



Ordinary Meeting of Council

AGENDA

13 September 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.

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Confidential - Not for Publication

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16.1 QCCP Lease Agreements

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.

16.2 Land Sales and Acquisition Register Update

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

16.3 QPRC v Minister for Education and Early Learning Matter

This matter is submitted to Closed Session pursuant to Section 10A (g) of the Local Government Act 1993 because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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LIST OF ATTACHMENTS

Open Attachments

Item 9.1	Scoping Proposal - Relocate Arterial Road Corridor Dunns Creek Road Queanbeyan Palerang LEP 2022
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- Attachment 5 *TVBC Plans of proposed relocation of Dunns Creek Road (Under Separate Cover)*
- Item 9.2 Amended Scoping Proposal Complying Development C4 Environmental Living Zone Bywong/Wamboin
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- Attachment 2 *Map - Proposed Application of the Inland Code - Bywong and Wamboin (Under Separate Cover)*
- Item 9.3 Cooma Road Water Mains Upgrades REF Consultation
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- Item 10.8 2023/2024 Bungendore Pool Season
- Attachment 1 *Letter to QPRC - from School Infrastructure NSW (Under Separate Cover)*
- Attachment 2 *Bungendore Pool Fencing (Under Separate Cover)*
- Item 10.9 Delivery Program update - July 2022-June 2023
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- Item 11.1 QPRC Environment and Sustainability Advisory Committee Minutes 14 August 2023
- Attachment 1 *Environment and Sustainability Advisory Committee Minutes- August 2023 (Under Separate Cover)*
- Item 11.2 Minutes of the QPRC Sports Council Meeting
- Attachment 1 *QPRC Sports Council Draft Minutes - August 2023 (Under Separate Cover)*

Closed Attachments

- Item 16.2 Land Sales and Acquisition Register Update
- Attachment 1 *Land Sales and Acquisitions Register (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, 23 August 2023 commencing at 5.30pm.

ATTENDANCE

Councillors: Cr Winchester (Chairperson)

Cr Biscotti

Cr Burton

Cr Grundy

Cr Macdonald (via Zoom)

Cr Preston

Cr Taskovski

Cr Webster

Cr Willis

Cr Wilson

Staff:

R Ryan, General Manager

P Hansen, Director Infrastructure Services

J Richards, Director Community, Arts and Recreation

R Ormella, Director Development and Environment

T Sligar, A/Director Corporate Services

Also Present: W Blakey (Clerk of the Meeting)

L Ison (Minute Secretary)

1. OPENING

The meeting commenced at 5.30pm.

2. ACKNOWLEDGEMENT OF COUNTRY

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

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

- 325/23 **3.1 Application for Leave of Absence - Cr Esma Livermore**
RESOLVED (Winchester/Wilson)
That Council approve the Leave of Absence application submitted by Councillor Esma Livermore for the 23 August 2023 Council Meeting.

The resolution was carried unanimously.

4. CONFIRMATION OF MINUTES

- 326/23 **4.1 Minutes of the Ordinary Meeting of Council held on 9 August 2023**
RESOLVED (Winchester/Webster)
That the Minutes of the Ordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday 9 August 2023 be confirmed.

The resolution was carried unanimously.

5. DISCLOSURES OF INTERESTS

- 327/23 **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.

Cr Taskovski declared a significant pecuniary interest in Item 9.3: Amendments to Queanbeyan Development Control Plan 2012, Part 3A and Part 5: Jumping Creek Estate, stating he is an employee of the specified company or other body. He proposed to leave the Chambers when the Item is considered.

6. ADJOURNMENT FOR PUBLIC FORUM

- 328/23 At this stage of the proceedings, the time being 5.33pm, Cr Winchester advised that the meeting should now adjourn for the Public Forum.

RESOLVED (Winchester/Willis)
That the meeting be adjourned to conduct the Public Forum.

The resolution was carried unanimously.

ADJOURNMENT: The meeting adjourned for the Public Forum at 5.33pm and resumed at 5.38pm.

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 Variation Deed - Funding Agreement - Braidwood Heritage Centre**

329/23

RESOLVED (Willis/Wilson)

That Council endorse the General Manager executing the Variation Deed under the Bushfire Local Economic Recovery Fund for the Braidwood Heritage Centre, as amended removing the reference for \$200K contribution.

The resolution was carried unanimously.

9.2 Braidwood Heritage Centre Request for Donation to Cover s64 Contributions**MOVED (Willis/Biscotti)**

That Council decline the request for a donation to the Braidwood Heritage Centre Project for the reasons set out in this report.

AMENDMENT (Winchester/Preston)

That Council:

1. Decline the request for a donation to the Braidwood Heritage Centre Project for the reasons set out in this report.
2. Request the General Manager to review options for a loan or deferral of payment of the Water and Sewer contributions, and a report be brought back to Council for consideration.

The AMENDMENT (of Crs Winchester and Preston) was PUT and CARRIED unanimously.

The amendment became the motion.

330/23

RESOLVED (Winchester/Preston)

That Council:

1. Decline the request for a donation to the Braidwood Heritage Centre Project for the reasons set out in this report.
2. Request the General Manager to review options for a loan or deferral of payment of the Water and Sewer contributions, and a report be brought back to Council for consideration.

The resolution was carried unanimously.

Having declared an interest in the following Item, Cr Taskovski left the Chambers at 5.54pm.

9.3 Amendments to Queanbeyan Development Control Plan 2012, Part 3A and Part 5: Jumping Creek Estate

331/23

RESOLVED (Willis/Grundy)

That Council adopt the amended Parts 3A and 5 of the Queanbeyan Development Control Plan 2012.

The resolution was carried unanimously.

Cr Taskovski returned to the Chambers at 5.56pm.

9.4 QPRC Annual Community Grants 2023/24

332/23

RESOLVED (Willis/Webster)

That Council:

1. Approve Category A grants for 2023/24 totalling \$25,000.
2. Approve Category B donations for 2023/24 totalling \$34,929, noting that some applicants will be moved to Category H.

The resolution was carried.

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

Against: Crs Burton, Grundy and Macdonald

9.5 Friendship and Sister Cities

333/23

RESOLVED (Taskovski/Wilson)

That Council:

1. Endorse a formal invitation to the Mayor of Ohrid to visit Queanbeyan-Palerang Regional Council in 2024.
2. Rescind the Queanbeyan City Council Sister City Accompanying Adult Student Delegations to Japan Policy.
3. Endorse the Draft Friendship and Sister City Policy and place on Public Exhibition for 28 days to receive community comments.

The resolution was carried.

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

Against: Cr Grundy

9.6 Asbestos Policy

334/23

RESOLVED (Willis/Grundy)

That Council adopt the Asbestos Policy.

The resolution was carried unanimously.

9.7 Investment Report - July 2023

335/23

RESOLVED (Willis/Taskovski)

That Council:

1. Receive the Investment Report for the month of July 2023.
2. Note the investment return for July 2023 was \$1,117,399.
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.

The resolution was carried unanimously.

10. REPORTS TO COUNCIL - ITEMS FOR INFORMATION**10.1 Responses to Councillor Questions**

336/23

RESOLVED (Willis/Wilson)

That the report be received for information.

The resolution was carried unanimously.

10.2 Portable Technology for Council Meetings

337/23

RESOLVED (Wilson/Preston)

That the report be received for information.

The resolution was carried unanimously.

10.3 Councillor Workshops

338/23

RESOLVED (Winchester/Preston)

That the report be received for information.

The resolution was carried unanimously.

10.4 Bungendore Office Relocation, Community Centre and Swimming Pool Update

339/23

RESOLVED (Preston/Taskovski)

That the report be received for information.

The resolution was carried unanimously.

11. REPORTS OF COMMITTEES**11.1 Local Traffic Committee Meeting - 1 August 2023**

340/23

RESOLVED (Grundy/Winchester)

That Council:

1. Note the minutes of Local Traffic Committee held on 1 August 2023.
2. Adopt recommendations LTC 18/2023, LTC 20/2023, LTC 21/2023 and LTC 24/2023 to LTC 31/2023 from the meeting held on 1 August 2023:

LTC 18/2023: Proposed Solution: Event supported. Under roads Act 1993 approve the temporary traffic control plan for the Queanbeyan Swap Meet.

LTC 20/2023: Proposed Solution: Legacy Torch Relay Event not supported in current form.

LTC 21/2023: Proposed Solution: Event supported. Under Roads Act 1993 approve the traffic control plan for Capital to Coast event.

LTC 24/2023: Proposed Solution: Event Supported. Under Roads Act 1993 approve the amended traffic control plan as per minutes for the Diwali Festival of Lights.

LTC 25/2023: Proposed Solution: Event supported. Under Roads Act 1993 approve the amended temporary traffic control measures as per minutes for Husky Ultra Festival.

LTC 26/2023: Proposed Solution: Event not supported in current form. Recommend changing event date and resubmit at next LTC meeting.

LTC 27/2023: Proposed Solution: Event supported provided ROL is submitted. Under the Roads Act 1993 approve the temporary traffic control plans for the Shannon's German Autofest.

LTC 28/2023: Proposed Solution: Remove 2 x 'Cars with Caravan Only' parking signs on Waniassa Street, Queanbeyan.

LTC 29/2023: Proposed Solution: Under Roads Act 1993 approve proposed Traffic Control Devices Plan for Googong Neighbourhood 3.

LTC 30/2023: Proposed Solution: Approve the design plan for Jerrabomberra Pedestrian Upgrade Works for new shared pathways and wombat crossing. Recommend modifying current streetlighting.

LTC 31/2023: Proposed Solution: Approve the Traffic Control Devices Plan for Stage 1 Woodfield Hills Subdivision and proposed bus stop provided the speed zones are removed and the 'No Through Road' sign is added to the Plan.

3. Note the attachment of Local Traffic Committee correspondence on 2 August 2023.

The resolution was carried unanimously.

11.2 Local Development Committee Meeting - 1 August 2023

341/23

RESOLVED (Biscotti/Wilson)

That Council note the minutes and recommendations of Local Development Committee meeting held on 1 August 2023.

LDC 7/2023: Construction of retail premises – 198 Wallace Street, Braidwood.

