



## PLANNING AND STRATEGY COMMITTEE OF THE WHOLE MEETING

Council at its meeting of 23 November 2016 resolved (M/N 295/16) as follows:

The Planning and Strategy Committee of the Whole be delegated authority in accordance with Section 377 of the *Local Government Act 1993* to determine matters pursuant to the:

- *Environmental Planning and Assessment Act 1979*
- *Local Government Act 1993*
- *Swimming Pools Act 1992*
- *Roads Act 1993*
- *Public Health Act 2010*
- *Heritage Act 1977*
- *Protection of the Environment Operations Act 1997*

MINUTES OF THE PLANNING AND STRATEGY COMMITTEE OF THE WHOLE OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held at the Council Chambers, 253 Crawford St, Queanbeyan on Wednesday, 12 September 2018 commencing at 5.30pm.

### ATTENDANCE

**Councillor:** Cr Hicks (Chair), Crs Biscotti, Bray AM, Brown, Harrison, Marshall, Noveska, Schweikert, Taylor and Winchester.

**Staff:** P Hansen, A/Chief Executive Officer; P Neil, Portfolio General Manager Organisational Capability and D Carswell, A/Portfolio General Manager Natural and Built Character.

**Also Present:** W Blakey (Clerk of the Meeting) and L Ison (Minute Secretary).

#### 1. OPENING

The Deputy Mayor acknowledged the traditional custodians of the land upon which the meeting was held.

#### 2. APOLOGIES

PLA103/18

##### **RESOLVED (Taylor/Schweikert)**

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

The resolution was carried unanimously.

**3. DECLARATIONS OF INTEREST**

PLA104/18

**RESOLVED (Taylor/Schweikert)**

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 Biscotti declared a less than significant non-pecuniary interest in Item 5.1 – Development Application DA.2018.013 – Two Storey Mixed Use Development 31 Malbon Street Bungendore.

**4. PRESENTATIONS/DEPUTATIONS**

The following presenters were heard:

Ms Sherridan Marsh – Item 5.1 Development Application DA.2018.013 - Two Storey Mixed Use Development - 31 Malbon Street, Bungendore, and Item 5.3 - Modification Application MOD.2018.074 - 14 Malbon Street, Bungendore - Modification of DA.2015.014 - Request to Remove Developer Contributions for Off-street Car Parking

Mr Richard Graham – Item 5.1 - Development Application DA.2018.013 - Two Storey Mixed Use Development - 31 Malbon Street, Bungendore

Ms Kerry Douth – Item 5.1 - Development Application DA.2018.013 - Two Storey Mixed Use Development - 31 Malbon Street, Bungendore

Mr Stephen Rockman – Item 5.2 - Development Application 169-2018 - Warehouse Conversion to Commercial Premises, Wholesale Supplies and Function Centre - 22 Stephens Road, Crestwood

Mr Greg Nye – Item 5.3 - Modification Application MOD.2018.074 - 14 Malbon Street, Bungendore - Modification of DA.2015.014 - Request to Remove Developer Contributions for Off-street Car Parking, and Item 5.4 - Review of Rezoning and Dwelling Eligibility Requests

Ms Val Johanson – Item 5.4 - Review of Rezoning and Dwelling Eligibility Requests

PLA105/18

**RESOLVED (Schweikert/Taylor)**

That Ms Johanson be granted additional time to speak.

The resolution was carried unanimously.

During discussion Cr Brown raised a point of order stating that speakers are able to ask questions because the Planning and Strategy meeting is a committee of the whole meeting. The Deputy Mayor upheld the point the order.

Mr Grant Goodwin – Item 5.4 - Review of Rezoning and Dwelling Eligibility Requests

## STAFF REPORTS

### 5. ENVIRONMENT, PLANNING AND DEVELOPMENT

Cr Biscotti declared an interest in this item and left the meeting at 6.04pm.

