



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, 13 November 2019 commencing at 5.30pm.

ATTENDANCE

Councillors: Cr Overall (Chair), Crs Biscotti, Bray AM, Brown, Harrison, Hicks, Marshall, Schweikert, Taylor and Winchester.

Staff: M Thompson, A/CEO/General Manager; P Hansen, Portfolio General Manager Community Connections and J Richards, Portfolio General Manager Community Choice.

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

1. OPENING

The meeting opened 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

PLA104/19

RESOLVED (Taylor/Bray)

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

The resolution was carried unanimously.

4. DISCLOSURES OF INTEREST

PLA105/19

RESOLVED (Taylor/Hicks)

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 Winchester declared a significant non-pecuniary interest in Item 7.5 – Re-categorisation of Land - Plan of Management - 16 Agnes Avenue, Crestwood, stating he is a Board member of the Respite Care for Queanbeyan Foundation that plans to utilise the land discussed in the report.

Procedural Motion

PLA106/19

RESOLVED (Taylor/Schweikert)

That Item 7.5 be brought forward and dealt with as the first item of business in 'Items for Determination'.

The resolution was carried unanimously.

5. ADJOURNMENT FOR PUBLIC FORUM

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

PLA107/19

RESOLVED (Overall/Taylor)

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 6.04pm.

Item 7.5 was brought forward at this juncture.

Cr Winchester declared an interest in the following item of business and left the Chambers at 6.05pm.

7.5 Re-categorisation of Land - Plan of Management - 16 Agnes Avenue, Crestwood

PLA108/19

RESOLVED (Hicks/Schweikert)

That Council:

1. Adopt and action the recommendations of the report on the Independent Public Hearing being:
 - a. That in concert with the on-going re-categorisation process the Council provide to the local community an undertaking to review the area to be categorised as Park and to develop within the Plan of Management a program of planting and landscaping;
 - b. That Council consider establishing in the park some selection of pieces of children's playground equipment or external fitness regime equipment;
 - c. That together with any future development on Ross Road frontage land (Lots 33, 34 & 35) that such future development integrate through block access to connect Ross Road pedestrian access through to Agnes Avenue.
2. Adopt the following new and amended Plans of Management (PoM) with any required minor changes:
 - a. PoM – General Community Use – 16 Agnes Avenue, Crestwood;
 - b. PoM – Parks – Amendment No. 6;
 - c. PoM – Sportsgrounds – Amendment No. 5.
3. Give public notice regarding the adoption of the new and amended Plans of Management in the local newspaper and place the amended documents on Council's website once amendments have been completed.

The resolution was carried unanimously.

PLA109/19

RESOLVED (Overall/Brown)

That Council receive estimates for the development of the park as part of the draft 20/21 budgetary process.

The resolution was carried unanimously.

Cr Winchester returned to the Chambers at 6.15pm.

6. REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

6.1 Modification Application 298-2016.A - Queanbeyan Distance Education Centre - 42 Surveyor Street, Crestwood

PLA110/19

RESOLVED (Hicks/Schweikert)

That:

1. In relation to the modification of Development Application 298-2016.A on Lots 12-13, 1-8, 91-96 & 26, Section 16, DP 1892, 365881, 13341, 1042890, No. 42 Surveyor Street, Crestwood Council grant conditional approval subject to the NSW Department of Education supporting revised condition of consent no.4 as follows:
 4. **SCREENING OF WINDOWS**

Glazing to the first, second, and third stories of the southern elevation of the building to be fitted with opaque glass or opaque film to a height of:

 - 1.5 metres in the case of the first storey; and
 - 1.8 metres in the case of the second and third storeys;above floor level to the inside of the glazing, to mitigate overlooking to adjoining neighbours on Early Street
2. In the event that the NSW Department of Education does not support the revised condition of consent, Council submit the matter to the NSW Minister for Planning seeking support for Council's determination.
3. 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.