Proposed Solution: Not supported in current form. Reconsider sweep path, onsite parking, and disabled parking.

LDC8/2023: Traffic and Parking Impacts due to additions to the existing heritage listed retail premises – 124-126 Wallace Street Braidwood.

Proposed Solution: Supported.

The resolution was carried unanimously.

12. NOTICES OF MOTIONS

12.1 LGNSW Motion for 2023 Conference - Amendments to BASIX

342/23

RESOLVED (Willis/Webster)

That Council submit the following motion to the NSW Local Government 2023 Annual Conference:

That LGNSW calls on the NSW State Government to update the Building Sustainability Index (BASIX) to remove installation of gas in new dwellings and renovations, to support a rapid transition away from fossil fuels and towards electrification powered by renewable energy.

The resolution was carried.

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

Against: Crs Biscotti, Burton and Grundy

12.2 LGNSW Motion for 2023 Conference - Amendments to Companion Animals Act

343/23

RESOLVED (Willis/Macdonald)

That Council submit the following motion to the NSW Local Government 2023 Annual Conference:

That LGNSW calls on the NSW State Government to introduce to Parliament amendments to the Companion Animals Act (1998) to enact Cat Containment regulations across New South Wales to better respond to the local risk levels, nuisance and noise issues, cat welfare and impacts on native fauna.

The resolution was carried unanimously.

13. REPORTS TO COUNCIL - DELEGATES REPORTS**13.1 Delegates' Report**

344/23

RESOLVED (Willis/Winchester)

That the report be received for information.

The resolution was carried unanimously.

14. QUESTIONS WITH NOTICE

There are 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

345/23

RESOLVED (Winchester/Preston)

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 Land Acquisition

Item 16.1 is confidential in accordance with s10(A) (e) of the Local Government Act 1993 because it contains information that would, if disclosed, prejudice the maintenance of law and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Item 16.2 Legal Matters Update 1 January - 30 June 2023

Item 16.2 is confidential in accordance with s10(A) (a) (di) (g) of the Local Government Act 1993 because it contains personnel matters concerning particular individuals (other than councillors); AND commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it; AND advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

The resolution was carried unanimously.

The meeting then moved into Closed Session at 6.38pm to discuss the matters listed above.

16.1 Land Acquisition

346/23

RESOLVED (Biscotti/Willis)

That Council:

1. Acquires by agreement 9,479.5m² (shown as Lots 4, 5 and 6) of Lot 24 DP 754899 (15 Warm Corner Road, Burra) from Jeffrey and Maree Latimer for the purpose of road reserve.
2. Close part of the public road within Lot 24 DP 754889 with an area of 3,319.3m² (shown as Lots 1, 2 and 3 below) and transfer the closed roads to J and M Latimer.

The resolution was carried unanimously.

16.2 Legal Matters Update 1 January - 30 June 2023

347/23

RESOLVED (Winchester/Willis)

That the report be received for information.

The resolution was carried unanimously.

348/23

RESOLVED (Winchester/Preston)

That the meeting now return to Open Session.

The resolution was carried unanimously.

The meeting returned to Open Session at 6.49pm.

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 6.50pm, 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.

File Reference: 23 August 2023 motions

Recommendation

That Council approve the Leave of Absence application submitted by Councillor Mareeta Grundy for the 11 October 2023 Council Meeting.

Summary

Councillor Grundy will be an apology for the 11 October 2023 Council meeting and has submitted an application to Council for this Leave of Absence.

Report

Councillor Grundy will be away for the 11 October 2023 Council meeting and has submitted an application to Council for this Leave of Absence.

Risk/Policy/Legislation Considerations

This request is in accordance with clause 5.4 and 5.6 of Council's Code of Meeting Practice and s234(1)(d) of the Local Government Act (1993), whereby Council may grant leave prior to or at any of the meetings concerned.

Financial, Budget and Resource Implications

Nil

Attachments

Nil

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

**9.1 Scoping Proposal - Relocate Arterial Road Corridor Dunns Creek Road
Queanbeyan Palerang LEP 2022 (Ref: ; Author: Ormella/Lodder)**

File Reference: PJT0061

Recommendation

That Council support in principle the relocation of the current reserve for the Dunns Creek Road Alignment subject to; the establishment of a final alignment for Dunns Creek Road and completion of current studies.

Summary

Council has received a scoping proposal to relocate the Arterial Road Area (Dunns Creek Road) on Local Environment Plan map (Attachment 1) south to connect into the ACT at Isabella Drive. It currently is in a location which connects to Sheppard Street, Hume, which reflects Council's preferred access point (**Resolution No 267/14**) at that time.

The ACT Government have generally preferred an access point in the vicinity of Isabella Drive/Monaro Highway. Council is currently progressing a review of the preferred and alternative alignments, engaging with NSW Transport, and both Commonwealth and NSW Planning and Environmental divisions, with the intention of presenting options to Council by the end of 2023.

Background

Since 2012, there have been different lands at Tralee allocated as a road corridor links to a future Dunns Creek Road. The current allocation of land is shown as Arterial Road Area on Councils Local Clauses Map 001B of the Queanbeyan-Palerang Regional Local Environmental Plan 2022 (Attachment 1).

The land developer at Tralee is Village Building Company (VBC).

On 13 July 2023, Council received a South Jerrabomberra Scoping Proposal (Attachment 2) from VBC to alter the current arterial road corridor for the future Dunns Creek Road to a location further south for better connection to the ACT. This is in the vicinity of Isabella Drive/Monaro Highway.

The VBC argument is that the road connection to Dunns Creek Rd down the western edge of South Jerrabomberra to connect to the ACT would impact on the approved town park, approved community centre, approved stormwater infrastructure and would require major infrastructure to cross Dog Trap Gully to connect to Isabella Drive.

VBC provided support for its scoping proposal by submitting an email dated 10 May 2023 from Transport Canberra and City Services Directorate (Attachment 3) stating:

- the ACT Government wrote to Queanbeyan City Council in 2014 that it did not support the proposed Sheppard Street Hume connection with the future Dunns Creek Road

**9.1 Scoping Proposal - Relocate Arterial Road Corridor Dunns Creek Road
Queanbeyan Palerang LEP 2022 (Ref: ; Author: Ormella/Lodder) (Continued)**

- current preliminary design work for the Monaro Highway upgrade – Isabella Drive interchange for future connection of Dunns Creek Road as a fourth leg at the proposed Tralee Street/Isabella Drive roundabout
- an indicative aerial photograph/plan of the proposed Tralee Street/Isabella Drive roundabout was included.

Council staff prepared an information report on the Dunns Creek Road alignment for the 12 July 2023 Council meeting (Item No 10.3). That report advised that alternative alignment options were being reviewed and that QPRC engineers will hold a Dunns Creek Road alignment options workshop with councillors later in 2023 with the intent of shortlisting routes for a report to Council.

Report

The scoping proposal puts the case for a map amendment to the *Queanbeyan-Palerang Regional Local Environmental Plan 2023*. Specifically, the proposal is to relocate the Arterial Road Area corridor in Envirova, currently shown as Item 4 on the Local Clauses Map LOC_0018 (Attachment 1) to an alternative location further south.

The existing gazetted road corridor on Lot 1 DP 1269436 was based on previous Council preferences that a Sheppard Street Hume location be the connection with the ACT.

VBC has submitted a Department of Regional NSW brochure (Attachment 4, South Jerrabomberra Regional Job Precinct) that notes future ACT/NSW cross-border road links are being investigated.

VBC has proposed a relocated Arterial Road Corridor to be located at Lot 2 DP 1001136 (Attachment 5).

Council officers' assessment is that the current Arterial Road Area adjoining Envirova is no longer appropriate. However, QPRC has not secured agreement with the ACT on the most appropriate alternative location for a new Arterial Road Corridor. Consequently, this scoping proposal cannot be taken ahead at this time. The scoping proposal can be supported in principle, while the final alignment and studies are concluded.

Risk/Policy/Legislation Considerations

A proposal to amend the Local Environmental Plan is required to be progressed in accordance with the provisions of the *NSW Environmental Planning & Assessment Act, 1979*.

The risk to Council of not agreeing to progress the scoping proposal at this time is that VBC could lodge a proponent led Planning Proposal.

Financial, Budget and Resource Implications

The review of scoping proposals is funded from the budget of the Land-use Planning branch. Councils Fees and Charges 2023 allow for \$1,846 plus \$185 per hour after 10 hours. This enables Council to partially recoup the costs of reviewing the proposal.

Links to QPRC/Regional Strategic Plans

Relevant to this is Strategic Objective 4.1 of the Queanbeyan-Palerang Community Strategic Plan 2022, which states that 'our transport network and infrastructure is safe, supports a zero

**9.1 Scoping Proposal - Relocate Arterial Road Corridor Dunns Creek Road
Queanbeyan Palerang LEP 2022 (Ref: ; Author: Ormella/Lodder) (Continued)**

emissions target and allows for ease of movement throughout Queanbeyan-Palerang and across the ACT border and region'.

Conclusion

Council has received a scoping proposal to relocate the Arterial Road Area (Dunns Creek Road) further south on Local Environment Plan map (Attachment 1) to connect to the ACT at Isabella Drive. The ACT government has advised that a Dunns Creek Road to Sheppard Street through the middle of Hume is not supported.

Council is currently progressing a review of alternative alignments with the intention of presenting options to Council by the end of 2023. While the work is yet to reach the stage where a scoping proposal and subsequent planning proposal can be supported, it is recommended, that Council give in principle support to the realignment of the Arterial Road Area subject to the outcome of the review and final options report.

