

COUNCIL ASSESSMENT REPORT

SOUTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSTH-340 & DA.2023.0635
PROPOSAL	Construction of a Registered Club Premises
ADDRESS	Lot 6 DP 1246134 - 37 Tomsitt Drive Jerrabomberra
APPLICANT	Knight Frank Town Planning for Tuggeranong Valley Rugby Union & Sports Club Ltd
OWNER	Poplars Development Pty Ltd
DA LODGEMENT DATE	25 January 2024 (Invoice paid 7 February 2024)
APPLICATION TYPE	Regionally significant
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19(1) of <i>State Environmental Planning Policy (Planning Systems) 2021</i> identifies the proposal as regionally significant development with a CIV of more than \$30 million.
CIV	\$36,352,501 (excluding GST)
CLAUSE 4.6 REQUESTS	Nil
LIST OF ALL RELEVANT PLANNING CONTROLS (S4.15(1)(A) OF EP&A ACT)	<ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Planning Systems) 2021</i> (Planning Systems SEPP) • <i>State Environmental Planning Policy (Biodiversity & Conservation) 2021</i> • <i>State Environmental Planning Policy (Resilience & Hazards) 2021</i> • <i>State Environmental Planning Policy (Transport & Infrastructure) 2021</i> • <i>State Environmental Planning Policy (Industry & Employment) 2021</i> • <i>State Environmental Planning Policy Amendment (Land Use Zones) (No 6) 2022</i> (Land Uses SEPP No. 6) • <i>Queanbeyan-Palerang Regional Local Environmental Plan 2022</i> (QPRLEP 2022) • <i>South Jerrabomberra Development Control Plan 2015</i> • <i>Queanbeyan Development Control Plan 2015 (part)</i>
AGENCY REFERRALS	NSW Police Force NSW Rural Fire Service Crown Lands Essential Energy Transport for NSW Canberra Airport

TOTAL & UNIQUE SUBMISSIONS	123 submissions total, being 66 unique submissions received 186 emails of support
KEY ISSUES	<p>Site suitability</p> <p>Relevant statutory controls and non-statutory guidelines not adequately addressed</p> <p>Social Impact Assessment deficiencies</p> <p>Acoustic impacts</p> <p>Operational impacts</p> <p>Inconsistencies and errors in application material</p>
DOCUMENTS SUBMITTED FOR CONSIDERATION	<p>Attachment A - Statement of Environmental Effects (version 3 February 2025)</p> <p>Attachment B - Architectural Plans (amended Ref A-DA 30 January 2025)</p> <p>Attachment C - Civil engineering plans (amended Rev A December 2023)</p> <p>Attachment D - View Analysis (Rev 2 dated 25 July 2024)</p> <p>Attachment E - Traffic Impact Assessment (amended 28 January 2025)</p> <p>Attachment F – Acoustic reports & advice</p> <ul style="list-style-type: none"> Acoustic Environmental & Impact Assessment Report & Aircraft Noise Impact Assessment (Revision 2 dated 3 February 2025) Acoustic Peer Review for Applicant (Acoustic Dynamics 16 January 2025) Acoustic Letter (Acoustic Noise & Vibration Solutions) 3 February 2025) Acoustic Peer Review for Council (Day Design) dated December 2024 and February 2025) <p>Attachment G – Social Impact Assessment reports & advice</p> <ul style="list-style-type: none"> Social Impact Assessment (23 August 2024) Updated Social Impact Assessment (February 2025) Peer Review of Applicants Social Impact Assessment by Barr Planning dated (May 2025) <p>Attachment H - Bushfire Report (Amended V1DA4 10 September 2024)</p> <p>Attachment I - Operational Plan of Management & Alcohol Plan of Management</p> <p>Attachment J - Waste Management Plan (15 August 2024)</p> <p>Attachment K - Landscape Plans (amended Revision E 3 February 2025)</p>
PREVIOUS BRIEFINGS	17 July 2024 and 17 December 2024
PLAN VERSION	Architectural Plans (amended Ref A-DA 30 January 2025) Amended application received 3 & 4 th February 2025
ASSESSMENT STATUS	Council has finalised its assessment
PREPARED BY	Principal Planner – QPRC
DATE OF REPORT	13 May 2025

EXECUTIVE SUMMARY

This assessment report is provided for the Southern Region Planning Panel to consider at their Determination Meeting of 27 May 2025. The application is to be determined by the Southern Regional Planning Panel as the development is '*regionally significant development*', pursuant to Clause 2 of Schedule 6 of the Planning Systems SEPP being general development with a capital investment value over \$30 million.

The development application DA.2023.0635 seeks consent for a registered club premises proposed to be developed over 2 stages. Ultimately the club would cater to a maximum of 1320 patrons and provide 272 car spaces.

Amendments to the application were made under clause 37 of the Environmental Planning and Assessment Act uploaded to the NSW Planning Portal on 3rd and 4th February 2025.

The assessment has found that key issues of concern remain. Impacts associated with stage 1 and the overall development have demonstrated that neither stage can be supported.

The proposal is considered to be generally inconsistent with the relevant planning controls and the site is not considered suitable for this development as proposed.

