



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 August 2018 commencing at 5.30pm.

ATTENDANCE

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

Staff: P Tegart, CEO/General Manager; M Thompson, Portfolio General Manager Natural and Built Character; P Hansen, Portfolio General Manager Community Connections; J Richards, Portfolio General Manager Community Choice and P Neil, Portfolio General Manager Organisational Capability.

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

1. OPENING

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

2. APOLOGIES

PLA083/18

RESOLVED (Taylor/Biscotti)

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

The resolution was carried unanimously.

3A. DECLARATIONS OF INTEREST

PLA084/18

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 Brian Brown declared a significant non-pecuniary interest in Item 4.4 - Request for Early Lodgement of Development Applications - New Commercial Development - Botanical – Jerrabomberra, stating he is the Director of MFS Ltd which is currently in discussions with the specified company.

Cr Radmila Noveska declared a significant non-pecuniary interest in Item 4.4 - Request for Early Lodgement of Development Applications - New Commercial Development - Botanical – Jerrabomberra, stating she is a Director of MFS Ltd which is currently in discussion with the specified company.

Cr Tim Overall declared a less than significant non-pecuniary interest in Item 4.1 - Development Applications 197-2017 (Lot 2) and 302-2017 (Lot 3) - 13 Meredith Street, QUEANBEYAN - Raised Dwellings, stating one of the applicants is known to him.

Cr Tim Overall declared a less than significant non-pecuniary interest in Item 4.7 - Amendments to Queanbeyan Development Control Plan 2012, stating the draft includes provision in respect of Greenleigh Estate, and his principal place of residence is in Greenleigh Estate.

Cr Tim Overall declared a less than significant non-pecuniary interest in Item 6.1 - Ellerton Drive Extension Addendum REF, stating he is a resident of Severne Street.

3B. PRESENTATIONS/DEPUTATIONS

The following presenters were heard:

Ms Sophie Olsen – SMEC – Item 4.2 - Request to Amend Concept Plan for Future Street Layout - King Street to Trucking Yard Lane - 115-117 Ellendon Street, Bungendore

Ms Susan Officer – Item 4.2 - Development Application DA.2018.074 - 15 Lot Subdivision - Lot 47 DP 1229434 Majara Street, Bungendore Land-Use Assessment - E4 Zones - Bywong and Wamboin

Mr Peter Evans – Item 4.2 - Development Application DA.2018.074 - 15 Lot Subdivision - Lot 47 DP 1229434 Majara Street, Bungendore Land-Use Assessment - E4 Zones - Bywong and Wamboin

Mr Allan Longhurst – Item 4.3 - Request to Amend Concept Plan for Future Street Layout - King Street to Trucking Yard Lane - 115-117 Ellendon Street, Bungendore

Mr Michael Cramsie – Item 6.2 - Land-Use Assessment - E4 Zones - Bywong and Wamboin

STAFF REPORTS

The Mayor declared an interest in this item, vacated the Chair and left the meeting at 5.54pm. The Deputy Mayor assumed the Chair.

4. ENVIRONMENT, PLANNING AND DEVELOPMENT

4.1 Development Applications 197-2017 (Lot 2) and 302-2017 (Lot 3) - 13 Meredith Street, QUEANBEYAN - Raised Dwellings

PLA085/18

RESOLVED (Harrison/Schweikert)

That:

1. Approval be granted to a variation to Part 2 of Queanbeyan Development Control Plan 2012 to allow access to the dwellings to be 1.1 to 2.2 metres below the flood planning level for the following reasons:
 - The subdivision was created prior to the present flood access requirements being in place. The current access point services an existing dwelling and the two lots on which the dwellings are proposed. If fill were to be added to raise the access, privacy and overshadowing impacts would be exacerbated, impacting on adjoining neighbours.
 - Additional fill in a flood prone area to provide flood free access has potential to cause upstream or downstream flood level/flow increases and is not supported.
 - Increasing the height of the natural ground level would have a negative impact on the heritage conservation area by making walls of the dwellings visible onto the streetscape.
 - The subject site is in an area which has not previously experienced high velocity flows. As such a path for access that is below 1:100 Flood level is acceptable in this case.
2. Development application 197-2017 and 302-2017 for dwelling houses on Lots 2 and 3 DP 743011, 13 Meredith Street, Queanbeyan be granted conditional approval.
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.

Cr Overall returned to the meeting at 5.57pm and assumed the Chair.

