



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 August 2020 commencing at 5.30pm.

ATTENDANCE

Councillor: Cr Overall (Chair), Crs Biscotti, Brown (from 5.33pm), Harrison, Hicks, Marshall, Schweikert (from 5.40pm) and Taylor.

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 A Knight, Portfolio General Manager Organisational Capability.

Also Present: L Ison (Minute Secretary).

1. OPENING

The meeting opened at 5.31pm.

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

PLA101/20

RESOLVED (Taylor/Hicks)

That apologies for non-attendance from Crs Noveska and Winchester be received and that leave of absence be granted.

The resolution was carried unanimously.

4. DISCLOSURES OF INTEREST

PLA102/20

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.

There were no disclosures.

5. ADJOURNMENT FOR PUBLIC FORUM

At this stage of the proceedings, the time being 5.32pm, Cr Overall advised that the meeting should now adjourn for the Public Forum.

PLA103/20

RESOLVED (Overall/Hicks)

That the meeting be adjourned to conduct the Public Forum.

The resolution was carried unanimously.

ADJOURNMENT:

The meeting adjourned for the Public Forum at 5.32pm and resumed at 5.37pm.

During the Public Forum Cr Brown joined the meeting at 5.33pm.

6. MAYORAL MINUTE

There was no Mayoral Minute.

Cr Schweikert joined the meeting at 5.40pm.

7. REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

7.1 Development Application DA.2019.1199 - Demolition of Dwelling and Secondary Dwelling; Construction of Multi Dwelling Housing – Three Dwellings and Strata Subdivision - 5 Ross Road, Crestwood

PLA104/20

RESOLVED (Hicks/Taylor)

That:

1. Approval be granted to a variation to Part 3C of Queanbeyan Development Control Plan 2012 for controls relating to minimum lot width, side setbacks, solar access and primary private open space forward of the building line for the following reasons:
 - (a) The proposed multi-unit development has been designed to accommodate the site width and is not considered to result in an over development of the site.
 - (b) Side setback encroachments are unlikely to result in any significant impact upon the streetscape or cause privacy issues to adjoining lots.
 - (c) The variation to solar access to private open space of the adjoining lot is considered to be of minimal impact. The adjoining development will retain a useable portion of private open space which receives solar access on 21 June.
 - (d) The variation to the front setback for private open space forward of the building line is considered to be acceptable due to the proposed landscaping treatment.
2. A further condition be added requiring details of the stacker parking arrangements before issue of a construction certificate.
3. Development application DA.2019.1199 for a demolition of dwelling and secondary dwelling; construction of multi dwelling housing – three dwellings, and strata subdivision on Lot 3 DP 12593, No.5 Ross Road, Crestwood be granted conditional approval.

For: Crs Biscotti, Brown, Harrison, Hicks, Overall, Schweikert and Taylor

Against: Cr Marshall

7.2 Development Application DA.2020.1135 - 37 Lot Torrens Subdivision, Construction of 36 Dwelling Houses and a Multi-Dwelling Housing Development Comprising 17 dwellings and Associated Strata Subdivision - Super Lot AK - 360A Lanyon Drive, Tralee

PLA105/20

RESOLVED (Hicks/Harrison)

That Development application DA.2020.1135 for a 37 Lot Torrens subdivision, construction of 36 dwelling houses and a multi-dwelling housing development comprising 17 dwellings and associated strata subdivision on Lot 4 DP 1007339, No. 360A Lanyon Drive Tralee – Proposed Super Lot AK be granted conditional approval.

For: Crs Biscotti, Brown, Harrison, Hicks, Overall, Schweikert and Taylor

Against: Cr Marshall

7.3 Development Application DA.2020.1103 - Construction of a Dwelling and Attached Garage Requiring a Building Envelope Variation - 51 Widgiewa Road, Carwoola

PLA106/20

RESOLVED (Biscotti/Hicks)

That:

1. Pursuant to clause 1.9A of the Palerang Local Environmental Plan 2014, Council approve a variation to the existing building envelope on Lot 2 DP 1184200, 51 Widgiewa Road as detailed on Survey Plan 1531 prepared by TSD Surveying dated 28 February 2020 for the following reasons:
 - (a) The variation will allow the applicant to utilise the existing pad, improve the northern aspect of the dwelling whilst maximising the view and create additional separation from the northern boundary.
 - (b) The variation is considered minor and has minimal impacts on adjoining lots and the environment.
 - (c) Council will require the extended building envelope to be registered on the land title to encompass the structure only.
 - (d) The proposal is consistent with the objectives of the Palerang Local Environmental Plan 2014 - E4 - Environmental Living Zone.
 - (e) The proposed construction of the dwelling with attached garage is consistent with the objectives of the Palerang Development Control Plan 2015.
2. Development application DA.2020.1103 for the construction of a dwelling with attached garage and building envelope extension on Lot 2 DP 1184200, 51 Widgiewa Road, Carwoola be granted conditional approval.

