



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, 10 May 2023 commencing at 5.30pm.

ATTENDANCE

Councillors: Cr Livermore (Chairperson)
Cr Biscotti – via Zoom
Cr Burton
Cr Grundy
Cr Macdonald
Cr Preston
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 Ormella, Director Development and Environment
R Tozer, A/Director Corporate Services
K Monaghan, A/Chief Financial Officer

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 Chairperson acknowledged the traditional custodians of the land upon which the meeting was held.

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

158/23

RESOLVED (Livermore/Preston)

That apology for non-attendance from Cr Winchester be received and that leave of absence be granted.

The motion was CARRIED unanimously.

3.1 Application for Leave of Absence - Cr Bryce Wilson

159/23

RESOLVED (Willis/Webster)

That Council approve the Leave of Absence application submitted by Cr Bryce Wilson for the 28 June 2023 Council meeting.

The motion was CARRIED unanimously.

4. CONFIRMATION OF MINUTES**4.1 Minutes of the Ordinary Meeting of Council held on 26 April 2023**

160/23

RESOLVED (Livermore/Preston)

That the Minutes of the Ordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday 26 April 2023 be confirmed.

The motion was CARRIED unanimously.

5. DISCLOSURES OF INTERESTS

161/23

RESOLVED (Livermore/Willis)

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 motion was CARRIED unanimously.

There were no disclosures.

6. ADJOURNMENT FOR PUBLIC FORUM

At this stage of the proceedings, the time being 5.33pm, the Chairperson advised that the meeting should now adjourn for the Public Forum.

162/23

RESOLVED (Livermore/Macdonald)

That the meeting be adjourned to conduct the Public Forum.

The motion was CARRIED unanimously.

ADJOURNMENT:

The meeting adjourned for the Public Forum at 5.33pm and resumed at 5.41pm.

7. MAYORAL MINUTE

There was no Mayoral Minute.

8. NOTICES OF MOTIONS OF RESCISSION

There were no Notices of Motions of Rescission.

Procedural Motion

163/23

RESOLVED (Biscotti/Preston)

That Item 9.7 be brought forward for consideration at this juncture.

The motion was CARRIED unanimously.

9.7 Update to Licence Agreement with Italian Community Festival Inc.**MOVED (Biscotti/Wilson)**

That Council:

1. Approve the Italian Community Festival Inc, as the licensee of 14 Carinya Street Queanbeyan, to sublicense the venue and make the premises available for hire.
2. Authorise the General Manager to provide a variation to the existing Licence Agreement with the Italian Community Festival Inc to make this permissible under their current agreement with QPRC.

AMENDMENT (Willis/Grundy)

That Council defer consideration of this matter to enable further discussions with the Italian Community Festival Inc regarding the group's request to amend the licence agreement to permit hire of the venue to third parties, including the appropriate fee structure for such an arrangement.

The amendment (of Crs Willis and Grundy) was LOST.

For: Crs Grundy, Webster and Willis

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

The motion (of Crs Biscotti and Wilson) was brought forward.

164/23

RESOLVED (Biscotti/Wilson)

That Council:

1. Approve the Italian Community Festival Inc, as the licensee of 14 Carinya Street Queanbeyan, to sublicense the venue and make the premises available for hire.
2. Authorise the General Manager to provide a variation to the existing Licence Agreement with the Italian Community Festival Inc to make this permissible under their current agreement with QPRC.

The motion was CARRIED.

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

9. REPORTS TO COUNCIL - ITEMS FOR DETERMINATION**9.1 DA.2023.0050 - 10 Whitton Rise, Bungendore, Construction of Dwelling House - Two storey and Pool****MOVED (Burton/Macdonald)**

That:

1. Development application DA.2023.0050 be approved, subject to conditions, for the construction of a two (2) storey dwelling house in the North Elmslea residential development area, despite minor inconsistencies with the Desired Future Characteristics of Part D6 of the Palerang Development Control Plan 2015 (PDCP2015), for the following reasons:
 - (a) The proposal meets the height requirements of Clause 4.3 of the Queanbeyan-Palerang Regional Local Environmental Plan 2022 (QPRLEP2022) and QPRLEP2022 does not prevent two (2) storey dwellings on the subject site.
 - (b) The desire of a “single storey” characteristic as suggested in the PDCP2015, is not a consideration in regard to requirements in Part C – 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 QPRLEP2022 and objectives of the R2 Low Density Residential zone as it provides for the housing needs of the community in a low-residential environment.
 - (d) The proposed dwelling adequately addresses the streetscape with modulated building forms, articulated facades, mixed materials and colours and suitable landscaping to ensure that it will not detract from the existing and future character.

