

A **DIVISION** was called and resulted as follows:

The 'Ayes' Crs Overall, Whelan, Taylor, Trajanoski, McLennan and Bray

The 'Nayes' Crs Burfoot and Brown

Absent Crs Cregan and Winchester

Cr Cregan returned to the chamber.

5.2 Letter in Regard to North Terrace (3R Kavanagh Road)

PDRC026/15

RESOLVED (Burfoot/Bray)

That Council respond to the owner of the site at North Terrace advising him of the options as set out in this report.

A **DIVISION** was called and resulted as follows:

The 'Ayes' Crs Overall, Whelan, Cregan, Burfoot, Brown, Taylor, Trajanoski, McLennan and Bray

The 'Nayes' Nil

Absent Cr Winchester

6. CITY INFRASTRUCTURE

6.1 CBD Improvements Stage 2.

Cr Overall declared a conflict of interest in regard to Item 6.1 however remained in the chamber.

MOVED (Taylor/Cregan)

1. That the design of CBD Improvements Stage 2 Queen Elizabeth Park and Collett Street be accepted with the following modifications:
 - a. Maintain the current general alignment of Collett Street to achieve project savings
 - b. Addition of on-street parking in Collett Street while maintaining the avenue of tall maple trees effect
 - c. Review that part of the multi-use plaza fronting Morisset Street for improved child safety - possibly including fencing or hedging and/or hard stand set back.
 - d. Addition of a children's playground and an interactive water feature/playground.
2. That if required the project budget be supplemented including possible contributions from unallocated Section 94 funds for bicycle paths, footpaths, civic improvements/river foreshore, urban roads (Collett Street), the Strategic Property Funding Reserve; and the deferral of the proposed water playground at the Aquatic Centre if necessary.

STRATEGIC DEVELOPMENT

5.2 Letter in Regard to North Terrace (3R Kavanagh Road) (Ref: C1538427; Author: Carswell/Jansen)

Summary

Council has received correspondence from the owner of the land at North Terrace seeking advice with regard to options for the site.

Recommendation

That Council respond to the owner of the site at North Terrace advising him of the options as set out in this report.

Background

Council has received correspondence from the owners of the land at North Terrace (Council records state that the land is located at 3R Kavanagh Road) seeking advice with regard to options for the site (as attached).

The letter states that they are writing to Council in order to find solutions to the following ongoing problems of uncontrolled access, tracks, dumping of rubbish, clearing and extent of erosion occurring on the land. The letter states that since Council has not supported the limited rezoning of the site which would have resulted in some of the land being held in community title thus assisting with management and restoration, the owners are now faced with an excessive and unreasonable financial burden.

Council considered a preliminary rezoning enquiry at its meeting on 17 December 2014 and resolved not to support a rezoning of the land at North Terrace (from E2 to E4) through a planning proposal and that the matter not be proceeded with any further.

Council also considered a rezoning proposal for the site in the context of the *Queanbeyan Comprehensive Local Environmental Plan 2012* in 2012 and earlier. In both instances Council did not support the proposal and the circumstances under which the rezoning enquiries were considered have not changed substantially. It is therefore unlikely that any further rezoning enquiries will have a different outcome.

Options which are available to the landowner to consider are:

1. The owner retains the land as currently. In this case there are also potential options that can be explored with regard to assistance, such as approaching the local Landcare Group or Greening Australia for assistance or nominating the site for next year's 'clean up Australia Day'.
2. The applicant could seek a pre-gateway review from the NSW Department of Planning and Environment. In this case the cost to the landowner would be an initial fee of \$5,000 although the outcome may be that the Department concurs with Council's decisions.
3. The owner could approach Council on whether or not Council has any interest in purchasing the site and incorporating it into the adjacent Mt Jerrabomberra Reserve. This would require a formal letter to Council with an accompanying valuation commissioned by the owner.

5.2 Letter in Regard to North Terrace (3R Kavanagh Road) (Ref: C1538427; Author: Carswell/Jansen) (Continued)

Financial Implications

These include the administrative costs associated with reviewing this request and reporting on it.

Consultation

Not required.

Compliance or Policy Implications

There are no compliance or policy implications at this stage.

Attachments

Attachment 1 3R Kavanagh Road - Letter from Land Owner (*Under Separate Cover*)

Attachment

North Terrace Developments Pty Ltd



The General Manager
Queanbeyan City Council
PO Box 90
Queanbeyan NSW 2620

25 February 2015

Dear Sir

Subject : North Terrace land

We are the owners of the land referred to as North Terrace off Southbar Road at Jerrabomberra. To assist, we have attached a copy of plan of the land. We write to Council in order to find a solution to the ongoing problems of how to manage the uncontrolled access, tracks, dumping of rubbish, clearing and extent of erosion occurring on the land.

Council recently considered and resolved not to support the limited rezoning of the land in which much of the land would have been held in community title with funding to manage and restore the bushland. That is no longer possible or likely.

The land has a long boundary to the existing North Terrace housing estate to the west and the dog training grounds to the east. The land has become the 'back yard' for North Terrace. There are many tracks now crossing the land, rubbish dumped and uncontrolled access. All the tracks result in material washing away and a highly degraded bushland. It is clear that the land is being used as though it were a public reserve.

As a result we are faced with an excessive and unreasonable financial burden to maintain let alone actually restore any bushland value the land might have. We are also at significant risk from any liability resulting from such uncontrolled access.

