



MINUTES OF THE PUBLIC FORUM HELD ON 8 MARCH 2023

1. Opening

The Public Forum commenced at 5.35pm.

2. Presentations relating to listed Items on the Council Agenda

The following presenter was heard:

	Name	Item no	Item description	For/Against
1	Jamie Cregan	9.3	South Jerrabomberra Dog Park REF	For

3. Petitions

There were no petitions submitted.

4. Presentations

The Mayor presented Kelli Rixon with Queanbeyan's 2022 Citizen of the Year award for her outstanding and enduring leadership with Sleepbus Queanbeyan.

Staff presented Council with the following awards that QPRC received at the recent Keep Australia Beautiful Sustainable Communities Tidy Towns Awards 2022:

- Winner in the population category B (1,500 – 5,000) of QPRC's Urban Landscapes nomination called: "New Playground for Social Inclusion" for the new Bungendore Adventure Playground
- Highly Commended in the population category E (above 23,000) in the Communication and Engagement category for the Minecraft Sustainable Design Competition.
- Highly Commended in the population category E (above 23,000) in the Heritage and Culture category for the Rusten House Art Centre
- Population Category Winner – 2022 Sustainable Communities Tidy Towns Award for Population Category E (above 23,000)

5. Questions on Notice' from the Public

Responses to the following 'Questions on Notice' received up to 1 March 2023 were provided and tabled at the meeting (see attached for responses):

Nos	Received from:	In relation to:
1-4	Queanbeyan Ratepayers and Residents Association	Queanbeyan Sewage Treatment Plant
5-10	Save Bungendore Park	McCusker Drive Bungendore and the Bungendore Education Precinct

6. Closure

As there were no further matters, the Public Forum closed at 5.45pm.



ATTACHMENT TO MINUTES OF THE PUBLIC FORUM HELD ON 8 March 2023

‘Questions on Notice’ from the Public

Responses to the following ‘Questions on Notice’ received up to *Wednesday 1 March 2023* were provided and tabled at the meeting.

Questions submitted by: Queanbeyan Ratepayers and Residents Association

Your response on 22 February to Question 1 [of Questions on Notice tabled during the Public Forum] stated that as at 31 December [2022] the balance of funds in the Sewer fund was \$74,450,490. The IWCM documents state that the upgrade of the STP would be funded by a \$40M loan, 25% grant funding of \$38,891,738 with the balance sourced from the sewer fund. Based on these published figures the total cost of the upgrade can be calculated to be about \$156M.

1. What is the estimated total cost of the project?

Response: Infrastructure Services

Please refer to the report on the Queanbeyan Sewage Treatment Plant Upgrade Business case presented to the Council meeting held 22 February 2023 for an update to the figures provided in the IWCM. The Current Outturn Cost (P90) Estimate is \$182,218,000.

2. How much additional revenue is estimated to be generated as a result of the proposed 6.5% increase in Queanbeyan sewer charges over six years?

Response: Corporate Services

About \$920,000 in year one.

3. What are the expected interest payments on the \$40m loan?

Response: Corporate Services

Interest rates will not be known until the loan is drawn.

4. Do any of the buildings Council owns and is planning to sell belong to the Sewer fund and if so, what are the anticipated funds to be gained from the sale?

Response: Office of the General Manager

To date, Council has not considered or determined to sell any buildings. A report will be prepared regarding unoccupied property assets in due course.

Questions submitted by: Save Bungendore Park Inc

5. Referring to the section of McCusker Drive, Bungendore, south of Turallo Creek:

- (a) When was this road constructed?

Response: Infrastructure Services

Around 2007

- (b) Is this road situated on road reserve? If not, please identify the block and section of the land on which it is situated.

Response: Infrastructure Services

The road appears to be situated on Crown Land and Council operational land.

- (c) Is this road a “public road” for the purpose of the Roads Act 1993? If so (and noting the definition of “public road” in the Roads Act 1993), when and pursuant to which act or law was it opened, dedicated or declared to be a public road?

Response: Infrastructure Services

The road does not appear to currently be a public road.

6. Is this road situated on Crown land? If so:

- (a) Were all relevant approvals required under the Crown Lands Act 1989 obtained prior to construction of this road?

Response: Infrastructure Services

All relevant approvals were obtained at the time the road was constructed. The approval at the time also included the requirement to open a public road over this section of road. It appears that this has not occurred to date.

- (b) Is that land dedicated or reserved for any purpose? If so, what is that purpose?

Response: Infrastructure Services

It appears that the land where the road is constructed was created as a railway reserve. The remainder of the land has been acquired by the Department of Education.

- (c) Does that purpose include use as a public road (whether or not lawfully proclaimed as such)?