Outstanding issues which cannot be overcome through conditions include:

- Inconsistent with the Environmental Planning and Assessment Act in terms of site suitability,
- Inconsistent with the Environmental Planning and Assessment Act in terms of not being in the public interest,
- Inconsistent with the Objectives of the E1 Zone under the Queanbeyan Palerang Regional Local Environmental Plan 2022,
- Development not considered to meet the objective for orderly development under Clause 6(3) of the Queanbeyan Palerang Regional Local Environmental Plan 2022
- Application has not demonstrated compliance with State Environmental Planning Policy (*Transport & Infrastructure*) 2021 for solar energy systems,
- Application has not demonstrated compliance with *State Environmental Planning Policy (Industry & Employment) 2021* for advertising and signage,
- Acoustic reports submitted by the Applicant cannot be relied on in the expert opinion of Council's independent external consultant (Day Design Pty Ltd),
- Social Impact Assessments provided by the Applicant cannot be relied on in the expert opinion of Council's independent external consultant (Barr Planning)
- Inconsistent with relevant objectives and controls of the Queanbeyan Development Control Plan,
- Errors and inconsistencies in application material.

1. THE SITE & LOCALITY

1.1 Site

The development site is part of Lot 6 DP 1246134, known as 37 Tompsitt Drive Jerrabomberra (see Figure 1). Lot 6 has an area of 4.85ha and is subject to a consent for subdivision (DA.2023.0348). The subject site being proposed Lot 11 which will have an area of 19,829m² once registered.

The site is located in Jerrabomberra located southwest of Queanbeyan near the Australian Capital Territory border. The site is included in Stage 1 of The Poplars commercial development estate.

The site is vacant with slight variations in the topography across the site including a centrally located earth mound. The site accommodates a few mature native trees and vegetation around an existing pond to the north eastern corner. The site is subject to Biodiversity Values Mapping and a Biodiversity Certification Agreement is in place. The area where disturbance and vegetation removal is proposed has been assessed through that certification process.

The site adjoins Esmond Avenue to the east which provides access to low density residential development. The site will be accessed from Gwendoline Place, as an extension from Henry Place which services the existing estate off Tomsitt Drive.

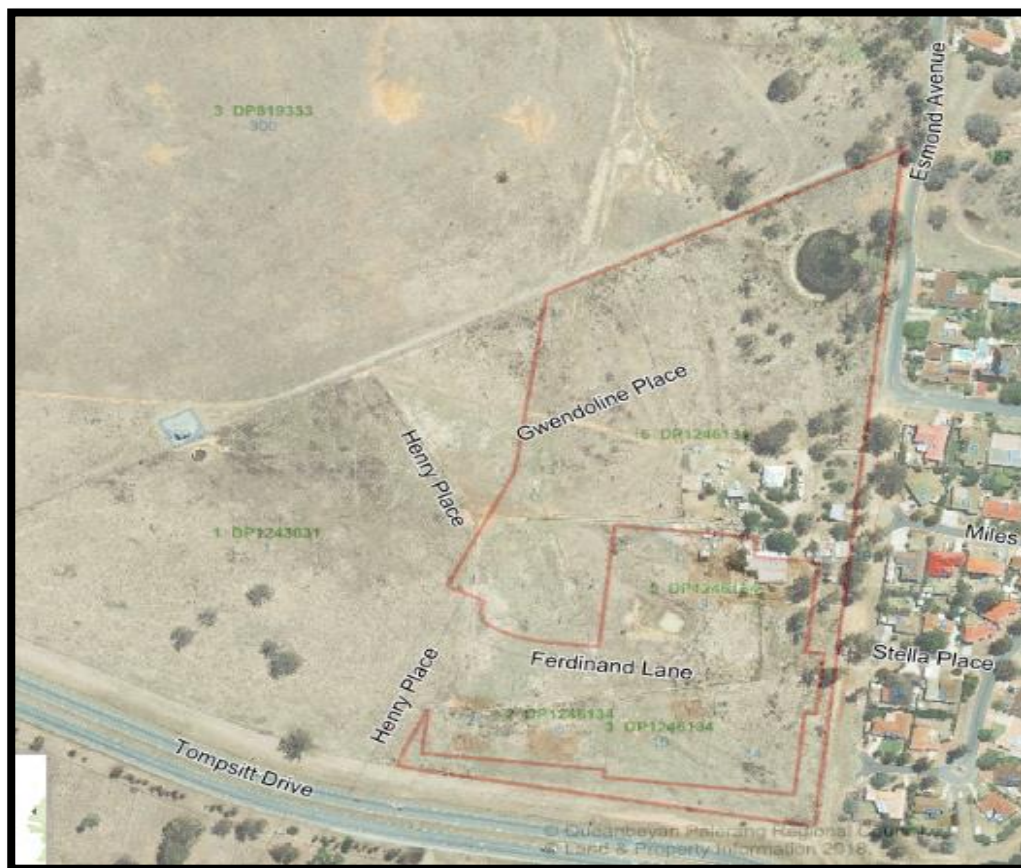


Figure 1 – Aerial image of site



Figure 2 - View of site from Esmond Avenue looking west



Figure 3- View of site from Esmond Avenue looking south west

1.1 The Locality

The site is included in the developing area of South Jerrabomberra. This site is in a commercial area with the estate looking to deliver 1,500 new dwellings, a local centre, green spaces (including conservation areas), a new high school, a Regional Sports Complex and an Innovation sub precinct.

The site is included in the South Jerrabomberra Master Plan area and Council's South Jerrabomberra Development Control Plan applies.

The Master Plan, adopted in 2015, identifies five key development areas in South Jerrabomberra being The Poplars, Environa, North Tralee, South Tralee and an area of land beyond South Tralee.

The Master Plan outlines the general location of land uses, having regard to aircraft and industrial noise, bushfire, biodiversity and topography (Figure 5).

