



Ordinary Meeting of Council

AGENDA

11 September 2024

Commencing at 5.30pm

**Council Chambers
Nellie Hamilton Centre
257 Crawford Street
Queanbeyan**

Presentations for items listed on the Agenda can be made in writing, via Zoom or in person. 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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A recording of the meeting will be archived on the website.

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Confidential - Not for Publication

16 REPORTS FOR CLOSED SESSION

16.1 RFT 2024-27 Mulloon Creek Causeway - Tender Evaluation

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

16.2 General Manager's Annual Performance Review 2023/24 and Performance Agreement 2024/25

Item 16.2 is confidential in accordance with s10(A) (a) of the Local Government Act 1993 because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

17 CONCLUSION OF THE MEETING

LIST OF ATTACHMENTS

Open Attachments

- Item 9.1 Draft Financial Statements 30 June 2024
 - Attachment 1 CFO Certification 2023-24 (Under Separate Cover)*
 - Attachment 2 Draft General Purpose Financial Statement 2023-24 (Under Separate Cover)*
 - Attachment 3 Draft Special Purpose Financial Statements 2023-24 (Under Separate Cover)*
- Item 9.2 Abbeyfield Bungendore Memorandum of Understanding
 - Attachment 1 Draft Memorandum of Understanding - QPRC and Abbeyfield (Under Separate Cover)*
- Item 9.5 Post-Exhibition Report - Proposed Property Information Package Fee
 - Attachment 1 Submissions - Property Information Package Fee (Under Separate Cover)*
- Item 10.2 Cost Shifting by State and Federal Governments
 - Attachment 1 QPRC letter to Minister for Local Government - Cost Shifting by State and Federal Governments (Under Separate Cover)*
 - Attachment 2 Response from the Minister for Local Government re Cost Shifting to Councils (Under Separate Cover)*
- Item 11.1 Cultural Development and Public Art Committee Minutes - 13 June 2024
 - Attachment 1 CDPA Committee Minutes - 13 June 2024 (Under Separate Cover)*
 - Attachment 2 Queanbeyan Art Society Artwork Donation Offer 2024*

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

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Closed Attachments

- Item 16.1 RFT 2024-27 Mulloon Creek Causeway - Tender Evaluation
*Attachment 1 Tender Evaluation Report - Mulloon Creek Causeway
(Under Separate Cover)*
- Item 16.2 General Manager's Annual Performance Review 2023/24 and Performance Agreement 2024/25
*Attachment 1 General Manager's Annual Performance Review 2024
(Under Separate Cover)*
*Attachment 2 General Manager's Performance Agreement 2024-25
(Under Separate Cover)*



MINUTES OF THE ORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held via Zoom and in the Braidwood Community Centre, Park Lane, Braidwood on Wednesday, 28 August 2024 commencing at 5.30pm.

ATTENDANCE

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

Staff: R Ryan, General Manager
M Duff, Director Infrastructure Services
J Richards, Director Community, Arts and Recreation
K Monaghan, Director Corporate Services
R Ormella, Director Development and Environment

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

RESOLVED (Winchester/Preston)

That the apologies for non-attendance from Crs Burton and Taskovski be received and that leave of absence be granted.

The resolution was carried unanimously.

404/24

4. CONFIRMATION OF MINUTES**4.1 Minutes of the Ordinary Meeting of Council held on 14 August 2024**

405/24

RESOLVED (Winchester/Grundy)

That the Minutes of the Ordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday 14 August 2024 be confirmed.

The resolution was carried unanimously.

5. DISCLOSURES OF INTERESTS

406/24

RESOLVED (Winchester/Preston)

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

The resolution was carried unanimously.

Cr Willis declared a significant pecuniary interest in Item 9.1: QPRC Annual Community Grants 2024/25, stating she is an office bearer of both Queanbeyan Sustainability Group and Queanbeyan Landcare Inc. groups which have applied for and been recommended to receive funding through Council's donations program. Cr Willis proposed to leave the Chambers when the Item is considered.

Cr Macdonald declared a less than significant non-pecuniary interest in Item 9.1: QPRC Annual Community grants 2024/25, stating he is a member of the specified company or other body; and a financial member of an organisation which is listed for consideration for funding and is an active participant in other organisations also listed for funding. Cr Macdonald proposed to leave the Chambers when the Item is considered.

6. ADJOURNMENT FOR PUBLIC FORUM

At this stage of the proceedings, the time being 5.32pm, Cr Winchester advised that the meeting should now adjourn for the Public Forum.

407/24

RESOLVED (Winchester/Preston)

That the meeting be adjourned to conduct the Public Forum.

The resolution was carried unanimously.

ADJOURNMENT:

The meeting adjourned for the Public Forum at 5.32pm and resumed at 5.40pm.

7. MAYORAL MINUTE

There was no Mayoral Minute

8. NOTICES OF MOTIONS OF RESCISSION

There were no Notices of Motions of Rescission.

Exclusion of Item of Business from 28 August 2024 Council Meeting

The Mayor read the following statement:

In accordance with Clause 3.20 of Council's Code of Meeting Practice, the General Manager must not include in the agenda for a meeting of Council any business of which, in the opinion of the General Manager, the implementation of the business would be, unlawful. The General Manager must report, without giving details of the item of business, any such exclusion to the next meeting of the Council.

A Rescission Motion, signed by three Councillors and a Notice of Motion was submitted by a Councillor for this meeting. It was regarding the setting of a Water Access Charge in the QPRC Revenue Policy for 2024/25.

The Local Government Act (1993); Part 4, Making of Rates and Charges, Clause 532 prescribes the way Council must publish and adopt its draft Operational Plan and Revenue Policy and Clause 533 states that the date by which a rate or charge must be made is 1 August.

The QPRC Operational Plan 2024/25 and setting of the rates and charges was completed in accordance with Clause 532 and 533. The Rates Notices have been issued, and charges raised as per the Revenue Policy adopted by Council at the 26 June Meeting as per Resolution No 285/24.

It is therefore not possible to consider a proposal to change this Council charge.

Having declared an interest in the following Item, Crs Macdonald and Willis left the Chambers at 5.42pm.

9. REPORTS TO COUNCIL - ITEMS FOR DETERMINATION**9.1 QPRC Annual Community Grants 2024/25****RESOLVED (Biscotti/Wilson)**

That Council:

1. Approve Category A Grants for 2024/25 totalling \$25,000 selecting Option 1 (as listed in the Attachment: Category A Requested and Recommended Funding).
2. Approve Category B Venue Hire Donations for 2024/25 totalling \$35,214.

The resolution was carried.

For: Crs Biscotti, Livermore, Preston, Wilson and Winchester
Against: Cr Grundy

Crs Macdonald and Willis returned to the Chambers at 5.45pm.

