



MINUTES OF THE ORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held at the Council Chambers, 10 Majara Street, Bungendore on Wednesday, 27 February 2019 commencing at 5.30pm.

ATTENDANCE

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

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; 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

There were no apologies.

3. DISCLOSURES OF PECUNIARY INTERESTS

035/19

RESOLVED (Taylor/Bray)

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 23 January 2019

036/19

RESOLVED (Taylor/Marshall)

That the Minutes of the Ordinary Meeting of Council held in the Bungendore Council Chambers on Wednesday 23 January 2019 be confirmed.

The resolution was carried unanimously.

037/19

RESOLVED (Taylor/Noveska)

That the Minutes of the Planning and Strategy Committee meeting of Council held in the Queanbeyan Council Chambers on Wednesday 13 February 2019 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 presenter was heard:

Ms Rowena Thomson – Item 12.5 - Potential Off-lead Dog Areas - Bungendore

A petition 'To help get the soon to be vacant Captains Flat Fire Station so Captains Flat and surrounding areas can use it as a Men's/Community Shed' was tabled.

8. MAYORAL REPORT

There was no Mayoral Report.

9. MAYORAL MINUTE

9.1 Condolence Motion

038/19

RESOLVED (Overall)

That Council:

1. With deep respect, offer sincere sympathy to Mr Carl Brown's immediate and extended family, and the Ngunnawal people of the region.
2. Acknowledge and recognise the significant contribution made by Mr Carl Brown in his role as a highly respected and proud Ngunnawal Elder.

The resolution was carried unanimously.

10. NOTICES OF MOTIONS OF RESCISSION

There was no Notices of Motion of Rescission.

11. NOTICES OF MOTIONS

There were no Notices of Motion.

12. ITEMS FOR DETERMINATION

12.1 Modification Application - MOD.2018.122 - Delete Condition 3 Requirement for Provision of Right of Carriageway - 121 Wallace Street, Braidwood

039/19

RESOLVED (Marshall/Harrison)

That:

1. Modification application MOD.2018.122 to delete Condition 3 of DA.2014.208 relating the provision of a right of carriageway at Lot 2 DP 1208847, 121 Wallace Street Braidwood be refused for the following reasons.

Reasons for Refusal:

- (a) Condition 3 of DA.2014.208 was imposed with sound reasoning and not in error. As such the subject modification is beyond the scope of Section 4.55(1) of the Environmental Planning and Assessment Act 1979 and is unable to be approved.
2. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.
3. Council continue with enforcement proceedings to require the applicant to comply with Condition 3 of DA.2014.208 i.e. to register a right of way benefiting Lot 1 DP 829063 for access over Lot 2 DP 1208847.

The resolution was carried unanimously.

12.2 North Elmslea (Part Lot 1 DP 798111) Planning Proposal, Tarago Road, Bungendore

040/19

RESOLVED (Schweikert/Hicks)

That:

1. The environmental assessments attached to this report, and the associated government agency and staff comments, be received and noted.
2. The revised planning proposal (February 2019) taking into account comment from the government agencies comments be received and noted.
3. It be noted that this planning proposal (February 2019) will be refined for public exhibition once the water licence allocation for Bungendore has been determined.
4. Subject to Council receiving written confirmation from NSW Department of Industry - Lands and Water that the water licence allocation for Bungendore will be increased to sufficiently accommodate the planning proposal on part Lot 1 DP 798111 to allow for the creation of approximately 309 residential lots, Council agree to progress the planning proposal by placing it on public exhibition for 28 days.
5. While the water allocation is being finalised, staff work with the developer on a preliminary road design and the details of a planning agreement in relation to the impacts on Tarago Road including road intersections and a contribution towards community facilities.
6. The planning proposal buffer area of 500 metres from the resource recovery facility be retained, noting a review is proposed at a later stage.
7. Associated water and sewer development contribution plans be prepared

The resolution was carried unanimously.

12.3 Sutton Planning Proposal (Lot 3, DP 1074706 - Goolabri Drive)

041/19

RESOLVED (Harrison/Schweikert)

That:

1. Council receive and note the bushfire, Aboriginal cultural heritage and flora and fauna reports and the amended planning proposal, February 2019 for Lot 3 DP 1074706.
2. The amended planning proposal dated February 2019, for Lot 3 DP 10747706 be progressed and forwarded to the Rural Fire Service and NSW Office of Environment and Heritage along with the relevant amended bushfire report, Aboriginal cultural heritage study and flora and fauna reports.