The resolution was carried unanimously.

7.4 **Modification Application 82/96.A - Modification of Eight Lot Torrens Title Subdivision - 536 Duckfield Road, Boro**

PLA107/20

RESOLVED (Harrison/Hicks)

That:

1. Modification application 82/96.A for a modification of DA 82/96 for an eight lot Torrens title subdivision of Lot 27 DP 754867, Lot 114 DP 754867, Lot 115 DP 754867, Lot 120 DP 754867, Lot 121 DP 754867, No.536 Duckfield Road Boro, to reconfigure the lot layout and change the required road standard be granted partial approval noting that the proposed modification to condition 5 relating to the road construction standard is not supported and with the following amendments to the conditions of consent:

- a) Replace condition 1 as follows:

1 Modified Plans

The development referred to in the application is to be carried out in accordance with the original approved plans except as modified by the plans numbered 82/96.A and in accordance with this schedule of conditions.

Reason: Development is undertaken in accordance with this consent & is used for the approved purpose only.

- b) Insert new conditions 11 and 12 as follows:

11 Special Condition – Lot 5

Prior to the issue of a Subdivision Certificate the boundaries of Lot 5 are to be amended to achieve a minimum lot size of 40ha excluding road reserves within the allotment. Plans demonstrating such changes are to be submitted to Council with the Subdivision Certificate Application.

Reason: To ensure all allotments exceed minimum legislative lot sizes.

12 Covenant on the Land

Apply covenants under section 88B of the Conveyancing Act 1919 to the new lots incorporating the restrictions listed below. Queanbeyan-Palerang Regional Council shall be nominated as the sole party with the power to vary or remove the required covenants.

- a) Creation of effluent disposal envelopes upon Lots 1, 2 and 3 as shown within the Site and Soil Assessment for On-site Effluent Disposal prepared by Peter Fogarty and dated September 2006 noting that all wastewater upon these allotments is to also be treated to a secondary standard and disposed of within the envelope;
- b) Creation of effluent disposal envelopes upon Lot 3 as shown within the Site and Soil Assessment for On-site Effluent Disposal prepared by Peter Fogarty and

dated September 2006 noting that all wastewater upon this allotment is to be treated using an amended soil mound; and disposed of within the envelope.

Reason: To ensure public utility services, access and restrictions are legalised over the land.

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.

7.5 Modification Application 83/96.A - Modification of Ten Lot Torrens Title Subdivision - 536 Duckfield Road, Boro

PLA108/20

RESOLVED (Harrison/Hicks)

That:

- 1) Modification application 83/96.A for a modification of DA 83/96 for a ten lot Torrens title subdivision of Lot 54 DP 754867, No. 536 Duckfield Road Boro, to reconfigure the lot layout and change the required road standard be granted partial approval noting the proposed modification to condition 5 relating to the road construction standard is not supported and with the following amendments to the conditions of consent:

- a) Replace condition 1 as follows:

1 Modified Plans

The development referred to in the application is to be carried out in accordance with the original approved plans except as modified by the plans numbered 83/96.A and in accordance with this schedule of conditions.

Reason: Development is undertaken in accordance with this consent & is used for the approved purpose only.

- b) Insert new conditions 10 and 11 as follows:

10 Special Condition – Lot 105

Prior to the issue of a Subdivision Certificate the boundaries of Lot 105 are to be amended to achieve a minimum lot size of 40ha excluding road reserves within the allotment. Plans demonstrating such changes are to be submitted to Council with the Subdivision Certificate Application.

Reason: To ensure all allotments exceed minimum legislative lot sizes.

11 Covenant on the Land

Apply covenants under section 88B of the Conveyancing Act 1919 to the new lots incorporating the restrictions listed below. Queanbeyan-Palerang Regional Council shall be nominated as the sole party with the power to vary or remove the required covenants.