408/24

- 409/24 **9.2 Bywong/Wamboin Greenways Master Plan**
RESOLVED (Willis/Macdonald)
- That Council endorse the draft Bywong/Wamboin Greenways Master Plan prepared by Bywong/Wamboin s.355 Greenways Committee March 2024.
- The resolution was carried unanimously.
- 410/24 **9.3 Abbeyfield Project Briefing**
RESOLVED (Wilson/Biscotti)
- That Council note the project status report and allocate \$500,000 to an internal reserve for the purpose of the Abbeyfield Housing Development project.
- The resolution was carried.
- For: Crs Biscotti, Livermore, Preston, Willis, Wilson and Winchester
Against: Crs Grundy and Macdonald
- 411/24 **9.4 Planning Proposal to Reclassify 19 Gibraltar Street, Bungendore from Community Land to Operational Land**
RESOLVED (Willis/Livermore)
- That Council:
1. Receive the Public Hearing and submissions reports for the reclassification of 19 Gibraltar Street, Bungendore (Lot 8 Section 11 DP 758183) from community land to operational land under the Local Government Act 1993.
 2. Progress and finalise the amendment to the Queanbeyan-Palerang Regional Local Environmental Plan 2022 for the reclassification of land.
- The resolution was carried unanimously.
- 412/24 **9.5 Renewal of Licence Agreement - Air Services Australia - 4 Coral Drive, Jerrabomberra**
RESOLVED (Wilson/Preston)
- That Council endorse renewal of the licence agreement with Air Services Australia for a further five-year term from December 2024 to November 2029.
- The resolution was carried unanimously.

- 413/24 **9.6 Investment Report - July 2024**
RESOLVED (Willis/Wilson)
- That Council:
1. Receive the Investment Report for the month of July 2024.
 2. Note the investment return for July 2024 was \$2,050,236.
 3. Note the investment portfolio has been made in accordance with the Local Government Act (1993), the Local Government (General) Regulation (2021) and Queanbeyan-Palerang Regional Council's Investment Policy.

The resolution was carried unanimously.

SUPPLEMENTARY REPORT

- 414/24 **9.7 2023-24 4th Quarter Budget Review Statement and Budget Revotes**
RESOLVED (Wilson/Biscotti)
- That Council:
1. Receive and note the June 2024 Quarterly Budget Review Statement.
 2. Note the carry forward of the 2023-24 unspent budgets for Capital and Operational works detailed in the June Quarterly Budget Review Statement into the 2024-25 budget.
 3. Adopt the 2023-24 unspent budgets for Capital works that had not commenced yet into the 2024-25 budget.
 4. Note the Cash and Investments position as at June 2024.
 5. Adopt the proposed Internal Reserves balances as at June 2024.

The resolution was carried unanimously.

10. REPORTS TO COUNCIL - ITEMS FOR INFORMATION

- 415/24 **10.1 Planning Performance**
RESOLVED (Willis/Winchester)
- That the report be received for information.
- The resolution was carried unanimously.
- 416/24 **10.2 Australian Local Government Association Housing Summit**
RESOLVED (Willis/Wilson)
- That the report be received for information.
- The resolution was carried unanimously.

417/24 **10.3 The Q - 2023 Economic Impact Assessment**
RESOLVED (Macdonald/Preston)

That Council receive the report for information.

The resolution was carried unanimously.

418/24 **10.4 172 Foxlow Street, Captains Flat**
RESOLVED (Willis/Preston)

That the report be received for information.

The resolution was carried unanimously.

419/24 **10.5 Financial Assistance Grants**
RESOLVED (Winchester/Wilson)

That the report be received for information.

The resolution was carried unanimously.

420/24 **10.6 Tobacconists and Vape Stores in NSW**
RESOLVED (Macdonald/Winchester)

That the report be received for information.

The resolution was carried unanimously.

421/24 **10.7 Resolution Action Sheet**
RESOLVED (Willis/Wilson)

That the report be received for information.

The resolution was carried unanimously.

11. REPORTS OF COMMITTEES

422/24 **11.1 Heritage Advisory Committee Minutes - 8 August 2024**
RESOLVED (Willis/Preston)

That Council:

1. Note the minutes of QPRC Heritage Advisory Committee (HAC) held on 8 August 2024.
2. Note the recommendations from the meeting held on 8 August 2024.
 - a. QPRC HAC – DA.2024.0188 – 94 Monkitee Street Braidwood

The committee supports the application subject to the Heritage Advisor completing a site visit to inspect the historic slab wall and the Heritage Advisor's advice regarding the roof pitch and dominance of the proposal and its impact on adjoining properties.

- b. QPRC HAC – DA.2024.0181 – 2 Badgery Street Braidwood
The Committee support the application.
- c. QPRC HAC – DA.2024.0055 – 22 Surveyor Street Queanbeyan
The committee prefers that the cottage is retained noting that it is one of the original surviving cottages that defines the Heritage Conservation Area. The case officer progresses to assess acting on the Heritage Advisor’s recommendations. That the applicant provides a Heritage Impact Statement and an independent structural report to assess the condition of the buildings.
- d. QPRC AHC – DA.2024.0065 – 29 Alice Street Queanbeyan
The committee note the Heritage Advisor’s report and refer the applicant to review the report provided so that they can consider amending the application.

The resolution was carried unanimously.

11.2 Environment and Sustainability Advisory Committee Minutes - 29 July 2024

423/24

RESOLVED (Willis/Grundy)

That Council note the minutes of the Environment and Sustainability Advisory Committee held on 29 July 2024.

The resolution was carried unanimously.

11.3 Local Traffic Committee Meeting Minutes - 6 August 2024

424/24

RESOLVED (Livermore/Macdonald)

That Council endorse the 6 August 2024 Local Traffic Committee draft meeting minutes and the associated recommendations as follows:

- a. Noting amendment to previous meeting minutes for LTC 18/2024 and LTC 21/2024 that both should reflect recommendation from TfNSW – Road environment not conducive to 50km/h limit. Development compliant to 80km/h, submission to TfNSW required for speed limit.
- b. LTC 22/2024 – Approve the Traffic Control Devices Plan, Tralee Subdivision Stage 2A and Buffer Area A.
- c. LTC 23/2024 – Decline the Traffic Control Devices Plan, 64 Monaro Street Queanbeyan.
- d. LTC 16/2024 – Approve the 2024 Bungendore Rodeo and the subsequent traffic guidance scheme for the event.
- e. LTC 24/2024 – Approve the 2024 Queanbeyan Swap Meet and the subsequent traffic guidance scheme for the event.
- f. LTC 25/2024 – Approve the 2024 Capital to Coast and subsequent traffic guidance scheme.

The resolution was carried unanimously.

425/24 **11.4 Bungendore Town Centre and Environs Committee - 15 April, 20 May, 17 June and 15 July 2024 Minutes**
RESOLVED (Grundy/Macdonald)

That Council:

1. Note the minutes of Bungendore Town Centre and Environs Committee (BTCEC) meetings held on 15 April, 20 May, 17 June and 15 July 2024.
2. Note Recommendation No 6.1 (15 July 2024) that Council endorse the proposed BTCEC action items (noted below) as a core agenda for the Committee in 2025.

The resolution was carried unanimously.

426/24 **11.5 First Nations Advisory Committee Minutes - 21 February 2024**
RESOLVED (Macdonald/Grundy)

That Council:

1. Note the minutes of First Nations Advisory Committee held on 21 February 2024.
2. Endorse recommendations of the FNAC that:

FNAC 04/224: Signage for the buildings be in language with an English translation and to include pronunciation.

FNAC 05/224: Following Roads conventions, that this naming is not used again by QPRC and that only deceased people be honoured in naming.

FNAC 06/224: To assist Staff and Councillors, cultural awareness training be undertaken.

The resolution was carried unanimously.

427/24 **11.6 QPRC Sports Council Minutes - 5 August 2024**
RESOLVED (Biscotti/Wilson)

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

The resolution was carried unanimously.

