



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, 9 May 2018 commencing at 5:30pm.

ATTENDANCE

Councillor: Cr Overall (Chair), Crs Biscotti, Bray AM, Brown, Harrison, Hicks, Marshall, Schweikert, 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 (Minute Secretary).

1. APOLOGIES

PLA042/18

RESOLVED (Schweikert/Biscotti)

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

The resolution was carried unanimously.

2. DECLARATIONS OF INTEREST

PLA043/18

RESOLVED (Schweikert/Harrison)

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.

3. PRESENTATIONS/DEPUTATIONS/PETITIONS

A presentation of an appreciation certificate was made to Council from the Royal Australian Army Ordnance Corps Vietnam Veterans National ANZAC Reunion Organising Committee. The CEO/General Manager, Peter Tegart, accepted the certificate on behalf of Council and staff.

Mr Derek Payne - Item 4.1 - Development Application - DA.2017.286 - Child Care Centre - 5 McMahon Drive, Bungendore

Mr John Henson - Item 4.1 - Development Application - DA.2017.286 - Child Care Centre - 5 McMahon Drive, Bungendore

Ms Shirley Tsakalos - Item 4.2 - Development Application - DA 31-2018 - Rooftop Garden - 2A Meredith Street, Queanbeyan

Ms Anna Martyn - Item 4.2 - Development Application - DA 31-2018 - Rooftop Garden - 2A Meredith Street, Queanbeyan

PLA044/18

RESOLVED (Winchester/Brown)

That Ms Martyn be given an extension of two minutes to speak.

The resolution was carried unanimously.

Ms Chanelle Moussa - Item 4.2 - Development Application - DA 31-2018 - Rooftop Garden - 2A Meredith Street, Queanbeyan

Prof Michael Dopita - Item 4.3 - Development Application - DA 2-2018 - Variation to the Building Envelope - 7 Staunton Place, Googong

Mr Paul Hubbard - Item 4.3 - Development Application - DA 2-2018 - Variation to the Building Envelope - 7 Staunton Place, Googong and Item 6.1 - Land-Use Planning Projects / Activities - Status Report

Mr Malcolm Leslie - Item 4.6 - Review of Environmental Factors - Part 5 Assessment of Infrastructure Services - Intersection at Old Cooma Road and Googong Road

A petition opposing the proposed memorial park along the Old Cooma Road was tabled through Mr Hubbard.

STAFF REPORTS

4. ENVIRONMENT, PLANNING AND DEVELOPMENT

4.1 Development Application - DA.2017.286 - Child Care Centre - 5 McMahon Drive, Bungendore

MOVED (Schweikert/Biscotti)

That:

1. Development application DA.2017.286 for the construction a Child Care Centre upon Lot 1362 DP 1154538 and Lot 1338 DP 1112117, 5 McMahon Drive, Bungendore be granted conditional approval with the following amendments.
2. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.

Procedural Motion

RESOLVED (Winchester/Brown)

That this item be deferred to the next Ordinary Council meeting on 23 May 2018, to be held in Bungendore.

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

Against: Cr Bray

PLA045/18

4.2 Development Application - DA 31-2018 - Rooftop Garden - 2A Meredith Street, Queanbeyan

PLA046/18

RESOLVED (Bray/Winchester)

That:

1. Development application 31-2018 for a rooftop garden at Lot A DP 164541, No. 2A Meredith Street, Queanbeyan be refused for the following reasons.

Reasons for Refusal:

- (a) The proposal does not comply with the Queanbeyan Local Environmental Plan 2012 in the specific areas:
 - (i) Clause 1.2 – Aims of Plan;
 - (ii) Clause 2.2 – Zone Objectives and Land Use;
 - (iii) Clause 4.3 – Height of buildings; and,
 - (iv) Clause 5.10 – Heritage Conservation.
- (b) The proposed development does not comply with the following parts of the Queanbeyan Development Control Plan 2012:
 - (i) Part 2 – All Zones
Clause 2.3.6 – Noise;
 - (ii) Part 3a - Urban Residential Development
Clause 3.2.1 - External Materials, Patterns, Textures and Decorative Elements;
3.2.2 - Siting and Building; and,
3.5 - Consideration of Views, Shadowing.
 - (iii) Part 4 - Heritage and Conservation
4.4.2 – Garages;
4.4.6 – Decks and patios;
4.5.1 – Character;
4.5.2 – Siting and orientation;
4.5.3 – Form;
4.5.4 – Scale, height and bulk;
4.5.5 – Setbacks;
4.5.7 – Building materials; and
4.8.8 – Roofs.
2. Council commence enforcement action to require the existing garage roof to be restored to its prior condition before the unlawful demolition works occurred.

The resolution was carried unanimously.