- a) Creation of effluent disposal envelopes upon Lots

106, 107 and 108 as shown within the Site and Soil Assessment for On-site Effluent Disposal prepared by Peter Fogarty and dated September 2006 noting that all wastewater upon these allotments is to also be treated to a secondary standard and disposed of within the envelope;

- b) Creation of a Right of Access 20m wide in favour of proposed Lot 110 over proposed Lot 105,
- c) Prohibiting construction of buildings outside of the building envelope upon Lot 106 shown on Plan No. 21400-DA83/96 - 20190920 prepared by CPC Land Development Consultants Pty Ltd;

Reason: To ensure public utility services, access and restrictions are legalised over the land.

- 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.

7.6 Modification Application DA.2018.077.A - Minor changes to Dwelling and Removal of Contributions for Dual Occupancy - 6 Reardon Place, Bungendore

Procedural motion

PLA109/20

RESOLVED (Harrison/Schweikert)

That Item 7.6: Modification Application DA.2018.077.A - Minor changes to Dwelling and Removal of Contributions for Dual Occupancy - 6 Reardon Place, Bungendore, be dealt with in Closed Session in accordance with s10(A) (b) of the *Local Government Act 1993* because it contains discussion in relation to the personal hardship of a resident or ratepayer and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

The resolution was carried unanimously.

7.7 Sutton Planning Proposal Lot 3 DP 1074706 No.202 Goolabri Drive - Outcome of Negotiation to Protect Vegetation

PLA110/20

RESOLVED (Marshall/Hicks)

That Council:

1. Adopt the amendment to the Sutton Planning Proposal (DPIE reference: PP_2016_QPREG_002_03) Lot 3 DP 1074706 at 202 Goolabri Drive, Sutton), to rezone part of the site from E4 Environmental Living to E2 Environmental Conservation.
2. As the local plan-making authority under s3.36 *Environmental Planning & Assessment Act 1979*, take all actions to make the Plan which will amend the Palerang Local Environmental Plan 2014 to allow subdivision of Lot 3 DP 1074706 at 202 Goolabri Drive, Sutton into no more than six lots and to rezone part of the lot from E4 Environmental Living to E2 Environmental Conservation.
3. Request the Department of Planning, Industry and Environment to notify (gazette) the Plan.

The resolution was carried unanimously.

7.8 Review of State Strategic Plan – A Vision for Crown Land

PLA111/20

RESOLVED (Taylor/Overall)

That Council lodge a submission to the NSW Department of Planning, Industry and Environment on the State Strategic Plan – A Vision for Crown Land based on the issues raised in this report.

The resolution was carried unanimously.

7.9 Street Naming Proposal - Cavan Rise - Googong NH1 - Stage 4D

PLA112/20

RESOLVED (Biscotti/Hicks)

That Council:

1. Adopt in principle the name 'Cavan Rise' as the proposed name for the new road identified within Googong Neighbourhood 1, Stage 4D.
2. Advertise the name for public comment for 28 days.
3. Publish a notice in the NSW Government Gazette if no objections are received.

The resolution was carried unanimously.

7.10 **Naming of New Parks, Reserves and Sportsgrounds - Googong**
PLA113/20 **RESOLVED (Taylor/Biscotti)**

That Council:

1. Endorse the following names for exhibition for a period of 28 days:
 - Parks:
 - Bunyip Park
 - McFarlane Park
 - Brewer Gardens
 - Sporting Facilities:
 - Googong Indoor Pool and Sports Centre
 - Googong Netball Courts
 - Glenrock Tennis Centre
2. Notify GTPL that these names have been accepted if no objections are received.
3. Advise GTPL that it has no objection to the naming of the proposed off-lead dog area by them coordinating nominations from the community and seeking Council's endorsement of any selected name.
4. Advise GTPL that that their proposed names for sports grounds are not suitable and that a further report come before Council recommending names selected from members of Queanbeyan's Sporting Gallery who are deceased.
5. Endorse the Naming of Parks, Reserves and Sports Facilities policy.

The resolution was carried unanimously.

7.11 **Review of Alcohol Restricted Areas**
PLA114/20 **RESOLVED (Taylor/Biscotti)**

That:

1. Council place the proposed Alcohol Free Zones (AFZs) and proposed Alcohol Prohibited Areas (APAs) as specified in Attachment 1 on public exhibition for a period of 28 days and seek stakeholder comments as required in the Ministerial Guidelines.
2. Following exhibition and stakeholder consultation, a report be prepared for Council's consideration detailing the submissions and suggested outcomes of the exhibition period.

