



MINUTES OF THE ORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held at the Council Chambers, 10 Majara Street, Bungendore on Wednesday, 28 September 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; P Hansen, Director Assets and Projects; P Spyve, Director Economic and Community and S Taylor, Executive Manager Systems.

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

## **ACKNOWLEDGEMENT OF COUNTRY**

The Administrator made the following acknowledgement of country.

I would like to acknowledge and pay respect to the traditional owners of the lands on which we hold Meetings of Council – the Ngambri/Ngunnawal Peoples, the Ngarigu People and the People of the Dhurga language group. It is upon their ancestral lands that meetings of Queanbeyan-Palerang Regional Council are held. I pay my respect to elders past and present and to all aboriginal people.

## **1. APOLOGIES**

No apologies were received.

## **2. DISCLOSURES OF INTERESTS**

202/16

### **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 disclosures were presented.

**3. CONFIRMATION OF MINUTES****3.1 Minutes of the Ordinary Meeting of Council held on 14 September 2016**

203/16

**RESOLVED (Overall)**

The Administrator resolved that the Minutes of the Ordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday 14 September 2016 be confirmed.

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

**Mr Anthony Cairnes** – Item 8.5 – Land and Environment Court Appeal  
199 Wallace Street Braidwood

**5. MAYORAL MINUTES****5.1 Borderless Infrastructure MoU with ACT**

204/16

**RESOLVED (Overall)**

The Administrator resolved that Council note the information on borderless infrastructure between the ACT Government and Queanbeyan-Palerang Regional Council.

**6. NOTICES OF MOTIONS OF RESCISSION**

Nil.

**7. NOTICES OF MOTIONS**

Nil.

**8. DETERMINATION REPORTS****8.1 Development Application 92-2016 - 41 Yass Road Queanbeyan - Vehicle Sales and Hire Premises**

205/16

**RESOLVED (Overall)**

The Administrator resolved:

1. That pursuant to Clause 4.6 of the Queanbeyan Local Environment Plan 2012, approval be granted to a variation to Section 21(1)(b)(i) of State Environmental Planning Policy No.64 – Advertising and Signage (SEPP 64) to allow three wall signs (instead of one) to be installed to the Yass Road frontage of the development for the following reasons:

- a) The proposed signs are considered to be consistent with the objectives of SEPP 64 and the objectives of the IN2 – Light Industrial Zone.
  - b) The proposed signs are appropriately located on the site, are consistent with the established character of the locality and are considered to contribute positively to the site and streetscape.
  - c) The building is broken up into four distinct segments with one sign located on each segment. The signs are incorporated into the design of the building and do not detract from the streetscape appearance of the site.
  - d) The proposed development results in the consolidation of a number of sites and the consolidation of signage across those sites which is considered to result in a positive streetscape outcome.
  - e) It is considered that in the context of the site and locality that the proposed wall signs are appropriate and that compliance with the development standard would be unreasonable and unnecessary in this particular instance.
2. That Development Application 92-2016 for a Vehicle Sales and Hire Premises on Lot 1 DP 1216908, No. 41 Yass Road, Queanbeyan East NSW 2620 be granted approval subject to conditions, including the limitation that 3 freestanding signs are permitted along the Yass Road frontage instead of the 4 proposed.

## 8.2 Interim Transitional Plan Action - Strategic Planning

206/16

### **RESOLVED (Overall)**

The Administrator resolved:

1. That the following planning proposals to amend Palerang Local Environmental Plan 2014 continue to be progressed as part of Phase 1 of the Transition Plan period:
  - a) The insertion of the Captains Flat Flood Planning Map and minor amendments concerning Heritage and the numbering of clauses.
  - b) The expansion of Exempt and Complying Development in E4, RU5 and RU1 Zones.
  - c) The rezoning of land for the Bungendore Carpark.
2. That the following projects be considered as part of the preparation of the Queanbeyan-Palerang Regional Council Comprehensive Local Environmental Plan:
  - a) The amendment of Clause 4.6 of the Palerang Local Environmental Plan 2014.

