



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, 22 March 2023 commencing at 5.30pm.

ATTENDANCE

Councillors: Cr Winchester (Chairperson)
Cr Biscotti
Cr Burton
Cr Grundy
Cr Livermore
Cr Macdonald
Cr Preston (via Zoom)
Cr Taskovski
Cr Webster (via Zoom)
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
R Ormella, 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.

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 8 March 2023**

077/23

RESOLVED (Winchester/Taskovski)

That the Minutes of the Ordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday 8 March 2023 be confirmed.

The resolution was carried unanimously.

5. DISCLOSURES OF INTERESTS

078/23

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

079/23

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 5.32pm and resumed at 5.36pm.

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 DA.2022.1574 - 25 Whitton Rise, Bungendore NSW - Construction of two (2) storey dwelling house**

080/23

RESOLVED (Biscotti/Wilson)

That:

1. Development application DA.2022.1574 be approved for the construction of a two (2) storey dwelling house in the North Elmslea new residential development area with regards to the Desired Future Characteristics of Part D6 of Palerang Development Control Plan 2015 (PDCP2015) to allow for the following reasons:
 - a. The proposal meets the height requirements of Clause 4.3 of Palerang Local Environmental Plan 2014 (PLEP2014) and PLEP2014 does not prevent the two (2) storey dwelling on the subject site.
 - b. The desire of a “single storey” characteristic as suggested in the PDCP2015, 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 (2) 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 PLEP2014 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 desired 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 properties. It should be noted that due to the slope of the land the dwelling has been designed with a basement area and has been designed to suit the slope of the land. The design presents to the street as a single storey dwelling.
 - f. The proposed development, including driveway has been designed and sited to allow for street tree planting.
 - g. The controls under Part D6 of the PDCP2015 do not specify that dwellings must be single storey as this would be contrary to the PLEP2014 and the current Queanbeyan-Palerang Local Environmental Plan 2022.

2. Development Application DA.2022.1574 for the construction of a two (2) storey dwelling house on Lot 23 DP 1282739, No 25 Whitton Rise Bungendore NSW 2621 be granted conditional approval.

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

Against: Cr Willis

9.2 Amendment to Googong Development Control Plan 2010

081/23

RESOLVED (Biscotti/Wilson)

That Council place on public exhibition the new Part 10 of the Googong Development Control Plan (2010) as proposed for 28 days in accordance with Council's Community Engagement and Participation Plan.

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

Against: Cr Willis

9.3 Planning Proposal to Reclassify part of Bunyip Park, Googong from Community Land to Operational Land

082/23

RESOLVED (Preston/Burton)

That Council proceed with the planning proposal to reclassify part of Bunyip Park, Googong (Lot 342 DP 1259563) from community to operational land in accordance with the Local Government Act (1993).

The resolution was carried unanimously.

9.4 Post-Exhibition Report - Bin Inspection and Contamination Policy

083/23

RESOLVED (Willis/Grundy)

That Council adopt the Bin Inspection and Contamination Policy as attached.

The resolution was carried unanimously.

9.5 QCCP Progress Report

084/23

Procedural Motion**RESOLVED (Winchester/Willis)**

That the meeting adjourn for five minutes.

The resolution was carried unanimously.

ADJOURNMENT:

The meeting adjourned at 5.57pm and resumed at 6.02pm.

MOVED (Macdonald/Grundy)

That Council:

1. Approve a total budget of \$79,032,000 for the QCCP project.
2. Fund the additional cost of the project from:
 - a. An extension of the current QCCP loan to be included in the 2023/24 Operational Plan.
 - b. Funds paid by adjoining private developers.
3. Establish a Projects of Interest List of any incomplete project which meets any of the following criteria:
 - a. Any project that has experienced or that is anticipated to experience a cost overrun of greater than five per cent of the original forecast.
 - b. Any project that has experienced or is anticipated to experience a time overrun of greater than five per cent of the original projections.
 - c. Council may, by way of report, recommend any project which does not meet the mandatory criteria listed in sub paragraphs a and b for inclusion on the Projects of Interest List.
 - d. Any Councillor may, by Notice of Motion, propose that any project be added to the Projects of Interest list based on community feedback.
4. Does not remove any project from the Projects of Interest List other than by a vote at a General Meeting of Council.
5. Requires the General Manager to provide a monthly written and in person briefing on the list to Councillors which details the progress, costings, projections, remediation efforts of the projects on the list and any other related matters.
6. Provides a monthly public update providing details of any additional costs, any time overruns and the proposed remediation.