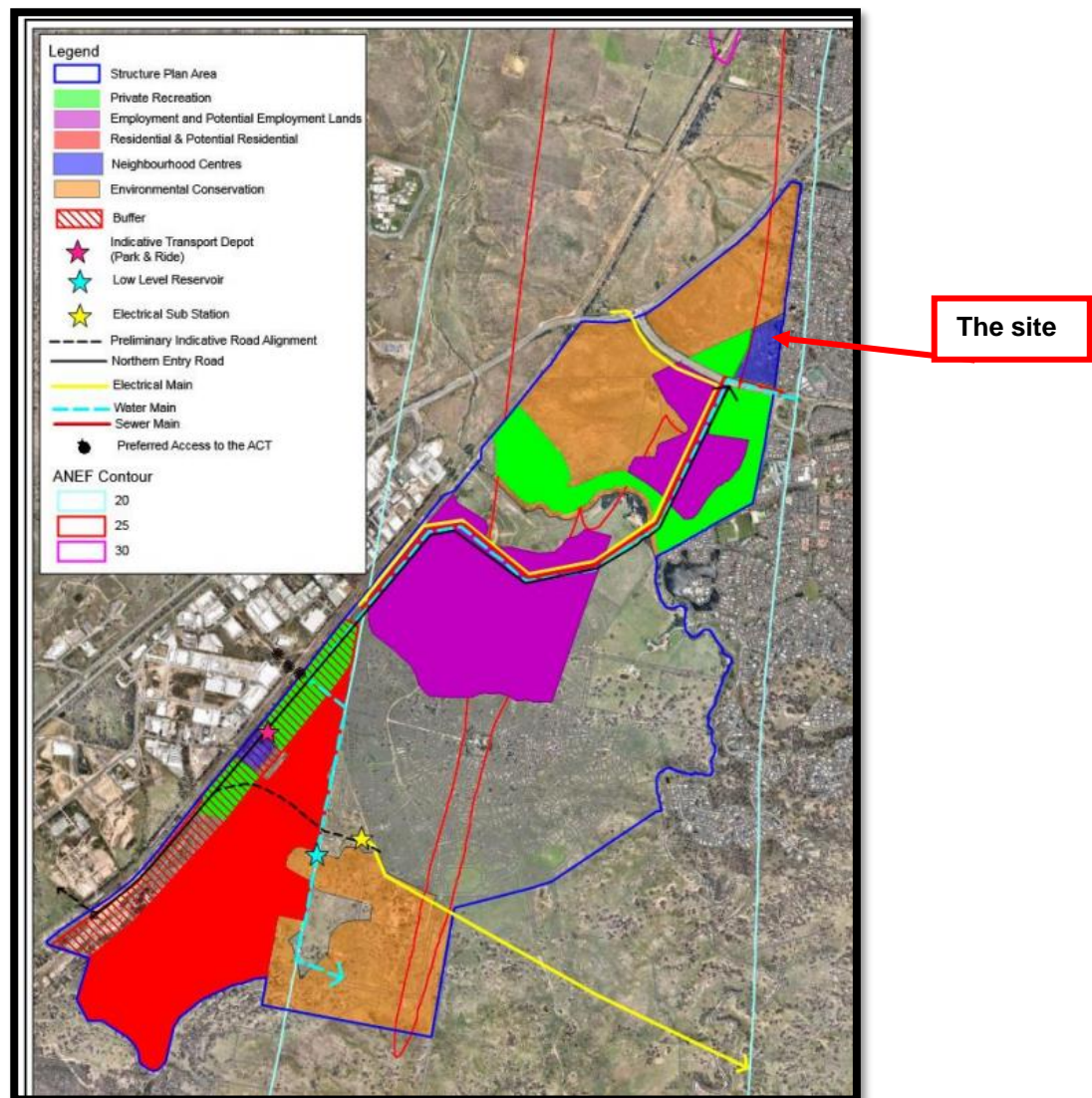


Figure 5 - South Jerrabomberra Master Plan (Source: Map 1, SJDCP)

The subject site is included in The Poplars Development which the Plan describes as having a *desired future character of a mix of office, light industrial, small scale retail, business and community uses that serve the needs of the people who live or work in the locality.*

The site is further included within the Neighbourhood Centre precinct.

In March 2021, the NSW Government identified South Jerrabomberra as a Regional Job Precinct area. The Department of Regional NSW has prepared a draft master plan which sets out the strategic merit of South Jerrabomberra as an employment precinct and summarises the key development opportunities including through the generation of up to 4,000 jobs in a variety of industries including advanced manufacturing, defence, aerospace, cyber security,

and light industrial, as well as jobs and services that support these industries and their workers.

This NSW Government led master planning process includes this site is a Local Centre sub precinct. The intent is to serve the needs of local residents and employees in the area. The draft master plan suggests these *local centres will provide for the everyday needs of residents, improve walkability and liveability and will provide the amenity required to support successful innovation precincts.*