The resolution was carried unanimously.

PLA115/20 **7.12 Queanbeyan CBD Place Plan**
RESOLVED (Hicks/Taylor)

That Council:

1. Note and receive the Community Engagement Report.
2. Adopt the Queanbeyan Place Plan.

The resolution was carried unanimously.

7.13 Policy Harmonisation
MOVED (Harrison/Hicks)

That Council:

1. Adopt the following revised documents as amended as per the attachments:
 - Property Policy
 - Property Strategy
 - Compliance and Enforcement Policy
 - Privacy Policy and Plan
 - Councillor and Staff Interaction Policy
 - Donations Policy
 - Risk Management Policy
 - Section 355 Committee Guidelines
 - Potable and Recycled Water Supply Policy
2. Rescind previous versions of these documents.
3. Rescind the QPRC Public Forum Policy Guidelines 2017.

AMENDMENT (Overall/Taylor)

That Council:

1. Adopt the following revised documents as amended and as per the attachments:
 - Property Policy
 - Property Strategy
 - Compliance and Enforcement Policy
 - Privacy Policy and Plan
 - Councillor and Staff Interaction Policy
 - Risk Management Policy
 - Potable and Recycled Water Supply Policy
2. Amend the draft Donations Policy with the following adjustments:
 - a. Reinstate Clause 2.6.3(b) from the previously adopted version with the following modification as follows:

2.6.3(e) Council may at its discretion consider upon application a one-off rates rebate for sporting, recreational and other community organisations that are able to demonstrate registered not for profit status with the Australian Charities and Not-for-Profit Commission and/or a legal entity registered with ASIC and has Not-

for-Profit in its organisational objectives.

- b. Delete 2.6.3 NOTE 3.
3. Exhibit the section 355 Guidelines and Donations Policy with a further report to Council.
4. Rescind previous versions of these documents.
5. Rescind the QPRC Public Forum Policy Guidelines 2017.

The amendment (of Crs Overall and Taylor) was PUT and CARRIED and became the motion.

For: Crs Biscotti, Brown, Harrison, Hicks, Overall, Schweikert and Taylor

Against: Crs Harrison

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

PLA116/20

RESOLVED (Overall/Taylor)

That Council:

1. Adopt the following revised documents as amended and as per the attachments:
 - Property Policy
 - Property Strategy
 - Compliance and Enforcement Policy
 - Privacy Policy and Plan
 - Councillor and Staff Interaction Policy
 - Risk Management Policy
 - Potable and Recycled Water Supply Policy
2. Amend the draft Donations Policy with the following adjustments:
 - a. Reinstate Clause 2.6.3(b) from the previously adopted version with the following modification as follows:

2.6.3(e) Council may at its discretion consider upon application a one off rates rebate for sporting, recreational and other community organisations that are able to demonstrate registered not for profit status with the Australian Charities and Not-for-profit Commission and/or a legal entity registered with ASIC and has Not-for-profit in its organisational objectives.
 - b. Delete 2.6.3 NOTE 3.
3. Exhibit the section 355 guidelines and Donations policy with a further report to Council.
4. Rescind previous versions of these documents.
5. Rescind the QPRC Public Forum Policy Guidelines 2017.

The resolution was carried unanimously.

7.14 Local Government NSW Annual Conference 2020

PLA117/20

RESOLVED (Taylor/Hicks)

That Council:

1. Nominate three Councillors, in addition to the Mayor, to register and be voting delegates for motions at the LGNSW Annual Conference to be held 22 – 24 November 2020 in Lovedale NSW.
2. Consider whether it wishes to submit one or more motions for the 2020 Conference.

The resolution was carried unanimously.

The following Councillors were nominated as voting delegates at the LGNSW Annual Conference:

- Cr Schweikert
- Cr Biscotti
- Cr Hicks

8. REPORTS TO COUNCIL - ITEMS FOR INFORMATION

8.1 Update on Transfer of Responsibilities under the *Crown Lands Management Act 2016*

PLA118/20

RESOLVED (Marshall/Schweikert)

That the report be received for information.

The resolution was carried unanimously.