The resolution was carried unanimously.

12.4 Jumping Creek - Future Management and Dedication of Open Space

042/19

RESOLVED (Schweikert/Taylor)

That Council:

1. Receive and note the report.
2. Agree to accept residual E2 and RE1 zoned land at Jumping Creek for future ownership and management subject to that land being improved and remediated consistent with plans to be approved by Council.
3. Agree to Option One in respect of future land dedication at Jumping Creek.

For: Crs Biscotti, Overall, Bray, Brown, Harrison, Hicks, Noveska, Schweikert, Taylor and Winchester

Cr Marshall did not vote.

12.5 Potential Off-lead Dog Areas - Bungendore

043/19

RESOLVED (Schweikert/Biscotti)

That Council:

1. Place the potential dog park locations on public exhibition.
2. Consider funding options during the 2019-2020 budget process.

The resolution was carried unanimously.

12.6 Tender RFT 2019-11 - Underground Creek Piping at Braidwood Recreation Ground

044/19

RESOLVED (Hicks/Harrison)

That:

1. Council not accept the tender submission for underground creek piping at the Braidwood Recreation Ground.
2. Construction of the project be managed in-house by Council staff, utilising Council's pre-approved trade panels where possible.

The resolution was carried unanimously.

12.7 IWCM Strategy - Palerang Communities

045/19

RESOLVED (Harrison/Schweikert)

That Council:

1. Adopt the "Integrated Water Cycle Management Strategy – Palerang Communities".
2. Proceed to implement the measures according to the identified timeframes.
3. Consider the Strategy and measures in context with the draft Bungendore Structure Plan.

The resolution was carried unanimously.

12.8 South Bungendore Stormwater Masterplan

046/19

RESOLVED (Schweikert/Harrison)

That Council:

1. Note the existing flood impacts in South Bungendore.
2. Place the draft masterplan on exhibition following discussions with potentially affected residents.
3. Provide a further report to Council that considers responses received during the exhibition period.

The resolution was carried unanimously.

12.9 Six-monthly report on Delivery Program 2018-21

047/19

RESOLVED (Biscotti/Bray)

That Council note the progress report on the Delivery Program 2018-21.

The resolution was carried unanimously.

During discussion, Cr Marshall declared a less than significant non-pecuniary interest in Item 12.10 - Retransmission of ABC radio signal, stating: "When the staff recommendation was amended to include 'writing to the candidates in the State and Federal election', as a candidate in the NSW election for the electorate for Monaro, I then have a less than significant non-pecuniary interest, but would take part in the debate and vote".

12.10 Retransmission of ABC radio signal

048/19

RESOLVED (Schweikert/Brown)

That Council:

1. Endorse the finalisation of the service agreement.
2. Fund the service agreement through provision of \$24,245pa in the Delivery Program.
3. Write to various Federal and State election candidates for financial support, and report back to Council.

The resolution was carried unanimously.

12.11 Renew Our Libraries Campaign

049/19

RESOLVED (Noveska/Winchester)

That Council:

1. Endorse the NSW Public Libraries Association and Local Government NSW library funding advocacy initiative, Renew Our Libraries.
2. Support the Renew our Libraries initiative to secure the pledged funding, clarify the funding components and liaise with government regarding the funding model.
3. Support Renew Our Libraries to work with the Government to develop a sustainable future funding model with a view guaranteeing an appropriate level of ongoing and indexed state funding.

The resolution was carried unanimously.

12.12 Licence Agreement - Riverside Cafe Queanbeyan

050/19

RESOLVED (Taylor/Schweikert)

That:

1. The report be received and noted.
2. Council agree in principle to a new Licence Agreement for the Riverbank Café at Ray Morton Park, Queanbeyan being a five (5) licence with a further five (5) year option, and the application be progressed in accordance with S47 of the *Local Government Act 1993*.

The resolution was carried unanimously.