6.2 DA.2019.006 - 71 Macdiarmid Road, Burra - Three (3) Lot Community Title Subdivision (Subdivision Simpliciter)

PLA111/19

RESOLVED (Harrison/Marshall)

That:

1. Development application DA.2019.006 for a three (3) lot, Community Title subdivision on Lot 4 DP285984, 71 MacDiarmid Road, Burra be refused for the following reasons:
 - (a) Council has no ability to consent to the subject application in accordance with Clause 4.1B(5) of the Palerang Local Environmental Plan 2014 as Lot 4 DP 285984 having been created under Clause 20 of the Yarrowlunla Local Environmental Plan 2002 forms a resulting lot as defined under Clause 4.1B(6) of the Palerang Local Environmental Plan 2014 (4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*).
 - (b) The proposed development resulting in an average lot size of 3.286ha fails to achieve the 6ha average lot size applicable to the subject site and therefore fails to satisfy

the requirements of Clause 4.1(b)(4)(a) of the Palerang Local Environmental Plan 2014 (4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*).

- (c) The proposed development fails to satisfy the provisions of Clause 6.4 – Drinking Water Catchments of the Palerang Local Environmental Plan 2014 as insufficient information accompanied the application to satisfactorily establish that the development is designed, sited and will be managed in such a way as to avoid any significant adverse impact on water quality within the Googong Drinking Water Catchment (4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*).
 - (d) The subject site is burdened by a number of environmental constraints that significantly inhibit potential for future development and associated infrastructure upon the proposed lots. As such, the subject site is considered to be unsuitable for the purposes of the proposed development. (4.15(1)(c) *Environmental Planning and Assessment Act 1979*).
 - (e) Throughout the public notification period a number of submissions were received raising valid planning concerns in relation to the proposed development (4.15(1)(d) *Environmental Planning and Assessment Act 1979*).
 - (f) The proposed development by way of contravening development standards established under the Palerang Local Environmental Plan 2014 is considered to be contrary to the public interest (4.15(1)(e) *Environmental Planning and Assessment Act 1979*).
 - (g) NSW Rural Fire Service confirmed that approval was required under Section 100b of Rural Fires Act 1997 and that insufficient information was supplied to allow concurrence to be granted.
2. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.
 3. The NSW Rural Fire Service be forwarded a copy of Council's Notice of Determination.

The resolution was carried unanimously.

6.3 DA.2019.065 - 71 Macdiarmid Road, Burra - Concept Proposal - Three Lot Community Title Subdivision and Two (2) Single Dwellings

PLA112/19

RESOLVED (Harrison/Marshall)

That:

1. Development application DA.20198.065 for a Concept development approval including a Three (3) lot Community title subdivision and two (2) dwelling houses on Lot 4 DP285984, 71 MacDiarmid Road, Burra be refused for the following reasons.

Reasons for Refusal:

- (a) Council has no ability to consent to the subject application in accordance with Clause 4.1B(5) of the Palerang Local Environmental Plan 2014 as Lot 4 DP 285984 having been created under Clause 20 of the Yarrowlunla Local Environmental Plan 2002 forms a resulting lot as defined under Clause 4.1B(6) of the Palerang Local Environmental Plan 2014 (4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*).
- (b) The proposed development resulting in an average lot size of 3.286ha fails to achieve the 6ha average lot size applicable to the subject site and therefore fails to satisfy the requirements of Clause 4.1(b)(4)(a) of the Palerang Local Environmental Plan 2014 (4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*).
- (c) Council is unable to utilise the provisions of Clause 4.6 of the Palerang Local Environmental Plan 2014 to consent to the subject application as the proposed development results in more than two (2) lots of less than the minimum area specified for such lots by a development standard with the E4 Environmental Living Zone fails to satisfy the requirements of Clause 4.6(6)(a) of the Palerang Local Environmental Plan 2014 (4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*).
- (d) The proposed development fails to satisfy the provisions of Clause 6.4 – Drinking Water Catchments of the Palerang Local Environmental Plan 2014 as insufficient information accompanied the application as to satisfactorily establish that the development is designed, sited and will be managed in such a way as to avoid any significant adverse impact on water quality within the Googong Drinking Water Catchment (4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*).
- (e) The proposed building envelopes upon proposed lots 31 and 32 contain insufficient unconstrained area to accommodate onsite effluent disposal and as such the proposal fails to satisfy the requirements of Section C1.2.7 of the Palerang Development Control Plan 2015 (4.15(1)(a)(iii) *Environmental Planning and Assessment Act 1979*).

- (f) The subject site is burdened by a number of environmental constraints that significantly inhibit potential for future residential development and associated infrastructure upon the proposed lots. As such, the subject site is considered to be unsuitable for the purposes of the proposed development. (4.15(1)(c) *Environmental Planning and Assessment Act 1979*).
 - (g) Throughout the public notification period a number of submissions were received raising valid planning concerns in relation to the proposed development (4.15(1)(d) *Environmental Planning and Assessment Act 1979*).
 - (h) The proposed development by way of contravening development standards established under the Palerang Local Environmental Plan 2014 and Palerang Development Control Plan 2015 is considered to be contrary to the public interest (4.15(1)(e) *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.

