



MINUTES OF THE ORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held via Zoom and at the Council Chambers, 253 Crawford Street, Queanbeyan on Wednesday, 14 September 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  
Cr Wilson

**Staff:**

R Ryan, CEO  
P Hansen, Portfolio General Manager Community Connections  
M Thompson, Portfolio General Manager Natural and Built Character  
J Richards, Portfolio General Manager Community Choice  
K Monaghan, Portfolio General Manager Organisational Capability

**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.

A minute of silence was observed in recognition of the passing of Queen Elizabeth II.

**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 24 August 2022**

351/22

**RESOLVED (Winchester/Willis)**

That the Minutes of the Ordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday 24 August 2022 be confirmed.

The resolution was carried unanimously.

**5. DISCLOSURES OF INTERESTS**

352/22

**RESOLVED (Winchester/Preston)**

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**

At this stage of the proceedings, the time being 5.34pm, Cr Winchester advised that the meeting should now adjourn for the Public Forum.

353/22

**RESOLVED (Winchester/Webster)**

That the meeting be adjourned to conduct the Public Forum.

The resolution was carried unanimously.

**ADJOURNMENT:**

The meeting adjourned for the Public Forum at 5.34pm and resumed at 6.21pm.

**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 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 SP 93173 known as 3-5 Gregory Street, Queanbeyan West**

354/22

**RESOLVED (Preston/Biscotti)**

That development application DA.2021.1716 for erection of a pole mounted, digital advertising structure at Lot 3 SP 93173, 3/5 Gregory Street, Queanbeyan West be refused for the following reasons:

1. The proposed development is not consistent with the following provisions of State Environmental Planning Policy (Industry and Employment) 2021:
  - i. Clause 3.6(a) – The proposed development is not compatible with the desired amenity and visual character of the area.
  - ii. Clause 3.6(b) – The proposed development does not meet the following criteria specified in Schedule 5:
    - Character of the Area
    - Special Areas
    - Views and Vistas
    - Streetscape, Setting and Landscape
    - Site and Building
    - Illumination
    - Safety
2. Council considers the proposed development is contrary to the aims specified in clause 1.2(2)(d), (e) and (f) of Queanbeyan Local Environmental Plan 2012:
  - (d) *to recognise and protect Queanbeyan's natural, cultural and built heritage including environmentally sensitive areas such as Queanbeyan's native grasslands, the Queanbeyan River and Jerrabomberra Creek;*
  - (e) *to protect the scenic quality, views and vistas from main roads and other vantage points within Queanbeyan of the escarpment and Mount Jerrabomberra, and*
  - (f) *to maintain the unique identity and country character of Queanbeyan.*
3. Council is not satisfied by the application and its accompanying documents that the proposed development is consistent with the objectives of Part 7 the Queanbeyan Development Control Plan 2012 specified by sections 7.1.2 (5):
  - (5) *Ensure development has a visually appealing appearance to the street.*
4. Council is not satisfied by the application and its accompanying documents that the proposed development is consistent with the objectives of Part 7 of Council's applicable Queanbeyan Development Control Plan 2012 specified by sections 7.2.2 (5):
  - (5) *Protect and enhance the visual amenity of entry points into Queanbeyan.*

5. Council is not satisfied by the application and its accompanying documents that the proposed development meets the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 in respect of the safe distance of the sign from an intersection and Council considers that the proposal could have a significant safety impact on traffic on the corner of a priority-controlled T intersection (Corner of Canberra Avenue and Kealman Road).
6. Council considers the proposed location of the sign will reduce off-street parking spaces.
7. The proposal does not promote the aims of the Queanbeyan Local Environmental Plan 2012 particularly relating to vistas and visual amenity entering Queanbeyan City and as such Council considers there to be no overriding public interest in favour of granting consent for the proposed development.

The resolution was carried unanimously.

**9.2 Modification Application 452-2000.A - Extension to Operating Hours - Jerrabomberra Hotel - 2 Limestone Drive, Jerrabomberra**

**MOVED (Taskovski/Biscotti)**

That modified development application 452-2000.A, for the extension of the hours of operation for the Jerrabomberra Hotel bar on Lot 4 DP 1037309, 2 Limestone Drive Jerrabomberra, be granted conditional approval.