12.13 Quarterly Budget Review Statement for the Quarter Ending 31st December 2018

051/19

RESOLVED (Bray/Biscotti)

That Council:

1. Adopt the December 2018 Quarterly Budget Review Statement and variations as outlined in this report.
2. Note the predicted consolidated surplus of \$3.617m.

The resolution was carried unanimously.

12.14 Disaster Recovery Funding Arrangements

052/19

RESOLVED (Harrison/Schweikert)

That Council advise the NSW Office of Emergency Management of Council's preference to opt out of the interim Day Labour Arrangements.

The resolution was carried unanimously.

- 053/19 **12.15 Financial Assistance - Monaro Archers**
RESOLVED (Hicks/Schweikert)
That Council approve the application under Category C (b) & (e) of the QPRC Donations Policy for 100% rate relief.

The resolution was carried unanimously.

- 054/19 **12.16 Investment Report - January 2019**
RESOLVED (Bray/Schweikert)
That Council:
1. Note the 2018/19 investment income for January 2019 was \$1,001,395.
 2. Note the investment portfolio has been made in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2005 and Queanbeyan-Palerang Regional Council's investment policy.
 3. Adopt the Investment Report for the month of January 2019.

The resolution was carried unanimously.

- 055/19 **12.17 Draft QPRC Code of Conduct**
RESOLVED (Schweikert/Harrison)
That Council:
1. Adopt the new QPRC Code of Conduct 2019 and Procedures for the Administration of the Code of Conduct 2019, as attached.
 2. Note that the new draft QPRC Code of Conduct and Procedures are not required to be publicly exhibited.
 3. Undertake training for councillors and staff on the new Code.

The resolution was carried unanimously.

- 056/19 **12.18 Councillor Induction and Professional Development Policy**
RESOLVED (Marshall/Bray)
That Council:
1. Adopt the draft QPRC Councillor Induction and Professional Development Policy.
 2. Endorse the development of individual professional development programs for current and future QPRC Councillors.

The resolution was carried unanimously.

- 057/19 **12.19 Australian Local Government Association's National General Assembly 2019**
RESOLVED (Marshall/Taylor)
- That Council consider whether it wishes to prepare any notice(s) of motion to be considered at the Australian Local Government Association's National General Assembly 2019.

The resolution was carried unanimously.

- 058/19 **12.20 Alcohol Free Zone - Queen Elizabeth II Park**
RESOLVED (Schweikert/Hicks)
- That Council approve the suspension of the Alcohol-Free Zone in the Queen Elizabeth II Park for the 2019 and 2020 Music by the River events from 4:30-9:00pm.

The resolution was carried unanimously.

13. ITEMS FOR INFORMATION

- 059/19 **13.1 Review of Bungendore Structure Plan - Update**
RESOLVED (Harrison/Schweikert)
- That the report be received for information.

The resolution was carried unanimously.

- 060/19 **13.2 Food for Fines**
RESOLVED (Bray/Noveska)
- That the report be received for information.

The resolution was carried unanimously.

- 061/19 **13.3 Christmas Shop & Win 2018**
RESOLVED (Hicks/Schweikert)
- That the report be received for information.

The resolution was carried unanimously.

14. COMMITTEE REPORTS AND RECOMMENDATIONS

14.1 Queanbeyan-Palerang Sports Council - Minutes of meeting held 4 February 2019

062/19

RESOLVED (Winchester/Biscotti)

That Council:

1. Note the minutes of Queanbeyan-Palerang Sports Council meeting held on 4 February 2019.
2. Note recommendation QPRC SC 01/19 from the meeting held on 4 February 2019.

QPRC SC 01/19 The Committee supports the revised terms of reference for the Queanbeyan-Palerang Sports Council.

The resolution was carried unanimously.

14.2 Sister City Committee

063/19

RESOLVED (Overall/Bray)

That Council:

1. Note the minutes of the meeting of the Sister City Committee held on 22 November 2018.
2. Adopt the following recommendations from the meeting:

SSC2/18 RECOMMENDATION That Council follow up with the Principals of Karabar High and Queanbeyan High seeking the nomination of representatives from both schools to join the Sister City Committee.

The resolution was carried unanimously.