- b) The amendment of Schedule 5 Environmental Heritage and associated maps.
  - c) The mapping layers and associated text for Terrestrial Biodiversity and Landscape currently being undertaken as part of the review of Palerang Local Environmental Plan 2014.
  - d) Animal boarding or training establishments.
3. That the following planning proposals to amend Palerang Local Environmental Plan 2014 continue to be progressed as part of the preparation of the Queanbeyan-Palerang Regional Council Comprehensive Local Environmental Plan during the Transition Plan period:
- a) The rezoning of land to the north of Bungendore from RU1 Primary Production to R2 Low Density Residential and RE1 Public Recreation.
  - b) The rezoning of land for Bungendore East continues during the Transition Plan period subject to the issuance of a Gateway determination.
  - c) The amendment of Schedule 1 to allow the subdivision of Lot 3 DP 1074706 to create residential lots.
  - d) The amendment to rezone Lot 3 DP 1195030 from IN2 Light Industrial to R2 Low Density Residential to create residential lots.
4. That work continue on the development of a planning proposal in relation to Capital Country Holiday Village.
5. That the assessment of the requests for the rezoning of land or for a dwelling to be permitted on certain land (affected by the recommendations of the Palerang Rural Lands Strategy) be undertaken during Phase 2 (1 January – 9 September 2017) and if appropriate the outcomes be progressed as part of the preparation of the Queanbeyan-Palerang Regional Council Comprehensive Local Environmental Plan.
6. That the Biodiversity Investigation for the former Queanbeyan area be used to extend the current mapping layer and associated text for Terrestrial Biodiversity and Landscape being carried out for the former Palerang area to cover the merged council area and work be progressed as part of the Transition Plan period.
7. That the North Tralee Planning Proposal to amend Queanbeyan Local Environmental Plan 1998 continues to be progressed as part of the Transition Plan period.
8. That the South Jerrabomberra Planning Proposal to amend Queanbeyan Local Environmental Plan (South Tralee) 2012 continues to be progressed as part of the Transition Plan period.

9. That the work to be done on the Development Contribution Plans for the former Palerang part of the Local Government Area be received as information.
10. That the following work continues to be progressed during Phase 1 of the Transition Plan period:
  - a) The Obstacle Height Limitation Project.
  - b) The drafting of a new Queanbeyan Section 94A Plan.
  - c) Preparation of a comparative land use zone matrix and comparison of other land use provisions of the merged council's principal local environmental plans.
  - d) The Captain Flat Cemetery Plan of Management.
  - e) Review of other former Queanbeyan Plans of Management.
  - f) Continued updating of the heritage data base for the former Palerang.
11. That work on the following plans continues to be progressed during the Transition Plan period:
  - a) The Bungendore Structure Plan.
  - b) Insertion of a Structure Plan into Googong Development Control Plan for Neighbourhood Two.
  - c) Review of the Queanbeyan Development Control Plan 2012.
  - d) The Queanbeyan-Palerang Regional Council Development Control Plan.
  - e) The Braidwood Development Control Plan 2006.
  - f) Review of the Queanbeyan Section 94 Plan.
12. That Council note the staged program in the Transition Plan to fully consolidate Local Environmental Plans.

### 8.3 71 London Road, Queanbeyan

207/16

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

The Administrator resolved that Council in accordance with s50 of the Local Government Act 1993 direct that lot 536 DP 8708, being land located at 71 London Road, Queanbeyan (Mt Jerrabomberra) transfer to and vest in the Queanbeyan-Palerang Regional Council and notice to this effect be published in the NSW Gazette.

**8.4 Licence Agreement - 12 Southbar Road**

208/16

**RESOLVED (Overall)**

The Administrator resolved:

1. That the Council agree the execution of a five year Licence Agreement for the operation of the Baby Health Centre at 12 Southbar Road, Queanbeyan and the provision of a small enclosure area being part of Steve Maugher Sportsground for securing of the centre vehicle.
2. That a development application for the secure parking area be pursued if needed.
3. That the proposal be publicly advertised in accordance with the provisions of the Local Government Act 1993.
4. That if no objections are received the Licence Agreement be executed.

**8.5 Land and Environment Court Appeal - 199 Wallace Street Braidwood**

209/16

**RESOLVED (Overall)**

The Administrator resolved that Council:

1. Confirm its intention to take part in the appeal; and
2. Authorise staff, with assistance from Council's legal advisors, prepare an appropriate statement of facts and contentions for the Land and Environment Court.

