



MINUTES OF THE ORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held via Zoom at the Council Chambers, 253 Crawford Street, Queanbeyan on Wednesday, 26 October 2022 commencing at 5.30pm.

ATTENDANCE

Councillors: Cr Winchester (Chairperson)
Cr Biscotti – via Zoom (from 5.32pm)
Cr Burton
Cr Grundy
Cr Livermore
Cr Preston
Cr Taskovski
Cr Ternouth
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

There were no apologies.

- 422/22 **Procedural Motion**
RESOLVED (Winchester/Preston)
- That Council approve the attendance of Cr Biscotti to the meeting of 26 October 2022 by audio visual link; due to his inability to attend in person.
- The resolution was carried unanimously.
- Cr Biscotti joined the meeting at 5.32pm.

4. CONFIRMATION OF MINUTES

- 423/22 4.1 **Minutes of the Ordinary Meeting of Council held on 12 October 2022**
RESOLVED (Winchester/Livermore)
- That the Minutes of the Ordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday 12 October 2022 be confirmed.
- The resolution was carried unanimously.

5. DISCLOSURES OF INTERESTS

- 424/22 **RESOLVED (Winchester/Webster)**
- 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 Wilson declared a pecuniary interest disclosure for Item 9.4: Review of Determination - REV.2022.1002 - Request for Review of Council's Refusal of DA.2020.1109 – Place of Public Worship – 128 Bicentennial Drive, Jerrabomberra, stating he owns an investment property on the neighbouring properties. He proposes to leave the Chamber when the item is being considered.

6. ADJOURNMENT FOR PUBLIC FORUM

- 425/22 **RESOLVED (Winchester/Willis)**
- That the meeting be adjourned to conduct the Public Forum.
- The resolution was carried unanimously.

Presentation

The Mayor announced that at the LGNSW Annual Conference held this week in the Hunter Valley, at the formal dinner on Monday night, that Cr Taskovski was awarded an Outstanding Service Award. The award recognised his 25 years of service in Local Government in NSW as a Councillor of the former Queanbeyan City Council (1983-2008) and Queanbeyan-Palerang Regional Council in this current term re-elected in December 2021. Cr Taskovski served as Deputy Mayor on two occasions from 1990/1991 and 1994/1995. He has chaired numerous Council sporting, cultural and community committees, and represented Council as delegate on the Southern Tablelands County Council and South Coast Noxious Weeds Committee.

The Mayor presented the LGNSW Award and Certificate to Cr Taskovski, whilst Council, staff and the public gallery offered their thanks and congratulations by a round of applause.

ADJOURNMENT: The meeting adjourned for the Public Forum at 5.35pm and resumed at 6.12pm.

7. MAYORAL MINUTE

There was no Mayoral Minute.

8. NOTICES OF MOTIONS OF RESCISSION

There were no Notice of Motion of Rescission.

9. REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.1 Development Application - DA.2021.1789 - Demolition and Construction - Seniors Living Housing - 16 Erin Street, Queanbeyan

426/22

RESOLVED (Willis/Taskovski)

That Development Application DA.2021.1789 for demolition and construction of a 48 bed seniors housing complex at Baptistcare George Forbes House including signage, internal road works, 23 parking spaces and associated landscape works at 16 Erin Street, Queanbeyan be granted conditional approval.

The resolution was carried unanimously.

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

MOVED (Willis/Wilson)

1. That 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 off-grid solar power installation 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. That 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 to be modified

Condition 26A - Electricity Supply

Prior to the issue of a Subdivision Certificate, the applicant is to provide a solar electricity system with a minimum generating capacity of 7.5kW to Lot 112. 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 and prior to the issue of a Subdivision Certificate for the land. A specification document for each system should be provided to Council prior to the release of a Subdivision Certificate.

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 electricity supply 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. Nominating Council as the name of the person/authority empowered to release, vary or modify restriction or positive covenant numbered in the plan.
- d. Plantings on the entire site, including within the building envelopes, are to exclude species listed on the regional weeds lists.
- e. 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.