14.3 Minutes of Captains Flat Locality Committee Meeting 13 November 2018

064/19

RESOLVED (Hicks/Marshall)

That Council:

1. Note the minutes of the meeting of the Captains Flat Locality Committee held on 13 November 2018.
2. Adopt the following recommendation CFLC02/2018 from the meeting held on 13 November 2018:

CFLC02/2018 RECOMMENDATION That Point 3 (Meetings) of the Captains Flat Locality Committee's Terms of Reference be amended to read:

"Meetings will be held in April and October each year, starting at 4.30pm, and the location of the meetings rotating between Hoskinstown Hall, Carwoola Hall and the Committee Meeting Room, Queanbeyan."

The resolution was carried unanimously.

14.4 Minutes of the Braidwood Locality Committee Meeting 8 October 2018

065/19

RESOLVED (Noveska/Schweikert)

That Council:

1. Note the minutes of the meeting of the Braidwood Locality Committee held on 8 October 2018.
2. Adopt recommendation BDLC04/2018 from the meeting held on 8 October 2018:

BDLC04/2018 RECOMMENDATION That Point 3 (Meetings) of the Braidwood Locality Committee's Terms of Reference be amended to read:

"Meetings will be held in April and October each year..."

The resolution was carried unanimously.

14.5 Minutes of the Burra Locality Committee Meeting 19 November 2018

066/19

RESOLVED (Schweikert/Hicks)

That Council:

1. Note the minutes of the meeting of the Burra Locality Committee held on 19 November 2018.
2. Adopt recommendation BURLC05/2018 from the meeting held on 19 November 2018.

BURLC05/2018 RECOMMENDATION That Point 3 (Meetings) of the Burra Locality Committee's Terms of Reference be amended to read:

"Meetings will be held in April and October each year..."

The resolution was carried unanimously.

14.6 Minutes of Local Traffic Committee - 12th February 2019

067/19

RESOLVED (Schweikert/Harrison)

That Council:

1. Note the minutes of Local Traffic Committee Meeting held on 12 February 2019 be confirmed.
2. Adopt recommendations LTC 01/2019 to LTC 15/2019 from the meeting held on 12 February 2019.

LTC 01/2019 Under the Roads Act 1993, approve the Traffic Control Plan for the Marina Prior Event on 23 February 2019 in Braidwood, pending the organiser amends arrangements for marshalling point, entry time and receives an ROL.

LTC 02/2019 Under the Roads Act 1993, approve the Traffic Control Plan for the 2019 NSW Women's Open Golf

Tournament, Queanbeyan Golf Course, Queanbeyan from 7th to 10th of March 2019. Recommendation to include evaluation contingency plan for the safe movement of pedestrians and provide a debrief for evaluation of the control measures for the event.

LTC 03/2019 Under the Roads Act 1993 approve the traffic control plans for the Queanbeyan Anzac Day from 5:00am to 6.15am for Dawn Service and 9:00am to 11:30am for main service Thursday 25 April 2019.

LTC 04/2019 Under the Roads Act 1993 approve the traffic control plans for the Bungendore Anzac Day from 5:30am to 7:00am for Dawn Service and 10:00am to 12:30pm for main service Thursday 25 April 2019.

LTC 05/2019 Under the Roads Act 1993 approve the traffic control plan for the Captains Flat Anzac Day event from 9:30am to 12:15pm Thursday 25 April 2019.

LTC 06/2019 Under the Roads Act 1993 approve the traffic control plan for the 'What's Your Story' Mural Event at Blacksmiths Lane, Queanbeyan from 10am to 4pm Sunday 14 April 2019.

LTC 07/2019 Under the Roads Act 1993 approve the traffic control plan for the Jerrabomberra Anzac Day event from 10.00pm Wednesday 24 April to 7.30am Friday 27 April 2019.

LTC 08/2019 Hold over a recommendation for the preferred design of potential changes to the parking arrangements near the Wood Work Gallery, Kings Hwy Bungendore until a joint site inspection is carried out.

LTC 09/2019 Under the Road Transport Act 2013 approve the upgrade of the intersection of River Drive and Barracks Flat intersection as per the design.

LTC 10/2019 Have the Tarago Road and Mount Fairy Road Intersection design amended to detail the length of BB line proposed and defer decision until next meeting.