4.2 **Development Application DA.2018.074 - 15 Lot Subdivision - Lot 47 DP 1229434 Majara Street, Bungendore**
PLA086/18 **RESOLVED (Schweikert/Taylor)**

That:

1. Approval be granted to a variation to Council's resolution of 28 February 2018 by:
 - a) Permitting the creation of 11 residential lots each of a minimum area of 1000m² along the northern boundary of the former Lot 3 DP 1195030 as the additional proposed lot (from 10 to 11 allotments along the northern boundary) is not expected to give rise to any potential adverse amenity issues occurring from the adjoining industrial activities on future residents as adequate mitigation conditions are recommended should consent be granted. These measures include requiring suitable building buffer setbacks, acoustic fencing, landscaping and a height restriction for the western most allotment being lot 51;
 - b) Deleting the requirement for a 10m wide building buffer on the western boundary of lot 51, the area which was to be dedicated as a drainage reserve, as the 10m wide drainage reserve will be replaced with a 10m wide buffer building setback and a 3.5m wide drainage easement within this buffer along the western boundary of proposed lot 51 which adjoins industrial development; and
 - c) Deleting the requirement prohibiting dual occupancy on the lots within the subdivision as the development proposal as submitted complies with the Palarang LEP 2014 and the previous requirement for prohibiting dual occupancy on the proposed lots is now irrelevant as the lots are less than the minimum lot size of 1500m² requirement of the Palarang LEP 2014 to enable dual occupancy development.
2. Development application DA.2018.074 for a 15 lot subdivision of Lot 47 DP1229434, Majara Street, Bungendore be granted conditional approval subject to the following changes to the draft conditions of consent:
 - Condition 2 – Reference to 3.0m noise wall replaced by a 2.4m wall height.
 - Condition 3 – Delete reference to native species and trees; reduce mature height reference from 5m to 3m; amend reasons for condition to reflect need for visual buffer.
 - Condition 66(c) – Only apply statement requirement to proposed Lot 61.
3. Submitters be notified of Council's determination.

The resolution was carried unanimously.

4.3 Request to Amend Concept Plan for Future Street Layout - King Street to Trucking Yard Lane - 115-117 Ellendon Street, Bungendore

PLA087/18

RESOLVED (Harrison/Hicks)

That Council not support the proposed amendments to the "Future street layout in the area of South Bungendore between King Street and Trucking Yard Lane" and that the applicant be advised that any proposed subdivision of Lots 3 & 4, Section 11, DP 976608 should be consistent with the road network to be created as part of future subdivisions as per Council's previous resolution 103/2012.

The resolution was carried unanimously.

Crs Brown and Noveska declared an interest in this item and left the meeting at 6.05pm.

4.4 Request for Early Lodgement of Development Applications - New Commercial Development - Botanical - Jerrabomberra

PLA088/18

RESOLVED (Harrison/Taylor)

That Council allow the early lodgement of development applications for commercial development on proposed Lots 1 to 5 in the Botanical retail precinct at Jerrabomberra (North Poplars) subject to the following conditions being met:

- The allotments must have been created in Council's land information system before lodgement can occur;
- The applicants must provide owners consent to the lodgement of development applications for the retail premises which are consistent with the South Jerrabomberra Development Control Plan;
- Determination of development applications will not occur until such time as a subdivision certificate has been approved for the new allotments and the Deposited Plan has been formally registered;
- Days between lodgement and the registration of the deposited plan will not be included in the formal calculation of approval times; and
- 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.

The resolution was carried unanimously.

Crs Brown and Noveska returned to the meeting at 6.07pm.

- PLA089/18 **4.5 Jumping Creek Planning Proposal**
RESOLVED (Schweikert/Harrison)
- That Council:
1. Note the outcomes of the recent public exhibition of the planning proposal for Jumping Creek, and
 2. Make the draft plan as exhibited.

The resolution was carried unanimously.

- PLA090/18 **4.6 Draft Planning Proposal South Jerrabomberra**
RESOLVED (Brown/Schweikert)
- That Council:
1. Forward the draft planning proposal to the NSW Department of Planning and Environment seeking a Gateway determination,
 2. Authorise staff to publicly exhibit the draft planning proposal, and
 3. Take all other necessary actions to progress the draft planning proposal.

The resolution was carried unanimously.

The Mayor declared an interest in this item, vacated the Chair, and left the meeting at 6.09pm. The Deputy Mayor assumed the Chair.

- PLA091/18 **4.7 Amendments to Queanbeyan Development Control Plan 2012**
RESOLVED (Harrison/Schweikert)
- That Council publicly exhibit the proposed amendments to the Queanbeyan Development Control Plan 2012.

The resolution was carried unanimously.

Cr Overall returned to the meeting at 6.11pm and assumed the Chair.

