



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, 8 February 2023 commencing at 5.30pm.

ATTENDANCE

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

Staff: R Ryan, General Manager
J Richards, Director Community, Arts and Recreation
K Monaghan, Director Corporate Services
R Ormella, Director Development and Environment
D Tooth, A/Director Infrastructure 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

3.1 Application for Leave of Absence

This item of business was WITHDRAWN.

There were no apologies.

Oath or Affirmation of Office for Cr Macdonald

Following the resignation of Cr Ternouth, Ross Macdonald was elected on 7 February 2023.

In accordance with Section 233A of the *Local Government Act 1993*, Cr Macdonald was invited to take either the oath of office or affirmation of office.

The following affirmation was declared before the General Manager on 8 February 2023:

I, Ross Macdonald, solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of the Queanbeyan-Palerang Region and the Queanbeyan-Palerang Regional Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.

4. CONFIRMATION OF MINUTES

4.1 Minutes of the Ordinary Meeting of Council held on 18 January 2023

020/23

RESOLVED (Winchester/Preston)

That the Minutes of the Ordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday 18 January 2023 be confirmed.

The resolution was carried unanimously.

5. DISCLOSURES OF INTERESTS

021/23

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.

There were no disclosures.

6. ADJOURNMENT FOR PUBLIC FORUM

022/23

At this stage of the proceedings, the time being 5.37pm, Cr Winchester advised that the meeting should now adjourn for the Public Forum.

RESOLVED (Winchester/Preston)

That the meeting be adjourned to conduct the Public Forum.

The resolution was carried unanimously.

ADJOURNMENT:

The meeting adjourned for the Public Forum at 5.37pm and resumed at 6.24pm.

ADJOURNMENT: Due to technical issues, the meeting adjourned at 6.25pm and resumed at 6.47pm.

7. MAYORAL MINUTE

There was no Mayoral Minute.

8. NOTICES OF MOTIONS OF RESCISSION

There were no Notices of Motions of Rescission.

9. REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.1 Financial Sustainability Options and Special Rate Variation

023/23

RESOLVED (Wilson/Preston)

That Council:

1. Accept the Community Engagement Report and noting the considerable feedback and participation at meetings thank the community for their involvement.
2. Adopt the draft revised Long Term Financial Plan, as exhibited.
3. Adopt the amendments to the 2022-26 Delivery Program, as exhibited.
4. Lodge an application with the Independent Pricing and Regulatory Tribunal for a Special Variation as outlined in Scenario 2 in the Long Term Financial Plan, for a permanent rate increase of 18% each year for 3 years, inclusive of the rate peg. This amounts to a cumulative rates increase of 64.3%.
5. Conduct a review of the rating structure in 2023-24.

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

Against: Crs Burton, Grundy and Macdonald

9.2 DA.2022.1479 - 13 Nelson Terrace, Bungendore NSW - Construction of two storey dwelling house to be used as an exhibition home

MOVED (Biscotti/Grundy)

That:

1. Approval be granted for the construction of a two-storey dwelling house to be used as an exhibition home in the North Elmslea new residential development area with regard to the Desired Future Characteristics of Part D6 of Palerang Development Control Plan 2015 to allow for the following reasons:
 - a. The proposal meets the height requirements of Clause 4.3 of PLEP 2014 and the PLEP 2014 does not prevent the two-storey dwelling on the subject site.