#### 5.1 Development Application DA.2018.013 - Two Storey Mixed Use Development - 31 Malbon Street, Bungendore

PLA106/18

#### **RESOLVED** (Schweikert/Bray)

That:

1. Development application DA.2018.013 for a two (2) storey mixed use development comprised of three (3) commercial tenancies and seven (7) shop top housing units at 31 Malbon Street, Bungendore be refused for the following reasons:

Reasons for Refusal:

- (a) The proposed development is incompatible with the character of existing development within the locality and as such fails to satisfy the objectives of the B2 Local Centre zone under the Palerang Local Environmental Plan 2014 (4.15(1)(a)(i) Environmental Planning and Assessment Act 1979).
- (b) The proposed development fails to satisfy the principles of Crime Prevention through Urban Design and as such is contrary to the requirements of Section B5 of the Palerang Development Control Plan 2015 (4.15(1)(a)(iii) Environmental Planning and Assessment Act 1979).
- (c) The proposed two (2) storey development is of a bulk and scale that is incompatible with the character of existing single storey heritage listed cottages within the streetscape and as such is contrary to the requirements of Section B10.1.6 of the Palerang Development Control Plan 2015 (4.15(1)(a)(iii) Environmental Planning and Assessment Act 1979).
- (d) The proposed development fails to provide functional load and unloading facilities for the proposed commercial use contrary to the requirements of Section B15.2 of the Palerang Development Control Plan 2015 (4.15(1)(a)(iii) Environmental Planning and Assessment Act 1979).
- (e) The proposed development is incompatible with the character of existing development within the locality and as such fails to satisfy the requirements of Section B7.11 of the Palerang Development Control Plan 2015 (4.15(1)(a)(iii) Environmental Planning and Assessment Act 1979).
- (f) The proposed development is incompatible with the character of existing development within the locality and as such is considered to result in unacceptable impacts upon the built environment (4.15(1)(b) Environmental Planning

and Assessment Act 1979).

- (g) The proposed development was accompanied by insufficient information as to determine the likely impacts of additional traffic movements generated by the development upon the surrounding road network (4.15(1)(b) Environmental Planning and Assessment Act 1979).
  - (h) Throughout the public notification period a number of valid submissions were received raising concern in relation to the compatibility of the proposed development with the surrounding streetscape. As such, the proposed development is considered to be contrary to the public interest (4.15(1)(d) Environmental Planning and Assessment Act 1979).
2. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.
  3. Note that Council is yet to adopt a position on the heritage value of the cottage on Malbon Street.

The resolution was carried unanimously.

Cr Biscotti returned to the meeting at 6.12pm.

**5.2 Development Application 169-2018 - Warehouse Conversion to Commercial Premises, Wholesale Supplies and Function Centre - 22 Stephens Road, Crestwood**

PLA107/18

**RESOLVED (Bray/Schweikert)**

That:

1. Approval be granted to a variation to Part 2.2 of Queanbeyan Development Control Plan 2012 to allow a reduction in the overall number of car parking spaces provided for the following reasons:
  - (a) The use of the site as a proposed function centre can be conditioned to be used out of business hours between Monday to Friday and on Weekends and Public Holidays reducing the number of car parking spaces required during core business hours of surrounding uses.
  - (b) The use of the site as a food and drink premises (café) and as a function centre is ancillary to the predominant use of the site as a commercial kitchen and coffee roasting business. The demand for car parking will fluctuate and there will not be any impacts on sensitive land uses.
  - (c) Timed street parking is available on Stephens Road.
2. Development application 169-2018 for a warehouse conversion to a commercial premises, wholesale supplies and function centre on Lot 515 DP 565803, No. 22 Stephens Road, Crestwood be granted conditional approval.

The resolution was carried unanimously.

PLA108/18

**5.3 Modification Application MOD.2018.074 - 14 Malbon Street, Bungendore - Modification of DA.2015.014 - Request to Remove Developer Contributions for Off-street Car Parking**

**RESOLVED (Schweikert/Taylor)**

This item be deferred to an Ordinary meeting in Bungendore.

The resolution was carried unanimously.

**5.4 Review of Rezoning and Dwelling Eligibility Requests**

**MOVED (Taylor/Bray)**

That:

1. Council advise the owner of Lot 162 DP 754873 and Lot 97 DP 754915, Lake Road that the combination of these lots constitutes a '1995' holding and that under clause 4.2A(3)(e) a dwelling is permissible with consent.
2. Lot 21 DP 1018890 be deferred for Councillors to receive further information at a workshop.
3. Lot 1 DP 1171081, Federal Highway Service Road, Sutton not be rezoned to E4 Environmental Living.
4. The previous dwelling entitlement for Lot 1 DP 555380 (Old Cooma Road), Royalla be recognised in the preparation of the new comprehensive local environmental plan and advise the owner accordingly.
5. Lot 16 DP 846996 in Williamsdale be deferred to allow the applicant to submit further information to Council and for Councillors to receive further information in a workshop.

