



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 February 2020 commencing at 5.30pm.

ATTENDANCE

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

Staff: M Thompson, A/CEO/General Manager; D Tooth, A/Portfolio General Manager Community Connections; J Richards, Portfolio General Manager Community Choice and A Knight, Portfolio General Manager Organisational Capability.

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

1. OPENING

The meeting commenced at 5.30pm.

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

PLA001/20

RESOLVED (Taylor/Bray)

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

The resolution was carried unanimously.

4. DISCLOSURES OF INTEREST

PLA002/20

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.

Crs Biscotti, Bray, Harrison, Noveska, Overall, Schweikert and Taylor lodged a special disclosure of pecuniary interest under sections 451 (4) and (5) of the *Local Government Act 1993* for Items relating to the making or amendment of Local Environmental Plans.

Mr Derek Tooth declared a less than significant non-pecuniary interest for Item 9.1 – Report on Outcome of Appeal - Section 34 Conciliation Conference - Wallace Street Pty Ltd, stating he is a friend of the land holder.

Prior to consideration of Item 6.2, Crs Hicks and Winchester lodged a special disclosure of pecuniary interest under sections 451 (4) and (5) of the *Local Government Act 1993* for Items relating to the making or amendment of Local Environmental Plans.

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.

PLA003/20

RESOLVED (Overall/Taylor)

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 5.37pm.

6. REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

6.1 Draft Planning Proposal to rezone part of Bywong and Wamboin

MOVED (Hicks/Schweikert)

That:

1. Council endorse the draft planning proposal to rezone part of Bywong and Wamboin from E4 Environmental Living to R5 Large Lot Residential subject to:
 - a. Those 15 lots proposed to be split zoned being submitted as R5 Large Lot Residential zone only.
 - b. The inclusion of extensive agriculture as a permitted use without consent.
2. The draft planning proposal be forwarded to the NSW Department of Planning, Industry and Environment (DPIE) seeking a Gateway determination under Section 3.34 of the *Environmental Planning and Assessment Act, 1979*.
3. Subject to Council receiving a Gateway Determination Council endorse the planning proposal for public exhibition, following the receipt of NSW Government agency submissions and providing any changes required to the planning proposal, as a result of agency consultation, are minor.

AMENDMENT (Overall/Brown)

That:

1. Council endorse the draft planning proposal to rezone part of Bywong and Wamboin from E4 Environmental Living to R5 Large Lot Residential subject to those 15 lots proposed to be split zoned being submitted as R5 Large Lot Residential zone only.
2. The draft planning proposal be forwarded to the NSW Department of Planning, Industry and Environment (DPIE) seeking a Gateway determination under Section 3.34 of the *Environmental Planning and Assessment Act, 1979*.
3. Subject to Council receiving a Gateway Determination Council endorse the planning proposal for public exhibition, following the receipt of NSW Government agency submissions and providing any changes required to the planning proposal, as a result of agency consultation, are minor.

The amendment (of Crs Overall and Brown) was WITHDRAWN.

The Mayor vacated the chair and left the Chambers at 6.30pm and returned at 6.31pm.

During discussion Cr Schweikert raised a point of order and referred to sections of the Code of Meeting Practice that relate to acts of disorder and bringing the Council into disrepute. Cr Schweikert also referred to sections of the Code of Conduct that relate to intending to prevent the proper or effective function of the

Council or deliberately seek to impede the business of Council at a meeting. Cr Schweikert believed that Cr Harrison was deliberately impeding the business of the meeting by speaking for such a long time and requested the Mayor ask him to stop. The Mayor ruled against the point of order.

The motion (of Crs Hicks and Schweikert) was amended, PUT and CARRIED.

PLA004/20

RESOLVED (Hicks/Schweikert)

That:

1. Council endorse the draft planning proposal to rezone part of Bywong and Wamboin from E4 Environmental Living to R5 Large Lot Residential subject:
 - a. Those 15 lots proposed to be split zoned being submitted as R5 Large Lot Residential zone only.
 - b. The inclusion of extensive agriculture as a permitted use without consent pursuant to Schedule 1 of the PLEP 2014 as it applies to the planning proposal.
2. The draft planning proposal be forwarded to the NSW Department of Planning, Industry and Environment (DPIE) seeking a Gateway determination under Section 3.34 of the *Environmental Planning and Assessment Act, 1979*.
3. Subject to Council receiving a Gateway Determination Council endorse the planning proposal for public exhibition, following the receipt of NSW Government agency submissions and providing any changes required to the planning proposal, as a result of agency consultation, are minor.