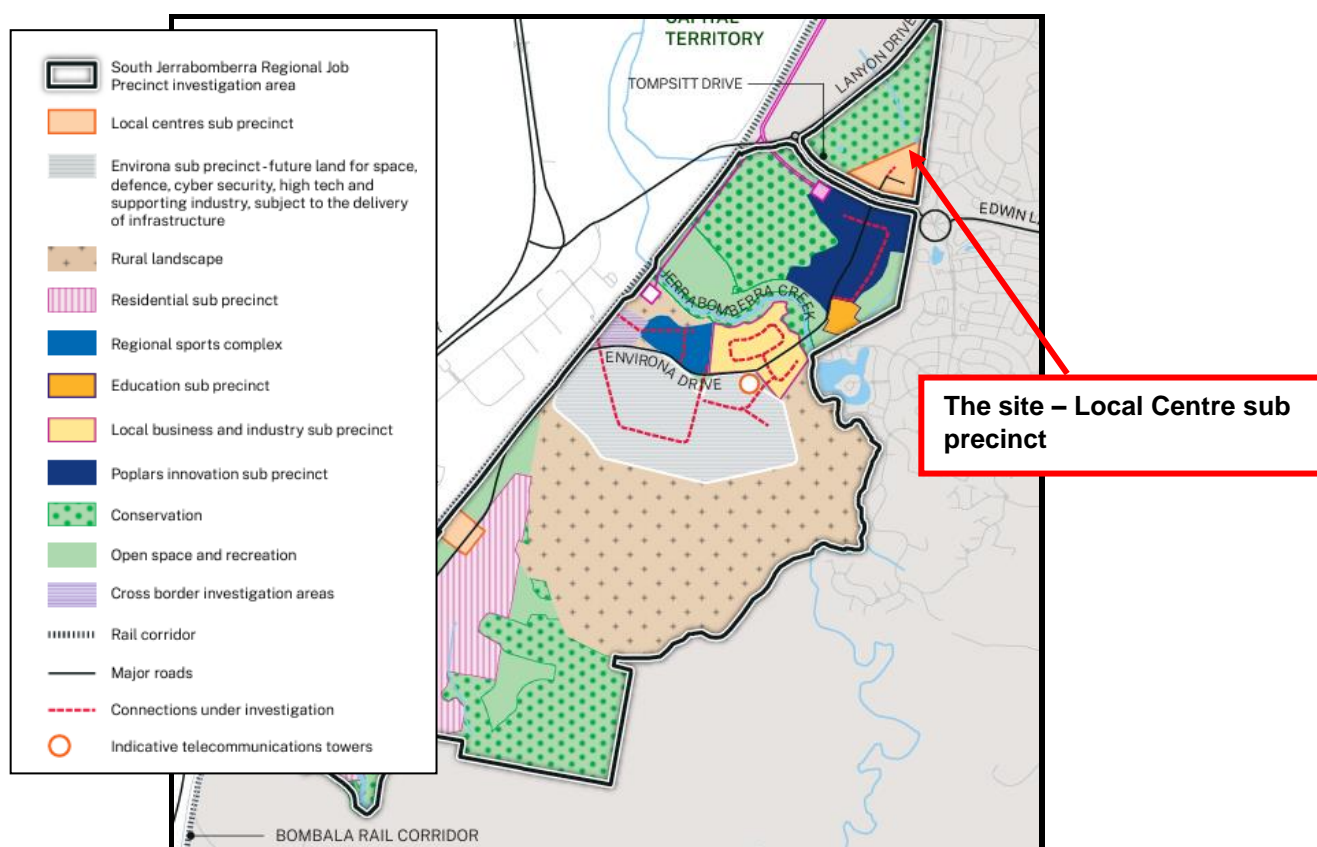


Figure 6 - South Jerrabomberra Regional Job Precinct (Source: Draft Master Plan, Department of Regional NSW, September 2023)

The South Jerrabomberra Regional Jobs Precinct was drafted at the time of lodgement and recent changes to the Queanbeyan Palerang Local Environmental Plan that introduced the Plan do not apply to this assessment due to the savings provisions under clause 1.8A.

2. THE PROPOSAL & BACKGROUND

2.1 The Proposal

The proposal seeks consent for the construction of a Registered Club. This is defined under the Queanbeyan Palerang Region Local Environmental Plan 2022 as;

registered club means a club that holds a club licence under the *Liquor Act 2007*.

Specifically, the proposal involves:

- Construction of a Registered Club over 2 stages
- Tree removal, stormwater management, car parking and landscaping.



Figure 7 – Architectural Image of Registered Club

Table 1: Development Data

Control	Proposal		
Site area	19,829m2		
GFA	Stage 1	Stage 2	
	Ground = 2,179.8 m ² Total = 2,179.8 m ²	Ground = 2179.8 m ² Mezzanine - 146.0 m ² Level 1 - 1,236.1 m ² Total = 3,562 m ²	
FSR	Stage 1	Stage 2	
	0.11:1	0.18:1	
	Maximum Permitted = 1:1		
Height	Entry Pavilion	Stage 1	Stage 2
	11.2m	10.5m	12m
	Maximum Permitted = 12m		

Car Parking spaces	Stage 1	Stage 2
	153 spaces	119 spaces
	Total = 272	
Patrons and Employees	1320 maximum <ul style="list-style-type: none">• 700 patrons within the gaming lounge, foyer, lounge/bar and restaurant;• 500 patrons within the first floor function space;• 20 persons within the office; and• 100 patrons within the alfresco dining area.	
Hours of operation		
Area	Hours of Operation	Close
Poker Machine Lounge	Monday to Sunday 9:00am — 1:00am cease liquor service	2:00am
Lounge I Bar	Monday to Sunday 9:00am — 1:00am cease liquor service	2:00am
Bistro	Monday to Sunday 11:00am — 10:00pm	10:00pm
Cafe	Monday to Sunday 9:00am — 2:00am	2:00am
Alfresco / outdoor area	Monday to Sunday 9:00am —10:00pm	10:00pm
Function Rooms	Monday to Sunday 9:00am — 12:00am	12:00am



Figure 9 – Image of proposed Registered Club (Stage 1)

STAGE 1

Construction of the registered club premises for the Pavilion building including reception, lounge and office area.

