



MINUTES OF THE ORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held at the Council Chambers, 10 Majara Street, Bungendore on Wednesday, 23 January 2019 commencing at 5.30pm.

## ATTENDANCE

**Councillors:** Cr Overall (Chair), Crs Biscotti, Bray AM, Brown, Harrison, Hicks, Marshall, Noveska, Schweikert and Taylor.

**Staff:** P Tegart, CEO/General Manager; M Thompson, Portfolio General Manager Natural and Built Character; P Hansen, Portfolio General Manager Community Connections; J Richards, Portfolio General Manager Community Choice and P Neil, Portfolio General Manager Organisational Capability.

**Also Present:** W Blakey (Clerk of the Meeting) and L Ison (Minute Secretary).

### 1. OPENING

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

### 2. APOLOGIES

001/19

#### **RESOLVED (Taylor/Harrison)**

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

The resolution was carried unanimously.

### 3. DISCLOSURES OF PECUNIARY INTERESTS

002/19

#### **RESOLVED (Taylor/Hicks)**

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.

**4. CONFIRMATION OF MINUTES**

**4.1 Minutes of the Ordinary Meeting of Council held on 19 December 2018**

003/19

**RESOLVED (Schweikert/Bray)**

That the Minutes of the Ordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday 19 December 2018 be confirmed.

The resolution was carried unanimously.

**5. PRESENTATION BY DEPARTMENTAL OR OTHER REPRESENTATIVES**

There were no presentations.

**6. BUSINESS ARISING FROM THE MINUTES**

There was no business arising.

**7. PRESENTATIONS FROM THE GALLERY RELATING TO LISTED ITEMS ON THE AGENDA AND PETITIONS**

The following presenters were heard:

Mr Glenn Roberts – Item 12.3 - DA.2018.121 - Three Lot Subdivision - 71 Macdiarmid Road, Burra

004/19

**RESOLVED (Taylor/Schweikert)**

That Mr Roberts be granted an extension of three minutes to speak.

The resolution was carried unanimously.

**8. MAYORAL REPORT**

There was no Mayoral Report.

**9. MAYORAL MINUTE**

There was no Mayoral Minute.

**10. NOTICES OF MOTIONS OF RESCISSION**

There were no Notices of Motions of Rescission.

**11. NOTICES OF MOTIONS**

There were no Notices of Motions.

**12. ITEMS FOR DETERMINATION**

**12.1 Consideration of Replacing Balustrades at the Albion Hotel - 119 Wallace Street, Braidwood**

005/19

**RESOLVED (Schweikert/Biscotti)**

That Council:

1. Note that the options to replace the railings at the Albion Hotel at Braidwood are limited given that:
  - Any replacement will require the support of the owner to lodge an amending development application and that support is unlikely to be forthcoming given that the previous work was carried out in accordance with a valid development consent.
  - The cost of carrying out the replacement would likely need to be borne by Council through the General Fund and at present, there are no funds available for such work.
  - The owner would be asking Council to take on certain risks which on balance are not warranted by undertaking the replacement work.
2. Take no further action on this matter.
3. Refer all development applications for individually listed State heritage properties in Braidwood to the Braidwood Heritage Committee for comment before determination.

The resolution was carried unanimously.

**12.2 DA-168-2018 - Bulky Goods Premises - 6 Bungendore Road, Queanbeyan East**

006/19

**RESOLVED (Hicks/Schweikert)**

That:

1. Approval be granted to a variation to Part 2.2 of Queanbeyan Development Control Plan 2012 to allow for a reduction of parking spaces for the following reasons:
  - (a) The applicant's Traffic Impact Assessment demonstrates that proposed car parking is able to accommodate expected parking demand generated by the development.
2. Development application 168-2018 for a bulky goods premises on Lot 21 DP 1000962, No. 6 Bungendore Road, Queanbeyan East be granted conditional approval.

The resolution was carried unanimously.

**12.3 DA.2018.121 - Three Lot Subdivision - 71 Macdiarmid Road, Burra**

007/19

**RESOLVED (Harrison/Marshall)**

That:

1. Development application DA.2018.121 for a three (3) lot Community Title subdivision on Lot 4 DP285984, 71 MacDiarmid Road, Burra be refused for the following reasons.

