



# Ordinary Meeting of Council

## AGENDA

27 March 2024

Commencing at 5.30pm

**Council Chambers  
257 Crawford Street, Queanbeyan**

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

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

### **Statement of Ethical Obligations**

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

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

**On-site Inspections - Nil**

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| Item 9.6  | Bungendore Swimming Pool Lease Extension Offer   |  |
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*MLC (Under Separate Cover)*

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- Item 10.3 Affordable Housing - Contributions Scheme Update  
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- Item 10.4 Delivery Program Update - July December 2023  
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- Item 11.1 QPRC Heritage Advisory Committee Minutes - 22 February 2024  
*Attachment 1 QPRC Heritage Advisory Committee - Minutes - 22 February 2024 (Under Separate Cover)*
- Item 11.2 Access Committee Meeting - 12 February 2024  
*Attachment 1 QPRC Access Committee Minutes 12 February 2024 (Under Separate Cover)*
- Item 11.3 QPRC Sports Council Meeting - 5 February 2024  
*Attachment 1 Draft Minutes - QPRC Sports Council - 5 February 2024 (Under Separate Cover)*

**Closed Attachments**

*Nil*



MINUTES OF THE ORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held via Zoom and at the Council Chambers, 257 Crawford Street, Queanbeyan on Wednesday, 13 March 2024 commencing at 5.30pm.

## ATTENDANCE

**Councillors:** Cr Winchester (Chairperson)

Cr Burton

Cr Grundy

Cr Livermore

Cr Macdonald

Cr Preston

Cr Taskovski

Cr Willis

Cr Wilson

**Staff:**

R Ryan, General Manager

J Richards, Director Community, Arts and Recreation

K Monaghan, Director Corporate Services

R Ormella, Director Development and Environment

D Tooth, A/Director Infrastructure Services

**Also Present:** 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

088/24

#### **RESOLVED (Winchester/Burton)**

That the apology for non-attendance from Cr Biscotti be received and that leave of absence be granted.

The resolution was carried unanimously.

**4. CONFIRMATION OF MINUTES****4.1 Minutes of the Ordinary Meeting of Council held on 28 February 2024**

089/24

**RESOLVED (Winchester/Grundy)**

That the Minutes of the Ordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday 28 February 2024 be confirmed with the following amendment:

- In relation to Mayoral Minute, Item 7.1: Retrospective Conflict of Interest Declaration, the Declaration be added to the Minutes.

The resolution was carried unanimously.

**5. DISCLOSURES OF INTERESTS**

090/24

**RESOLVED (Winchester/Macdonald)**

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

The resolution was carried unanimously.

There were no Disclosures.

**6. ADJOURNMENT FOR PUBLIC FORUM**

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

091/24

**RESOLVED (Winchester/Taskovski)**

That the meeting be adjourned to conduct the Public Forum.

The resolution was carried unanimously.

**ADJOURNMENT:**

The meeting adjourned for the Public Forum at 5.35pm and resumed at 6.09pm.

**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 Development Application - DA.2023.0384 - 1076 Neringla Road Neringla - Construction of a Dwelling House and Variation to Minimum Lot Size Standard**

092/24

**RESOLVED (Macdonald/Grundy)**

That:

1. Consent be granted to a variation to Clause 4.2A (3) (a) of the Queanbeyan-Palerang Regional Local Environmental Plan 2022 to allow for the construction of a dwelling house for the following reasons:
  - a. The proposed development is for rural residential purposes which is likely to support the long-term rural use of the land;
  - b. At 39.07ha, the subject site is of a rural character with no discernible difference to the minimum lot size of 40 Ha;
  - c. The proposed development achieves the objectives of relevant development standards and the variation is unlikely to result in any adverse environmental impacts;
  - d. Sufficient environmental and planning ground exists to justify the variation.
2. Development application DA.2023.0384 for construction of a dwelling house and variation to minimum lot size under clause 4.2A(3)(a), for Lot 3 DP 755906, being part of 1076 Neringla Road Neringla, be granted conditional consent.

The resolution was carried unanimously.

**9.2 Road Name Proposal - Mondarlie Road**

The item was withdrawn.

**9.3 Naming of QCCP and Public Spaces**

093/24

**RESOLVED (Wilson/Livermore)**

That Council:

1. Endorse the following Ngambri and Ngunnawal names as follows:
  - The Building to be named The Nellie Hamilton Centre
  - The forecourt area and walkway along the Bicentennial Hall and QLink to be named The Malunggang Walk
  - The Rooftop Gardens on Level 3 to be named Djara Gardens
  - The Public Domain and Park at the rear of the building to be named Onyong Park
2. Place these proposed names on Public Exhibition for 28 days and receive a report at the end of this community engagement to consider submissions.

The resolution was carried.

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

094/24            **9.4    Draft Cemeteries Strategy 2024**  
**RESOLVED (Willis/Taskovski)**  
That Council endorse the draft QPRC Cemeteries Strategic Plan and place it on public exhibition for 28 days for community feedback and comment.

The resolution was carried unanimously.

095/24            **9.5    Mobile Food Vending Policy**  
**RESOLVED (Willis/Wilson)**  
That Council place the Mobile Food Vending policy on public exhibition for 28 days and if no submissions are received the policy be adopted.

The resolution was carried unanimously.

096/24            **9.6    Investing in Our Communities Program - Funding Opportunity**  
**RESOLVED (Wilson/Preston)**  
That Council:  

1. Endorse the signed funding agreement from the Federal Government's Investing in Our Communities Program for the Bungendore Sports Hub Stage 2 Project for \$2 million.
2. Amend the 2023/24 to include \$1,000,000 grant funds for capital expenditure and project management for approved works.
3. Amend the 2024/25 to include \$1,000,000 grant funds for capital expenditure and project management for approved works.

The resolution was carried unanimously.

097/24            **9.7    Jerrabomberra Pump Track**  
**RESOLVED (Grundy/Macdonald)**  
That Council:  

1. Review two short listed sites for the Jerrabomberra Pump Track being David Madew Oval and Stockyard Reserve in terms of suitability for location and design.
2. Consult with current user groups and stakeholders related to the sites.
3. Provide a further report to Council on the site and design of the track with a preferred site to proceed to final design preparation.

The resolution was carried unanimously.

098/24            **9.8    Local Roads and Community Infrastructure Program Phase 4**  
**RESOLVED (Wilson/Preston)**



That Council allocate \$1,527,709 Local Roads and Community Infrastructure Phase 4 to the road stabilisation works in the 2023/24 Operational Budget.

The resolution was carried unanimously.

## 10. REPORTS TO COUNCIL - ITEMS FOR INFORMATION

### 10.1 Questions with Notice - Foxlow Parklet Captains Flat

099/24

**RESOLVED** (Willis/Taskovski)

That the report be received for information.

The resolution was carried unanimously.

### 10.2 Questions with Notice - Fencing around Bungendore Park and Common

100/24

**RESOLVED** (Willis/Preston)

That the report be received for information.

The resolution was carried unanimously.

Cr Preston foreshadowed a Notice of Motion in relation to this matter to be considered at the 27 March 2024 meeting:

That the Mayor and General Manager write to the Deputy Premier and Minister for Education, the Hon. Prue Carr MP, and the Member for Monaro, the Hon Steve Whan MP:

1. Raising ongoing community concerns regarding the legality of and necessity for the fence around the Bungendore Park and Common.
2. Noting the unkempt nature of the grounds within the fence and the poor state of NSW Department of Education banners on the fence.
3. Requesting that the Minister direct School Infrastructure New South Wales to remove the fence and re-open Majara Street until such time as work is able to proceed under a properly and legally approved DA at the site.

## 11. REPORTS OF COMMITTEES

There were no Reports of Committees.

**12. NOTICES OF MOTIONS**

101/24

**12.1 Notice of Motion - Captains Flat Heritage****RESOLVED (Willis/Preston)**

That Mayor Winchester write to the relevant NSW Government Minister/s requesting that, prior to the demolition of any heritage-listed item in Captains Flat, a Conservation Management Plan or similar document is developed for the Captains Flat mine site and associated railway infrastructure.

The resolution was carried unanimously.

**12.2 Notice of Motion - Funding for Heritage****MOVED (Willis/Preston)**

That:

1. Council write to Heritage NSW and the NSW Minister for Environment and Heritage, the Hon Penny Sharpe MLC, requesting that the NSW Government allocate sufficient funding to restore the level of heritage advice previously available to Council prior to the 2019 funding cut.
2. Council identify own-source Council funding to match any increase in NSW Government funding for heritage advice for inclusion in the 2024-25 Operational Plan.
3. In the event that additional funds are made available during the 2024-2026 term of the next Heritage Adviser, allocate those funds to the provision of additional heritage services.

**AMENDMENT (Winchester/Macdonald)**

That Council write to Heritage NSW and the NSW Minister for Environment and Heritage, the Hon Penny Sharpe MLC, requesting that the NSW Government allocate sufficient funding to restore the level of heritage advice previously available to Council prior to the 2019 funding cut.

The amendment (of Crs Winchester and Macdonald) was PUT.

For: Crs Burton, Grundy, Livermore, Macdonald, Preston,  
Taskovski and Winchester

Against: Crs Wilson and Willis

The amendment became the motion.

102/24

**RESOLVED (Winchester/Macdonald)**

That Council write to Heritage NSW and the NSW Minister for Environment and Heritage, the Hon Penny Sharpe MLC, requesting that the NSW Government allocate sufficient funding to restore the level of heritage advice previously available to Council prior to the 2019 funding cut.

The resolution was carried unanimously.

103/24

**12.3 Notice of Motion - Annual Reporting of Community Greenhouse Gas Emissions****RESOLVED (Willis/Preston)**

That Council:

1. Publicly report greenhouse gas emissions data for the QPRC Community Action Plan as soon as practical after Local Government Area (LGA) emissions data becomes available on the Snapshotclimate website each year. The reporting is to include:
  - a. Emissions data for the preceding financial year.
  - b. Historical LGA emissions data back to 2018-19, when Snapshotclimate LGA emissions data begins.
  - c. Progress towards the 2030 emissions reduction target (adopted in 2021) using the Council's 2018-19 target baseline.
  - d. Breakdown of the major sectorial contributors to the LGA's emissions.
2. Allocate resources in the annual Operational Plan for this work which should be feasible to undertake in-house.

The resolution was carried unanimously.

**13. REPORTS TO COUNCIL - DELEGATES REPORTS**

There were no Delegates Reports.

**14. QUESTIONS WITH NOTICE**

There were no Questions with Notice.

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

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

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

There were no presentations.

**16. REPORTS FOR CLOSED SESSION**

104/24

**RESOLVED (Winchester/Macdonald)**

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 Tender Evaluation - Design of the Bungendore Pool**

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

The resolution was carried unanimously.

The meeting then moved into Closed Session at 7.19pm to discuss the matters listed above.

**16.1 Tender Evaluation - Design of the Bungendore Pool**

105/24

**RESOLVED (Macdonald/Grundy)**

That Council award the contract for the tender, Design Aquatic Centre – Sports Hub Bungendore, to Mode Design for \$538,250 (\$592,075 incl GST).

The resolution was carried unanimously.

106/24

**RESOLVED (Winchester/Grundy)**

That the meeting now return to Open Session.

The resolution was carried unanimously.

The meeting returned to Open Session at 7.27pm.