Construction of the main building including;

- Ground level with restaurant, bar areas, gaming areas, and amenities
- Mezzanine level containing building plant equipment for main buildings

Construction of the eastern car park and part of the western car park for 153 parking spaces.

Landscaping for the development including the construction of paths and refurbishment of the pond area; and

Stage 1 is likely to commence operation in 2027.

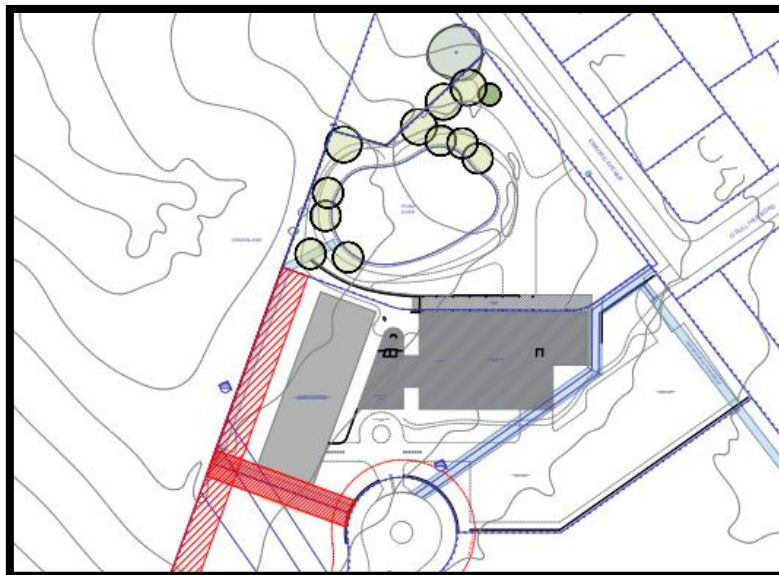


Figure 10 - Stage 1 – Lower Ground

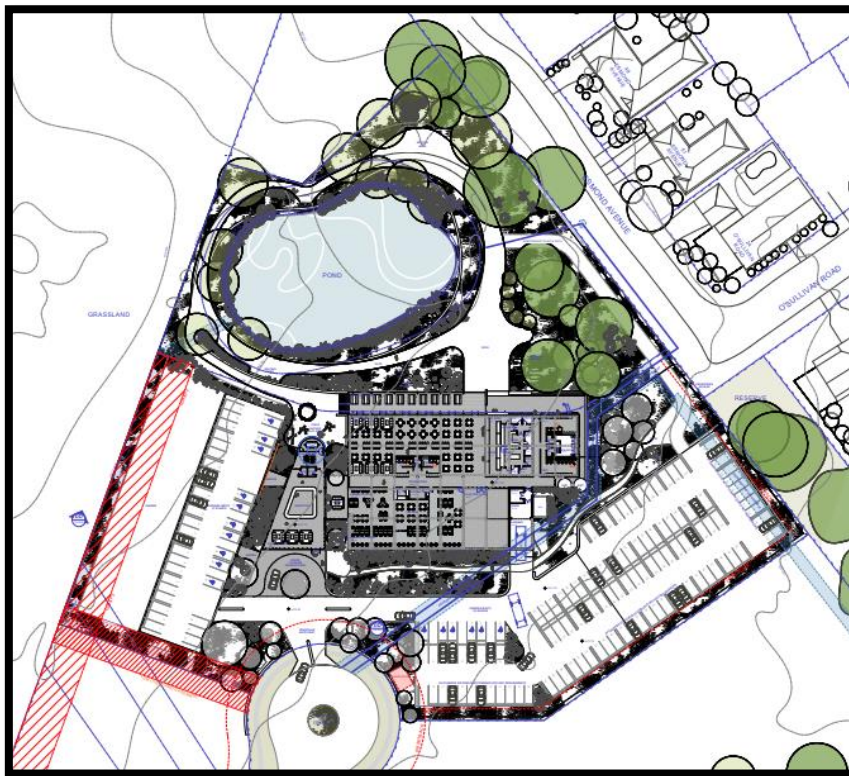


Figure 11 –Stage 1 – Upper Ground

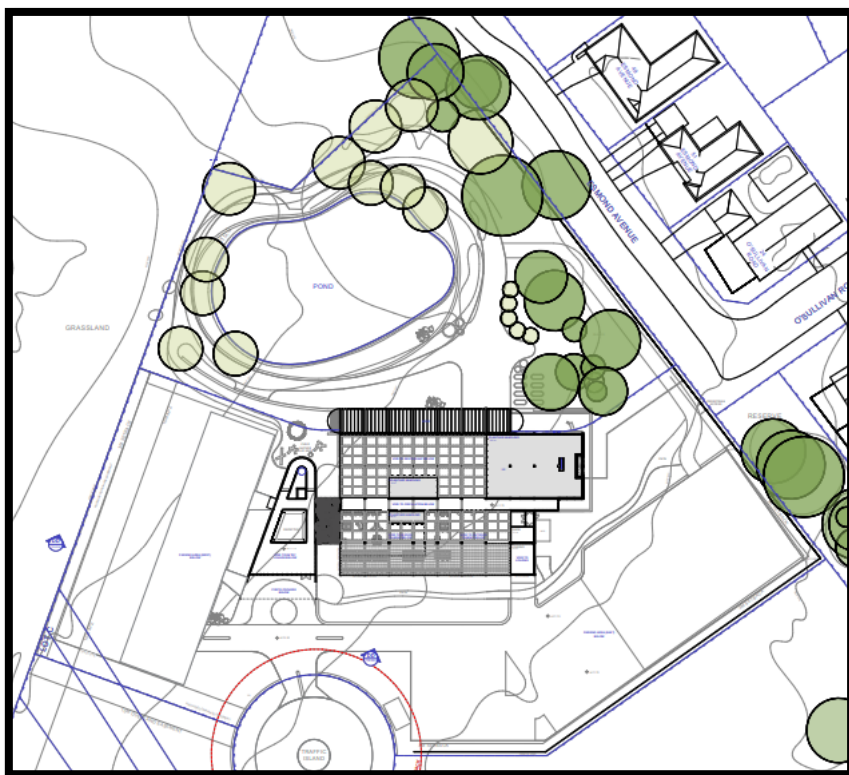


Figure 12 – Stage 1 - Mezzanine



Figure 13 – Stage 2 - Image of Proposed Registered Club

STAGE 2

Alterations and additions to the main building for;

- Expansion of the club delivered in stage 1
- Alterations and additions to the main building including demolition of the roof;