Cr Marshall foreshadowed a CONTRARY motion:

["That:

1. Council advise the owner of Lot 162 DP 754873 and Lot 97 DP 754915, Lake Road that the combination of these lots constitutes a '1995' holding and that under clause 4.2A(3)(e) a dwelling is permissible with consent.
2. Council retain the E3 Environmental landuse zone on Lot 21 DP 1018890.
3. The planning provisions relating to Lot 16 DP 846996, Williamsdale not be amended to allow subdivision of the allotment to permit an existing dwelling to be on a separate lot.
4. Lot 1 DP 1171081, Federal Highway Service Road, Sutton not be rezoned to E4 Environmental Living.
5. The previous dwelling entitlement for Lot 1 DP555380 (Old Cooma Road), Royalla be recognised in the preparation of the new comprehensive local environmental plan and advise the owner accordingly."]

The motion (of Crs Taylor and Bray) was PUT and CARRIED.

PLA109/18

**RESOLVED (Taylor/Bray)**

That:

1. Council advise the owner of Lot 162 DP 754873 and Lot 97 DP 754915, Lake Road that the combination of these lots constitutes a '1995' holding and that under clause 4.2A(3)(e) a dwelling is permissible with consent.
2. Lot 21 DP 1018890 be deferred for Councillors to receive further information at a workshop.
3. Lot 1 DP 1171081, Federal Highway Service Road, Sutton not be rezoned to E4 Environmental Living.
4. The previous dwelling entitlement for Lot 1 DP555380 (Old Cooma Road), Royalla be recognised in the preparation of the new comprehensive local environmental plan and advise the owner accordingly.
5. Lot 16 DP846996 in Williamsdale be deferred to allow the applicant to submit further information to Council and for Councillors to receive further information in a workshop.

For: Crs Biscotti, Bray, Brown, Harrison, Noveska, Schweikert,  
Taylor and Winchester

Against: Crs Hicks and Marshall

**5.5 Comprehensive Local Environmental Plan - Progress, Issues,  
Next Steps**

**MOVED (Schweikert/Bray)**

That:

1. Council endorse the draft planning proposal for the new comprehensive local environmental plan for the Queanbeyan-Palerang local government area.
2. The draft planning proposal be forwarded to the NSW Department of Planning seeking a Gateway determination under Section 3.34 of the *Environmental Planning and Assessment Act, 1979*.
3. Council notes that the LEP would have to be reviewed after five years.
4. Council request of the Minister a submission date of March 2020.

Cr Marshall foreshadowed a CONTRARY motion:

["That:

1. Council endorse the draft planning proposal for the new comprehensive local environmental plan for the Queanbeyan-Palerang local government area; and
2. The draft planning proposal be forwarded to the NSW Department of Planning seeking a Gateway determination under Section 3.34 of the *Environmental Planning & Assessment Act, 1979*. "]

The motion (of Crs Schweikert and Bray) was PUT, and with the vote being five all, the Deputy Mayor exercised his casting vote and declared the motion CARRIED.

PLA110/18

**RESOLVED (Schweikert/Bray)**

That:

1. Council endorse the draft planning proposal for the new comprehensive local environmental plan for the Queanbeyan-Palerang local government area.
2. The draft planning proposal be forwarded to the NSW Department of Planning seeking a Gateway determination under Section 3.34 of the *Environmental Planning and Assessment Act, 1979*.
3. Council notes that the LEP would have to be reviewed after five years.
4. Council request of the Minister a submission date of March 2020.

For: Crs Biscotti, Bray, Hicks, Taylor and Schweikert

Against: Crs Brown, Harrison, Marshall, Noveska and  
Winchester

**5.6 Queanbeyan CBD Car Parking Strategy**

PLA111/18

**RESOLVED (Marshall/Schweikert)**

That Council:

1. Consider the submissions and responses
2. Adopt the Queanbeyan CBD Car Parking Strategy
3. Refer the Strategy for consideration with the CBD Masterplan
4. Consider the estimates in the next Delivery Program.

The resolution was carried unanimously.

PLA112/18      **5.7      Just Terms Land Acquisition - Cooma Road Ballalaba**  
**RESOLVED (Winchester/Marshall)**  
That Council agree to acquire a small section of Crown land at Ballalaba in accordance with the procedures laid down in the *Land Acquisition (Just Terms Compensation) Act 1991*.

The resolution was carried unanimously.

PLA113/18      **5.8      Classification of Land - Weatherstone Circuit, Googong**  
**RESOLVED (Marshall/Schweikert)**  
That in accordance with Section 31(2) of the *Local Government Act 1993 (NSW)*, Council resolve that Lot 799 DP 1234249 (54 Weatherstone Circuit, Googong) the land classified as Operational Land.

