



MINUTES OF THE ORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held via Zoom and at the Council Chambers, 253 Crawford Street, Queanbeyan on Wednesday, 9 November 2022 commencing at 5.30pm.

ATTENDANCE

Councillors: Cr Winchester (Chairperson)
Cr Burton
Cr Grundy
Cr Livermore
Cr Taskovski
Cr Webster
Cr Willis
Cr Wilson

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

Also Present: W Blakey, Clerk of the Meeting
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

444/22

RESOLVED (Winchester/Taskovski)

That the apologies from Crs Biscotti, Preston and Ternouth be accepted and leave of absence granted.

The resolution was carried unanimously.

4. CONFIRMATION OF MINUTES

4.1 Minutes of the Ordinary Meeting of Council held on 26 October 2022

445/22

RESOLVED (Winchester/Taskovski)

That the Minutes of the Ordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday 26 October 2022 be confirmed.

The resolution was carried unanimously.

5. DISCLOSURES OF INTERESTS

446/22

RESOLVED (Winchester/Livermore)

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.

Rebecca Ryan declared a significant non-pecuniary interest in Item 8.1: Rescission Motion, and Item 12.1: Notice of Motion Albion Hotel Braidwood, stating the legal advice obtained by Cr Willis referenced in her public media statement was given by James Ryan from Stringybark Legal, and James Ryan is her brother-in-law. Mrs Ryan proposes to leave the Chambers when the matters are being considered.

Cr Katrina Willis declared a less than significant non-pecuniary interest in Item 16.1: Review of Expressions of Interest - Community Members for QPRC Heritage Advisory Committee, stating an applicant recommended for appointment is a friend, and two others are known to her. Cr Willis proposes to leave the Chambers when the matter is being considered.

6. ADJOURNMENT FOR PUBLIC FORUM

At this stage of the proceedings, the time being 5.33pm, Cr Winchester advised that the meeting should now adjourn for the Public Forum.

447/22

RESOLVED (Winchester/Willis)

That the meeting be adjourned to conduct the Public Forum.

The resolution was carried unanimously.

ADJOURNMENT:

The meeting adjourned for the Public Forum at 5.33pm and resumed at 6.14pm.

7. MAYORAL MINUTE

A Mayoral Minute on the General Manager's Performance Agreement will be considered in Closed Session.

Mrs Ryan having declared an interest in the Item, left the Chamber at 6.15pm.

8. NOTICES OF MOTIONS OF RESCISSION

8.1 Rescission Motion

RESOLVED (Willis/Webster)

That Council rescind Resolution number 428/22 of 26 October 2022 Council meeting.

For: Crs Burton, Livermore, Taskovski, Webster, Willis, Wilson and Winchester

Against: Cr Grundy

Procedural Motion

RESOLVED (Winchester/Wilson)

That Item 12.1 be brought forward for consideration at this juncture.

The resolution was carried unanimously.

448/22

12. NOTICES OF MOTIONS

12.1 Notice of Motion - Albion Hotel Braidwood

RESOLVED (Willis/Webster)

That Council is not satisfied that the review application REV.2022.1001 is substantially the same as the original development refused by them on 9 March 2022 and therefore, as the consent authority, it cannot review the matter having regard to Section 8.3(3) of the *Environmental Planning and Assessment Act 1979*:

1. The application now includes major additional works with the potential to materially affect the significance of a local heritage item, namely demolition of the sheds and works to the stables.
2. The application has changed form - from a Development Application to an Integrated Development Application.

For: Crs Livermore, Taskovski, Webster, Willis, Wilson and Winchester

Against: Crs Burton and Grundy

Mrs Ryan returned to the Chamber at 6.38pm.

449/22

9. REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.1 Modification Application - DA.2020.1154.B - Modification of Consent Relating to Energy Supply - 44 Brooks Road, Bywong

450/22

RESOLVED (Wilson/Webster)

That:

1. Approval be granted to a variation to Clause 6.11 – Essential Services of the Palerang Local Environmental Plan 2014 to allow one lot of the approved three lot subdivision (DA.2020.1154) to be serviced by an off-grid solar power system for the following reasons:
 - (a) The installation of a reticulated electricity supply for the proposed Lot 112 is unreasonable due to site constraints.
 - (b) The solar panels, battery storage and backup generator for proposed Lot 112 will be supplied at the developer's expense and will be supplied at subdivision stage ensuring the lot will have a suitable electricity supply.
 - (c) The proposed use of solar power is consistent with QPRC's Climate Change Action Plan: Community.
2. Modification application DA.2020.1154.B to enable one allotment to connect to solar power, battery storage and backup generator instead of a reticulated electricity supply on Lot 11 DP 245149 at 44 Brooks Road, Bywong be approved with the following changes to the conditions of consent:

Conditions to be deleted

- Condition 28
- Condition 29

New Conditions of Consent

Condition 26A - Electricity Supply

Prior to the sale of proposed Lot 112 the applicant is to provide a solar system with a minimum generating capacity of 7.5kW to the Lot. No infrastructure requiring tree removal is to be installed without prior consent from Queanbeyan-Palerang Regional Council. The applicant shall install the system at their own cost within 5 years of the date of registration of Lot 112. The specification of the solar system is to be generally consistent with the quotation submitted by CJ Solar dated 21 November 2021.

