



MINUTES OF THE ORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held via Zoom and at the Council Chambers, 253 Crawford St, Queanbeyan on Wednesday, 18 January 2023 commencing at 5.30pm.

ATTENDANCE

Councillors: Cr Winchester (Chairperson)
Cr Biscotti – via Zoom
Cr Burton
Cr Grundy
Cr Livermore
Cr Preston – via Zoom
Cr Taskovski
Cr Webster
Cr Willis
Cr Wilson

Staff: R Ryan, General Manager
P Hansen, Director Infrastructure Services
J Richards, Director Community, Arts and Recreation
R Tozer, A/Director Corporate Services
N Abbott, A/Director Development and Environment

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.

A minute's silence was observed following the passing of the late Senator Jim Molan AO, DSC, and the late Ian Marjason, former Councillor on Yarrowlumla and Palerang Councils from September 1987 to September 2012, including Mayor of Yarrowlumla Shire Council 1999 to 2002 and Mayor of Palerang Council 2008 to 2009.

3. APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

There were no apologies.

4. CONFIRMATION OF MINUTES

4.1 Minutes of the Ordinary Meeting of Council held on 21 December 2022

001/23

RESOLVED (Winchester/Taskovski)

That the Minutes of the Ordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday 21 December 2022 be confirmed.

The resolution was carried unanimously.

5. DISCLOSURES OF INTERESTS

002/23

RESOLVED (Winchester/Taskovski)

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

The resolution was carried unanimously.

There were no disclosures.

6. ADJOURNMENT FOR PUBLIC FORUM

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

003/23

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 5.35pm and resumed at 5.45pm.

During the Public Forum, a special presentation was made for Jason Aslimoski who was inducted into the QPRC Sporting Gallery for his achievements representing Australia playing Gridiron /American Football.

7. MAYORAL MINUTE

There was no Mayoral Minute.

8. NOTICES OF MOTIONS OF RESCISSION

There were no Notices of Motion of Rescission.

**9.3 Multi-Sport Community Facility Fund 2022/23 (Round 2)
Queanbeyan Regional Sports Complex**

007/23

RESOLVED (Biscotti/Wilson)

That Council accept the NSW Government's Multi-Sports Community Facilities Fund 2022/23 (Round 2) grant of \$1,105,500 for the Regional Sports Complex - Tiered Seating, Landscaping and Wayfinding project.

The resolution was carried unanimously.

9.4 Floodplain Management Program 2022-23 - Bungendore

008/23

RESOLVED (Webster/Wilson)

That Council consider the funding offer from NSW Department of Planning and Environment's (DPE) Floodplain Management Program for the Bungendore overflow channel project after advice is received from the NSW Environment Minister on waiving the 2:1 funding requirement.

The resolution was carried unanimously.

9.5 New Fee - School Hire of Sportsfields

MOVED (Webster/Willis)

That Council:

1. Agree to provide access to the Mick Sherd Oval and David Madew Oval to facilitate School physical activities, on a temporary basis while High School demountable fixtures are in place on Primary School recreational space.
2. Affirm that this arrangement with the NSW Department of Education to use the ovals is limited to no more than 20 hours per week between the hours of 9am and 3pm, 5 days a week (Monday to Friday) and is subject to a review by Council every 12 months.
3. Note that the NSW Department of Education has agreed that both Bungendore High School and Jerrabomberra High School do not need access to the Mick Sherd Oval or David Madew Oval respectively as ongoing recreational space and confirmed it will not rely on a temporary access arrangement to either oval to negotiate terms of approval from the NSW Department of Planning and Environment.
4. Place the following proposed fee on public exhibition for 28 days in accordance with section 610F of the Local Government Act:
 - School Hire - \$20,000 (ex. GST) per annum and in accordance with the aforementioned (1-3).
5. If no submissions are received, the fee be adopted.

AMENDMENT (Burton/Grundy)

That Council:

1. Place the following proposed fee on public exhibition for 28 days in accordance with section 610F of the Local Government Act:
 - School Hire - \$20,000 (ex. GST) per annum
2. If no submissions are received, the fee be adopted.

The amendment (of Crs Burton and Grundy) was PUT and LOST.

For: Crs Biscotti, Burton and Grundy

Against: Crs Livermore, Preston, Taskovski, Webster, Willis, Wilson and Winchester

AMENDMENT (Preston)

That consideration of the New Fee - School Hire of Sportsfields item be deferred.

The amendment (of Cr Preston) LAPSED for want of a seconder.

AMENDMENT (Wilson/Winchester)

That Council:

1. Agree to continue to provide access to the Mick Sherd Oval and David Madew Oval to facilitate School recreational activities, while High School demountable fixtures are in place on Primary School recreational space.
2. Request clarification from the Department of Education on the arrangement regarding use for the ovals.
3. This be subject to review every 12 months.
4. Note that the NSW Department of Education has agreed that both Bungendore High School and Jerrabomberra High School do not need access to the Mick Sherd Oval or David Madew Oval respectively as ongoing recreational space and confirmed it will not rely on a temporary access arrangement to either oval to negotiate terms of approval from the NSW Department of Planning and Environment.
5. Place the following proposed fee on public exhibition for 28 days in accordance with section 610F of the Local Government Act: - School Hire - \$20,000 (ex. GST) per annum and in accordance with the aforementioned (1-4).
6. If no submissions are received, the fee be adopted.