- (e) The upper storey component has been appropriately designed and is set back a suitable distance from adjoining properties to minimise 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.
 - (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 QPRLEP2022.
2. Development application DA.2023.0050 for the construction of a two (2) storey dwelling house on Lot 9 DP 1282739 – 10 Whitton Rise Bungendore NSW 2621 be granted conditional approval.

AMENDMENT (Willis/Webster)

That Council defers consideration of Development Application DA.2023.0050 to receive further information about the location of the required additional 17,000 kl of water storage on the lot.

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

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

Cr Willis foreshadowed a CONTRARY motion:

That Council refuse consent for Development Application DA.2023.0050 because the application is not compliant with:

- 1. The general aims of the Queanbeyan-Palerang Regional Local Environmental Plan (QPRC LEP) 2022 Clause 1.2 (2) I – to protect important scenic quality, views and vistas.
- 2. the QPR LEP 2022 zone objectives to ensure that new development complements the scale, density and form of existing development.
- 3. QPRC LEP 2022 Clause 4.15 (1) (c) suitability of the site for the development.

The motion (of Crs Burton and Macdonald) was brought forward.

165/23

RESOLVED (Burton/Macdonald)

That:

1. Development application DA.2023.0050 be approved, subject to conditions, for the construction of a two (2) storey dwelling house in the North Elmslea residential development area, despite minor inconsistencies with the Desired Future Characteristics of Part D6 of the Palarang Development Control Plan 2015 (PDCP2015), for the following reasons:
 - (a) The proposal meets the height requirements of Clause 4.3 of the Queanbeyan-Palerang Regional Local Environmental Plan 2022 (QPRLEP2022) and QPRLEP2022 does not prevent two (2) storey dwellings on the subject site.
 - (b) The desire of a “single storey” characteristic as suggested in the PDCP2015, is not a consideration in regard to requirements in Part C – 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 QPRLEP2022 and objectives of the R2 Low Density Residential zone as it provides for the housing needs of the community in a low-residential environment.
 - (d) The proposed dwelling adequately addresses the streetscape with modulated building forms, articulated facades, mixed materials and colours and suitable landscaping to ensure that it will not detract from the existing and future character.
 - (e) The upper storey component has been appropriately designed and is set back a suitable distance from adjoining properties to minimise 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.
 - (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 QPRLEP2022.
2. Development application DA.2023.0050 for the construction of a two (2) storey dwelling house on Lot 9 DP 1282739 – 10 Whitton Rise Bungendore NSW 2621 be granted conditional approval.

The motion was CARRIED.

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

9.2 Post Exhibition Report New Fee for School Use of Sports Facilities**MOVED (Biscotti/Taskovski)**

That the fee, School Hire \$20,000 (ex GST) per annum, for use of sports fields be adopted.

AMENDMENT (Webster/Willis)

That:

1. The fee, School Hire \$20,000 (ex GST) per annum, for use of sports fields be adopted.
2. The Hire agreements pertaining to this fee be annual individual agreements for Mick Sherd Oval, Bungendore Park and David Madew ovals.

The amendment (of Crs Webster and Willis) was CARRIED.

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

Against: Crs Biscotti, Burton, Grundy and Macdonald

The amendment became the motion.

166/23

RESOLVED (Biscotti/Taskovski)

That:

1. The fee, School Hire \$20,000 (ex GST) per annum, for use of sports fields be adopted.
2. The hire agreements pertaining to this fee be annual individual agreements for Mick Sherd Oval, Bungendore Park and David Madew ovals.

The motion was CARRIED.

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

Against: Crs Burton and Grundy

9.3 Cultural Grants application - Under the Pines: History of St Gregory's Catholic Parish Queanbeyan

167/23

RESOLVED (Wilson/Taskovski)

That Council approve a Cultural Grant of \$1,500 towards costs to produce a book about the history of the Queanbeyan Catholic community.