**8.6 Braidwood Saleyard - Emergency Tag Fee Increase**

210/16

**RESOLVED (Overall)**

The Administrator resolved that Council:

1. Endorse the request of the Braidwood office of South East Local Land Services recommending an increase in the 'Emergency Tag' Fee currently charged by Council.
2. Supports a proposed increase in the 'Emergency Tag' fee from \$20 per tag to \$50 per tag for the remainder of the 2016 – 2017 financial year to be applicable as of 15 November 2016 if adopted.
3. That the proposed fee change be placed on public exhibition to seek public comment.

**8.7 Fireworks (Pyrotechnics) Displays Policy**

211/16

**RESOLVED (Overall)**

The Administrator resolved that Council:

1. Endorse the Draft Fireworks (Pyrotechnic) Displays Policy for public exhibition for a minimum period of 28 days.
2. Subject to no submission being received, adopt the Fireworks (Pyrotechnic) Display Policy.
3. Request a further report be brought back to Council for further consideration only if submissions are received during the public exhibition period which may potentially alter the content of the Policy.

**8.8 Request for assistance - NAIDOC Week celebration**

212/16

**RESOLVED (Overall)**

The Administrator resolved that Council:

1. Provide a grant of \$1000 to the Munjuwa Queanbeyan Aboriginal Health, Housing & Community Corporation to assist with their Family Day event for NAIDOC Week celebrations.
2. Approve the waiving of standard hire fees for the use of Council venues to run the Family Day event.
3. Develop an application process for future NAIDOC Week events and that these applications be reviewed by the Consultative Committee on Aboriginal Issues.

**8.9 QPRC Investment Report - August 2016**

213/16

**RESOLVED (Overall)**

The Administrator resolved that Council:

1. Note the investment income for August 2016 is \$366,507 bringing the total interest earned on Cash and Cash Equivalent Investments for the 2016/17 Financial Year to \$1,251,806 which is \$346,051 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 August 2016.

**8.10 Adoption of Model Code of Conduct**

214/16

**RESOLVED (Overall)**

The Administrator resolved that Council:

1. Adopt the Code of Conduct.
2. Council adopt the Procedures for the Administration of the Code of Conduct.

**8.11 Disclosures by Councillors and Designated Persons Return 2016**

215/16

**RESOLVED (Overall)**

The Administrator resolved that Council note that pecuniary interest returns for the period 1 July 2015 to 30 June 2016 have been tabled pursuant to Section 450A of the Local Government Act 1993.

**8.12 Braidwood Showground Reserve Trust s.355 Committee Minutes**

216/16

**RESOLVED (Overall)**

The Administrator resolved that the minutes of the Committee Meeting of the Braidwood Showground Reserve Trust s.355 Committee, held on 26 July 2016, be noted.

**9. INFORMATION REPORTS****9.1 Community meetings**

217/16

**RESOLVED (Overall)**

The Administrator resolved that the report be received for information.

**9.2 Live streaming of Council meetings**

218/16

**RESOLVED (Overall)**

The Administrator resolved that the report be received for information.

**9.3 Fit for the Future Update**

219/16

**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 were two items 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.

220/16

**RESOLVED (Overall)**

The Administrator resolved 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 15.1 Information on Enforcement Action - Unauthorised Use of Premises**

*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.*

**Item 15.2 Compliance Issue and Complaint - Carport**

*Item 15.2 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. 223/16 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.

**Item 15.1 Information on Enforcement Action - Unauthorised Use of Premises**

The Administrator resolved that the report be received for information.

**Item 15.2 Compliance Issue and Complaint – Carport**

The Administrator resolved:

1. That subject to the owner connecting all roof water from the carport to an in ground stormwater network within one month of the date of this meeting, Council take no further action in relation to this matter because:
  - a) Council considers the overall impact of the carport to be negligible.
  - b) Council is satisfied that it is reasonable for Council to choose not to take enforcement action as the non-compliance is minor and Council would most likely have consented to an application had it been lodged.
2. That Council informs both parties (the owner and the complainant) in writing of Council's decision.

At this stage in the proceedings, the time being 6.06pm Mr Overall announced that the Agenda for the meeting had now been completed and declared the meeting closed.

**TIM OVERALL  
ADMINISTRATOR  
CHAIRPERSON**