Attachments

Attachment 1	Site Map - Dunns Creek vicinity (<i>Under Separate Cover</i>)
Attachment 2	VBC South Jerrabomberra Scoping Proposal 7 June 2023 (<i>Under Separate Cover</i>)
Attachment 3	ACT Government correspondence - Dunns Creek Road connection - Redacted (<i>Under Separate Cover</i>)
Attachment 4	South Jerrabomberra Community Update - Feb 2023 (<i>Under Separate Cover</i>)
Attachment 5	TVBC Plans of proposed relocation of Dunns Creek Road (<i>Under Separate Cover</i>)

File Reference: PJT0061-19-03

Recommendation

That Council:

1. Agree in principle to the Amended Scoping Proposal to enable complying development on certain lands within the C4 Environmental Living Zone in Bywong and Wamboin.
 2. Proceed with the preparation and lodgement of a formal Planning Proposal and take all other necessary actions, subject to the support of key government agencies.
-

Summary

This report puts forth a Council-initiated amended Scoping Proposal to enable complying development in the C4 Environmental Living Zone (Attachment 1). It follows Council's decision at its meeting of 8 February 2023 to defer consideration of the Scoping Proposal until a community workshop and Councillor workshop can be conducted (**Resolution No. 025/23**).

A Councillor workshop was held 2 August 2023 to further discuss details of the Scoping Proposal. In response to questions arising from the workshop, Council officers met with key branches of the Department of Planning and Environment (DPE). Discussions have resulted in preparation of an amended Scoping Proposal with a narrower focus. Its purpose is to enable complying development on certain C4 zoned parcels within the Bywong and Wamboin areas only of the Local Government Area (LGA), as opposed to all C4 zoned land within the LGA.

Background

Council's consideration of enabling exempt and complying development in the C4 (formerly E4) Environmental Living Zone has a history dating back to 2015. At its meeting of 6 March 2015, the former Palerang Council resolved to prepare a planning proposal to increase the exempt and complying provisions in the E4 Environmental Living, RU5 Village and RU1 Primary Production zones. Gateway Determination for the draft proposal was issued by DPE in May 2015, however, the proposal did not progress to the agency referral and community consultation stage due to ongoing discussions with DPE and changes to the draft proposal.

Four years later, the amalgamated Queanbeyan-Palerang Regional Council passed a resolution requesting the Minister not proceed with the Planning Proposal. This was because exempt development was going to be addressed through pending changes to the Codes SEPP, and it was believed that complying development would be addressed as part of the proposed Queanbeyan-Palerang Regional Local Environmental Plan (Q-PRLEP 2022) (**Resolution No. PLA047/19**). The latter did not occur.

The issue arose again in September 2022 as part of a proposal to rezone the (then) E4 zoned land at Bywong and Wamboin to R5 Large Lot Residential (PP-2021-860), as exempt and complying development provisions are available to R5 zoned parcels.

9.2 Amended Scoping Proposal Complying Development C4 Environmental Living Zone Bywong/Wamboin (Ref: ; Author: Ormella/Adsett) (Continued)

At its meeting of 14 September 2022, Council resolved to *not* proceed with PP2021-860 and to instead re-visit the merits of the previously discontinued Planning Proposal to review the range of exempt and complying development allowed in the C4 Environmental Living Zone (**Resolution No. 358/22**).

Upon review, the potential range of exempt and complying development in C4 Environmental Living zoned areas was found to be, for the most part, already provided for in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 [the Codes SEPP]. Consequently, the Scoping Proposal presented to Council at its meeting of 8 February 2023 did not seek to expand the role of exempt development types in the C4 Environmental Living zone; it only sought to enable a range of complying development types in C4 Environmental Living zones, subject to stipulated development standards similar to those applying to the same development types under the Codes SEPP.

Furthermore, the Codes SEPP has changed considerably since the initial review work and now provides for a range of complying development on inland Rural and residential zoned land within the LGA. This addition to the Codes SEPP is found in Clause 3D and is known as the Inland Code. Development standards applicable to the types of complying development also form part of the Inland Code.

Report

Following the Councillor workshop and subsequent meeting between Council and officers from the NSW DPE Planning Branch, Codes Branch and Biodiversity and Conservation Branch in August 2023, it was agreed that the Scoping Proposal presented at Council's meeting of 8 February 2023 be amended. The primary change has been to narrow the scope of the proposal to enabling complying development to a subset of C4 zoned properties in Bywong and Wamboin, as opposed all C4 zoned properties within the LGA. The reasons for this are threefold:

- 1) There has been detailed analysis and mapping of properties in this area of the LGA (Biosis Detailed Biodiversity Values Assessment study of 24 August 2022) using a methodology that is acceptable to the Biodiversity and Conservation Branch of DPE;
- 2) Council does not have the available funds in its budget to conduct similar studies and mapping of other C4 zoned areas within the LGA; and
- 3) The Biodiversity and Conservation Branch of DPE is amenable to a map amendment to the Q-PRLEP 2022 that identifies land to which the Inland Code would apply. The Branch will only support application of the Inland Code on land found to have low biodiversity value (Class 3 lands) and a corresponding high confidence level in the accuracy of the data. This, in turn, correlates to a low risk to biodiversity.

Proposed Application of the Inland Code

The Inland Code is part of the Codes SEPP for complying development. It has been in effect since 1 January 2019 and was introduced by DPE to reduce approval timeframes, potentially reduce costs for the applicant, and increase the use of complying development in inland NSW. Complying development is a fast-track approval pathway for straightforward development that is allowed under Q-PRLEP 2022. Council or an accredited certifier can determine the application if the proposal meets specific standards in the Codes SEPP.

9.2 Amended Scoping Proposal Complying Development C4 Environmental Living Zone Bywong/Wamboin (Ref: ; Author: Ormella/Adsett) (Continued)

The types of development that can be considered under the Inland Code include, but are not limited to:

- The construction of a new dwelling house (one or two storey) and attached development;
- Alterations and additions to an existing dwelling house and attached development;
- Detached development, such as garages, gazebos and swimming pools; and
- Certain farm buildings, such as large farm sheds.

The development standards applicable to the types of complying development also form part of the Inland Code. For new single storey and two storey dwelling houses or alterations or additions to an existing dwelling house, the requirements of clause 3D.3 of the Codes SEPP are applicable.

Clause 3D.6 sets out additional standards that apply to complying development on bushfire prone land. Similarly, Clause 3D.7 has additional standards for complying development on flood prone land.

The Inland Code also requires a minimum lot area of 4 ha (40000 sqm) for some complying development, such as farm buildings. The minimum lot size for properties zoned C4 Environmental Living in Bywong and Wamboin is 6 ha (6000 sqm), although there are existing properties which historically are smaller. The size limit ensures some types of complying development can only occur on properties large enough to support the use and with controls to limit any potential impacts on adjacent properties.

As noted above, it is proposed that only C4 zoned land with confirmed low biodiversity values will be identified for complying development under the Inland Code. The Biodiversity and Conservation Branch of DPE has advised that it will not support extension of the Inland Code SEPP to enable complying development to other C4 zoned properties without further site investigation and empirical evidence to indicate that high value vegetation is not/was not present on the properties.

In circumstances where a property has an existing building envelope registered on title, it takes precedence and all development must be located within the envelope, including any complying uses.

Although the Inland Code does not specifically address C4 zoned properties, Council can pursue an amendment to the Q-PRLEP 2022 to include a "Map of Proposed Application of the Inland Code" on the lands identified (Attachment 2). These are the lands shown in grey on the map and have been identified by Council's consultant through the methods previously described as having low value biodiversity.

It is considered that the amended Scoping Proposal:

- will facilitate complying development provisions in the C4 Environmental Living Zone in the quickest and simplest way possible;
- is generally supported by key state government agencies; and
- will better ensure protection of lands identified through the Biosis Study as having higher biodiversity values.

9.2 Amended Scoping Proposal Complying Development C4 Environmental Living Zone Bywong/Wamboin (Ref: ; Author: Ormella/Adsett) (Continued)

Communication with the Bywong and Wamboin Residents

The community consultation activities will be detailed in the formal Planning Proposal and will include:

- staff attendance at the Wamboin Progress Association meeting in late October to workshop the amended Scoping Proposal with the community;
- the placement of notices about October's community meeting in the September and October issues of The Wamboin Whisper;
- public exhibition of the formal Planning Proposal on Council's website;
- written notification to all Bywong and Wamboin property owners.

Risk/Policy/Legislation Considerations

Preparation of the amended Scoping Proposal is consistent with DPE's policy, as per its Local Environmental Plan Making Guideline, August 2023. The next step in the process is to obtain Council's support to lodge a formal planning proposal on the NSW Planning Portal.

A possible risk to Council is that the amended Scoping Proposal is not supported by one or more state government agencies and/or an agency requires substantial changes to it. In order to pre-empt the potential risk of this occurring, Council officers and officers from the relevant state government agencies met on 8 August 2023 to discuss the proposal and attain agreement on the best way forward. Therefore, the potential risk of non-support by key agencies has been mitigated and is now considered minor.

Another potential risk relates to the extrapolation of data. The mapping represents the cumulative result of various methods of data gathering, including previous biodiversity investigations, public databases, existing mapping, aerial photography from both public and subscription only sources, site visits and ground truthing. While this provides a good overall assessment of the area, the reality is that not every property in Bywong and Wamboin can be accessed or ground truthed. Therefore, the possibility of anomalies, high value features that get missed, or an incorrect representation of feature boundaries which can distort at different scales, always exists.

This, in turn, may present challenges for applicants when preparing plans and for Council's Development Assessment Officers, Building Surveyors, and/or Compliance Officers, when assessing proposed or complying development or investigating non-compliant development. When coupled with the fact that Council does not have confirmation from the Biodiversity and Conservation Branch as to what level of investigation would be substantive enough for it to support the inclusion of additional C4 zoned lands, it could potentially impede progress. If the Branch deems further investigation and mapping is required, the work will have to be undertaken by specialist consultants and the costs borne by Council, which have not been budgeted for.

The amended Scoping Proposal accounts for the above considerations. Its narrower focus provides an alternate pathway for complying development where appropriate and increases the likelihood the subsequent Planning Proposal will progress to a successful culmination.

9.2 Amended Scoping Proposal Complying Development C4 Environmental Living Zone Bywong/Wamboin (Ref: ; Author: Ormella/Adsett) (Continued)

Financial, Budget and Resource Implications

The costs of preparing the original Scoping Proposal, the subsequent planning and associated processes have been met solely by Council's Land Use Planning branch's budget. Both the original and amended scoping proposal have been prepared in-house. To date, the process has required, and will continue to require, one planner on a part time basis as well as input from the GIS section of the Land Use Planning branch.