12. NOTICES OF MOTIONS**12.1 Notice of Motion - LGNSW Conference Notices of Motion - Banning Gas in New Dwellings****MOVED (Willis/Preston)**

That Council submit the following motion to the NSW Local Government 2024 Annual Conference:

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

For: Crs Livermore, Preston, Willis and Wilson

Against: Crs Biscotti, Grundy, Macdonald and Winchester

With the vote being 4-4, the Mayor exercised the casting vote and declared the motion LOST.

12.2 Notice of Motion - LGNSW Conference Notices of Motion - Solid Fuel Heater Buyback

428/24

RESOLVED (Willis/Preston)

That Council submit the following motion to the NSW Local Government 2024 Annual Conference:

That LGNSW calls on the NSW State Government to develop a financial assistance package to help people remove old solid fuel heaters and install electric heating in their homes.

The resolution was carried.

For: Crs Livermore, Preston, Willis, Wilson and Winchester

Against: Crs Biscotti, Grundy and Macdonald

13. REPORTS TO COUNCIL - DELEGATES REPORTS

There were no Delegates Reports.

14. QUESTIONS WITH NOTICE

There were no Questions with Notice.

16. 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.

429/24

16. REPORTS FOR CLOSED SESSION**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 RFT 2024-46 Monaro Street Upgrade Detailed Design

Item 16.1 is confidential in accordance with s10(A) (di) of the Local Government Act 1993 because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Item 16.2 Abbeyfield Planning Proposal Update

Item 16.2 is confidential in accordance with s10(A) (e) (g) of the Local Government Act 1993 because it contains information that would, if disclosed, prejudice the maintenance of law; AND advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Item 16.3 Update Regional Sports Complex

Item 16.3 is confidential in accordance with s10(A) (di) of the Local Government Act 1993 because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Item 16.4 Legal Matters Update - 1 January to 30 June 2024

Item 16.4 is confidential in accordance with s10(A) (c) (di) (e) (g) 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 commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it; AND information that would, if disclosed, prejudice the maintenance of law; AND advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

The resolution was carried unanimously.

ADJOURNMENT:

The meeting adjourned at 7.41pm and resumed at 7.53pm.

The meeting then moved into Closed Session at 7.53pm to discuss the matters listed above.

- 430/24 **16.1 RFT 2024-46 Monaro Street Upgrade Detailed Design**
RESOLVED (Biscotti/Winchester)
That Council award Contract No 2024-46 for the Monaro Street Upgrade – Detailed Design to WSP Australia Pty Ltd for the contract amount of \$589,159 excluding GST.

The resolution was carried.

For: Crs Biscotti, Grundy, Livermore, Macdonald, Preston,
 Wilson and Winchester
Against: Cr Willis
- 431/24 **16.2 Abbeyfield Planning Proposal Update**
RESOLVED (Preston/Winchester)
That the report be received for information.

The resolution was carried unanimously.
- 432/24 **16.3 Update Regional Sports Complex**
RESOLVED (Biscotti/Winchester)
That the report be received for information.

The resolution was carried unanimously.
- 433/24 **16.4 Legal Matters Update - 1 January to 30 June 2024**
RESOLVED (Winchester/Wilson)
That the report be received for information.

The resolution was carried unanimously.
- 434/24 **RESOLVED (Wilson/Preston)**
That the meeting now return to Open Session.

The resolution was carried unanimously.

The meeting returned to Open Session at 8.05pm.

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.

18. CONCLUSION OF THE MEETING

The time being 8.06pm, the Mayor announced that the Agenda for the meeting had now been completed.

**CR KENRICK WINCHESTER
MAYOR
CHAIRPERSON**

ITEM 5 DECLARATION OF CONFLICTS/PECUNIARY INTERESTS

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

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

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

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

Recommendation

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

File Reference: 43.6.3-06

Recommendation

That Council:

- 1. Refer the 2023/24 Financial Statements to audit in accordance with section 413(1) of the Local Government Act 1993.**
- 2. Note that the 2023/24 financial statements have been prepared in accordance with:**
 - a. The Local Government Act 1993 and regulations made there under**
 - b. The Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board**
 - c. The Local Government Code of Accounting Practice and Financial Reporting.**
- 3. Note that the 2023/24 financial statements present fairly the operating result and financial position and accord with Council's accounting and other records.**
- 4. Is not aware of any matter that would render these statements false or misleading in any way.**
- 5. Delegates authority to the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to sign the Statement by Councillors and Management for the General Purpose Financial Statements and Special Purpose Financial Statements.**
- 6. Delegate authority to the General Manager to issue the financial statements upon receipt of the audit report.**

Summary

The Financial Statements for the year ended 30 June 2024 have been completed to draft stage.

The Audit Office is expected to complete the audit and issue the Independent Auditors Report by 15 October 2024, with the final statements and audit report to be presented to Council at a date to be determined.

Background

The statement preparation process has been overseen by Council's Audit, Risk and Improvement Committee (ARIC) and Financial Statements Subcommittee (FSSC), who has met with Council officers throughout the project period to monitor progress against the workplan, issues and risks. The FSSC has been able to provide Council with high level assurance regarding the processes and controls followed by staff in the preparation financial statements, and to ensure the Audit, Risk and Improvement Committee (ARIC) has remained informed of all significant issues that could affect the financial statements.

The Financial Statement Sub Committee (FSSC) of ARIC has reviewed the financial statements.

**9.1 Draft Financial Statements 30 June 2024 (Ref: ; Author: Monaghan/Sligar)
(Continued)**

ARIC is holding an extraordinary meeting on 5 September to review the financial statements, and it is expected that ARIC will recommend that Council refer the statements to audit.

Report

On finalisation of audit and receipt of the audit report, the financial statements will be made available to the public and advertised in accordance with the Local Government Act (1993) Council's Auditors will be invited to present their findings to a future council meeting.

Operating Result

Council's consolidated operating result (after capital) is a surplus of \$7.8m.

Council's operating result by fund is:

General Fund - \$7.2m deficit

Water Fund - \$4.1m surplus

Sewer Fund - \$10.9m surplus

This result is a reduction on last year's consolidated surplus of \$11.1m.

The 2022/23 result was impacted by one off transactions, such as 100% of the Financial Assistance Grant for 2023/24 paid in advance and a reduction in the provision for landfill remediation, that occurred in that year that was not replicated in the 2023/24 financial year.

The 2023/24 result was driven by an improvement in interest earnings due to a conservative approach to setting the original budget and the higher-than-expected levels of cash on hand. In addition, 85% of the Financial Assistance Grant for 2024/25 was paid in advance.

User fees and charge surpassed the original forecast primarily in the Water and Sewer funds as these fees are linked to usage which exceeded what was originally forecast.

The increase in Capital grants and contributions is driven by the level of gifted assets of an amount of \$88m.

Cash and Investments

Council recorded a total balance of cash, cash equivalents and investments at 30 June 2024 of \$272m. Whilst overall cash and investments increased by \$39m during the year. This increase is attributed to funds received for specific purposes and as such are externally restricted. Cash developer contributions amounted to \$14m. \$23m of externally restricted cash relates to the Water, Sewer and Waste funds which can only be used on expenses incurred within those funds.

Council recorded a net receivables balance of \$38m at 30 June 2024. The variance between the current financial year and the previous financial year is a reduction to Councils receivables of \$2.3m. This is across many income sources with receivables increasing from Rates and annual charges and user charges and fees, whereas receivables have decreased in relation to private works and Government grants and subsidies.

