

## **COUNCIL ASSESSMENT REPORT**

### **SOUTHERN REGIONAL PLANNING PANEL**

#### **Supplementary Assessment Report**

**Panel Reference:** PPSSTH-207

**DA Number:** DA.2022.1637

**Proposed Development:** Construction of commercial premises, medical centre, recreation facility (indoor), signage, car park, road, associated earthworks, landscaping and infrastructure and concept approval for a pub (The Googong Hotel)

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As discussed in the final determination briefing on 2 August 2023, the Panel has requested the following additional information to be addressed and submitted in the form of a supplementary report to assist in finalisation of the determination of development application PPSSTH-207 (DA.2022.1637).

In response to a request from the Panel, the following information has been prepared and recommended conditions of consent have been amended for consideration by the Panel in the determination of the above Development Application.

Amendment to draft conditions of consent resulted in re-numbering of all draft conditions of consent.

1. Subdivision– Whether there is any impediment to the Panel proceeding with its determination of the current application (having regard to s4.12 of the *EP&A Act* and clause 23 of the *EP&A Regulation*) prior to the registration of the proposed new lots to be created through the subdivision of the land the subject of recently determined DA (DA.2022.1638).

Council's Comment: As stated in the assessment report, the subject site comprises the existing and current parent lots and DP number(s): (Part of) Lot 341 & Lot 342 DP 1259563 and Lot 673 DP 1289740 (Formerly Lot 641 DP 1281684) and is commonly known as No. 19 Glenrock Drive GOOGONG NSW 2620 and No. 100 & 150 Wellsvale Drive GOOGONG NSW 2620. That is sufficient locational information to permit the determination of the DA on existing parent lots. Additionally owner consent has been provided to carry out works on the subject site. The subdivision DA.2022.1638 helps to explain the longer term plan for implementation of the Works DA.2022.1637 (and assists the efficiency of commercial negotiations between GTPL and third parties – such as the pub operator and/or the supermarket operator – under Community Management) but is not a determinative issue. In addition, it is important to note that the approved lots do not have to be registered in order for the Works DA to be determined.

2. New draft condition 3 is added to refer to the concept approval of the pub as part of this application as follows:

#### Condition 3

#### **Concept Approval for The Pub**

As provided by section 4.22 of the *Environmental Planning and Assessment Act 1979*, this consent includes the concept approval for the pub.

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*Note: This consent does not permit the construction of the proposed pub to occur on site except for the car parking associated with the pub.*

*Reason: To ensure concept approval is included as part of this consent.*

**Council's Comment:** As mentioned in Council's assessment report, the proposed development includes the concept approval for the pub (The Googong Hotel) which will be located on the approved Lot 3 (Community lots created under the recently approved DA.2022.1638). A separate development application DA.2023.0144 for the physical works for the pub has been submitted to Council and is currently being assessed. The assessment of the subject application revealed that the concept approval for the pub is unlikely to impact on the proposed development on site including car parking spaces and internal road. Suitable car parking spaces for the pub has been considered and provided as part of this application and will be managed under the Community Management. Council's Development Engineer has assessed the application and has raised no objection to the proposed car parking.

3. Draft condition 3 has been further reviewed by Council's Health Officer and the number is now changed to condition 4 and is read as follows:

### Condition 4

#### **Operational Hours for Supermarket and Loading Dock**

Operating hours for the supermarket are as follows:

Day	Hours
Monday to Sunday (Including Public holidays)	6am to 12am

Operating hours for the supermarket loading dock are as follows:

Day	Hours
Monday to Sunday	Delivery is expected to occur any time of the day (24 hours a day)

*Note: Any variation to these hours will require Council consent via the lodgement of an application under Section 4.55 of the Environmental Planning and Assessment Act 1979.*

*Reason: To ensure that the amenity of the surrounding area is not compromised as a result of the operation of the development.*

**Council's Comment:** The Panels raised concern regarding the proposed operating hours of the loading dock located at the rear of the supermarket and potential noise impact on residential development in the locality. Based on the submitted SEE and supporting documents, delivery is expected to occur any time of the day (24 hours a day), from Monday to Sunday. The submitted acoustic report concluded that noise levels during the proposed night-time operation of the development are unlikely to cause sleep disturbance. The submitted acoustic report and other supporting documents have been further reviewed by Council's Health Officer who has raised no objection to the proposed hours of operation subject to the imposition of a new condition 5 below. This new condition will sit below existing condition 4 (new condition 5). Health Officer has provided additional comment as follows:

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*"I don't think we need to restrict the loading dock further as the impact is unlikely to be significant due to the distance to neighbouring residential properties and the major road buffer. The requirement for further testing after commencement of operations will provide an accurate picture of the soundscape and operational impacts based off this data. Additionally Councils Environmental Health officers can always take action under POEO at anytime when we deem it necessary."*

4. As mentioned above, a new condition 5 has been added to address the noise issue related to the operation of the loading dock. New draft condition 5 reads as follows:

#### Condition 5

##### **Loading dock noise restrictions**

All heavy vehicles accessing the loading dock area between the hours of 10pm to 7am must only use "White noise" reversing alarms that are limited to 90dB Lafmax. The heavy vehicle engine must not be left to idle during loading and unloading of the vehicle.

**Reason:** *To protect the night time amenity of the area for neighbouring residential properties and prevent sleep disturbance that may occurring during overnight commercial deliveries.*

5. Draft condition 4 is relocated under heading "Conditions To Be Satisfied During Demolition And/Or Building Works" and will become Condition 39. Condition 39 is read as follows:

#### Condition 39

##### **Haulage Trucks Hours of Operation**

Haulage truck operations on all public roads shall cease during the period when school busses may be encountered on public roads, between the hours of 7.00 am - 9.00 am and 3.00 pm - 5.00 pm on school days.

**Reason:** *To avoid potential conflict with existing local traffic.*

**Council's Comment:** Given that the haulage truck operation is related to the construction works, it is considered appropriate to relocate the condition under the heading "Conditions To Be Satisfied During Demolition And/Or Building Works". This matter was discussed with Council's Development Engineer who has raised no objection to the proposal.

6. Draft conditions 23, 24, 80, 81, 82, 83, 91, 92, 95, 96 and 97 are amended to replace reference to "Owner" to "the person acting on this consent". The numbering has changed from conditions 23 and 24 to 24 and 25. These amended conditions are read as follow:

#### Condition 24

##### **Develop Litter Management Plan**

The person acting on this consent shall develop a Litter Management Plan and submit the proposed plan to Council for approval prior to issue of a construction certificate. The Litter Management Plan shall cover all external areas of the development site, including any

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parking areas or other public domain, and immediately adjacent public land where necessary. The Litter Management Plan shall detail:

- How litter will be managed
- The frequency of litter management activities, including triggers for ad-hoc collections
- Who will be responsible for funding, managing and implementing the Plan.

*Reason: To protect local amenity and prevent litter impacts on the environment.*

#### Condition 25

#### **Develop Trolley Management System**

The person acting on this consent shall develop a Trolley Management System and submit the proposed system to Council for approval prior to issue of a construction certificate. The Trolley Management System shall be consistent with the QPRC Shopping Trolley Management Policy.

*Reason: To ensure free flow of vehicular and pedestrian traffic on the road and the verge and to protect local amenity.*

7. Draft condition 28 is deleted from the draft conditions of consent. Condition 28 is read as follows:

#### Condition 28

#### **Disposal of Contaminated Material**

Any contaminated material removed from the site must be disposed of to a licensed disposal facility or as otherwise specified in the remedial action plan. Evidence of the location, date and quantities of material disposed of must be submitted to Council prior to the issue of a Construction Certificate.

*Reason: To ensure that any contaminated material removed from the site is disposed of in an environmentally safe manner.*

Council's comment: The above condition is not considered relevant to the proposal as the land remediation was dealt with under the previous subdivision DA123-2017. The site audit statement was issued for the subject site as part of the subdivision certificate under DA123-2017 stated that the site is suitable in its current state for the proposed development.

8. Draft condition 42 is amended to replace reference to "DECCW" with the current name NSW Office of Environment and Heritage (OEH). Existing draft condition 42 is now known as condition 43. Amended condition 43 is read as follows:

#### Condition 43

#### **Unexpected Finds**

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The development is to proceed with caution. If any Aboriginal objects are found, works should stop and NSW Office of Environment and Heritage (OEH) notified. If human remains are found work is to stop, the site is to be secured and the NSW Police and NSW OEH are to be notified.