- Construction of level 1 to provide for two (2) function rooms, bar, amenities and plant equipment;

Alterations to the Entry Pavilion building being;

- Ground floor alteration including the construction of a stairwell, lift and removal of office rooms;
- Mezzanine floor with office and meeting rooms;
- Internal construction of level 1 with function room and reception area;

Construction of an alfresco dining area to the east of the pond including a bar and viewing platform to the north of the pond.

Extension to the western car park to provide for a further 119 parking spaces (for a total of 272 car spaces).

Stage 2 is likely to commence operation between 2032-2034.



Figure 14- Stage 2 - Lower ground

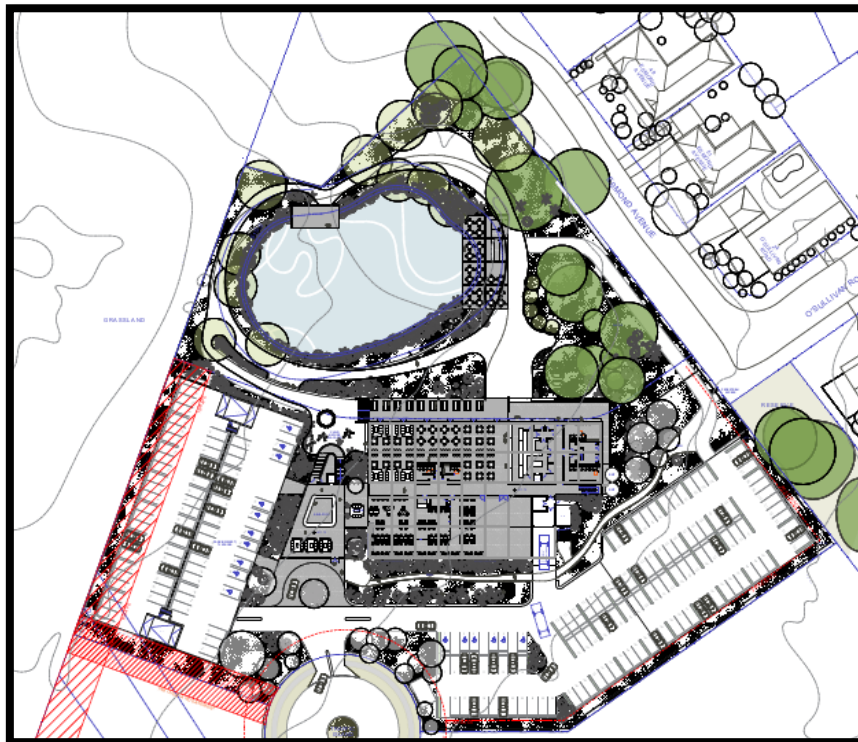


Figure 15 –Stage 2 – Upper Floor

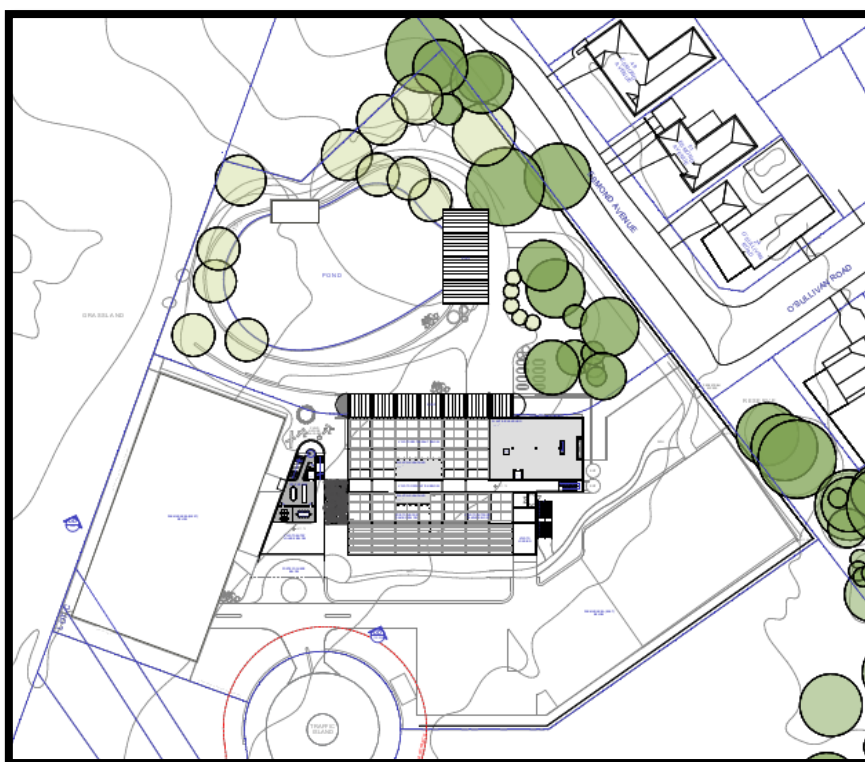


Figure 16 - Stage 2 - Mezzanine

2.2 Background

The development application was lodged on 25 January 2024. A chronology of events since lodgement is outlined in Table 2.