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

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

**17. CONCLUSION OF THE MEETING**

The time being 7.27pm, 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**

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

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

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

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

**Recommendation**

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

9.1 DA.2023.0273 - Partial Demolition, alterations and additions to structures associated with The Albion Hotel - 119 Wallace Street BRAIDWOOD (Ref: ; Author: Ormella/Yeomans)

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File Reference: DA.2023.0273

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**Recommendation**

That development application DA.2023.0273 for partial demolition, alterations and additions to structures associated with the Albion Hotel on Lot 1 DP598830 at 119 Wallace Street Braidwood be granted conditional consent.

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**Summary**

**Reason for Referral to Council**

This application has been referred to Council because it is for the demolition of a building listed as a Heritage item.

|  |   |
|--|---|
| Proposal:                                    | Partial demolition, alterations and additions to structures associated with the Albion Hotel  |
| Applicant/Owner:                             | Zen Ruby Pty Ltd  |
| Subject Property:                            | Lot 1 DP598830<br>119 Wallace Street Braidwood  |
| Zoning and Permissibility:                   | E1 - Local Centre (B2), MU1 - Mixed Use (B4) under Queanbeyan Palerang Local Environmental Plan 2022  |
| Public Submissions:                          | Twenty (20)   |
| Issues Discussed:                            | Planning Requirements<br>Relationship of Section 60 Approval under the <i>Heritage Act 1977</i> and Integrated Development Approval process under the <i>Environmental Planning and Assessment Act 1979</i> . |
| Disclosure of Political Donations and Gifts: | Applicant Declared no Donations or Gifts to any Councillor or Staff have been made  |

**Background**

**Proposed Development**

Development consent for demolition and minor building work is sought. The works are on the site that accommodates The Albion Hotel however no change is proposed to that building.

9.1 DA.2023.0273 - Partial Demolition, alterations and additions to structures associated with The Albion Hotel - 119 Wallace Street BRAIDWOOD (Ref: ; Author: Ormella/Yeomans) (Continued)

Demolition includes for two sheds consisting of a 'T-Shape' in the centre of the site and garages / carport at the rear of the lot to the southern boundary.

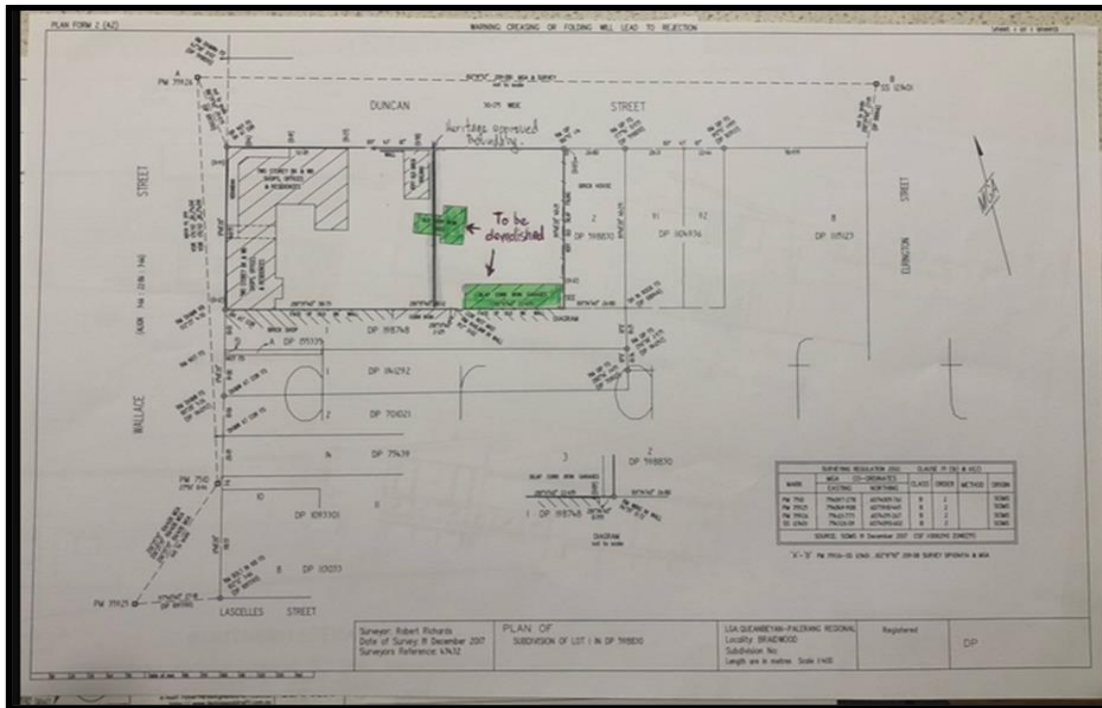


Figure 1 – Demolition Plan – T shaped Shed and garages shown green

The building work proposed to the Stables includes:

- Works to stables building involving a self-levelling cement compound over existing concrete floor.
- Extension of timber deck off western side of stables by 1,400mm
- Replacing the roof of the stables with like for like material
- Repairing the stables brickwork
- Installation of plumbing into stable for sink connection, installation of bathroom and extension to approved roof and seating area to west of stables.

The building work to the brick storage shed to the rear of the Albion Hotel is for a roof awning 4m x 3m (12m<sup>2</sup>).

Images of the proposed works are provided in the attached 4.15 Assessment Report and Proposal Plans (attached).

The Applicant has elected to have this application assessed as 'integrated development'. Integrated Development is development that requires development consent under Part 4 of the Environmental Planning and Assessment Act 1979 and, in order for it to be carried out, also requires approval and one or more NSW State Government Agency. In this instance, approval by Heritage NSW under the Heritage Act 1977 for the doing or carrying out of an act, matter or thing referred to in Section 57(1) of that Act is required.

Council is the consent authority for this application.



**9.1 DA.2023.0273 - Partial Demolition, alterations and additions to structures associated with The Albion Hotel - 119 Wallace Street BRAIDWOOD (Ref: ; Author: Ormella/Yeomans) (Continued)**

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Integrated Development links development consents and development approvals under other legislation. It also triggers section 4.48 of the Environmental Planning and Assessment Act which reads:

*4.48 Consent authority may not refuse certain development applications:*

- (1) This section applies to the determination by a consent authority of a development application for development that is integrated development for which a heritage approval is required.*
- (2) A consent authority must not refuse development consent on heritage grounds if the same development is the subject of a heritage approval.*

This clause is relevant given a heritage approval is required before the works can commence and that approval has already been granted.

In a letter dated 8 March 2024, Heritage NSW advised Council that they had assured themselves that the works proposed in the DA by the owner of the land and heritage item, is identical to that covered by the existing section 60 approval they had granted on 24 September 2021, which is valid for five years.

Heritage NSW have confirmed they have already assessed and approved the proposed works and that they are consistent with what Council is now being asked to determine. The consequence being that Council cannot refuse this development application on 'heritage grounds' pursuant to section 4.48 of the Act.

This is discussed further under the Heritage Assessment below and in the attached Section 4.15 Assessment Report. A copy of the advice from Heritage NSW is within the draft conditions of consent.

### **Subject Property**

The subject site is legally described as Lot 1 DP 598830 and is commonly known as 119 Wallace Street, Braidwood. The site is located on the eastern side of Wallace Street and the southern side of Duncan Street and has an area of 2,983m<sup>2</sup>. The site is relatively flat and contains minimal existing vegetation, except for two large trees on the southern side of the allotment.

Existing development on the site comprises several structures, including the Albion Hotel building. There is a brick building facing Wallace Street that contains, shops, offices, and dwellings. There is also a single storey brick/stone barn (stables), corrugated iron sheds in a T-shape and a dilapidated timber and sheet metal, open shed structure used to garage vehicles.

Vehicular access is provided to the site via two existing driveways from Duncan Street. Existing development within the locality consists of a mixture of uses, predominantly being office, business, retail, and low-density residential premises.

9.1 DA.2023.0273 - Partial Demolition, alterations and additions to structures associated with The Albion Hotel - 119 Wallace Street BRAIDWOOD (Ref: ; Author: Ormella/Yeomans) (Continued)



Figure 2 – aerial image with LEP zone mapping



Figure 3 – Stables with awning of Albion Hotel in foreground

9.1 DA.2023.0273 - Partial Demolition, alterations and additions to structures associated with The Albion Hotel - 119 Wallace Street BRAIDWOOD (Ref: ; Author: Ormella/Yeomans) (Continued)

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Figure 4 – photo inside Stables



Figure 5 – Stables with T shaped shed to rear right

9.1 DA.2023.0273 - Partial Demolition, alterations and additions to structures associated with The Albion Hotel - 119 Wallace Street BRAIDWOOD (Ref: ; Author: Ormella/Yeomans) (Continued)

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Figure 6 – Stables and T shaped sheds



Figure 7 – T shaped sheds with garaging to background left



Figure 8 – Stables, T shaped sheds and garages to rear right.

9.1 DA.2023.0273 - Partial Demolition, alterations and additions to structures associated with The Albion Hotel - 119 Wallace Street BRAIDWOOD (Ref: ; Author: Ormella/Yeomans) (Continued)

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Figure 9 – image inside eastern part of T shaped shed (image taken 2021-22)



Figure 10 – Image inside western portion of T -shaped shed (image taken 2021-22)

9.1 DA.2023.0273 - Partial Demolition, alterations and additions to structures associated with The Albion Hotel - 119 Wallace Street BRAIDWOOD (Ref: ; Author: Ormella/Yeomans) (Continued)

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Figure 11 – Garages to rear of site



Figure 12 – Garages to rear of site

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**Figure 13 – small brick shed where roof awning proposed**

### **Relevant site history**

On 22 November 1991, Schedule 1 of the Tallaganda Local Environmental Plan 1991 lists the heritage items at this site as 'Albion buildings & outbuildings'. It did not indicate whether the sites/objects were of local or state significance.

On 2 April 1999, State Heritage Register listing as the 'Albion Hotel, 3 adjoining shops & stables' (Listing Number 00304) was gazetted.

On 30 March 2006, 'Braidwood and its Setting' was listed on the State Heritage Register as an area of state heritage significance under Part 3A of the Heritage Act (SHR Item 01749).

The assessment by Heritage NSW, as the primary authority responsible for considering State heritage matters, to approve the works now subject to this application has been discussed in this report and attached 4.15 Assessment Report. The result of the Section 60 approval issued by Council cannot refuse those same works on heritage grounds.

The assessment notes that the NSW State Heritage Inventory (SHR 00304) describes the significant items as being the Albion Hotel, 3 adjoining shops and stables. There is no specific reference in the description to the balance of outbuildings.

It is further noted that the inventory refers to the site as having both local and state significance. Despite that description, the State heritage significance is recorded in Councils LEP which triggers the Heritage NSW assessment. The relationship of their approval to this assessment is relevant, and the description including local significance cannot override the current s.60 approval.

Schedule 5 of the QPRLEP 2022 lists the site as State significant. Clause 5.10 of the LEP is relevant and requires Council to consider the impact of assessable development on environmental heritage values.

The application has been supported by a Conservation Management Plan ('CMP') prepared by Touring the Past dated April 2020. The focus of the CMP is to provide appropriate conservation policies for managing change at the Albion Hotel complex. Their assessment is

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discussed in the attached Section 4.15 assessment however concluded that the outbuildings proposed to be removed do not have significant heritage value.