*Reason: To ensure objects discovered during construction are protected and notified in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales.*

9. New draft condition 45 is added to ensure the proposed internal road (private road) (section of Glenrock Dr through the town centre) is constructed in accordance with Council Design Specifications which refer to the Australia Standard and is read as follows:

#### Condition 45

##### **Internal Road Requirements**

The detailed engineering plans for the internal road must comply with the requirements of Council's Design and Construction Specifications which shall be designed and constructed to the minimum standard of a dense graded AC14 asphalt mix and in accordance with Council Design Specifications for GEOMETRIC DESIGN and PAVEMENT DESIGN and Council's Construction Specifications for FLEXIBLE PAVEMENTS and ASPHALTIC CONCRETE. As a minimum, a 7mm prime seal shall be indicated on the Drawings below the asphalt surfacing.

*Reason: To ensure road design, construction and ancillary work is in accordance with Council's standards and requirements.*

10. The Panel requested that Council review the draft condition 21 (now known as condition 22) and condition 47 (now known as condition 49) related to construction waste management plan. Council decided to retain both conditions. Condition 22 will ensure the construction waste management plan is prepared/developed and submitted to Council for approval prior to the issue of a Construction Certificate. Whereas condition 49 will ensure appropriate storage and disposal of construction waste during the construction phase. The title of Condition 49 to be amended as follows:

#### Condition 49

##### **Disposal of Construction Waste Management**

All waste materials generated on-site during construction are to be stored in enclosed containers and deposited in an approved landfill at regular periods.

*Reason: To ensure adequate waste management practices are in place during the construction phase.*

11. Draft condition 56 is amended to remove wording "issue of Occupation Certificate" and replace with "Occupation of Premises" instead. The numbering has changed from condition 56 to condition 58 and read as follows:

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#### Condition 58

##### **Three (3) Month Operation Acoustic Report After Occupation of Premises**

An acoustic report assessing the operational noise generated from the site must be completed by a suitably qualified professional and submitted to Council. Any noise mitigation recommendations listed within the acoustic report must be implemented.

The acoustic report must be submitted no sooner than 3 months and no later than 6 months after the occupation of premises.

*Reason: To ensure that real-time noise impacts are assessed and mitigated where and when required for the benefit of neighbouring properties and to comply with the Protection of the Environment Operations Act 1997.*

12. Draft condition 58 is amended to ensure the final version of the Community Management Statement is submitted to Council for approval prior to the issue of any Occupation Certificate. The Community Management Statement shall include the management and maintenance of the private road and car parking. Condition number has changed from 58 to 60 and read as follows:

#### Condition 60

##### **Submission of Community Management Statement**

Prior to issue of any Occupation Certificate, a Community Management Statement for the development approved under this consent must be submitted to Council for approval and shall include the management and maintenance of the private road and car parking associated with this development.

*Reason: To satisfy the provisions of the Community Land Management Act 1989 and the Community Land Development Act 1989.*

Council's Comment: Draft Community Management Statement (CMS) has been submitted to Council. It includes the repair, maintenance and management of the proposed internal private road including all gardens and grassed areas on the associated Lots. The applicant advised that the final version of the CMS will be submitted prior to the Occupation Certificate as some changes may occur as a result of the land use/design changes. The draft CMS did not include the management and maintenance of the car parking across the site. Therefore the above condition has been amended to ensure the final version of the CMS to include the maintenance and management of both internal private road and carparking on site.

13. Draft condition 68 (to be known as draft condition 70) has been amended to delete reference to "Private Property" and "Certificate of Completion", noting there is no privately owned properties adjoining the subject development site that would be impacted by the proposed development. The draft condition also amended to include another paragraph to ensure a dilapidation report on public land adjoining the development site is prepared and submitted to Council prior to the issue of any Occupation Certificate. Draft condition 70 is read as follows:

#### Condition 70

##### **Repair Damaged Public Property**



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All damage caused to public property during the construction operations and associated activities must be repaired or reinstated prior to the issue of any Occupation Certificate.

The dilapidation report details the comprehensive record of the condition of public properties adjoining the development site must be prepared by a practising structural engineer and must be submitted to, and approved by, Council.

*Reason: To ensure that all public property in the vicinity of the development is maintained in its pre-development condition and to ensure that the condition of buildings, structures and/or public infrastructure on adjoining premises is accurately recorded following the completion of work on the development site.*

14. Draft condition 73 (to be known as Condition 75) is amended to include a new paragraph to ensure the approved landscaping on site is continuously maintained by the person acting on this consent for the life of the development. Condition 75 is read as follows:

#### Condition 75

#### **Statement of Completed Landscape Works**

A "Statement of Completed Landscaped Works" form signed by the landscape plan designer and the landscape contractor must be submitted to Council prior to the issue of the Final Occupation Certificate.

All landscaping on site must be continuously maintained by the person acting on this consent for the life of the development.