Cr Preston foreshadowed a CONTARY motion: That Council:

1. Approve a total budget of \$79,032,000 for the QCCP project.
2. Fund the additional cost of the project from:
 - a. An extension of the current QCCP loan to be included in the 2023/24 Operational Plan.
 - b. Funds paid by adjoining private developers.

The motion (of Crs Macdonald and Grundy) was PUT and LOST.

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

The foreshadowed motion (of Cr Preston) was brought forward, seconded by Cr Willis, PUT and CARRIED.

085/23

RESOLVED (Preston/Willis)

That Council:

1. Approve a total budget of \$79,032,000 for the QCCP project.
2. Fund the additional cost of the project from:
 - a. An extension of the current QCCP loan to be included in the 2023/24 Operational Plan.
 - b. Funds paid by adjoining private developers.

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

9.6 Suspension of Cemetery Reservations Queanbeyan General Cemetery

086/23

RESOLVED (Macdonald/Willis)

That Council places a moratorium on the sale of pre-purchase Right of Interments at Queanbeyan General Cemetery, to ensure residents of the Queanbeyan-Palerang Local Government Area who need to be buried are prioritised.

The resolution was carried unanimously.

087/23 **9.7 Membership of Section 355 Committee for Braidwood Common**
RESOLVED (Willis/Preston)

That Council:

1. Endorse the nine volunteer community members to the newly formed Section 355 Braidwood Common Committee.
2. Nominate a Councillor representative for the Section 355 Braidwood Common Committee.

The resolution was carried unanimously.

Cr Willis was appointed as delegate to the Braidwood Common Committee and Cr Preston as alternate delegate.

088/23 **9.8 Investment Report - February 2023**
RESOLVED (Willis/Preston)

That Council:

1. Receive the Investment Report for the month of February 2023.
2. Note the investment return for February 2023 was \$305,772.
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.

089/23 **9.9 Renewal of licence agreement with Majors Creek Recreation**
Reserve Trust
RESOLVED (Willis/Winchester)

That Council renew the existing agreement with the Majors Creek Recreation Reserve Trust for a further five-year term.

The resolution was carried unanimously.

090/23 **9.10 Sale of Part of 93 Ellerton Drive**
RESOLVED (Macdonald/Wilson)

That Council authorise the General Manager to execute the Contract of Sale for part of 93 Ellerton Drive to the Canberra Gospel Church Trust for \$120,000 (ex GST) subject to the conditions set out in the Contract of Sale.

The resolution was carried unanimously.

- 091/23 **9.11 Proposed Acquisition Notice - Leasehold interest in Part of Bungendore Pool**
RESOLVED (Preston/Taskovski)
That Council:
 1. Note the receipt of the Proposed Acquisition Notice (PAN) for a leasehold interest over part of Bungendore Pool.
 2. Lodge a formal compensation claim under s39 of the *Land Acquisition (Just Terms) Compensation Act 1991* to preserve its right to lodge an appeal in the Land and Environment Court challenging the Valuer-General's assessment of compensation for the leasehold interest.
For: Crs Biscotti, Burton, Livermore, Macdonald, Preston, Taskovski, Webster, Willis, Wilson and Winchester
Against: Cr Grundy
- 10. REPORTS TO COUNCIL - ITEMS FOR INFORMATION**
- 092/23 **10.1 Majors Creek and Araluen Greenwaste Options - Consultation**
RESOLVED (Willis/Winchester)
That the report be received for information.

The resolution was carried unanimously.
- 093/23 **10.2 Summary of Road Renewal and Maintenance Activities - Quarter 2 2022/23**
RESOLVED (Biscotti/Grundy)
That the report be received for information.

The resolution was carried unanimously.
- 094/23 **10.3 Compliance Reporting**
RESOLVED (Biscotti/Willis)
That the report on Compliance and Reporting Activities for the six-month period from July 2022 - December 2022 be received.

The resolution was carried unanimously.
- 095/23 **10.4 Councillor Workshops**
RESOLVED (Wilson/Webster)
That the report be received for information.

The resolution was carried unanimously.

SUPPLEMENTARY REPORT**10.5 Site Inspection - DA.2022.1574 - Construction a dwelling house - two storey – 25 Whitton Rise, Bungendore**

096/23

RESOLVED (Willis/Wilson)

That the report be received for information.

The resolution was carried unanimously.

