



MINUTES OF THE ORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held at the Council Chambers, 10 Majara Street, Bungendore on Wednesday, 26 October 2016 commencing at 5:30pm.

## ATTENDANCE

**Administrator:** T. Overall (Chair)

**Staff:** P Tegart, General Manager; P Bascomb, Deputy General Manager; L Gibson, Director Organisational Excellence; M Thompson, Director Development; J Wright, Director of Planning and Environment; G Cunningham, Director of Works and Utilities; P Hansen, Director Assets and Projects; P Spyve, Director Economic and Community Development and S Taylor, Executive Manager Systems.

**Also Present:** W Blakey, Management Accountant (Clerk of the Meeting) and R Potter (Minute Secretary).

### 1. APOLOGIES

No apologies were received.

### 2. DISCLOSURES OF INTERESTS

251/16

#### **RESOLVED (Overall)**

That the Administrator now disclose any interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.

No declarations were received.

### 3. CONFIRMATION OF MINUTES

#### **3.1 Minutes of the Ordinary Meeting of Council held on 12 October 2016**

252/16

#### **RESOLVED (Overall)**

The Administrator resolved that the Minutes of the Ordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday 12 October 2016 be confirmed.

**4. PRESENTATIONS FROM THE GALLERY RELATING TO LISTED ITEMS ON THE AGENDA AND PETITIONS**

**Malcolm Leslie** - Item 8.1 DA 228-2016 – Land Swap Application, Common Roads and Bio Retention Basin – Googong, Item 8.2 – DA 275-2016 – Subdivision Creating 141 Residential Lots – 36 & 44 Googong Rd and Saphira Street Googong, Item 8.3 – DA 71-2016 for Small Lot Housing Googong and Item 8.6 – Amended Googong DCP – Neighbourhood Structure Plan for Neighbourhood 2

**Barry Cranston** - Item 8.4 – DA 508-2015 – Addition to Queanbeyan Arts Society Building – 8 Trinculo Place.

**5. MAYORAL MINUTES**

Nil.

**6. NOTICES OF MOTIONS OF RESCISSION**

Nil.

**7. NOTICES OF MOTIONS**

Nil.

**8. DETERMINATION REPORTS****8.1 Development Application 228-2016 - Land Swap Application, Common Roads and Bio Retention Basin - Googong****RESOLVED (Overall)**

The Administrator resolved that Council:

1. Raise no objection to a variation to Part 3 – The Master Plan of the Googong Development Control Plan to allow street trees to be 100% exotic instead of 20% exotic and 80% native, except for ST001 and ST002 which are 50% exotic and 50% native as identified in the Bunyip Neighbourhood Structure Plan for the following reasons:
  - (a) Council's Manager of Parks and Recreation has assessed the proposed street trees as being satisfactory; and
  - (b) The use of 100% exotic deciduous trees for local streets is consistent with the street trees previously approved for use in Neighbourhood 1A of the Googong Township.
2. Raise no objection to a variation to Part 5.5 – Local Streets of the Googong Development Control Plan to allow the Local Street Type 3 streets within this proposed subdivision to have a 7.5 metre wide carriageway instead of the prescribed 8.0 metres for the following

reasons:

- (a) The variation has been consistently supported by Council for Local Street Type 3 within Neighbourhood 1A and 1B of the Googong Township; and
  - (b) Council's Development Engineer has assessed the proposed street design as being satisfactory in this instance.
3. Determination of Integrated Development Application 228-2016 for subdivision of land, road construction, bio retention basin and associated works to Lot 5 DP 1217396; Lot 101 DP 616217; Lots 1367 & 1368 DP 1217419 and Lot 670 DP 1195842; 36 Googong Road Googong, be delegated to the General Manager when the NSW Department of Planning has advised that the applicant has made adequate arrangements for the provision of State infrastructure.
4. Advise the Department of Primary Industries (Water) and Office of Environment and Heritage when the application has been determined.

**8.2 Development Application 275-2016 - Subdivision Creating 141 Residential Lots - 36 & 44 Googong Rd and Saphira St, Googong (Bunyip Property)**

254/16

**RESOLVED (Overall)**

The Administrator resolved that:

1. Council raise no objection to the granting of a variation to Part 3 – The Master Plan of the Googong Development Control Plan to allow street trees to be 100% exotic instead of 20% exotic and 80% native as identified in the Bunyip Neighbourhood Structure Plan for the following reasons:
  - (a) Council's Manager of Parks and Recreation has assessed the proposed street trees as being satisfactory; and
  - (b) The use of 100% exotic deciduous trees for local streets is consistent with the street trees previously approved for use in Neighbourhood 1A of the Googong Township.
2. Council raise no objection to a variation to Part 5.5 – Local Streets of the Googong Development Control Plan to allow the five Local Street Type 3 streets within this proposed subdivision to have a 7.5 metre wide carriageway instead of the prescribed 8.0 metres for the following reasons:
  - (a) The variation has been consistently supported by Council for Local Street Type 3 within Neighbourhood 1A and 1B of the Googong Township; and
  - (b) Council's Development Engineer has assessed the proposed street design as being satisfactory in this instance.