- b. The desire of a “single storey” characteristic as suggested in the PDCP, is not a consideration in regard to the requirements in Part 3C – Greenfield Housing Code and Part 3D – Inland Code of SEPP (Exempt and Complying Development Codes) 2008 which would otherwise allow for the two-storey dwelling house if the approval pathway was under a Complying Development Certificate (CDC).
 - c. The proposal is considered consistent with the aims of the Palerang LEP 2014 and objectives of the R2 Low Density Residential zone as it provides for the housing needs of the community within a low-density residential environment.
 - d. The proposed dwelling adequately addressed the streetscape with modulated building forms, articulated facades, variety of front setbacks, mixed materials and colours and suitable landscaping to ensure that it will not detract from the existing and desire future character.
 - e. The upper storey component has been appropriately designed and is setback a suitable distance from adjoining properties to minimise any impacts on the amenity of adjoining residents.
 - f. The proposed development including driveway has been designed and sited to allow for street tree planting opportunity.
 - g. The controls under Part D6 of the Palerang DCP 2015 do not specify that dwellings must be single storey as this would be contrary to the Palerang LEP 2014 and the current Queanbeyan-Palerang LEP 2022.
2. Council support a variation to the requirements of Part D6 of Palerang Development Control Plan 2015 to allow for the ground level of the dwelling to be setback 3.5m from the rear boundary for the following reasons:
- a. There is a discrepancy between the rear setback requirement under Part D6 and in Table 13 of Clause C2.2.2 of the Palerang DCP 2015. In accordance with Table 13, 0.9m rear setback is required for building less than 3.6m high and 3m is required for building more than 3.6m high. However, in accordance with controls under Part D6, dwellings are to be setback a minimum of 5m from rear boundary. The proposed ground level of the dwelling is setback 3.5m from the rear boundary and the upper level is setback 8.85m from the rear boundary. The proposed rear setbacks meet the requirement under Clause C2.2.2 of Palerang DCP.
 - b. The proposed variation is considered to be minor and the encroachment will not have adverse impact on the existing streetscape. The variation is not considered to reflect an overdevelopment of the site and can be supported in this instance.

- c. The rear elevation is well articulated and will be constructed of mixed materials and colours compatible with the desired future character of the area. Recessed walls and windows/doors add interest to the appearance of the building and reduce the bulk and scale of the wall. The development is not considered to be out of character in the area.
 - d. The impact on the amenity of the adjoining residents and existing streetscape is considered minimal. The proposed dwelling is setback a suitable distance to adjoining dwellings. Additionally, the proposed 1.8m high boundary fence will reduce any overlooking impact from the ground floor windows.
3. Development application DA.2022.1479 for the construction of a two-storey dwelling house to be used as an exhibition home on Lot 69 DP 1282739, No. 13 Nelson Terrace, Bungendore NSW 2621 be granted conditional approval.

Cr Willis foreshadowed a CONTRARY motion:

That Council refuse consent for the construction of a two-storey dwelling house to be used as an exhibition home in the North Elmslea new residential development area for the following reasons:

1. The proposal does not conform to the objectives of the R2 – Low Density Residential zoning of the Palerang Local Environmental Plan 2014, in particular the objectives:
 - a. To ensure new development complements the scale, density and form of existing development.
2. The proposal is not consistent with the objectives of part D6 of the Palerang Development Control Plan (DCP) 2015.
3. The proposal is not consistent with the control in Part D6 of the Palerang DCP 2015 requiring a pitched gable or hipped roof.
4. The proposal seeks a variation of the rear setback requirement of Part D6 of the Palerang DCP 2015 of a minimum of 5 metres to 3.5 metres which is not considered reasonable in light of the scale of the proposed dwelling and the impact on neighbouring residents of the intended use of the building as an exhibition home on three days a week, including weekends, for up to five years.

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

024/23

RESOLVED (Biscotti/Grundy)

That:

1. Approval be granted for the construction of a two-storey dwelling house to be used as an exhibition home in the North Elmslea new residential development area with regard to the Desired Future Characteristics of Part D6 of Palerang Development Control Plan 2015 to allow for the following reasons:
 - a. The proposal meets the height requirements of Clause 4.3 of PLEP 2014 and the PLEP 2014 does not prevent the two-storey dwelling on the subject site.
 - b. The desire of a “single storey” characteristic as suggested in the PDCP, is not a consideration in regard to the requirements in Part 3C – Greenfield Housing Code and Part 3D – Inland Code of SEPP (Exempt and Complying Development Codes) 2008 which would otherwise allow for the two-storey dwelling house if the approval pathway was under a Complying Development Certificate (CDC).
 - c. The proposal is considered consistent with the aims of the Palerang LEP 2014 and objectives of the R2 Low Density Residential zone as it provides for the housing needs of the community within a low-density residential environment.
 - d. The proposed dwelling adequately addressed the streetscape with modulated building forms, articulated facades, variety of front setbacks, mixed materials and colours and suitable landscaping to ensure that it will not detract from the existing and desire future character.
 - e. The upper storey component has been appropriately designed and is setback a suitable distance from adjoining properties to minimise any impacts on the amenity of adjoining residents.
 - f. The proposed development including driveway has been designed and sited to allow for street tree planting opportunity.
 - g. The controls under Part D6 of the Palerang DCP 2015 do not specify that dwellings must be single storey as this would be contrary to the Palerang LEP 2014 and the current Queanbeyan-Palerang LEP 2022.
2. Council support a variation to the requirements of Part D6 of Palerang Development Control Plan 2015 to allow for the ground level of the dwelling to be setback 3.5m from the rear boundary for the following reasons:
 - a. There is a discrepancy between the rear setback requirement under Part D6 and in Table 13 of Clause C2.2.2 of the Palerang DCP 2015. In accordance with