**9.1 Draft Financial Statements 30 June 2024 (Ref: ; Author: Monaghan/Sligar)
(Continued)**

Financial Performance

	2024	2023	2022	Benchmark
Operating Performance Ratio	4.67%	5.60%	-1.72%	> 0
Own Source Revenue Ratio	52.52%	58.13%	46.97%	>60%
Unrestricted Current Ratio	2.07x	2.14x	1.42x	>1.5x
Debt Service Cover Ratio	3.47%	3.87x	3.78x	>2x
Rates and Annual Charges Outstanding	8.75%	7.75%	8.02%	<10%
Cash Expense Cover Ratio	8.44 months	9.50 months	9.31 months	>3 months

The operating performance ratio measure's Council's ability to fund operational expenditure with operational revenue. Council's operating performance ratio is above the break-even benchmark, reflecting that QPRC as a consolidated entity contained expenditure within revenue for the year ending 30 June 2024.

However, the positive performance includes one-off, non-cash transactions including the Fair value increment on investments of \$2.5m.

Own source revenue measures the extent to which Council relies on external sources (i.e. grants and contributions) for revenue. Own source revenue remains below the benchmark of 60%, indicating that Council continues to attract a high level of grants from external organisations to fund local community projects and services; and that it is at risk of becoming dependent upon external income for the provision of services.

The unrestricted current ratio is a measure of Council's ability to service its current liabilities; and it includes Council's cash as well as current receivables. Council's unrestricted current ratio has remained steady 2023/24, above the benchmark of greater than 1.5x. Holding more of Council's cash in shorter term investments, improves Council's ability to access cash and cash equivalents to service liabilities.

The debt service ratio measure's Council's financial capacity to repay interest and principal on loan repayments. The debt service ratio remains above benchmark.

The Rates and Annual Charges outstanding ratio has increased slightly compared to 2022/23. The Hardship policy and improved and ongoing regular debt minimisation actions has supported the community in a challenging economic environment.

The Cash Expense Cover ratio indicates the number of months Council could continue to pay its immediate expenses without additional cash inflow. It must be noted that the Cash Expense Cover ratio makes an assumption that all cash is available to Council, regardless of external restrictions in place. In future years Council will advise the Office of Local Government (OLG) to update this ratio to take cash restrictions into account to more accurately reflect Council's actual ability to use its cash and investments for operational expenditure.

Risk/Policy/Legislation Considerations

Section 413 of the Local Government Act requires a resolution of Council to refer the draft financial statements to audit.

**9.1 Draft Financial Statements 30 June 2024 (Ref: ; Author: Monaghan/Sligar)
(Continued)**

Section 413 (2c) requires a resolution of Council that the annual financial statements have been prepared in accordance with:

- The Local Government Act 1993 (as amended) and the Regulations made there under,
- The Australian Accounting Standard and professional pronouncements,
- The Local Government Code of Accounting Practice and Financial Reporting,

and that, to the best of their knowledge and belief, the financial statements present fairly the operating result and financial position and accord with Council's accounting and other records.

Section 418 of the Act requires that as soon as practicable after Council receives a copy of the auditor's report, it must fix a date for a meeting to present the audited financial statements to the public, and it must make the financial statements available for public inspection for at least seven days prior to the meeting date.

RFS Red Fleet Assets and impact on QPRC Financial Statements

The NSW Auditor General has expressed concern over the number of qualifications on NSW Councils based on non-disclosure of RFS assets.

The NSW Audit Office has sought a master asset register from the Rural Fire Service and has undertaken a preliminary assessment of these RFS assets within Queanbeyan-Palerang Regional Council local government area.

This assessment has been provided to Council to review for completeness where possible.

Where the results of this assessment are deemed material and are not included in Council's asset register, the Audit Office will record this as an uncorrected misstatement in their audit opinion and not a qualification.

These assets are managed and operated by the Lake George District RFS and have an estimated value of \$5.0m, being insignificant to the total value of assets owned by Council of \$2.5B.

QPRC have previously resolved the asset accounting policy over RFS assets that recognises that RFS assets are not controlled by Council and that the future economic benefits of RFS assets do not flow to Council (**Resolution 155/22**).

Several attempts have been made to resolve this issue and reach a reasonable position with Council's Auditors, including the commissioning of independent accounting position papers by the OLG and separately by a group of NSW Councils. It would seem that this current position from the Audit Office is the best solution at the moment.

Council is responsible for determining its own Accounting Policy and issuing its own Financial Statements and may choose to change its current accounting policy to include the RFS red fleet assets in Councils asset register. This decision would also require an allocation of resources to ensure this information is kept up to date on a regular basis as per other Council assets.

Financial, Budget and Resource Implications

The cost of undertaking the external independent Audit is included in the Operational Plan with a budgeted expenditure of \$174,020 as advised by the NSW Audit Office.

**9.1 Draft Financial Statements 30 June 2024 (Ref: ; Author: Monaghan/Sligar)
(Continued)**

Conclusion



As required by legislation, Council should refer the annual financial statements for audit, and to resolve its opinion about the compliance of the Financial Statements, in the prescribed format.

The NSW Audit Office conducted an interim audit, including an assessment of the effectiveness of Council's internal controls as they relate to the risk of misstatement in the financial statements. No new audit findings were reported as a result of the Interim Audit.

The Audit Risk and Improvement (ARIC) subcommittee FSSC has met with staff to oversee the preparation of the 2024 financial statements and have oversight of risks and issues.

Additionally, in order to provide confidence to the Council, the CFO has provided direct assurance over the content of the member's statement, provided as a memo, attached to this report.

Attachments

- | | |
|---|--|
| Attachment 1 | CFO Certification 2023-24 (<i>Under Separate Cover</i>) |
|  Attachment 2 | Draft General Purpose Financial Statement 2023-24 (<i>Under Separate Cover</i>) |
|  Attachment 3 | Draft Special Purpose Financial Statements 2023-24 (<i>Under Separate Cover</i>) |

9.2 **Abbeyfield Bungendore Memorandum of Understanding (Ref: ; Author: Ormella/Flint)**

File Reference: 52.4.1-117

Recommendation

That Council:

- 1. Endorse the draft Memorandum of Understanding between Council and Abbeyfield to facilitate the spending of the \$500,000 internal reserve, being the former NSW Stronger Communities Program grant funds for the Bungendore Seniors Housing Project.**
 - 2. Authorise the General Manager to make minor amendments that are aligned with the terms and intent of this agreement as presented and provide a further report when the Memorandum of Understanding is signed by both parties.**
-

Summary

At the 28 August meeting, Council agreed to allocate \$500,000 to an internal reserve for the purpose of the Abbeyfield Housing Development project (**Resolution No 410/24**). The report generated a number of questions and in particular the clarification with Abbeyfield Australia of a Memorandum of Understanding (MOU) and expenditure of these funds.

A draft MOU has been prepared and attached for Council endorsement.

Background

The General Manager and staff met with the Abbeyfield Bungendore Committee Chairs, and CEO of Abbeyfield Australia to discuss the project status, funding and drafting of an MOU.

It was agreed that it is imperative that Abbeyfield progress the project to enable the lodging of a Development Application and issuing of Development Consent and Construction Certificate. This will ensure the project is shovel ready and eligible for Affordable Housing grant funding, benefactor donations and community fundraising.

Report

This community project has been in concept, planning and design phase for over 10 years. It has been delayed due to the land where the Seniors Housing was going to be built in Majara Street, being compulsorily acquired by the NSW Department of Education for the proposed Bungendore High School.