Links to QPRC/Regional Strategic Plans

The original and amended Scoping Proposals (and following Planning Proposal) are consistent with two of the five Strategic Pillars and their respective objectives and strategies from the Queanbeyan-Palerang Community Strategic Plan 2042, as follows:

Strategic Pillar No. 3 – Character: A clean, green community that cherishes its natural and physical character.

Strategic Objective 3.3 – Our land, vegetation and waterways are managed in an integrated and sustainable manner.

Strategies:

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

Strategic Pillar No. 5 – Capability: Contemporary civic leadership and governance that is open, transparent and accountable.

Strategic Objective 5.2 – Council is an open, accessible, and responsive organisation.

Strategies:

- Communicate in an effective and timely manner with the community.
- Use community engagement methods that enhance community participation in decision making.
- Establish operational practices and processes that support efficiency and community and business satisfaction.

Conclusion

Preparation of the original Scoping Proposal has been driven in part by the longstanding desire of members of the community with land within the C4 Environmental Living Zone to have an alternative approval pathway for certain types of complying development.

Unlike previous proposals, the application of the Inland Code SEPP negates the need to rezone certain lands to R5 Large Lot Residential (thus enabling complying development), which is not an ideal substitution for the C4 Zone or, require an applicant to register a building envelope on title. A range of complying development types are supported under the Inland Code and the applicable development standards/requirements serve to minimise adverse environmental impacts.

9.2 Amended Scoping Proposal Complying Development C4 Environmental Living Zone Bywong/Wamboin (Ref: ; Author: Ormella/Adsett) (Continued)

The amended Scoping Proposal takes account of the biodiversity values of the land and enables complying development to be considered where such values are low and will not result in any impact on critical flora and fauna. This represents a more holistic approach to determining which areas are best suited to support additional development.

As such, it is concluded that the amended Scoping Proposal and following Planning Proposal be supported in principle, subject to the recommendations of this report.

Attachments

- | | |
|--------------|---|
| Attachment 1 | Amended Scoping Proposal - Complying Development - C4 Zone - Bywong and Wamboin (<i>Under Separate Cover</i>) |
| Attachment 2 | Map - Proposed Application of the Inland Code - Bywong and Wamboin (<i>Under Separate Cover</i>) |

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.3 Cooma Road Water Mains Upgrades REF Consultation (Ref: ; Author: Hansen/Belcher)

File Reference: PJT0046-01

Recommendation

That Council place on public exhibition the Draft Cooma Road Water Mains Upgrade Review of Environmental Factors for 28 days and receive a future report detailing the comments received.

Summary

A draft Review of Environmental Factors (REF) has been developed as part of the Cooma Road Water Mains Upgrade project. The REF considers the likely impacts from the project and proposes suitable mitigation measures to meet Council's obligations to ratepayers and the Environmental Planning and Assessment Act 1979 (NSW) (the Act). It is recommended that the draft REF is placed on exhibition for 28 days to allow impacted residents the opportunity to review the proposed mitigation measures and provide feedback. It is further recommended that Council receive a report following completion of the community consultation.

Background

The water network in the vicinity of Cooma Street between Bulbar Street and Southbar Road in Karabar requires repair and renewal. Funding for the works has been included in the current Operational Plan. As part of the preparatory actions, a Review of Environmental Factors is required.

Report

Clause 2.159 (1) of the State Environmental Planning Policy (Transport and Infrastructure) 2021) (the T&I SEPP) provides that development for the purpose of water reticulation systems may be carried out by or on behalf of a public authority without consent on any land. The proposal is being carried out by Council, which is a public authority for the purposes of cl 2.159 (1) of the T&I SEPP.

The proposal is required to be assessed by Council as the proponent and determining authority under Division 5.1 of Part 5 of the Act.

In particular:

- section 5.5 of the Act requires that in considering the proposal, Council must 'examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment' by reason of the proposal; and
- clause 171 of the *Environmental Planning and Assessment Regulation 2022* (the Regulation) requires that when considering the likely environmental impact of the proposal on the environment under section 5.5, Council is required to take the factors specified in clause 171 into account.

9.3 Cooma Road Water Mains Upgrades REF Consultation (Ref: ; Author: Hansen/Belcher) (Continued)

Prior to requesting endorsement from Council for the REF, community consultation will be undertaken. Consultation will be undertaken in accordance with Council's adopted Stakeholder and Community Engagement Policy Framework. Specifically, consultation will include writing to the following stakeholders informing them of the project and inviting them to review the available documentation:

- Local residents
- Local businesses
- Local education facilities
- Local transport companies

Comments received during the consultation period will be considered and the draft REF will be updated as appropriate to reflect comments received. The Draft Final REF, accompanied by a report on the consultation process, will be presented to Council for endorsement. The Final REF will be included as part of any construction contracts and actively monitored throughout the construction period.

Risk/Policy/Legislation Considerations

The proposed consultation is consistent with Council's Stakeholder and Community Engagement Policy Framework.

The draft REF has been developed in accordance with the requirements of Part 5 of the Environmental Planning and Assessment Act 1979 (NSW) and Clause 171 of the Environmental Planning and Assessment Regulation 2022 (NSW).

Financial, Budget and Resource Implications

The existing project budget includes provision for the development of a review of environmental factors and no additional resources or funding is required to complete the consultation.

Links to QPRC/Regional Strategic Plans

This project is included in the current Operational Plan. Consultation of the Draft REF forms part of project is a necessary precursor to commencing construction.

Conclusion

A Review of Environmental Factors is required under Part 5 of the Environmental Planning and Assessment Act 1979. It is important in the development of the Review of Environmental Factors that the community is given an opportunity to comment on the draft document. This report recommends that Council endorse consultation on the Draft Review of Environmental Factors and receive a future report on the consultation process and outcomes.

Attachments

- | | |
|--------------|--|
| Attachment 1 | Draft Review of Environmental Factors - Cooma Road Water Mains Upgrade (<i>Under Separate Cover</i>) |
|--------------|--|

File Reference: 52.6.1

Recommendation

1. That Council determine the number of Councillors at Queanbeyan Palerang Regional Council for the following term of office.
2. If the number is to be changed, notify the NSW Electoral Commission that a constitutional referendum will be conducted in conjunction with the Local Government elections in September 2024.

Summary

Council is required to determine before 14 September 2023 the number of councillors for the following term of office. If Council propose a change to the number of elected representatives it must, before determining the number, obtain approval for the change at a constitutional referendum.

Background

QPRC has 11 Councillors, as proclaimed at the merger of Queanbeyan City and Palerang Council on 12 May 2016.

Council has not received any requests from the community or key stakeholders relating to an increase or decrease to the number of elected representatives, however it was raised as a discussion point during the Special Rate Variation community consultation.

Report

Comparing QPRC with the other 25 Councils in the Office of Local Government grouping, Group 4 being a regional town/city; with the number of Councillors in brackets.

Albury (9)	Armidale (11)	Ballina (10)	Bathurst Regional (9)
Bega Valley (9)	Broken Hill (10)	Byron (9)	Cessnock (13)
Clarence Valley (8)	Dubbo (10)	Eurobodalla (9)	Goulburn Mulwaree (9)
Griffith (12)	Kempsey (9)	Kiama (9)	Lismore (11)
Lithgow (9)	Mid-Western (9)	Orange (12)	Richmond Valley (7)
Singleton (10)	Snowy Monaro (11)	Tamworth (9)	
Wagga Wagga (9)	Wingecaribee (9)		

Comparing QPRC with the other 23 Councils in the NSW Local Government Remuneration Tribunal grouping being a Regional Centre; with the number of Councillors in brackets.

Albury (9)	Armidale (11)	Ballina (10)	Bathurst Regional (9)
Blue Mountains (12)	Byron (9)	Cessnock (13)	Clarence Valley (9)
Coffs Harbour (9)	Dubbo (10)	Eurobodalla (9)	Hawkesbury (12)
Lismore (11)	Mid-Coast (11)	Orange (12)	Port Macquarie (9)
Port Stephens (10)	Shellharbour (9)	Tamworth (9)	
Wagga Wagga (9)	Wingecaribee (9)	Wollondilly (9)	

21/22 data snapshots for QPRC compared with OLG Group 4 Group Councils, Remuneration Group Councils and NSW Councils averages are shown in the following table.

9.4 Determination of Councillor Numbers for the 2028 Term of Office (Ref: ; Author: Ryan/Flint) (Continued)

	QPRC	OLG Group Average	Remuneration Group Average	NSW Average
Population	63,364	40,152	59,761	63,225
No of Councillors	11	9.76	10.04	10.2
Population / Councillor	5,760	4,078	6,276	5,329
Council Area km ²	5,319km ²	4,305km ²	3,622m ²	5,528km ²
Total Revenue Continuing Operations \$(000)	\$257,997	\$140,174	\$185,857	\$137,868

At the last local government elections the following Councils conducted a referendum and as a result are reducing the number of Councillors in 2024 as follows:

- Armidale Regional Council from 11 to 9 Councillors
- Griffith City Council from 12 to 9 Councillors

During the community consultation conducted for the Special Rate Variation, reducing the number of Councillors was noted as options to make savings. The YourVoice Survey asked about services Council should change, reduce or stop doing; and invited comments on the three scenarios. Of the 872 written responses to this survey, reducing the number of Councillors was specifically mentioned 66 times.

Out of the 66 responses two people suggested there should be 9 councillors and 1 suggested there should be 6 councillors.

Four responses opposed a reduction of Councillor numbers referencing; democracy and representation, lack of diversity of opinion and to do this would require the cost of a referendum.

Risk/Policy/Legislation Considerations

Section 224 of the Local Government Act (1993) requires Councils to determine the number of Councillors for the next term of office, not less than 12 months before the next ordinary election. *The next ordinary Local Government elections are scheduled for 14 September 2024.*

A Council must have at least five and not more than 15 Councillors (one of whom is the Mayor).

Specifically, Section 224(2) of the Local Government Act states:

Not less than 12 months before the next ordinary election, the Council must determine the number, in accordance with subsection (1), of its Councillors for the following term of office.

If Council wishes to change the number of Councillors, Council must conduct a constitutional referendum, in accordance with the Local Government Act (Division 2 s15 and s16).

