

DETERMINATION AND STATEMENT OF REASONS

SOUTHERN JOINT REGIONAL PLANNING PANEL

DATE OF DETERMINATION	4 April 2017
PANEL MEMBERS	Alison McCabe (Acting Chair), Renata Brooks, Lindsay Fletcher, Peter Bray, Phillip Gibbons
APOLOGIES	Pam Allan
DECLARATIONS OF INTEREST	None

Public meeting held at Queanbeyan-Palerang Regional Council on Tuesday, 4 April 2017, opened at 12.30pm and closed at 12.45pm.

MATTER DETERMINED

2016STH004 – Queanbeyan-Palerang – DA 466-2015 (Stage 2) AT 360A Lanyon Road, Tralee (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at the meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to refuse the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979* (the Act). The decision was unanimous.

REASONS FOR THE DECISION






Further details and reasons for the decision of the Panel are as follows:

1. Pursuant to Section 80(1)(b) of the Act the subject development application (DA 466-2015) be refused development consent on the following grounds:
 - a) The proposed development is inconsistent with the objects of the Act listed at Section 5, specifically objects (a)(i) and (a)(ii) in that it does not promote the orderly and economic use and development of land or provide the required utility services;
 - b) The proposed development is inconsistent with Clause 1.2(b) of the *Queanbeyan Local Environmental Plan (South Tralee) 2012* as the timely provision of physical and social infrastructure has not been demonstrated;
 - c) The proposed development is inconsistent with Clause 1.2(c) of the *Queanbeyan Local Environmental Plan (South Tralee) 2012* as the proposed development does not manage environmentally sensitive lands adequately;
 - d) The proposed development does not satisfy *Clause 6.1 – Arrangements for designated State public infrastructure* of the *Queanbeyan Local Environmental Plan (South Tralee) 2012* as the NSW Department of Environment and Planning has not certified that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to the subject land;
 - e) The proposed development does not satisfy *Clause 6.2 — Public utility infrastructure* of the *Queanbeyan Local Environmental Plan (South Tralee) 2012*. The Panel is not satisfied that the public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required;
 - f) The applicant has not provided the additional information requested by Council on 12 July 2016 in accordance with Clause 54 of the *Environmental Planning and Assessment Regulation 2000* to enable Council to complete the development assessment process to determine the extent to which the application is able to comply with South Tralee Development Guidelines, May 2015;

- g) Pursuant to Section 79C(1)(e) of the Act the proposed development is not in the public interest to approve in its current form as it will not facilitate the development of an urban release area in a manner that is in accordance with the relevant statutory and policy framework.
- h) The proposed development does not satisfy Condition D1 - Submit management plan for conservation land of DA 263-2013. The submitted Conservation Management Plan (CMP) applies to the small 3.3ha of land zoned E2 Environmental Conservation under the South Tralee LEP. The CMP must include the larger 78 hectares of land zoned E2 Environmental Conservation to ensure the conservation areas are adequately maintained over the life of the development.

The Panel also agreed:

1. That those persons who made a submission during the period of public exhibition be notified of the Panel's decision.
2. That the NSW Office of Environment and Heritage be notified of the Panel's decision.

PANEL MEMBERS	
 Alison McCabe (Acting Chair)	 Renata Brooks
 Lindsay Fletcher	 Peter Bray
 Phillip Gibbons	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016STH004 - Queanbeyan-Palerang – DA 466-2015
2	PROPOSED DEVELOPMENT	Subdivision of Stage 2 of South Tralee creating 238 residential lots, 3 open space lots, 1 school lot, ancillary infrastructure and local services
3	STREET ADDRESS	360A Lanyon Road, Tralee
4	APPLICANT/OWNER	Canberra Estates Consortium No. 4 / Village Building Company Note: Village Building Company is the project manager for Canberra Estates Consortium No. 4.
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No 55 – Remediation of Land State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Rural Lands) 2008 Queanbeyan Local Environmental Plan (South Tralee) 2012 (as amended) Queanbeyan Local Environmental Plan 1998 (as amended) Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Queanbeyan Development Control Plan 2012 South Tralee Development Guidelines Planning agreements: Nil Coastal zone management plan: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 22 March 2017 Written submissions during public exhibition: 0 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Object – Anne Forrest On behalf of the applicant – Claire Gilligan – Snr Project Director
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection and final briefing meeting 4 April 2017
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	n/a