



## 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 Queanbeyan Council Chambers and via Zoom on Wednesday, 13 October 2021, commencing at 5.30pm.

### ATTENDANCE

**Councillors:** Cr Overall (Chair)  
Cr Biscotti – via Zoom  
Cr Brown – via Zoom  
Cr Harrison  
Cr Hicks – via Zoom  
Cr Marshall – via Zoom  
Cr Noveska – via Zoom  
Cr Schweikert – via Zoom  
Cr Taylor – via Zoom  
Cr Winchester – via Zoom

**Staff:** P Tegart, CEO  
M Thompson, Portfolio General Manager Natural & Built Character  
J Richards, Portfolio General Manager Community Choice – via Zoom  
A Knight, Portfolio General Manager Organisational Capability – via Zoom  
N Cooke, A/Portfolio General Manager Community Connections – via Zoom

**Also Present:** L Ison, Minute Secretary

**1. OPENING**

The meeting commenced at 5.32pm.

**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**

There were no apologies.

**4. DISCLOSURES OF INTEREST**

PLA166/21

**RESOLVED (Taylor/Marshall)**

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 5.33pm, Cr Overall advised that the meeting should now adjourn for the Public Forum.

PLA167/21

**RESOLVED (Overall/Harrison)**

That the meeting be adjourned to conduct the Public Forum.

The resolution was carried unanimously.

**ADJOURNMENT:**

The meeting adjourned for the Public Forum at 5.33pm and resumed at 6.09pm.

**6. MAYORAL MINUTE**

There was no Mayoral Minute.

**7. NOTICES OF MOTIONS OF RESCISSION**

There were no Notices of Motions of Rescission.

**8. REPORTS TO COUNCIL - ITEMS FOR DETERMINATION**

**8.1 Review of Determination - REV.2021.1000 - Request for Review of Council's Refusal of DA.2020.1172 - Additions and Alterations to a Rural Supplies Premises - 121 Wallace Street, Braidwood**

**MOVED (Hicks/Schweikert)**

That:

1. Application REV.2021.1000 for Review of Determination for additions and alterations to a rural supplies premises (DA.2020.1172) on Lots 1 & 2 DP 596527, Lot 1 DP 995410 & Lot 2 DP 1208847, No.121 Wallace Street, Braidwood be approved subject to the recommended conditions of consent.
2. Those persons who lodged submissions on the application be advised in writing of the determination of the review.

During discussion, Cr Harrison foreshadowed a CONTRARY motion: ["That:

1. Council confirm its previous decision of 16 December 2020 and refuse the Review of Determination REV.2021.1000 for additions and alterations to a rural supplies premises (DA.2020.1172) on Lots 1 & 2 DP 596527, Lot 1 DP 995410 & Lot 2 DP 1208847, No.121 Wallace Street, Braidwood on the grounds that the development is not in keeping with the character and amenity of the locality and in particular:
  - a. With reference to Section 4.15 (1) (b) of the *EP&A Act*, the nature and scale of the development is likely to lead to the intensification of activities that are not consistent with either the character, amenity or scale of other business activities in the area, nor with the mixed use residential development that is currently promoted through the relevant local planning instruments;
  - b. With reference to Section 4.15 (1) (c) of the *EP&A Act*, the present site, on the main street of Braidwood and in the centre of the town, in a mixed use zone and immediately adjacent to a residential area, is not suitable for increased development or use on the scale being proposed;
  - c. With reference to Section 4.15 (1) (e) of the *EP&A Act*, it is not in the public interest to encourage the expansion of this style of business in this particular location, in the centre of the town.
2. Those persons who lodged submissions on the application be advised in writing of the determination of the application."]

The motion (of Crs Hicks and Schweikert) was PUT and LOST.

For: Crs Biscotti, Hicks, Overall and Schweikert

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

The FORESHADOWED motion (of Cr Harrison) was brought forward, seconded by Cr Winchester, PUT and CARRIED.

PLA168/21

**RESOLVED (Harrison/Winchester)**

That:

1. Council confirm its previous decision of 16 December 2020 and refuse the Review of Determination REV.2021.1000 for additions and alterations to a rural supplies premises (DA.2020.1172) on Lots 1 & 2 DP 596527, Lot 1 DP 995410 & Lot 2 DP 1208847, No.121 Wallace Street, Braidwood on the grounds that the development is not in keeping with the character and amenity of the locality and in particular:
  - a. With reference to Section 4.15 (1) (b) of the *EP&A Act*, the nature and scale of the development is likely to lead to the intensification of activities that are not consistent with either the character, amenity or scale of other business activities in the area, nor with the mixed use residential development that is currently promoted through the relevant local planning instruments;
  - b. With reference to Section 4.15 (1) (c) of the *EP&A Act*, the present site, on the main street of Braidwood and in the centre of the town, in a mixed use zone and immediately adjacent to a residential area, is not suitable for increased development or use on the scale being proposed;
  - c. With reference to Section 4.15 (1) (e) of the *EP&A Act*, it is not in the public interest to encourage the expansion of this style of business in this particular location, in the centre of the town.
2. Those persons who lodged submissions on the application be advised in writing of the determination of the application.