Table 2: Chronology of the DA

Date	Event
7 February 2024	Invoice Paid
6/03/2024 to 22/03/2024	Proposal first notified
3/04/2024 to 19/04/2024	Extension to notification period following issues raised by the public regarding description of site and access to DA material
8 March 2024	DA referred to external agencies & internal officers
27 June 2024	Request for Information from Council to applicant
17 July 2024	Site inspection & Panel briefing
6 September 2024	Response to Information Request received

26 September – 15 October 2024	Renotification of the application to adjoining owners and submitters following receipt of information request response.
26 November 2024	Meeting with Officers from NSW Police Force Monaro District. Written advice received following that meeting dated 3 December 2024.
10 December 2024	Applicant provided a response to the second round of submissions received.
17 December 2024	Briefing meeting for Planning Panel
20 December 2024	Meeting between Applicant and Council to discuss issues raised in Panel Record of Briefing
24 January 2025	Meeting between Applicant and Council to further discuss issues raised in Panel Record of Briefing
3 & 4 February 2025	Amended application material uploaded to NSW Planning Portal
10 February – 16 March	Renotification of amended material

Key Events Summary by Applicant

The applicant has provided the following summary for the Panels information.

Table 3: Events chronology by Applicant

Who	Key Event	Date
Applicant	DA submitted on Planning Portal	21.12.23
Council	DA lodged with Council	25.1.24
Council	First Exhibition	6.3.24 – 22.3.24
Council	Extended Notification	3.4.24 – 19.4.24
Council	Redacted submissions issued to applicant	6.5.24
Applicant/ Council	Presentation to Councillors on the DA	23.5.24
Council	Email confirming change in assessing office	25.6.24
Council	Request for information (RFI) letter from Council	27.6.24
Planning Panel	Site Inspection, Public Briefing & Applicant Briefing	17.7.24
Applicant	Response to Submissions submitted to Council	18.7.24
Applicant	Additional information and amendments submitted to Council	6.9.24
Council	Renotification – 23 submissions received	26.9.24-15.10.24
Council	Redacted submissions issued to applicant	27.11.24
Applicant	Requested meeting with Council staff	3.12.24
Applicant	Response to Submissions submitted to Council	10.12.24
Planning Panel	Assessment briefing	17.12.24
Applicant/Council	Meeting with Council to discuss issues raised in report to Panel	20.12.25
Applicant/Council	Meeting with Council to provide update on amended documentation	24.1.24

2.3 Site History

The North Poplars area was identified in the Queanbeyan Local Environmental Plan (West Jerrabomberra) 2013 in the B1 zone. That LEP was consolidated with several others with the introduction of the Queanbeyan Palerang Regional Local Environmental Plan 2022.

The site has been subject to state government master planning and is now included in the E1 Employment Zone.

The development of Poplars Development area (North and South) was referred to the Commonwealth Department of Agriculture, Water and the Environment under the Commonwealths *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The Poplars Development was determined to be a controlled action on 20 November 2020 and on 13 September 2021 the Poplars Development received EPBC approval to implement a staged development of the project, subject to conditions (EPBC 2020/8801).

Development of the land has also been considered under the NSW *Biodiversity Conservation Act 2016* (BC Act). A biodiversity assessment was undertaken for the Poplars Business Park including Lot 6 DP 1246134 which includes the subject site.

The Department of Climate Change, Energy, the Environment and Water made an order conferring biodiversity certification under Part 8 of the *Biodiversity Conservation Act 2016* over land at The Poplars Business Precinct, gazetted on 9 February 2024.

According to the Department's register of orders made, the biodiversity certification application protects areas of higher biodiversity value, with areas of lower biodiversity value zoned for development of varying intensities. The development will avoid direct impact to

- the entire population of the endangered Hoary Sunray (*Leucochrysum albicans* subsp. *tricolor*) identified within the assessment area, and
- a critically endangered ecological community (CEEC) Box-Gum woodland that contains a native overstorey and a high diversity of native species in the understorey.

A biodiversity certification agreement between the Minister for Environment and the applicant is also in place to protect 8.45ha of avoided land, to be managed by:

- preparation and implementation of a biodiversity management plan, and
- meet the offset credit obligation by retiring credits already generated in the adjacent BioBanking sites, effectively formalising an on-site offset.

Any commitments under the agreement are between the landowner and the Minister. Therefore, this proposal does not require any further assessment in terms of biodiversity impacts.

The applicant has confirmed there are no additional trees proposed to be removed from the site other than those proposed to be removed as part of the approved BCA works.

The civil plans submitted with this application include modification and enlargement of the existing pond. This work was anticipated by the BCA and the Department of Environment has confirmed some minor modifications to the dam area are anticipated including some groundstorey vegetation loss where overstorey vegetation is to be retained.