11. REPORTS OF COMMITTEES**11.1 QPRC Heritage Advisory Committee Minutes - March 2023****MOVED (Willis/Biscotti)**

That Council:

1. Note the minutes of QPRC Heritage Advisory Committee Meeting held on 9 March 2023.
2. Adopt recommendations 7/23 to 10/23 from the meeting held on 9 March 2023:

QPRC HAC 7/23

The Committee support the proposed development subject to the above recommendation:

1. Attention to be paid to the articulation of the proposed dwelling at the corner facing Wallace and Coghill Streets to soften the impact of this elevation.
2. That the external colour scheme be modified and softened – suggested colours: light grey, cream, crimson, lilac. (Suggest that the applicant should consult the Braidwood DCP for guidance).

QPRC HAC 8/23

The Committee support the proposed alterations and additions in accordance with the heritage advisor's advice.

QPRC HAC 9/23

That staff be requested to determine whether the property has any restrictions on its title that would raise heritage concerns and that a report be made to the next HAC meeting for information.

QPRC HAC 10/23

1. The Committee notes that the single nomination is reflective of a difficult year. It is recommended that Council not proceed with the Heritage Awards this year.
2. The Committee requests that staff contact the sole nominator, explain the situation, and suggest that their application be held over for the following year (2024).
3. That staff be requested to prepare a report on alternative options for recognising the conservation, adaptive re-use and promotion of heritage in the LGA.

AMENDMENT (Burton/Wilson)

That Council:

1. Note the minutes of QPRC Heritage Advisory Committee Meeting held on 9 March 2023.
2. Adopt recommendations 7/23 to 10/23 from the meeting held on 9 March 2023:

QPRC HAC 7/23

The Committee support the proposed development subject to the above recommendation:

1. Attention to be paid to the articulation of the proposed dwelling at the corner facing Wallace and Coghill Streets to soften the impact of this elevation.
2. That the applicant consider the external colour scheme be modified and softened – suggested colours: light grey, cream, crimson, lilac. (Suggest that the applicant should consult the Braidwood DCP for guidance).

QPRC HAC 8/23

The Committee support the proposed alterations and additions in accordance with the heritage advisor's advice.

QPRC HAC 9/23

That staff be requested to determine whether the property has any restrictions on its title that would raise heritage concerns and that a report be made to the next HAC meeting for information.

QPRC HAC 10/23

1. The Committee notes that the single nomination is reflective of a difficult year. It is recommended that Council not proceed with the Heritage Awards this year.
2. The Committee requests that staff contact the sole nominator, explain the situation, and suggest that their application be held over for the following year (2024).
3. That staff be requested to prepare a report on alternative options for recognising the conservation, adaptive re-use and promotion of heritage in the LGA.

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

For: Crs Biscotti, Burton, Livermore, Webster and Wilson

Against: Crs Grundy, Macdonald, Preston, Taskovski, Willis and Winchester

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

097/23

RESOLVED (Willis/Biscotti)

That Council:

1. Note the minutes of QPRC Heritage Advisory Committee Meeting held on 9 March 2023.
2. Adopt recommendations 7/23 to 10/23 from the meeting held on 9 March 2023:

QPRC HAC 7/23

The Committee support the proposed development subject to the above recommendation:

1. Attention to be paid to the articulation of the proposed dwelling at the corner facing Wallace and Coghill Streets to soften the impact of this elevation.
2. That the external colour scheme be modified and softened – suggested colours: light grey, cream, crimson, lilac. (Suggest that the applicant should consult the Braidwood DCP for guidance).

QPRC HAC 8/23

The Committee support the proposed alterations and additions in accordance with the heritage advisor's advice.

QPRC HAC 9/23

That staff be requested to determine whether the property has any restrictions on its title that would raise heritage concerns and that a report be made to the next HAC meeting for information.

QPRC HAC 10/23

1. The Committee notes that the single nomination is reflective of a difficult year. It is recommended that Council not proceed with the Heritage Awards this year.
2. The Committee requests that staff contact the sole nominator, explain the situation, and suggest that their application be held over for the following year (2024).
3. That staff be requested to prepare a report on alternative options for recognising the conservation, adaptive re-use and promotion of heritage in the LGA.

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

Against: Crs Burton, Grundy, Macdonald, Webster and Wilson

11.2 Local Traffic Committee Meeting - 23 February 2023 (Out of session meeting held by correspondence)

098/23

RESOLVED (Livermore/Biscotti)

That Council:

1. Note the minutes of Local Traffic Committee held on 23 February 2023.
2. Adopt recommendation LTC 12/2023 from the meeting held on 23 February 2023.