8.2 Food Surveillance Activity Report 2019-20

PLA119/20

RESOLVED (Marshall/Schweikert)

That the report be received for information.

The resolution was carried unanimously.

8.3 Update on Renewable Energy and Energy Efficiency Project Savings - Case Study Projects

PLA120/20

RESOLVED (Marshall/Harrison)

That the report be received for information.

The resolution was carried unanimously.

9. REPORTS OF COMMITTEES

9.1 Minutes of the Braidwood and Curtilage Heritage Advisory Committee held 9 July 2020

PLA121/20

RESOLVED (Marshall/Schweikert)

That Council note the Minutes of Braidwood and Curtilage Heritage Advisory Committee held on 9 July 2020 including recommendation B&C HAC 01/20 as follows:

B&C HAC 01/20 The Committee recommends that if the subdivision is to be approved, the buffer to the cemetery is to be increased by at least 10m and dense tree planting to the provided to screen the cemetery.

The resolution was carried unanimously.

9.2 Minutes of the QPRC Heritage Advisory Committee Meeting held 16 July 2020

PLA122/20

RESOLVED (Overall/Schweikert)

That Council note the Minutes of QPRC Heritage Advisory Committee held on 16 July 2020 including recommendation QPRC HAC 02/21 as follows:

QPRC HAC 02/21 That the Committee has no objection to the proposal subject to the building design including articulation of the front façade (which could include a front verandah and front door) and some open timber cladding underneath the building on the front façade of the supporting columns.

The resolution was carried unanimously.

9.3 Minutes of the Environment and Sustainability Advisory Committee held on 6 May 2020

PLA123/20

RESOLVED (Marshall/Hicks)

That Council note the minutes of Environment and Sustainability Advisory Committee held on 6 May 2020 and in particular note recommendation QPRC ESAC 01/20 as follows:

QPRC ESAC 01/20 That Council invest additional resources in weed management of biosecurity weeds not under control in LGA.

The resolution was carried unanimously.

9.4 **Minutes of the Environment and Sustainability Advisory Committee Meeting of 15 July 2020**

PLA124/20

RESOLVED (Marshall/Hicks)

That Council note the minutes of Environment and Sustainability Advisory Committee held on 15 July 2020.

The resolution was carried unanimously.

Procedural motion

MOVED (Marshall)

That Council agree to consider a matter of urgency regarding the removal of elm trees in Bungendore.

The motion (of Cr Marshall) lapsed for want of a seconder.

10. 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.

11. REPORTS FOR CLOSED SESSION

PLA125/20

RESOLVED (Overall/Taylor)

That pursuant to Section 10A of the *Local Government Act, 1993*, the following items on the agenda for the Planning and Strategy meeting be dealt with in Closed Session for the reasons specified below:

Item 7.6 Modification Application DA.2018.077.A - Minor changes to Dwelling and Removal of Contributions for Dual Occupancy - 6 Reardon Place, Bungendore

Item 7.6 is confidential in accordance with s10(A) (b) of the Local Government Act 1993 because it contains discussion in relation to the personal hardship of a resident or ratepayer 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 6.32pm to discuss the matter listed above.

7.6 Modification Application DA.2018.077.A - Minor changes to Dwelling and Removal of Contributions for Dual Occupancy - 6 Reardon Place, Bungendore

PLA126/20

RESOLVED (Schweikert/Harrison)

That modification application DA.2018.077.A for a modification to a Dual Occupancy – Dwelling on Lot 15 DP 800095 No. 6 Reardon Place, Bungendore be approved subject to amending the following conditions of consent:

a) Condition to be amended:

Condition 1 to be amended to reflect amended floor plans.

b) New Condition 54A to be inserted:

54A. Payments made in relation to Conditions 49, 50, 51, 52, 53 and 54 may be provided to Council in 10 annual instalments with the first payment being made prior to occupation of the proposed dual occupancy with the outstanding contributions being made on the anniversary of the first payment in nine annual instalments; or payment in full of the balance if the property is sold within 10 years.

The resolution was carried unanimously.

PLA127/20

RESOLVED (Overall/Taylor)

That the meeting now return to Open Session.

The resolution was carried unanimously.

The meeting returned to Open Session at 7.01pm.

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 7.03pm, the Mayor announced that the Agenda for the meeting had now been completed.

**CR TIM OVERALL
MAYOR
CHAIRPERSON**