Cr Willis foreshadowed a CONTRARY motion: [That Council refuse consent for modified development application 452-2000.A, for the extension of the hours of operation for the Jerrabomberra Hotel bar on Lot 4 DP 1037309, 2 Limestone Drive Jerrabomberra, on the grounds that:

1. The adverse impacts on the amenity and safety of the neighbouring community outweigh any private benefit, namely the opportunity to sell alcohol until 3am in an area zoned B1 – Neighbourhood Centre, particularly given the proximity of homes to the hotel.
2. The NSW Police assessment of the impacts of the development application noted that police attend the area for offences which relate to the consumption of alcohol, namely drink-driving, assaults and property damage, as well as for illegal drug use.
3. Academic research cited in the Police report noting evidence linking the physical availability of alcohol, alcohol consumption and alcohol-related harm.
4. The extension of trading hours of licenced premises beyond midnight may increase demands to respond to incidents at a time that policing resources are constrained, with Police having one response vehicle for Greater Queanbeyan from midnight.

5. The Monaro Police District supports a decrease in trading hours of licenced premises as research has shown that an increase in trading hours and selling alcohol late at night can increase the rates of violence and anti-social behaviour.”]

The motion (of Crs Taskovski and Biscotti) was PUT and LOST.

For: Cr Taskovski

Against: Crs Biscotti, Burton, Grundy, Livermore, Preston, Ternouth, Webster, Willis, Wilson and Winchester

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

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**RESOLVED (Willis/Wilson)**

That Council refuse consent for modified development application 452-2000.A, for the extension of the hours of operation for the Jerrabomberra Hotel bar on Lot 4 DP 1037309, 2 Limestone Drive Jerrabomberra, on the grounds that:

1. The adverse impacts on the amenity and safety of the neighbouring community outweigh any private benefit, namely the opportunity to sell alcohol until 3am in an area zoned B1 – Neighbourhood Centre, particularly given the proximity of homes to the hotel.
2. The NSW Police assessment of the impacts of the development application noted that police attend the area for offences which relate to the consumption of alcohol, namely drink-driving, assaults and property damage, as well as for illegal drug use.
3. Academic research cited in the Police report noting evidence linking the physical availability of alcohol, alcohol consumption and alcohol-related harm.
4. The extension of trading hours of licenced premises beyond midnight may increase demands to respond to incidents at a time that policing resources are constrained, with Police having one response vehicle for Greater Queanbeyan from midnight.
5. The Monaro Police District supports a decrease in trading hours of licenced premises as research has shown that an increase in trading hours and selling alcohol late at night can increase the rates of violence and anti-social behaviour.

The resolution was carried unanimously.

**9.3 Review of Determination REV.2022.1001 - 2 Lot Subdivision with Associated Works - Review of Council's Determination of DA.2021.1240 - Albion Hotel - 119 Wallace Street, Braidwood**

**MOVED (Grundy/Biscotti)**

That:

1. Council note that it is precluded from refusing an application on 'heritage grounds' under s.4.48 of the *Environmental Planning and Assessment Act 1979* where:
  - The application is for integrated development for which a heritage approval is required; and
  - The same development is the subject of a heritage approval.
2. The section 8.2 review application (REV.2022.1001) of development application DA.2021.124 for a two lot Torrens title subdivision including ancillary demolition of two sheds and garage and associated works on Lot 1 DP 598830 at 119 Wallace Street, Braidwood be granted conditional approval.
3. Heritage New South Wales be forwarded a copy of Council's Notice of Determination.

**AMENDMENT (Willis/Preston)**

That Council defer consideration of Review of Determination REV.2022.1001 (DA.2021.1240) to seek clarification on a number of legal issues including:

1. Whether the scope of modifications to the original application for determination exceeds the variation permissible for a valid review application under the *Environment Planning and Assessment Act 1979* given it now includes demolition of items listed on the Palerang Local Environmental Plan 2014, and
2. Whether the review application is a validly made Integrated Development Application, in particular, whether the review application is permitted to rely on Section 60 approvals which were granted prior to the lodgement for a review of determination of DA.2021.1240.

The amendment (of Crs Willis and Preston) was PUT and CARRIED and became the motion.

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

The motion was PUT and CARRIED.