Council at the time determined that Majara Street, on the northern end of Turallo Terrace would be closed and the land made available for Abbeyfield to construct their project. This has necessitated a Planning Proposal to change the zoning of the land, the prerequisite of this has been a Flood Study and various planning work.

Closure of the road and the planning proposal are being finalised. Discussions have commenced associated with the preparation of the Development Application.

9.2 Abbeyfield Bungendore Memorandum of Understanding (Ref: ; Author: Ormella/Flint) (Continued)

Following the issuing of the land title, the lot will be subdivided, with the proposed seniors housing to be situated on proposed Lot 1.

In order for Abbeyfield to achieve this there are a number of Development Application expenses that need to be paid. It was agreed that the grant as determined by Council in 2017 (**Resolution No 081/17**), now held in a Council internal reserve (**Resolution No 410/24**) be used to pay for these expenses.

Costs directly associated with the Development Application and Development Approval process, will be allocated for payment from the reserve. These will be charged in accordance with Council's approved Fees and Charges, and any NSW Government Statutory fees.

This will not preclude Abbeyfield Australia seeking a financial donation from Council of these Development Application or Development Contribution charges at any stage.

Whilst the Development Application is in progress, it is proposed that Council enters into a Lease Agreement over the site. Payment under the lease agreement is to be set at a nominal peppercorn rate of \$1 per annum, if and when requested.

Once Development Consent is obtained for development at the site, the lease agreement shall be terminated and QPRC will initiate the process to gift the site to Abbeyfield. This gift will result in the transfer of ownership over the land from QPRC to Abbeyfield as the titleholder over the freehold land.

Risk/Policy/Legislation Considerations

This project was part of a Stronger Community Fund program, that is administered by the Office of Local Government (OLG). Council's progress reports to OLG have been in line with their templates which are milestone and delivery focussed.

It is anticipated that now we have the Planning Proposal progressing, and Development Application, Council will be in a position to finalise this acquittal. Senior officers have yet to have a meeting with OLG to clarify the expectations of this project and its completion.

The MOU will ensure that both Council and Abbeyfield are clear on the expectations and outcomes, irrespective of Council, Council staff or Abbeyfield personnel turnover.

Financial, Budget and Resource Implications

Council has allocated an internal reserve called Abbeyfield Bungendore which will be spent in accordance with the MOU.

Any unspent funds will be granted to Abbeyfield for the project.

Links to QPRC/Regional Strategic Plans

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

- 5.1 Our community is serviced by an efficient, effective and innovative Council.
- 5.2 Council is an open, accessible and responsive organisation.


9.2 Abbeyfield Bungendore Memorandum of Understanding (Ref: ; Author: Ormella/Flint) (Continued)

Conclusion

The MOU between Council and Abbeyfield is essential to ensure that future Councils and the community understand the arrangement for the expenditure of the NSW Stronger Communities program funds, now an internal reserve and gifting of the land for the purposes of Seniors Community Housing facility in Bungendore. Council endorsement of this agreement is recommended.

A draft MOU has been prepared and Abbeyfield provided a copy for review. However to enable more time to ensure all aspects are clear and agreed; it is recommended that Council authorise the General Manager to make minor changes, without altering the intent and report back to Council after it is signed.

Attachments

Attachment 1  Draft Memorandum of Understanding - QPRC and Abbeyfield (*Under Separate Cover*)

9.3 Proposed Naming of Parks in Jumping Creek (Ref: ; Author: Richards/Harris)

File Reference: 21:6:1

Recommendation

That Council:

1. Endorse the names Malian Park, Onyong Lookout and Umbe-Yukeemruk Park in Jumping Creek.
2. Place the proposal on public exhibition for 21 days and if no objections are received, adopt and formalise the names.

Summary

Council has received a proposal from Peet Limited to name two parks and a lookout at Jumping Creek after certain Ngambri and Ngunnawal people and animals. The proposed names are inspired by the Malian (wedge tail eagle) nests that are spotted in the area; commemorating Onyong, a warrior and leader who is still honoured by local Aboriginal families; and Umbe-Yukeemruk a totem of the Ngambri and Ngunnawal people.

Background

The Parks and Lookout in Jumping Creek (Image 1) are being delivered by Peet. Peet approached the local Aboriginal communities and the Ngambri Local Aboriginal Land Council and, as a result, has proposed the three Aboriginal names.



Image 1 – Jumping Creek Parks and Lookout

9.3 Proposed Naming of Parks in Jumping Creek (Ref: ; Author: Richards/Harris) (Continued)

Report

Following a workshop in December 2023, Peet consulted with various stakeholders and Aboriginal parties to determine suitable names for two parks and a lookout located in Jumping Creek. The proposed names are detailed below.

Malian Park

- Malian (Wedge Tailed Eagle) is a Totem of the Ngambri and Ngunnawal people. It has a nesting area near Jumping Creek and are often seen flying overhead.

Onyong Lookout

- Allianoynyiga, known as Onyong by Europeans, is a Ngambri Ngunnawal Walgalu elder and warrior who lived in the area. Onyong was the Ngambri leader at the time of the first white invasion before combining with neighbouring Ngunnawal people. Onyong died in 1852 during a leadership fight.
- He is buried on a hill that bears his name in the Tharwa region. Today, Onyong is still honoured as a Walgalu warrior and leader by local Aboriginal families of Ngambri and Ngunnawal descent.

Umbe-Yukeemruk Park

- Umbe-Yukeemruk (Australia Crow) is a Totem of the Ngambri and Ngunnawal people.

The naming of these Parks and Lookout is a valuable way of showing recognition to Aboriginal people and their culture in our area. This recognition will be supported with discrete signage explaining the history and relevance of the names.

Risk/Policy/Legislation Considerations

Naming of Parks is an important part of creating a sense of place, history and culture. The proposal will be publicly advertised, and come back to Council if there are objections to the suggested names.

No policy exists for naming assets other than roads, however naming assets after local Aboriginal people and animals has been a common practice.

Financial, Budget and Resource Implications

There are no financial or resource implications for Council, the completed Park with any signage, landscaping and park furniture will be constructed by Peet and provided to Council as a gifted asset in accordance with the Local Planning Agreement.

Links to QPRC/Regional Strategic Plans

Queanbeyan-Palerang Community Strategic Plan 2042 encourages diverse and inclusive parks and public places. The plan emphasises the importance of community engagement and support access through signage.

- 1.3 Our public and community places are inviting, accessible, encourage participation and are well maintained.
 - Promote our public places and attractions with wayfinding signage to support visitation.

**9.3 Proposed Naming of Parks in Jumping Creek (Ref: ; Author: Richards/Harris)
(Continued)**

Conclusion

Council received a proposal to name two Parks and one lookout within Jumping Creek after people and animals of the Ngambri and Ngunnawal culture. This is a simple and respectful way of acknowledging local people and their culture and heritage.

Attachments

Nil

9.4 Tender RFT 2024-03 Bungendore Sports Hub - Netball, Civil, Landscaping
(Ref: ; Author: Ryan/Sibbick)

File Reference: 104862-07

Recommendation

That Council:

- 1. Decline to accept any of the tender submissions for works proposed at Bungendore Sports Hub under RFT 2024-03 as per Section 178 (1)(b) of the Local Government (General) Regulation 2021.**
 - 2. Endorse a review of the scope of works and issuing of a new Request for Tender.**
-

Summary

A Request for Tender (RFT) Contract 2024-03, to design and construct a new Netball Pavilion at the Bungendore Sports Hub along with minor civil works and landscaping was advertised through Vendor Panel on 13 May 2024.

