

## DETERMINATION AND STATEMENT OF REASONS

### SOUTHERN REGIONAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	4 July 2025
<b>DATE OF PANEL DECISION</b>	3 July 2025
<b>DATE OF PANEL MEETING</b>	27 May 2025
<b>PANEL MEMBERS</b>	Chris Wilson (Chair), Juliet Grant, John Preston, Morgan Broadbent
<b>APOLOGIES</b>	Grant Christmas
<b>DECLARATIONS OF INTEREST</b>	Bryce Wilson declared non-pecuniary conflict of Interest

Public meeting held by videoconference on 27 May 2025, opened at 3pm and closed at 5:22pm.  
Papers were circulated electronically on 15 May 2025.

The Panel Deferred its decision on 4 June 2025

The Council Supplementary Assessment Report was electronically circulated to the Panel on 20 June 2025.

#### MATTER DETERMINED

PPSSTH-340 – QUEANBEYAN-PALERANG REGIONAL – DA.2023.0635 at 37 TOMPSITT DRIVE  
JERRABOMBERRA 2619 – Construction of a Registered Club Premises (as described in Schedule 1).

#### PANEL CONSIDERATION AND DECISION

The Panel has had the benefit of an inspection the site and has been briefed by Council and the applicant.

As the matter attracted significant community interest, the Panel conducted a Public Briefing meeting on 17 July 2024 and heard from members of the public and other stakeholders. At this meeting the Panel made a commitment to hold a Public Determination meeting once it had received a report and recommendation from Council.

A Public Determination meeting was held on 27 May 2025 where members of the community, stakeholders and the applicant were given a further opportunity to address the Panel.

On the 4<sup>th</sup> of June 2025 the Panel deferred its determination of the matter to enable further assessment of information submitted by the applicant after the completion and upload on 13 May 2025 of Council's initial assessment report. This included:

1. A letter from Knight Frank Town Planning titled "*Town Planning Response to Panel – 37 Tomsitt Dr Jerrabomberra – 22 May 2025*" – uploaded to planning portal 22 May 2025.
2. **Attachment A:** *Summary of the community engagement undertaken by the proponent between 10 February and 16 March 2025* - uploaded to the planning portal 16 May 2025.
3. **Attachment B:** *Operational Noise Emission Assessment* prepared by Acoustic Dynamics dated 16 May 2025 – uploaded to planning portal 16 May 2025.
4. **Attachment C:** *Amended Plans – May 2025* - design amendments in response to recommendations of the Operational Noise Emission Assessment - uploaded to the planning portal 16 May 2025.
5. **Attachment D** - amended Social Impact Assessment (*Jerrabomberra Vikings Club Social Impact Assessment Update 2* prepared by Hill PDA May 2025) – uploaded to planning portal 22 May 2025.
6. **Attachment E** - covering letter prepared by Hill PDA dated 22 May 2025 addressing the peer review undertaken by Barr Planning – uploaded to planning portal 22 May 2025.
7. **Attachment F** - Legal advice prepared by Lindsay Taylor Lawyers dated 22 May 2025 – uploaded to planning portal 22 May 2025.

8. **Attachment G** - Amended Waste Management Plan prepared by INDESCO dated 15 April 2025 - uploaded to planning portal 22 May 2025.

On 20 June 2025 the Council uploaded a Supplementary Assessment Report as requested by the Panel which addressed the late information received from the applicant and relevant information provided to the Panel from the community and the applicant during the Public Determination meeting.

### **Development application**

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 listed at item 8 in Schedule 1. 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 to refuse the application for the reasons outlined in both the Council's original Assessment Report and Council's Supplementary Report.

The Panel acknowledges the acoustic assessment undertaken for the proposal predicts that the development could meet calculated patron and music noise emission levels, mechanical plant noise emission levels and traffic noise emission levels at sensitive receivers. However, as outlined in the Applicant's Operational Noise Emission Assessment and Council's Supplementary Report, this can only be achieved subject to a swath of noise management measures including acoustic barriers.

