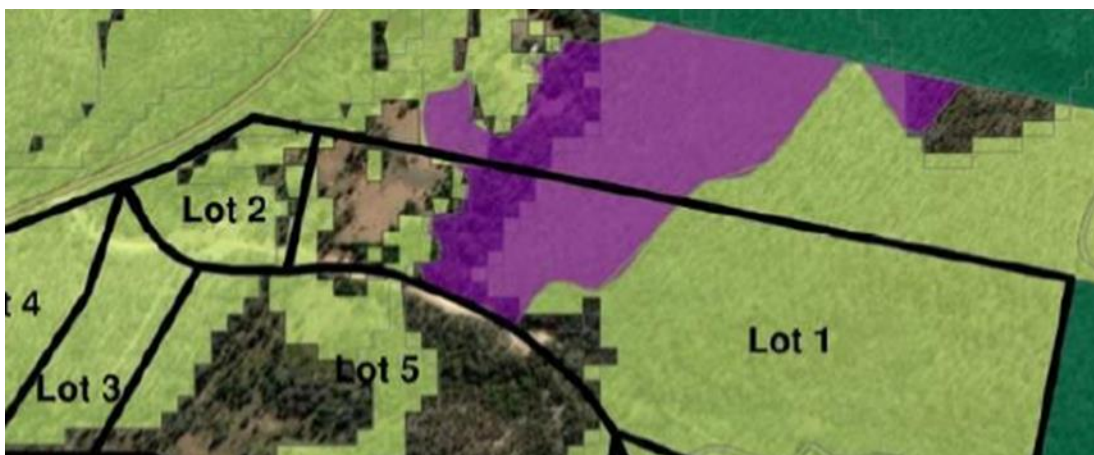


Figure 6 – Native vegetation mapped near new internal road.



Figure 7 –Cleared area for new internal road

The applicant has suggested Condition 8 be amended to provide stock proof fencing along the lot frontages to Nerriga Road only.

9.3 Modification Application - MOD.2011.077.B - Variation to Electricity Supply Arrangements and Fencing - 7123 Nerriga Road, Corang (Ref: ; Author: Ormella/Yeomans) (Continued)

The suggested wording does not include fencing to the lot fronting the new internal road. Council's standard condition for rural fencing will be required to all lot frontages to a public road and Condition 8 is proposed to read:

Provide fencing to all road frontages (Nerriga Road and new internal road) to the following standard:

- *Fence height 1.2 m,*
- *Strainers - spacing 100 m to 120 m depending on terrain,*
- *Steel posts at 6 m centres,*
- *Steel droppers, one at centre of span between steel posts,*
- *One 4.0 mm high tensile high visibility ('horsesighter' or similar) wire on top,*
- *One carry 2.5 mm high tensile wire at least 300 mm below the top wire,*
- *One bottom 2.5 mm high tensile wire at least 150 mm above the ground,*
- *6/70/30 hinged joint netting with each horizontal wire tied to each post and dropper,*
- *One standard galvanised steel farm gate with steel mesh (minimum 3.65 m) at approved entrance.*

Planning Requirements

Assessment of the application has been undertaken in accordance with Section 4.55(1A) of the *Environmental Planning and Assessment Act (EPAA) 1979*, as amended. The matters that are of relevance under Section 4.55(1A) are summarised in the attached *Section 4.15 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. *Palerang Local Environmental Plan 2014 (PLEP).*
5. *Palerang Development Control Plan 2015 (PDCP)*
6. *Draft Queanbeyan Palerang Local Environmental Plan 2022* (applied at time of lodgement)

The significant issue relating to this proposal for Council's consideration is whether a variation to the conditions of consent so no electricity supply infrastructure be installed to replace the current requirement for ground mounted solar for Lots 2, 3 and 4 be supported.

Compliance with LEP

The relevant requirement of the *Palerang Local Environmental Plan 2014* is clause 6.11 requires:

6.11 Essential services

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

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

9.3 Modification Application - MOD.2011.077.B - Variation to Electricity Supply Arrangements and Fencing - 7123 Nerriga Road, Corang (Ref: ; Author: Ormella/Yeomans) (Continued)

It is considered that clause 6.11 of the LEP is not satisfied by the proposed modification which does not demonstrate an alternate electricity supply is available for Lots 2, 3 and 4. The clause itself does not specify the specific means of electricity supply however is a statutory control that requires adequate arrangements for the supply of electricity.

The clause requires the consent authority to be satisfied that the relevant service is available or that adequate arrangements have been made to make them available. This requirement has not been satisfied.

It is also reasonable that the developer provide access to this essential service prior to the release of the subdivision certificate to avoid imposing the cost on future purchasers. Appropriate notification of the circumstances relating to electricity supply should be included on the Title of the land.

Compliance with DCP

Section C1.2.9 includes relevant provisions for electricity supply associated with the approval of the subdivision of land.

C1.2.9 Electricity

Objective

- a) To provide logical, efficient and environmentally sensitive extensions to electricity supply networks
- b) To promote opportunities for on-site generation of power

Control

- 1) Suitable power shall be provided by the developer to the boundary of all additional lots created in accordance with the requirements of the electricity supply body
- 2) Written evidence from the electricity supply body that the electricity infrastructure is satisfactory will be required prior to release of subdivision certificate
- 3) Consideration will be given to renewable energy sources in lieu of connection to the network in land use zones RU1 Primary Production, E3 Environmental Management and E4 Environmental Living.
- 4) Refer to section B7 Engineering requirements in this DCP (addressed in Development Engineers comments below)

Council's policy position is to have reticulated electricity supply to all new subdivisions. The control under Section C1.2.9 (3) provides Council with the ability to consider alternate power supply options for development within certain nominated zones including the RU1 Primary Production Zone, relevant to this proposal.

The provision of ground mounted solar panels on each concessional allotment to provide a form of electricity supply is still considered an acceptable design outcome and still required to meet Clause 6.11 of the Palerang Local Environmental Plan.

Council has also previously approved the provision of ground mounted solar as an alternative to reticulated supply at 419 Captains Flat Road (DA.66-2018.B) and 44 Brooks Road Bywong (DA.2020.1154.B).

Summary of Variation Request

It is not acceptable that Council amend the existing conditions for electricity supply. The provision of ground mounted solar infrastructure was approved by Council (MOD.2011.077.A) as an alternative to reticulated supply for each of the three concessional allotments.

9.3 Modification Application - MOD.2011.077.B - Variation to Electricity Supply Arrangements and Fencing - 7123 Nerriga Road, Corang (Ref: ; Author: Ormella/Yeomans) (Continued)

It is also reasonable that a condition requiring the maintenance of electricity supply in perpetuity remain on the consent.

No reticulated electricity supply is currently required or available to Lots 1 and 5 to 7. While it is accepted that the LEP in place at the time of the approval did not require the provision of a reticulated electricity supply to these agricultural lots, it is prudent to require the developer to notify prospective purchasers that no reticulated electricity supply is available and the ability to viably provide reticulated supply is unlikely. Condition 10A seeking a section 88B notation on the Title of the property is to remain.

(a) Development Engineer's Comments

Council's Development Engineer does not support the proposed modification.

The site is zoned RU1 Primary Production and Clause B7.9 of the Palerang DCP 2015 requires that suitable power is provided to all lots at subdivision stage "except where adequate provision can be made for alternative power."

Clause 6.11 of the Palerang LEP 2014 similarly requires that development consent must not be granted to development unless the consent authority is satisfied that electricity supply is available or that adequate arrangements have been made to make the service available.

Under these considerations, the previous modification MOD.2011.077.A was approved, permitting installation of ground-mounted solar systems for energy supply to the three concessional lots (Lots 2, 3 and 4). The remaining large lots (Lots 1 and 5 to 7) were originally approved as land for the purpose of agriculture under Clause 13 of the Tallaganda LEP 1991. Electricity supply was not required, however condition 10A requires creation of a S88B to inform future property owners that on-site energy supply would be required.

The modification application seeks removal of condition 9A and 10B, which detail supply and maintenance of the on-site solar systems, and the amendment of condition 10A to include all lots. The applicant argues that "It is evident with today's technology adequate provision can be made for alternative power." While this may be the case, the modification application is not supported by Development Engineering as adequate provisions should be provided at subdivision stage rather than placing the burden on future property owners. Conditions 9A, 10A and 10B included in consent MOD.2011.077.A are to remain unchanged.

External referral - Essential Energy

Essential Energy was referred the application. They advised that should reticulated electricity be provided it is to be located within an easement. using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision.

Financial Implications

There are no financial implications to Council as a result of determining this modification application.

Engagement

The modification was notified pursuant to the QPRC Community Engagement and Notification Plan from 28 July 2022 to 15 August 2022. No submissions were received.

Compliance or Policy Implications

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

- Some developers have tried to avoid the cost of providing electricity to a new property and transfer that cost to the new owner who has to install a solar system.