4.3 Development Application - DA 2-2018 - Variation to the Building Envelope - 7 Staunton Place, Googong

MOVED (Hicks/Schweikert)

That:

1. Development application 2-2018 for the enlargement of a building envelope on Lot 32 DP 270301, No. 7 Staunton Place, Googong be granted conditional approval.
2. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.
3. The Mount Campbell Community Association be advised in writing of the determination of the application and Council's consent in changing the building envelope in the Community Management Statement (CMS). In doing so Council notes that this decision does not affect the Community Association's decision to refuse the proposed variation to the building envelope but Council will not be party to any legal action should the Community Association pursue the matter.
4. The applicant be advised that should any additional structures be constructed on the site regardless of their location with the building envelope, Council may commence enforcement action to have the structure demolished, issue a fine for the unauthorised works or both.

Cr Harrison foreshadowed a CONTRARY motion: ["That this application be refused."]

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

For: Cr Hicks

Against: Crs Biscotti, Bray, Brown, Harrison, Marshall, Overall and Winchester

Cr Schweikert did not vote.

The foreshadowed motion (of Cr Harrison) was brought forward in an amended form, PUT and CARRIED.

PLA047/18

RESOLVED (Harrison/Brown)

That Council defer this matter pending a further report setting out reasons for refusal and any potential implications.

The resolution was carried unanimously.

**4.4 Development Application - DA.2017.170 - Dwelling - 6906
Araluen Road, Reidsdale**

PLA048/18

RESOLVED (Marshall/Brown)

1. That development application DA.2017.170 for a dwelling on Lot 5 DP 1125840 No. 6906 Araluen Road, Reidsdale be refused for the following reasons.

Reasons for Refusal:

- (a) The proposed application is integrated development under section 91 of the Environmental Planning and Assessment Act 1979. Concurrence is required by NSW Rural Fire Service under the Rural Fires Act 2000. Insufficient information has been provided to RFS to date and as such, a determination could not be made (Section 91(1) of the Environmental Planning and Assessment Act 1979).
- (b) The proposed application is integrated development under section 91 of the Environmental Planning and Assessment Act 1979. Concurrence is required by Department of Primary Industries – Water under the Water Management Act 2000. Insufficient information has been provided to DPI - Water to date and as such, a determination could not be made (Section 91(1) of the Environmental Planning and Assessment Act 1979).
- (c) The proposed application is integrated development under section 91 of the Environmental Planning and Assessment Act 1979. Concurrence is required by Department of Primary Industries - Fisheries under the Fisheries Management Act 1994. Insufficient information has been provided to DPI – Fisheries to date and as such, a determination could not be made (Section 91(1) of the Environmental Planning and Assessment Act 1979).
- (d) The subject application was accompanied by insufficient information to determine the likely impacts of the development upon the natural and built environment (Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979).
- (e) The subject application was accompanied by insufficient information to determine the suitability of the site for the development (Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979).
- (f) The proposed development contravening development standards as established under the Palerang Local Environmental Plan 2014 is contrary to the public interest (Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979).
- (g) The proposed application was accompanied by insufficient information to satisfactorily determine compliance with the requirements of Clause 6.1 Earthworks of the Palerang Local Environmental Plan

2014. As such, Council is unable to determine the extent of the excavation works of the proposed development (Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979).

- (h) The proposed application fails to comply the requirements of Clause 6.3 Terrestrial Biodiversity of the Palerang Environmental Control Plan 2014 (Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979).
- (i) The proposed application fails to comply with the requirements of Clause 6.5 Riparian Land and Watercourses of the Palerang Local Environmental Plan 2014 (Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979).
- (j) The proposed application was accompanied by insufficient information to adequately determine compliance with B4 Bushfire Prone Land of the Palerang Development Control Plan 2015 (Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979).
- (k) The proposed application was accompanied by insufficient information to adequately determine compliance with B7 Engineering Requirements of the Palerang Development Control Plan 2015 (Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979).
- (l) The proposed application was accompanied by insufficient information to adequately determine compliance with B13 On-site System of Sewage Management of the Palerang Development Control Plan 2015 (Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979).
- (m) The proposed application was accompanied by insufficient information to adequately determine compliance with C2.1.6 Driveways, entrances, access, parking and utilities of the Palerang Development Control Plan 2015 (Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979).

The resolution was carried unanimously.

4.5 Modification of Development Consent 109-2014 - Queanbeyan Bus Interchange - 64-66 Morisset Street Queanbeyan

PLA049/18

RESOLVED (Hicks/Schweikert)

That modified development application 109-2014/B for a Passenger Transport Facility and Associated Works on Lot 2 DP 1062268 & Lot 11 DP 1211402, No.64-66 Morisset Street, Queanbeyan be approved subject to modification of the following existing conditions of consent:

Amend condition 7 as follows:

7. The development must be carried out generally in accordance with all of the documents accompanying the development application and with the plans bearing the Council approval stamp, and any amended plans approved under subsequent modification(s) to the development consent, except where varied by notations made in red ink by Council or conditions of approval.