The Panel considers that the need for such design and intensive noise operational management measures is likely to result in ongoing regulatory compliance given the proximity of the development to adjoining sensitive receivers. Furthermore, the need to build a 3-metre-high acoustic barrier adjoining the eastern southeastern boundaries also comes with its own adverse impacts including visual, security and social which further degrade the proposal's compatibility with adjoining residential development.

The Panel acknowledges that the proposal is generally compliant with applicable numerical controls and is architecturally sound. However, the Panel considers the use incompatible with adjoining development, particularly having regard to the residential interface to the east and southeast and accepts Council's arguments relating to the proposals inconsistency with the objectives and desired future character inherent in the E1 Local Centre zoning.

While these concerns would be somewhat diminished if the Panel were to approve Stage 1 only as suggested by the Applicant, a lack of confidence relating to the ability of Stage 2 to proceed would remain.

### **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:

- Inadequate consultation
- Trading hours and the associated impact of anti-social behaviour and public safety concerns
- Inconsistent with the quiet low-density suburb
- Taverns already service the suburb
- Ineffective Plan of Management
- Recent refusal of NSW Liquor & Gaming to extend the trading hours of the Jerrabomberra Hotel
- Affiliation of the club and how it benefits the community, noting no sporting team is proposed for the local community
- Bulk and scale of the development
- Social impacts associated with gambling and alcoholism

- Parking and traffic issues
- Residential amenity impacts including privacy, litter, noise, light pollution, air quality, loss in property values, views to open space
- Does not comply with the relevant planning aims, objectives and controls
- Impact to high biodiversity value flora and fauna

The Panel considers that concerns raised by the community during the consultation and the public meetings have been adequately addressed in the Assessment Report and Supplementary Assessment Report.

PANEL MEMBERS	
 <p>Chris Wilson (Chair)</p>	 <p>Juliet Grant</p>
 <p>John Preston</p>	 <p>Morgan Broadbent</p>

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-340 – QUEANBEYAN-PALERANG REGIONAL – DA.2023.0635
2	PROPOSED DEVELOPMENT	Construction of a Registered Club Premises
3	STREET ADDRESS	Lot 6 DP 1246134 - 37 Tomsitt Drive Jerrabomberra
4	APPLICANT/OWNER	Knight Frank Town Planning for Tuggeranong Valley Rugby Union & Sports Club Ltd / Poplars Development Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)</li> <li>State Environmental Planning Policy (Biodiversity &amp; Conservation) 2021</li> <li>State Environmental Planning Policy (Resilience &amp; Hazards) 2021</li> <li>State Environmental Planning Policy (Transport &amp; Infrastructure) 2021</li> <li>State Environmental Planning Policy (Industry &amp; Employment) 2021</li> <li>State Environmental Planning Policy Amendment (Land Use Zones) (No 6) 2022 (Land Uses SEPP No. 6)</li> <li>Queanbeyan-Palerang Regional Local Environmental Plan 2022 (QPRLEP 2022)</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>South Jerrabomberra Development Control Plan 2015</li> <li>Queanbeyan Development Control Plan 2015</li> </ul> </li> <li>Planning agreements: Jerrabomberra Innovation Precinct Infrastructure Planning Agreement (Innovation Precinct Planning Agreement)</li> <li>Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council Assessment Report: 13 May 2025</li> <li>Council Supplementary Assessment Report: 20 June 2025</li> <li>Written submissions during public exhibition: 123</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>Margot Sachse (Jerrabomberra Residents Assoc.), Antje Wilson, Gerry Coy, Julie Elizabeth Manning, Robert Wilson, David Maxwell (Riverview Group), Robert French, Elaine Arton, Anna Murton, Amalijah Thompson, Garreth Wigg, Matthew Davis, Gabrielle Sutton, Amdrew Orman, Rebecca Ryan (QPRC).</li> <li>Council assessment officer – Luceille Yeomans,</li> <li>On behalf of the applicant – Mark Grayson (Knight Frank Town Planning), Nicholas Cavallo (Knight Frank Town Planning) , Anthony Hill (Vikings Group)</li> </ul> </li> <li>Total number of unique submissions received by way of objection: 66</li> </ul>