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**RESOLVED (Willis/Preston)**

That Council defer consideration of Review of Determination REV.2022.1001 (DA.2021.1240) to seek clarification on a number of legal issues including:

1. Whether the scope of modifications to the original application for determination exceeds the variation permissible for a valid review application under the *Environment Planning and Assessment Act 1979* given it now includes demolition of items listed on the Palerang Local Environmental Plan 2014, and
2. Whether the review application is a validly made Integrated Development Application, in particular, whether the review application is permitted to rely on Section 60 approvals which were granted prior to the lodgement for a review of determination of DA.2021.1240.

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

Against: Crs Biscotti, Burton and Grundy

**9.4 Planning Proposal - Housekeeping Amendments to the Queanbeyan Local Environmental Plan 2012**

**MOVED (Wilson/Biscotti)**

That Council agree to progress the submitted Scoping Proposal for housekeeping amendments to the Queanbeyan Local Environmental Plan 2012 in respect of the Googong Urban Release Area.

**AMENDMENT (Willis/Preston)**

That Council:

1. Remove Item 1 - Change the minimum lot size of land along a 100m strip of the southern boundary of the Googong Township and Old Cooma Road from the Scoping Proposal for housekeeping amendments to the *Queanbeyan Local Environmental Plan 2012*, as it is not in the public interest to erode the visual buffer between Googong Township and the surrounding rural lands.
2. Re-number the remaining items in the Scoping Proposal.
3. Agree to progress the amended Scoping Proposal.

The amendment (of Crs Willis and Preston) was PUT and LOST.

For: Crs Burton, Webster and Willis

Against: Crs Biscotti, Grundy, Livermore, Preston, Taskovski, Ternouth, Wilson and Winchester

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

357/22

**RESOLVED (Wilson/Biscotti)**

That Council agree to progress the submitted Scoping Proposal for housekeeping amendments to the Queanbeyan Local Environmental Plan 2012 in respect of the Googong Urban Release Area.

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

**9.5 Planning Proposal - Rezoning of Some Lands Within Bywong and Wamboin from C4 Environmental Living to R5 Large Lot Residential**

**MOVED (Preston/Willis)**

That Council:

1. Not proceed with the Planning Proposal PP-2021-860 to rezone certain land at Bywong and Wamboin from C4 Environmental Living to R5 Large Lot Residential.
2. Re-visit the merits of the previous discontinued Planning Proposal to review the range of exempt and complying development allowed in the C4 Environmental Living zone.

Cr Grundy foreshadowed a CONTRARY motion: ["That Council:

1. Note the report.
2. Address concerns raised by the Department of Planning and Environment – Biodiversity and Conservation and the ACT Government by amending the planning proposal prepared by the independent planning consultant in the following way:
  - a. Including only allotments of land that are identified in the 2022 Biosis report as being 100% Class 3 (low value biodiversity) vegetation, as proposed R5 Large Lot Residential; and
  - b. Minimising fragmentation of land use zones by excluding areas less than 30 hectares.
3. Progress the Planning Proposal PP-2021-860 as amended in item 2, to rezone certain land zoned C4 Environmental Living to R5 Large lot Residential.
4. Note the advice from the Department of Planning and Environment that a further extension to the Gateway is denied.
5. Submit the amended planning proposal to the Department of Planning and Environment for a new Gateway Determination."]

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



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**RESOLVED (Preston/Willis)**

That Council:

1. Not proceed with the Planning Proposal PP-2021-860 to rezone certain land at Bywong and Wamboin from C4 Environmental Living to R5 Large Lot Residential.
2. Re-visit the merits of the previous discontinued Planning Proposal to review the range of exempt and complying development allowed in the C4 Environmental Living zone.

For: Crs Burton, Livermore, Preston, Taskovski, Ternouth, Webster, Willis, Wilson and Winchester

Against: Crs Biscotti and Grundy

**9.6 Results of Community Consultation - Blind Creek Solar Farm - Draft Planning Agreement**

359/22

**RESOLVED (Willis/Preston)**

That Council:

1. Receive and note the matters raised as well as the responses and recommendations received as a result of the recent exhibition of the Blind Creek Solar Farm Planning Agreement.
2. Authorise the Mayor and CEO to execute the Blind Creek Solar Farm Planning Agreement.