For: Crs Biscotti, Brown, Harrison, Marshall, Noveska, Taylor and Winchester

Against: Crs Hicks, Overall and Schweikert

**8.2 Development Application - DA.2020.1109 - Change of Use from a Dwelling to a Place of Public Worship - 128 Bicentennial Drive, Jerrabomberra**

PLA169/21

**RESOLVED (Brown/Overall)**

That:

1. Development application DA.2020.1109 for a Place of Public Worship on Lot 166 DP786394, No.128 Bicentennial Drive, Jerrabomberra be refused on the following reasons:
  - a. The development application has not been able to demonstrate satisfactory compliance with Clause 1.2 (2)(a) Aim of Queanbeyan Local Environmental Plan 2012 as it does not facilitate the orderly and economic use and development of land in Queanbeyan based on ecological sustainability principles.

- b. The development application has not been able to demonstrate satisfactory compliance to meet Clause 2.3 Objective 3 of the long term vision for the R2 Low Density Residential Zone of Queanbeyan Local Environmental Plan 2012 as it does not encourage development that considers the low density amenity of existing and future residents.
  - c. The proposed development is inconsistent with the R2 Low Density Zone Land Use Table as proposed in Draft Queanbeyan Palerang Local Environmental 2020 which will prohibit a Place of Public Worship in the R2 Low Density Zone.
  - d. The proposed development is inconsistent with Part 2.1.2(2) Objective 2 of Queanbeyan Development Control Plan 2012 as it is not considered able to maintain and improve the amenity of Queanbeyan.
  - e. The proposed development is inconsistent with Part 2.3.6 Objective 1 of Queanbeyan Development Control Plan 2012 as it is not considered able to provide effective management of noise.
  - f. The proposed development is inconsistent with Part 2.3.6 Control (a) and Control (f) of Queanbeyan Development Control Plan 2012 as it is not considered to have acceptable noise impacts on sensitive receivers.
  - g. The proposed design is considered unsatisfactory having regard to Objectives 3 and 4 of Part 2.12 Tree and Vegetation Management of Queanbeyan Development Control Plan 2012.
  - h. The proposed development is considered to have an unacceptable impact under the following matters required to be considered under Section 4.15 of the *Environmental Planning and Assessment Act 1979*:
    - i. Context & Setting
    - ii. Access, Transport & Traffic (relating to onsite car parking and tree management)
    - iii. Noise
    - iv. Site design and internal design
    - v. Cumulative impacts
    - vi. Suitability of the site
    - vii. The public interest.
2. Those persons who lodged submissions on the application be advised in writing of the determination of the application.

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

Against: Cr Hicks

8.3 **Proposed Amendments to South Jerrabomberra Development Control Plan 2015**

PLA170/21

**RESOLVED (Hicks/Biscotti)**

That Council:

1. Exhibit the proposed amendments to the South Jerrabomberra Development Control Plan 2015 for a period of 28 days.
2. Grant a variation to dwelling applications in the South Jerrabomberra urban release area, allowing them to be assessed against the corrected provisions of Tables 6.3 and 7.1 of the DCP until Council considers its formal adoption.

The resolution was carried unanimously.

8.4 **Captains Flat Road Grant Works Program Review**

PLA171/21

**RESOLVED (Hicks/Schweikert)**

That Council endorse the revised program for the grant works proposed on Captains Flat Road.

The resolution was carried unanimously.

8.5 **IPART - Rate Peg Review with Population Growth**

PLA172/21

**RESOLVED (Harrison/Overall)**

That Council:

1. Note the Final Report on the IPART review of the population rate peg.
2. Incorporate the rating options into the refresh of the Long Term Financial Plan.
3. Continue to advocate to Government, with RCNSW and CRJO, the further consideration of the matters deemed outside the IPART scope.

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

Against: Cr Hicks

**8.6 Long Term Financial Plan**

**MOVED (Overall/Schweikert)**

That Council:

1. Amend and exhibit the draft Long Term Financial Plan as may be necessary to include currently known and proposed government revenue policy changes.
2. Refer the draft Long Term Financial Plan to Treasury Corp.
3. Hold workshops and receive a revised draft Long Term Financial Plan in early 2022 giving consideration to a further scenario or scenarios (in addition to the pathways for Scenarios 1, 2, 3).
4. The additional scenario/s consider updated proposed government revenue policy changes and a range of Revenue and Expense measures including:
  - a. Updated Rate Peg including population growth factor 2022/23.
  - b. Options for any rate peg catch up due to past population growth through a SRV.
  - c. Review and consider potential modification of rating structure.
  - d. Review Contributions Plans to further fund infrastructure to service development.
  - e. Increased additional savings target per annum from an organisational service review.
  - f. Reviewing the FTE at 7.5/1000 residents ratio.
  - g. Increased revenue from disposal of non-strategic properties owned by the General Fund and the Water and Sewer Funds.
  - h. Associated with 2.g above, reviewing the level of water and sewer dividends.
  - i. Alternative funding, including grant funding options in place of an Environmental SRV.
  - j. Likely changes to the Emergency Services Levy.
  - k. Impacts from the NSW Regional Roads Review and potentially transfer of emergency services assets to Government.