The resolution was carried unanimously.

6.4 Request for Early Lodgement of Development Applications

PLA113/19

RESOLVED (Taylor/Biscotti)

That Council allow the early lodgement and determination of development applications for the developments listed below subject to the following provisos:

- a) The developments must be carried out by the respective developers i.e. GTPL or VBC.
- b) Occupation and use of the developments is not permitted until the new allotments on which the developments are proposed to be located have their titles formally registered;
- c) That the applicants be advised that in lodging applications prior to registration of the subdivision they do so at their own risk, recognising that changes to subdivision designs can occur during the construction phase and that such changes may need to be reflected in development applications lodged.

Proposed developments:

GTPL - New Sales Office – Neighbourhood 2, Googong

VBC - Eight Lot display village and Car Park, South Jerrabomberra

- Terrace development on proposed Lot A2, South Jerrabomberra (Seed Homes)

The resolution was carried unanimously.

- 6.5 **Amendments to South Jerrabomberra Local Infrastructure Contributions Plan 2018**
- PLA114/19 **RESOLVED (Taylor/Harrison)**
- That Council:
1. Note the report.
 2. Adopt the amended South Jerrabomberra Local Contributions Infrastructure 2018.
- The resolution was carried unanimously.
- 6.6 **Queanbeyan Section 7.12 Fixed Levy Development Contributions Plan 2019**
- PLA115/19 **RESOLVED (Harrison/Taylor)**
- That Council endorse the draft Queanbeyan Section 7.12 Fixed Levy Development Contributions Plan 2019 and that the plan be placed on public exhibition for a period of 28 days.
- The resolution was carried unanimously.
- 6.7 **Update on Planning proposal at Goolabri Drive, Sutton**
- PLA116/19 **RESOLVED (Hicks/Schweikert)**
- That:
1. Council place the amended planning proposal, dated October 2019, to permit subdivision of Lot 3 DP 1074706 (Goolabri Drive, Sutton) on public exhibition for a minimum period of 28 days.
 2. Where submissions are received during the public exhibition period, a report considering the issues raised in submissions be bought back to Council prior to progressing the planning proposal.
 3. That the following items and matters are submitted and dealt with as part of any development application lodged for the subdivision of Lot 3 DP 1074706 Goolabri Drive, Sutton:
 - (a) A Vegetation Management Plan, addressing the concerns raised by the NSW Biodiversity and Conservation Branch;
 - (b) A revised Aboriginal Cultural Heritage Impact Assessment; and
 - (c) How and when future purchasers of lots containing Aboriginal objects shall be advised of the requirement to obtain an Aboriginal Heritage Impact Permit (AHIP) prior to any ground disturbance.
- The resolution was carried unanimously.

6.8 Determination of Applications for Special Heritage Fund Grant 2019-20

PLA117/19

RESOLVED (Taylor/Schweikert)

That Council endorse the recommended funding for the 2019-20 financial year as set out in Attachment 1 of this report.

The resolution was carried unanimously.

6.9 Determination of Applications for the Local Heritage Grants 2019-20

PLA118/19

RESOLVED (Schweikert/Hicks)

That Council adopt the recommendations to provide funding to the applications as listed in Attachment 1 with grant funding for Application No. 4 being conditional on the installation of timber windows in the front of the house rather than aluminium ones.

The resolution was carried unanimously.

6.10 Heritage Advisory Service 2019-2020 to 2020-21

MOVED (Schweikert/Taylor)

That:

1. Council appoint Consultant 3 as the QPRC Heritage Advisor for the period 2019/20 to 2020/21.
2. In the event that Consultant 3 declines Council appoint Consultant 2 as the QPRC Heritage Advisor for the period 2019/20 to 2020/21.
3. Council notify the unsuccessful consultants of the above and thank them for their Expression of Interest.

Procedural Motion

PLA119/19

RESOLVED (Marshall/Harrison)

That Item 6.10 be deferred to Closed Session.

For: Crs Bray, Brown, Harrison, Marshall and Winchester

Against: Crs Biscotti, Hicks, Overall, Schweikert and Taylor

With the vote being five-all, the Mayor declared the motion carried.