This assessment has found that there will be a loss of heritage fabric on this site. However, given legislative constraints discussed in this report, Council is constrained from refusing the application on heritage grounds. Further discussion is included in the Section 4.15 Assessment Report (attached).

In considering heritage impacts, Council needs to be aware of the approval pathways available for applications affecting State Heritage listed items. The Applicant has elected to have Council process the application as an 'Integrated Development Application' (IDA) which is available.

Council referred the application to Heritage NSW for their assessment. Given approval for the works has been provided by Heritage NSW under Section 60 of the Heritage Act 1977, Heritage NSW advised Council on 13 March 2024 to rely on that approval.

Council is in receipt of legal advice on how section 4.48 of the EP&A Act 1979 operates. That clause provides that if an Integrated Development Application is lodged Council cannot refuse the application on heritage grounds if a heritage approval has already been issued.

### **Planning Requirements**

Assessment of the application has been undertaken in accordance with Section 4.15 of the Environmental Planning and Assessment Act (EPAA) 1979, as amended. The matters that are of relevance are summarised in the attached Section 4.15 Assessment Report.

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

1. State Environmental Planning Policy (Resilience and Hazards) 2021
2. State Environmental Planning Policy (Transport and Infrastructure) 2021
3. State Environmental Planning Policy (Biodiversity and Conservation) 2021
4. Queanbeyan Palerang Regional Local Environmental Plan 2022 (QPRLEP).
5. Braidwood Development Control Plan 2012 (DCP)

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

Council's consideration should be given to the demolition of structures which form part of a heritage item, the local interest generated through submissions, and the legislative framework in which the decision must be made.

The heritage framework in NSW sits within an increasing hierarchy of local, state, Commonwealth and International significance.

Local heritage significance sites or items are identified and protected in listings in Schedule 5 of Council's LEP and are identified as being of "local" significance in that schedule.

Listing on an LEP recognises the item's significance in a local context or setting and affords protections for those values pursuant to the LEP. The local values have been considered in the context of the aims of the LEP, Objectives of the zone and guidelines under the Braidwood DCP.



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State heritage items are listed on the State Heritage Register and are identified as being of significance or importance to the whole of New South Wales. Generally, they are also listed in Schedule 5 of the applicable Local Environmental Plan. Items on the State Heritage Register are assessed against (and are considered to have met) specific assessment criteria. They are protected and managed under the Heritage Act.

**(a) Compliance with LEP**

The proposal seeks consent for demolition under clause 2.7 of the Queanbeyan Palerang Region Local Environmental Plan 2022. Minor building work consent is also sought, ancillary to the existing commercial uses on the site.

Aims of the LEP

The Aims of the QPLEP2022 have been addressed in the 4.15 Assessment, with relevant ones discussed below.

Aim (aa) seeks to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,

The proposed works to the stables will allow for its reuse and contribute to the cultural opportunities on the site.

Aim (a) seeks to protect and improve the economic, environmental, social and cultural resources and prospects of the community,

The proposal will improve opportunities for economic development of the site. The proposal will not protect the entire current formation of buildings on site which locally are considered to have cultural significance. On balance, this assessment has found that the removal of the metal sheds will not significantly alter the ability of the site to continue to offer economic, social and cultural resources and prospects of the community.

Aim (b) seeks to facilitate the orderly and economic use and development of land having regard to ecological sustainability principles,

The proposal will facilitate the orderly and economic use of the land considering ecological sustainability principles. The site will continue to offer significant heritage value to future generations should this proposal be approved.

Aim (h) seeks to identify and protect the cultural heritage of the area, including the built heritage and the Aboriginal heritage, is particularly relevant and warrants discussion.

The application identifies the site as having State Heritage significance in both the listing for this site and location in the 'Braidwood and its setting' conservation area.

The proposal does not retain or protect 2 metal conjoined sheds and metal garaging. The built heritage of the site would change as a result of development consent however this assessment has found this will not override its overall heritage significance.

The metal garaging to the southern boundary is in a very poor condition as referenced in the photos included in this report and as noted by Council's Heritage Advisor. The demolition of those structures appears less contentious than for the T shaped sheds.

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Officers' perspective, as a generalist Development Assessment Officer, is that the T shaped sheds as viewed from Duncan Street and at single storey are partially concealed by the Stables. Being lower overall than the Stables and more centrally located, they are not as prominent to the street frontage as the Stables.

Structurally they appear in relatively poor condition compared to the brick structures on site. The doorways appear narrow and it may be challenging having the buildings repurposed to meet current building standards, especially if they were to be made available to the public. The cultural heritage of the area has been identified and with some loss and some protection measures as a result, the cultural heritage is not anticipated to be significantly impacted by this proposal.

#### Objectives of the Local Centre Zone

The land where development is to occur is primarily included in the E1 Local Centre Zone. Discussion on how the proposal meets the objectives of the zone is included in the 4.15 Assessment with Objective 5 worth noting here.

Objective 5 seeks to encourage development that is consistent with the character and amenity of the locality.

Temporary amenity impacts could be experienced in the local area when site works occur, if approved, however Council would seek to mitigate these through conditions.

The proposal includes the demolition of buildings with heritage characteristics and modifications to other buildings which have heritage characteristics. The development maintains the significant heritage items on site noting less significant and more recently introduced structures are proposed to be demolished.

The proposed works are not inconsistent with the zone objectives.

Specifically,

*4.48 Consent authority may not refuse certain development applications.*

*(1) This section applies to the determination by a consent authority of a development application for development that is integrated development for which a heritage approval is required.*

*(2) A consent authority must not refuse development consent on heritage grounds if the same development is the subject of a heritage approval.*

The substantive issue for Council's consideration is whether the proposed development would lead to substantial loss or harm on planning grounds.

There is no dispute that the demolition of the structures is irrevocable. Council's Heritage Advisor has offered suggestions on ensuring an appropriate record of the structures is made and the potential reuse off site through reclamation of the material. He notes demolition is not preferred however these suggestions are offered in order to reduce the overall loss of the fabric.

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This assessment has found that the loss of the more minor structures and the improvements to the stables building and roof awning to the store room will result in some improvements and some loss.

The proposed development for demolition and building work is considered to generally comply with the requirements of the Queanbeyan Palerang Regional Local Environmental Plan 2022.

**(b) Compliance with Braidwood Development Control Plan**

The Braidwood Development Control Plan is a guide which aims to inform applicants or what is required of their applications, seek public participation, and relevantly *facilitate the conservation of Braidwood's State and local heritage significance and ensure that heritage issues are given appropriate consideration.*

The conservation of Braidwood's State and local heritage significance has been considered in the assessment of this application. Appropriate consideration has been given to these issues as sought by the Aims of the DCP.

The DCP outlines objectives of the DCP specifically in relation to heritage matters. These seek to ensure the protection of heritage items and the heritage significance of Braidwood and its setting; to ensure that future development does not detract from the historic rural character of the town; to ensure management of the town's streetscapes is consistent with the town's historic character and to maintain Braidwood as a living, working community.

The proposal cannot ensure the protection of all items on the site however the items proposed to be removed are not considered essential to the maintenance of the heritage significance of this site which accommodates a two storey hotel, brick stables, brick store and terrace shops, all having significant value.

The removal or relocation / reuse of the materials as sought by a condition will not impact the significance of Braidwood and its settings, referring to the findings of Touring the Past and the section 60 approval by Heritage NSW.

The proposed development includes the demolition of galvanized metal sheds and garages which could contribute to the historic rural character of the town. They are considered minor structures and it is considered the historical rural character of the Albion site will remain, including with the repairs proposed to the Stables structure.

As with the aims of the LEP, some objectives appear compromised whilst others, for example supporting opportunities for a living, working community might be more readily achieved.

The aims and objectives of the DCP have been considered, and on balance do not warrant refusal of the application.

The proposed development generally complies with the requirements of the Braidwood Development Control Plan 2016. For a detailed assessment against the provisions of the DCP please refer to the attached Section 4.15 Assessment Report.

**(c) Legal advice**

Given questions raised during the public notification process and technical issues raised during the assessment of this application, Council officers sought expert legal advice from Shaw Reynolds Solicitors. This advice which is privileged, was presented to Council at the 24 January 2024 meeting as a confidential business paper, and therefore is not attached.

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Shaw Reynolds confirmed Council is constrained on refusing the application on 'heritage grounds'. They explain 'heritage grounds' typically means the historical, scientific, cultural, social, archaeological, architectural, natural, or aesthetic value of the heritage item.

Shaw Reynolds advise that if the Council were to refuse the application on heritage grounds the proponent may seek review of the merits of that decision in Class 1 Land and Environment Court Proceedings or challenge the validity of the decision in Class 4 judicial review proceedings in the Land and Environment Court.

**(a) Building Surveyor's Comments**

Council's Building Surveyor offered no objections, with the imposition of relevant conditions.

**(b) Development Engineer's Comments**

Council's Development Engineer offered no objections, with the imposition of relevant conditions.

**(c) Environmental Health Comments**

Council's Environmental Health Officer offered no objections, with the imposition of relevant conditions including that a Hazardous Substances management plan in accordance with the Australian Standard being prepared.

**(a) Heritage Advisor's Comments**

Council's Heritage Advisors comments are attached and reiterated below.

**Proposed new works**

Appropriate materials have been suggested and included within the draft condition of consent.

**Demolition of T shaped shed**

*Braidwood's sheds are seen as part of the town's historic character and hence demolition is not a preferred heritage solution. However, the shed is in medium to poor condition and would require a fair amount of work to revitalise it – which nevertheless is achievable.*

*The T shaped shed sits across the proposed subdivision boundary. Given the history of the development over the last few years it would be an acceptable heritage solution to reconstruct the shed so that it was in good condition and wholly on the one site – probably that of the hotel itself. It could provide future uses including residential accommodation, commercial opportunity (possibly in tandem with the stables) or ancillary service to the main building (storage etc).*

*If demolition approval is given then the shed should be archivally recorded and made available to the local community.*

**Remove sheds on south boundary line**

*These sheds are in dilapidated condition and given health and safety issues it would be difficult to require their retention. If demolition is approved the sheds should be archivally recorded including plan and elevations as well as photographically, and a digital copy provided to QPRC*

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*for their records. Salvaged timber should be made available to the community for possible reuse in a sculptural or creative manner.*

Conditions have been suggested to seek an appropriate record of the buildings should consent for their removal be granted.

**(b) Heritage Advisory Committee Comments**

Council's Heritage Advisory Committee (HAC) was presented with the proposal at its meeting of 24 August 2023.

The minutes of the meeting note the Committee has a consensus view that the t-shaped sheds should be retained on site given its heritage value and potential for reuse. The Committee notes that the DA put before it is incomplete and may be expanded upon in the future. In the event that further information is received, the Committee request that it be returned to the Committee for consideration.

Council officers did not generate an Information Request noting that the plans attached are sufficient to understand the type of development consent sought. There was no further information available to the Committee.

**Financial Implications**

The proposed development has no financial implications to note.

**Engagement**

The proposal required notification under Queanbeyan Palerang Community Engagement Plan, and it was advertised on Council's website. Twenty (20) submissions were received. The issues raised are summaries below:

- 1) The proposed development is considered to have an unacceptable impact on two buildings considered to have local heritage significance. The buildings should be retained on site.***

*Comment:* The development includes the consequential demolition of the T-Shaped Sheds and garage that would result from development consent of this application. Despite this Heritage NSW has issued a Section 60 Approval dated 24 September 2021 for the demolition of these structures and Council is unable to refuse the application on heritage grounds based on Section 4.48 of the EP&A Act 1979.