Reasons for Refusal:

- (a) Council has no ability to consent to the subject application in accordance with Clause 4.1B(5) of the Palerang Local Environmental Plan 2014 as Lot 4 DP 285984 having been created under Clause 20 of the Yarrawluma Local Environmental Plan 2002 forms a resulting lot as defined under Clause 4.1B(6) of the Palerang Local Environmental Plan 2014 4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*.
- (b) The proposed development resulting in an average lot size of 3.286ha fails to achieve the 6ha average lot size applicable to the subject site and therefore fails to satisfy the requirements of Clause 4.1(b)(4)(a) of the Palerang Local Environmental Plan 2014 (4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*).
- (c) Council is unable to approve the subject application in accordance with Clause 4.6(4)(b) of the Palerang Local Environmental Plan 2014 as the Secretary of the Department of Planning and Environment withheld concurrence (4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*).
- (d) Council is unable to utilise the provisions of Clause 4.6 of the Palerang Local Environmental Plan 2014 to consent to the subject application as the proposed development results in more than two (2) lots of less than the minimum area specified for such lots by a development standard with the E4 Environmental Living Zone and fails to satisfy the requirements of Clause 4.6(6)(a) of the Palerang Local Environmental Plan 2014 (4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*).
- (e) The proposed development fails to satisfy the provisions of Clause 6.4 – Drinking Water Catchments of the Palerang Local Environmental Plan 2014 as insufficient information accompanied the application as to satisfactorily establish that the development is designed, sited and will be managed in such a way as to avoid any significant adverse impact on water quality within the Googong Drinking Water Catchment (4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*).
- (f) The proposed building envelopes on proposed lots 31

and 32 contain significant constraints; when excluding these areas the building envelope on proposed lot 32 fails to satisfy the minimum building envelope area of 4000m<sup>2</sup> required under Section C1.2.5 of the Palerang Development Control Plan 2015 (4.15(1)(a)(iii) *Environmental Planning and Assessment Act 1979*).

- (g) The proposed building envelopes on proposed lots 31 and 32 contain insufficient unconstrained area to accommodate for onsite effluent disposal and as such the proposal fails to satisfy the requirements of Section C1.2.7 of the Palerang Development Control Plan 2015 (4.15(1)(a)(iii) *Environmental Planning and Assessment Act 1979*).
  - (h) The subject site is burdened by a number of environmental constraints that significantly inhibit potential for future residential development and associated infrastructure upon the proposed lots. As such, the subject site is considered to be unsuitable for the purposes of the proposed development. (4.15(1)(c) *Environmental Planning and Assessment Act 1979*).
  - (i) Throughout the public notification period a number of submissions were received raising valid planning concerns in relation to the proposed development (4.15(1)(d) *Environmental Planning and Assessment Act 1979*).
  - (j) The proposed development by way of contravening development standards established under the Palerang Local Environmental Plan 2014 and Palerang Development Control Plan 2015 is considered to be contrary to the public interest (4.15(1)(e) *Environmental Planning and Assessment Act 1979*).
2. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.
  3. The NSW Rural Fire Service and Department of Planning and Environment be forwarded a copy of Council's Notice of Determination.

The resolution was carried unanimously.

**12.4 Googong Urban Development Local Planning Agreement Review**

008/19

**RESOLVED (Taylor/Harrison)**

That Council:

1. Agree in principle to vary the Googong Urban Development Local Planning Agreement as follows:
  - i. Definitional alterations to various clauses/wording in the Works Schedule, to maintain the currency of the GLPA to reflect such things as the gazettal of Queanbeyan Local Environmental Plan 2012.
  - ii. Insertion in the works schedule of the Googong Urban Development Local Planning Agreement (GLPA) of completed works relating to the Water Recycling Infrastructure and new items such as smart poles, sensors and Wi Fi capability.
  - iii. A new clause reflecting the July 2016 Memorandum of Understanding between Council, Googong Township Pty Ltd and the Queanbeyan Whites Rugby Union Football Club Incorporated regarding the operation of a community facility.
  - iv. An alteration to the escalation indices for offsite road contributions.
  - v. Other amendments applying to offsite roads, so as to:
    - a) Update the works schedule in the GLPA for offsite roads as well as their contribution values.
    - b) Recognise the Old Cooma Road Grant.
    - c) Cap the total offsite roads contributions at \$61,653,882.
    - d) Include an interest contribution component payable quarterly.
  - vi. Any other consequential administrative amendments recommended and agreed to by the parties' solicitors.
2. Commence the statutory steps to vary that Agreement including community engagement for a minimum of 28 days.
3. Receive a further report on the outcomes of the community engagement process.

