



MINUTES OF THE ORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held via Zoom and at the Queanbeyan Council Chambers, 253 Crawford Street, Queanbeyan on Wednesday, 9 February 2022 commencing at 5.30pm.

ATTENDANCE

Councillors: Cr Winchester (Chairperson)
Cr Biscotti
Cr Burton
Cr Grundy
Cr Livermore
Cr Preston
Cr Taskovski
Cr Ternouth
Cr Webster
Cr Willis

Staff: P Tegart, CEO
P Hansen, Portfolio General Manager Community Connections
J Richards, Portfolio General Manager Community Choice
K Monaghan, Portfolio General Manager Organisational Capability
G Harlor, A/Portfolio General Manager Natural and Built Character

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

049/22

RESOLVED (Biscotti/Taskovski)

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

The resolution was carried unanimously.

4. CONFIRMATION OF MINUTES

4.1 Minutes of the Ordinary Meeting of Council held on 27 January 2022

050/22

RESOLVED (Biscotti/Webster)

That the Minutes of the Ordinary Meeting of Council held in the Queanbeyan Council Chambers on Thursday 27 January 2022 be confirmed.

The resolution was carried unanimously.

5. DISCLOSURES OF INTERESTS

051/22

RESOLVED (Biscotti/Grundy)

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.

Cr Preston declared a less than significant non-pecuniary interest in Item 9.5: Modification to Development Consent - DA.2017.217.A - Two Lot Subdivision - 31 Ellendon Street Bungendore, stating the applicant is known to him.

Cr Taskovski declared a significant pecuniary interest in Item 9.1: Development Application DA.2021.1347 - Construction of 3 x Three-Storey Residential Flat Buildings (96 Apartments) and Multi-Unit Dwellings (27 Two-Storey Townhouses) - 15 McFarlane Avenue, Googong, stating he is a member of the specified company or body that may be engaged in sale.

Cr Willis declared a less than significant non-pecuniary interest in Item 9.5: Modification to Development Consent - DA.2017.217.A - Two Lot Subdivision - 31 Ellendon Street Bungendore, stating the applicant is known to her, as a previous work colleague. She has not seen or spoken to the applicant for more than 15 years and considered it prudent not to participate in deliberations on the application.

Cr Willis declared a less than significant non-pecuniary interest in Item 9.11: Proposal to Acquire Council Land - 17 Copperfield Place, Jerrabomberra, stating she is a member of the Queanbeyan Landcare Executive which decided to make representations to Council about the item. Upon being advised this to be the case, she advised the other Executive members that she was unable to participate in any discussion or submission drafting to avoid a conflict of interest when the matter comes before Council for determination. She has not participated in discussions about the group's representations or assisted with drafting any written material on this item, and therefore proposes to vote on the matter.

6. ADJOURNMENT FOR PUBLIC FORUM

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

052/22

RESOLVED (Winchester/Biscotti)

That the meeting be adjourned to conduct the Public Forum.

The resolution was carried unanimously.

ADJOURNMENT:

The meeting adjourned for the Public Forum at 5.33pm and resumed at 6.02pm.

7. MAYORAL MINUTE

There was no Mayoral Minute.

8. NOTICES OF MOTIONS OF RESCISSION

There were no Notices of Motions of Rescission.

Cr Taskovski declared an interest in the following item and left the Chambers at 6.02pm.

9. REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.1 Development Application DA.2021.1347 - Construction of 3 x Three-Storey Residential Flat Buildings (96 Apartments) and Multi-Unit Dwellings (27 Two-Storey Townhouses) - 15 McFarlane Avenue, Googong

MOVED (Biscotti/Burton)

That:

1. Development application DA.2021.1347 for the construction of 3 x three-storey residential flat buildings (96 Apartments) and multi-unit dwellings (27 x two-storey townhouses) on Lot 564 DP 1263952, No.15 McFarlane Avenue, Googong be granted conditional approval.
2. Condition 2 be upgraded to reflect a requirement for the applicant to submit a traffic and parking plan to the Traffic Committee and for further staff assessment and approval in relation to potential impacts on the on-street parking proposed by this development in the precinct, on a nearby proposed school site.