No responses were received through Vendor Panel, however two contractors directly responded to the Coordinator, Projects and Technical. These tenders were accepted, and a tender report was to be considered by Council on 10 July 2024, but withdrawn to undertake further investigation before the meeting. One tender was well above the budget and the other provided inadequate detail to determine whether the proposed works would be completed within the supplied budget and timeframes.

Council approval is sought to the review of the scope of works and the issue of a revised tender.

Background

Works at the Bungendore Sports Hub to date include the construction of a major pavilion, two turf playing fields, and four netball courts. All fields and courts are lit for night games and training. All works delivering electrical, sewer, and water services to the site are now complete.

A grant of \$2m was received from the Investing in Our Communities Program, from the Department of Infrastructure, Transport, Regional Development, Communications, and the Arts to fund works for Stage 2 of the Bungendore Sports Hub.

Report

A Request For Tender (RFT) Contract 2024-03, for the Design and Construction Netball Pavilion, Maintenance Shed, and Minor Civil and Landscape Works at the Bungendore Sports Hub was issued on 13 May 2024 through Vendor Panel, closing on 11 June 2024. The tender was issued to 78 suppliers with 8 suppliers reading the tender. No responses were received through Vendor Panel, however two contractors directly responded to the Coordinator Projects and Technical. These tenders were accepted.

One tender was well above the available budget and the second tender was not sufficiently detailed to determine the likelihood of delivering a successful project.

9.4 Tender RFT 2024-03 Bungendore Sports Hub - Netball, Civil, Landscaping (Ref: ; Author: Ryan/Sibbick) (Continued)

As a result, in keeping with Part 7 of the Local Government (General) Regulation 2005, Section 178(3)(a), it is recommended that Council decline to accept the tender submissions and re-issue the RFT with a revised scope of works.

This approach will ensure financial and project delivery risk is mitigated. Both tenderers will be informed of the outcome and will have an opportunity to submit new quotes under the new RFT, with a better defined scope of works for each of the deliverables of the project.

The funding body has endorsed the following deliverable items as detailed in the table below.

Table 1: Approved grant expenses

No.	Deliverable
1	Construction of Netball Amenities
2	Stormwater drainage for playing fields
3	Water, Sewer and Electrical Services to Netball and Men's Shed
4	Complete remaining netball fencing approx. 117m
5	Men's Shed Fencing approx. 90m x 45m
6	Men's shed site levelling
7	Maintenance and Storage Shed
8	Solar Installation for both main pavilion and netball building
9	Internal paths of approx. 460m
10	Tiered seating
11	Concrete slabs and Installation
12	Purchase and Install 4 Field goals
13	Purchase and install 4 Dug outs
14	Concrete slabs and Installation for dug outs
15	Tree planting
16	Sealing car park
17	Main Pavilion internal fit out
18	Netball building finishes / fit out
19	Contingency/escalation
20	Project Management 4%

Risk/Policy/Legislation Considerations

The procurement and tendering process for this project must be conducted in accordance with the Local Government Act 1993, Local Government (General) Regulation 2021, Office of Local Government (OLG) Tendering Guidelines and Council's Sustainable Procurement and Contracts Policy.

The Local Government (General) Regulation 2021 specifies that after considering the tender submissions for a proposed contract, the Council must either accept or decline tender submissions. A Council that decides not to accept any tender submissions must then determine a course of action in accordance with the Regulation.

The advised course of action for this project is that Council decline to accept any of the tender submissions (s178(1)(b)), review the scope of works and issue a fresh RFT.

9.4 Tender RFT 2024-03 Bungendore Sports Hub - Netball, Civil, Landscaping (Ref: ; Author: Ryan/Sibbick) (Continued)

Reviewing the scope of works will minimise the risk of over-spend in the management of grant funds. It will also determine the optimal way of delivering the project.

Financial, Budget and Resource Implications

The total expenditure for this project is a \$2 million grant from the Investing in Our Communities Program, funded by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts.

Links to QPRC/Regional Strategic Plans

Relevant strategic plans include:

- Parks and Recreation Asset Management Plan
- Community Satisfaction and Wellbeing Survey
- Community Engagement and Participation Plan
- Disability Inclusion Action Plan
- Community Strategic Plan
- Operational Plan 2022-23

Conclusion

Under the Local Government Regulation 2021, Council is asked to decline to accept the tender submissions received for works at Bungendore Sports Hub under RFT 2024-03.

With Council endorsement, a review of the scope of works will be undertaken and a new tender issued. The two tenderers should be informed of the outcome. They will have the opportunity to submit submissions under the new RFT.

Attachments

Nil

9.5 Post-Exhibition Report - Proposed Property Information Package Fee (Ref: ;
Author: Ryan/Flint)

File Reference: 51.1.1-01

Recommendation

That Council adopt the Property Information Package Fee of \$500 and update the QPRC 24/25 Fees and Charges.

Summary

Council at its meeting on 26 June 2024 placed a new proposed fee for Property Information as Part of Sale requests on public exhibition (**Resolution 284/24**). The exhibition process ran from 27 June 2024 until 31 July 2024.

It is noted that while some late submissions were received post 31 July 2024, all were considered as part of this report. As part of the consultation process, Council received 19 submissions.

This report provides a summary of this community feedback and Council approval to adopt the proposed Property Information as Part of Sale fee is sought.

Background

As part of the 2024-2025 Integrated Planning process and based on feedback from the community, in particular real estate agents and local solicitors undertaking conveyancing services, staff put forward a submission to implement a new fee in the 2024/2025 Fees and Charges titled a Property Information Package as part of Sale fee to the value of \$500. It was decided to name the proposed new fee to reflect the service more succinctly to Property Information Package fee.

The intent of such fee being implemented is to ensure the timeliness of requests being actioned. To date, Council's Access to Information Officer receives on average 120 applications per month. 80% of these applications relate to the purchase/sale of land and frequent applicants include conveyancers, real estate agents and solicitors.

It is proposed this fee be implemented to provide assurance around processing times. The implementation of such fee will enable the Governance, Legal and Risk team to employ another full-time Access to Information Officer. Presently, in order to keep up with the demand for service, the team has a 6-month internal secondment arrangement in place until 30 January 2025.

Report

In the 2023/24 Fees and Charges, Council trialled the introduction of a fee for Property Information requests relating to property information dated prior to 1 July 2010. The Government Information (Public Access) Act 2009 (GIPA Act) stipulates that any Consent material post 1 July 2010 is considered Open Access and therefore Council cannot impose fees on the release of such material. This date represents a point in time whereby law makers determined records would be moving to digital form rather than paper form and therefore be more accessible, in theory. Prior to this fee introduction, Council was not recovering any

**9.5 Post-Exhibition Report - Proposed Property Information Package Fee (Ref: ;
Author: Ryan/Flint) (Continued)**

revenue from this service, despite both planning and customer service staff needing to set aside significant time in actioning such requests. Given the decentralisation of the process, it was identified that the instance of legislative non-compliance was high and therefore the process needed to be reviewed. The administration of each request has other legislative considerations above and beyond just the GIPA Act. These include the Privacy and Personal Information Protection Act 1998 (NSW), Environmental Planning and Assessment Act 1979 (NSW) and Copyright Act 1968 (Federal).