The amendment (of Crs Wilson and Winchester) was PUT and CARRIED unanimously, and became the motion.

The motion was PUT and CARRIED.

009/23

RESOLVED (Wilson/Winchester)

That Council:

1. Agree to continue to provide access to the Mick Sherd Oval and David Madew Oval to facilitate School recreational activities, while High School demountable fixtures are in place on Primary School recreational space.
2. Request clarification from the Department of Education on the arrangement regarding use for the ovals.
3. This be subject to review every 12 months.
4. Note that the NSW Department of Education has agreed that both Bungendore High School and Jerrabomberra High School do not need access to the Mick Sherd Oval or David Madew Oval respectively as ongoing recreational space and confirmed it will not rely on a temporary access arrangement to either oval to negotiate terms of approval from the NSW Department of Planning and Environment.
5. Place the following proposed fee on public exhibition for 28 days in accordance with section 610F of the Local Government Act: - School Hire - \$20,000 (ex. GST) per annum and in accordance with the aforementioned (1-4).
6. If no submissions are received, the fee be adopted.

The resolution was carried unanimously.

9.6 Investment Report - December 2022

010/23

RESOLVED (Wilson/Willis)

That Council:

1. Receive the Investment Report for the month of December 2022.
2. Note the investment return for December 2022 was -\$192,383.
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.

9.7 Asset Accounting Policy: Depreciation and Impairment

011/23

RESOLVED (Willis/Livermore)

That Council place the Asset Accounting Policy: Depreciation and Impairment, on public exhibition for 28 days and if no submissions are received, the Policy be adopted.

The resolution was carried unanimously.

10. REPORTS TO COUNCIL - ITEMS FOR INFORMATION

10.1 Resolution Action Sheet

012/23

RESOLVED (Willis/Wilson)

That the report be received for information.

The resolution was carried unanimously.

10.2 Bungendore High School State Significant Development Update

013/23

RESOLVED (Biscotti/Taskovski)

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 Main Street Funding 2022/23

This matter was dealt with in earlier business.

12.2 Furlong House

014/23

RESOLVED (Willis/Preston)

That Council refer the matter of Furlong House and its current status to the Heritage Advisory Committee to investigate viable long-term use and report back to Council.

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

Against: Crs Biscotti and Grundy

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

015/23

RESOLVED (Winchester/Wilson)

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 Partial Land Acquisition - 31 Ellendon Street, Bungendore

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 Proposed Compulsory Acquisition/Agreement of Lease Bungendore Swimming Pool

Item 16.2 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 16.3 Public Interest Disclosure/Code of Conduct Complaint

Item 16.3 is confidential in accordance with s10(A) (i) of the Local Government Act 1993 because it contains alleged contraventions of any code of conduct requirements applicable under section 440 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 7.04pm to discuss the matters listed above.

16.1 Partial Land Acquisition - 31 Ellendon Street, Bungendore

016/23

RESOLVED (Wilson/Grundy)

That Council authorise the General Manager to commence negotiations with the property owner to acquire by agreement 16m² of land at 31 Ellendon Street, Bungendore (Lot 9 Section 11 DP758183).

The resolution was carried unanimously.

16.2 Proposed Compulsory Acquisition/Agreement of Lease Bungendore Swimming Pool

017/23

RESOLVED (Wilson/Livermore)

That in respect to the Council Portion of the Bungendore Swimming Pool on Bungendore Park; Lot 701 DP 1027107 Reserve 1000193:

1. Council agree to the granting of a lease to the NSW Department of Education by way of a compulsory acquisition by agreement under section 29(4) of the Land Acquisition (Just Terms Compensation) Act 1991 (Just Terms Act) subject to the compensation payable equals \$1,794,282.22 so that the total compensation for the replacement of the Bungendore Swimming Pool is at least equal to Council's existing claim.
2. If these terms are not agreed, then Council does not enter into an agreement under section 29(4) of the Just Terms Act for the compulsory acquisition of the lease and instead requires the NSW Department of Education to follow the compulsory acquisition process set out at Division 1, Part 2 and Part 3 of the Just Terms Act, with compensation payable to be determined by the Valuer-General in accordance with s 2.24(3) of the Crown Land Management Act 2016.

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

Against: Crs Burton, Grundy and Webster

16.3 Public Interest Disclosure/Code of Conduct Complaint

018/23

RESOLVED (Preston/Biscotti)

That the report be received for information.

The resolution was carried unanimously.

019/23

RESOLVED (Winchester/Webster)

That the meeting now return to Open Session.

The resolution was carried unanimously.

The meeting returned to Open Session at 7.45pm.

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 7.47pm, the Mayor announced that the Agenda for the meeting had now been completed.

**CR KENRICK WINCHESTER
MAYOR
CHAIRPERSON**