During discussion Cr Marshall foreshadowed a CONTRARY motion: ["That Council note the staff report."]

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

PLA173/21

**RESOLVED (Overall/Schweikert)**

That Council:

1. Amend and exhibit the draft Long Term Financial Plan as may be necessary to include currently known and proposed government revenue policy changes.
2. Refer the draft Long Term Financial Plan to Treasury Corp.
3. Hold workshops and receive a revised draft Long Term Financial Plan in early 2022 giving consideration to a further scenario or scenarios (in addition to the pathways for Scenarios 1, 2, 3).
4. The additional scenario/s consider updated proposed government revenue policy changes and a range of Revenue and Expense measures including:
  - a. Updated Rate Peg including population growth factor 2022/23.
  - b. Options for any rate peg catch up due to past population growth through a SRV.
  - c. Review and consider potential modification of rating structure.
  - d. Review Contributions Plans to further fund infrastructure to service development.
  - e. Increased additional savings target per annum from an organisational service review.
  - f. Reviewing the FTE at 7.5/1000 residents ratio.
  - g. Increased revenue from disposal of non-strategic properties owned by the General Fund and the Water and Sewer Funds.
  - h. Associated with 2.g above, reviewing the level of water and sewer dividends.
  - i. Alternative funding, including grant funding options in place of an Environmental SRV.
  - j. Likely changes to the Emergency Services Levy.
  - k. Impacts from the NSW Regional Roads Review and potentially transfer of emergency services assets to Government.

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

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



**Procedural Motion**

PLA174/21

**RESOLVED (Overall/Schweikert)**

That Council not adjourn for the scheduled supper break but continue with the meeting and complete the agenda.

The resolution was carried unanimously.

**SUPPLEMENTARY REPORT**

**8.7 Request for Consent to Exercise Council Delegation for Resolution of Tender within Caretaker Period**

PLA175/21

**RESOLVED (Schweikert/Biscotti)**

That:

1. Council submit a letter to the Minister for Local Government requesting consent to exercise Council Delegation for Resolution of Tender during Caretaker Period (in accordance with Section 393B(2) of the Local Government (General) Regulation 2021 at the 24 November 2021 Ordinary Council Meeting.
2. If the Tender Evaluation process for all three tenders is completed prior to the Caretaker Period due to commence on 5 November 2021, Council hold an Extraordinary Council Meeting on 3 November 2021 to grant a resolution in respect of awarding these three Tenders.

The resolution was carried unanimously.

**9. REPORTS TO COUNCIL - ITEMS FOR INFORMATION**

There were no Items for Information.

**10. REPORTS OF COMMITTEES**

**10.1 Minutes of QPRC Heritage Advisory September 2021**

PLA176/21

**RESOLVED (Overall/Schweikert)**

That Council note the minutes of QPRC Heritage Advisory Committee held on 16 September 2021.

The resolution was carried unanimously.

**11. NOTICES OF MOTIONS**

**11.1 Exempt & Complying Development**

PLA177/21

**RESOLVED (Harrison/Schweikert)**

That, in conjunction with the finalisation of the Queanbeyan-Palerang LEP, Council receive a report on the extent to which Exempt and Complying Development in the Landuse Zones E4 Environmental Living, RU5 Village and RU1 Primary Production, as proposed under Planning Proposal PP\_2015\_PALER\_002\_00, have been addressed under the new QPLEP, or other planning legislation, and what provisions proposed in this Planning Proposal remain to be addressed.

The resolution was carried unanimously.

**12. 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.

**13. REPORTS FOR CLOSED SESSION**

PLA178/21

**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 13.1 Consideration of Legal Action Relating to Unauthorised Development at a Property in Googong**

*Item 13.1 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.

The meeting then moved into Closed Session at 7.36pm to discuss the matters listed above.

**13.1 Consideration of Legal Action Relating to Unauthorised  
Development at a Property in Googong**

PLA179/21

**RESOLVED (Schweikert/Marshall)**

That Council commence criminal (Class 5) and civil enforcement proceedings (Class 4) in the NSW Land and Environmental Court against the owners of the property as outlined in this report.

The resolution was carried unanimously.

PLA180/21

**RESOLVED (Overall/Taylor)**

That the meeting now return to Open Session.

The resolution was carried unanimously.

The meeting returned to Open Session at 7.38pm and the livestream recommenced.

In accordance with Clause 253 of the Local Government (General) Regulations 2005, the Mayor then read out the decision of Council made in Closed Session.

**14. CONCLUSION OF THE MEETING**

The time being 7.38pm, the Mayor announced that the Agenda for the meeting had now been completed and closed the meeting.

**CR TIM OVERALL  
MAYOR  
CHAIRPERSON**