

DATE OF DETERMINATION	13 May 2025
DATE OF PANEL DECISION	8 May 2025
DATE OF PANEL MEETING	30 April 2025
PANEL MEMBERS	Chris Wilson (Chair), Grant Christmas, Morgan Broadbent
APOLOGIES	John Preston
DECLARATIONS OF INTEREST	Juliet Grant (Juliet Grant is an employee of Gyde. Gyde Consulting has been engaged by Council to complete the assessment)

Public meeting held by videoconference on 30 April 2025, opened at 11:45am and closed at 12:30pm.
Papers circulated electronically on 22 April 2025.

MATTER DETERMINED

PPSSTH-330 – QUEANBEYAN-PALERANG REGIONAL– DA.2023.0602 at 50 MORISSET STREET QUEANBEYAN 2620– being a Shop Top Housing Development and an amendment (under Section 4.17(1)(b) of the EP&A Act) to DA 950033 for the Riverside Plaza extension (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 meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Contravention of a development standard:

The panel considered a written request from the applicant, made under cl 4.6 (3) of the Queanbeyan Palerang Regional Local Environmental Plan 2022 (QPRLEP). The request sought to demonstrate that:

- compliance with cl. 4.3 (Height of buildings) and section 148(2)(a) of State Environmental Planning Policy (Housing) 2021 with respect to car parking is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard.

While the panel was satisfied that the applicant's written request adequately addressed the matters required to be addressed under cl 4.6 (3) of the QPRLEP in relation to the height of buildings, the panel considered that the justification for the departure from the development standard under section 148(2)(a) of State Environmental Planning Policy (Housing) 2021 relating to car parking was not adequate and sufficient planning grounds to contravene the car parking standard had not been provided.

The panel was of the view that with regard to the proposed contravention from the car parking standard:

- the displacement of 196 private retail related car spaces to accommodate the development had not been adequately justified in terms of existing and future carparking demand across the broader CBD; and
- the shortfall in visitor parking as a result of the proposed development would result in further adverse impacts on car parking availability in this part of the CBD.

Given the above, the panel concluded that the written request did not demonstrate that compliance with the car parking standard development standard is unreasonable or unnecessary.

Development application

The Panel determined to refuse the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined not to uphold the clause 4.6 request to contravene the development standard under section 148(2)(a) of State Environmental Planning Policy (Housing) 2021 with respect to car parking and to refuse the application for the reasons contained in the Council assessment report.

The panel was satisfied that Council had undertaken a thorough assessment of the material available as required under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

The panel noted that the applicant had been provided with sufficient opportunities to address and respond to concerns raised by Council, particularly in relation to the impacts around deficiencies in car parking, the displacement of parking from the site, the lack of clarity around the extent of off-site/public impact as a result of proposed parking arrangements, visitor parking, servicing demands, housing mix and other outstanding matters.

While the panel acknowledged the urgent need for housing of all types in NSW and the proposal's consistency with the CBD Masterplan in terms of design, it was of the view that this did not outweigh the requirement for the proposal to adequately address and respond to the potential cumulative impacts of the development as a result of the proposed car parking arrangements. Furthermore, the panel was of the view that it was not in the public interest to set aside a thorough consideration of impacts of the proposed car parking arrangements.

The panel also noted the proposal did not comply with the pre-conditions to granting consent with respect to;

- clause 7.15 (active street frontages) of the QPRLEP; and
- clause 4.6 of the SEPP (Resilience and Hazards) 2021 for the consideration of land contamination.

CONDITIONS

Council recommended refusal and therefore no conditions of consent were prepared.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Increased traffic and parking issues
- Loss of significant town centre parking
- Impacts on the heritage item
- Views, visual impact and dominance
- Privacy and amenity impact on surrounding properties
- Overshadowing impact
- Non-compliance with the ADG side setback
- Construction impacts
- Loss of character
- Existing vacancies - commercial tenancies
- Overshadowing
- Architectural design
- Stormwater and flooding
- Waste management
- Town centre reinvigoration

The panel considered that concerns raised by the community had not been adequately addressed which in part informed the Council's recommendation for refusal.

PANEL MEMBERS



Christopher Wilson (Chair)



Grant Christmas



Morgan Broadbent

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH – 330 – Queanbeyan-Palerang - DA.2023.0602
2	PROPOSED DEVELOPMENT	Shoptop Housing Development and Amendment (under Section 4.17(1)(b) of the EP&A Act) to DA 950033 for the Riverside Plaza extension
3	STREET ADDRESS	Lot 100 in Deposited Plan 1308422 50 Morisset St, Queanbeyan
4	APPLICANT/OWNER	Eight Mile Planning on behalf of Lockbridge Pty Ltd / Riverside Morisset Developments Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Planning Systems) 2021 - State Environmental Planning Policy (Biodiversity & Conservation) 2021 - State Environmental Planning Policy – Sustainable Buildings 2022 - State Environmental Planning Policy (Resilience & Hazards) 2021 - State Environmental Planning Policy (Housing) 2021 - State Environmental Planning Policy (Industry and Employment) - State Environmental Planning Policy (Transport and Infrastructure) 2021 - Queanbeyan Palerang Regional Local Environmental Plan 2022 - Draft environmental planning instruments: Nil - Development control plans: - Queanbeyan Development Control Plan 2012 - Planning agreements: RFI response attachment 1 VPA Letter of Offer 29/11/2024 - Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> - Coastal zone management plan: 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	- Council Assessment Report: 14 April 2025 - clause 4.6 request: - cl 4.3 (Height of buildings) - section 148(2)(a) of State Environmental Planning Policy (Housing) 2021 (car parking) - Written submissions during public exhibition: 14 - Verbal submissions at the public meeting: - Speakers: none - Council Consultant Assessment Planner - Mel Krzus (Gyde) - On behalf of the applicant – Kieran Fordham (Lockbridge) - Total number of unique submissions received by way of objection: 12
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Site inspection: 16 July 2024 <u>Panel members</u>: Chris Wilson (Chair), Grant Christmas, John Preston <u>Council assessment staff</u>: Tim Reich, Jacinta Tonner, Kylie Coe - Final briefing to discuss council's recommendation: 30 April 2025

		○ <u>Panel members</u>: Chris Wilson (Chair), Grant Christmas, Morgan Broadbent ○ <u>Council assessment staff</u>: Tim Reich, Kylie Coe, Jacinta Tonner ○ <u>Council consultant assessment planner</u>: Mel Krzus, Natalia Anderson ○ <u>DPHI</u>: Amanda Moylan, Nikita Lange, Tracey Gillett
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A