9.3 Modification Application - MOD.2011.077.B - Variation to Electricity Supply Arrangements and Fencing - 7123 Nerriga Road, Corang (Ref: ; Author: Ormella/Yeomans) (Continued)

- There is an expectation from the purchaser of a new property that it will be provided with a reticulated electricity supply.
- A solar system may not be able to supply the electrical supply that the owner requires e.g. three phase power.

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

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

The proposed modification has not offered a satisfactory alternative arrangement for the installation of the solar system and therefore does not meet these guidelines.

Links to QPRC/Regional Strategic Plans

Council has committed in the QPRC Community Climate Change Action Plan to a reduction of emissions and to encourage the community to install photovoltaic solar systems. The approved development meets these objectives however the proposed modification does not. The existing conditions around the supply of power and notification regarding power supply are proposed to remain.

Conclusion

The submitted proposal for a modification to Development Consent TSC/80/2002/DA (MOD.2011.077.A) on Lot 3 DP 1063771, 7123 Nerriga Road, Corang, has been assessed under Section 4.55(1A) of the *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Palerang Local Environmental Plan 2014* and *Palerang Development Control Plan 2015*.

The development does not satisfy the relevant requirement for the delivery of essential services. The variation request is also inconsistent with section C1.2.9 (3) of the PDCP.

The variation request is therefore not able to be supported and the existing conditions of consent subject to this review being Condition 9, 10A and 10 are to remain.

Condition 8 is approved to be amended to reflect Council's current rural fencing requirements.

Attachments

Attachment 1	MOD.2022.077.B - Section 4.15 Assessment Report - 7123 Nerriga Road CORANG (Under Separate Cover)
--------------	---



REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.4 Road Naming - Proposed New Road Name - Holland Drive (Ref: ; Author: Ormella/Lamont)

File Reference: 26.4.1-4 Road Naming and DA 388-2016

Recommendation**That Council:**

- 1. Adopt in principle, the name Holland Drive as the proposed name for the new road located off Monaro Station Drive Royalla and created under subdivision Development Consent DA-388-2016.**
 - 2. Advertise the proposed road name for public comment for 28 days.**
 - 3. Publish a notice in the NSW Government Gazette for the road name Holland Drive, if no objections are received.**
-

Summary

Council has received a request to name one new road created as part of a 14 lot subdivision in Royalla, as required under Condition 46 of the development consent DA-388-2016. The proposed name is Holland Drive, and it is located off Monaro Station Drive Royalla as identified on the following Map. Council staff have submitted this name to the Geographical Names Board of NSW (GNB) for pre-approval and they have found no issues with the proposal.

Council staff are actively working to meet the objective the QPRC Road Names Policy in regards to encouraging Indigenous road names and Council's Aboriginal Community Liaison Officer is assisting to progress the selection of Indigenous names for a road names list. Currently, this list has not been formally endorsed for use.

This report seeks Council approval for the proposed road name Holland Drive and the endorsement for public exhibition.

Background

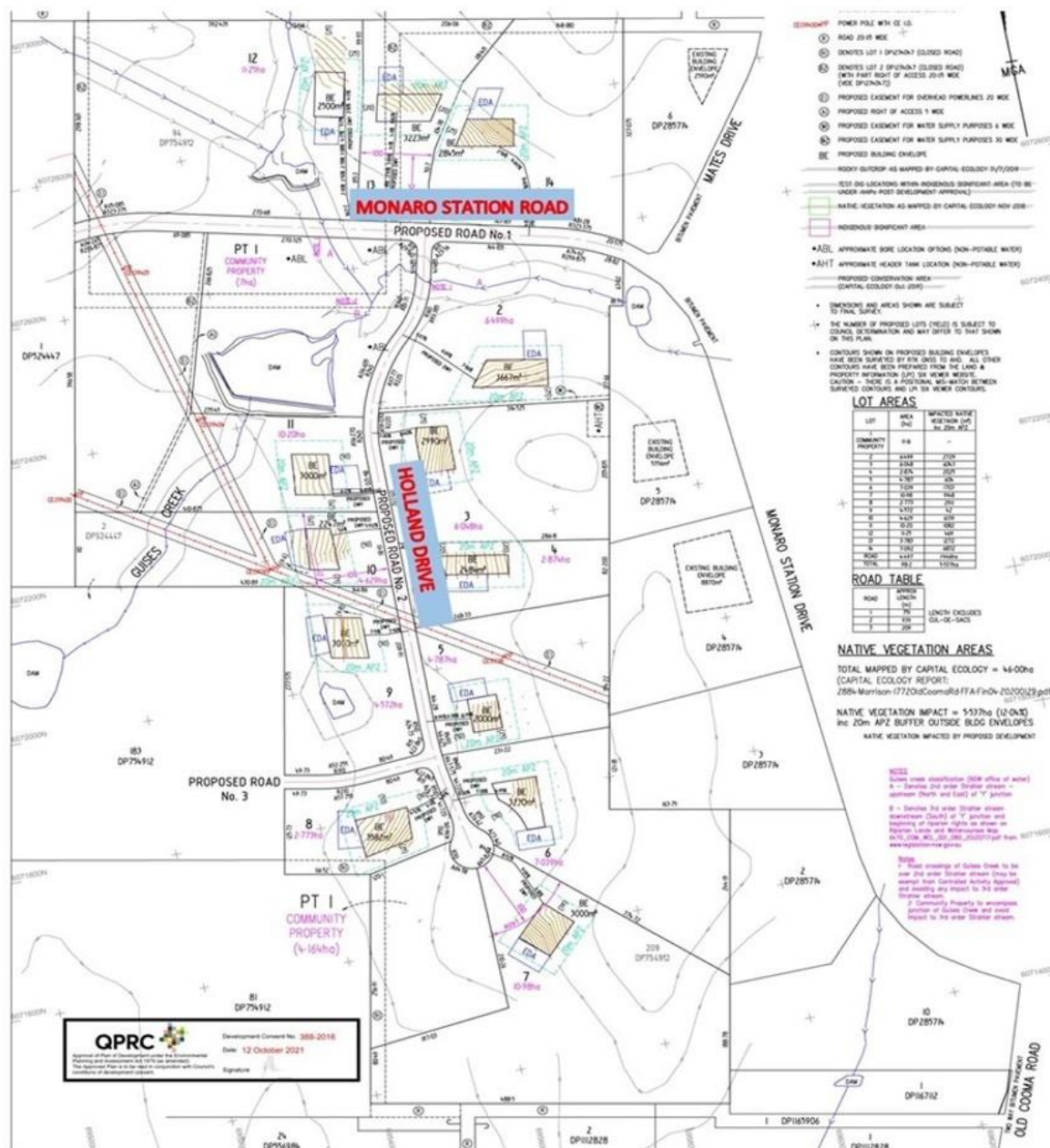
Any road name must be supported by information on the origin of the name and relevant background. The research shows that there were two people with the name Holland as follows.

William T HOLLAND, Queanbeyan Schoolteacher 1870-1876. Known as 'Daddy Holland'.

Henry Edmund HOLLAND (1868-1933) Journalist, apprenticed to Queanbeyan Times in 1882 and joint founder of the Queanbeyan Leader 1905.

Engagement has been undertaken with the applicant, and they are satisfied to progress with this name. The name has been selected in accordance with Council's Road Names Policy and the Geographical Names Board guidelines for the naming of roads. The name Holland Drive comprises an unambiguous word that is easy to spell and pronounce and is therefore recommended to progress to the public exhibition stage.

9.4 Road Naming - Proposed New Road Name - Holland Drive (Ref: ; Author: Ormella/Lamont) (Continued)



Map – Proposed Road Name location and approved 14 lot subdivision

Risk/Policy/Legislation Considerations

The Road Names Policy applies, as does the NSW Address Policy and User Manual. Names are to be unambiguous words that are easy to spell, pronounce and appropriate for the area. The recommended road names are required to be reported to Council and then advertised for public comment.

Council staff are actively working to meet the objective the QPRC Road Names Policy in regards to encouraging Indigenous road names (Clause 6.1.2). A list of Indigenous names has been compiled and staff are consulting with Indigenous stakeholders to finalise this list. Council's Aboriginal Community Liaison officer is assisting to progress the collation and endorsement of a selection of Indigenous names for a road names list.

9.4 Road Naming - Proposed New Road Name - Holland Drive (Ref: ; Author: Ormella/Lamont) (Continued)

Where the road names are supported by Council and the Geographical Names Board and there are no objections received during the public comment period, then the notice will be published in the NSW Government Gazette. If any objections are received, then a further report will be put to Council for consideration.

Financial, Budget and Resource Implications

All costs associated with advertising of the road names and supply of road name plates are to be borne by the developer of the subdivision.

Conclusion

A 14 lot subdivision at 125 Monaro Station Road in Royalla approved in DA 388-2016, has a new road which requires naming. The proposed name Holland Drive has been selected in accordance with Council's Road Names Policy and the Geographical Names Board guidelines for the naming of roads. The name Holland Drive comprises an unambiguous word that is easy to spell and pronounce, is supported by the applicant and has preapproval from GNB.

It is recommended that the Road Name be publicly exhibited for 28 days, following which and subject to not objections being received, that it be published in the NSW Government Gazette.