Cr Willis foreshadowed a CONTRARY motion: ["That Council defer consideration of this matter pending advice about:

- a. The substantial increase in proposed yield relative to the number of dwellings at the time the sub-division was made.
- b. The number of variations from planning controls.
- c. Whether the number of variations is a consequence of the substantial increase in the proposed number of dwellings on site compared to the number proposed at the time of subdivision.

- d. The cumulative impact of the multiple variations on this site and implications for future approvals on similarly zoned land at Googong.
- e. The applicability and legal force of the Apartment Design Guide.
- f. Construction of dwellings that exclude at least one external window in each living room.”]

The motion (of Crs Biscotti and Burton) was brought forward, PUT and CARRIED.

053/22

RESOLVED (Biscotti/Burton)

That:

1. Development application DA.2021.1347 for the construction of 3 x three-storey residential flat buildings (96 Apartments) and multi-unit dwellings (27 x two-storey townhouses) on Lot 564 DP 1263952, No.15 McFarlane Avenue, Googong be granted conditional approval.
2. Condition 2 be upgraded to reflect a requirement for the applicant to submit a traffic and parking plan to the Traffic Committee and for further staff assessment and approval in relation to potential impacts on the on-street parking proposed by this development in the precinct, on a nearby proposed school site.

For: Crs Biscotti, Burton, Grundy, Ternouth and Winchester

Against: Crs Livermore, Preston, Webster and Willis

Cr Taskovski returned to the Chambers at 6.17pm.

9.2 Development Application DA.2021.1436 - Construction of a South Jerrabomberra Community Centre - 360A Lanyon Drive, Tralee

054/22

RESOLVED (Preston/Biscotti)

That development application DA.2021.1436 for the construction of a Community Facility on Lot 189 DP 1272220, No. 360A Lanyon Drive, Tralee be granted conditional approval.

The resolution was carried unanimously.

9.3 Development Application - DA.2020.1704 - Construction of a Dwelling House and Clause 4.6 Variation to Minimum Lot Size - 129 Silver Lane, Boro

055/22

RESOLVED (Burton/Webster)

That:

1. Approval be granted to a variation to Clause 4.6 of the Palerang Local Environmental Plan 2014 to allow a 16.25% variation to the minimum lot size for the following reasons:
 - a. The construction of the dwelling will not disrupt any agricultural activities on the land or limit the potential for the subject site to be used for agricultural purposes in the future.
 - b. The application documents indicate that the site previously contains a dwelling which is no longer available on site. Therefore, reconstructing a dwelling on the land is consistent with the previous use of the land.
2. Development application DA.2020.1704 for a construction of a dwelling house and variation to minimum lot size under Clause 4.6 of Palerang Local Environmental Plan 2014 on Lot 9 DP 754867 No.129 Silver Lane, Boro be granted conditional approval.
3. Those persons who lodged a submission on the application be advised in writing of the determination of the application.
4. The Department of Planning, Industry and Environment be forwarded a copy of Council's Notice of Determination.

The resolution was carried unanimously.

9.4 Development Application - DA.2021.1594 - Construction of a Dwelling House - Heritage Conservation Area - 12 Isabella Street, Queanbeyan

056/22

RESOLVED (Taskovski/Ternouth)

That:

1. Development application DA.2021.1594 for construction of a dwelling house on Lot 8 DP 32617 and Lot 12 DP 1115546, 12 Isabella Street Queanbeyan be granted conditional approval.
2. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.

The resolution was carried unanimously.

Crs Preston and Willis declared an interest in the following item.

Cr Willis left the Chambers at 6.19pm.

9.5 Modification to Development Consent - DA.2017.217.A - Two Lot Subdivision - 31 Ellendon Street Bungendore

057/22

RESOLVED (Biscotti/Burton)

That modification application DA.2017.271.A for modification of DA.2017.171 (MOD.2018.083) for a two Lot Subdivision on Lot 9 DP758183 at 31 Ellendon Street, Bungendore be determined as follows:

- Conditions 2, 57, 58 and 61 of the development consent to be deleted.
- Conditions 59 and 60 of the development consent to be amended to reflect current development contribution amounts.