The concerns of the submitters on the impact to the contributory heritage listing is acknowledged however given the s60 approval and Council's inability to refuse the application on heritage grounds, it is recommended that the application be consented.

Legal advice to Council confirms there is a hierarchy in heritage listings, with items on the State Heritage Register being of broader heritage significance than items listed on a Local register. The Local Environmental Plan is consistent with the Heritage Register that identifies the item as being significant.

Further, that the State Heritage Council, in determining whether to issue a heritage approval under s 57, is required to consider impacts on local heritage including *the extent to which that*

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*application, if approved, would affect the significance of any item as an item of environmental heritage.*

“Environmental heritage” is defined in the Heritage Act as *those places, buildings, works, relics, moveable objects, and precincts, of State or local heritage significance.*

Council officers see no conflict with the hierarchy of listing with the State Heritage Register prevailing.

Council can seek that the materials be salvaged and repurposes as a condition of consent. Council’s Heritage Advisor has also conditioned suitable material be used for the proposed works to the Stables.

Notwithstanding the point above, it is recognised that submitters have given considerable weight to the impact the structures currently have on local views. The metal garaging to the southern boundary is in a very poor condition as referenced in the photos included in this report and as noted by Council’s Heritage Advisor. The demolition of those structures appears less contentious than for the T shaped sheds.

Officers’ perspective, as a generalist Development Assessment Officer, is that the T shaped sheds as viewed from Duncan Street and at single storey are partially concealed by the Stables. Being lower overall than the Stables and more centrally located, they are not as prominent to the street frontage as the Stables.

Structurally they appear in relatively poor condition compared to the brick structures on site. The doorways appear narrow and it may be challenging having the buildings repurposed to meet current building standards, especially if they were to be made available to the public.

The galvanised metal has some appeal in its discolouration and they are quaint structures.

**2) That the buildings should be retained, repaired and reused. There are other business solutions the land owner could employ.**

*Comment:* The application as proposed must be assessed. The land owner has sought to retain and repair the stables structure however not the T shaped sheds and the garages which Council’s Heritage advisor recognises as being dilapidated and in need of repair.

**3) Local Heritage listing in the Tallaganda LEP 1991.**

The site was identified as a Local Heritage item in the Tallaganda LEP 1991, described as ‘The Albion and Outbuildings’. It had local significance under that now repealed LEP.

*Comment:* Schedule 1 of the Tallaganda LEP lists the heritage items but does not indicate whether the sites/objects are of local or state significance.

The site was included on the State Heritage Register on 2 April 1999. Local Environmental Plans in force after Tallaganda, being Palerang and the current Queanbeyan Palerang Regional LEP recognise the State significant listing of the site. Officers under the PLEP 2014 and QPRLEP 2022 included the State significant listing to be consistent with the State Heritage Register to avoid potential inconsistencies.

The current listing in the Queanbeyan Palerang LEP and on the State Heritage Register have statutory weight. Considering how the buildings on the site were described or what significance that may have had does not overcome the current status of these listings.

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Given the hierarchy of heritage significance in New South Wales, the assessment and subsequent determination by Heritage NSW to approve the works identical to those before Council now and the application of section 4.48, there are no grounds to refuse the application based on the submitters comment.

**4) Section 4.47 of the Environmental Planning and Assessment Act allows Council to refuse the application.**

*Comment:* Section 4.47 operates where Council is not required to obtain General Terms of Approval where it determines to refuse consent. Integrated development can relate to a range of development proposals, including subdivision of land that is bushfire prone. That is a general clause to any integrated development.

Section 4.48 is relevant here, as it relates to the situation where a heritage approval has already been provided. Section 4.48 does not allow Council to refuse consent where heritage approval has already been provided.

**5) The plans are unclear and unprofessional. Applications should be clear and succinct.**

*Comment:* The applicant has submitted the same plans to Council as were approved by Heritage NSW, for consistency. The plans are adequate for Council's purpose with the addition of conditions to ensure the materials proposed are appropriate. Council's Heritage Advisor has suggested conditions be imposed on any consent requiring a photographic record be made of the buildings on this site.

**6) Heritage NSW did not follow due process when they assessed and approved the Section 60 approval.**

*Comment:* Council is unable to comment on how a State Government agency conducts its business.

**7) Funding sources and restoration costs offered by the Applicant are questionable.**

*Comment:* The applicant has sought to invest in the property in this way. The proposed improvements to the stables are likely to encourage its re-use which will assist to meet the aims and objectives of the QPRLEP in relation to economic development in the local area.

**Compliance or Policy Implications**

The recommendation of this report is consistent with Council's obligation under Section 4.48 of the Environmental Planning and Assessment Act. The proposal generally complies with relevant policies and this assessment has been guided by independent expert legal advice.

**Links to QPRC/Regional Strategic Plans**

The recommendation of this report is consistent with relevant Council Plans. The legislative controls that apply to this development require compliance.

**Conclusion**

The aims of the Local Environmental Plan seek to achieve a range of economic, social, environmental and cultural outcomes, including but not limited to protecting built heritage.

**9.1 DA.2023.0273 - Partial Demolition, alterations and additions to structures associated with The Albion Hotel - 119 Wallace Street BRAIDWOOD (Ref: ; Author: Ormella/Yeomans) (Continued)**

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The assessment has considered the balance between competing private and public interests and the aims and relevant zone objectives of the Local Environmental Plan. The interests and opinions of submitters is noted however, on balance, the removal of dilapidated garages and metal sheds in disrepair does not warrant refusal of the application in planning terms.

The assessment recognises that professionally there are differing opinions on the significance of the items proposed to be demolished. Their contribution to the fabric of the local built environment has been considered. Touring the Pasts' assessment determined the structures proposed to be removed do not hold the same significance as the buildings specifically noted on the Heritage Register, being the Hotel, Stables and Terrace Row of shops.

Evidenced from the site photos, the small brick shed, bricks stables and Albion Hotel & Shops clearly contribute to the grand sense of the site. This is also evidenced from a walk-through of the site and from viewing the site from the local street.






Dilapidated metal sheeting to the garages and sheds recognised by Council's Heritage Advisor as being in a state of disrepair are considered to hold less comparative value. Council's Heritage Advisor preferred the items remain however sought that a photo record, preserving our understanding of the buildings in situ could be sought as a condition of consent.

The submitted proposal for partial demolition, alterations and additions to structures associated with the Albion Hotel on Lot 1 DP598830 at 119 Wallace Street Braidwood is Integrated Development and is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and 20 submissions were received. NSW Heritage had confirmed that the s.60 approval granted is identical to the proposed development.

The proposal has been assessed under Section 4.15 of the Environmental Planning & Assessment Act 1979 including the relevant provisions of Queanbeyan Palerang Regional Local Environmental Plan 2022 and Braidwood Development Control Plan 2012.

The development generally satisfies the requirements and achieves the objectives of these instruments. The application is recommended for development consent.

### **Attachments**

- |  |   |
|--|---|
| Attachment 1   | DA.2023.0273 - Submissions (redacted) <i>(Under Separate Cover)</i>         |
|  Attachment 2 | DA.2023.0273 - Heritage Advisor comments <i>(Under Separate Cover)</i>      |
|  Attachment 3 | DA.2023.0273 - Demolition Plan <i>(Under Separate Cover)</i>                |
|  Attachment 4 | DA.2023.0273 - Proposed works plans <i>(Under Separate Cover)</i>           |
|  Attachment 5 | DA.2023.0273 - Draft conditions of consent <i>(Under Separate Cover)</i>    |
|  Attachment 6 | DA.2023.0273 - Section 4.15 Assessment Report <i>(Under Separate Cover)</i> |



File Reference: PJT0033

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### **Recommendation**

**That Council:**

- 1. Appoint all nominees and form the Affordable Housing Working Group.**
  - 2. Nominate a Councillor representative on the Affordable Housing Working Group.**
- 

### **Summary**

Through an Affordable Housing Working Group, industry expertise is being sought to inform Council's work on the Queanbeyan-Palerang Regional Council's Affordable Housing Strategy.

Expressions of interest (EOI) from the industry and community were sought between 14 February 2024 and 8 March 2024 and nine nominations were received (Attachment 1). All nominees would make a valuable contribution to inform the implementation of the Strategy.

A Councillor representative is being called for and a draft Terms of Reference for the group has been prepared to inform the purpose and role of the working group (Attachment 2).

### **Background**

Strategy 1c. in the QPRC Affordable Housing Strategy recommends Council convene and resource an Affordable Housing Advisory Group or similar to implement and monitor progress of the Strategy. Through the formation of a working group, industry and local expertise on affordable housing and homelessness, will enable Council's work in this area to progress.

The draft Terms of Reference informs the purpose of the group.

### **Report**

The working group will provide non-binding advice and does not have the power to incur expenditure, as outlined in the draft Terms of Reference. The working group will assist to strengthen connections between the community and Council's work progressing the Strategy.

The working group would meet once a month during business hours and operate within the agreed Terms of Reference. A Councillor representative is requested. The group would establish the chair at its first meeting.

### **Financial Implications**

The secretariat function for the working group will be through Council's Land-use Planning Branch. This will enable officers to capture the expertise of the group on emerging work.

### **Engagement**

The EOI from community members were sought between 14 February 2024 and 8 March 2024. The EOI was promoted on Council's website, social media, weekly eNews and Council's fortnightly newspaper advertisement. Additionally, Council staff wrote directly to regional community housing providers, not-for-profit service providers associated with homelessness, churches, state agencies and real estate agents to invite them to nominate.

**9.2 Affordable Housing Strategy Working Group (Ref: ; Author: Ormella/Shumaker)  
(Continued)**

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**Compliance or Policy Implications**

Formation of a working group is a recommendation of Strategy 1 of the QPRC adopted Affordable Housing Strategy.

**Links to QPRC/Regional Strategic Plans**

Affordable housing is a regional priority as recognised by Council's Affordable Housing Strategy, Queanbeyan-Palerang Local Strategic Planning Statement, the Queanbeyan-Palerang Community Strategic Plan 2042 and the South East and Tablelands Regional Plan 2036, the draft South East and Tablelands Regional Plan 2041, and the State Infrastructure Strategy 2022-2042.

**Affordable Housing Strategy**

Strategy 1c. recommends Affordable Housing Advisory Group or similar to implement and monitor progress of the Strategy be convened.

**Local Strategic Planning Statement 2020 'Towards 2040'**

Direction 27 of the Regional Plan is to 'Deliver more opportunities for affordable housing'.

**Queanbeyan-Palerang Community Strategic Plan 2042**

Strategic objective 3.2 requires Council to work towards a robust planning system that provides zoned and serviced land that supports affordability and choice to liability of the area.

**State Infrastructure Strategy 2022-2042: Staying Ahead**

This NSW State Government strategy recognises that housing supply is critical to attracting workers and investment and that diverse and affordable housing needs to be prioritised through regional and local strategic plans.

**South East and Tablelands Regional Plan 2036**

Direction 27 of the Regional Plan commits the state to 'Deliver more opportunities for affordable housing'.

**Draft South East and Tablelands Regional Plan 2041**

Additionally, the draft South East and Tablelands Regional Plan 2041 identifies 'providing affordable housing for a growing population in regional NSW' as a key focus by the NSW government for the region.