Attachments

Nil

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.5 Locality Renaming Proposal - Dissolving "Back Creek" into Mongarlowe (Ref: ; Author: Ormella/Lamont)

File Reference: 26.4.1-1 Localities

Recommendation**That Council:**

- 1. Agree in principle to dissolve the locality name of Back Creek into the adjoining locality of Mongarlowe.**
 - 2. Publicly exhibit the proposal for 28 days.**
 - 3. Write to affected property owners in the Back Creek locality asking for comments to be submitted within 28 days.**
 - 4. Notify the Geographical Names Board (GNB) of any submissions received during the 28 day exhibition period.**
 - 5. Subject to no objections being received for the locality name change, request GNB to publish the change in the NSW Government Gazette.**
 - 6. Where there are objections to the proposed locality name change, that a report considering the objections and justifying whether the proposal should proceed, be brought back to Council.**
-

Summary

A request from Geographical Names Board (GNB) of NSW was received in October 2021, seeking the assistance of Council with their project to remove the duplication of locality (suburbs) names across NSW. One of the duplications was the Back Creek locality name which appears in 6 local government areas in NSW. To assist in the process the option to dissolve the locality into the adjoining Mongarlowe has been recommended. If supported the proposal is to be publicly exhibited for 28 days and where there are objections they must be considered and the if the renaming is still to process, it must be justified.

Background

A request from GNB, Place Names, was received in October 2021, asking for assistance with their project on removing the duplication of localities (suburbs) names across NSW. This request identified that the locality name 'Back Creek' is duplicated in QPRC, Bland, Gwydir, Mid-Coast, Tenterfield and Tweed Council areas in NSW.

The purpose of determining and assigning localities is to enable an address to be uniquely identified. Localities/Suburbs form the third legal component to an address, along with house number and road name. It is important that addresses are simple, unique and easily understood to enable effective service delivery, navigation and identity management.

Localities with the same name causes confusion. Clarity of addresses is important for wayfinding, deliveries and of particular concern is the dispatch of emergency services, which is now often coordinated from centralised call centres with little local knowledge of the area.

Council has agreed to work with the GNB regarding the duplicated locality names across QPRC. The GNB has approved in principle to dissolving the current duplicated locality of Back Creek into the adjoining locality of Mongarlowe. See Figure 1.

9.5 Locality Renaming Proposal - Dissolving "Back Creek" into Mongarlowe (Ref: ; Author: Ormella/Lamont) (Continued)

Councils' Property and Rating database identifies 24 properties that are addressed in the locality of 'Back Creek'. On the 9 November 2022, Council wrote to all affected property owners informing them of the proposal to change the locality name. No responses were received. Further correspondence has been sent to all residents on 8 February 2023 informing them of this report being tabled.

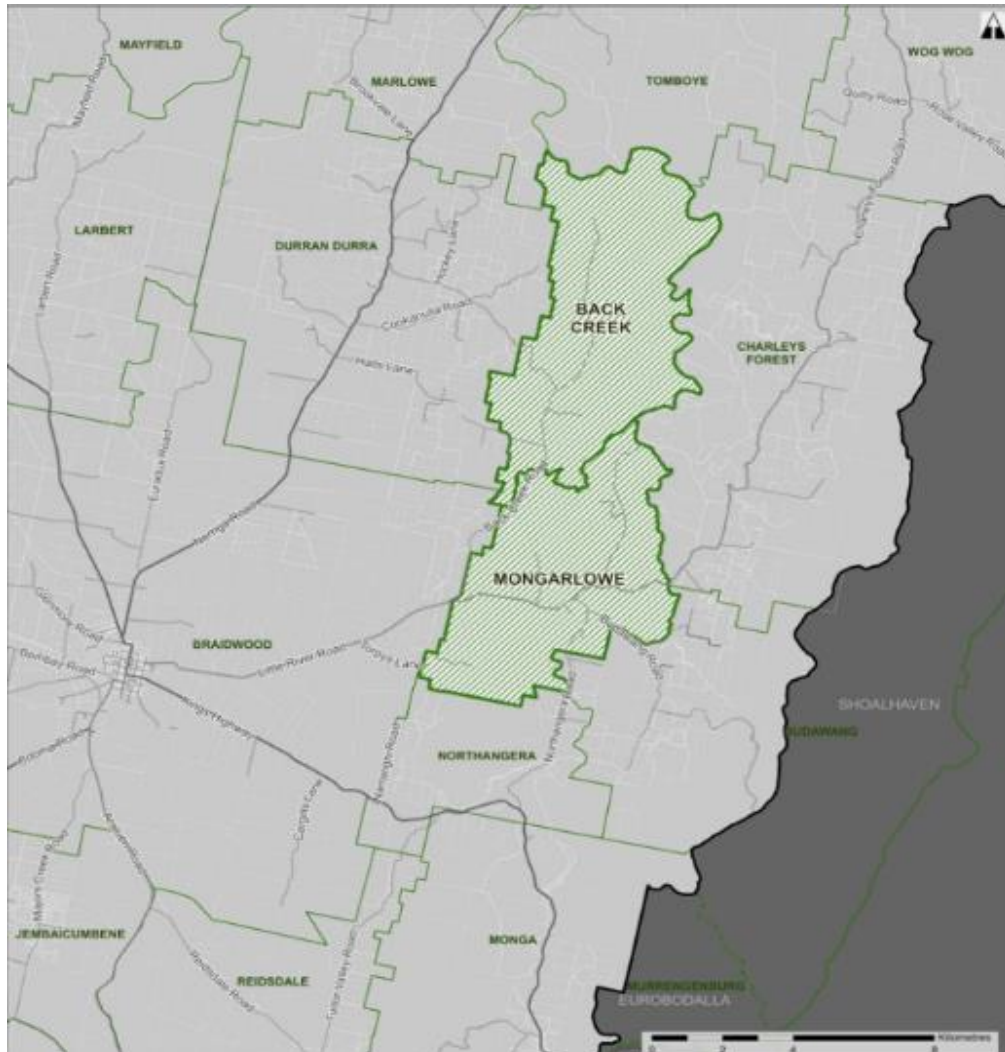


Figure 1 – Context and location of Back Creek and Mongarlowe

Risk/Policy/Legislation Considerations

Section 9.5 of the GNB of NSW Policy Place Naming provides policy and guidelines related to Address Locality Naming and Boundaries. Proposals to amend address locality boundaries or names must be lodged by the relevant local government council or have endorsement from the relevant local government council.

GNB has approved in *principle* to dissolve the current duplicated locality of 'Back Creek', into the adjoining locality of 'Mongarlowe'. If endorsed by Council, a letter outlining the change will be sent to all affected residents and property owners, inviting them to provide comment if they wish. A period of 28 days to provide comment is proposed and it will also be included on Council's Your Voice website. The GNB will also advertise the proposal on their website.

If any objections are received by GNB or Council, then Council will consider and provide comment to the GNB with reasons as to why the proposal should proceed. If no objections received during the 28 day exhibition period, the amendment could proceed. The next step is

9.5 Locality Renaming Proposal - Dissolving "Back Creek" into Mongarlowe (Ref: ; Author: Ormella/Lamont) (Continued)

then for a notice to be published in the NSW Government Gazette. As with any other addressing changes made by Council, other stakeholder i.e.; Aust Post, Telstra and AEC will also be notified.

Financial, Budget and Resource Implications

Staff time has been expended with this request from the NSW GNB to assist with their project to remove duplicate locality(suburb) names within NSW.

Conclusion

In responding to the GNB request to remove duplicate locality names in NSW, it is recommended that Council agree in principle that the locality of 'Back Creek' be dissolved into the adjoining locality of 'Mongarlowe'. This will assist in address clarity and make it easier for emergency services dispatch. As part of agreeing to the proposal it is also recommended that:

- The proposed locality name change from 'Back Creek' to 'Mongarlowe' be advertised on Council's and the GNB website to allow for public comment for 28 days.
- All 24 affected property owners and residents be advised in writing, of the proposed change and the reasons why.
- Subject to no objections being received that final approval from GNB is sought to then publish a notice in the NSW Government Gazette.

In the event that the proposed amendment is gazetted the locality of 'Back Creek' will be replaced with 'Mongarlowe' on Council's property database all affected property owners will be notified in writing of their new locality and all other stakeholder i.e.; Aust Post, Telstra and AEC will be notified.

Attachments

Nil

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

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

File Reference: PJ 100123

Recommendation

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

Summary

A final business case for the Queanbeyan Sewage Treatment plant upgrade project has been prepared to meet the requirements of the NSW Government's Safe and Secure Water Program Stage 2 business case funding. The final business case sets out the need, strategic alignment, options, cost, funding, value for money and delivery arrangements for the proposal. Council endorsement of the final business case is recommended. Once the final business case is endorsed by Council the NSW Government will make a media announcement about the completion of the final business case. The final business case will be used as the basis for grant funding applications.