Table 13, 0.9m rear setback is required for building less than 3.6m high and 3m is required for building more than 3.6m high. However, in accordance with controls under Part D6, dwellings are to be setback a minimum of 5m from rear boundary. The proposed ground level of the dwelling is setback 3.5m from the rear boundary and the upper level is setback 8.85m from the rear boundary. The proposed rear setbacks meet the requirement under Clause C2.2.2 of Palerang DCP.

- b. The proposed variation is considered to be minor and the encroachment will not have adverse impact on the existing streetscape. The variation is not considered to reflect an overdevelopment of the site and can be supported in this instance.
 - c. The rear elevation is well articulated and will be constructed of mixed materials and colours compatible with the desire future character of the area. Recessed walls and windows/doors add interest to the appearance of the building and reduce the bulk and scale of the wall. The development is not considered to be out of character in the area.
 - d. The impact on the amenity of the adjoining residents and existing streetscape is considered minimal. The proposed dwelling is setback a suitable distance to adjoining dwellings. Additionally, the proposed 1.8m high boundary fence will reduce any overlooking impact from the ground floor windows.
3. Development application DA.2022.1479 for the construction of a two-storey dwelling house to be used as an exhibition home on Lot 69 DP 1282739, No. 13 Nelson Terrace, Bungendore NSW 2621 be granted conditional approval.

For: Crs Biscotti, Burton, Grundy, Livermore, Macdonald, Taskovski and Wilson

Against: Crs Preston, Webster, Willis and Winchester

9.3 Scoping Proposal Complying Development in Zone C4 Environmental Living

025/23

RESOLVED (Grundy/Burton)

That consideration of the Scoping Proposal Complying Development in Zone C4 Environmental Living be deferred until a community workshop and Councillor workshop can be conducted.

The resolution was carried unanimously.

9.4 2023 Election Funding Projects

MOVED (Biscotti/Taskovski)

That Council endorse the following list of priority projects to be presented for funding in advance of the 2023 NSW election.

Description	Estimated Cost	Funding Sought	Council Contribution or already Funded
Finalise sealing of Nerriga Road	\$13m	\$10m	\$3m
Regional Sports Complex Stage 2	\$14m	\$14m	\$0
Bungendore Pool (Sports Hub)	\$10m	\$5m	\$5m
Braidwood Depot Relocation	\$13m	\$13m	\$0
Queanbeyan Sewerage Treatment Plant Upgrade	\$160m	\$40m	\$120m
Bungendore Flood Mitigation Strategy stage 2	\$2.7m	\$2.7m	\$1.8m
Monaro Street Upgrade	\$15m	\$5m	\$10m

AMENDMENT (Willis/Webster)

With the exception of the Regional Sports Complex Stage 2, Council endorse the list of priority projects to be presented for funding in advance of the 2023 NSW election.

The amendment (of Crs Willis and Webster) was PUT and LOST.

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

The motion (of Crs Biscotti and Taskovski) was PUT and CARRIED.

026/23

RESOLVED (Biscotti/Taskovski)

That Council endorse the following list of priority projects to be presented for funding in advance of the 2023 NSW election.