**Conclusion**

Formation of a working group to bring expertise and inform the Council's work on the Affordable Housing Strategy is recommended. Nomination of a Councillor representative is being sought.

**Attachments**

Attachment 1      Expressions of Interest (*Under Separate Cover*)



Attachment 2      Draft Terms of Reference (*Under Separate Cover*)



9.3 Extension of Contract 08/2014 Waste Collection Services (Ref: ; Author: Tooth/Belcher)

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File Reference: 34.1.1

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**Recommendation**

That Council:

1. **Endorse discussion of a variation with JJ's Waste and Recycling to extend Contract 08/2014 for a further 18 months to 27 October 2026.**
  2. **Receive a further report once negotiations have been completed to formally consider the variation.**
- 

**Summary**

Council staff were well advanced in the preparation of Request for Tender documents for a new waste collection contract when amended regulations related to tendering for waste management service were released. The amended regulations require substantial amendments to the Request for Tender documents and Council staff consider there is insufficient time to complete the amendments prior to the expiry of the current contract.

This report recommends that Council endorse negotiation between the General Manager and the current contractor to extend the existing waste collection contract for 18 months. Extension of the existing contract will allow time for current regulatory matters to be resolved and thus for staff to amend the Request for Tender documents, without jeopardising ongoing waste collection for residents.

**Background**

JJs Waste and Recycling (formerly JJ Richards & Sons Pty Ltd) holds the kerbside waste collection contract for the former Queanbeyan local government area (LGA). The contract was awarded at the Council meeting of 17 December 2014 (**Resolution 379/14**) and services commenced on 27 April 2015. The Initial Contract Term was seven years, and at the 27 October 2021 Ordinary Meeting, Council resolved (**Resolution 326/21**) to take up an extension provision of the contract for a further three years to 27 April 2025.

Under the original contract, no further extensions are available. In early 2023, Council staff commenced preparation of Request for Tender (RFT) documents to procure a new contractor. RFT documentation was substantially complete in mid-December 2023, with a view to releasing the RFT to market in February 2024. Staff expected to present a report to Council in April 2024 recommending the award the new contract, providing 12 months for the successful contractor to undertake the necessary procurement of vehicles, establishment of depots and recruitment of staff. In general, a 12 month period between Contract Award and services commencement is considered sufficient, and a shorter timeframe increases the risk of a poor transition.

**Report**

On 15 December 2023, the Office of Local Government released Circular 23-16, titled Regulation amendments to protect the employment of waste workers. The Circular

**9.3 Extension of Contract 08/2014 Waste Collection Services (Ref: ; Author: Tooth/Belcher) (Continued)**

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substantially altered, with immediate effect, the requirements for tendering “domestic or other waste management services”. The Circular is attached to this report.

Upon receipt of the Circular, Council staff considered the impact to the RFT schedule to be manageable and commenced amendments to the RFT documentation to meet the requirements. As Council staff developed a more comprehensive understanding of the changes, it became apparent that the schedule impacts were more significant than initially thought and that there was a significant risk that Council would not be able to award a new waste collection contract prior to the expiry of the current contract.

This change to the regulations has impacted the whole waste management industry, with Local Government NSW (LGNSW) and waste collection contractors, expressing their reservations about the workability, legality, scope and ambiguity of the amendments and the lack of consultation prior to these amendments coming into force.

LGNSW, have obtained a legal opinion on the amendments which they have circulated to NSW Councils; along with an update on the actions LGNSW has taken. Councillors have also received this update from the President of LGNSW on 10 March 2024.

The legal advice considers the new Waste Tendering Regulation to be ambiguous, unworkable and would in fact lessen the competition in the market for domestic and other waste management services. This advice further notes an opinion that the amendments are in breach of the Competition and Consumer Act 2010 (Cth) and therefore open to challenge under s109 of the Commonwealth Constitution.

Following this advice, LGNSW have asked the NSW Government to repeal the amendments and undertake consultation with all stakeholders in the waste management sector.

Given the late change and uncertainty related to this matter, Council staff consider it necessary to defer release of a new RFT until greater clarity is received. To facilitate this, an extension of the existing contract would be required.

**Risk/Policy/Legislation Considerations**

Waste collection is a critical service to the community. Under the current amendments, Council staff consider that it would take an additional 12 months to award a new contract, and a further 12 months will be required for the Contractor to implement the services. Without amendment to the current contract term, Council is at risk of being without a waste collection contractor between April 2025 and April 2026.

It is therefore prudent to negotiate the expiry date of the current contract to October 2026.

As the amended regulations only apply to circumstances where Council tenders for new services, Council can extend an existing contract.

Extension of the existing contract will mitigate risks associated with the procurement of a new waste collection contractor.

**Financial, Budget and Resource Implications**

The existing contract contains provisions for the handling of variations, and negotiations will occur within these provisions. It is anticipated that an agreement on generally the same contractual terms will be achievable with the current contractor.

**9.3 Extension of Contract 08/2014 Waste Collection Services (Ref: ; Author: Tooth/Belcher) (Continued)**

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To ensure that Councillors have appropriate oversight of the budgetary implications of this report, a further report will be presented to Council for formal consideration of the variation once negotiations have been completed. This future report will provide detail on financial, budget and resource implications.

**Links to QPRC/Regional Strategic Plans**



The proposed actions are consistent with the 2022-26 Delivery Plan, specifically Strategic Objective 4.2 - Our community's waste, water, sewerage, stormwater and recycled water needs are met, and the strategy under that Objective to manage the collection of waste and operation of waste facilities to meet community requirements.

**Conclusion**

Noting the items discussed within this report and the effects that they have with the RFT it is apparent that there will be insufficient time to gain clarity around the proposed changes whilst establishing a new contract with continuing services to our community without impacting service delivery.

To ensure ongoing service delivery, it is recommended that Council endorse discussions with the existing contractor to negotiate an extension to the existing contract of 18 months. An extension will allow Council staff sufficient time to update RFT documents and run the procurement process. Following conclusion of the negotiations, a further report will be presented to Council to formally consider the amendments.

**Attachments**

- |   |  |
|---|--|
| Attachment 1<br> | OLG Circular 23-16: Regulation amendments to protect the employment of waste workers ( <i>Under Separate Cover</i> ) |
| Attachment 2<br> | LGNSW Update - Waste Tendering Regulations ( <i>Under Separate Cover</i> )   |

9.4 NSW Flood Recovery and Resilience Grant Program - 2023-24 (Ref: ; Author: Monaghan/de Jongh)

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File Reference: 36.3.3-01

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**Recommendation**

**That Council endorse the application for funding through the NSW Flood Recovery and Resilience Grant Program for the Bungendore overflow channel project and commit funding from the General Fund of \$750,000 over two financial years 24/25 and 25/26.**

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**Summary**

Council staff recently submitted a funding application for the Bungendore Overflow Channel through the NSW Flood Recovery and Resilience Grant Program.

It is recommended that Council endorse the funding application and commit funding from the General Fund of \$750,000 over two financial years 2024/25 and 2025/26. If Council chooses not to endorse the application staff will withdraw the grant application.

**Background**

The Bungendore Overflow Channel is a recommended flood risk management measure from the adopted 2014 Bungendore Floodplain Risk Management Study & Plan (FRMSP). The Overflow Channel is the next priority floodplain risk management implementation measure of the adopted study and plan.

The work involves construction of an Overflow Channel of Turallo Creek, Bungendore that bypasses the bridge on Tarago Road. This will provide flood relief by diverting higher flowing floodwater through new box culverts beneath Tarago Road upstream of the Turallo Creek bridge crossing so that they will re-enter the creek downstream of the confluence of Turallo and Halfway Creeks.

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

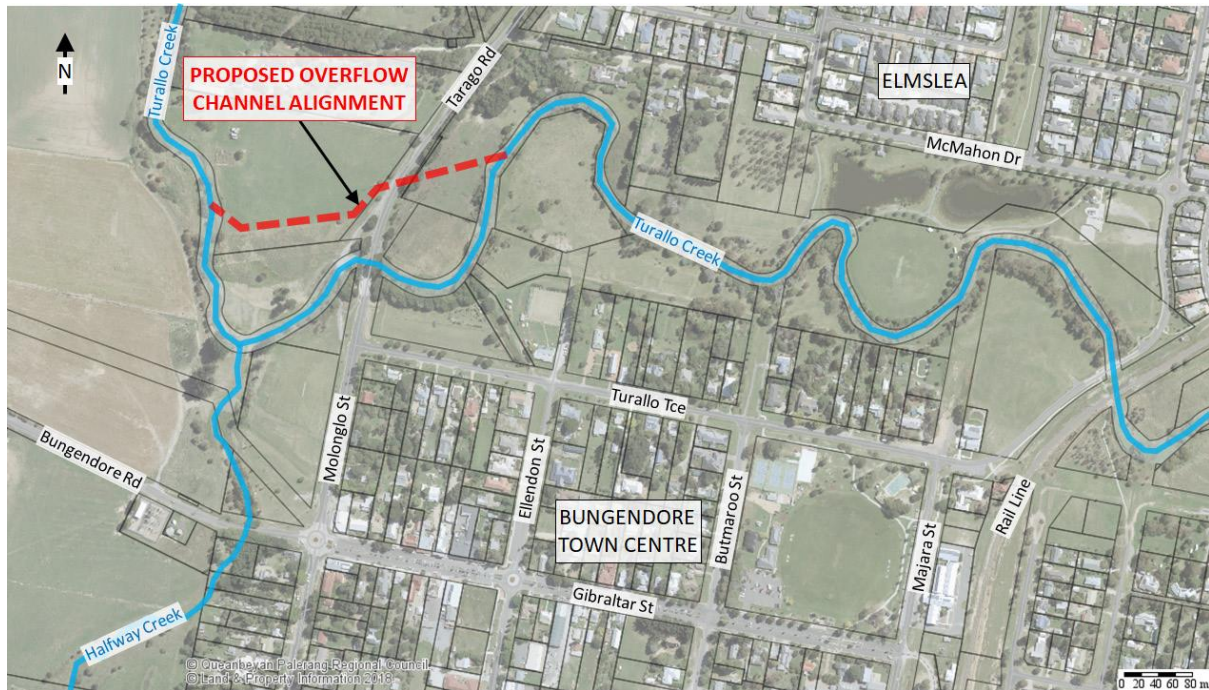
**9.4 NSW Flood Recovery and Resilience Grant Program - 2023-24 (Ref: ; Author: Monaghan/de Jongh) (Continued)**

Figure 1: Bungendore Overflow Channel overview map

**Report**

The NSW Flood Recovery and Resilience Grant Program provides \$40 million in grant funding to manage flood risk for 62 disaster declared local government areas. Queanbeyan-Palerang Regional Council is one of the eligible local government areas under the program.

Support provided under the NSW Flood Recovery and Resilience Grant Program usually involves \$3 from NSW Government for every \$1 provided by Council (3:1 funding ratio).

Council was previously successful in obtaining funding for the Bungendore Overflow Channel through the annual NSW Governments Floodplain Management Program – 2022-23. This program operates on a 2:1 funding ratio.

Due to financial constraints, Council resolved on 22 February 2023 (**Resolution 048/23**) to:

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

Council staff were not made aware of the NSW Flood Recovery and Resilience Grant Program until late February, with the closing date for applications being 13 March 2024. As such, staff were unable to seek Council endorsement at a Council meeting prior to submitting a grant application. If Council does not endorse the grant application, staff will withdraw the grant application.