Background

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

Milestone 2 of the grant funding deed requires QPRC to submit a draft and final business base to Infrastructure NSW for review. QPRC engaged Hunter H2O to prepare a business case for the QSTP Upgrade project. The business case has been prepared using the NSW Government's Infrastructure NSW final business case template.

The draft business case was endorsed by Council on 9 November 2022 and circulated to the NSW Government for review. The final business case has now been prepared incorporating the NSW Government's review comments and adjustments to the cost estimate to align it with the 95% detailed design and increases in escalation allowances.

The original EIS was submitted in Dec 2020 prior to being updated to include water quality modelling of Lake Burley Griffin (LBG) done within a model including the entire catchment of LBG not just the impact of the STP. The updated EIS was re-submitted in Apr 2022 before being re-submitted to address minor feedback. The finalised EIS was resubmitted in September 2022.

Report

The executive summary of the final business case is provided below.

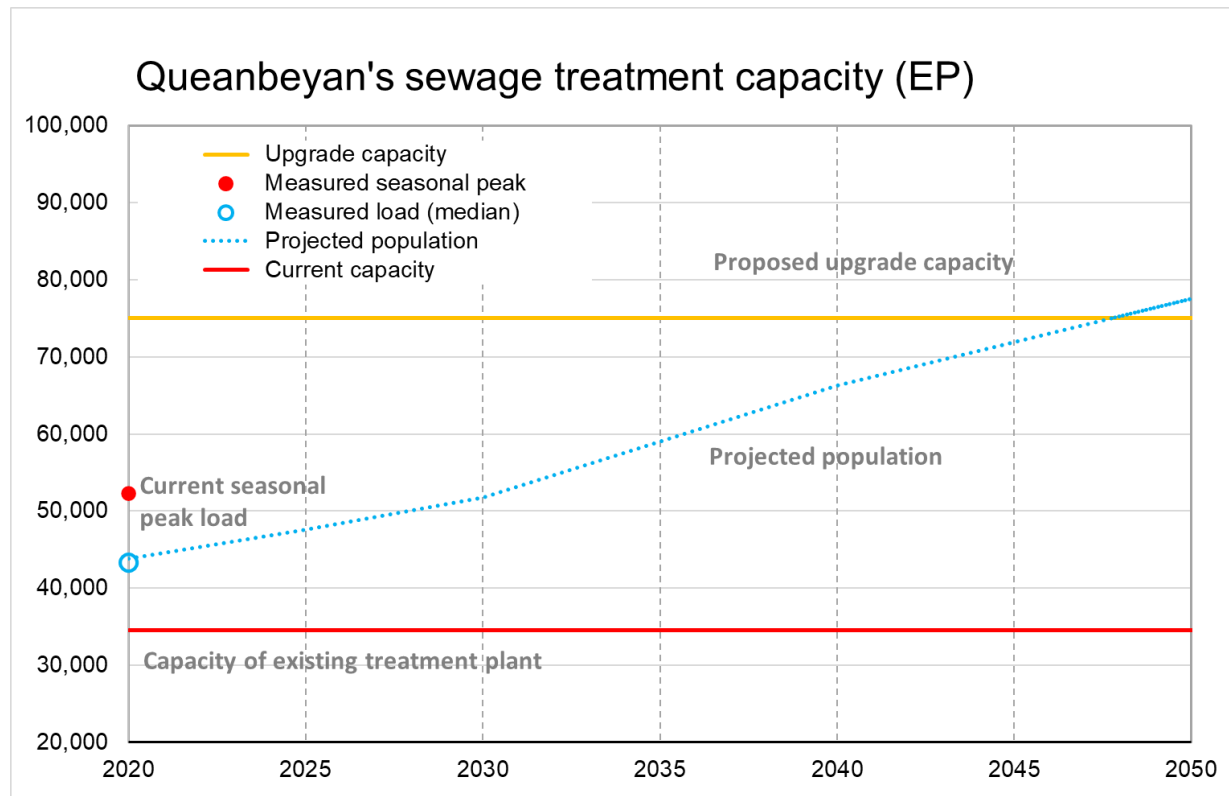
Project need

Queanbeyan-Palerang Regional Council (QPRC) is responsible for the management and operation of the Queanbeyan Sewage Treatment Plant (QSTP) that provides treatment to

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

sewage from Queanbeyan prior to discharge into the Molonglo River approximately 9 km upstream of Lake Burley Griffin.

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



Current sewage inflows exceed the treatment capacity of the existing treatment plant

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

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

Continued operation of the existing treatment plant as Queanbeyan's population grows presents an increasing risk that the STP continue to fail to meet the EPA regulatory Environmental Authorisation requirements for effluent discharged to the Molonglo River. The

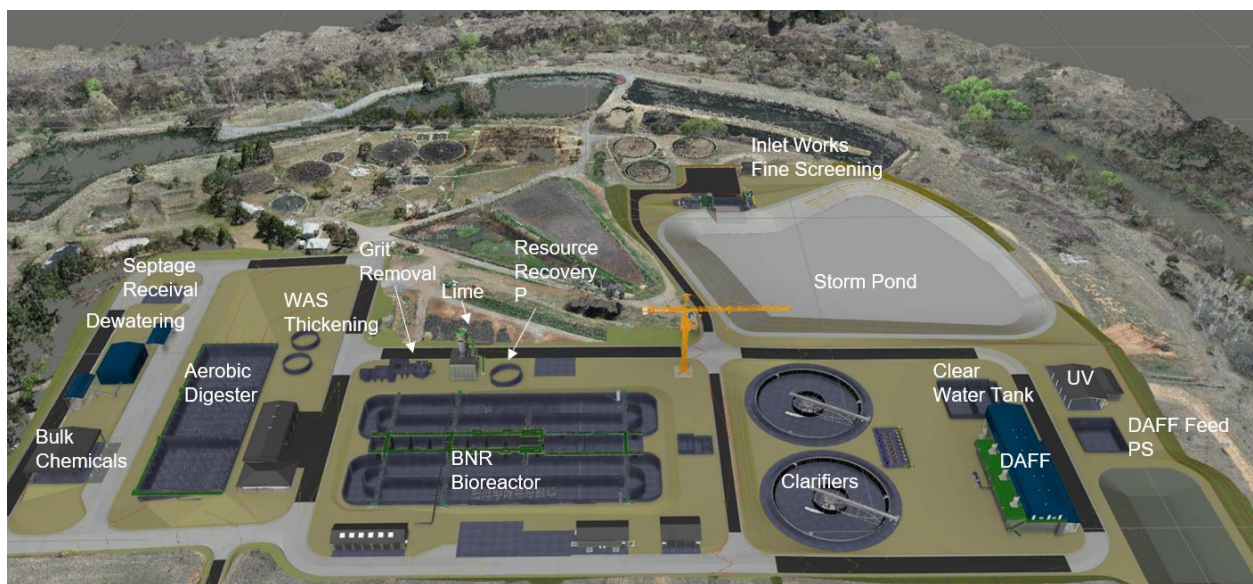
9.6 Queanbeyan Sewage Treatment Plant Upgrade Business Case (Ref: ; Author: Hansen/Boulton) (Continued)

resulting pollution could result in adverse impacts on aquatic species in the Molonglo River and Lake Burley Griffin, environmental prosecution, and substantial reputational damage.

Project description

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

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



The proposed Queanbeyan STP Upgrade is located above flood level on the existing site

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

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

Cost and funding

Preliminary cost estimates for the QSTP upgrade have been developed from a risk-based engineering cost estimate during the design phase. The total project cost including contingency and escalation allowance is \$182M as summarised in the table below.

Sub-Project	Budget Request (\$)
Construction Costs	129,683,000
QPRC Costs	29,944,000
Base Estimate	159,627,000
Contingency for Risks (P90)	14,354,000
Project Estimate (P90)	173,981,000
Escalation	8,237,000
Total Outturn Cost (P90)	182,218,000

A cost benefit analysis has been conducted to estimate whether the economic benefits generated exceed the project costs. The analysis returned a Benefit to Cost Ratio of 1.2 which supports the project.

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

The project will be funded through contributions from QPRC's Sewer Fund, Section 64 developer charges, loan funding and government grants as summarised below. QPRC has received a \$3M grant from the NSW Government through the Safe and Secure Water Program (SSWP). Financial modelling completed for the IWCM has found that QPRC will require a minimum additional grant funding of \$56M for the construction phase.

Income source	Income source contribution (\$)
Sewage fund	76,218,000
Section 64 Developer Contributions	7,000,000
Loan	40,000,000
NSW Government Safe and Secure Water Program grant	3,000,000
Additional grant funding	56,000,000
Total	182,218,000

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

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

The IWCM recommends that that the project be funded by:

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

Since the IWCM modelling was undertaken project delivery has been delayed and the design has been progressed. Based on the latest cost estimate the project would require an additional \$20M of grant funding, bringing the total grant funding requirement to \$56M. The additional grant funding means no changes to the loan funding amount or sewer rate rises proposed in the IWCM.

Project status and next steps

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

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

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

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

Risk/Policy/Legislation Considerations

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

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

The funding model proposed in the business case is linked to adoption of the increases to sewer rates proposed in the Integrated Water Cycle Management Plan which is currently on public exhibition until 31 March 2023.