Prior to the issue of the Subdivision Certificate, a bond of \$65,000 shall be paid to Council and held in trust until one of the following occurs:

1. The applicant constructs the specified solar system, in which case the bond will be returned; or
2. If after a period of five years elapses from the date on which the land title for Lot 112 is created and the specified solar system has not been installed, Council may utilise the bond to take such actions as it deems necessary to

provide an electricity supply to the site.

Nothing in this condition prevents the specified solar system being constructed in conjunction with a dwelling or any other building approved on Lot 112.

Reason: To ensure essential electrical supply is provided to the allotment.

Conditions of Consent to be modified

Condition 30 - Covenant on the Land (Amended)

Apply covenants under section 88B of the *Conveyancing Act 1919* to the new lots incorporating the restrictions listed below. Queanbeyan-Palerang Regional Council shall be nominated as the sole party with the power to vary or remove the required covenants.

- a) Creation of a Right of Carriageway 10m wide in favour of proposed Lot 111 over proposed Lot 110.
- b) Lot 112 will need an onsite system of power generation at the applicants cost as the land is unlikely to be serviced by a reticulated electricity supply system. The owner of Lot 112, at any point in time, is responsible for the ongoing maintenance and replacement of any panels, batteries, inverters, and any parts that form part of the operation of the solar system and that it must be maintained in good working order and condition in perpetuity. Prior to any sale, evidence as to the age of the system and its maintenance status is to be provided to any potential purchaser(s).
- c) Creation of a covenant over proposed Lot 112 preventing the sale of the land until the minimum 7.5kW solar system has been installed on the site.
- d) Nominating Council as the name of the person/authority empowered to release, vary or modify restriction or positive covenant numbered in the plan.
- e) Plantings on the entire site, including within the building envelopes, are to exclude species listed on the regional weeds lists.
- f) Ground covers are to be maintained at a minimum 70% in accordance with the guidelines contained in Queanbeyan-Palerang Regional Council's Palerang DCP 2015.

Reason: To ensure public utility services, access and restrictions are legalised over the land.

The resolution was carried unanimously.

451/22 **9.2 Update on Concept Bypass Options for Bungendore and Braidwood**

RESOLVED (Willis/Wilson)

That Council note the report on the development of concept options for bypasses of Braidwood and Bungendore; through the endorsed Bungendore Structure Plan and the upcoming discussion paper for the draft Braidwood Structure Plan.

The resolution was carried unanimously.

452/22 **9.3 Queanbeyan Sewage Treatment Plant Upgrade Business Case**

RESOLVED (Wilson/Willis)

That Council endorse the draft business case for the Queanbeyan Sewage Treatment Plant Upgrade.

The resolution was carried unanimously.

453/22 **9.4 Queanbeyan CBD Wayfinding Strategy**

RESOLVED (Willis/Livermore)

That Council adopt the Queanbeyan CBD Wayfinding Strategy.

The resolution was carried unanimously.

454/22 **9.5 Councillor Representatives for Floodplain Risk Management Committees**

RESOLVED (Willis/Wilson)

That Council appoint two representatives to each of the following Floodplain Risk Management Committees (FRMC):

1. Bungendore FRMC
2. Braidwood FRMC
3. Queanbeyan FRMC

The resolution was carried unanimously.

The following Councillors were appointed to the Floodplain Risk Management Committees:

Bungendore FRMC: Crs Webster and Preston (alt Cr Willis)

Braidwood FRMC: Crs Willis and Winchester

Queanbeyan FRMC: Crs Wilson and Livermore

9.6 Community Use - Treehouse and Visitor Information Centre in Queanbeyan

455/22

RESOLVED (Wilson/Webster)

Council agree that:

1. The Queanbeyan Visitor Information Centre building become the new Senior Citizens centre when Council staff relocate to new premises in 2023.
2. Pending a successful development application, the Lions Book Centre can be located in Treehouse noting tenure will remain subject to the completion of a Master Plan for the Park and precincts.
3. Agreements be prepared for each entity to cover peppercorn rental, insurances, utilities and cleaning as needed to formalise these arrangements.

The resolution was carried unanimously.

9.7 Reviewed Policies

456/22

RESOLVED (Wilson/Willis)

That Council:

1. Place the Compliance Obligations Policy on public exhibition for 28 days and if no submissions are received, the Policy be adopted.
2. Rescind the Probity Policy.

The resolution was carried unanimously.

9.8 Audit, Risk and Improvement Committee Charter

457/22

RESOLVED (Willis/Grundy)

That Council adopt the Audit, Risk and Improvement Committee Charter.

The resolution was carried unanimously.

9.9 Request for Donation for Rates Relief

458/22

RESOLVED (Taskovski/Wilson)

That Council approve the application under Category C(e) of the QPRC Donations policy for 55% rate relief in the amount of \$2,058.42.