8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Briefing: 17 April 2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Chris Wilson, Juliet Grant, Grant Christmas</li> <li>○ <u>Council assessment staff</u>: Jacinta Tonner</li> <li>○ <u>DPHI</u>: Amanda Moylan</li> </ul> </li> <li>• Site inspection: 17 July 2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, John Preston</li> <li>○ <u>Council assessment staff</u>: Luceille Yeomans, Kylie Coe</li> </ul> </li> <li>• Assessment Briefing: 17 July 2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, John Preston</li> <li>○ <u>Council assessment staff</u>: Luceille Yeomans, Kylie Coe</li> <li>○ <u>Applicant representatives</u>: Sean Richards (Construction Consultants), Waleed Memon (Construction Consultants), Nicholas Cavallo (Knight Frank), Ron Kent (Vikings Group), Glenn McCormack (Benson McCormack Architecture), Arne Heeres (Benson McCormack Architecture)</li> <li>○ <u>DPHI</u>: Amanda Moylan, Tracey Gillett</li> </ul> </li> <li>• Public Briefing: 17 July 2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, John Preston</li> <li>○ <u>Council Assessment staff</u>: Luceille Yeomans</li> <li>○ <u>DPHI</u>: Amanda Moylan, Tracey Gillett</li> <li>○ Verbal submissions at the public briefing: <ul style="list-style-type: none"> <li>• Margot Sachse – on behalf of Jerrabomberra Residents Association</li> <li>• Robert Wilson</li> <li>• Andrew Orman</li> <li>• Matthew and Jessica Davis</li> <li>• Antje Wilson</li> <li>• Gabrielle Sutton</li> <li>• Gerry Coy</li> <li>• Anna and Chris Murton</li> </ul> </li> </ul> </li> <li>• Applicant Briefing: 17 December 2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, John Preston, Morgan Broadbent</li> <li>○ <u>Council assessment staff</u>: Luceille Yeomans, Kylie Coe, Ruth Ormella</li> <li>○ <u>Applicant representatives</u>: Nicholas Cavallo (Knight Frank Town Planning), Mark Grayson (Knight Frank Town Planning), Sean Richards (Construction Consultants), Waleed Memon (Construction Consultants), Anthony Hill (Vikings Group), Ron Kent (Vikings Group), Glenn McCormack (Benson McCormack Architecture), Arne Heeres (Benson McCormack Architecture), David Maxwell (Riverview Group), David Harper (Le Hunter Properties P/L), Alexander Peck (Hill PDA), Tony Johnston (Pigott Stinson Lawyers), Nic Heinecke (Pigott Stinson Lawyers)</li> <li>○ <u>DPHI</u>: George Dojas, Nikita Lange</li> </ul> </li> <li>• Final briefing to discuss council's recommendation: 27 May 2025 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, John Preston, Morgan Broadbent</li> </ul> </li> </ul>
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		<ul style="list-style-type: none"><li>○ <u>Council assessment staff</u>: Luceille Yeomans, Kylie Coe, Ruth Ormella, Tim Reich</li><li>○ <u>DPHI</u>: Amanda Moylan, Nikita Lange, Tracey Gillett</li></ul>
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A