The total outturn cost estimate presented in the business case is based on construction commencing in the 23/24 financial year. Any delays to construction commencement would require additional escalation allowances to be added to the project cost.

Financial, Budget and Resource Implications

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

QPRCs budgets will need to be updated to reflect the total outturn cost estimate of \$182.2M and the proposed funding sources.


Links to QPRC/Regional Strategic Plans

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

Conclusion

A final business case has been prepared to meet the NSW Government Safe and Secure Water Program and QPRC requirements. The final business case is now complete and can be used to support grant funding applications.

Attachments

Attachment 1	Queanbeyan Sewage Treatment Plant Upgrade Final Business Case
	<i>(Under Separate Cover)</i>

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.7 Floodplain Management Program 2022-23 - Funding Acceptance (Ref: ; Author: Hansen/de Jongh)

File Reference: 36.3.3-01

Recommendation**That Council:**

- 1. Decline the funding offer from NSW Department of Planning and Environment's (DPE) Floodplain Management Program for the Bungendore Overflow Channel.**
 - 2. Consider the inclusion of \$900,000 as Council's contribution to the project in the 23/24 budget.**
 - 3. Re-apply to the NSW Department of Planning and Environment's (DPE) Floodplain Management Program for the Bungendore Overflow Channel in 23/24 subject to funds being made available in the 23/24 Operational Plan.**
-

Summary

At the December 2022 meeting, this matter was included in Item No 9.14 Floodplain Management Program 2022-23 – Funding Acceptance. Council deferred a decision on grant funding acceptance for the Overflow Channel until advice was sought from the NSW Environment Minister on waiving the 2(NSW Gov):1(QPRC) funding requirement for the proposed works (**Resolution No 513/22**).

Council has since received advice from the NSW Environment Minister that the 2:1 funding requirement will not be waived.

Funds are not currently available to provide Council's contribution of \$450,000 per annum in 2023/24 and 2024/25 to the Bungendore Overflow Channel project.

Background

The NSW Department of Planning and Environment's (DPE) Floodplain Management Program is a yearly program that provides financial support to local councils and eligible public land managers to help them manage flood risk in their communities. Support provided under the program usually involves \$2 from NSW Government for every \$1 provided by Council (2:1 funding ratio).

9.7 Floodplain Management Program 2022-23 - Funding Acceptance (Ref: ; Author: Hansen/de Jongh) (Continued)

Council was successful in obtaining funding for the following projects as part of the 2022-23 Floodplain Management Program:

Project	Total Cost	DPE Contribution	Council Contribution	Funding dates
Bungendore overflow channel	\$2,700,000	\$1,800,000	\$900,000	Jul 2023 – Dec 2025
Captains Flat flood warning system (design only)	\$60,000	\$40,000	\$20,000	Jul 2023 – Dec 2025
Queanbeyan voluntary purchase and house raising feasibility study	\$50,000	\$33,333	\$16,667	Jul 2023 – Feb 2025

Council accepted the funding offer for both the Captains Flat flood warning system and Queanbeyan voluntary purchase and house raising feasibility study at the December meeting (**Resolution No 513/22**).

Report

Council wrote to both the local member for Monaro, the Hon Nichole Overall MP and the Minister for the Environment and Heritage, the Hon James Griffen MP asking that Council's \$900,000 contribution be waived as part of the funding agreement.

The Bungendore overflow channel project is the next priority floodplain risk management implementation measure of the adopted Bungendore Floodplain Risk Management Study & Plan (FRMSP). It involves construction of an overflow channel on Turallo Creek in Bungendore. The Channel will be a relief floodway for floodwaters to bypass the Tarago Road bridge crossing of the creek during flood events. The higher flows will be diverted through box culverts beneath Tarago Road upstream of the bridge crossing so that they will re-enter the creek downstream of the confluence of Turallo and Halfway Creeks.

This will direct flood waters away from properties in the Bungendore town centre and reduce the backup of flood waters where the two creeks join. Flood storage will also be provided during major events, decreasing the flood impact on nearby properties. The proposed channel has been designed and will be to be grass lined with a trapezoidal shape.

The deadline for QPRC to accept funding for the overflow channel is 24 February 2023. The deadline to complete the work is 2025 however the project should not be accepted without the certainty of funding from future budgets.

Funds are not currently available to fund Council's contribution to the Bungendore Overflow Channel. Council is able to re-apply for funding for the overflow channel through other programs and/or future funding rounds of this program.

Financial, Budget and Resource Implications

The funding ratio between NSW Government and QPRC for projects under the DPE Flood Management Program projects is 2:1, where DPE cover two-thirds of project capital costs and QPRC to cover the remaining one-third.

9.7 Floodplain Management Program 2022-23 - Funding Acceptance (Ref: ; Author: Hansen/de Jongh) (Continued)

Council's internal costs (including administration and management) are not covered by the grant funding and will be funded from the operational budget.

Funds are not currently available to provide Council's contribution of \$450,000 per annum in 2023/24 and 2024/25 to the Bungendore Overflow. Council would need to divert funds from other areas to proceed with this project when the 23/24 Operational Plan and 23/27 Delivery Program is completed.

Council has been addressing its long-term financial sustainability and revenue shortfall through its financial strategy and Special Rate Variation proposal, however there remains inadequate funding to spare for this project at this time.

This program may be eligible for funding under the Federal Government's Local Roads and Community Infrastructure (LRCI) Program Phase 4, where QPRC has been allocated \$1,527,709 <https://investment.infrastructure.gov.au/about/local-initiatives/local-roads-and-community-infrastructure/>

Council has already allocated \$1,100,000 of this program to the Bungendore Sports Hub (**Resolution No 275/22**) so would need to find the additional \$472K from savings or other maintenance projects in 23/24 Operational Plan.

Links to QPRC/Regional Strategic Plans

The Bungendore FRMSP can be found on Council's website:

<https://www.qprc.nsw.gov.au/Building-Development/Planning-Zoning/Planning-Controls#section-8>

Conclusion

Council is not able to accept the funding offer from NSW Department of Planning and Environment's (DPE) Floodplain Management Program for the Bungendore Overflow Channel.

Funding for this project should be considered in the 23/24 budget.

Attachments

Nil

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.8 Australia Day Donations to Assisting Community Groups (Ref: ; Author: Richards/Wightman)

File Reference: Community - Culture-Events 1.4

Recommendation

That Council approve donation payments totalling \$2,100 to the community organisations that provided assistance for Australia Day 2023.

Summary

Over many years, Council has provided a nominal donation amount to community groups that assist with its Australia Day celebrations. This report lists the groups who assisted this year and seeks approval to pay donations for the assistance provided.

Background

Historically Council provides individual donations between \$200-\$400 to community groups who assist Council with Australia Day celebrations. Australia Day would not be the success it is without the assistance from our community groups. This year 11 Community groups were involved across the LGA.

Report

Council relies on the work and goodwill of community groups throughout the LGA to make Australia Day a success. The donations provided are a gesture of thanks to these community groups and have been a long-standing arrangement.

This year 11 Community groups were involved across the LGA and are eligible for donations as per previous arrangements

Queanbeyan Girl Guides	\$ 300
Queanbeyan Rotary	\$ 200
Legacy Branch Queanbeyan	\$ 200
Captains Flat Community Association	\$ 200
Lions Club of Braidwood	\$ 200
Queanbeyan Red Cross	\$ 200
Queanbeyan Country Women's Association	\$ 200
Bungendore Rotary Club	\$ 200
Bungendore Rural Fire Service	\$ 200
Braidwood Youth Performing Arts Association	\$ 200

Risk/Policy/Legislation Considerations

Council is permitted to provide these payments under Section 356 of the Local Government Act 1993 (1) whereby Council may, in accordance with a resolution of Council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.

Financial, Budget and Resource Implications

Donations are anticipated in the 2023 Australia Day event budget. Generally, the budget for celebrations across the region is \$25,000. This year, due to the Reconnecting Regional NSW – Community Events Program, Council expenses for Australia Day have been significantly reduced, despite supporting more events across the region.

**9.8 Australia Day Donations to Assisting Community Groups (Ref: ; Author:
Richards/Wightman) (Continued)**

Conclusion

Our community organisations are integral to the success of Australia Day celebrations. The small donations provided are in recognition of their assistance for this event.

Attachments

Nil

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.9 Federal Government Funding for TROVE (Ref: ; Author: Ryan/Richards)

File Reference: 3.1.98 Community - Education - Library

Recommendation

That Council support the continuation of free access to the Trove national database and the upgrade of the digital archive systems of Trove by:

- 1. Making representation to the local Federal Member, Kristy McBain MP.**
 - 2. Writing to the Hon. Tony Burke, Federal Minister for the Arts and the Hon. Paul Fletcher, Shadow Minister for Science and the Arts, calling for sustainable funding for Trove.**
 - 3. Endorsing the NSW Public Libraries Association in lobbying for additional sustainable funding.**
-

Summary

Trove is the National Library of Australia's expansive public digital archive. It is used by local historians, family historians and researchers. Trove provides access to the National Library of Australia (NLA) collections and the collections of other cultural institutions, ensuring they are available to all Australians free of charge, regardless of where they live and who they are, receiving over 20 million visits per year. In 2022, Trove Collaborative Services (TCS) introduced a new pricing model which raised serious concerns regarding the affordability and ongoing viability of participation in resource sharing for New South Wales public libraries.