The resolution was carried unanimously.

**12.5 Requests For New Road Names - Bungendore and Jerrabomberra**

009/19

**RESOLVED (Schweikert/Taylor)**

That Council:

1. Adopt in principle the names 'Henry Place' and 'Robin Lane' as the proposed street names for the two new roads created by the subdivision approved by DA 196-2016 off Tompsitt Drive, Jerrabomberra.
2. Adopt in principle the name 'Millwood Lane' as the proposed name for the new road created in conjunction with the boundary readjustment of Lots 4 & 5 DP1055202 off Gibraltar Street, Bungendore.
3. Advertise the names for public comment for 30 days.
4. Publish a notice in the NSW Government Gazette if no objections are received.

The resolution was carried unanimously.

**12.6 Sponsorship and Support for the 2019 NSW / ACT Parks & Leisure Conference to be held in Queanbeyan**

010/19

**RESOLVED (Schweikert/Hicks)**

That Council support the 2019 NSW / ACT Parks and Leisure (PLA) Conference with sponsorship to the value of \$6,000, along with in kind support with staff assisting PLA conference organisers.

The resolution was carried unanimously.

**12.7 Tender for Construction of Change Rooms at Mick Sherd Oval - Bungendore**

011/19

**RESOLVED (Hicks/Biscotti)**

That:

1. Council not accept the tender submission for construction of the change rooms at Mick Sherd Oval.
2. The construction of the change rooms at Mick Sherd Oval be project managed in-house by Council staff, utilising Council's pre-approved trades panel, where possible.
3. Any residual funds from the project be used to refurbish the current change shed for the Bungendore pools' use.

The resolution was carried unanimously.

- 012/19                    **12.8 Adoption of the Shopping Trolley Management Plan**  
**RESOLVED (Schweikert/Taylor)**
- That Council:
1. Note and receive the consultation feedback on the Draft Shopping Trolley and Litter Management Policy.
  2. Adopt the amended Shopping Trolley Management Policy for Retailers.

The resolution was carried unanimously.

- 013/19                    **12.9 Cultural Arts Assistance Scheme Application - Waitangi Day**  
**RESOLVED (Marshall/Schweikert)**
- That Council approve the allocation of \$1,500 from the Cultural Arts Assistance Scheme to the ACT Maori Performing Arts Inc. to assist in the presentation of the Waitangi Day 2019 community celebration in Queanbeyan Park.

The resolution was carried unanimously.

- 014/19                    **12.10 Women's NSW Open Golf Tournament**  
**RESOLVED (Biscotti/Hicks)**
- That Council approve \$15,000 of cash and in kind support for the Women's NSW Open Golf Championship event to be held from 4-10 March 2019 at the Queanbeyan Golf Course.

The resolution was carried unanimously.

- 015/19                    **12.11 Investment Report - December 2018**  
**RESOLVED (Bray/Schweikert)**
- That Council:
1. Note the 2018/19 investment income for December 2018 was \$169,363.
  2. Note the investment portfolio has been made in accordance with the *Local Government Act 1993*, and the Local Government (General) Regulation 2005.
  3. Adopt the Investment Report for the month of December 2018.

The resolution was carried unanimously.



**12.12 Administration of QPRC's elections, polls and referenda**

016/19

**RESOLVED (Harrison/Taylor)**

That Council resolves:

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

The resolution was carried unanimously.

**12.13 Australian Local Government Women's Association NSW Branch's Annual Conference 2019**

017/19

**RESOLVED (Marshall/Noveska)**

That any Councillor who wishes to attend the ALGWA NSW Branch's Annual Conference at Liverpool City Council from 4 – 6 April 2019, submit a written request to the CEO.

The resolution was carried unanimously.

**13. ITEMS FOR INFORMATION**

**13.1 Rural Signage Investigations**

018/19

**RESOLVED (Schweikert/Taylor)**

That the report be received for information.

The resolution was carried unanimously.

**13.2 Integrated Planning Calendar**

019/19

**RESOLVED (Taylor/Bray)**

That the report be received for information.

The resolution was carried unanimously.

**13.3 Regional Cultural Fund Stage 2 - Bicentennial Hall**

020/19

**RESOLVED (Marshall/Schweikert)**

That the report be received for information.

The resolution was carried unanimously.

