



**MINUTES OF THE PUBLIC FORUM
HELD ON 23 AUGUST 2023**

1. Opening

The Public Forum commenced at 5.33pm.

2. Presentations relating to listed Items on the Council Agenda

The following presenter was heard:

	Name	Item no	Item description	For/Against
1	John Stahel – via Zoom	9.2	Braidwood Heritage Centre Request for Donation to Cover s64 Contributions	Against

The following written presentation was received:

	Name	Item no	Item description	For/Against
1	Braidwood and District Historical Society	9.2	Braidwood Heritage Centre Request for Donation to Cover s64 Contributions	Against

3. Petitions

There were no petitions submitted.

4. ‘Questions on Notice’ from the Public

Responses to the following ‘Questions on Notice’ received up to 16 August 2023 were provided and tabled at the meeting (see attached for responses):

	Received from	In relation to:
1	Shane Geisler	Organisational Service Review report
2-3	Shane Geisler	QPRC Bin Inspection and Contamination Policy
4-9	Emma Brooks Maher	New Bungendore High School

5. Presentations by Invitation from the General Manager

There were no presentations.

6. Closure

As there were no further matters, the Public Forum closed at 5.38pm.



ATTACHMENT TO MINUTES OF THE PUBLIC FORUM HELD ON 23 August 2023

‘Questions on Notice’ from the Public

Responses to the following ‘Questions on Notice’ received up to *Wednesday 16 August 2023* were provided and tabled at the meeting.

Questions submitted by: Shane Geisler

- 1. With reference to the General Managers response to my fourth question on notice that submitted on the 14th of June 2023, I thank you for your opinion, however, that is not what I asked for. Please provide the dates and communications channels that confirms that the Organisational Service Review Report was released to the general rate payers prior to the completion of the SRV public consultation process.**

The Organisational Service Review Report was published on Council’s community engagement web portal called ‘Your Voice’ at 9.44am on Friday 16 December 2022. Consultation on the Special Rates Variation remained open until 31 January 2023.

- 2. Please note this question pertains to the QPRC Bin Inspection and Contamination Policy, moved by resolution 478/22 and available via the following link: <https://www.qprc.nsw.gov.au/Policies-Strategies-and-Plans/Adopted-QPRC-Policies> Noting that the current policy empowers QPRC employees to inspect bins and delay waste pickup, can the General Manager please confirm the how this policy has been allowed to proceed noting that the current legislative references within the policy (s8A Local Government Act 1993 (NSW) and s502 Local Government Act 1993 (NSW)) do not give council employees the authority to inspect rate payer bins?**

The contents of someone's bin are the legal possession of the property owner when on private land and in the legal possession of a council when on the kerbside for collection. When the bins are left out on bin collection night, and the contents become the property of the council, it is generally recognised that the property owners are still expected to manage the bins until the waste is collected. A similar approach is taken to residents mowing verges in front of properties.

Section 8A of the *Local Government Act 1993* provides a set of guiding principles for councils to exercise their functions. None of the principles listed in the Act restrict bin inspections.

Section 8A(1)(b) of the Act states: ‘*Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.*’ Bin inspections and audits allow councils to develop appropriate community education campaigns to reduce contamination of bins which create unnecessary additional disposal fees for councils and a poor result for the environment when contaminated waste goes to landfill instead of recycling facilities, or vice versa.

Section 502 of the *Local Government Act 1993* states: ‘*A council may make a charge for a service referred to in section 496 or 501 according to the actual use of the service.*’ Both of those sections of the Act refer to councils making and levying annual charges for matters including waste. Neither of those references restrict bin inspections.

In addition to the listed legislative references, Council also has responsibilities to public safety, worker safety and environmental protection. The inspection program allows us to ensure that risks associated with placing certain items in bins is minimised. For example, batteries and gas bottles can spark fires which endanger public safety, workers and the environment.

Bin inspections comprise a visual inspection to check for contamination. More formal waste audits conducted by QPRC staff or contractors conform to the NSW EPA's *"Guidelines for conducting Household Kerbside and Residual Waste, Recycling and Garden Organics Audit in NSW Local Government Areas 2008 – Addendum 2010"*, *"Per household method"*.

3. **Furthermore, the appropriate legislative reference stipulates that a bin inspection can only be undertaken when 'the authorised officer must reasonably suspect that an offence has been committed.'** Noting that the bin inspections to date have been performed by council employees on a random basis whilst walking up and down streets within the QPRC area, can the General Manager please provide specific detail that confirms that council members are complying with the appropriate legislative requirements. Once again, please provide facts that support your response e.g., explaining how council employees select which streets and bins they are going to inspect would be a great starting point.

The majority of inspections occur as the waste compactor driver is dropping the waste into the garbage truck. Drivers observe each load entering the waste hopper. When they observe contamination or hazardous/unacceptable materials, the driver records the details and pass them on to our waste education staff for follow up.

In addition, Council waste education staff also undertake routine inspections. Inspections follow the waste collection zone and endeavour to visit each street within a collection zone every six months.

The program is primarily an education activity. Council has generally found that the community respond extremely well to the inspection program and that contamination rates are significantly lower following an inspection round.

Questions submitted by: Emma Brooks Maher

Preamble: Under the *Crown Land Management Act 2016* (CLMA) Queanbeyan-Palerang Regional Council (QPRC) is Crown Land Manager for BUNGENDORE PARK and BUNGENDORE COMMON, respectively dedicated/reserved for the public purpose of public recreation.

Responses to all questions below are provided by: Office of the General Manager

4. **Is COUNCIL aware that there was a full day Hearing in the Land and Environment Court (LEC) on 17 July 2023 in which a community group is challenging the validity of the SSD Consent issued on 24 Jan 2023 to the Dept of Education (DoE) for construction of a new Bungendore High School (BHS).**
5. **Is COUNCIL aware that in submissions for that Hearing, the DoE has admitted that its SSDA as at Sept 2021 re BHS had no consent from the Minister for Crown Land as required by the CLMA for the lodgment of a development application that included subdivision of, and construction on, Bungendore Park and Bungendore Common?**
6. **Is COUNCIL also aware that, while the DoE has asked the LEC to grant discretion whereby DoE would be allowed to seek retrospective approval from the Minister for Crown Land, no such decision has been made?**

- 7. Is COUNCIL aware how rare such discretion has been since the Court commenced in 1980, with less than 100 such applications in 40 years, and of those, just six have been granted - none involving a matter as significant as legal consent.**
- 8. Is COUNCIL further aware that even if DoE is permitted to seek such retrospective approval, the current SSDA still involves breaches of the CLMA re Bungendore Park (the half swim-pool) and Bungendore Common (vehicle access and McCusker Drive), and it is thus beyond power for the CL Minister to approve lodgement, so any such consent would itself be unlawful, and subject to challenge in NSW Supreme Court.?**

Yes, and thank you for bringing them to the attention of Council again.

- 9. Given the above, as Crown Land Manager for both Bungendore Park and Bungendore Common, what Plan B has QPRC prepared in regard to seeking restoration of these sites if the Dept of Education decides to abandon the current location?**

There is currently no 'Plan B'.