3. Determination of Integrated Development Application 275-2016 for subdivision of land and associated works to create 141 residential lots on Lot 101 DP 616217, Lot 5 DP 1217396 and Lot 1367 DP 1217419 No. 36 and 44 Googong Road and Saphira Street Googong, be delegated to the General Manager when the NSW Department of Planning has advised that the applicant has made adequate arrangements for the provision of State infrastructure.
4. The Department of Primary Industries (Water) and Office of Environment and Heritage be forwarded a copy of Council's Notice of Determination when it has been issued.

**8.3 Development Application 71-2016 for Small Lot Housing Comprising 10 x Torrens Title Lots, 2 x Strata Title Lot, 1 x Public Laneway, and Erection of 12 x Dwellings,- Lot 1318 DP1217419, Googong**

255/16

**RESOLVED (Overall)**

The Administrator resolved that:

1. Approval be granted to the following variations to the Googong DCP for the reasons detailed in this report and the attached Sec79C Matters for Consideration:
  - a) The non-compliance with the requirements of Part 4 of Googong DCP in relation to Lot 1 having a frontage less than the 12m requirement;
  - b) The proposal not satisfying the requirements of Part 5 of Googong DCP in relation to the verge width (less than 2m requirement) for laneways.
  - c) The non-compliance with the requirements of Part 7 of the Googong DCP in relation to the proposed fencing forward of the building line of dwellings on lots 2 -9 which exceeds 1.2m high and Lots 2 and 10 which exceed the allowable 50% length allowed to be over 1.2m in height.
  - d) The non-compliance with the requirements of Part 7 of the Googong DCP in relation to the principal private open space (PPOS) of dwellings 3-10 located forward of the building line and PPOS for Lot 2 is located to the side of the dwelling (partially located behind the building line).
  - e) The various minor non-compliances with the requirements in Table 1 Assessment of Part 7 of Googong DCP in relation to the front setback of the proposed balcony on Lot 2, width of articulation zone exceeding 60% of the dwelling width, secondary street setback for corner lot (excluding garages and carports) and zero side setback of the proposed studio dwellings on Lot 1A and 2A.
2. Development application 71-2016 for the subdivision of land to create 10 x Torrens Title lots, 2 x Strata lots and 1 x public laneway, and erection of 12 x dwellings (including 1 x dwelling house, 7 x attached dwellings, 2 x semi-detached dwellings and 2 studio dwellings) on Lot 1318 DP 1217419 (formerly known as Lot

63 DP 1208211), Corner of Helen Circuit, Gorman Drive and Saphira Street, Googong be granted conditional approval.

3. The NSW Police be forwarded a copy of Council's Notice of Determination.

**8.4 Development Application 508-2015 - Addition to Queanbeyan Art Society Building - Lot 1 DP 597143 8 Trinculo Place, Queanbeyan East**

256/16

**RESOLVED (Overall)**

The Administrator resolved that development application 508-2015 for a building addition to a Community Facility (Queanbeyan Art Society) on Lot 1 DP 597143 8 Trinculo Place, Queanbeyan East be granted conditional approval subject to the imposition of the following additional condition of consent.

**Additional Condition**

That prior to the issue of a Construction Certificate (Building) an amended plan showing the following design changes shall be submitted to and accepted by Council.

- a) The existing flat roof design over the western end of the proposed addition and adjacent gable shall be changed to a hip roof. The flat roof is out of character with the heritage design of the building.
- b) The existing disused timber frame window shall be relocated so that it is centrally located within the southern wall facing Bungendore Road. This wall is currently blank and would benefit from having one of the existing windows (which would otherwise be located inside the building) being relocated to a central location in the wall.

**REASON:** To ensure the design of the new addition adopts a roof line and window openings that are characteristic of the existing heritage building on site.

**8.5 Development Application 2016.DA.125 - Two Lot Subdivision -172 Foxlow Street, Captains Flat**

257/16

**RESOLVED (Overall)**

The Administrator resolved that:

1. Development application DA.2016.125 for a two lot subdivision and demolition of former medical centre on Lot 18 Section 2 DP 18452, 172 Foxlow Street, Captains Flat be granted conditional approval.
2. The NSW RFS be forwarded a copy of Council's Notice of Determination.