Background

At the New South Wales Public Libraries Association AGM late last year, motions were passed to lobby the Federal Government about sustainable funding to enable Trove to continue to be a reliable source of truth with free public access. These motions included requests to state and local government to recognise the importance of Trove and to lobby on behalf of public libraries across Australia.

Report

Hundreds of organisations, including libraries across NSW, contribute to Trove to ensure it remains the single national database within Australia. The change in subscription model has seen approximately 13% of libraries across NSW withdraw their contributions due to the significant fee increases, resulting in implications for the integrity of Trove. Further funding cuts, due in July 2023, will magnify this situation.

In addition, TCS has indicated that they will no longer support the national Document Delivery system (LADD) for resource sharing. This raises concerns for library staff about the longer-term impact on inter-library loans (ILLs). ILLs are a vital and core service of public libraries, allowing open, democratic access to quality information for all community members, resulting in inclusive, informed and connected communities.

Without additional funding the National Library will be unable to maintain Trove and therefore the people of NSW (and Australia) will no longer have access to Trove and the ability to search the 6 billion records on the national treasure trove of artefacts, curiosities, and stories from Australia's cultural, community and research institutions.

**9.9 Federal Government Funding for TROVE (Ref: ; Author: Ryan/Richards)
(Continued)**

NSW Public Libraries Association (NSWPLA) is the peak body for public libraries in New South Wales. In July 2022, NSWPLA wrote to the Minister for the Arts, Hon. Tony Burke expressing concern regarding the national database being under threat due to the lack of funding with the last tranche of funding expiring in July 2023. It expressed concern for the affect this would have on the community and the 'travesty' it would be if the single national treasure trove of artefacts, curiosities, and stories from Australia's cultural, community and research institutions is no longer fully maintained and updated or, worst case scenario, unavailable. NSWPLA has not been successful in gaining a meeting with Minister Burke or his representative.

Trove is essential in providing equity of access to information. It is a world-leading resource, free and available for anyone anywhere to use. Trove's impact on research at all levels is immeasurable and its value to all Australians cannot be underestimated.

Accordingly, it is recommended that Council supports the NSWPLA and the National Library by formally endorsing the actions of the NSWPLA in lobbying for additional sustainable funds for the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove.

Risk/Policy/Legislation Considerations

The likelihood of public libraries withdrawing from Trove will increase as fees for them rise sharply. This may impact the efficacy of the collection. The consequences of the loss of Trove will be immeasurable in the long term. Free and equal access to information is fundamental to libraries and many of Queanbeyan-Palerang residents are regularly users of Trove services, especially for academic research and family histories. In its recent Trove Strategy, the National Library indicated that, without additional government support, it may shut the service down. This has implications for maintenance and protection of the collections with a focus on 'one source of truth'.

Financial, Budget and Resource Implications

Although Trove is a free service to the general public, QPRC Libraries pay a total of \$1,8723 annually to allow access to inter-libraries loans. Since Federal Government funding is due to conclude in July 2023, the final new annual fee will be \$8,797. Trove have agreed to stage the increase so that fees will be:

- \$ 4,082 in 2022-23
- \$ 6,416 in 23-24
- \$ 8,797 in 24-25

Conclusion

NSWPLA requests the support of Council in lobbying for the protection of this important resource for our libraries and our community.

Attachments

Nil

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.10 PCYC Alternate Use of Squash Court (Ref: ; Author: Ryan/Richards)

File Reference: 52.4.1-186 – Police Citizens Youth Club Lease

Recommendation

That Council permit the temporary modification of one squash court at the Queanbeyan PCYC to be used a private office and interview space, noting that the court will be restored when a permanent space in the PCYC is constructed.

Summary

PCYC management are requesting the permission to temporarily modify one of the two squash courts at the Queanbeyan Indoor Sports Centre which they currently operate on a 20x10x10 year lease. The need for a reserved space for police to work with youth at risk and their families has become critical.

Background

In July 2021, Council resolved that the Indoor Sports Centre should become a PCYC for Queanbeyan. This was following public exhibition of the proposal and the proposed lease terms. Since then, the PCYC has been operating and providing both their specific programs and offering the community much longer daily access to the centre than was possible when it was operated by Council. Since the premises was not built for purpose, there are a number of modifications that will need to be made over time. In particular, this includes an area for a youth drop-in centre and an area that provides privacy for police PCYC officers to work with youth at risk and their families.

Report

PCYCs across Australia work with young people to develop their skills, character and leadership, through sport and activities. They also strive to reduce and prevent crime by working with youth at risk and their families. PCYCs are operated both by civilian centre managers and police youth officers. Most PCYCs include a private area for police officers to deal with troubled young people. Having this space inside a PCYC assists in integrating youth at risk with their peers. It also allows them to attend a centre without the stigma that would be attached to a police station or other, isolated space.

Since there is no suitable, private space at the Queanbeyan PCYC, management are requesting permission to temporarily convert one of the two available squash courts on a temporary basis.

When the Indoor Sports Centre was being constructed there was strong support from a community of interest that squash courts should be included. However, this has not, so far, converted into active use of the courts. In 2022, the PCYC advertised the establishment of a social squash competition. They received interest from only one person. From 1 July 2022 until 31 January 2023 there were 3,380 available hours for hiring of squash courts. During this time, booked sessions totalled 97 hours, approximately 14 hours per month and on average three hours per week. The PCYC Centre Manager insists that this level of interest can be adequately covered using one squash court.

It should be noted that, whilst the modification to the squash court will be temporary, it is likely to be for at least two years, perhaps longer.

PCYC are interested in enlarging the building to include a range of additional services (including the private office space and drop-in centre) and this will require concept drawings, plans, DA approval, consultation, tendering and construction.

9.10 PCYC Alternate Use of Squash Court (Ref: ; Author: Ryan/Richards) (Continued)

Risk/Policy/Legislation Considerations

PCYC operate within their own risk mitigation strategies and legislative considerations. This general operational activity presents no risk to Council.

Financial, Budget and Resource Implications

There are no financial obligations to this decision. PCYC will cover the temporary modifications to the squash court including privacy screening, carpet, paint and furniture and will return the court to its original state when a suitable space can be added to the building. Under the terms of the lease, PCYC are liable for any damages that occur on the premises other than reasonable wear and tear.

Conclusion

The permission to modify one squash court will allow PCYC to provide increased services in a safe and non-confronting environment.

Attachments

Nil

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.11 Loan Refinance (Ref: ; Author: Monaghan/Drayton)

File reference: 43.6.5-04

Recommendation

That Council:

- 1. Note that the existing loan with Westpac Banking Corporation will reach the end of its fixed rate period on 27 February.**
 - 2. Enter into a new loan agreement with Westpac Banking Corporation at a variable interest rate with repayments calculated over the remaining 15 year term to refinance the balance outstanding.**
 - 3. Authorise the use of the Common seal for the execution of the Loan Agreement with the preferred lender.**
-

Summary

Council has an existing loan with Westpac Banking Corporation that is approaching the end of its fixed-interest period agreement. This loan was originally drawn on 27 February 2013 with a 25 year term by the former Palerang Shire Council to fund water, sewer, and general waste projects, together with Jembaicumbene Bridge and restoration works to the Braidwood Office. The current outstanding principal balance is \$2.836 million.

Once the loan fixed-interest period expires on 27 February 2023, Council can refinance the loan with the same or an alternate lender should it be to the benefit of Council.

Staff have sought indicative fixed and variable interest rate quotes from Australia's four major banks and Bendigo Bank.

Background

To assist in assessing the most cost-effective option, staff engaged Council's investment advisor, Laminar Capital to provide expert analysis of the current and future interest rate markets. Laminar's 2023 and 2024 near-term interest rate outlook has the cash rate peaking at 3.85% in Q2 2023 (current cash rate sits at 3.35%). They then predict that rates will remain on hold until Q1 2024 before falling to around 2.50% by Q1 2025 where it will remain on average at this level until Q1 2033.

Considering this advice, staff recommend choosing the variable rate option to avoid locking in a fixed rate close to the top of the market. A reassessment will be conducted in Q1 2025, with staff continuing to monitor interest rate markets in the interim, and act as required. Other key factors to support the variable rate option include:

Potential to take advantage of the competitive NSW Treasury Corporation borrowing rates, currently inaccessible due to TCorp's assessment of QPRC's long-term financial position. Given Council has measures afoot to address TCorp's concerns by strengthening QPRC's long-term financial plan, a delay in locking in a fixed rate would allow time for these financial improvements to take effect, and perhaps meet TCorp's lending conditions again.