Response: Infrastructure Services

A public road is permitted to be opened over the land subject to the normal road opening process.

- (d) Is Council satisfied that use of the land as a public road is lawful under the Crown Land Management Act 2016? If so, on what basis has it reach that conclusion? If not, what steps does it propose to take in response to any unlawful use?

Response: Infrastructure Services

Council intends to open a public road over the road.

7. Is Council aware of any current proposal to modify or rectify the records held by NSW Land Registry Services to accurately reflect this road? If so, please provide details of that proposal.

Response: Infrastructure Services

No

8. Noting that the Department of Education proposes to construct a driveway from this road, across Crown land, as part of the proposed Bungendore High School development:

- (a) In its capacity as Crown Land Manager in respect of Lot 701 DP 96240, did Council receive formal notice, in accordance with Regulation 49(2) of the Environmental Planning and Assessment Regulation 2000, of the development application lodged in September 2021?

Response: Infrastructure Services

Yes

- (b) If so:

(i) When and in what form was that notice given?

(ii) Did that notice identify the specific site, in its entirety, on which the Department proposed to undertake those driveway works?

Response: Infrastructure Services

By letter received 9 September 2021.

9. Noting that the Department of Education proposes to construct parking on the Turallo Terrace road reserve, as part of the proposed Bungendore High School development:

- (a) as a "local road", is Council designated as the owner of this road under the Roads Act 1993?

Response: Infrastructure Services

Yes

- (b) did Council receive formal notice, in its capacity as owner of this road and in accordance with Regulation 49(2) of the Environmental Planning and Assessment Regulation 2000, of the development application lodged in September 2021?

Response: Infrastructure Services

Yes

- (c) If so:

(i) When and in what form was that notice given?

(ii) Did that notice specifically identify the site on which the Department proposed to undertake those parking works?

Response: Infrastructure Services

- i. By letter received 9 September 2021.
- ii. Not specifically. The subject area of road and the proposed parking to be constructed is part of the Development Approval.

10. In relation to Resolution 007/21 (Ordinary Meeting of Council, 28 April 2021):

007/21	<p><u>RESOLVED</u> (Schweikert/Hicks)</p> <p>That Council:</p> <ol style="list-style-type: none">1. Endorse the concept plan shown in Figure 1, being the part closure of Majara Street road reserve made up of sections A and B, as separated by the intersection at Turallo Terrace.2. Note all submissions and endorse closing the highlighted section of Majara Street road reserve and formalise this decision by publication of notice in the Government Gazette.3. Advise the NSW Department of Education that Council's endorsement of the proposal is reliant on a formal agreement for the safe and satisfactory resolution of issues related to the Traffic section of this report (including roundabout at Butmaroo / Gibraltar Streets; formalise bus parking and channelised pedestrian movement on Gibraltar Street; and formalise carparking on southern section of the train station and along Turallo Terrace / Butmaroo Street), and the gazettal of the closure subject to execution of the heads of agreement and conclusion of the planning proposal.4. Authorise the Chief Executive Officer to execute the necessary documentation to effect the closure of the road, and the subsequent sale of Section A for market value as determined by an independent valuer. <p>For: Crs Biscotti, Hicks, Noveska, Overall, Schweikert, Taylor and Winchester</p> <p>Against: Crs Harrison and Marshall</p>
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- (a) Has any notice been published in the Gazette, as contemplated by Paragraph 2 of the Resolution? If so, what was the effect of that notice?

Response: Infrastructure Services

The compulsory acquisition of Majara Street removed the need for Council to Gazette the proposed closure.

- (b) Paragraph 3 of the Resolution states that gazettal of the closure is “subject to the execution of the heads of agreement”. Has any such heads of agreement been executed?

Response: Infrastructure Services

No

- (c) If the answer to (b) is “no”, does Resolution 007/21 authorise gazettal of the closure in the absence of such agreement?

Response: Infrastructure Services

The compulsory acquisition of Majara Street removed the need for Council to Gazette the proposed closure.

- (d) If the answer to (c) is “yes”, how has Council reached such conclusion?

Response: Infrastructure Services

N/A

- (e) Noting that:

(i) Section B described in the Resolution provides access to Lot 10/758183 (situated at the rear of Bungendore Preschool);

(ii) s38A of the Roads Act 1993 provides that closure of a Council road is only permitted if (among other things) such closure would not cut off access to any piece of land; and

(iii) there is no alternative public road which provides access to Lot 10/758183 (and none contemplated as part of the proposed Bungendore High School development),

would closure of Section B be lawful under s38A of the Roads Act 1993?

Response: Infrastructure Services

Yes, as Council intends to maintain access to all pieces of land involved.