

DRAFT REASONS FOR REFUSAL

- a. Insufficient information has been provided to Panel to complete an adequate assessment of the application under Section 4.15 of the Environmental Planning and Assessment Act, 1979 (EP&A Act). In accordance with Clause 36(5) of the Environmental Planning and Assessment Regulation 2021, the applicant is taken to have notified the Panel that the additional information requested will not be provided.
- b. The development is inconsistent with the objects under the National Parks and Wildlife Act 1974, in particular, Section 2A (b) and the Panel cannot be satisfied that the development will conserve objects, places or features of cultural value to Aboriginal people as the application has not identified, assessed the potential impacts of the development on Aboriginal heritage.
- c. The development is inconsistent with the aims of the Queanbeyan Palerang Regional Local Environmental Plan 2022 (LEP), in particular aims (a), (h), (i) and (k). The absence of an Aboriginal Cultural Heritage Assessment Report (ACHAR) and response to visual impacts concerns and insufficient information relating to the width and suitability of Wallaces Gap Road for B-Double vehicular traffic, prevents the Panel from being satisfied that proposal appropriately protects and manages the environmental and cultural heritage values, responds sensitively to the character and landscape of the locality.
- d. The development is inconsistent with the objectives of the RU1 Primary Production zone under the LEP as the application has not demonstrated that the development will maintain and enhance the natural resource base and the potential impacts on the surrounding rural land use. The lack of an ACHAR, response to visual impact concerns, insufficient information relating to the width and suitability of Wallaces Gap Road for B-Double vehicular traffic prevents the Panel from being satisfied that the development achieves the intended objectives of the zone.
- e. In the absence of an ACHAR, the Panel is unable to determine whether the proposal would result in impacts to Aboriginal objects, Aboriginal places of significance or other Aboriginal cultural heritage value or whether appropriate avoidance, mitigation or management measures can be implemented. Accordingly, the Panel cannot be satisfied that the proposal has demonstrated consistency with Clause 5.10 of the LEP.

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RIGHT OF APPEAL BY APPLICANT

If you are dissatisfied with this decision Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the NSW Land and Environment Court within six (6) months after the date on which you receive this notice in accordance with the regulations.

** Section 8.7 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for local development that has been the subject of a Commission of Inquiry.*

REQUEST FOR REVIEW OF DETERMINATION BY APPLICANT

Division 8.2 of the *Environmental Planning and Assessment Act 1979* provides that an applicant may request the Council to review a determination of their application. A request for review must be received within six (6) months of the date of determination. In reviewing the determination Council may confirm or change its determination. A fee applies to all applications for review. Review provisions do not apply to:

- (a) a determination to issue or refuse to issue a complying development certificate, or
- (b) a determination in respect of designated development, or
- (c) a determination in respect of integrated development, or
- (d) a determination made by the Council under Division 4 in respect of an application by the Crown.