The motion was CARRIED.

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

Against: Crs Burton and Grundy

9.4 Molonglo Rail Trail

168/23

RESOLVED (Willis/Preston)

That Council remove Resolution 120/22 from the Resolution Action Sheet.

The motion was CARRIED unanimously.

9.5 Draft Integrated Plans 2023-24

169/23

RESOLVED (Wilson/Taskovski)

That Council endorse the following 2023/24 Draft Integrated Plans including any resolved amendments for public exhibition for 28 days:

- Operational Plan 2023-24
- Service Statements 2023-24
- Revenue Policy 2023-24
- Donations Policy 2023-24
- Fees and Charges 2023-24

The motion was CARRIED.

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

Against: Cr Grundy

MOVED (Willis/Preston)

That in regards to the Revenue Policy 2023-24 pg 24, Council will apply a rate less than the maximum interest allowable under Section 566(3) of the Local Government Act as determined by the Minister in each year. The rate that will apply for outstanding rates and charges in Queanbeyan-Palerang Regional Council for 2023-24 will be 6%.

The motion was LOST.

For: Crs Preston and Willis

Against: Crs Biscotti, Burton, Grundy, Livermore, Macdonald, Taskovski, Webster and Wilson

9.6 Fireworks (Pyrotechnic) Display Policy**MOVED (Preston/Wilson)**

That Council place the Fireworks (Pyrotechnic) Display Policy on public exhibition for 28 days.

AMENDMENT (Willis/Webster)

That Council:

1. Place the Fireworks (Pyrotechnic) Display Policy on public exhibition for 28 days.
2. In recognition of the high bushfire rating of many areas of Queanbeyan-Palerang and the dispersed nature of fire-fighting resources, seek the agreement of the NSW Minister for Emergency Services to exclude Queanbeyan-Palerang Regional Council from the standard exemption allowing fireworks displays during a declared total fire ban.
3. Receive a report on any public submissions received and a response from the NSW Minister for Emergency Services before adopting the Fireworks (Pyrotechnic) Display Policy.

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

For: Crs Webster and Willis

Against: Crs Biscotti, Burton, Grundy, Livermore, Macdonald, Preston, Taskovski and Wilson

The motion (of Crs Preston and Wilson) was brought forward.

170/23

RESOLVED (Preston/Wilson)

That Council place the Fireworks (Pyrotechnic) Display Policy on public exhibition for 28 days.

The motion was CARRIED unanimously.

9.7 Update to Licence Agreement with Italian Community Festival Inc.

This item was dealt with in earlier business.

10. REPORTS TO COUNCIL - ITEMS FOR INFORMATION**10.1 Bungendore War Memorial Committee Road Naming Project**

171/23

RESOLVED (Wilson/Grundy)

That the report be received for information.

The motion was CARRIED unanimously.

- 172/23 **10.2 Site Inspection - DA.2023.0050 - Construction a Two Storey Dwelling House and Pool – 10 Whitton Rise, Bungendore**
RESOLVED (Grundy/Wilson)

That the report be received for information.

The motion was CARRIED unanimously.

- 173/23 **10.3 Capital Projects Status Report**
RESOLVED (Wilson/Preston)

That the report be received for information.

The motion was CARRIED unanimously.

- 174/23 **10.4 Southern NSW Destination Management Plan**
RESOLVED (Willis/Preston)

That the report be received for information.

The motion was CARRIED unanimously.

- 175/23 **10.5 Councillor Workshops**
RESOLVED (Grundy/Wilson)

That the report be received for information.

The motion was CARRIED unanimously.

11. REPORTS OF COMMITTEES

- 176/23 **11.1 Bungendore Town Centre and Environs Advisory Committee Meeting Minutes**
RESOLVED (Grundy/Preston)

That Council:

1. Note the minutes of Bungendore Town Centre and Environs Committee meetings held on 12 December 2022 and 27 February 2023.
2. Investigate establishing a temporary “community space” on its vacant block on the corner of Gibraltar and Ellendon Streets pending construction of new premises.