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

Against: Cr Grundy

**9.7 Locality Boundary Re-alignment – Northanger / Braidwood**

360/22

**RESOLVED (Burton/Webster)**

That Council:

1. Endorse the proposed realignment of the Braidwood / Northanger Locality boundary to the east of existing line as per the map in Attachment 2.
2. Progress the change with the Geographical Names Board to be gazetted.

The resolution was carried unanimously.

**9.8 Bungendore Men's Shed and Rotary Access to Sports Hub Land**

361/22

**RESOLVED (Biscotti/Wilson)**

That:

1. Council agree in principle to the proposal to establish a base for the Bungendore Men's Shed and Bungendore Rotary at the Bungendore Sports Hub.
2. Council begin negotiations between the parties to prepare a draft lease agreement setting out the value of the lease and the responsibilities of each party.
3. Upon preparation of the draft lease agreement the matter be returned to Council for consideration.

The resolution was carried unanimously.

**9.9 Cities Power Partnership - Adoption of Pledges**

362/22

**RESOLVED (Willis/Wilson)**

That Council:

1. Pledge to prioritise and achieve the following five key sustainability actions:
  - Support local community energy projects and encourage investment in community energy.
  - Provide incentives for energy efficient developments and upgrades to existing buildings.
  - Install renewable energy (solar and battery storage) on Council buildings.
  - Encourage sustainable transport use such as public transport, walking and cycling through council transport planning and design.
  - Support community facilities to access renewable energy through incentives, support or grants.
2. Write to the Cities Power Partnership acknowledging nomination of the above five key actions.

The resolution was carried unanimously.

**9.10 Queanbeyan CBD Wayfinding Strategy**

363/22

**RESOLVED (Willis/Preston)**

That:

1. Council place the draft Queanbeyan CBD Wayfinding Strategy on public exhibition for 28 days.
2. Following the exhibition period, a further report be prepared for Council to consider the matters raised in submissions.
3. If no submissions are received, the draft Queanbeyan CBD Wayfinding Strategy be adopted.

The resolution was carried unanimously.

**9.11 German Auto Day - Sunday 25 September 2022 Traffic Report Approval**

364/22

**RESOLVED (Wilson/Biscotti)**

That Council approve the conduct of the German Auto Day car show to be held on Sunday 25 September 2022 from 10am to 3pm in Queanbeyan Park.

The resolution was carried unanimously.

**9.12 Stronger Country Community Fund Round 5 Project Nomination**

365/22

**RESOLVED (Biscotti/Wilson)**

That Council nominate projects in order of priority from the list contained in the report, to proceed to application under Round 5 of the Stronger Country Communities Fund.

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

The following projects were nominated:

No	Project	Budget Estimate	Funding Sought
1	Queanbeyan Aquatic Centre Upgrade Change Rooms	\$ 552,052	\$ 271,233
2	QCCP Foyer, Forecourt and Walkway Acknowledgment of Country Artworks	\$ 200,000	\$ 200,000
3	Public Amenities Disability Upgrades	\$ 250,000	\$ 250,000
4	Braidwood - Accessible paths and ramp for access from parking space to pool entry and public toilets	\$ 120,000	\$ 120,000
5	Pool pods Braidwood and Queanbeyan Outdoor Pools	\$200,000	\$200,000
6	Captains Flat Pool leak rectification and disability access	\$ 576,630	\$ 576,630
7	Shared Path - Wallace Street Braidwood	\$ 274,176	\$ 274,176
8	Playground replacement at Carwoola and Naylor Parks	\$ 200,000	\$ 200,000

- 366/22
- 9.13 Monaro Rail Trail**  
**RESOLVED (Preston/Livermore)**
- That Council:
1. Receive and note the finalised Trail Development Plan for Stage 1a of the MRT and the working draft of v.3 of the MRT Business Case.
  2. Provide in-principle support for the Monaro Rail Trail (MRT) and continue to:
    - a. work with Snowy Monaro Regional Council (SMRC) and other stakeholders to bring the Queanbeyan-Michelago stage of the MRT to an investment-ready position;
    - b. identify suitable models for a partnership with SMRC and/or MRT Inc for the construction and operational phases of the project;
    - c. discuss potential lease arrangements with Transport for NSW for the rail corridor and report back to Council;
    - d. identify options and plan for the extension of the MRT into the Queanbeyan CBD and existing cycle networks to maximise the economic and community benefit of the project, and
    - e. identify funding opportunities for the construction of the initial stage of the MRT and, subject to the support of Council, prepare and submit funding applications.