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

REASON: To ensure the development is completed in accordance with the approved plans and the development consent. (22.01)

Amend condition 7A as follows:

- 7A. Bus bays 6, 7 and 10 shall only be used between 8.00am and 4.30pm and are to be signposted as such.

REASON: To further minimise potential noise impacts on occupants of adjoining residences.

Impose condition 26A as follows:

WORK IN ACCORDANCE WITH ENGINEERING SPECIFICATIONS

- 26A. All construction and restoration work must be carried out strictly in accordance with the approved drawings and Council's Queanbeyan Design and Construction Specifications.

REASON: To ensure construction and restoration work is in accordance with Council's requirements. (67.05)

The resolution was carried unanimously.

4.6 Review of Environmental Factors - Part 5 Assessment of Infrastructure Services - Intersection at Old Cooma Road and Googong Road

PLA050/18

RESOLVED (Hicks/Bray)

That approval be granted to upgrade works to the intersection of Googong Road and Old Cooma Road subject to the mitigation measures contained in the Review of Environmental Factors prepared by Elton Consulting dated 16 February 2018 being applied as conditions with the amendments and additional conditions detailed in Attachment 2.

The resolution was carried unanimously.

5. ITEMS FOR DETERMINATION

5.1 Strategies for Review Part 2

PLA051/18

RESOLVED (Schweikert/Bray)

That Council endorse the following QPRC strategies and plans within the strategic themes of Character and Connection, that were adopted during the period of administration:

1. Plan of Management – Seiffert Oval 2016
2. Captains Flat Floodplain Risk Management Study and Plan 2016
3. Queanbeyan Sewer Treatment Plant – Master Plan
4. Asset Management Strategy 2017 - 2027

The resolution was carried unanimously.

6. ITEMS FOR INFORMATION

6.1 Land-Use Planning Projects / Activities - Status Report

MOVED (Harrison/Hicks)

The report be received for information.

AMENDMENT (Winchester/Brown)

That:

1. The report be received for information.
2. Council submit an amended planning proposal to the NSW Minister of Planning in relation to Lot 2 DP112382 and Lot 126 DP754881, removing the crematorium as a proposed additional use in Schedule 1.

The amendment (of Crs Winchester and Brown) was PUT and CARRIED and became the motion.

For: Crs Biscotti, Bray, Brown, Marshall, Overall and Winchester

Against: Crs Harrison, Hicks and Schweikert

The motion (of Crs Winchester and Brown) was PUT and CARRIED.

PLA052/18

RESOLVED (Winchester/Brown)

That:

1. The report be received for information.
2. Council submit an amended plan proposal to the NSW Minister of Planning in relation to Lot 2 DP112382 and Lot 126 DP754881, removing the crematorium as a proposed additional use in Schedule 1.

The resolution was carried unanimously.

SUPPLEMENTARY REPORTS

6.2 Site Inspection - DA 31-2018 - 2A Meredith Street, Queanbeyan - Rooftop Garden

PLA053/18

RESOLVED (Marshall/Bray)

That the report be received for information.

The resolution was carried unanimously.

6.3 Site Inspection - DA.2017.286 - 5 McMahon Drive, Bungendore - Childcare Centre

PLA054/18

RESOLVED (Marshall/Bray)

That the report be received for information.

The resolution was carried unanimously.

Note: Cr Hicks requested the minutes of the site inspection be amended to remove him as an attendee, as he was an apology.

7. 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.

PRESENTATIONS

Ms Sandra Young stated that she objected to having to go outside into the cold and dark when Council moves into Closed Session. The CEO/General Manager advised Ms Young that she could wait in the lounge in the foyer, as is the custom.

PLA055/18

RESOLVED (Winchester/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 Progress Report Cannchar Pty Ltd V QPRC

"Item 8.1 is confidential in accordance with s10(A) (c) (g) 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 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.

Item 8.2 Addendum Report - Cannchar Pty Ltd v QPRC

"Item 8.2 is confidential in accordance with s10(A) (c) (g) 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 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 meeting then moved into Closed Session at 7.08pm to discuss the matters listed above.

The meeting returned to Open Session at 7.37pm by virtue of Resolution No. PLA058/18 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, the Mayor then read out the decisions of Council made in Closed Session.

8.1 Progress Report Cannchar Pty Ltd V QPRC

Council authorise the CEO/General Manager to negotiate settlement of the matter in accordance with Item 8.2 Addendum Report – Cannchar Pty Ltd.

8.2 Addendum Report - Cannchar Pty Ltd v QPRC

That the update be noted.

The time being 7.37pm Cr Overall announced that the Agenda for the meeting had now been completed, and closed the meeting.

CR TIM OVERALL

MAYOR

CHAIRPERSON