Potential to make additional repayments against the loan without incurring possible penalty costs. Of the \$2.836 million remaining principal, \$355k relates to General Waste Fund, \$496k to Water Fund, \$1,418k to Sewer Fund, and \$567k to General Fund. Given the financial distress of the General Fund, it is unlikely early repayments will be made on that portion, however the other funds could be in a position to reduce their loan liability.

9.11 Loan Refinance (Ref: ; Author: Monaghan/Drayton) (Continued)

Report

Council staff sought quotations from the four major Australian banks, and Bendigo Bank.

Lenders submitted commercial in-confidence indicative interest rate quotations.

Council is presented with the following options:

Option 1 - Accept the variable rate offer by Westpac Banking Corporation. (Recommended)

Option 2 - Accept the fixed rate offer by Westpac Banking Corporation.

Option 3 - Accept the fixed rate offer by ANZ Bank.

Risk/Policy/Legislation Considerations

Section 621 of the Local Government Act 1993 allows NSW councils to borrow funds outlined in their Operational Plan. A council resolution must be passed prior to drawing down any loan funds.

The risk with a variable rate is that interest rates could rise, thus creating higher repayments due to the extra interest payable.

While a fixed rate loan provides repayment certainty over time, there is a risk that interest rates will decrease during the life of the loan. A fixed rate loan does not have the flexibility to make additional repayments without potential financial penalties.

Financial, Budget and Resource Implications

Borrowing costs for 2022/23 and beyond have been budgeted for in Council's Long-Term Financial Plan and in the September 2022 Quarterly Budget Review Report.

The schedule in attachment 2 provides a year-on-year comparison between Option 2 and Option 3.

Key notes between Option 2 and Option 3 are that Option 3 has a lower total repayment amount over the life of the loan, but instalment amounts taper towards the end of the loan ie higher repayments at the start, with lower repayments at the end.

Option 1 is the variable rate option, so a life-of-loan calculation cannot be accurately compiled, but the indicative 2022/23 instalment would be \$80,217 including an interest component of \$32,950.

Note that these amounts are provided for a direct comparison between options only, as they are calculated on the quoted indicative interest rate which will almost certainly vary from the actual amount Council will incur. The actual loan costs can only be determined once a Letter of Offer is processed, at which time the rate will be affirmed.

Conclusion

As Council's Westpac Banking Corporation loan's fixed-rate agreement period expires on 27 February 2023, it recommended Council select Option 1 as the preferred refinancing option from the submissions received.

Council will also need to authorise the use of the Common Seal for the execution of the Loan Agreement with the preferred lender.

Attachments

Attachment 1 Loan Repayments Cost Comparison (*Under Separate Cover*) - **CONFIDENTIAL**

File Reference: 43.6.5-01

Recommendation

That Council:

1. **Receive the Investment Report for the month of January 2023.**
 2. **Note the investment return for January 2023 was \$1,493,905.**
 3. **Note the investment portfolio has been made in accordance with the *Local Government Act (1993)*, the *Local Government (General) Regulation (2021)* and Queanbeyan-Palerang Regional Council's Investment Policy.**
-

Summary

This report presents the investment result for January 2023.

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 January 2023 is detailed in the attached Investment Report Pack.

Market Update – In its first 2023 meeting, the Reserve Bank (RBA) chose to raise the cash rate by 25 basis points bringing the target to 3.35%. The statement accompanying the Board's decision had an emphasis on returning Australia's inflation rate to within their 2-3 per cent target range stating "the Board remains resolute in its determination to return inflation to target and will do what is necessary to achieve that". The Board expects further interest rate rises over the months ahead.

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 lend 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 (3.3% of the total portfolio) invested in deposits with Westpac which have been deemed suitable to carry the Climate Bonds Standard Certification badge.

9.12 Investment Report - January 2023 (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, 10/2/2023.

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 0.73%, underperforming the benchmark Bank Bill Index by -0.79%.

On 31 January 2023, the principal amount invested was \$242,334,495 and the 2022/23 financial year to date return was \$4,594,031 which exceeds Council's 2022/23 budgeted return by 15.3%.

Of the total \$242 million investment portfolio, Council holds \$27.87 million in TCorpIM long-term (LTGF) and medium-term (MTGF) funds. Both funds had a positive start to 2023 with solid returns in January 2023 posting respective gains of \$594,463 and \$283,540.

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	452,499	181,881
December	-503,526	-186,828
January	594,463	283,540
February		
March		
April		
May		
June		
Return since inception	4,545,447	1,319,824
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 Council. Restricted investments cannot be used for general purpose expenses as they are either subject to some form of external legislative or contractual obligation or are dedicated to future Council commitments.

9.12 Investment Report - January 2023 (Ref: ; Author: Monaghan/Drayton)
(Continued)

The following tables show the 31 January 2023 cash and investments balance by fund and by restriction.

<i>Fund</i>	<i>\$</i>
General	115,275,748
Water	38,614,710
Sewer	82,191,300
Trust	24,301
Unrestricted*	6,228,436
Total Cash & Investments	242,334,495

<i>Restriction</i>	<i>\$</i>
Unexpended Loans	25,985,563
Developer Contributions	59,646,746
Unexpended Grants	16,690,657
External Restrictions (Other)	101,754,887
Internal Restrictions	22,300,846
DOE – Compensation	9,727,359
Total Restrictions	236,106,059
Unrestricted*	6,228,436
Total Cash & Investments	242,334,495

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

Conclusion

On 31 January 2023, the 2022/23 financial year to date investment return amounted to \$4,594,031. 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 - January 2023 (*Under Separate Cover*)



REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.13 Vacancies on Committees (Ref: ; Author: Ryan/Flint)

File Reference: 52.3

Recommendation

That Council nominate Councillor delegates for the vacancies created by Cr Ternouth on s.355, Organisational, Statutory and Regional Committees.

Summary

Due to the resignation of Cr Ternouth, Council is required to nominate new Councillor delegates for the Committees that now have vacancies.

Cr Macdonald has offered to nominate as Council's delegate to these Committees.

Report

The following committees require a new delegate following Cr Ternouth's resignation, noted as Vacant:

s355 Committees	Name/s	Alternate
Burra/Cargill Park Reserves	Wilson	Vacant
Fernleigh Park	Vacant	Winchester
Hoskinstown Hall	Vacant	Webster
Organisational Committee		
First Nations Consultative <i>2 Councillors required (one Chair)</i>	Willis Vacant	
Statutory Committee		
Queanbeyan Showground Advisory <i>Mayor (or delegate) and 1 Councillor required</i>	Wilson Vacant	
Regional Committees		
Canberra Airport Community Aviation Consultation Group <i>1 Councillor required</i>	Vacant	
Q-P Library Service – NSW Public Library Zone <i>1 Councillor required</i>	Vacant Alt Willis	

Risk/Policy/Legislation Considerations

Committees that require Councillor representation have continued to be held, given we are mid way through the Council term.

9.13 Vacancies on Committees (Ref: ; Author: Ryan/Flint) (Continued)

Links to QPRC/Regional Strategic Plans

All committees are important conduits to Council. Committees are relevant to the Community Strategic Plan Strategic Pillar 5: Contemporary civic leadership and governance that is open, transparent and accountable. Council is an open, accessible and responsive organisation.

Conclusion

Appointment of a Councillor to replace Cr Ternouth will provide continuity to our Organisational, Statutory, Advisory and Regional Committees.

Attachments

Nil

REPORTS TO COUNCIL - ITEMS FOR INFORMATION

10.1 Delivery Program Update - July-December 2022 (Ref: ; Author: Monaghan/Tozer)

File Reference: 51.1.2-03

Recommendation

That the report be received for information.

Report

Council is required to report to the community at least every six months on its progress in achieving the actions outlined in the Delivery Program.

Staff have prepared the attached update report based on the first six months of the 2022-23 financial year. A further report will be provided in August 2023, which will form the basis of the 2022-23 Annual Report. The attached update provides councillors and the community with an understanding of the progress Council is making with its capital projects and key performance indicators. The update should be read in conjunction with the second quarter budget review.

Attachments

Attachment 1 Delivery Program update - July-December 2022 (*Under Separate Cover*)



REPORTS TO COUNCIL - ITEMS FOR INFORMATION

10.2 Bungendore History Walk (Ref: ; Author: Ryan/Richards)

File Reference: 11.5.7 Place Activation

Recommendation

That the report be received for information.

Report

The Rotary Club of Bungendore has approached Council to endorse the creation of an historical walk in Bungendore. The project was discussed at a meeting between Council's Project Coordinator Economic and Tourism, Council's History Librarian and representatives of the project team. There is no request for Council funding at this stage.

The Rotary Club has set up a project committee and developed a phased project plan (below).