LTC 11/2019 Under the Road Transport Act 2013 approve the line marking and signage as per the design for Montgomery Ave, Googong.

LTC 12/2019 Approve the location of the way finding signage as per the design, pending confirmation of compliance with Austroads Standards.

LTC 13/2019 In accordance with the Road Transport Act 2013 approve upgrades to mobility parking on Ellendon Street, Bungendore as per the design.

LTC 14/2019 In accordance with the Road Transport Act 2013 approve two additional 'No Parking' signs on Connolly Street, Googong.

LTC 15/2019 Under the Roads Act 1993 pending evidence of the required essential Event documents, approve the traffic control plan for the Braidwood Anzac Day Event(s) 5.30am to 7.30am for Dawn Service and 10am to 1pm for Main March, 25 April 2019.

The resolution was carried unanimously.

15. DELEGATES' REPORTS

Cr Biscotti reported on his attendance at the Sports Council's Strategic Workshop.

Cr Schweikert reported on his attendance at the following:

- Waitangi Day
- CRJO Board meeting
- Community Safety Precinct Committee
- Bungendore Australia Day celebrations
- Queanbeyan Australia Day celebrations

Cr Hicks reported on his attendance the Sports Council's Strategic Workshop

Cr Winchester reported on his attendance at the Sports Council's Strategic Workshop

Cr Taylor reported on her attendance at the QPRC Food Rescue Launch.

Cr Overall reported on his attendance at:

- Australia Day ceremonies at Gundillion, Braidwood and Queanbeyan
- SES vertical rescue
- Community Safety Precinct Committee
- ACT Region Dob in a Dealer campaign launch
- Regional Cities NSW meeting

16. RESPONSES TO COUNCILLORS' QUESTIONS

16.1 Responses to Councillors' Questions

068/19

RESOLVED (Schweikert/Harrison)

That the report be received for information.

The resolution was carried unanimously.

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

There were no matters.

19. COUNCILLORS' QUESTIONS FOR NEXT MEETING

Cr Biscotti requested that Council receive a six monthly report on all community events that Council has funded or supported.

Cr Brown requested if royalties are collected from quarry trucks or state agencies for maintenance of Williamsdale Road.

20. 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.

069/19

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 Quarterly Legal Report - December 2018

Item 20.1 is confidential in accordance with s10(A)(g) of the Local Government Act 1993 because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Item 20.2 Potential Property Acquisition - Braidwood

Item 20.2 is confidential in accordance with s10(A)(c) of the Local Government Act 1993 because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Item 20.3 Bungendore Properties

Item 20.3 is confidential in accordance with s10(A)(c) of the Local Government Act 1993 because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

The resolution was carried unanimously.

The meeting then moved into Closed Session at 7.00pm to discuss the matters listed above.

20.1 Quarterly Legal Report - December 2018

070/19

RESOLVED (Marshall/Bray)

That:

1. The quarterly legal report be received and noted.
2. The legal costs of Code of Conduct investigations be included in future reports.

The resolution was carried unanimously.

20.2 Potential Property Acquisition - Braidwood

071/19

RESOLVED (Overall/Brown)

That this item be deferred to a Councillor workshop on 20 March 2019 for later report to Council.

The resolution was carried unanimously.

20.3 Bungendore Properties

072/19073/19

RESOLVED (Overall/Brown)

That this item be deferred to a Councillor workshop for later report to the March Ordinary Council meeting.

For: Crs Biscotti, Overall, Bray, Brown, Harrison, Hicks, Marshall, Noveska, Taylor and Winchester

Against: Cr Schweikert

The Mayor vacated the Chair and left the meeting room at 7.16pm. The Deputy Mayor assumed the Chair.

In accordance with Clause 240(2) of the *Local Government Act 1993*, the CEO/General Manager reported on the exclusion from the items of business of a Notice of Motion submitted for this meeting.

The Mayor returned to the meeting at 7.24pm and assumed the Chair.

074/19

RESOLVED (Taylor/Winchester)

That the meeting now return to Open Session.

The resolution was carried unanimously.

The meeting returned to Open Session at 7.25pm.

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 7.26pm Cr Overall announced that the Agenda for the meeting had now been completed.

**CR TIM OVERALL
MAYOR
CHAIRPERSON**