Given the increased loan requirements of home buyers imposed by financial institutions in recent years, Council has continued to be overwhelmed with requests for information in order to satisfy buyer due diligence and provide assurance to the institution around enduring structures on the land. The service Council provides goes above and beyond just records being compiled and released. It includes a chronological consent timeline matched with approved plans, an explanation of what each consent means, Copyright approval sought, confirmation around current owners' consent and if there are deficits in approvals, advice around next steps is also provided. This in turn eases enquiry burden on the Planning team, allowing them to deal with other aspects of their role. The time taken to action each request is in the vicinity of 1.5 hours for a simple request up to 6-8 hours for more complex requests.

The implementation of the proposed fee of \$500 is not intended to apply to current homeowners seeking information about a property they already own. Data suggests that current homeowners are likely to only want a specific record/s and not a complete approval timeline. The currently adopted fee of \$250 will continue to apply to these requests.

Consultation relating to the implementation of this fee was mixed. Generally, submitters were in support if Council could provide assurance around a fixed processing time (ie, 10 working days). It is noted that a quicker turnaround time is optimal given this information often informs prospective buyers around a potential offer amount.

The below 5 areas were themes of the consultation feedback:

Digitisation of records and availability on website

Not dissimilar to other regional NSW Councils, QPRC isn't in a position to have all records prior to 1 July 2010 electronically available in the near future. This is a massive body of work which would cost the organisation considerable money. The actioning of Property Information requests is assisting the digitisation process, however there is no foreseeable time whereby all records will be electronic.

The Planning Portal facilitates access to recently approved consents however this does not include plans or reports. Even with fully digitised records, Council would not be open to making all accessible due to considerations under the previously mentioned pieces of legislation.

'Right' to information and Council providing such service

A number of submissions spoke to the mandatory requirement for Council to facilitate such requests for property information. The GIPA Act requires Council to deal with all Formal Access Applications (Clause 9 GIPA Act) within a mandated timeframe, however requests relating to Property Information are considered 'Informal release of government information' in accordance with Clause 8 of the GIPA Act. Of relevance it states:

- Clause 8(2) *An agency can release government information in response to an informal request subject to any reasonable conditions that the agency thinks fit to impose.*

9.5 Post-Exhibition Report - Proposed Property Information Package Fee (Ref: ; Author: Ryan/Flint) (Continued)

- Clause 8(3) *An agency cannot be required to disclose government information pursuant to an informal request and cannot be required to consider an informal request for government information.*

In short, there is nothing binding Council to offer this service, and therefore the proposed fee is looking to recover costs. Council has conducted due diligence in this space and ascertained that the proposed fee is not out of line in comparison to what other Council's charge for the same service.

One fee per property not per applicant

This is already considered by the processing team. Staff often recommend that the Real Estate Agent overseeing a sale be the applicant on a Property Information Package request as they are able to them disseminate the provided information to any relevant parties. If two conveyancers/solicitors are wanting information on the same property in order to form the contract, we will always encourage them to converse with the other sides' conveyancer/solicitor and share information in order to save an additional \$500 fee from being incurred. Staff don't encourage the lodgement of a second application on a property if they are aware one is already in train.

Processing times

The estimated processing time for a Property Information Package presently is around 2-4 weeks. This is largely due to a secondment arrangement in place which has assisted the permanent Access to Information Officer to catch up on the backlog. It is intended that at the end of the secondment tenure, a second Access to Information Officer role will be created and funded using the additional revenue bought in by this new fee.

Risk/Policy/Legislation Considerations

The implementation of this new fee is in line with the Government Information (Public Access) Act 2009 and specifically Schedule 1(3)(2) of the Government Information (Public Access) Regulation 2018 which provides discretion to each Agency to determine fees for any information requests of information dated prior to 1 July 2010.

Financial, Budget and Resource Implications

It is estimated that based on the numbers of applications received by Council in the last 12 months relating to a sale process, if application numbers remain stable (anticipated), the potential income generated from this service may be in the order of \$576,000 per annum.

This figure is based on 96 applications per month relating to a sale process. Any photocopying fees incurred as part of satisfying an application is additional to the application fee. The total staff costs (per annum) of delivering this service is \$188,000 (based on 2 fulltime equivalent positions). This does not include administration, referral to architects for consent, any GIPA processing, management, office or file retrieval fees.

Links to QPRC/Regional Strategic Plans


Community Strategic Plan – Output 5.2 - Council is an open, accessible and responsive organisation.

9.5 Post-Exhibition Report - Proposed Property Information Package Fee (Ref: ;
Author: Ryan/Flint) (Continued)

Conclusion

It is recommended Council proceed to adopt the Property Information Package Fee in the 2024/25 Fees and Charges.

Attachments

Attachment 1  Submissions - Property Information Package Fee (*Under Separate Cover*)

9.6 Register of Declarations of Pecuniary Interests and Other Matters -
Councillors and Designated Persons (Ref: ; Author: Ryan/Flint)

File Reference: 52.7.3

Recommendation

That in accordance with s440AAB of the Local Government Act (1993), the Register of Annual Returns of Disclosures of Pecuniary Interest and Other Matters by Councillors and Designated Staff for the period ending 30 June 2024, be tabled.

Summary

All Councillors and Designated Staff are required under section 440AAB of the Local Government Act (1993) to lodge by 30 September each year, an annual return for disclosures of their pecuniary interests and other matters.

The Register of Annual Returns is required to be tabled at the first Council meeting after all returns are received.

Background

Councillors and Designated Staff are required to submit their annual returns for the period 1 July 2022 to 30 June 2024 by 30 September 2024. For those staff who have not been employed by Council for the full year, their return period will be from their date of commencement to 30 June 2024.

The information in the declaration may be updated or corrected at any time by submitting a fresh return.

Report

The register of returns for Councillors and Designated Staff is now tabled in accordance with s440AAB of the Local Government Act. It is available for inspection by the public free of charge at Council's Administration Offices by appointment during business hours.

Additionally, in accordance with the Information Privacy Commissioner and Office of Local Government's advice, returns are also be displayed on the Council website.

Risk/Policy/Legislation Considerations

This report and returns being tabled will ensure Council complies with section 440AAB of the Local Government Act.

The General Manager must keep a register of returns disclosing interests and returns required to be lodged must be tabled at a meeting of the Council, being the first meeting held after the last day specified by the code.

Financial, Budget and Resource Implications

Nil

9.6 Register of Declarations of Pecuniary Interests and Other Matters - Councillors and Designated Persons (Ref: ; Author: Ryan/Flint) (Continued)

Links to QPRC/Regional Strategic Plans

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

- 5.1 Our community is serviced by an efficient, effective and innovative Council.
- 5.2 Council is an open, accessible and responsive organisation.

Conclusion

The register of annual returns by designated staff for their disclosures of pecuniary interests and other matters for the period 1 July 2023 to 30 June 2024 is required to be tabled in accordance with s440AAB of the Local Government Act.

Attachments

Nil

10.1 Virtual Fencing for Wildlife Road Collision (Ref: ; Author: Duff/Woolhouse)

File Reference: 31.4.1

Recommendation

That the report be received for information.

Report

At the Council meeting held on the 28 February 2024, Council asked to receive a report on the options available for, and the costs of, improved vehicle-wildlife road collision mitigation measures on rural high traffic roads, such as Macs Reef Road Bywong (**Resolution No 082/24**). The motion sought an inclusion of acoustic, and visual measures, including but not limited to active signage as well as improved roadside vegetation containment practises.