Phase	Subject Matter	Details
Phase 1	Orientation of the Village (POI) History	<ul style="list-style-type: none"> • Map with situational pointers/markers • General village history • Website development
Phase 2	Evolution of Bungendore	<ul style="list-style-type: none"> • Indigenous • Life in Bungendore • Lake George • War and Conflict
Phase 3	Environment Wildlife	
Phase 4	Commerce and Industry	<ul style="list-style-type: none"> • Banks • Rabbit farming • Wheat mills etc
Phase 5	Religion, Education, Learning and Recreation	<ul style="list-style-type: none"> • Churches • Quaker settlement • Convent • Schools • Community Education • Showground • Mick Sherd Oval
Phase 6	Community	

Many small villages in Australia have a heritage value and many display this through an overall map identifying places of interest, signs and/or a trail/walk. Bungendore is an historic town and currently has nothing available for visitors to the area to identify and no way to learn more about the village, the historical and indigenous aspects of the area, or specific sites in the village. This project team will work with our First Nations representatives and key stakeholders to provide this benefit to the village residents and visitors.

The purpose of the project is to give to the community a visual and easily accessible recorded history of key places and people of interest Outcomes will include:

- A point (or more) in the village where locals and visitors can see the places of historical interest and learn about Bungendore
- Information points at places of interest
- A tourism drawcard for visitors to Bungendore

10.2 Bungendore History Walk (Ref: ; Author: Ryan/Richards) (Continued)

- QR codes for reference and further information
- A pamphlet option

The project team is at the planning stage and has developed a Precinct Project Plan and a comprehensive risk register.

Attachments

Nil

REPORTS TO COUNCIL - ITEMS FOR INFORMATION

10.3 Stronger Country Communities Fund Round 5 Successful Projects (Ref: ; Author: Richards/Mirowski)

File Reference: GRANTS 11.10

Recommendation

That the report be received for information.

Report

On 23 September 2022 Council submitted a funding application for eight infrastructure projects under the Stronger Country Communities Fund (SCCF) round 5. The aim of the SCCF is to provide funding for projects which deliver infrastructure and activities that enhance the lives and wellbeing of communities in regional NSW. The priority projects to proceed to SCCF application were determined by Council at the 14 September 22 Council Meeting (Resolution No 365/22).

The NSW Government notified Council of a nominal allocation under Round 5 of \$2,247,578 for projects in the Queanbeyan-Palerang LGA. \$1,548,811 of these funds were earmarked for eligible Council projects, with the balance of \$698,768 available for projects by community groups. Each year the SCCF fund has a priority theme for funding. The Round 5 priority theme is 'Inclusion and Accessibility' and 'Improved Outcomes for Aboriginal People'.

The Deputy Premier advised QPRC on 22 December 2022 that six Council projects totalling \$1,548,811 had been successful in being selected for SCCF funding, and attached for information. QPRC entered into a written Confidentiality agreement until the NSW Government made media announcements of the funding. The NSW Government subsequently issued a draft Funding Deed to QPRC on 31 January 2023. No funding co-contribution is required by QPRC.

A new budget and scope for the Braidwood Shared Path project was negotiated as it did not receive the funding amount sought. Funding Deed preparations also required outcomes measures and baseline data to be provided for each project. Council's General Manager signed the Funding Deed on 15 February 2023 and submitted to the Department of Regional NSW for execution.

On 6 February 2022, the successful projects were made public

<https://www.nsw.gov.au/grants-and-funding/stronger-country-communities-fund-round-5#toc-successful-applicants> and local MP the Hon Nichole Overall has made progressive social media announcements of each project.

Project name	Funding
Queanbeyan Community Cultural Precinct First Nations Acknowledgement to Country and Walkway Artworks, Accessibility, Native Gardens	\$195,700
Installation of an accessible Changing Places and family changing facilities at Queen Elizabeth II Park	\$249,000
Accessible Paths, Ramps, and Parking Space Braidwood Pool	\$119,470
Providing Independent Access to Braidwood and Queanbeyan Aquatic Centres	\$200,000
Captains Flat Pool Leak Rectification and Disability Access	\$576,630
Shared Path Wallace Street Braidwood	\$208,011

**10.3 Stronger Country Communities Fund Round 5 Successful Projects (Ref: ;
Author: Richards/Mirowski) (Continued)**

The NSW Government has advised that two community projects in the Queanbeyan-Palerang LGA were also successful in being offered SCCF Round 5 funding. These were \$531,128 to Queanbeyan Park Tennis Club Inc. for upgrades to the playing surface of the Queanbeyan East Tennis Courts, and \$167,640 to the Bungendore Public School Parents & Citizens Association for a new playground at Bungendore Public School. The QPRC Grants Officer provided assistance to the Tennis Club with their funding application.

Council's other nominated projects, the Queanbeyan Aquatic Centre Upgrade Change Rooms (\$271,233) and Playground replacements at Carwoola and Naylor Parks (\$200,000) were not successful this time.

Attachments

Attachment 1 SCCF Successful Letter (*Under Separate Cover*)



REPORTS TO COUNCIL - ITEMS FOR INFORMATION

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

File Reference: 22 February 2023 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 2 to 15 February 2023, the following workshops were held:

Date	Workshop Items	External Presenter/s (if applicable)
06/02/2023	SRV Scenarios and Community Feedback	
14/02/2023	1. Affordable Housing Strategy 2. Proposal for a new Telecommunications Tower within Googong Township	From Commercial Property Solutions Technology and Infrastructure, James Daly and Mandy McIntosh
15/02/2023	1. South Jerra Job Precinct Masterplan 2. CBD Masterplan and Monaro Street Project 3. Bungendore Overflow Channel 4. Rutledge Street Well	From Department of Regional NSW: Michael Keys, Director Planning Services; Alicia Hall, Senior Planning Officer; Luke Perkins, Manager Statutory Planning; Stuart McIntosh, Principal Planning Officer; and Peter Cameron, Manager Precincts & Partnerships

Attachments

Nil

11.1 Local Traffic Committee Meeting - February 2023 (Ref: ; Author:
Hansen/Harris)

File Reference: 31.4.1

Recommendation

That Council:

1. Note the minutes of Local Traffic Committee held on 7 February 2023.
2. Adopt recommendations LTC 01/2023 to LTC /2023 from the meeting held on 7 February 2023.

LTC 01/2023:	Under Roads Act 1993 approve the traffic control plans and proposed road closures for ANZAC Day Ceremonies 2023 in Queanbeyan.
LTC 02/2023:	Under Roads Act 1993 approve the traffic control plans and proposed road closures for ANZAC Day Ceremonies 2023 in Jerrabomberra.
LTC 03/2023:	Under Roads Act 1993 approve the traffic control plans and proposed road closures for ANZAC Day Ceremonies 2023 in Bungendore.
LTC 04/2023:	Under Roads Act 1993 approve the traffic control plans and proposed road closures for ANZAC Day Ceremonies 2023 in Braidwood.
LTC 05/2023:	Under Roads Act 1993 approve the traffic control plans and proposed road closures for ANZAC Day Ceremonies 2023 in Captains Flat.
LTC 06/2023:	Under Roads Act 1993 approve the traffic control plans with amendment including bollards and nightline for pedestrian safety for Queanbeyan Multicultural Festival.
LTC 07/2023:	Approve the Tour De Cure event in accordance with traffic management plans provided.
LTC 08/2023:	Under Road Transport Act 2013, approve changes to current unrestricted parking to timed parking restrictions at Rutledge Street, Queanbeyan.
LTC 09/2023:	Under Road Transport Act 2013, approved changes to current restricted parking at Lowe Carpark.
LTC 10/2023:	A Section 138 application under the Roads Act 1993 with temporary Traffic Management Plan is to be submitted to Council for installation of advance direction signage on Old Cooma Road, Googong.
LTC 11/2023:	A Section 138 application under the Roads Act 1993 with temporary Traffic Management Plan is to be submitted to Council for installation of electronic digital sign panel at 101 Cameron Road, Karabar.

**11.1 Local Traffic Committee Meeting - February 2023 (Ref: ; Author: Hansen/Harris)
(Continued)**

Summary

The Local Traffic Committee has submitted the minutes and recommendations of its meeting held on 7 February 2023 for Council's information and consideration.

Transport for NSW (TfNSW) is legislated as the organisation responsible for the control of traffic on all roads in New South Wales. Traffic is controlled by the installation of prescribed traffic control devices, such as regulatory signs, or traffic control facilities, such as medians.

TfNSW delegates certain aspects of the control of traffic on Regional and Local Roads to the Councils of Local Government areas. TfNSW continues to manage State Roads. Local Traffic Committees (LTCs) are a requirement of the delegation process.

The LTC is primarily a technical review committee. It only advises the Council on matters for which the Council has delegated authority, being certain prescribed traffic control devices and traffic control facilities. Matters related to State Roads or functions that have not been delegated to the elected Council must be referred directly to Transport for NSW or relevant organisation. Such matters must not be referred to the LTC.

The LTC will only review reports that have been prepared by staff and submitted to the LTC in accordance with its delegations. The members of the LTC will not undertake investigations of traffic matters or design traffic solutions.

Attachments

- | | |
|--------------|--|
| Attachment 1 | Local Traffic Committee Meeting Minutes - 7 February 2023 (<i>Under Separate Cover</i>) |
| Attachment 2 | Local Traffic Committee - 7 February 2023 Agenda & Reports (<i>Under Separate Cover</i>) |

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 Bungendore Property

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