9.4 Determination of Councillor Numbers for the 2028 Term of Office (Ref: ; Author: Ryan/Flint) (Continued)

The decision made at a referendum is binding.

The NSW Electoral Commission, which administers the NSW Local Government elections would be engaged to conduct any referendum.

Any changes approved at a referendum will come into effect at the September 2028 local government elections.

Financial, Budget and Resource Implications

The cost of conducting a referendum in 2024, in conjunction with the Local Government Elections in QPRC is estimated to be is \$54,000.

The 2023/24 Budget for Councillors totals \$441,315. This includes the total Councillor Remuneration (\$278,410), Mayoral Allowance (\$62,510) and Superannuation (\$37,501). Other expenses include: Travelling Expenses (\$20,000), Carer Expenses (\$5,000), Professional development, conferences / seminars (\$88,000) and Accommodation and meals (\$10,000).

On average, \$40,000 is provided for each Councillor to cover the necessary costs to undertake their civic duty and responsibilities.

Currently the Mayoral Vehicle budget is Nil, however if and when required in the future a budget allocation would be necessary. Council expends an amount of \$5,500 per Councillor at the start of each Council term for iphones, laptops/ipads and related equipment.

Council also allows for Councillors and Officers Liability Insurance (\$118,000) and civic functions (\$3,000).

Membership fees paid from other areas of the Operational Plan, which benefit Councillors and the organisation, are based on population not the number of Councillors and include: LGNSW (\$59,853), Country Mayors Association (\$750), ALGWA (\$250), Regional Cities (\$10,000) and the Canberra Regional Joint Organisation (\$59,011).

Whilst 23/24 \$ values, a simplified comparison of expenditure for each scenario is as follows:

Expenditure per annum	7 Councillors	9 Councillors	11 Councillors	13 Councillors
Councillor Remuneration (inc. Superannuation)	\$202,000	\$260,000	\$318,000	\$376,000
Expenses	\$78,000	\$101,000	\$123,000	\$145,000
Information Technology annualised expense	\$10,000	\$12,500	\$15,000	\$18,000
Total	\$290,000	\$373,500	\$456,000	\$539,000
% of General Rate	0.6%	0.7%	0.9%	1.1%

9.4 Determination of Councillor Numbers for the 2028 Term of Office (Ref: ; Author: Ryan/Flint) (Continued)

Reducing the number of Councillors from 11 to 9 would reduce expenditure by \$82,000 per annum (or \$328,000 for the term of Council), from 11 to 7 by \$166,000 (\$664,000) and increasing from 11 to 13 would add another \$83,000 per annum (\$332,000).

Links to QPRC/Regional Strategic Plans

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

5.1 Our community is serviced by an efficient, effective and innovative Council.

5.2 Council is an open, accessible and responsive organisation.

Conclusion

In accordance with s224 of the Local Government Act, Council must determine the number of Councillors at the following term of office, being from 2028.

Should Council determine that the number of Councillors change, it must notify the NSW Electoral that *a constitutional referendum will be conducted in conjunction with the Local Government elections in September 2024.*

Attachments

Nil

REPORTS TO COUNCIL - ITEMS FOR INFORMATION

10.1 Braidwood and its Setting State Heritage Listing - 15 Year Management Review (Ref: ; Author: Ormella/Blacklock)

File Reference: 26.5.1-24

Recommendation

That the report be received for information.

Report

In 2021 Heritage NSW embarked on a project to review the State Heritage listing of Braidwood and its Setting. With the 15-year anniversary of the listing in 2021, Heritage NSW considered that it was timely that a review take place to ensure the listing is efficiently and effectively achieving its original purpose and identify whether updates are required.

The aim of the listing was to ensure the protection of the significant town plan and contributing historic buildings within an appropriate pastoral setting. Refer to the Heritage NSW website: <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5054706>

Heritage NSW engaged GML Heritage Pty Ltd (GML) to prepare the review which was made up of 3 key Milestone Reports.

Milestone 1 was essentially a desktop review that included the review of the controls, mechanisms and approval processes that underpin Braidwood and its Setting for efficiency and effectiveness purposes. It also set up a framework for future community consultation. GML produced this report in January 2022.

Milestone 2 was the collation of the community and stakeholder engagement results and the report was produced by GML in September 2022.

Milestone 3 is the final report and will have recommendations on how the State Heritage Register listing can be updated, including:

- Recommendations for potential updates to:
 - Braidwood Development Control Plan 2006;
 - Site Specific Exemptions under the NSW Heritage Act 1979;
- Recommendations for streamlining the long-term management of Braidwood and its Setting;
- Design for a long-term community engagement program with components to be carried out by QPRC and Heritage NSW

Recent advice from Heritage NSW is that the consultants, GML have been engaged to complete the Milestone 3 Final Report and aim to have complete by the end of the year.

There will be an exhibition period for the draft Milestone 3 Report and this is likely to be September / October this year. Heritage NSW advise that they will seek feedback from the community, stakeholders and Council as part of this process.

The final report will be considered by the Heritage Council of NSW when completed. The final report is a key piece of work that will inform the Braidwood Structure Plan as well as future reviews of the land-use zoning and development controls that apply in Braidwood.

Attachments

Nil

REPORTS TO COUNCIL - ITEMS FOR INFORMATION

10.2 QPRC Green Cleaning Policy (Ref: ; Author: Ormella/Bhusal)

File Reference: 2191596

Recommendation

That the report be received for information.

Report

The concept of a 'Green Cleaning Policy' originated as a way Council could claim additional innovation points for the Green Star rating for the Queanbeyan Civic and Cultural Precinct (QCCP).

The policy will apply to all Council operational buildings. It aims to introduce more sustainable cleaning practices and improve indoor air quality, occupant health, and longevity of building systems by reducing exposure to hazardous agents and chemicals.

Adopting environmentally friendly cleaning techniques, products, and equipment not only reduces the impact of required cleaning and maintenance but also serves as an example of good environmental and social stewardship.

Council currently has a cleaning contract with a third-party contractor which expires in mid-2024. Council will maintain the existing cleaning contract and exhaust the current supply of cleaning products until the contract is completed. There will be a transition to the new policy and compliance is not expected to be achieved until after the expiration of the existing contract.

Internal consultation with branches of Council responsible for the implementation of the draft policy has been undertaken during its development. The draft policy, attached for Council information, has been shaped to address the operational needs of the Council.

Council's Project Managers for QCCP have confirmed with the Green Building Council of Australia what the policy requirements would entail.

The policy also establishes guidelines for procurement, chemical usage, cleaning procedures, waste management, training, and recording of cleaning chemicals and products. All new cleaning contracts and purchases of equipment and products would need to conform to the Green Cleaning Policy and Plan.

As this is an Operational Policy, it is not necessary to be placed on public exhibition, however it is important that the public are informed that Council is meeting targets for implementing sustainable operating practices and securing the 5-star Green Star Rating for the QCCP. This policy also assists Council with our commitment to responsible and sustainable building management across all Council operational buildings.

Attachments

Attachment 1 Draft QPRC Green Cleaning Policy (*Under Separate Cover*)

REPORTS TO COUNCIL - ITEMS FOR INFORMATION

10.3 Capital Projects Status (Ref: ; Author: Ryan/Hansen)

File Reference: 36.1.2

Recommendation

That the report be received for information.

Report

The following Capital projects in the 23/24 Operational Plan are reported to Council in addition to the Quarterly Budget Review Statements (QBRS) presented every quarter as per Council's financial and compliance reporting requirements. Capital project reports will be progressively reported to Council where they meet the criteria of being >\$1m in value, of significant community interest, risk and/or there has been significant delays over 2 financial years.

This status report includes a financial update and identifies risks and issues that may affect project delivery and budget. Any requests for supplementary votes will be the subject of a report to Council, and inclusion in the next Quarterly Budget Review process.

Regional Sports Complex

The Regional Sports Complex Stage 1a fields are FIFA and FIH certified, including one synthetic hockey and one synthetic soccer field, and two natural turf soccer fields. The project was delayed significantly in the early stages of construction due to wet weather.

The main road, internal paths, and car park, all underground services and all bulk earth works are complete. Contractors, Huon, are due to return in September to commence works on the concourse surrounding the buildings and to install the switch boards to commission the flood lights.

Hines Construction are progressing with the buildings, with their current program due for completion in November 2023.

Frames are complete to the northern end of the main pavilion building. Structural steel for level 1 and southern end of building are complete and roofing is underway.

All internal services are roughed in and sheeting is currently underway for the minor pavilion. External painting is complete.

Contractors, Shade Span, commenced work in July on the footings for the shade structure, to support the tiered seating on the Premier Field. Shade Span are due to return shortly to install the actual structure. The Slab and tiered seating will follow in coming months.

Contractors, Bruceworks, have completed the installation of hockey dug outs on Field 1.

Landscaping and tree planting works commenced in the first week of August. Council's Urban Landscapes apprentices have teamed with Council's Tree Management Officer to plant out the site, according to the Landscape Architects Plan (Spiire). Staff are currently pursuing energy saving grants to install solar panels on both the major and minor pavilions.

Project	100184
Project Start Date	2016
Project Completion Date	January 2024
Current Project Stage	Delivery

10.3 Capital Projects Status (Ref: ; Author: Ryan/Hansen) (Continued)

Total Project Budget (\$'000)	\$ 26,100	
Budgeted Project Funding (\$'000)	\$ 11,500	
Source of Funding	Office of Sport: \$10M Regional Sports Infrastructure Fund \$1.1M Multi Sport Community Facility Fund	
Budgeted Loan Financing (\$'000)	\$ 15,000	
Loan Financing drawn to date (\$'000)	\$ 15,000	
Budget 23/24 Financial Year (\$'000)	\$ 3,667	
Estimated total project cost (\$'000)	Total Project Cost to Date (\$'000)	Estimated cost to complete (\$'000)
\$ 26,100	\$ 23,043	\$ 3,056

Bungendore Sports Hub

The new sports pavilion has recently been completed with connections to water/sewer/electrical services pending. It will cater for sports players on both major sports fields adjacent to the pavilion. The pavilion has four change rooms, five storage sheds, public toilets (including all abilities and ambulant), referee facilities, a first aid room, a canteen and a large social room.