For: Crs Biscotti, Bray, Hicks, Overall, Schweikert and Taylor

Against: Crs Brown, Harrison, Noveska and Winchester

Crs Biscotti, Bray, Harrison, Hicks, Noveska, Overall, Schweikert, Taylor and Winchester declared an interest in the following item.

6.2 Exhibition of Draft Queanbeyan-Palerang Comprehensive Local Environmental Plan 2020

PLA005/20

RESOLVED (Schweikert/Harrison)

That:

1. Council exhibit draft Queanbeyan-Palerang Local Environmental Plan 2020, following approval from NSW Department of Planning, Industry and Environment to do so.
2. A report be bought back to Council on any submissions received during the exhibition period.

The resolution was carried unanimously.

6.3 Amendment to Development Control Plans Following Adoption of Community Engagement and Participation Plan

PLA006/20

RESOLVED (Schweikert/Taylor)

That:

1. For the purpose of exhibition, the Queanbeyan Development Control Plan 2012 be amended to delete Clause 1.8 and this be replaced by reference to the QPRC Community Engagement and Participation Plan.
2. For the purpose of exhibition, the Palerang Development Control Plan 2015 be amended to delete Part E and this be replaced by reference to the QPRC Community Engagement and Participation Plan.
3. Both amended documents be placed on public exhibition for 28 days and at the end of that period the feedback be reported back to Council.

The resolution was carried unanimously.

6.4 Googong Urban Development Local Planning Agreement - Second Deed of Variation

PLA007/20

RESOLVED (Schweikert/Hicks)

That Council:

1. Agree to publicly exhibit the Second Deed of Variation to the Googong Urban Development Local Planning Agreement as well as the amended Googong Urban Development Local Planning Agreement for a minimum period of 28 days.
2. Receive a further report on any submissions at the end of the consultation period.

The resolution was carried unanimously.

6.5 Proposed New Street Names - Kingfisher Lane, Burra and Silver Top Lane, Krawarree

PLA008/20

RESOLVED (Taylor/Schweikert)

That Council:

1. Adopt in principle the names 'Kingfisher Lane' and 'Silver Top Lane' as the proposed names for the new roads created within the subject subdivisions.
2. Seek approval from the Geographical Names Board for the use of the names.
3. Advertise the names for public comment for 28 days.
4. Publish a notice in the NSW Government Gazette if no objections are received.

The resolution was carried unanimously.

6.6 QPRC Parking Policy 2020

PLA009/20

RESOLVED (Harrison/Biscotti)

That after considering the six submissions received during the public exhibition period, Council formally adopt the QPRC Parking Policy 2020.

The resolution was carried unanimously.

7. REPORTS TO COUNCIL - ITEMS FOR INFORMATION

7.1 Charity Concert for Bushfire Relief

PLA010/20

RESOLVED (Hicks/Schweikert)

That Council agree to provide \$1,500 from the Cultural Assistance Program to fund rental of the Bicentennial Hall over 6-7 March 2020 for a Bushfire Recovery Charity Concert produced by Freemasons NSW/ACT in collaboration with Dramatic Productions.

The resolution was carried unanimously.

8. 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.

9. REPORTS FOR CLOSED SESSION

PLA011/20

RESOLVED (Overall/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 9.1 Report on Outcome of Appeal - Section 34 Conciliation Conference - Wallace Street Pty Ltd

Item 9.1 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 7.09pm to discuss the matters listed above.

Mr Tooth declared an interest in the following item and left the Chambers at 7.09pm.

9.1 Report on Outcome of Appeal - Section 34 Conciliation Conference - Wallace Street Pty Ltd

PLA012/20

RESOLVED (Harrison/Hicks)

That Council agree to the terms for the creation of a covenant for access over the Landmark land as indicated in Attachment 3 to this report.

The resolution was carried unanimously.

PLA013/20

RESOLVED (Overall/Schweikert)

That the meeting now return to Open Session.

The resolution was carried unanimously.

The meeting returned to Open Session at 7.10pm.

Mr Tooth returned to the Chambers at 7.10pm.

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.

10. CONCLUSION OF THE MEETING

The time being 7.11pm, Cr Overall announced that the agenda for the meeting had now been completed.

**CR TIM OVERALL
MAYOR
CHAIRPERSON**