For: Crs Biscotti, Burton, Grundy, Livermore, Taskovski, Ternouth, Webster and Winchester

As declared in his disclosure, Cr Preston did not vote.

Cr Willis returned to the Chambers at 6.22pm.

9.6 Determination Report - Review of Environmental Factors - QPRC Regional Sports Complex - Envirova Drive

058/22

RESOLVED (Taskovski/Biscotti)

That Council:

1. Is satisfied that, as recommended in the REF, the project does not require the preparation of an environmental impact statement.
2. Grant approval for the Queanbeyan- Palerang Regional Sports Complex on Lot 6 DP 239080, Lot 1 DP 313299 and Lot 1 DP 213249 subject to the mitigation measures detailed in the Review of Environmental Factors prepared by Cardno dated 7 September 2021 and the additional conditions 1 to 8 detailed in this report.
3. Note that the following works at the Queanbeyan-Palerang Regional Sports Complex are covered by this determination report:
 - Bulk earthworks across the site
 - Construction of:
 - o four (4) soccer fields
 - o two (2) hockey pitches
 - o multiple northern playing fields
 - o car parking
 - o a main access road & internal roads and paths
 - o stormwater infrastructure
 - o a storage/maintenance shed.

- Installation of:
 - o public lighting, including sports field flood lighting
 - o utilities
 - o fencing
 - o irrigation
 - o signage.
- Initial landscaping
- Creek remediation.

The resolution was carried unanimously.

9.7 Draft Bungendore Section 7.11 Contributions Plan for Community and Recreation Facilities 2022

059/22

RESOLVED (Preston/Livermore)

That Council adopt the Draft Bungendore Section 7.11 Development Contributions Plan for Community and Recreation Facilities 2022 and the amended Palerang Council Section 94A Development Contributions Plan 2015.

The resolution was carried unanimously.

9.8 Discussion Paper - A New Approach to Rezoning

060/22

RESOLVED (Willis/Ternouth)

That Council:

1. Note the proposed reforms proposed by the Department of Planning, Industry and Environment (DPIE).
2. Endorse the draft submission prepared by staff being forwarded to the DPIE.

The resolution was carried unanimously.

9.9 NSW Planning Amendments for Agriculture and Agritourism

061/22

RESOLVED (Burton/Taskovski)

That Council adopt the following in relation to the draft Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 and that these be included in Council's response:

1. That the current permissibility of "farm stay accommodation" in Council's Local Environmental Plans (LEPs) be retained including the future Queanbeyan-Palerang Local Environmental Plan 2022 (QPLEP 2022).
2. That the optional Clause 5.23 be included in Council's LEPs to ensure consideration of impacts associated with farm stay accommodation are included in the determination of any development application for such use.

3. That a maximum 100m² gross floor area be set for a building used for farm stay accommodation for the purpose of 5.23(2)(b) and the effectiveness and any variations be monitored for the first review of the future QPLEP 2022.
4. That the maximum number of 20 guests be adopted for the purpose of Clause 5.23(2)(c).
5. That the maximum number of 6 moveable dwellings be adopted for the purpose of Clause 5.23(2)(d)
6. That the optional Clause 5.24 be included in Council's LEPs to ensure consideration of impacts associated with farm gate premises are included in the determination of any development application for such use.
7. That the maximum gross floor area of 200m² for a farm gate premises be adopted for the purposes of Clause 5.24(2)(a).
8. That the maximum number of persons allowed on the land at any one time for the farmgate premises be set at 50 persons for the purpose of Clause 5.24(2)(b).
9. That agritourism be listed under the Permitted with Consent section of the following zone tables in Council's LEPs:
 - RU1 Primary Production zone
 - RU2 Rural Landscape
 - R5 Large Lot Residential
 - C3 (E3) Environmental Management
 - C4 (E4) Environmental Living.

The resolution was carried unanimously.

9.10 Tender Regional Sports Complex Buildings

062/22

RESOLVED (Biscotti/Taskovski)

That Council award Contract No 2021-05, for the design and construction of Pavilions at the Regional Sports Complex, to Hines Construction P/L for the lump sum price of \$5,954,749.69 including GST.

The resolution was carried unanimously.