A significant part of the project included the land acquisition, which included lands for Halfway Creek Road and additional Utilities land next to the STP.

A new Sewer Pump Station (SPS) has been installed to service the site. An RFQ has recently closed with Council due to appoint a contractor to install the service connection lines from the SPS.

Essential Energy will be commencing works to install the power supply by the end of this year.

The sports fields have undergone remediation over the past few months in preparation for spring growth. Turf remediation involved topdressing and seeding. Additional work to the fields will continue through Spring. Drainage issues at the front and rear of the fields have been addressed, with additional drainage work continuing.

The netball courts are complete with lighting. Additional funds have been committed by the Federal Government that would allow the construction of a new netball pavilion. These funds are subject to Council application through the Investing in our Communities (IOC) Program. Upcoming works for netball will see the construction of two turf courts when future funding is sourced.

Staff are currently working through the remaining scope of works, supported by the latest round of grant funding from the Multi-Sport Community Facility Fund.

Project	100692
Project Start Date	2018
Project Completion Date	2024
Current Project Stage	Delivery
Total Project Budget (\$'000)	\$ 7,563

10.3 Capital Projects Status (Ref: ; Author: Ryan/Hansen) (Continued)

Budgeted Project Funding (\$'000)	\$ 6,784	
Source of Funding	Developer Contributions: S7.11 \$1,178,907 NSW Stronger Communities Fund \$1,500,000 Stronger Country Communities Fund \$950,000 Federal Local Roads and Community Infrastructure Phase 1 \$650,000 LRCI Phase 3 \$565,418 LRCI Phase 3 (Halfway Creek Road) \$850,000 Multi Sport Community Facility Fund \$1,100,000	
Budgeted Loan Financing (\$'000)	Nil	
Budget 23/24 Financial Year (\$'000)	\$ 1,694*	
Estimated total project cost (\$'000)	Total Project Cost to Date (\$'000)	Estimated cost to complete (\$'000)
\$ 7,563	\$ 7,148	\$ 415

* 2023/24 budget set in Operational Plan may be adjusted subject to timing of accounts paid as at 30 June 2023. The Federal Government IOC funding of \$2,000,000 whilst committed for this project, is currently under application and is not included in the financials above. Any funding offer will be presented to Council for approval.

Queanbeyan Civic and Cultural Precinct (QCCP)

The QCCP has really progressed with significant work being completed at the front of the building, the Q Link and the interior of the main building. The ramp and the basement carpark have also progressed with the entrance to the carpark becoming very apparent.

Sewer works are completed and are awaiting final testing before they are handed over.

Despite the progress on the Q Link, it is still slower than expected and the handover of this area will be delayed until it is completed.

A decision has been made to achieve occupation in three steps. The first step (labelled Milestone 1) is the building, some forecourt area and part of the basement carpark. This is expected to achieve occupation approval by 25 September 2023. The second step (labelled Milestone 2) is the Q Link, Bicentennial Entrance areas and remaining front forecourt area with occupation approval expected to be achieved by 13 October 2023. The third step (labelled Milestone 3) is the public domain and the Lowe Street public car park with occupation approval expected to be achieved by 27 October 2023.

The identification of potential tenants for both ground floor and Level 3 continues. Tenancy for the State Government lease of levels 4 and 5 is in the final stage of negotiations.

Project	100265
Project Start Date	2016
Project Completion Date	30 September 2023
Current Project Stage	Construction
Total Project Budget (\$'000)	83,330

10.3 Capital Projects Status (Ref: ; Author: Ryan/Hansen) (Continued)

Budgeted Project Funding (\$'000)	4,298	
Source of Funding	Private works contribution, capital grant, transfer from water and sewer fund	
Budgeted Loan Financing (\$'000)	79,032	
Loan Financing drawn to date (\$'000)	72,924	
Budget 22/23 Financial Year (\$'000)	48,172	
Estimated total project cost (\$'000)	Total Project Cost to Date (\$'000)	Estimated cost to complete (\$'000)
83,330	79,269	4,061

Attachments

Nil

REPORTS TO COUNCIL - ITEMS FOR INFORMATION

10.4 Bungendore Floodplain Risk Management Study & Plan - Progress Update (Ref: ; Author: Hansen/de Jongh)

File Reference: 104213-03

Recommendation

That the report be received for information.

Report

In September 2020 Council engaged consultant Advisian to undertake a review and update of the Bungendore Floodplain Risk Management Study and Plan (FRMS&P) (previously completed in 2014). A review of the Bungendore FRMS&P is required to cover the current Bungendore Structure Plan study area, consideration of future developments and compliance with current guidelines.

The following tasks have been completed to date on the project:

Activity/Milestone	Date Completed
Data collection and review	Sept 2020
Initial Community Consultation	May 2021
Update of Flood Models to be compliant with the latest flood modelling guidelines (ARR2019)	Aug 2021
Flood Model Calibration and Validation	Apr 2023

Delays have been experienced on the project, particularly during the model development and calibration/validation stage. The primary reason for this was to incorporate the August 2022 flood event in the updated flood models, which meant revisiting the model updates after they had been completed.

During the August 2022 flood event, a considerable amount of data was able to be gathered by Council, NSW SES and the local community. Previous flood events in Bungendore have limited rainfall and flood level information, making data from the 2022 floods valuable for model development and calibration/validation.

The next stages of the project will involve the following activities:

Activity/Milestone	Estimated Completion Date
Application of calibrated flood models	Sept 2023
Draft updated Flood Study report	Sept 2023
Flood mitigation options development (including a meeting with the Bungendore Floodplain Risk Management Committee)	Dec 2023
Draft updated FRMS&P report	Mar 2024
Public Exhibition of draft FRMS&P report	Apr 2024
Final FRMS&P	Jun 2024

10.4 Bungendore Floodplain Risk Management Study & Plan - Progress Update (Ref: ; Author: Hansen/de Jongh) (Continued)

The NSW Department of Planning and Environment (DPE) are funding two-thirds of the cost of the project as part of the 2019/20 NSW Floodplain Management Program.

Attachments

Nil

REPORTS TO COUNCIL - ITEMS FOR INFORMATION

10.5 Braidwood Water Supply - Water Security Assessment and Drought Contingency Plan (Ref: ; Author: Hansen/Cunningham)

File Reference: 32.1.1 ECM 1176780

Recommendation

That the report be received for information.

Report

The Braidwood Water Supply relies on the Shoalhaven River for its source of a raw water supply. The period 2019/2020, and immediately prior, saw the impact of a severe drought during which time the Shoalhaven River ceased to flow.

In the latter part of 2019 and early 2020 significant efforts were made to extract remaining supplies of water from remnant pools within the riverbed. As these progressively became exhausted a regime of water restrictions were implemented that ultimately saw the highest (level 4) restrictions imposed between 10 January 2020 and 13 February 2020. In addition to this, the supply was supplemented through the cartage of around 3,100kL of water from Bungendore to Braidwood during the period 21 January to 10 February 2020.

Whilst an assessment of secure yield was conducted for Braidwood as part of the 2019 Palerang Communities Integrated Water Cycle Management plan (IWCM), the topic was again reviewed as a response to these events through an engagement with NSW Public Works Advisory.

This engagement looked at secure yield in the context of climate change (1°C warming), the application of water restrictions and the effect of non-revenue water.

A copy of this report is attached for Council's information under separate cover and has been uploaded to its website for the wider benefit of the community.

Attachments

Attachment 1 Braidwood Water Supply - Water Security Assessment and Drought Contingency Plan (*Under Separate Cover*)

File Reference: 2.6.1 Community Program and Projects

Recommendation

That the report be received for information.

Report

The minutes of the Environment and Sustainability Advisory Committee held on 1 August 2018 requested that Council consider setting up a tool library for the community. At the meeting of 30 November 2018, Council requested a staff report on the viability of a tool library and community views on such a library (**Resolution No PLA117/118**).

Some community consultation was undertaken that showed a positive response to the idea and a range of tool requests. The concept was recently canvassed with all our local Men's Sheds at Bungendore, Braidwood and Queanbeyan to determine the viability of a tool library.

Although supported in principle, a range of issues were identified that made it a complex project to practically support. These included:

- Resourcing – volunteers capacity to undertake setting up and managing a tool library
- Stock – sourcing and testing potential tools for the library
- Liability – responsibility for injury and/or damage caused by a faulty or malfunctioning donated tools
- Maintenance – repairing and cleaning damaged tools
- Records – a system to trace and track loaned tools
- Availability – access to tools when most needed i.e. weekends and public holidays
- Fees – financial responsibility (if minimal fees or deposits were charged)

On balance it was agreed that the resourcing required to set up and manage a tool library would far outweigh the benefits that could be realised.

There are businesses which hire a range of tools and equipment which are considered more appropriate options.

This Resolution will now be closed with no further action.

Attachments

Nil

REPORTS TO COUNCIL - ITEMS FOR INFORMATION

10.7 PCYC Operations (Ref: ; Author: Ryan/Richards)

File Reference: 4.4.2 Activity Programs – Indoor Sports Centre

Recommendation

That the report be received for information.

Report

The PCYC has now been operating at the Queanbeyan Indoor Sports Centre for the last two years. In addition to the hire of the sports facilities, the PCYC has achieved a number of key goals during this time. They currently have over 600 children enrolled in their gymnastics program.

A PCYC officer located in Braidwood is responsible for conducting a range of youth activities and programs specifically for the youth of Braidwood and the surrounding areas.

NSW Police officers attached to the PCYC run Fit for Life and Fit for Work programs through the centre with approximately 70 participants in each. They conduct case management for youth at risk including family support and they run a variety of programs through schools across the LGA. They also conduct blue light discos in the major centres.

Driver education programs have been run in Queanbeyan and next term they will be conducted in Braidwood and Bungendore. These programs are free of charge.

The PCYC school holiday programs have more than 100 children enrolled each holiday period. The PCYC have two buses that enable them to collect children to participate in activities.

PCYC has a strong alignment with the KIRK Foundation and other charitable funds that allow them to offer places in any paid programs and activities for children from disadvantaged backgrounds or from other families who cannot afford fees.