For: Crs Livermore, Taskovski, Webster, Willis, Wilson and Winchester

Against: Crs Burton and Grundy

9.10 Notice of Compensation Bungendore

459/22

RESOLVED (Wilson/Taskovski)

That Council:

1. Notes the offer of compensation of \$7,327,935.02 from the Minister for Education and Early Learning for 2,4,6 and 10 Majara Street Bungendore and the Majara Street Road reserve.
2. Request that SINSW make an advance payment to it in the amount of 90% of the compensation offer for 2,4,6 and 10 Majara Street Bungendore and the Majara Street Road reserve pursuant to s.48 of the *Land Acquisition (Just Terms Compensation) Act 1991*.
3. Seek advice on lodging an objection with the Land and Environment Court to the amount of compensation offered for 2,4,6 and 10 Majara Street Bungendore and the Majara Street Road reserve.
4. Delegate authority to the General Manager to lodge an objection in the Land and Environment Court seeking review of the amount of compensation offered for 2,4,6 and 10 Majara Street Bungendore and the Majara Street Road reserve.
5. Notes the offer of compensation of \$3,480,241.78 from the Minister for Education and Early Learning for Part of Bungendore Oval and Part of Turallo Terrace Reserve.
6. Request that SINSW make an advance payment to it in the amount of 90% of the compensation offer for Part of Bungendore Oval and Part of Turallo Terrace Reserve pursuant to s.48 of the *Land Acquisition (Just Terms Compensation) Act 1991*.
7. Seek advice on lodging an objection with the Land and Environment Court to the amount of compensation offered for Part of Bungendore Oval and Part of Turallo Terrace Reserve.
8. Delegate authority to the General Manager to lodge an objection in the Land and Environment Court seeking review of the amount of compensation offered for Part of Bungendore Oval and Part of Turallo Terrace Reserve.
9. Following the receipt of either the compensation amounts or the advanced payments from the Minister for Education and Early Learning, commence the delivery of the new Bungendore Office building proposed at 19 -21 Gibraltar Street Bungendore.

The resolution was carried unanimously.

- 460/22 **9.11 Queanbeyan Civic and Cultural Precinct - 12 month report**
RESOLVED (Willis/Livermore)
That Council receive the 12 month construction progress report for the Queanbeyan Civic and Cultural Precinct project to October 2022.

The resolution was carried unanimously.

- 461/22 **9.12 Financial Sustainability Options and Revised Long Term Financial Plan**
RESOLVED (Wilson/Webster)
That consideration of the Financial Sustainability Options and Revised Long Term Financial Plan be deferred to a later meeting.

For: Crs Livermore, Taskovski, Webster, Willis, Wilson and Winchester

Against: Crs Burton and Grundy

10. REPORTS TO COUNCIL - ITEMS FOR INFORMATION

- 462/22 **10.1 Councillor Workshops**
RESOLVED (Wilson/Livermore)
That the report be received for information.

The resolution was carried unanimously.

11. REPORTS OF COMMITTEES

There were no Reports of Committees.

12. NOTICES OF MOTIONS

- 12.1 Notice of Motion - Albion Hotel Braidwood**

This item was dealt with in earlier business.

13. REPORTS TO COUNCIL - DELEGATES REPORTS

There were no Delegates' Reports.

14. QUESTIONS WITH NOTICE

There were no Questions with Notice.

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

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

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

There were no presentations.

16. REPORTS FOR CLOSED SESSION

463/22

RESOLVED (Winchester/Livermore)

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 Review of Expressions of Interest - Community Members for QPRC Heritage Advisory Committee

Item 16.1 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.

Item 16.2 GM Performance Agreement

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.

The resolution was carried unanimously.

The meeting then moved into Closed Session at 7.30pm to discuss the matters listed above.

Cr Willis having declared an interest in the Item, left the Chamber at 7.30pm.

16.1 Review of Expressions of Interest - Community Members for QPRC Heritage Advisory Committee

464/22

RESOLVED (Wilson/Taskovski)

That Council:

1. Endorse the selection of the following nine community members to the new QPRC Heritage Advisory Committee:
 - Hollie Gill
 - David Loft
 - Margaret Tuckwell
 - Jennifer Bird
 - Lorba Drewry
 - Ann Rocca
 - Andrew Riley
 - Sue Whelan
 - Bradley Mapiva Brown
2. Thank all those unsuccessful members of the community that submitted an expression of interest for the role.
3. Agree that the Heritage Committee formally reserve a position for a First Nations community representative into the future.

The resolution was carried unanimously.

Cr Willis returned to the Chamber at 7.32pm.

16.2 GM Performance Agreement

465/22

RESOLVED (Winchester/Livermore)

That Council endorse the Performance Agreement for the General Manager for the 2022/23 period.

The resolution was carried unanimously.

466/22

RESOLVED (Winchester/Taskovski)

That the meeting now return to Open Session.

The resolution was carried unanimously.

The meeting returned to Open Session at 7.33pm.

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.

17. CONCLUSION OF THE MEETING

The time being 7.34pm, the Mayor announced that the Agenda for the meeting had now been completed.

**CR KENRICK WINCHESTER
MAYOR
CHAIRPERSON**