#### 9.4 NSW Flood Recovery and Resilience Grant Program - 2023-24 (Ref: ; Author: Monaghan/de Jongh) (Continued)

##### Financial, Budget and Resource Implications

The funding ratio between NSW Government and QPRC for this project under the NSW Flood Recovery and Resilience Grant Program would be 3:1, where NSW Government covers three-quarters (75%) of project capital costs and QPRC to cover the remaining one-quarter (25%). This is an improvement on the annual NSW Government's Floodplain Management Program 2:1 funding ratio.

The total project cost for the Bungendore Overflow Channel is currently estimated to be \$3,000,000. Funds totalling \$750,000 would need to be allocated to provide Council's contribution to the Bungendore Overflow Channel under the NSW Flood Recovery and Resilience Grant Program (3:1 funding ratio). It is expected that this would be split over the 2024/25 and 2025/26 financial years, with \$375,000 being allocated to each.

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

| Expense Type                | Funding Source  | Amount             |
|-----------------------------|---|--------------------|
| Construction Cost           | NSW Government 75%  | \$2,250,000        |
|                             | Council 25%   | \$750,000          |
| Internal Project Management | Existing operational budget for wages and administration transferred to project | \$224,000          |
|                             |   | <b>\$3,224,000</b> |

##### Links to QPRC/Regional Strategic Plans

The Bungendore overflow channel is a recommended flood risk management measure from the Bungendore Floodplain Risk Management Study and Plan (2014). This study and plan can be found on Council's website:

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

##### Conclusion

It is recommended that Council endorse the application for funding through the NSW Flood Recovery and Resilience Grant Program for the Bungendore overflow channel project.

##### Attachments

Nil



9.5 Jerrabomberra Traffic Campaign (Author: Monaghan/de Jongh)

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File Reference: 36.3.3-01

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**Recommendation**

**That Council authorise the General Manager to sign and execute the funding agreement for \$2 million from the Federal Government's Investing in our Local Communities Program for the Jerrabomberra Traffic Campaign and include the project in the draft 2024/2025 budget.**

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**Summary**

Council was invited by the Commonwealth Department of Infrastructure, Transport, Regional Development, Communication and the Arts to submit a funding application for the Jerrabomberra Traffic Campaign. The proposed project aims to deal with traffic issues at the crossing of Edwin Land Parkway.

The funding commitment was originally announced during the 2022 Federal election.

**Report**

Council has been notified that funding has been awarded in the amount of \$2 million under the 'Investing in Our Communities Program' for the Jerrabomberra Traffic Campaign project. A funding deed has been received and Council is reviewing the delivery and milestones before execution by the General Manager. The program is funded by the Commonwealth Department of Infrastructure, Transport, Regional Development, Communication and the Arts.

The proposed project scope and prioritisation of elements has been determined through recent meetings with the Jerrabomberra Residents Association and previous project consultations with the community. The proposed work is located on Edwin Land Parkway between Jerra Circle and Numeralia Drive / Stringybark Drive intersections and aims to support and promote active transport between both sides of Jerrabomberra.

This grant funding approval notification covers the following components:

1. Replacement of the current roundabout at Edwin Land Parkway, Numeralia Drive and Stringybark Drive with traffic signals,
2. Installation of a pedestrian fence (or similar) at the western end of Edwin Land Parkway between Jerrabomberra Circle and the existing pedestrian crossing,
3. Installation of at least two pedestrian walk signs on approach to the existing crossing,
4. Installation of at least two flashing slow down, pedestrian crossing warning signs at each approach to the mid-block crossing point, and
5. Introduction of speed cushions on Edwin Land Parkway between the two roundabouts.

Wider community consultation will be undertaken on the project components prior to development of final designs and construction. Council does not have delegated authorisation for use of all of the project components and Transport for NSW approval will be required.

9.5 Jerrabomberra Traffic Campaign (Author: Monaghan/de Jongh) (Continued)



**Financial, Budget and Resource Implications**

Once constructed, Transport for NSW will retain ownership of traffic signals (cables and switching boxes) and the pavement, stormwater and kerb will be Council assets.

The total funding amount from the Commonwealth Department of Infrastructure, Transport, Regional Development, Communication and the Arts is \$2 million. This covers external costs from consultants/contractors for design and construction.

Council staff will manage construction supervision of the works. Internal costs are not covered by the grant funding. As such Council will need to cover these costs from the general fund. This is estimated to be \$80,000 of staff time, already budgeted within Council’s annual wages budget and an allocation of project management administration.

The project timeline is for delivery by 1 July 2025.

| Expense Type                | Funding Source   | Amount             |
|-----------------------------|--|--------------------|
| Construction Cost           | Commonwealth Grant                                       | \$2,000,000        |
| Internal Project Management | Existing operational budget for wages and administration | \$163,200          |
|                             |  | <b>\$2,163,200</b> |

9.5 Jerrabomberra Traffic Campaign (Author: Monaghan/de Jongh) (Continued)

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**Conclusion**

That Council accept the funding offer of \$2,000,000 from the Department of Infrastructure, Transport, Regional Development, Communications and the Arts for the Jerrabomberra Traffic Campaign and include the full cost of the project in its 24/25 Operational Plan.

**Attachments**

Nil

9.6 Bungendore Swimming Pool Lease Extension Offer (Ref: ; Author: Richards/Spear)

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File Reference: 46.1.1-34

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**Recommendation**

That Council:

1. **Accept the offer from NSW Department of Education to extend the lease of the Bungendore Swimming Pool until 31 March 2025, and authorise the General Manager to execute the addendum to the Lease Agreement.**
  2. **Continue to budget for the operating of the current Bungendore Swimming Pool for the season in the 24/25 Operational Plan.**
- 

**Summary**

The NSW Department of Education (DoE) have formally confirmed the offer to extend the lease for the Bungendore Swimming Pool for the 2024/2025 season.

**Background**

Since the compulsory acquisition of the land designated for the new Bungendore High School, Council has had a Lease Agreement to operate the Bungendore Swimming Pool for the 22/23 and 23/24 seasons. The offer has been made to extend this arrangement for another season. This offer has been made after the representations made by the community, Council and local member advocacy.

A local resident, Antoinette Schulz emailed a request to Council, DoE and the local member about extending the lease until the new pool is built. The construction of the new Bungendore Swimming Pool at the Bungendore Sports Hub will not occur prior to the 24/25 season.

There was a reduction in visits to the Bungendore Swimming Pool in 23/24 (8,641 visits from 10,758 in 22/23). There is concern that the potential loss of a swimming season would further discourage pool use overall and impact swimming lessons, run by the Bungendore Swim Club that were already severely disrupted by the pandemic. In addition, the closure of the pool during the summer season removes one of the main activities for youth in Bungendore.

**Risk/Policy/Legislation Considerations**

Council previously agreed to accept the offer from NSW Department of Education to extend the lease of the Bungendore Swimming Pool until 31 March 2024, and authorise the General Manager to execute the addendum to the Lease Agreement (**Resolution No 241/23**).

**Financial, Budget and Resource Implications**

The average income from the Bungendore pool operations over six seasons is approximately \$30K per year. The average expenditure over six seasons is approximately \$150K per year. The nett cost of operating the Bungendore Swimming Pool for summer season (November to mid-March) is approximately \$120K.

An alternative would be to offer Bungendore residents a season pass free of charge, which would cost approximately \$15K. By application, Council would provide a season pass for free entry into either Braidwood, Captains Flat or Queanbeyan Swimming Pools.

**9.6 Bungendore Swimming Pool Lease Extension Offer (Ref: ; Author: Richards/Spear) (Continued)**

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Whilst Council may seek to recover the cost of operating the pool from NSW Government, this outcome is highly unlikely.

**Links to QPRC/Regional Strategic Plans****QPRC Community Strategic Plan 2018-2028****Strategic Priority**

A fair, transparent and accountable council that creates opportunities for engagement and responds to community aspirations.

**Strategic Pillar Community****1.5 Service objective**

Support the active recreational, sporting and health pursuits of the community through the availability of facilities and participation in programs and events in the Queanbeyan-Palerang region.

**QPRC Aquatics Strategic Plan**

Strategy 3: Understand the social benefits of pools and provide a valued and competitive service to the community

**Conclusion**

There is an offer from the Department of Education to Council, to extend the Lease for the Bungendore Swimming Pool to 31 March 2025. This will enable the community to retain access to this community facility for another season.

In the meantime, work is progressing on the design, funding and construction of the new Bungendore Swimming Pool at the Bungendore Sports Hub.

**Attachments**

Attachment 1      Email from Antoinette Schulz (*Under Separate Cover*)



Attachment 2      Email from SINSW - Lease Extension (*Under Separate Cover*)



9.7 Investment Report - February 2024 (Ref: ; Author: Monaghan/Drayton)

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File Reference: 43.6.5-01

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**Recommendation**

That Council:

1. Receive the Investment Report for the month of February 2024.
  2. Note the investment return for February 2024 was \$1,422,800.
  3. Note the investment portfolio has been made in accordance with the Local Government Act (1993), the Local Government (General) Regulation (2021) and Queanbeyan-Palerang Regional Council's Investment Policy.
- 

**Summary**

This report presents the investment result for February 2024.

**Background**

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

**Report**

A list of Council's cash and investments held on 29 February 2024 is detailed in the attached Investment Report Pack.

Market Update – The next Reserve Bank (RBA) is on 18 March 2024, so the cash rate remains at 4.35%. Interest rate markets are factoring two cash rate cuts by December 2024 with further cuts predicted during 2025.

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

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

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

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

The portfolio fossil fuel summary information is shown in Table 5 of the attached Investment Report Pack.

**9.7 Investment Report - February 2024 (Ref: ; Author: Monaghan/Drayton)  
(Continued)**

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Council has \$8,000,000 (3.04% of the total portfolio) invested in deposits with Westpac which have been deemed suitable to carry the Climate Bonds Standard Certification badge. These 'green' deposits moderate the holdings in Westpac which is deemed a fossil fuel lending ADI.

On 29 February 2024, Council held \$126.7 million in non-fossil fuel investments.

**Risk/Policy/Legislation Considerations**

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

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

Certified by Tracy Sligar, Responsible Accounting Officer, 15/3/2024.

The 28-day public exhibition period of the draft Investment Policy tabled at the 14 February 2024 council meeting closed on 14 March 2024. One submission was received, and a response prepared by QPRC staff will be tabled for consideration at the 27 March 2024 council meeting.

**Financial, Budget and Resource Implications**

Over the last 12 months, Council's portfolio produced an annualised rate of return of 5.50%, outperforming the benchmark Bank Bill Index by 1.40%.

On 29 February 2024, the principal amount invested was \$263,357,242 and the 2023/24 financial year-to-date return was \$8,654,287 compared to the revised budget of \$3,749,487. Recent strong returns by QPRC's holdings in the NSW Treasury Corp funds have contributed significantly to the portfolio's overall outperformance.

Table 1 of the attached Investment Report Pack reflects an increase in the annual investment return budget of \$3 million, applied pursuant to the second quarter budget review process. This budget adjustment was applied proportionately across all of council's restricted funds.

Of the total \$263.4 million investment portfolio, Council holds \$30.75 million in TCorpIM long-term (LTGF) and medium-term (MTGF) funds. Both funds continued to benefit from favourable market conditions by posting solid returns of \$471,303 and \$115,178 respectively in February 2024.