The next step for the PCYC will be to provide a youth drop-in centre with casual activities and space for young people to meet. The organisation is currently looking for space on the land footprint to build this centre as there is no available space in the current building.

Since the sports centre is open place and unheated, it makes it difficult to run some activities during the winter. Administrators are keen to access a cost effective way to properly air condition the centre, potentially through the fund announced by Minister for Climate Change and Energy in June this year to enable efficient energy.

Attachments

Nil

REPORTS TO COUNCIL - ITEMS FOR INFORMATION

10.8 2023/2024 Bungendore Pool Season (Ref: ; Author: Richards/Duncan)

File Reference: 46.1.1-34

Recommendation

That the report be received for information.

Report

At the Council Meeting on 28 June 2023, Council agreed to (**Resolution No 241/23**) accept the extending of the lease of the Bungendore Swimming Pool until 31 March 2024, and request the NSW Government to cover the cost required to open the Bungendore Swimming Pool for the 2023/24 season.

A response was received from the NSW Government (Attachment 1) advising that capital funds are unable to be used to facilitate operation of a Council service. A supplementary vote will be included in the first Quarterly Budget Review Statement (QBRs) for the additional \$120,000 in the 2023/24 Operational Plan required to operate the swimming pool for the season.

Following the former decision to close the pool for the 23-24 season, some equipment was removed and stored at Queanbeyan. This has now been replaced. Other requirements for pool opening include:

- Fencing – this has been agreed to, and paid for, by the Department of Education (Attachment 2)
- Recruitment of seasonal workers and casual staff, including lifeguards and pool attendants to operate the Bungendore pool is currently in progress.
- 'De-Winterising' - preparing the pool for the summer season in terms of checking equipment and water quality will occur at the appropriate time in advance of opening. This process occurs with all outdoor pools each year.

The pool will open for its traditional summer season from Thursday 2 November 2023 until Sunday 17 March 2024.

Operating hours are anticipated to be 11am to 6.30pm every day with additional early morning lap swimming between 6am and 8am on Tuesdays and Thursdays. Operating hours will be somewhat dependent on staffing.

Attachments

- | | |
|--------------|---|
| Attachment 1 | Letter to QPRC - from School Infrastructure NSW (<i>Under Separate Cover</i>) |
| Attachment 2 | Bungendore Pool Fencing (<i>Under Separate Cover</i>) |

REPORTS TO COUNCIL - ITEMS FOR INFORMATION

10.9 Delivery Program update - July 2022-June 2023 (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 2022-23 financial year. The data in this report 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.

Attachments

Attachment 1 Delivery Program update - 2022-23 (*Under Separate Cover*)

REPORTS TO COUNCIL - ITEMS FOR INFORMATION

10.10 172 Foxlow Street Captains Flat (Ref: ; Author: Ormella/Ryan)

File Reference: 13 September 2023 Council Meeting

Recommendation

That the report be received for information.

Report

Staff have been progressing the decision by Council to receive a report on options for future use of the former medical centre at 172 Foxlow Street Captains Flat (**Resolution No 033/23**).

This is a progress update on the matter for information.

This is operational land, being Lot 18 Sec 2 DP 18452

DA.2016.125 for a two-lot subdivision and demolition of Health Care Centre, approved by Council on 26 October 2016, has not effectively commenced and as a result has lapsed. The Council resolution of the day, did not specify the use of the resulting lots or if they would be sold or disposed.

If Council wishes to lodge new DA similar to the expired DA, a similar determination would be anticipated; however, a Detailed Site Investigation (DSI) report would now be required to identify any lead contamination.

Asbestos Management

The asbestos report on the main building indicates asbestos containing material in the following areas:

- Electrical switchboard mounting panel
- The majority of the external cladding
- Eaves at the rear of the building
- A portion of broken pipe
- Internal wall lining in the kitchen

The report lists the overall risk of each element as very low and can be generally managed in situ. No comment is made in relation to the structural suitability of the building to remain. There does not appear to have been an assessment carried out in relation to the depot shed or other structures located on the eastern half of the property.

The removal of identified asbestos can be deemed Exempt Development. This would be acceptable if the building was to remain and compliant cladding installed.

For the purposes of demolition, any or all of the structures on site may be considered as Complying Development under Part 7 of the SEPP (Exempt and Complying) 2008.

Development Options

The land is zoned RU5 – Village. Permitted uses are very broad and include (but not limited to): Centre-based child care facilities; Commercial premises; Dual occupancies; Dwelling houses; Home industries; Light industries; Neighbourhood shops; Self-storage units.

The total existing lot area is 1,846m². The minimum lot size permitted by the QPLEP is 450m².

Questions

1. Will the Council be maintaining the eastern part of the site as a depot?
2. Can the building be re-clad or remediated and reinstated as a dwelling?
3. What are the costs and opportunities of demolishing all buildings and value adding to the site with another development?

The eastern side with the shed is used to house Urban Landscapes and Transport assets, machinery and is currently a Depot for staff servicing Captains Flat area when they are in the area. There may be alternative sites for a Depot shed on other Council facilities.

The option remains to resubmit the DA for a 2 lot Subdivision, demolition of the former Health Centre and a new dwelling.

Summary

It can be assumed that the Council report and resolution of 26 October 2016, if not subsequent to a supplementary resolution, intended to sell the newly created and cleared lot to the west.

The opportunity now presents to re-assess the development potential of the site and clarify Council's intention.

In any case, a DSI should be commissioned in the interim to identify the relatively recently identified potential risk of lead contamination.

Next Steps

A further report will be bought back to Council with an estimate of costs for a new DA as was intended in 2016 with Subdivision and implementing the conditions of consent. With an estimate of sale price for the vacant land as one or two blocks, and an option to consider a value add opportunity to sell with an approved DA for a dwelling or dwellings.

Attachments

Nil

REPORTS TO COUNCIL - ITEMS FOR INFORMATION

10.11 Sale of Land Red Hill Road Majors Creek (Ref: ; Author: Monaghan/Flint)

File Reference: 13 September 2023 Council Reports

Recommendation

That the report be received for information.

Report

At the 26 July 2023 meeting, Council requested the General Manager to proceed to sell Lots 11, 12 and 13 DP 574879, Red Hill Road Majors Creek, via public auction (**Resolution No 3089/23**).

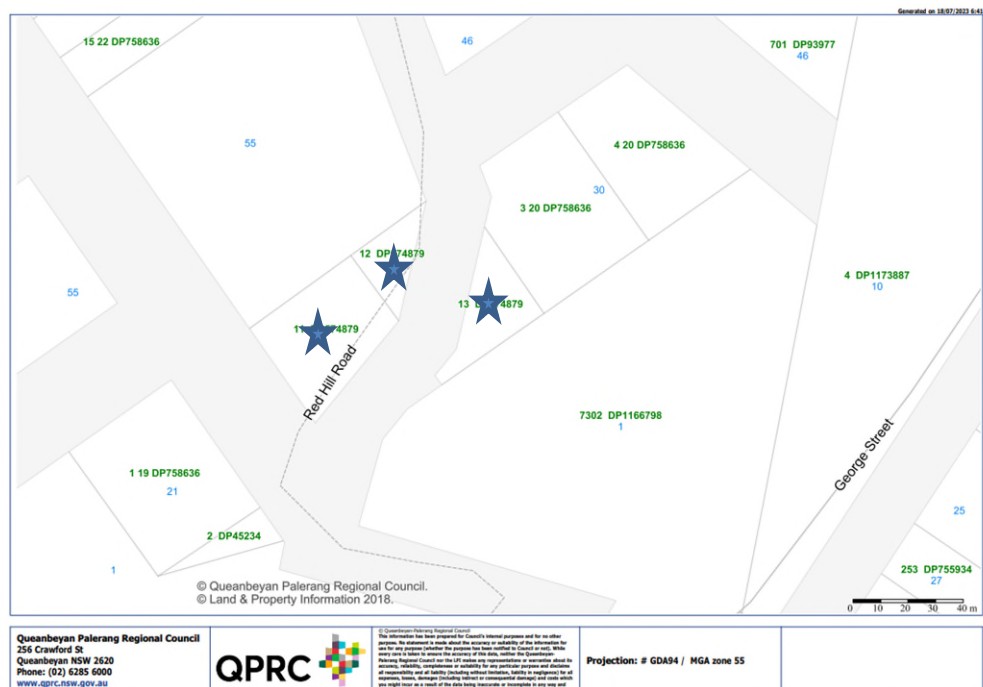
Expressions of interest were sought from local Real Estate agents in Braidwood and Bungendore to sell the land on behalf of Council on this basis, however this was not successful.

A second request was issued for quotations from suitably qualified Real Estate Agents to manage the sale of the property via public sale and listing, and one quote was received.

The General Manager has agreed to an exclusive agency agreement for 90 days, with a 3% commission and marketing fee of \$890 with Ray White Real Estate Braidwood. Any formal offers will be presented to Council for consideration.

The intention is that all three lots are sold as one or at the same time.

A map showing the lots for sale are identified with a blue star below.



Attachments

Nil

REPORTS TO COUNCIL - ITEMS FOR INFORMATION

10.12 Councillor Workshops (Ref: ; Author: Ryan/De Vries)

File Reference: 13 September 2023 reports

Recommendation

That the report be received for information.

Councillor workshop items are published in the Agenda of the next Council meeting. During the period 24 August to 6 September 2023, the following workshops were held:

Date	Workshop Items	External Presenter/s (if applicable)
29/8/2023	1. Queanbeyan Landcare Presentation: History, Projects and Future Collaboration and Biodiversity Study	From Queanbeyan Landcare; Ian Johnson, Tom Baker, Steve Dovers and Michele Dovers
	2. Googong Local Planning Agreement: Proposed amendments Swimming Pool, Community Centre Neighbourhood 4 and Cooma Road	N/A
	3. Councillor Numbers Discussion	N/A
30/08/2023	1. Village Building Company: Scoping Proposal for Relocation of Dunns Creek Road Corridor	From Village Building Company: Jamie Cregan (General Manager ACT Region), Vince Whiteside (CEO), Ingrid Shelton, Kylie Coe (Planning and Development Manager) and Jason Burgess (Senior Development Manager)
	2. Climate Change Action Plan	N/A
	3. Councillor Numbers Discussion	N/A
05/09/23	1. Draft Solid Fuel Installation Policy	N/A
	2. Financial Services Update – 22/23	N/A
	3. QCCP Lease Agreements Update	N/A
6/09/23	1. Liquid Trade Waste	N/A
	2. QPRC Events Strategy	N/A

Attachments

Nil

REPORTS OF COMMITTEES

11.1 QPRC Environment and Sustainability Advisory Committee Minutes 14 August 2023 (Ref: ; Author: Ormella/Corey)

File Reference: 24.2.1

Recommendation

That Council note the minutes of the Environment and Sustainability Advisory Committee held on 14 August 2023.