LTC 12/2023: Proposed Solution: Under Roads Act 1993 approve the traffic control plans and proposed road closures for Braidwood Skate Park Opening Event.

The resolution was carried unanimously.

12. NOTICES OF MOTIONS**12.1 Bicycle Parking**

099/23

RESOLVED (Willis/Webster)

That Council receive a report on the progress of the Bicycle and Pedestrian Facilities Plan (2020) as adopted by Council; and current priority projects be identified for inclusion in the Operational Plan and grant funding proposals.

The resolution was carried unanimously.

12.2 Pool Shade Covers**MOVED (Willis/Webster)**

That Council:

1. Receive a report on the cost to install shade cover over each of the outdoor public pools in the local government area, and
2. Consider the cost as part of preparation of the 2023/24 Operational Plan.

AMENDMENT (Grundy/Burton)

That Council receive a report on the cost to install shade cover over each of the outdoor public pools in the local government area.

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

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

Against: Crs Livermore, Preston, Webster and Willis

The amendment became the motion, was PUT and CARRIED.

100/23

RESOLVED (Grundy/Burton)

That Council receive a report on the cost to install shade cover over each of the outdoor public pools in the local government area.

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

101/23

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 Tender 10054691 - DRFA Araluen Road Slips

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.

Item 16.2 Selection of Preferred Tenderer for Upgrade to Braidwood 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 Legal Update - July-December 2022

Item 16.3 is confidential in accordance with s10(A) (a) (c) (e) of the Local Government Act 1993 because it contains personnel matters concerning particular individuals (other than councillors); AND information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND information that would, if disclosed, prejudice the maintenance of law and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Item 16.4 Braidwood Heritage Centre - Construction Tenders

Item 16.4 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 16.5 Public Interest Disclosure/Code of Conduct Complaint

Item 16.5 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 7.35pm to discuss the matters listed above.

16.1 Tender 10054691 - DRFA Araluen Road Slips

102/23

RESOLVED (Willis/Biscotti)

That Council award Contract 10054691 for the Araluen Road Slips to Specialised Geo Pty Ltd for the amount of \$3,838,615 (including GST).

The resolution was carried unanimously.

103/23 **16.2 Selection of Preferred Tenderer for Upgrade to Braidwood Pool**
RESOLVED (Willis/Burton)

That Council:

1. Accept the revised tender price of \$1,239,936 (ex GST) from Rice Constructions Group Pty Ltd.
2. Award the contract to upgrade Braidwood Pool to Rice Constructions Group Pty Ltd for the lump sum price of \$1,239,936 (ex GST).
3. Allocate \$427,709 (ex GST) from the Federal Government's Local Roads and Community Infrastructure (LRCI) Program Phase 4 to the cover the shortfall plus contingency.

The resolution was carried unanimously.

104/23 **16.3 Legal Update - July-December 2022**
RESOLVED (Winchester/Biscotti)

That the report be received for information.

The resolution was carried unanimously.

105/23 **16.4 Braidwood Heritage Centre - Construction Tenders**
RESOLVED (Willis/Wilson)

That Council:

1. Endorse the recommendation from the Tender Evaluation Report by NSW Public Works on behalf of Council to decline to accept any of the tenders as per section 178 Local Government (General) Regulation 2021.
2. Endorse for Council officers and NSW Public Works to enter into direct negotiations with the nominated contractor.
3. Receive a report back on the negotiations prior to awarding the tender.
4. Note the reasons for not inviting fresh tenders or applications as referred to in subsections (3)(b)-(d) Section 178 Local Government (General) Regulation 2021 as noted in the Tender Evaluation Report.

The resolution was carried unanimously.

With the exception of the General Manager, all staff left the Chambers at 7.54pm and returned at 8.17pm.

16.5 Public Interest Disclosure/Code of Conduct Complaint

106/23

RESOLVED (Winchester/Wilson)

That the report be received for information.

The resolution was carried unanimously.

107/23

RESOLVED (Winchester/Biscotti)

That the meeting now return to Open Session.

The resolution was carried unanimously.

The meeting returned to Open Session at 8.18pm.

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 8.21pm, the Mayor announced that the Agenda for the meeting had now been completed.

**CR KENRICK WINCHESTER
MAYOR
CHAIRPERSON**