Description	Estimated Cost	Funding Sought	Council Contribution or already Funded
Finalise sealing of Nerriga Road	\$13m	\$10m	\$3m
Regional Sports Complex Stage 2	\$14m	\$14m	\$0
Bungendore Pool (Sports Hub)	\$10m	\$5m	\$5m
Braidwood Depot Relocation	\$13m	\$13m	\$0
Queanbeyan Sewerage Treatment Plant Upgrade	\$160m	\$40m	\$120m
Bungendore Flood Mitigation Strategy stage 2	\$2.7m	\$2.7m	\$1.8m
Monaro Street Upgrade	\$15m	\$5m	\$10m

The resolution was carried unanimously.

9.5 Proposed Name South Jerrabomberra Town Park Central Lawn

027/23

RESOLVED (Wilson/Taskovski)

That Council endorse the name Robert 'Bob' Winnel Lawn for the South Jerrabomberra Town Park central lawn and place the proposal on public exhibition for 28 days.

For: Crs Biscotti, Burton, Grundy, Livermore, Macdonald, Preston, Taskovski, Webster, Wilson and Winchester

Against: Cr Willis

9.6 Administration of the September 2024 Ordinary Election

028/23

RESOLVED (Biscotti/Willis)

That Council:

1. Pursuant to s.296(2) and (3) of the Local Government Act 1993 (NSW)('the Act') that an election arrangement be entered into by contract for the 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.

10. REPORTS TO COUNCIL - ITEMS FOR INFORMATION

029/23 **10.1 Progress - South Jerrabomberra Regional Jobs Precinct Draft Master Plan**

RESOLVED (Biscotti/Winchester)

That the report be received for information.

The resolution was carried unanimously.

030/23 **10.2 Bi-Annual Review of Councillor Expenses**

RESOLVED (Wilson/Biscotti)

That the report be received for information.

The resolution was carried unanimously.

031/23 **10.3 Councillor Workshops**

RESOLVED (Webster/Willis)

That the report be received for information.

The resolution was carried unanimously.

11. REPORTS OF COMMITTEES

032/23 **11.1 Bungendore Town Centre and Environs Advisory Committee Meeting Minutes**

RESOLVED (Macdonald/Grundy)

That Council:

1. Note the minutes of Bungendore Town Centre and Environs Committee Meeting held on 21 November 2022.
2. Endorse the Ellendon Street Sculpture Project.
3. Task its Place Making group to update the Bungendore Village Town Centre Plan in conjunction with BTCEC to form the basis for integrated forward planning.

The resolution was carried unanimously.

12. NOTICES OF MOTIONS

033/23 **12.1 172 Foxlow Street Captains Flat**

RESOLVED (Willis/Preston)

That Council receive a report on options for future use of the former medical centre at 172 Foxlow Street Captains Flat.

The resolution was carried unanimously.

034/23

12.2 Proposed Council Administration Building - Bungendore

RESOLVED (Willis/Preston)

That Council, in developing a design brief for the proposed Council administration building and community centre in Bungendore, incorporate the following requirements:

- a. a minimum seven-star energy rating;
- b. passive solar design principles;
- c. maximum use of solar energy;
- d. battery storage if cost effective based on a 7-year pay-back period;
- e. electricity for space heating and cooking facilities;
- f. maximum use of recycled materials;
- g. electrical vehicle charging;
- h. change rooms and parking facilities for cyclists;
- i. non-potable water for outdoor landscaping (e.g. through on-site collection of rainwater), and
- j. have regard to Council's Urban Forest and Cooling Strategy.

The resolution was carried unanimously.

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

035/23

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 Bungendore Temporary Office

Item 16.1 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 8.00pm to discuss the matters listed above.

16.1 Bungendore Temporary Office

036/23

RESOLVED (Biscotti/Macdonald)

That Council act in accordance with the report.

The resolution was carried unanimously.

037/23

RESOLVED (Winchester/Burton)

That the meeting now return to Open Session.

The resolution was carried unanimously.

The meeting returned to Open Session at 8.16pm.

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 8.16pm, the Mayor announced that the Agenda for the meeting had now been completed.

**CR KENRICK WINCHESTER
MAYOR
CHAIRPERSON**