AMENDMENT (Preston/Winchester)

That consideration of Modification Application - 2020.1154.B, be deferred.

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

427/22

RESOLVED (Preston/Winchester)

That consideration of Modification Application - 2020.1154.B, be deferred.

The resolution was carried unanimously.

9.3 Review of Determination - REV.2022.1001 - 2 Lot Subdivision with Associated Works - Review of Council's Determination of DA.2021.1240 - Albion Hotel - 119 Wallace Street, Braidwood

MOVED (Grundy/Burton)

1. That Council note that it is precluded from refusing an application on 'heritage grounds' under s.4.48 of the *Environmental Planning and Assessment Act 1979* where:
 - The application is for integrated development for which a heritage approval is required; and
 - The same development is the subject of a heritage approval.
2. That the section 8.2 review application (REV.2022.1001) of development application DA.2021.1240 for a two lot Torrens title subdivision including ancillary demolition of two sheds and garage and associated works on Lot 1 DP 598830 at 119 Wallace Street, Braidwood be granted conditional approval.
3. That Heritage New South Wales be forwarded a copy of Council's Notice of Determination.

Cr Willis foreshadowed a CONTRARY motion: ["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 *Environment Planning & Assessment Act 1979*. Reasons for this view are:

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.
2. The application has changed form – from a development application to an Integrated Development Application – While an applicant may choose which approval pathway to use in seeking approval for works, there is doubt that they can change approval pathways mid-stream."]

The motion (of Crs Grundy and Burton) was PUT and CARRIED.

428/22

RESOLVED (Grundy/Burton)

1. That Council note that it is precluded from refusing an application on 'heritage grounds' under s.4.48 of the *Environmental Planning and Assessment Act 1979* where:
 - The application is for integrated development for which a heritage approval is required; and
 - The same development is the subject of a heritage approval.
2. That the section 8.2 review application (REV.2022.1001) of development application DA.2021.1240 for a two lot Torrens title subdivision including ancillary demolition of two sheds and garage and associated works on Lot 1 DP 598830 at 119 Wallace Street, Braidwood be granted conditional approval.
3. That Heritage New South Wales be forwarded a copy of Council's Notice of Determination.

For: Crs Winchester, Biscotti, Burton, Grundy, Livermore, Taskovski, Ternouth and Wilson
Against: Crs Preston, Webster and Willis

Cr Wilson declared an interest in the following item and left the Chambers at 6.32pm.

9.4 Review of Determination - REV.2022.1002 - Request for Review of Council's Refusal of DA.2020.1109 – Place of Public Worship – 128 Bicentennial Drive, Jerrabomberra

MOVED (Preston/Biscotti)

That Review Application REV.2022.1002 for Review of Determination for alterations and additions to existing dwelling for use as a Place of Public Worship, associated driveways, carparking and landscaping (DA.2020.1109) on Lot 166 DP 786394, No. 128 Bicentennial Drive, Jerrabomberra be approved subject to the recommended conditions of consent.

Cr Ternouth foreshadowed a CONTRARY motion: ["That Review Application REV.2022.1002 be refused for the following reasons:

- a. The development application has not been able to demonstrate satisfactory compliance with Clause 1.2 (2)(a) Aim of *Queanbeyan Local Environmental Plan 2012* as it does not facilitate the orderly and economic use and development of land in Queanbeyan based on ecological sustainability principles.
- b. The development application has not been able to demonstrate satisfactory compliance to meet Clause 2.3 Objective 3 of the long term vision for the R2 Low Density Residential Zone of *Queanbeyan Local Environmental Plan 2012* as it does not encourage development that considers the low density amenity of existing and future residents.
- c. The proposed development is inconsistent with the R2 Low Density Zone Land Use Table as proposed in Draft *Queanbeyan Palerang Local Environmental Plan 2022* which

will prohibit a Place of Public Worship in the R2 Low Density Zone.