**14. COMMITTEE REPORTS AND RECOMMENDATIONS**

**14.1 Minutes of the QPRC Heritage Advisory Committee Meeting held 13 December 2018**

021/19

**RESOLVED (Marshall/Harrison)**

That Council:

1. Note the minutes of QPRC Heritage Advisory Committee Meeting held on 13 December 2018.
2. Note the recommendations QPRC HAC 15/18 and QPRC HAC 16/18 from the meeting held on 13 December 2018:

QPRC HAC 15/18 The Committee does not support the development of 5 Meredith Street in its current form having regard to its height and bulk as well as the possible precedence for other sites within this part of the Conservation Area.

QPRC HAC 16/18 The Committee generally supports the revised plans for Furlong House, 13-15 Morrissett Street, subject to the external cladding of the toilet and new store room having vertical timber boards with regency moulding or similar as per the Heritage Advisers report.

The resolution was carried unanimously.

**14.2 Minutes of the Braidwood and Curtilage Heritage Advisory Committee Meeting held 13 December 2018**

022/19

**RESOLVED (Marshall/Harrison)**

That Council note the minutes of the Braidwood and Curtilage Heritage Advisory Committee Meeting held on 13 December 2018.

The resolution was carried unanimously.

**14.3 Minutes of the Environment and Sustainability Advisory Committee held on 5 December 2018**

023/19

**RESOLVED (Marshall/Harrison)**

That Council:

1. Note the minutes of the Environment and Sustainability Advisory Committee held on 5 December 2018.
2. Note recommendation QPRC ESAC 10/18 from the meeting held on 5 December 2018.

That Council resolve to:

1. Prepare a risk assessment tool and policy for replacement of trees.

2. Seek community input and consultation on a Draft Replacement Tree Policy.

The resolution was carried unanimously.

#### 14.4 Local Traffic Committee 4 December 2018

024/19

##### **RESOLVED (Schweikert/Marshall)**

That Council:

1. Note the minutes of Local Traffic Committee Meeting held on 4 December 2018.
2. Adopt recommendations LTC 43/18 to LTC 49/18 from the meeting held on 4 December 2018.
  - i. LTC 43/18 Under the *Road Transport Act 2013*, with the exception of the "KEEP LEFT WHEN OVERTAKING" sign, install the signage as per the design for the 2nd Stage of the Duplication of Old Cooma Rd.
  - ii. LTC 44/18 Under the *Road Transport Act 2013* install BB line to create a 4.0m wide lane width on the western side of John Bull Street between the second intersection of Ogilvie Crescent and Nimmitabel Street, Queanbeyan.
  - iii. LTC 45/18 Under the *Road Transport Act 2013* implement the design approved for changes at Cooma Street as recommended at the June 2018 LTC meeting, noting outcomes of the community consultation.
  - iv. LTC 46/18 Under the *Road Transport Act 2013* implement 'No Stopping' signs along the full length of the eastern side of Rosa Street, in the school zone from Gorman Drive to Rogers Road, Googong.
  - v. LTC 47/18 Given the likelihood of serious adverse impacts on the road network that have been observed in Googong for similar scale events, and potential for risk to health and safety of the community due to the likelihood of traffic jams that would restrict efficient access to the area by emergency services, the LTC does not support the TMP/TCP for the proposed Googfest 2019 Event.
  - vi. LTC 48/18 The Committee recommends the QPRC Events Team provide for review a complete Event Evaluation Report for the Freedom of Entry March and Christmas in July Events for review at the next LTC meeting.
  - vii. LTC 49/18 Under the *Road Transport Act 2013* implement changes to Morisset Street Carpark as per the concept design.

The resolution was carried unanimously.

**14.5 Bungendore Town Centre and Environs Committee Meeting Minutes**

025/19

**RESOLVED (Hicks/Marshall)**

That Council:

1. Note the minutes of Bungendore Town Centre and Environs Committee meeting held on 6 December 2018.
2. Defer any work on the Ellendon Street Arts Link until consideration of the draft Public Arts policy.

The resolution was carried unanimously.

**14.6 Royalla Common s.355 Committee Meeting Minutes**

026/19

**RESOLVED (Hicks/Harrison)**

That Council note the minutes of the Royalla Common s.355 Committee's meeting held on 26 September 2018.

The resolution was carried unanimously.