The resolution was carried unanimously.

- 367/22
- 9.14 Carry Forward / Revote of Expenditure to Financial Year 2022/23**  
**RESOLVED (Wilson/Livermore)**
- That Council carry forward and re-vote budgets of \$22,255,182 into the 2022-23 financial year for the projects listed in the attached report.

The resolution was carried unanimously.

- 368/22
- 9.15 June 2022 Quarterly Budget Review Statement**  
**RESOLVED (Wilson/Webster)**
- That Council:
1. Accept the June 2022 Quarterly Budget Review Statement.
  2. Accept the Cash and Reserves Report and confirm the internal cash reserves as at 30 June 2022 as per the report.

The resolution was carried unanimously.

**9.16 Reviewed Policies**

369/22

**RESOLVED (Willis/Ternouth)**

That:

1. Council place the following Policies on public exhibition for 28 days:
  - Statement of Business Ethics
  - Unsealed Road Maintenance Policy
  - Stakeholder and Community Engagement Policy Framework
  - Playground Management Policy
  - Signs by Remote Supervision Policy
  - Street Verge Maintenance Policy
  - Managing Unreasonable Conduct by Complainants Policy
  - Volunteering Policy
  - Operations Sustainability Policy
  - Boundary Fences Adjoining Council Public Reserves Policy
2. If no submissions are received, the policies be adopted.

The resolution was carried unanimously.

**10. REPORTS TO COUNCIL - ITEMS FOR INFORMATION**

**10.1 Resolution Action Sheet**

370/22

**RESOLVED (Burton/Winchester)**

That the report be received for information.

The resolution was carried unanimously.

**10.2 Councillor Workshops**

371/22

**RESOLVED (Preston/Grundy)**

That the report be received for information.

The resolution was carried unanimously.

**11. REPORTS OF COMMITTEES**

372/22

**11.1 First Nations Consultative Committee Minutes 3 August 2022**

**RESOLVED (Willis/Ternouth)**

That Council:

1. Note the minutes of the First Nations Consultative Committee held on 3 August 2022.
2. Retain the word 'emerging' in all Acknowledgement of Country statements within Council, including webpages.

The resolution was carried unanimously.

**12. NOTICES OF MOTIONS**

There were no Notices of Motions.

**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**

373/22

**RESOLVED (Winchester/Ternouth)**

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 2022-30 - Cooma Road Realignment**

*Item 16.1 is confidential in accordance with s10(A) (di) of the Local Government Act 1993 because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**Item 16.2 Renewable Energy Power Purchase Agreement-Variation of Binding Agreement**

*Item 16.2 is confidential in accordance with s10(A) (di) of the Local Government Act 1993 because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it 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 7.50pm to discuss the matters listed above.

**16.1 Tender 2022-30 - Cooma Road Realignment**

374/22

**RESOLVED (Wilson/Ternouth)**

That Council award Contract 2022-30 for the Cooma Road Realignment contract to Denrith Pty Ltd T/A Divall's Earthmoving and Bulk Haulage for the amount of \$1,332,486 (Ex GST).

The resolution was carried unanimously.

**16.2 Renewable Energy Power Purchase Agreement - Variation of Binding Agreement**

375/22

**RESOLVED (Preston/Wilson)**

That Council:

1. Authorise the CEO to sign the Binding Agreement variation that includes a revised Ceiling Price.
2. Authorise the CEO to execute the electricity supply contract documents to be provided by Procurement Australia post acceptance of a final offer should Procurement Australia accept an offer.

The resolution was carried unanimously.

376/22

**RESOLVED (Winchester/Preston)**

That the meeting now return to Open Session.

The resolution was carried unanimously.

The meeting returned to Open Session at 7.57pm.

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 7.58pm, the Mayor announced that the Agenda for the meeting had now been completed.

**CR KENRICK WINCHESTER  
MAYOR  
CHAIRPERSON**