6.11 Draft Parking Policy

PLA120/19

RESOLVED (Taylor/Biscotti)

That Council:

1. Consider the draft QPRC Parking Policy.
2. Publicly exhibit the draft Parking Policy for 28 days and invited written submissions during the exhibition period.
3. Consider all submissions received prior to adopting the Policy or, if no submissions are received, formally adopt the Policy.

The resolution was carried unanimously.

7. REPORTS TO COUNCIL - ITEMS FOR INFORMATION

7.1 Land-Use Planning Projects / Activities - Status Report

PLA121/19

RESOLVED (Marshall/Harrison)

That the report be received for information.

The resolution was carried unanimously.

7.2 North Elmslea

PLA122/19

RESOLVED (Harrison/Hicks)

That:

1. The report be received for information.
2. Council hold a public meeting during the exhibition period to provide information on the planning proposal.

The resolution was carried unanimously.

7.3 Local Strategic Planning Statement

PLA123/19

RESOLVED (Harrison/Overall)

That the report be received for information.

The resolution was carried unanimously.

7.4 Bush Fire Prone Land Map

PLA124/19

RESOLVED (Harrison/Taylor)

That the report be received for information.

The resolution was carried unanimously.

7.5 Re-categorisation of Land - Plan of Management - 16 Agnes Avenue, Crestwood

This item was dealt with in earlier business.

SUPPLEMENTARY REPORT

- 7.6 **Site Inspection - DA 298-2016.A - Erection of an Educational Establishment (Distance Education Facility) - Three Storey; Modification: External Changes- 42 Surveyor Street, Crestwood**

PLA125/19

RESOLVED (Harrison/Overall)

That the report be received for information.

The resolution was carried unanimously.

8. REPORTS OF COMMITTEES

- 8.1 **Minutes of the Braidwood and Curtilage Heritage Advisory Committee held 10 October 2019**

PLA126/19

RESOLVED (Marshall/Taylor)

That Council note the Minutes of Braidwood and Curtilage Heritage Advisory Committee Meeting held on 10 October 2019.

The resolution was carried unanimously.

- 8.2 **Minutes of the Special QPRC Heritage Advisory Committee Meeting held 24 October 2019**

PLA127/19

RESOLVED (Overall/Winchester)

That Council note the minutes of the Special QPRC Heritage Advisory Committee held on 24 October 2019 and in particular QPRC HAC 11/19 (supporting the recommended distribution of funds for the Local Heritage Grant applications) and QPRC HAC 12/19 (supporting the recommended distribution of funds for the Special Heritage Grant applications).

The resolution was carried unanimously.

10. NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION

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

Cr Overall 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.

11. REPORTS FOR CLOSED SESSION

PLA128/19

RESOLVED (Overall/Winchester)

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 10.1 Lease Renewal - Westpac Bank

Item 10.1 is confidential in accordance with s10(A) (c) of the Local Government Act 1993 because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business 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 6.47 pm to discuss the matters listed above.

Cr Brown left the meeting at 6.47pm.

10.1 Lease Renewal - Westpac Bank

PLA129/19

RESOLVED (Biscotti/Winchester)

That Council support the renewal of the lease for Premises 1, 98 - 104 Monaro St Queanbeyan as outlined in the report.

The resolution was carried unanimously.

6.10 Heritage Advisory Service 2019-2020 to 2020-21

PLA130/19

RESOLVED (Schweikert/Taylor)

That:

1. Council appoint Consultant 3 as the QPRC Heritage Advisor for the period 2019/20 to 2020/21.
2. In the event that Consultant 3 declines Council appoint Consultant 2 as the QPRC Heritage Advisor for the period 2019/20 to 2020/21.
3. Council notify the unsuccessful consultants of the above and thank them for their Expression of Interest.
4. Council consider increasing its Heritage Advisory budget in the 2020-2021 budget.

For: Crs Biscotti, Bray, Hicks, Marshall, Overall, Schweikert, Taylor and Winchester

Against: Cr Harrison

PLA131/19

RESOLVED (Overall/Taylor)

That the meeting now return to Open Session.

The resolution was carried unanimously.

The meeting returned to Open Session at 6.59pm.

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.

12. CONCLUSION OF THE MEETING

The time being 7.01pm, Cr Overall announced that the Agenda for the meeting had now been completed.

**CR TIM OVERALL
MAYOR
CHAIRPERSON**