- d. The proposed development is inconsistent with Part 2.1.2(2) Objective 2 of the Queanbeyan Development Control Plan 2012 as it is not considered able to maintain and improve the amenity of Queanbeyan.
- e. The proposed development is inconsistent with Part 2.3.6 Objective 1 of the Queanbeyan Development Control Plan 2012 as it is not considered able to provide effective management of noise.
- f. The proposed development is considered to have an unacceptable impact under the following matters required to be considered under Section 4.15 of the *Environmental Planning and Assessment Act 1979*:
 - Context & Setting
 - Site design and internal design
 - Cumulative impacts
 - Suitability of the site
 - The public interest

The motion (of Crs Preston and Biscotti) was PUT and LOST.

For: Nil

Against: Crs Biscotti, Burton, Grundy, Livermore, Preston, Taskovski, Ternouth, Webster, Willis and Winchester

The foreshadowed motion (of Cr Ternouth) was brought forward, PUT and CARRIED.

429/22

RESOLVED (Ternouth/Webster)

That Review Application REV.2022.1002 be refused for the following reasons:

- a. The development application has not been able to demonstrate satisfactory compliance with Clause 1.2 (2)(a) Aim of *Queanbeyan Local Environmental Plan 2012* as it does not facilitate the orderly and economic use and development of land in Queanbeyan based on ecological sustainability principles.
- b. The development application has not been able to demonstrate satisfactory compliance to meet Clause 2.3 Objective 3 of the long term vision for the R2 Low Density Residential Zone of *Queanbeyan Local Environmental Plan 2012* as it does not encourage development that considers the low density amenity of existing and future residents.
- c. The proposed development is inconsistent with the R2 Low Density Zone Land Use Table as proposed in Draft Queanbeyan Palerang Local Environmental Plan 2022 which will prohibit a Place of Public Worship in the R2 Low Density Zone.
- d. The proposed development is inconsistent with Part 2.1.2(2) Objective 2 of the Queanbeyan Development Control Plan

2012 as it is not considered able to maintain and improve the amenity of Queanbeyan.

- e. The proposed development is inconsistent with Part 2.3.6 Objective 1 of the Queanbeyan Development Control Plan 2012 as it is not considered able to provide effective management of noise.
- f. The proposed development is considered to have an unacceptable impact under the following matters required to be considered under Section 4.15 of the *Environmental Planning and Assessment Act 1979*:
 - Context & Setting
 - Site design and internal design
 - Cumulative impacts
 - Suitability of the site
 - The public interest

For: Crs Biscotti, Burton, Grundy, Livermore, Preston,
Taskovski, Ternouth, Webster and Winchester
Against: Cr Willis

Cr Wilson returned to the meeting at 6.54pm.

9.5 Better Building Finance

430/22

RESOLVED (Willis/Livermore)

That Council agree to Environmental Upgrades Finance for commercial properties and support a two-year trial period with Better Building Finance.

The resolution was carried unanimously.

9.6 Reviewed Policies

431/22

RESOLVED (Willis/Preston)

That:

1. Council places the following Policies on public exhibition for 28 days:
 - Guidelines for Referral of Development Applications to Council and Independent Assessment of Development Applications
 - Asset Management Policy
 - Sustainable Design for Council Buildings Policy
 - Shopping Trolley Management Policy for Retailers
2. If no submissions are received, the policies be adopted.

The resolution was carried unanimously.

9.7 Post-Exhibition Policy Report

432/22

RESOLVED (Winchester/Livermore)

That Council adopt the Managing Unreasonable Conduct by Complainants Policy and Unsealed Road Grading Policy as attached to this Report.

The resolution was carried unanimously.

9.8 Draft Submission to the IPART Issues Paper on the Review of the Rate Peg Methodology

433/22

RESOLVED (Willis/Taskovski)

That Council make a submission to the IPART issues paper on the Review of the Rate Peg Methodology.

The resolution was carried unanimously.

9.9 Investment Report - September 2022

434/22

RESOLVED (Wilson/Biscotti)

That Council:

1. Receive the Investment Report for the month of September 2022.
2. Note the investment return for September 2022 was -\$328,224.
3. 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.