**9.7 Investment Report - February 2024 (Ref: ; Author: Monaghan/Drayton)  
(Continued)**

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

|                          | <b>LTGF \$</b>   | <b>MTGF \$</b> |
|--------------------------|------------------|----------------|
| 2017-18                  | 981,891          | -44,845        |
| 2018-19                  | 1,160,462        | 635,485        |
| 2019-20                  | 21,702           | 37,815         |
| 2020-21                  | 2,557,413        | 927,076        |
| 2021-22                  | -1,300,450       | -742,711       |
| 2022-23                  | 1,692,084        | 658,145        |
| <b>2023-24</b>           |                  |                |
| July                     | 301,703          | 107,428        |
| August                   | -48,162          | 36,962         |
| September                | -401,639         | -146,775       |
| October                  | -239,092         | -92,286        |
| November                 | 630,238          | 265,888        |
| December                 | 533,742          | 288,303        |
| January                  | 253,712          | 91,332         |
| February                 | 471,303          | 115,178        |
| <b>2023-24 YTD Total</b> | <b>1,501,804</b> | <b>666,031</b> |
| Return since inception   | 6,614,907        | 2,136,995      |
| Initial Placement        | 12,000,000       | 10,000,000     |

While these funds are exposed to additional investment risks to generate higher potential returns, they are structured with longer term time horizons. The minimum advised investment time frame for the MTGF is 5+ years and 10+ years for the LTGF.

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

Council's cash and investment balance is made up of restricted and unrestricted funds. Restrictions can be external eg Developer Contributions, or internal eg by resolution of Council. Restricted investments cannot be used for general purpose expenses as they are either subject to some form of external legislative or contractual obligation or are dedicated to future Council commitments.



**9.7 Investment Report - February 2024 (Ref: ; Author: Monaghan/Drayton)  
(Continued)**

The following tables show the 29 February 2024 cash and investments balance by fund and by restriction.

| <b>Fund</b>                         | <b>\$</b>          |
|-------------------------------------|--------------------|
| General                             | 103,669,004        |
| Water                               | 48,294,250         |
| Sewer                               | 102,632,429        |
| Trust                               | 19,321             |
| Unrestricted*                       | 8,742,238          |
| <b>Total Cash &amp; Investments</b> | <b>263,357,242</b> |

| <b>Restriction</b>                  | <b>\$</b>          |
|-------------------------------------|--------------------|
| Unexpended Loans                    | 2,052,628          |
| Developer Contributions             | 66,273,752         |
| Unexpended Grants                   | 23,724,647         |
| External Restrictions (Other)       | 137,607,310        |
| Internal Restrictions               | 17,578,702         |
| DOE – Compensation                  | 7,377,965          |
| <b>Total Restrictions</b>           | <b>254,615,004</b> |
| Unrestricted*                       | 8,742,238          |
| <b>Total Cash &amp; Investments</b> | <b>263,357,242</b> |

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

The 2023/24 financial year-to-date investment return amounted to \$8,654,287. Investment returns are added to the associated restricted funds (e.g. developer contributions) that form Council's investment portfolio.

### **Attachments**

Attachment 1 Investment Report Pack - February 2024 *(Under Separate Cover)*



10.1 Use of Aero Ranger System for Parking Enforcement (Ref: ; Author: Ormella/Corey)

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File Reference: 3.3.1

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**Recommendation**

**That the report be received for information.**

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**Report**

Council Officers will commence use of the Aero Ranger system for parking enforcement from Monday 15 April 2023. This will allow time for a comprehensive communications package to be developed to inform the community of the use of the new system.

Aero Ranger is an Automatic Number Plate Recognition (ANPR) system used by parking enforcement officers across the world. There are currently around 80 - 100 Local Government Authorities in Australia using Aero Ranger for parking enforcement. In its simplest form it is a method of digitally 'chalking' tyres and detecting vehicle overstays in timed parking areas.

The system enables efficient issuing of infringement notices, being more productive than a manual chalking system and therefore has a net revenue benefit for the Council. Aero Ranger enables enforcement officers to collect and analyse data; and target problem areas leading to resource efficiencies and community benefits in areas with known parking issues. Council is then able to undertake targeted education campaigns in problem areas, issue more warnings and attempt to further educate sectors of the community around parking requirements.


The system is particularly beneficial in areas with short, timed parking such as school zones including 'kiss and drop' areas. These areas are often hard to undertake traditional parking enforcement due to the high turnover of vehicles and time taken to manually chalk tyres. In terms of parking enforcement, school zones are particularly important due to the safety concerns raised by Schools of illegal parking in these areas.

The system has work, health and safety benefits which contributed to Council's obligations to ensure safe working environments for staff. The system can also be used for other functions across Council teams including pothole detection, traffic counts and surveys.

No data from the Aero Ranger System is stored on Council's servers. This information and all associated privacy and data retention issues are managed by the external provider. Council officers are able to download reports which can then be directly uploaded to NSW Revenue's PinForce System.

Aero Ranger does not remove the 'human element' of parking enforcement. When Aero Ranger detects an infringement, parking officers must manually check the windscreen of the vehicle for a disability parking permit. Additionally, as requested by the NSW Minister Finance, the Hon Courtney Houssos MLC, wherever possible; drivers will be notified immediately of a parking infringement notice. Parking officers will place a card on the windscreen of vehicles notifying the driver that they have been issued with an infringement which will arrive in the mail from Revenue NSW.

**Attachments**

Attachment 1  Letter from Minister for Finance, The Hon Courtney Houssos MLC (*Under Separate Cover*)

10.2 Review of Rural Area Developer Contribution Plans (Ref: ; Author:  
Ormella/Reich)

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File Reference: 104849-01

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**Recommendation**

**That the report be received for information.**

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**Report**

Queanbeyan-Palerang has been subject to LGA border realignments and council amalgamation. A legacy of this is that the Council now manages 19 Contribution Plans made under Section 7.11, Section 7.12 (former Sections 94 and 94A) of the Environmental Planning and Assessment Act 1979 (the Act). Council also manages seven Planning Agreements under the Act.

The contribution plans for rural areas date as far back as 1992 and do not reflect contemporary practices. This has resulted in inconsistencies in what contributions are levied for and how they are levied. In accordance with Actions 4.11.4 and 4.11.6 of the adopted Local Strategic Planning Statement's (LSPS), staff are reviewing nine outdated Section 94 Developer Contributions plans across the rural areas of the Local Government Area (LGA).

The intention is to replace those plans with a single new developer contribution plan. This work is also in accordance with Section 7.11 and 7.12 of the Act and Clauses 212 and 216 of the Environmental Planning and Assessment Regulation 2021 (the Regulation).

This project will be the first stage of an on-going program of work to review and/or amend all contribution plans in accordance with actions set out in the LSPS and the NSW Government's 'Section 7.11 Contributions Practice Note'.

In addition to the work undertaken by officers, an experienced professional planning contributions consultant will be engaged. Roles of the consultant and staff will be determined through the procurement process. It is expected that consultant services will provide technical expertise while staff will provide project administration/management and data input.

Engagement with Council's internal teams will ensure the work captures contribution categories for Council's future works program and community service subscription levels. The Department of Planning, Housing and Infrastructure's (the Department) essential works list and latest practice notes will also shape the work.

Contribution categories include:

- Road network upgrades
- Local urban centre footpath networks upgrades
- Local urban centre accessibility upgrades
- Local urban centre car parking facilities
- RFS – Contribution to fire-fighting resources
- Community facilities & services
- Plan and contribution administration
- Climate change & resilience planning/projects
- Waste management



**10.2 Review of Rural Area Developer Contribution Plans (Ref: ; Author: Ormella/Reich) (Continued)**

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Staff time allocation to this project is included in the operational plan and engagement of a consultant is sufficiently covered by reserves collected, through developer contributions, for administration, plans and studies. The reserves available for this project are sufficient to complete this project and a budget for the 24/25 financial year will be prepared to account for expenditure from these reserves.

The project will result in a revised contributions plan which has utilised contemporary infrastructure costs to calculate updated contribution rates and will result in an equitable contribution levying scheme for all rural areas of the LGA. This new contribution plan will align with the NSW Government's 'Section 7.11 Contributions Practice Note' and 'Section 7.12 fixed development consent levies' to enhance the LGA's infrastructure development.

**Attachments**

- |   |  |
|---|--|
| Attachment 1<br> | Distribution of Contribution Plans by Former Council Areas ( <i>Under Separate Cover</i> ) |
| Attachment 2<br> | Proposed Rural Contribution Plan Area ( <i>Under Separate Cover</i> )                      |

10.3 Affordable Housing - Contributions Scheme Update (Ref: ; Author:  
Ormella/Shumaker)

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File Reference: PJT0033

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**Recommendation**

**That the report be received for information.**

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**Report**

Council's Affordable Housing Strategy included 17 strategies. At its workshop in August 2023, Council identified the following two strategies to be commenced in the 2024-25 financial year.

Strategy 12 - Council will develop a Planning Agreement Policy to ensure that:

- a. Agreements made with regard to any mechanisms that involve concessions or relaxation of controls are transparent and guaranteed;
- b. That an appropriate share of benefit is captured from any rezoning or up-zoning that is assessed as resulting in sufficient land value uplift, with contribution in the form of dwellings, land or cash used in perpetuity by Council as affordable rental housing, and noting that this may provide an alternative value capture mechanism in the absence of an approved Affordable Housing Contributions Scheme.

Strategy 14 - Council will:

- a. Conduct more detailed economic modelling to determine the viability of an Affordable Housing Contributions Scheme in relation to specific precincts prior to rezoning from rural to residential, and noting JSA's preliminary findings in relation to need and viability;
- b. Develop an Affordable Housing Contributions Scheme in relation to those precincts where such a contribution is likely to be viable to generate resources for affordable rental housing in perpetuity.

Review of policies and programs adopted by other councils has commenced. Approaches will be the subject of a future Councillor workshop, and an item for discussion at the Affordable Housing Working Group. This will lead to a future report to Council on this matter. The plan on a page, refer to Attachment 1, outlines process being undertaken.

Strategies 12 and 14 apply at the rezoning of land stage and so relate to future housing land supply, and development from housing land release.



The Community Housing Industry Association NSW document, Local Government Affordable Housing Programs: Options and Opportunities (Attachment 2) includes an overview of a program and case studies detailing the range of approaches to affordable housing contributions in local government. This is a context document for a future Councillors workshop and discussions with the Affordable Housing Working Group.

Attachment 1 sets out the direction and work being undertaken, with a future Councillor workshop and discussions with the Affordable Housing Working Group shaping the direction.

10.3 Affordable Housing - Contributions Scheme Update (Ref: ; Author:  
Ormella/Shumaker) (Continued)

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**Attachments**

- Attachment 1  Affordable Housing contributions scheme - Plan on a page (*Under Separate Cover*)
- Attachment 2  Local Government Affordable Housing Programs: Options and Opportunities (*Under Separate Cover*)

10.4 Delivery Program Update - July December 2023 (Author: Monaghan/Gregory)

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File Reference: 51.1.1

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**Recommendation**

**That the report be received for information.**

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**Report**

Council is required under the Local Government Act 1993 – Sect 8C as well as the Local Government Act 1993, Chapter 13 - Part 2 – Strategic Planning to report to the community every six months on its progress towards achieving the actions outlined in the Delivery Program.