- PLA092/18 **4.8 Alcohol Prohibited Area for Ernie Beaver Park - 6 Gilmore Place, Queanbeyan West**
RESOLVED (Schweikert/Taylor)
- That Council declare Ernie Beaver Park, 6 Gilmore Place, Queanbeyan West an Alcohol Prohibited Area for a period of 4 years and install the required signage.

The resolution was carried unanimously.

4.9 Onsite-Sewerage Management (OSSM) Policy

PLA093/18

RESOLVED (Harrison/Schweikert)

That Council:

1. Note the feedback received and changes made to the document.
2. Adopt the QPRC On-site Sewerage Management Policy as attached.

The resolution was carried unanimously.

4.10 Road Naming Report - Unnamed Private Road - Reedy Creek Lane - Road 1031, Manar

PLA094/18

RESOLVED (Schweikert/Harrison)

That Council:

1. Adopt the name 'Reedy Creek Lane' for the Right of Carriageway accessed from The Glen Road, in the locality of Manar.
2. Publish a notice in the NSW Government Gazette to that effect.
3. Allocate addresses, install street name signage (including 'No Through Road' and 'Private Road' signage) and notify residents accordingly.

The resolution was carried unanimously.

5. STRATEGIC DEVELOPMENT

5.1 Jerrabomberra Scout Hall - 7 Firethorn Place, Jerrabomberra

PLA095/18

RESOLVED (Brown/Winchester)

That Council progress a long term Licence Agreement with the Scout Association of Australia (New South Wales) for the current site at 7 Firethorn Place, Jerrabomberra in accordance with S 47 of the *Local Government Act 1993* and the 1st Jerrabomberra Scout Group be advised of this decision.

The resolution was carried unanimously.

6. ITEMS FOR INFORMATION

The Mayor declared an interest in this item and vacated the Chair at 6.15pm. The Deputy Mayor assumed the Chair.

6.1 Ellerton Drive Extension Addendum REF

PLA096/18

RESOLVED (Schweikert/Biscotti)

That the report be received for information.

The resolution was carried unanimously.

Cr Overall returned to the meeting at 6.16pm and assumed the Chair.

6.2 Land-Use Assessment - E4 Zones - Bywong and Wamboin

MOVED (Harrison/Brown)

That:

1. The report be received for information.
2. Individuals who have expressed an interest in rezoning be advised of the process they need to follow if they wish to pursue the matter further.
3. Council take no further action on this matter beyond following established procedures in handling any subsequent rezoning requests.

AMENDMENT (Hicks/Schweikert)

That:

1. The report be received for information.
2. Council seek expression of interests for consultants to undertake relevant studies and a report be brought back to Council.

During discussion Cr Harrison raised a point of order stating that all Councillors, including the mover of the original motion, have the right to speak to an amendment. At the conclusion of the debate on the amendment, the mover of the original motion may then also exercise their right of reply, if they so choose. The Mayor upheld the point of order.

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

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

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

PLA097/18

RESOLVED (Hicks/Schweikert)

That:

1. The report be received for information.
2. Council seek expression of interests for consultants to undertake relevant studies and a report be brought back to Council.

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

Cr Brown left the meeting at 7.14pm.

6.3 Annual Food Activity Report to NSW Food Authority

PLA098/18

RESOLVED (Schweikert/Taylor)

That the report be received for information.

The resolution was carried unanimously.

6. SUPPLEMENTARY REPORTS

6.4 Site Inspection - DA 197-2018 and DA 302-2017 - 13 Meredith Street, Queanbeyan - Dwellings

PLA099/18

RESOLVED (Harrison/Marshall)

That the report be received for information.

The resolution was carried unanimously.

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

At this stage of the proceedings Cr Overall advised that there was an item 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.

PRESENTATIONS

There were no presentations.

PLA100/18

RESOLVED (Taylor/Schweikert)

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 8.1 Request for Right of Carriageway - DA 2014.210 - 267
Foxy Elbow Road, Warri**

Item 8.1 is confidential in accordance with s10(A) (g) of the Local Government Act 1993 because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

The resolution was carried unanimously.

Cr Winchester left the meeting at 7.16pm

The meeting then moved into closed session at 7.16pm to discuss the matters listed above.

The meeting returned to open session at 7.19pm by virtue of Resolution No. PLA102/18 made in Closed Session.

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.

**8.1 Request for Right of Carriageway - DA 2014.210 - 267 Foxy
Elbow Road, Warri**

That Council undertake such actions as are necessary to amend the appropriate section 88B instrument to include Lot 7 DP 1089987 as a benefitted party to the right of carriageway over Lot 8 DP1089987.

The time being 7.20pm, Cr Overall announced that the agenda for the meeting had now been completed.

**CR TIM OVERALL
MAYOR
CHAIRPERSON**