The motion was CARRIED unanimously.

12. NOTICES OF MOTIONS**12.1 Southern Tableland Arts Program****MOVED (Grundy/Burton)**

That a report be prepared prior to the end of the 2022/23 financial year, outlining:

1. Quantifiable financial benefits achieved for the Arts in the local government area since QPRC enacted a MOU with and membership of the Southern Tableland Arts (STARTS) program on 1 July 2022.
2. New grant opportunities awarded to QPRC as a direct result of QPRC's membership of the STARTS program since 1 July 2022.
3. New Arts related professional or creative opportunities achieved for QPRC as a direct result of its membership of the STARTS program since 1 July 2022.

For: Crs Biscotti, Burton, Grundy, Macdonald and Webster

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

With vote being five-all, the Chairperson exercised the casting vote and the declared the motion LOST.

12.2 Use of Artificial Turf**MOVED (Willis/Burton)**

That Council:

1. Notes:
 - a. The use of artificial turf in public spaces, in particular playing fields, is a matter of ongoing international concern arising from uncertainty about whether it is safe for people and the environment.
 - b. Materials toxic to people and the environment, including heavy metals and long-lived PFAS, are found in artificial turf.
 - c. Few studies have been undertaken on the potential health impacts of artificial turf despite the presence of these substances.
 - d. Artificial turf can become dangerously hot and potentially unusable.
 - e. Runoff from artificial turf can leach into surface water and groundwater and can damage aquatic species and ecosystems.
 - f. Artificial turf has a relatively short lifespan, does not biodegrade, and cannot be easily recycled.

- g. The use of artificial turf contributes to global warming by making urban areas hotter.
 - h. Whether artificial turf is safe to use in areas of high bushfire risk remains unknown.
2. Further notes that the final report of the NSW Chief Scientist and Engineer into the use of synthetic turf in public open spaces in NSW is yet to be released along with guidelines on the use of artificial turf for local government.
3. Agrees to pause the use of artificial turf for playing fields and other open spaces in Queanbeyan-Palerang until the final report of the Chief Scientist and Engineer and accompanying guidelines are released to the public and Council has had time to consider them.
4. Further agrees that following release of the guidelines, to receive a report on what policy changes Council may need to make in response to the Chief Scientist and Engineer's artificial turf report and guidelines.

The motion was LOST.

For: Crs Burton and Willis

Against: Crs Biscotti, Grundy, Livermore, Macdonald, Preston, Taskovski, Webster and Wilson

12.3 Emergency Services Levy Subsidy

177/23

RESOLVED (Macdonald/Webster)

That Council:

1. Writes to the New South Wales (NSW) Treasurer, Minister for Emergency Services, Minister for Local Government and Member for Monaro expressing our strong opposition to the NSW Government's unexpected decision to scrap the Emergency Services Levy (ESL) subsidy and calls on the NSW Government to reinstate the subsidy.
2. Writes to the President of LGNSW supporting the Association's ongoing advocacy to bring about a relief in the burden of Councils' emergency services contribution.

The motion 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 the Chairperson advised that there were items on the Agenda that should be dealt with in Closed Session.

The Chairperson 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

178/23

RESOLVED (Livermore/Preston)

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 Evaluation - Changing Places Facility at Queen Elizabeth II Park

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 motion was CARRIED unanimously.

The meeting then moved into Closed Session at 8.07pm to discuss the matters listed above.

16.1 Tender Evaluation - Changing Places Facility at Queen Elizabeth II Park

179/23

RESOLVED (Wilson/Burton)

That Council award the Contract for the design and construction of a new Changing Places facility building at Queen Elizabeth II Park, to Exeloo, in the amount of \$247,380 (excluding GST).

The motion was CARRIED unanimously.

180/23

RESOLVED (Livermore/Grundy)

That the meeting now return to Open Session.

The motion was CARRIED unanimously.

The meeting returned to Open Session at 8.15pm.

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 Chairperson then read out the decisions of Council made in Closed Session.

17. CONCLUSION OF THE MEETING

The time being 8.15pm, the Chairperson announced that the Agenda for the meeting had now been completed.

**CR ESMA LIVERMORE
DEPUTY MAYOR
CHAIRPERSON**