**8.6 Amendment to Googong Development Control Plan - Neighbourhood Structure Plan for Neighbourhood 2**

258/16

**RESOLVED (Overall)**

The Administrator resolved that Council adopt in principle the amendments to the Googong Development Control Plan and that the DCP be placed on Public Exhibition for a minimum period of 28 days.

**8.7 Exhibition of Planning Proposal to Rezone Land at North Tralee**

259/16

**RESOLVED (Overall)**

The Administrator resolved that Council place the Planning Proposal Report and supporting documents to rezone the land at North Tralee on public exhibition for a minimum period of 28 days.

**8.8 Expanding the coverage of the Special Heritage Fund**

260/16

**RESOLVED (Overall)**

The Administrator resolved that Council amend the Special Heritage Fund Guidelines to:

- a. expand the coverage to also include certain types of items listed in the heritage schedule in the Palerang Local Environmental Plan 2014
- b. allow funding being limited to one grant of assistance per site per financial year.

**8.9 QPRC Investment Report - September 2016**

261/16

**RESOLVED (Overall)**

The Administrator resolved that Council:

1. Note the investment income for September 2016 is \$357,673 bringing the total interest earned on Cash and Cash Equivalent Investments for the 2016/17 Financial Year to \$1,609,479 which is \$444,936 above the year to date budget;
2. Note the investments have been made in accordance with the Local Government Act 1993, the Local Government General Regulations, and Council's proposed investment policy;
3. Adopt the Investment Report for the month of September 2016.

**8.10 Stormwater Rehabilitation Program 2016-2017**

262/16

**RESOLVED (Overall)**

The Administrator resolved that Council award Contract number 04/2017 to Tenderer 1, Interflow, for the Stormwater System Rehabilitation in Queanbeyan area.

**8.11 Land Acquisition - Old Cooma Road**

263/16

**RESOLVED (Overall)**

The Administrator resolved that:

1. The Council hereby resolve to acquire an area of land being part of Lot 49 DP754907, 224 Cooma St, Queanbeyan for road purposes being Crown land by compulsory process in accordance with Part 1 of Chapter 8 of the Local Government Act 1993, Part 12 of the Roads Act 1993 and the Land Acquisition (Just Terms Compensation) Act 1991;
2. Council seek approval from the Minister for Local Government in accordance with section 187 of the Local Government Act 1993 to give all necessary Proposed Acquisition Notices (PAN) in accordance with the Land Acquisition (Just Terms Compensation) Act 1991;
3. Council take each further step as is necessary to obtain approval from the Minister, the Governor or any public authority as may be necessary, and take all actions as may be necessary, to give notices and otherwise carry out the acquisitions by means of compulsory acquisition;
4. Following receipt of the Minister's approval, Council serve each PAN and take each other action necessary to carry out the acquisition;

5. Following receipt of the Governor's approval, Council give effect to the acquisition by publication of an Acquisition Notice in the NSW Government Gazette and such other publication as may be required by law;
6. The Council pay compensation to the Crown by virtue of the compulsory acquisition on the terms set out in the Land Acquisition (Just Terms Compensation) Act 1991.
7. That Council authorise the General Manager to complete and execute all documentation necessary to finalise and bring into force Council's acquisition of the Property and if necessary to fix the Council seal to the application to the Minister, the Governor, the Register General or any public authority for the compulsory acquisition; and
8. That upon acquisition, the Council intends to resolve to classify the acquired Property as public road in accordance with section 10 of the Roads Act 1993.

#### **8.12 2016 Christmas in July Fair**

264/16

##### **RESOLVED (Overall)**

The Administrator resolved that the Queanbeyan Christmas in July Fair be continued and further developed as Council's winter event in line with the recommendations of the Queanbeyan Events Review.

#### **8.13 Queanbeyan Sewer Treatment Plant Masterplan**

265/16

##### **RESOLVED (Overall)**

The Administrator resolved that Council:

1. Place the Draft Queanbeyan Sewer Treatment Plant Masterplan on exhibition for a period of 28 days.
2. Receive a further report prepared by staff following the conclusion of the exhibition period addressing any submissions received.



**8.14 Assessment of Applications under the Stronger Communities Fund - Community Groups**

266/16

**RESOLVED (Overall)**

The Administrator resolved that Council:

1. endorse the decision by the Assessment Panel for each of the applications submitted by not-for-profit, incorporated community groups and Council's s.355 committees under the \$1m first round of the Stronger Communities Fund;
2. notify each applicant of the outcome of the assessment process in relation to their application, and
3. proceed to administer the funds in accordance with the guidelines provided by the NSW Office of Local Government.