Council staff have subsequently undertaken the following activities:

- Reviewed published journals and symposium information on technology to reduce wildlife-vehicle collisions
- Reviewed data from nearby Wildcare Queanbeyan – Norton Road
- Reviewed Eurobodalla Shire Council Pilot Program

This report provides an update of information and staff findings to date, however was not available in time to facilitate Council consideration of funding in the 2024-2025 financial year for the installation of such measures.

Virtual Fences

A virtual fence is an electronic guidepost device (refer Photo 1). They are placed on alternating sides of the road at 25m spacings. When activated by oncoming headlights, the device purpose is to alerts animals that vehicles are approaching by emitting a combination of sound and strobe-type LED lights.

Virtual fence manufacturers claim that the product is most effective where speed zones are below 80 km/h. The slower speed allows the light and sound to remain active for longer. The devices are triggered by headlights and do not work during the day. The need to be positioned for headlight activation as well as being sufficiently clear of the road to keep animals away from the road width.

Virtual fences are suggested for targeted vehicle/wildlife collision hotspots, rather than long sections of road. The installation cost of a virtual fence depends on both the fence location and ground conditions. However, a rough order cost estimate for supply and installation is in the range of \$25,000 per road kilometre.

10.1 Virtual Fencing for Wildlife Road Collision (Ref: ; Author: Duff/Woolhouse)
(Continued)



Photo 1 – Virtual Fence Device

Norton Road – Wildlife Data

The table below shows the data collated by Wildcare Queanbeyan Inc for call outs on Norton Road, a section approximately 15km long. The data includes injured species between July 2023 – June 2024. Data has not been collected on kangaroo and wombat mortality.

Species	Collision – Motor Vehicle	Unknown
Eastern Grey Kangaroo	51	27
Wallaby	2	1
Bird	3	9
Reptile	0	8
Short-beaked echidna	1	0
Sugar Glider	0	1

Table 1 – Norton Road call outs July 2023 – June 2024 – Wildcare Queanbeyan Inc

The data is not considered sufficient to determine mortality at incident hotspots in the 15km road section. It is noted that the speed limit on Norton Road is 80km/h, however traffic data indicates vehicles do exceed the posted speed limit.

**10.1 Virtual Fencing for Wildlife Road Collision (Ref: ; Author: Duff/Woolhouse)
(Continued)**

Eurobodalla Shire Council

Eurobodalla Shire Council (ESC) recently trialled a short section of virtual fencing (1.1km) along Cullendulla Drive. The road section has an 80km/h speed limit and is the only access road to Long Beach and adjacent localities.

The pilot project has only reviewed mortality rates and did not study animal behaviour around the virtual fencing. ESC has considered the trial to be a success and notes there have only been 5 dead animals removed from the 1.1km road section in 8 months. However, it is unclear how this data compares to previous time periods or adjacent road sections to baseline trial results against, or was it related to seasonal changes.

ESC received grant funding for the virtual fencing equipment supply, with installation costs met by Council. Based on available information, the total cost of the project is estimated in the range of \$25,000 per km.

Summary

- Wildlife fencing (also known as floppy-top fencing) when used with both animal overpasses and underpasses, is not considered a practical or affordable option for most of the local road network.
- The preliminary findings of the published journal *Can virtual fences reduce wombat road mortalities*¹ suggest that the installation at Old Bega Road, Nimmitabel (in the Snowy Monaro Regional Council) was minimally effective at reducing wombat deaths and further data is required. The road section was 1.5km long and the speed of vehicles was estimated in the range between 65km/h and 95km/h.
- A symposium was attended by staff regarding emerging solutions using GPS, vehicle-mounted animal detection technology and hotspots to create different sounds targeted at different species in that area. It also identified that good project planning for new infrastructure is crucial to identifying where wildlife fencing would be required.
- There were no studies found by staff which review animal behaviour around virtual fencing, making it difficult to determine if pilot project data could be influenced by environmental or seasonal conditions (grass species, temperature, drought or wet conditions, reduced animals in the area etc).
- Vehicle collisions with wildlife is reduced (both frequency and severity) when vehicles travel at or below 80km/h.

Council staff have not found definitive data or evidence to date supporting the merit of virtual fencing or alternatives to reduce vehicle/wildlife collisions. More information and research is required, included associated staff time and council costs to continue with options investigation and budget estimates.

Reference

1: *Can virtual fences reduce wombat road mortalities?* Hayley J. Stannard, Marie B. Wynan, Ray J. Wynan, Brendan A. Dixon, Sujatha Mayadunnage, Julie M. Old, Ecological Engineering, Volume 172, Published December 2021 sourced:
<https://www.sciencedirect.com/science/article/abs/pii/S092585742100269X>

Attachments

Nil

10.2 Cost Shifting by State and Federal Governments (Ref: ; Author: Ryan/Ryan)

File Reference: 52.5.2-04 / 43.7.3-03 / 11 September 2024 motions

Recommendation

That the report be received for information.



Report

At the meeting held on 14 February 2024, Council considered the findings of the LGNSW Cost Shifting report for the 2021/2022 financial year and resolved to write to the Premier, the NSW Treasurer and the NSW Minister for Local Government seeking these costs be urgently addressed through a combination of regulatory reform, budgetary provision and appropriate funding and supporting the review into NSW Local Government Financial Sustainability. **(Resolution No 043/24).**

Letters were sent and a response has been received from the NSW Minister for Local Government, the Hon Ron Hoenig MP.

Both letters are attached for information.

Attachments

- | | |
|---|---|
| Attachment 1
 | QPRC letter to Minister for Local Government - Cost Shifting by State and Federal Governments (<i>Under Separate Cover</i>) |
| Attachment 2
 | Response from the Minister for Local Government re Cost Shifting to Councils (<i>Under Separate Cover</i>) |

11.1 Cultural Development and Public Art Committee Minutes - 13 June 2024 (Ref: ; Author: Petroff/Byrne)

File Reference: 36.1

Recommendation

That Council:

1. Note the minutes of Cultural Development and Public Art Advisory (CDPA) Committee held on 13 June 2024.
 2. Accept the artwork donation from the Queanbeyan Art Society: 'All that Glitters' by John Bosler.
-



Summary

The Cultural Development and Public Art Advisory (CDPA) Committee has submitted minutes of meeting held on 13 June 2024.

Two resolutions were referred to Council:

- The CDPA Committee unanimously recommends that Council accepts the artwork donation from the Queanbeyan Art Society. This is a painting titled 'All that Glitters' by their member John Bosler (refer Attachment 2).
- The CDPA Committee sought clarification from Council which was provided, as to the decision process for the permanent site placement of the donated WB Freebody sculpture. On 12 June 2024, CDPA's recommendations were noted by Council (**Resolution No 263/24**) with Council endorsing the placement of the Freebody sculpture (**Resolution No 248/24**) in the pedestrian access link on the mezzanine level adjacent to the Council Chambers and the Bicentennial Hall.

Attachments

- | | |
|--|--|
| Attachment 1 | CDPA Committee Minutes - 13 June 2024 (<i>Under Separate Cover</i>) |
|  Attachment 2 | Queanbeyan Art Society Artwork Donation Offer 2024 (<i>Under Separate Cover</i>) |
|  | |

15 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION

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

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

Recommendation

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

Item 16.1 RFT 2024-27 Mulloon Creek Causeway - Tender Evaluation

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

Item 16.2 General Manager's Annual Performance Review 2023/24 and Performance Agreement 2024/25

Item 16.2 is confidential in accordance with s10(A) (a) of the Local Government Act 1993 because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.