The resolution was carried unanimously.

10. REPORTS TO COUNCIL - ITEMS FOR INFORMATION

10.1 Summary of Road Renewal and Maintenance Activities - Quarter 1 2022/23

435/22

RESOLVED (Willis/Biscotti)

That the report be received for information.

The resolution was carried unanimously.

10.2 WHS Quarterly Report

436/22

RESOLVED (Biscotti/Grundy)

That the report be received for information.

The resolution was carried unanimously.

10.3 Councillor Workshops

437/22

RESOLVED (Ternouth/Willis)

That the report be received for information.

The resolution was carried unanimously.

SUPPLEMENTARY REPORT

10.4 Site Inspection - REV.2022.1002 - Review of Council's Refusal of DA.2020.1109 - 128 Bicentennial Drive, Jerrabomberra

438/22

RESOLVED (Winchester/Livermore)

That the report be received for information.

The resolution was carried unanimously.

11. REPORTS OF COMMITTEES

11.1 Local Traffic Committee Meeting - 11 October 2022

439/22

RESOLVED (Ternouth/Livermore)

That Council:

1. Note the minutes of Local Traffic Committee held on 11 October 2022.
2. Adopt recommendations LTC 35/2022 to LTC 40/2022 from the meeting held on 11 October 2022.

LTC 35/2022: Under *The Roads Act 1993*, Signage design for Meals on Wheels parking on Lowe Street is rejected. Revised design to be submitted to LTC following consultation with business and use of compliant regulatory signage.

LTC 36/2022: Under *The Roads Act 1993*, approve the TGS/TMP for the 2022 Boogong event on Saturday 29th October with minor amendments as noted.

LTC 37/2022: Under *The Roads Act 1993*, approve the TGS/TMP for the Back to the Flat event on Saturday 4th March 2023 from 8am to 10pm.

LTC 38/2022: Under *The Road Transport Act 2013*, approve the TMP for Oktoberfest on Friday 28th and Saturday 29th October 2022, pending amendments noted.

LTC 39/2022: Under *The Road Transport Act 2013*, approve the TMP for the Queanbeyan Community Christmas Party on Saturday 10th December 2022, with minor amendments.

LTC 40/2022: Under *The Road Transport Act 2013*, approve the TMP for the Braidwood Community Christmas Party on Friday 2nd December 2022, with minor amendments.

The resolution was carried unanimously.

12. NOTICES OF MOTIONS

There were no Notices of Motions.

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.

17. REPORTS FOR CLOSED SESSION

440/22

RESOLVED (Winchester/Grundy)

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 Quarterly Legal Report - 1 July 2022 - 30 September 2022

Item 16.1 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 16.2 Tender Evaluation - Supply and Construct Pavilion at Queanbeyan Showground

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.

The resolution was carried unanimously.

The meeting then moved into Closed Session at 7.04pm to discuss the matters listed above.

16.1 Quarterly Legal Report - 1 July 2022 to 30 September 2022

441/22

RESOLVED (Biscotti/Winchester)

That the report be received for information.

The resolution was carried unanimously.

16.2 Tender Evaluation - Supply and Construct Pavilion at Queanbeyan Showground

442/22

RESOLVED (Winchester/Biscotti)

1. That Council award Contract 2022-20 for the construction of a new pavilion at the Queanbeyan Showground to Rice Constructions Group in the amount of \$785,000 (excluding GST) as recommended in the Tender Evaluation Report.
2. That Council allocate \$200,000 held in section 7.11 contributions for Showground Pavilion works at the Queanbeyan Showground for the purpose of constructing a new pavilion under contract 2022-20.

The resolution was carried unanimously.

443/22

RESOLVED (Winchester/Preston)

That the meeting now return to Open Session.

The resolution was carried unanimously.

The meeting returned to Open Session at 7.14pm.

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 7.15pm, the Mayor announced that the Agenda for the meeting had now been completed.

**CR KENRICK WINCHESTER
MAYOR
CHAIRPERSON**