**8.15 Queanbeyan-Palerang Merger - Transition Plan**

267/16

**RESOLVED (Overall)**

The Administrator resolved that Council:

1. adopt the QPRC Merger Transition Plan in principle.
2. note the Transition Timelines with Phases 1, 2, 3 & 4 and the methodology whereby the business operates in a mode of constant "test and implement" in response to and forecasting consumer/community expectations and demand.
3. note the QPRC Transition Steering Group will consider and assess future costing reports by key result area and that transition budget reports will be submitted to Council from time to time for incorporation into Operational Plans for 2016-19 and associated budget review statements.
4. note the proposed community strategic direction statements.

**8.16 Local Representation Committee Minutes - 30 September 2016**

268/16

**RESOLVED (Overall)**

The Administrator resolved that Council:

1. note the minutes of the Local Representation Committee's meeting held on 30 September 2016;
2. adopt Recommendations LRC 016 - 017/2016 from the meeting held on 30 September 2016.

**8.17 Les Reardon Reserve s.355 Committee Minutes - 16 May 2016 and AGM 19 September 2016**

269/16

**RESOLVED (Overall)**

The Administrator resolved that Council:

1. note the minutes of the Committee Meeting of the Les Reardon Reserve s.355 Committee, held on 16 May 2016,
2. note the minutes of the Annual General Meeting of the Les Reardon Reserve s.355 Committee, held on 19 September 2016,
3. note the Chairperson's report to the AGM,
4. note the Treasurer's report to the AGM,
5. note the Reserve's master plan (seven drawings), and
6. approve the following persons as office-bearers:
  - a. Chair: Anne Goonan
  - b. Secretary: Kerry Cox
  - c. Treasurer: Ann Sloane
  - d. Booking officer: Antonia Parkes
  - e. Committee members: Hans Bachor, Peter McCullagh, Jan Creswell

**S.1 Captains Flat Dam 6th Surveillance Report**

270/16

**RESOLVED (Overall)**

The Administrator resolved that Council:

1. Receive and note the report Captains Flat Dam five yearly Surveillance Report (July 2016) – Report No. DC16071; and
2. Authorise submission of this report to the NSW Dams Safety Committee in satisfaction of Council's obligations under the Dams Safety Act 1978.

**9. INFORMATION REPORTS****9.1 National Stronger Regions Fund (Round 3) Application**

271/16

**RESOLVED (Overall)**

The Administrator resolved that the report be received for information.

**9.2 Site Inspection - DA 508-2015 - 8 Trinculo Place, Queanbeyan East - Addition to Queanbeyan Art Society Building**

272/16

**RESOLVED (Overall)**

The Administrator resolved that the report be received for information.

**10. COMMITTEE REPORTS**

Nil

**11. DELEGATES' REPORTS**

Nil

**12. RESPONSES TO COUNCILLORS' QUESTIONS**

Nil

**13. COUNCILLORS' QUESTIONS FOR NEXT MEETING**

Nil

**14. NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION**

At this stage of the proceedings Mr Overall advised that there is one item on the Agenda that should be dealt with in Closed Session.

Mr Overall then asked that, in accordance with Clause 59.6 of the Council's Code of Meeting Practice, were there any presentations as to why the matters listed below should not be dealt with in Closed Session.

**PRESENTATIONS**

No presentations were made.

273/16

**RESOLVED (Overall)**

The Administrator resolved that pursuant to Section 10A of the Local Government Act, 1993 the following item on the agenda for the Ordinary Council meeting be dealt with in Closed Session for the reasons specified below:

- 15.1 Enforcement Action and Issue of Order - Unauthorised Fill**  
*Item 15.1 is confidential in accordance with s10(A) (e) of the Local Government Act 1993 because it contains 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.*

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

The meeting returned to Open Sessions by virtue of Resolution No. 274/2016 made in Closed Session.

The doors of the chamber were opened to allow the public to enter.

In accordance with Clause 253 of the Local Government (General) regulations 2005, Mr Overall then read out the decisions of Council made in Closed Session.

**15.1 Enforcement Action and Issue of Order - Unauthorised Fill**

The Administrator resolved that the report be received for information.

At this stage in the proceedings, the time being 6.28pm Mr Overall announced that the Agenda for the meeting had now been completed and declared the meeting closed.

**TIM OVERALL  
ADMINISTRATOR  
CHAIRPERSON**