Cr Willis declared an interest in the following item.

9.11 Proposal to Acquire Council Land - 17 Copperfield Place, Jerrabomberra

063/22

RESOLVED (Willis/Preston)

That Council:

1. Note the proposal to purchase Council land as described in this report.
2. Decline to proceed with the proposal noting that expansion of the proponent's activities onto this land is inconsistent with the purposes for which Council acquired the land, namely to conserve and rehabilitate threatened habitat in perpetuity.

The resolution was carried unanimously.

9.12 Related Party Disclosures Policy

064/22

RESOLVED (Livermore/Winchester)

That Council adopt the updated Related Party Disclosures Policy.

The resolution was carried unanimously.

9.13 Australia Day Donations 2022

065/22

RESOLVED (Webster/Livermore)

That Council makes donations totalling \$2,400 to the following community organisations that provided assistance with Australia Day 2022:

- Queanbeyan Girl Guides \$400
- Rotary Branch – Queanbeyan West \$400
- Legacy – Queanbeyan Branch \$200
- Captains Flat Community Group \$200
- Queanbeyan Lions Club \$200
- Lions Club – Braidwood \$200
- ACT Emergency Service Agencies Pipes and Drums \$200
- Bungendore CWA \$200
- Queanbeyan Red Cross \$200
- Queanbeyan CWA \$200

The resolution was carried unanimously.

9.14 ACT-QPRC: Statement of Intent

066/22

RESOLVED (Willis/Preston)

That Council:

1. Endorse the draft 2022 QPRC-ACT Statement of Intent and priority areas.
2. Submit the draft to the ACT Chief Minister for consideration.
3. Authorise execution of the documents by the Mayor and CEO, if the draft remains substantively unchanged by the Chief Minister.

The resolution was carried unanimously.

9.15 Affordable Housing

067/22

RESOLVED (Willis/Preston)

That Council:

1. Note the report
2. Note its eligibility for a regional housing delivery plan and enabling infrastructure funding.
3. Authorise staff to prepare an application for funding for enabling infrastructure to existing greenfield development or build to rent sites.

The resolution was carried unanimously.

10. REPORTS TO COUNCIL - ITEMS FOR INFORMATION

10.1 Commencement - State Environmental Planning Policy (Housing)

068/22

RESOLVED (Biscotti/Taskovski)

That the report be received for information.

The resolution was carried unanimously.

10.2 Recent Changes to Enable the ACT Suburban Land Agency to Operate in NSW

069/22

RESOLVED (Biscotti/Winchester)

That the report be received for information.

The resolution was carried unanimously.

- 070/22 **10.3 Employment Zone Review**
RESOLVED (Winchester/Livermore)
That the report be received for information.

The resolution was carried unanimously.

- 071/22 **10.4 Draft State Significant Land Mapping**
RESOLVED (Willis/Biscotti)
That the report be received for information.

The resolution was carried unanimously.

11. REPORTS OF COMMITTEES

There were no Reports of Committees.

12. NOTICES OF MOTIONS

12.1 Recycling Bins in Towns and City Centres

The Notice of Motion was withdrawn by Cr Grundy.

12.2 Publishing Workshop and Meeting Details

MOVED (Willis/Taskovski)

That Council:

1. Publish details of the date a councillor workshop was held and the workshop topic.
2. Where an external presenter attends a councillor workshop, publish their name, the organisation they represent and the topic of their presentation to the workshop.
3. Publish a list of the meetings attended by the Mayor, the Deputy Mayor when deputising for the Mayor, the Chief Executive Officer and Portfolio General Managers.
4. For the matters referred to in items 1 to 3 above, publish details in the next available council business paper, as an information item.
5. Withhold from publication any information that is of a personal nature or concerns matters for which Council is seeking legal advice or a legal determination the publication of which could legally disadvantage parties to the matter.

During discussion and with consent of the seconder, the Notice of Motion was withdrawn by Cr Willis.

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

There were no matters for Closed Session.

16. CONCLUSION OF THE MEETING

The time being 7.00pm, the Mayor announced that the Agenda for the meeting had now been completed.

**CR KENRICK WINCHESTER
MAYOR
CHAIRPERSON**