*Reason: To help ensure a high standard of landscape works.*

15. Draft conditions 80, 81, 82, 83, 91, 92, 95, 96 and 97 are amended to replace reference to "Owner" to "the person acting on this consent" and to ensure the installation of the trolley management system and litter management plan is carried out and completed prior to the issue of the Occupation Certificate. The numbering has changed from conditions 80 - 83 to Conditions 82 – 85 and conditions 91 - 92, 95 – 97 to Conditions 93 -94, 97 - 99. The Panel raised that draft conditions 23 and 24 (to be known as conditions 24 & 25), conditions 80 and 81 (to be known as 82 & 83) and conditions 96 and 97 (to be known as conditions 98 & 99) are repetitive and need to be reviewed. Council decided to retain conditions 24 and 25 as mentioned in Point 6 above. Conditions 82 and 83 below have been amended to ensure the installation is completed prior to the issue of an Occupation Certificate in accordance with Conditions 24 and 25. Conditions 98 and 99 are proposed to remain to ensure the approved trolley management system and litter management plan are implemented and maintained for the life of the development under the heading "Conditions to be satisfied during ongoing use of the premises". These amended conditions are read as follow:

#### Condition 82

#### **Implement Trolley Management System**

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The person acting on this consent shall implement the approved Trolley Management System as per Condition 25, including installing all infrastructure required by the System prior to the issue of any Occupation Certificate.

*Reason: To ensure the approved Trolley Management System is implemented.*

#### Condition 83

#### **Implement Litter Management Plan**

The person acting on this consent shall implement the approved Litter Management Plan as per Condition 24, including installing all infrastructure required by the Plan prior to the issue of any Occupation Certificate.

*Reason: To ensure the approved Litter Management Plan is implemented.*

#### Condition 84

#### **Install and Commission all Waste Infrastructure**

The person acting on this consent shall install, and commission as necessary, all waste infrastructure required to service the development as detailed in the approved Operational Waste Management Plan.

*Reason: To ensure all required waste infrastructure is commissioned prior to occupation.*

#### Condition 85

#### **Submit Construction Waste Records**

At the conclusion of construction works, the person acting on this consent shall submit to Council the following information:

- Quantities of construction waste broken down into major waste streams, the facility the waste was sent to and the end use (landfilled, reused, recycled)
- Quantities of excavated natural material (ENM), the classification of ENM, the ENM disposal site(s) and the volume of ENM deposited at each site

*Reason: To verify that waste has been legally managed.*

#### Condition 93

#### **Commercial waste management**

The person acting on this consent shall be responsible for disposing of waste from this development. Disposal shall be to an appropriately licenced facility at the person acting on this consent's cost.

*Reason: To ensure that commercial waste is appropriately managed and disposed.*



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#### Condition 94

##### **Comply with Operational Waste Management Plan**

The person acting on this consent shall ensure that the requirements of the Googong Central NSW Operational Waste Management Plan (Elephants Foot Consulting Pty Ltd, Revision C or later revision as appropriate) is complied with by all tenants or other occupants of the development.

*Reason: To ensure that commercial waste is managed in accordance with the approved Waste Management Plan.*

#### Condition 97

##### **Ongoing management of waste**

The person acting on this consent shall:

- Manage access to the waste areas to ensure that only authorised users can access the area; and
- Keep waste areas free of debris, vermin and otherwise in a safe state for the collection of waste; and
- Manage waste storage areas to minimise negative impacts to adjoining properties; and
- Store bins within the waste areas in areas that do not impede access to other bins, fire safety features, emergency exits or other structures required to be accessed; and
- Generally undertake waste management in accordance with the Waste Management Plan approved by Council.

*Reason: To ensure the effective and safe ongoing management of waste areas.*

#### Condition 98

##### **Maintain and Operate Trolley Management System**

The person acting on this consent shall maintain and operate, for the life of the development, the approved Trolley Management System.

*Reason: To ensure the approved Trolley Management System is implemented.*

#### Condition 99

##### **Maintain and Operate Litter Management Plan**

The person acting on this consent shall maintain and operate, for the life of the development, the approved Litter Management Plan.

*Reason: To ensure the approved Litter Management Plan is implemented.*

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**Conclusion:** With the clarification and further assessment provided in this Supplementary Assessment Report it is recommended that the application be granted conditional consent.

**Supplementary Assessment Report prepared by:** Mary Kunang, Queanbeyan-Palerang Regional Council

**Report Date:** 4 August 2023