It is our view that it is neither reasonable or practical to suggest that land owners are able to manage let alone restore the land, particularly given the long housing edge that the land has. It is also not practical given the E2 zoning of the land that prohibits dwelling houses under any circumstances and provides for few practical uses. That is, there is no financial incentive or basis for managing the land properly.

It is with some irony however that we do note that extensive agriculture is one of the few permitted uses and in fact can even occur without the consent of Council. Extensive agriculture includes and we quote from Council's own LEP, "...the grazing of livestock for commercial purposes...". This would include cattle for which we suggest would have a far greater impact on the bushland setting than in fact say, the limited extent of clustered dwellings that we had previously proposed. This clearly seems at odds with Council's own zoning of the land as environmental conservation.

It remains our strong view that there was and is no basis for the specific applying of such a limiting zone on our land. There are no specific values that Council has demonstrated that warrant this zoning. In fact, we note that the State Department of Planning and Environment's own LEP practice notes emphasise that an E2 zone should only be used in the most exceptional of circumstances with specific high conservation, ecological or aesthetic values. None of those have been identified on this site by Council and in particular the lower section.

5.2 Letter in Regard to North Terrace (3R Kavanagh Road)

Attachment 1 - 3R Kavanagh Road - Letter from Land Owner (Continued)

In summary, we are very concerned that in reality, the land is being treated as public lands despite being privately owned with a zoning that provides us with no financial way to maintain it or even spend considerable money to fence the boundaries. It will therefore remain in its current degraded condition. In other words, Council can't have it both ways.

Accordingly, we seek Council's support to either of the following options:

1. Acquisition of the land by Council given its already general 'public use' or
2. Consideration to a wider range of uses consistent with supporting both the managing and restoring of the bushland values of the land

Thank you for the opportunity to raise these matters

Yours sincerely



Glenn A Morris
Director



5.2 Letter in Regard to North Terrace (3R Kavanagh Road) Attachment 1 - 3R Kavanagh Road - Letter from Land Owner (Continued)

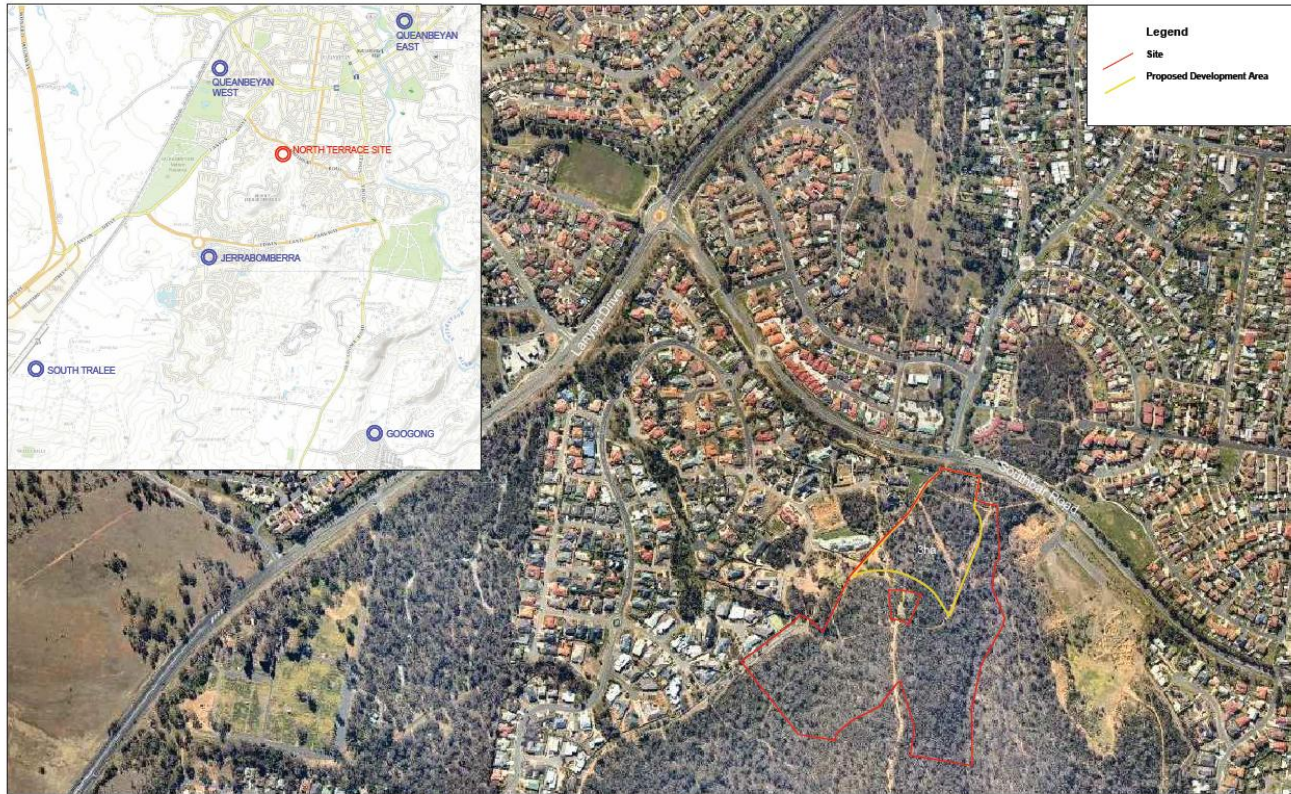


Figure 1 - Site Context
Southbar Road North Terrace, Jerrabomberra