The resolution was carried unanimously.

## **6.      ITEMS FOR INFORMATION**

### **6.1      Land-Use Planning Projects / Activities - Status Report**

#### **MOVED (Marshall/Brown)**

That:

1.      The report be received for information.
2.      Council take no further action on review of land zoned E4 in the localities of Bywong and Wamboin.

Cr Schweikert foreshadowed a CONTRARY motion: ["That the report be received for information."]

The motion (of Crs Marshall and Brown) and was PUT, and with the vote being five all, the Deputy Mayor exercised his casting vote and declared the motion LOST.

For:    Crs Brown, Harrison, Marshall, Noveska and Winchester  
Against:    Crs Biscotti, Bray, Hicks, Schweikert and Taylor

The contrary motion (of Cr Schweikert) was seconded by Cr Taylor, PUT and CARRIED.

PLA114/18      **RESOLVED (Schweikert/Taylor)**  
That the report be received for information.

The resolution was carried unanimously.



6.2 **Six monthly Operational Plan update**  
PLA115/18 **RESOLVED (Winchester/Schweikert)**  
That Council note the six monthly Operational Plan update.  
  
The resolution was carried unanimously.

6.3 **Transfer of Crown Land to Local Government**  
PLA116/18 **RESOLVED (Taylor/Harrison)**  
That the report be received for information.  
  
The resolution was carried unanimously.

## 7. COMMITTEE REPORTS AND RECOMMENDATIONS

7.1 **Minutes of Environment and Sustainability Advisory Committee**  
PLA117/18 **RESOLVED (Marshall/Harrison)**  
That Council:  

1. Note the minutes of Environment and Sustainability Advisory Committee held on 1 August 2018.
2. Adopt recommendation QPRC ESAC 07/18 from the meeting held on 1 August 2018.  
(QPRC ESAC 07/18) That Council:
  - Continue to provide practical support for National Tree Day activities in communities across the local government area each year.
  - Work with the local environment and other groups to coordinate and plan National Tree Day activities.
  - Identify sources to top up Council funds to provide practical support for National Tree Day in the local government area.
3. Give consideration to recommendations QPRC ESAC 08/18 and QPRC ESAC 09/18 from the meeting held on 1 August 2018:  
(QPRC ESAC 08/18) That Council:
  - Request a staff report by 30 November 2018 on the viability and cost to establish tool libraries.
  - Seek community views on the type of items to include in its tool libraries.
  - Identify potential funding sources, both within Council and external to fund tool libraries.  
(QPRC ESAC 09/18) That Council:
  - **Support a 12-months trial of repair cafes for QPRC communities.**
    - **2 events in each of 3 centres.**
  - **Seek expressions of interest from community groups**

interested in organising repair cafes in Queanbeyan, Bungendore and Braidwood in 2019.

- Forward the concept to the Waste Working Group for consideration as part of the new QPRC waste management strategy.

The resolution was carried unanimously.

## 8. NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION

At this stage of the proceedings, Cr Hicks advised that there were items on the Agenda that should be dealt with in Closed Session.

Cr Hicks 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.

### PRESENTATIONS

There were no presentations.

PLA118/18

#### **RESOLVED (Taylor/Harrison)**

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 9.1 Selection of Community Representatives on the Environment and Sustainability Advisory Committee**

*Item 9.1 is confidential in accordance with s10(A) (a) of the Local Government Act 1993 because it contains personnel matters concerning particular individuals (other than councillors) 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 6.59pm to discuss the matters listed above.

#### 9.1 Selection of Community Representatives on the Environment and Sustainability Advisory Committee

PLA119/18

#### **RESOLVED (Marshall/Winchester)**

That:

1. Council appoint nominees, Paul Downey and Rebecca Klomp, as community members on the Environment and Sustainability Advisory Committee.
2. The unsuccessful nominees be thanked for their applications.

The resolution was carried unanimously.

**10. RETURN TO OPEN SESSION**

PLA120/18

**RESOLVED (Taylor/Schweikert)**

That the meeting now return to Open Session.

The resolution was carried unanimously.

The meeting returned to Open Session at 7.01pm.

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

The time being 7.02pm, Cr Hicks announced that the Agenda for the meeting had now been completed.

**CR TREVOR HICKS  
DEPUTY MAYOR  
CHAIRPERSON**