



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, 8 March 2017 commencing at 5.30pm.

ATTENDANCE

Administrator: Cr Overall (Chair).

Staff: P. Tegart, Interim General Manager; M. Thompson, Acting Director Environment, Planning & Development and P. Hansen, Acting Director Assets & Projects.

Also Present: W Blakey, Management Accountant (Clerk of the Meeting) and R Potter (Minute Secretary).

1. APOLOGIES

No apologies were received.

2. PRESENTATIONS/DEPUTATIONS/PETITIONS

No presentations were registered.

3. DECLARATIONS OF INTEREST

PLA017/17

RESOLVED (Overall)

The Administrator resolved that the Administrator and staff now disclose any interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.

Michael Thompson disclosed a less than significant non-pecuniary interest in relation to Item 4.1 – DA 165-2016 – Demolition of an Existing Hall and Erection of 12 x Two Storey Townhouses – 7 Cameron Road, Queanbeyan.

Mr Thompson exited Chambers.

STAFF REPORTS**4. ENVIRONMENT, PLANNING AND DEVELOPMENT****4.1 Development Application 165-2016 - Demolition of an existing Hall and Erection of 12 x Two Storey Townhouses - 7 Cameron Road, Queanbeyan**

PLA018/17

RESOLVED (Overall)

The Administrator resolved:

1. That approval be granted to the following variations to the Queanbeyan Development Control Plan 2012 for the reasons detailed in this report and the attached Sec 79C Matters For Consideration:
 - a) The non-compliance with the requirements of Clause 3.6.3 of Part 3C in relation to side and rear setback of Units 1, 5, 11 and 12 slightly less than 3m and 3.5m requirements.
 - b) The not satisfying the requirements of Clause 3.6.4 of Part 3C in relation to Unit 10's POS area will receive less than 3 hours sunlight on 21st June and the use of skylight windows for Units 6-10 instead of normal windows.
 - c) The non-compliance with the requirements of Clause 3.6.10 of Part 3C in relation to the location of visitor spaces not easily visible from the street.
2. That development application 165-2016 for multi dwelling housing involving demolition of existing buildings, erection of 12 two storey townhouses and strata subdivision on Lot 12 DP 37243, Lot 13 DP 37243, Lot 21 DP 578359, Lot 23 DP 578359, No. 7 Cameron Road, Queanbeyan be granted conditional approval.
3. That those persons who lodged a submission on the application be advised in writing of the determination of the application.

Mr Thompson re-entered Chambers.

5. INFORMATION REPORTS

5.1 Community Facility - 21 Brigalow Street, Karabar - Determination of Development Application

The Administrator congratulated Queanbeyan Celebrations Community which is affiliated with the Queanbeyan Anglican Church and Father Michael Cockayne on bringing this project to fruition.

PLA019/17

RESOLVED (Overall)

The Administrator resolved that the report be received for information.

6. COMMITTEE REPORTS

6.1 Environment and Sustainability Advisory Committee - 15 February 2017

PLA020/17

RESOLVED (Overall)

The Administrator resolved:

1. That the Report be received
2. That Council seek the assistance of the Upper Murrumbidgee Catchment Network (formerly the Upper Murrumbidgee Catchment Coordinating Committee) in funding and treatment options for water quality entering Lake Jerrabomberra

7. INFRASTRUCTURE SERVICES

7.1 QPRC Response to Stakeholder Submissions on the STP Upgrade Master Plan

PLA021/17

RESOLVED (Overall)

The Administrator resolved that Council:

1. Approves the Master Plan noting the issues raised by stakeholders
2. Approves commencement of the design process contingent on:
 - a. Implementing appropriate staging and hold point (gateway) release conditions for the design process
 - b. Not proceeding beyond concept design until issues related to effluent standards have been resolved and agreed to by all stakeholders

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

At this stage of the proceedings Mr Overall advised that there were 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

Les Manning – Item 9.2 - QCBD Properties Valuations

PLA022/17

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 9.1 Development Compliance Matter - Roof Mounted Evaporative Cooling Units

Item 9.1 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 9.2 QCBD Properties Valuations

Item 9.2 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 meeting then moved into Closed Session to discuss the matters listed above.

The meeting returned to Open Session by virtue of Resolution No. PLA025/17 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.

9.1 Development Compliance Matter - Roof Mounted Evaporative Cooling Units

The Administrator resolved that:

1. That as a matter of policy, in the event that complaints regarding the installation of ECUs without development consent are received by Council, the complainants be advised of the following:
 - a. Evaporative cooling units (roof mounted) within the local government area of QPRC are outside Climate Zone 4 under the Building Code of Australia (BCA) and as such are excluded from exempt development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP) as required by Clause 2.30A of the Codes SEPP. This means development consent would be required for its installation.
 - b. That notwithstanding the above, Council considers that if an evaporative cooling unit (roof mounted) complies with the other relevant development standards (clause 2.30B) under the Codes SEPP then its environmental impacts would not be significant and therefore inconsequential. In addition, development consent is likely to be granted to these ECUs.
 - c. That in dealing with minor non-compliances, Council's Development Compliance Policy allows no action to be taken on breaches that are inconsequential or have little impact on the amenity of the area.
 - d. That this position is also reflected in the NSW Ombudsman's "Having trouble with unlawful development activity?" – LC01 factsheet, which advises that Council must investigate all complaints it has received. However, it also provides that it is reasonable for Council to choose not to take enforcement action if the non-compliance is minor and Council would most likely have consented to an application had it been lodged.
 - e. That Council has therefore determined to take no further enforcement action on evaporative cooling units (roof mounted) which comply with the development standards (clause 2.30B) of the Codes SEPP (other than the requirement to be in Climate Zone 4).
2. Council investigates the inclusion of evaporative cooling units (roof mounted) in Schedule 2 Exempt Development of its LEP during the comprehensive review of the LEP resulting from the merger transition.
3. Council raises this issue with NSW Planning and Environment when commenting on the present amendments to the Environmental Planning and Assessment Act 1979 and in any other appropriate forum.

9.2 QCBD Properties Valuations

The Administrator resolved that:

1. Council receive and note the report on the Queanbeyan CBD properties valuations and transformation project.
2. Council authorise the General Manager to negotiate the sale of the CBD properties (sites P, Q, R, Z, E, F, G, O), in Crawford, Rutledge, Lowe and Morisset Streets on a stage by stage basis, in accord with the range recommended with the valuation reports, for reports to Council on each of those stages.
3. Council authorise the General Manager to undertake appropriate survey and subdivision of the sites listed in the report, in accord with the staging.
4. Council authorise the General Manager to negotiate the acquisition of suitable vehicular and pedestrian access paths from the Morisset Street carpark, for further report to Council.
5. Council include Site 5 as identified in Item 15.3, Report to Ordinary Meeting of Council, 27 April 2016 for possible development funding for the old nursery site, for uses similar to Site L as listed in the potential development sites in the report.

At this stage in the proceedings, the time being 6.00pm Mr Overall announced that the Agenda for the meeting had now been completed and declared the meeting closed.

**TIM OVERALL
ADMINISTRATOR
CHAIRPERSON**