**14.7 Greenways s.355 Committee Meetings Minutes**

027/19

**RESOLVED (Harrison/Marshall)**

That Council:

1. Note the minutes of Greenways s.355 Committee's Annual General Meeting and Committee meeting held on 11 December 2018.
2. Approve the following office-bearers and membership for 2018-19:

Chair: Langdon Patrick

Secretary: Pete Harrison

Treasurer: Maria Taylor

Committee: Kerry Cox, Peter Evans, Kathy Handel and Bill Taylor

The resolution was carried unanimously.

**14.8 Report on Audit, Risk and Improvement Committee meeting of 21 November 2018**

028/19

**RESOLVED (Harrison/Schweikert)**

That Council note:

1. The minutes of the Audit, Risk and Improvement Committee meeting of 21 November 2018.
2. The Committee's annual report to Council for 2017-18.

The resolution was carried unanimously.

**15. DELEGATES' REPORTS**

Cr Schweikert reported on his attendance at the sod turning for the Bungendore Ambulance Station.

Cr Overall reported on his attendance at the following:

- QPRC Carols in Queanbeyan Park
- W-League game, Canberra United v Melbourne Victory, at Seifert Oval
- Sod turning for Old Cooma Road Duplication

**16. RESPONSES TO COUNCILLORS' QUESTIONS**

**16.1 Responses to Councillors' Questions**

029/19

**RESOLVED (Taylor/Schweikert)**

That the report be received for information.

The resolution was carried unanimously.

**17. MATTERS OF WHICH NOTICE HAS NOT BEEN GIVEN BUT RULED BY THE CHAIR TO BE CONSIDERED**

There were no matters.

**18. COUNCILLORS' QUESTIONS FOR NEXT MEETING**

Cr Biscotti enquired on the condition of the turf at Riverside stadium. Council's Service Manager Urban Landscapes, advised that the turf was doing well, has benefited from recent weather conditions, been sprayed, top dressed and rolled, and is playable.

Cr Marshall advised that the railing on the eastern approach to Foxlow Bridge is falling down and requested staff to inspect.

Cr Schweikert sought clarification on applications for Easter trading for businesses in the QPRC area.

Cr Hicks requested staff investigate possible illegal camping at 58 Foxlow Street Captains Flat.

Cr Brown requested an explanation as to why a jackhammer was used on the western pylon of the EDE bridge and whether this has incurred any additional costs to Council.

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

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

Cr Overall 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.



**PRESENTATIONS**

There were no presentations.

030/19

**RESOLVED (Harrison/Taylor)**

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 20.1 Writing Off Water Usage Accounts Due to Undetectable Leak - Braidwood**

*Item 20.1 is confidential in accordance with s10(A) (b) of the Local Government Act 1993 because it contains discussion in relation to the personal hardship of a resident or ratepayer and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**Item 20.2 Writing Off Water Usage Account Due to Undetectable Leak - Queanbeyan**

*Item 20.2 is confidential in accordance with s10(A) (b) of the Local Government Act 1993 because it contains discussion in relation to the personal hardship of a resident or ratepayer and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**Item 20.3 Writing Off Water Usage due to Undetectable Leak - Bungendore**

*Item 20.3 is confidential in accordance with s10(A) (b) of the Local Government Act 1993 because it contains discussion in relation to the personal hardship of a resident or ratepayer and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

The resolution was carried unanimously.

The meeting then moved into Closed Session at 6.31pm to discuss the matters listed above.

**20.1 Writing Off Water Usage Accounts Due to Undetectable Leak - Braidwood**

031/19

**RESOLVED (Harrison/Marshall)**

That Council write off a total of \$1,923.90 in water usage charges for the property listed in this report.

The resolution was carried unanimously.

**20.2 Writing Off Water Usage Account Due to Undetectable Leak - Queanbeyan**

032/19

**RESOLVED (Harrison/Bray)**

That Council write off a total of \$1,375.54 in water usage charges for the property listed in this report.

The resolution was carried unanimously.

**20.3 Writing Off Water Usage due to Undetectable Leak - Bungendore**

033/19

**RESOLVED (Brown/Harrison)**

That Council not write off the water charge as it is not covered by Council's Undetected Leak Policy and no hardship application has been received from the owners.

The resolution was carried unanimously.

034/19

**RESOLVED (Harrison/Hicks)**

That the meeting now return to Open Session.

The resolution was carried unanimously.

The meeting returned to Open Session at 6.33pm.

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.

The time being 6.34pm Cr Overall announced that the Agenda for the meeting had now been completed.

**CR TIM OVERALL  
MAYOR  
CHAIRPERSON**