## SCHEDULE 2 – Reasons for Refusal

- 1) Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposal does not satisfy the objectives for development in the zone contained in Clause 2.3(1)(a) of the Queanbeyan Palerang Local Final Assessment Report: Registered Club May 2025 Page 61 Environmental Plan 2022 which seeks to ensure that development is of a design and type that supports the amenity and character of an area.
- 2) Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development does not satisfy Clause 6.3(1)(a) which seeks to ensure development on land in an urban release area occurs in a logical way.
- 3) Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development has not demonstrated compliance with State Environmental Planning Policy (Industry & Employment) 2021 for Advertising and Signage.
- 4) Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development has not demonstrated compliance with State Environmental Planning Policy (Transport & Infrastructure) 2021 for solar energy systems.
- 5) Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development is unsatisfactory as it does not comply with the provisions of the South Jerrabomberra Development Control Plan 2012 including: a) Inconsistent with the overall desired future character of the neighbourhood centre outlined in Section 10.2 as it is not considered a low scale activity designed to meet the daily convenience shopping needs of the surrounding residential catchment, b) Inconsistent with the overall desired future character of the neighbourhood centre outlined in Section 10.2 as the development has not sufficiently demonstrated that it has been designed to be sensitive to enhance the local residential and environmental amenity through appropriate design.
- 6) Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development is unsatisfactory as it does not meet the relevant controls in Section 2.3.6 Noise and Vibration of the Queanbeyan Development Control Plan 2012 relating to waste and recycling and noise impacts.
- 7) Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 the proposed development is likely to have a net adverse impact on the built and social environment.
- 8) Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 the application has not demonstrated that the site and design is suitable for the proposed development at the interface with existing residential development and noise impacts cannot be managed through conditions.
- 9) Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 the application has not demonstrated that the site and design is suitable for the proposed development given deficiencies in the social impact assessment.
- 10) Pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 the development is not considered in the public interest as the net benefits to the community do not outweigh the anticipated harm.
- 11) The material lodged by the Applicant includes errors and inconsistencies resulting in some plans and supporting reports not currently at a standard that could be included in a notice of determination should consent be granted.
- 12) The proposal, by virtue of its siting, large scale nature and design does not achieve the objectives of the E1 Local Centre zone, and therefore undermines the ultimate delivery of the Local Centre. The proposal does not achieve the objectives as a whole, and is contrary to the objectives of E1 Local Centre zone of the Queanbeyan Palerang Regional Local Environmental Plan 2022, and has not achieved provision S.4.15(1)(a)(i) of the EP&A Act 1979.
- 13) The proposal, due to its juxtaposition siting in the northeastern corner of the E1 Local Centre zoned site, adjoining the R2 Residential zone, adversely impacts on the amenity of the adjacent area. Further the proposal has not demonstrated how it contributes to securing the future character of the E1 Local Centre. The siting, layout and design, landscape plans and acoustic barrier do not overcome the harm. The

proposal does not achieve the provisions of Part Neighbourhood Centre of the South Jerrabomberra Development Control Plan. Specifically, the proposal does not achieve 10.2 Overall Desired Future Character, being the low scale node of activity meeting the daily convenience shopping needs of the surrounding residential catchment, designed to be accessed from walkable neighbourhoods. The proposal does not achieve the provisions of s.4.15(1)(a)(iii) a development control plan, s.4.15(1)(c) suitability of the site and s.4.15(1)(e) public interest of the EP&A Act 1979.

- 14) The proposal, due to the nature and scale of use as a registered club, would lead to social impacts in the categories of the way of life and community. The mitigation measures proposed do not overcome unacceptable social impacts, nor ensure the public interest remains intact. The proposal does not satisfy the provisions of s.4.15(1)(e) public interest of the EP&A Act 1979.
- 15) The proposal is not suitable for this site as it requires an overly burdensome level of planning control through extensive conditions, management restrictions, and operational management plans. The necessary level of planning controls needed to support the proposal on the subject site amounts to the proposal not being suitable for the site, undermining the E1 Local Centre site and being impactful on the public interest. Overly burdensome planning control does not achieve the Precautionary Principle. The proposal does not satisfy the provisions of s.4.15(1)(c) suitability of the site and s.4.15(1)(e) public interest of the EP&A Act 1979.