Staff have prepared the attached update report based on the first six months of the 2023-24 financial year (1 July 2023 – 31 December 2023). This document reports on the progression of all major projects, as well as the performance indicators for most major programs and services. Further reporting will be present in the next Delivery Program Update (August 2024) and the Annual Report which will be developed by November 2024.

To oblige with Office of Local Government guidelines – Staff have developed this update utilising the 5 Pillars decile-based framework.

This update should be read in conjunction with the second quarter budget review – although some data from the budget review are present within this document.

More information is contained within the executive summary of the Report.

**Attachments**

Attachment 1      Delivery Program Update 2023/2024 (*Under Separate Cover*)



10.5 Questions With Notice - Bungendore Heritage Study (Ref: ; Author: Ryan/Flint)

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File Reference: 27 March 2024 Council Reports

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**Recommendation**

**That the report be received for information.**

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**Report**

The following questions were submitted by Cr Katrina Willis on 19 March 2024 and responses from staff are provided below:

**1. With regards to the 2018 Bungendore Heritage Study, have the study's recommendations been implemented?**

Heritage Items listed in the Heritage Study have been retained in Schedule 5 Environmental Heritage of the Queanbeyan-Palerang Regional LEP2022.

Further investigation of 21 buildings has been dependant on grants. Through the future review of Schedule 5, there will be an opportunity for investigation into heritage assets to ensure the Schedule and LEP are up to date.

The nine buildings identified as being sympathetic development have not yet been included in a Development Control Plan (DCP). There are modern ways of showcasing sympathetic development in the local government area (LGA) which could include through Structure Plans.

The recommendations of the 2018 Bungendore Heritage Study are included in the Local Strategic Planning Statement – Towards 2040 as Action 4.1.7, with an updated heritage list and controls in the plan to be completed by 2025. This will be an extensive piece of work.

**2. What, if any, work remains to be done to give effect to the study's recommendations?**

Seek funding to undertake detailed investigation of the 21 buildings identified for future possible heritage listing. Engage consultant to undertake the additional investigations.

This work will be incorporated into the single project being the Update and Review of Schedule 5 of the Queanbeyan-Palerang Regional Local Environmental Plan 2022, as planned for 2025.

Amend the Palerang DCP to include the 9 buildings identified as 'sympathetic development', noting that no additional controls would apply to these 9 properties as the purpose of identifying these places is to use them as exemplars when advising on and assessing proposals for new development in the town.

Exemplars of sympathetic development or successful places could be incorporated into the Bungendore Structure Plan Review as planned for 2025/26. There are modern ways to celebrate exemplar developments without necessitating the amendment of a DCP.



**10.5 Questions With Notice - Bungendore Heritage Study (Ref: ; Author: Ryan/Flint)  
(Continued)**

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**3. Would construction of a public high school on the proposed site incorporating parts of Bungendore Park and Bungendore Common necessitate a review of Heritage listings for Bungendore?**

The whole of Lot 2 DP1276282 (50 Gibraltar street, Bungendore) is mapped as a heritage item. The heritage item on this lot is listed as being item 197 Bungendore Soldiers Memorial, which is located towards the middle of the southern boundary and is a small and defined part on the edge of the park.

Any updates that arise from the review of Schedule 5 of the QPRLEP 2022 would be reflected in the amendments and notified through that process.

For clarity, the 4.15 assessment under the EP&A Act 1979 would include assessment of impacts and this would need to address matters of heritage. The consent authority would consider this as part of the decision-making process.

**Attachments**

Nil

10.6 Questions With Notice - Braidwood Water Leaks (Ref: ; Author: Ryan/Flint)

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File Reference: 27 March 2024 Council Reports

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**Recommendation**

**That the report be received for information.**

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**Report**

The following questions were submitted by Cr Katrina Willis on 19 March 2024 and responses from staff are provided below:

- 1. Further to the report on the sustainability of Braidwood's water supply that QPRC staff provided to the Braidwood Community Meeting on 31 October 2023, has the audit of the water supply been completed? If so, did the audit identify sources of non-revenue water?**

The Braidwood Water Supply – Water Security Assessment and Drought Contingency Plan identified an issue with persistent water usage in the Braidwood system with a base line of something of the order of 2L/s 24/7. It is highly likely that this is predominantly non-revenue water either through ineffective revenue (residential) meters or system leaks. In 2022 Council took advantage of a State Government leak detection program where a consultant was tasked to review the system for leaks. A handful were identified and addressed. In late 2023 the rollout of smart meters began in Braidwood. The first tranche of this work saw 130 units specifically allocated to this scheme. Since rollout, some 18 advice letters of persistent usage, which are possible leakages, have been issued to customers. Rectification of these has seen system persistent usage fall to as low as 1.1L/s on 19 March 2024 which is pleasing. A further 500 smart meters are planned to be rolled out shortly with the intent of completing the scheme by 30 June 2025.

- 2. If the audit of the water supply has not been completed, what is the estimated completion date?**

June 2025 will see the completion of the smart meter rollout. Concurrent to this will be some overnight field work to better inform the possibility of direct system leakage. These works are expected to start soon and may continue over coming months depending upon the progress of results.

- 3. What are the next steps in addressing the volume of non-revenue water?**

Refer to above response.

- 4. Please provide the URL for the QPRC webpage where the report Braidwood Water Supply – Water Security Assessment and Drought Contingency Plan can be found.**

<https://www.qprc.nsw.gov.au/Services/Water/Water-and-Sewer#section-4>

**Attachments**

Nil

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

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File Reference: 27 March 2024 reports

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**Recommendation**

**That the report be received for information.**

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Councillor workshop items are published in the Agenda of the next Council meeting. During the period 22 February to 20 March 2024, the following workshops were held:

| Date       | Workshop Items  | External Presenter/s (if applicable)  |
|------------|---|---|
| 05/03/2024 | 1. Cemeteries Strategic Plan<br>2. Jerrabomberra Pump Track   | N/A<br>N/A  |
| 06/03/2024 | 1. Consolidation of Rural Section 7.11 Contribution Plans Project<br>2. Restricted Assets Policy        | N/A<br>N/A  |
| 19/03/2024 | 1. Market Needs Analysis for QPRC Crawford Street properties, Queanbeyan<br>2. Aero Ranger Pilot Update | From Colliers: Iain Davidson, Matthew Curtis, Tahlia Langdown and Nick Evans<br>N/A |
| 20/03/2024 | 1. Bungendore Office<br>2. Bywong / Wamboin Greenways   | Justine Cox from CK Architecture<br>N/A   |

**Attachments**

Nil

11.1 QPRC Heritage Advisory Committee Minutes - 22 February 2024 (Ref: ;  
Author: Ormella/Steele)

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File Reference: 26.5.1-08

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**Recommendation**

That Council:

1. Note the minutes of the QPRC Heritage Advisory Committee (HAC) held on 22 February 2024.
  2. Note recommendations from the meeting held on 22 February 2024:
    - a. QPRC HAC – DA.2023.0380 – 97-99 Lascelles Street, Braidwood - Construction of a motel in a heritage conservation area.  
**The QPRC Heritage Advisory Committee supports the DA.**
    - b. QPRC HAC – Clarke Gang Signage that staff obtain quotes for replacement /redesign the signs and amending the wording.
- 

**Summary**

This meeting of the Heritage Advisory Meeting was one of general business. There were two recommendations with one relating to a development application.


The first matter is related to the development application DA.2023.0380 – at 97-99 Lascelles Street Braidwood, which is the construction of a 16 room motel in the Heritage listed township of Braidwood. Committee members confirmed that the heritage advisor's recommendations were considered, and plans amended regarding the setback. The committee had no objections to the proposed DA following amendments to the plans that were proposed by the Heritage Advisor.

The second recommendation was in relation to the Clarke Gang Signage. The age of the signs was noted and that officers would need to secure quotes for new or replacement signage. Officers will progress with this work so that the information can be considered for potential funding, use of grant, or budgetary decisions for the Council.

The Committee were provided with updates regarding:

- The form and function of the Local Heritage Awards beyond 2024
- The expressions of interest for new HAC members
- Bungendore Place Project Plan
- QPRC Heritage Advisor

**Attachments**

Attachment 1  QPRC Heritage Advisory Committee - Minutes - 22 February 2024  
(Under Separate Cover)

11.2 Access Committee Meeting - 12 February 2024 (Ref: ; Author:  
Richards/Wherry)

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File Reference: 2.5.2

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**Recommendation**

**That Council note the minutes of QPRC Access Committee held on 12 February 2024.**

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**Summary**

The Access Committee met on 12 February 2024. The meeting was well attended with almost all of the membership present. Whilst there are no formal recommendations for Council, the Committee discussed experiences and reported issues to staff which were recorded and logged as Customer Requests.

The group also discussed the Disability Inclusion Action Plan (DIAP) priorities to focus on for the year.

**Attachments**

Attachment 1  QPRC Access Committee Minutes 12 February 2024 (*Under Separate Cover*)

REPORTS OF COMMITTEES

11.3 QPRC Sports Council Meeting - 5 February 2024 (Ref: ; Author:  
Richards/Duncan)

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File Reference: 4.3.3

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**Recommendation**

**That Council note the minutes of the QPRC Sports Council held on 5 February 2024.**

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**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 5 February 2024.

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.

There are no formal recommendations referred to Council in the February 2024 minutes.

**Attachments**

Attachment 1  Draft Minutes - QPRC Sports Council - 5 February 2024 (*Under Separate Cover*)

12.1 Notice of Motion - Bungendore Oval Fences (Ref: ; Author: Preston/Preston)

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File Reference: 27 March 2024

**Notice**

Councillor John Preston will move the following motion:

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**Motion**

That the Mayor and General Manager write to the Deputy Premier and Minister for Education, the Hon. Prue Carr MP, and the Member for Monaro, the Hon Steve Whan MP:

1. Raising ongoing community concerns regarding the legality of and necessity for the fence.
  2. Noting the unkempt nature of the grounds within the fence and the poor state of NSW Department of Education banners on the fence.
  3. Requesting that the Minister direct School Infrastructure New South Wales to remove the fence and re-open Majara Street until such time as work is able to proceed under a properly and legally approved DA at the site.
- 

**Comment from Cr Preston in support of this Notice of Motion**

Cr Preston foreshadowed this Notice of Motion at the last Council meeting.

**Staff Comment**

At the 13 September 2023 meeting (**Resolution No 372/23**) Council wrote to the Minister along the same lines, the response of which noted '*the Department of Education is not able to remove the fencing as this would present a security issue and impact enabling works in the area*'. This was published in the 11 October 2023 meeting for information (**Resolution No 001/23**). It is noted this was prior to the decision made by the NSW Land and Environment Court to set aside the development consent for the Bungendore Highschool (**NSWLEC 140**)

The latest project update is on the Schools Infrastructure website:

[https://www.schoolinfrastructure.nsw.gov.au/content/dam/infrastructure/projects/b/bungendo-re-high-school/2024/march/Bungendore\\_High\\_School\\_Project\\_Update\\_March\\_2024\\_.pdf](https://www.schoolinfrastructure.nsw.gov.au/content/dam/infrastructure/projects/b/bungendo-re-high-school/2024/march/Bungendore_High_School_Project_Update_March_2024_.pdf)

The Department of Education can erect the fencing and maintain a physical barrier between the public and their property. The fencing does not require the consent of QPRC. The necessity to keep and maintain the property and fencing is a matter for the Department of Education.

**Attachments**

Nil

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

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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*.