Summary

This report tables the minutes of the QPRC Environment and Sustainability Advisory Committee meeting of 14 August 2023.

At the meeting various matters were discussed including an ecological outcome verification project with Lismore City Council, and urban biodiversity with a particular focus on street trees and water security in Braidwood. Members also provided updates on the work of their individual community groups.

There are no specific recommendations arising from the minutes that need to be adopted by Council.

Attachments

Attachment 1 Environment and Sustainability Advisory Committee Minutes- August 2023 (*Under Separate Cover*)

REPORTS OF COMMITTEES

11.2 Minutes of the QPRC Sports Council Meeting (Ref: ; Author: Richards/Duncan)

File Reference: 4.3.3

Recommendation

That Council note the draft minutes of the QPRC Sports Council held on 7 August 2023.

Summary

The QPRC Sports Council is an Organisational Committee of Council. It has submitted for Council's information, the minutes of their meeting held on 7 August 2023 (attached).

The role of the QPRC Sports Council is to consider the allocation of sports fields across the local government area (LGA) prior to the commencement of each winter and summer sporting season, and to make recommendations for the development and/or improvements to sporting facilities and recreational needs, including input into the works programs.

The minutes of the QPRC Sports Council are to be reported to Council for endorsement. There are no formal recommendations referred to Council for adoption in the August 2023 minutes.

Attachments

Attachment 1	QPRC Sports Council Draft Minutes - August 2023 (<i>Under Separate Cover</i>)
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12.1 Temporary Fencing on Majara Street, Bungendore (Ref: ; Author: Ryan/Winchester)

File Reference: 13 September 2023 motions

Notice

Councillor Kenrick Winchester will move the following motion:

Motion

That Council write to the Hon Steve Whan MP, Member for Monaro; and the Hon Prue Car, Deputy Premier and Minister for Education and Early Learning, requesting that the temporary fencing on Majara Street, Bungendore, be removed until actual construction commences on the proposed Bungendore High School.

Comment from Cr Winchester in support of this Notice of Motion

Background

Since the consent of the State Significant Development by the NSW Department of Planning was issued, in early March 2023 temporary fencing was erected along the top part Bungendore Park (Mick Sherd Oval) which has closed off access to Majara Street.

The commencement of the Bungendore High School is not imminent, and the site has sat unnecessarily idle for 6 months, preventing residents from utilising Majara Street. Children and families are unable to use the shared path from Turallo Terrace to the Primary School and High School.

Until the matter of 'Save Bungendore Park vs Minister for Planning', currently before the Land and Environment Court has been resolved, it makes little sense for this area to remain closed to the public.

Moving the temporary fencing will enable public access to the school along the footpath and Majara Street from Turallo Terrace.

Staff Comment

All requests to date have been made to the NSW Department of Education, who have advised that this is a construction site.

Attachments

Nil

NOTICE OF MOTIONS

12.2 Support for the Voice to Parliament (Ref: ; Author: Ryan/Wilson)

File Reference: 13 September 2023 motions

Notice

Councillor Bryce Wilson will move the following motion:

Motion

That Council:

1. States its support for the proposed change to the Constitution supporting a 'yes' vote in the upcoming referendum.
 2. Encourages members of the community to seek more information by providing Australian Government resources, e.g. on the QPRC website, on social media, making printed material available in Council venues and, time permitting, provide information in the QPRC newsletter.
-

Comment from Cr Wilson in support of this Notice of Motion

The Australian Government has agreed to a referendum to be held on 14 October 2023 on recognition of the First Peoples of Australia in the Constitution by establishing an Aboriginal and Torres Strait Islander Voice.

This will ensure Aboriginal and Torres Strait Islander people are recognised in our Constitution in a simple and meaningful way. A Voice to Parliament will make sure Aboriginal and Torres Strait Islander people are heard on the issues that affect their communities.

Background:

In 2022 through a Mayoral minute, this Council along with 38 others, supported the Uluru Statement that called for a First Nations Voice to Parliament. With Council agreeing that 'We believe that a successful referendum can be a unifying achievement for Australia.'

In March 2022 the Local Government NSW Special Conference, Councils resolved to support the Uluru Statement from the Heart's call for Indigenous constitutional recognition through a Voice, calling for a referendum to be held in the current term of federal parliament to achieve it.

In June 2023 National General Assembly of Local Government 'endorsed the constitutional acknowledgement of Indigenous Australians as the first peoples of this land.'

In June 2023 the full council meeting of the NSW Aboriginal Land Council confirmed it will actively campaign for the Indigenous Voice to parliament. This has been echoed locally.

Other NSW Councils have also taken the step of passing specific motions to support First Nations recognition through a Voice to Parliament. These include; the City of Sydney, Newcastle, Wollongong, Shoalhaven, Waverley, Parramatta, Randwick, Canterbury Bankstown, Nambucca, Orange, Bayside, Lake Macquarie, Port Stephens, North Sydney, Blacktown, Lane Cove, Blue Mountains and the Inner West.

Staff Comment

At the 28 September 2022 meeting, Council determined (**Resolution No 380/22**) as follows:

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

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

After which, Council wrote a letter to the Prime Minister supporting the referendum.

In regard to this particular Notice of Motion, the Office of Local Government (OLG) has provided the following advice:

'Whilst there are political parties declaring their support or opposition, it this does not fall within the scope of clause 8.17 of the Council's Code of Conduct which relates to supporting the election campaigns of individuals for elected office.

The Voice to Parliament in this case is about Council participating in a campaign on an issue of interest to the local community that is the subject of a constitutional referendum.

One of the functions conferred on the governing bodies of Councils under section 223 of the Local Government Act 1993 is to 'provide effective civic leadership to the local community'.

This includes expressing views on behalf of Council on matters of community interest and campaigning on them.

While there may be some in the community who may not share Council's view on the referendum question should it adopt the motion, it will be open to them and others to pass judgement on the Council's decision at the next Council election.'

The QPRC Library already is hosting a range of The Voice Resources in hard copy and online which can be sourced at the website;

<https://library.qprc.nsw.gov.au/collections/the-voice-resources/the-voice-resources>

The October issue of the QPRC Newsletter can be prepared and issued early to ensure all residents receive in their letter box a reminder of the referendum date, voting venues and links to Australian Government resources to assist the community being better informed.

Attachments

Nil

NOTICE OF MOTIONS

12.3 Tallaganda State Forest Logging (Ref: ; Author: Ryan/Willis)

File Reference: 13 September 2023 motions

Notice

Councillor Katrina Willis will move the following motion:

Motion

That Council

1. Note the following:
 - a) The New South Wales Environment Protection Authority issued an order to the NSW Forestry Corporation on 30 August 2023 to cease logging in parts of Tallaganda State Forest, located in QPRC Local Government Area following complaints and discovery of a dead Southern Greater Glider in the vicinity of logging operations.
 - b) The Southern Greater Glider is listed as endangered under the federal *Environment Protection and Biodiversity Conservation Act 1999* and the *NSW Threatened Species Conservation Act 1995* as a result of significant habitat loss.
2. Seek clarification from the Environment Protection Agency on the incident and their actions in relation to ongoing forestry operations in Tallaganda State Forest.
3. Request the NSW Minister for the Environment, the Hon Penny Sharpe MLC order an independent scientific survey of Tallaganda State Forest to ascertain the current state of the local greater glider population and the actions needed to prevent the species from going extinct in this location.

Comment from Cr Willis in support of this Notice of Motion**Background**

The Black Summer bushfires of 2019-20 caused widespread devastation to communities, businesses, farming districts and the habitat of native species including in Queanbeyan-Palerang Council Local Government Area.

An unknown number of native animals died or were displaced by the bushfires, with estimates ranging from one to three billion. The catastrophic fires followed extended drought, flooding, and the impact on habitat of logging in native forests over decades.

The Southern Greater Glider is the largest flying possum in south eastern New South Wales. It shelters in tree hollows and feeds exclusively on eucalyptus leaves, buds, flowers and mistletoe. It generally does not travel large distances, occupying an average home range of between 1-3 hectares. The gliders give birth to a single young each year.

12.3 Tallaganda State Forest Logging (Ref: ; Author: Ryan/Willis) (Continued)

The Southern Greater Glider had its conservation status upgraded from vulnerable to endangered in 2022 in response to widespread habitat loss.

Population surveys commissioned by community groups suggest that around 400 individuals are living in Tallaganda, indicating that the state forest had assumed a refuge role for the species. However, according to the Environment Protection Agency, the NSW Forestry Corporation identified only a single den tree in active logging compartments of the State Forest. The EPA stated it is not confident the habitat surveys required before logging commences were adequately conducted to ensure all den trees were identified.

It is important to seek clarification on the population and any measures that need to be taken to avoid the Southern Greater Glider population in Tallaganda going extinct.

Staff Comment

The EPA has not formally advised QPRC, it was via a media release and information provided to Councillors in the Councillor Catch on 1 September 2023. Whilst Council has not been officially notified it would be helpful when the EPA are undertaking investigations in the local government area.

A letter to the Minister for Environment is appropriate to convey the communities and Council's concern for this matter.

Attachments

Nil

15 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION

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

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

Recommendation

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

Item 16.1 QCCP Lease Agreements

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.

Item 16.2 Land Sales and Acquisition Register Update

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

Item 16.3 QPRC v Minister for Education and Early Learning Matter

This matter is submitted to Closed Session pursuant to Section 10A (g) of the Local Government Act 1993 because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.