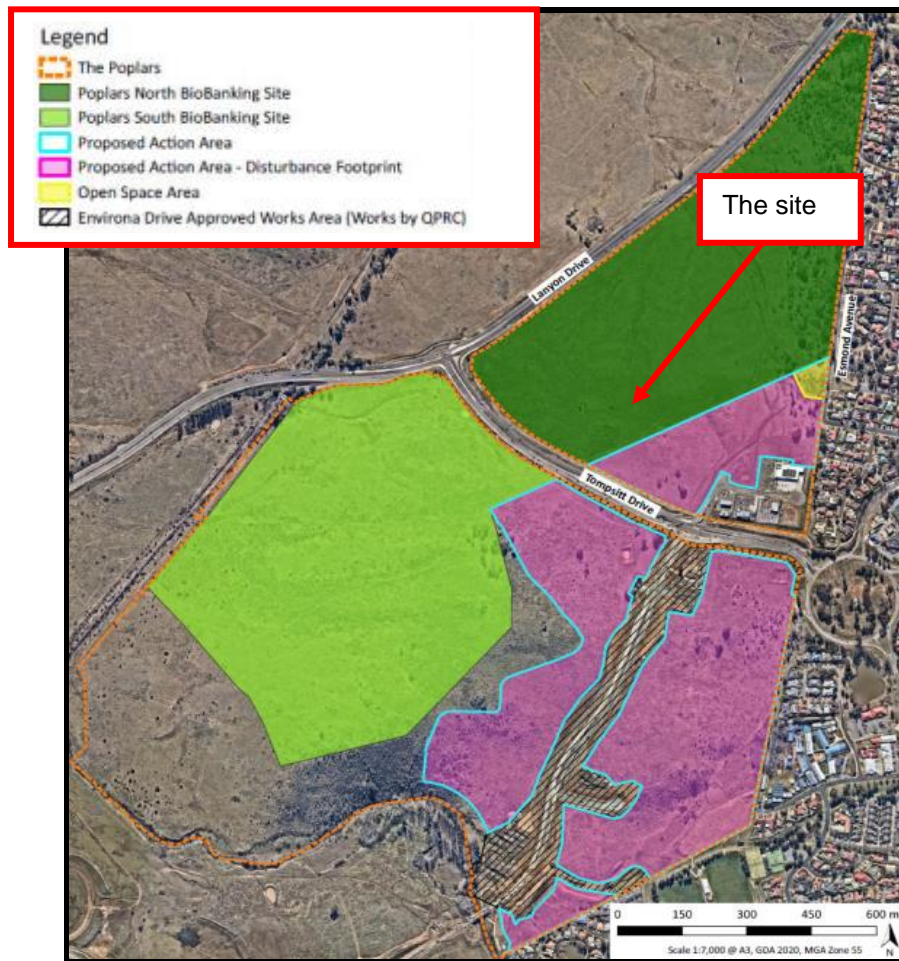


Figure 17 – BCAR mapping – site within disturbance footprint

Development consent for subdivision (DA.2023.0348) was issued on 13 November 2024 over Lot 6 DP1246134 ('parent lot'). That consent provides for 5 lots and a balance lot. The development is proposed to be located on approved Lot 11.

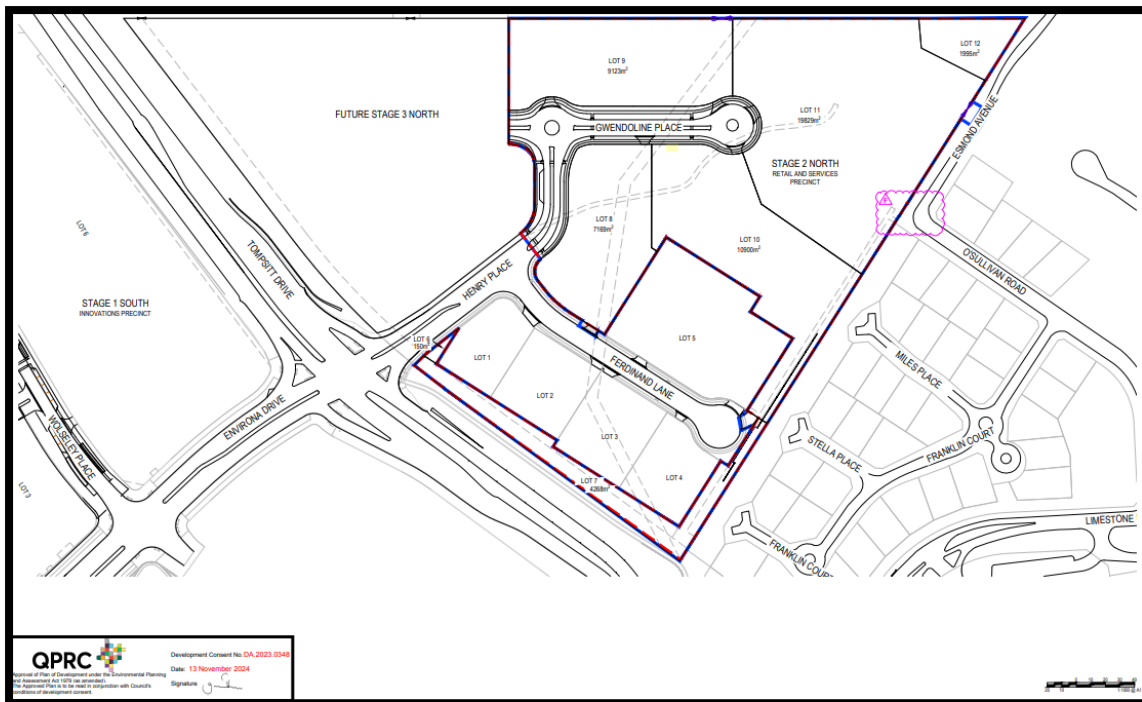


Figure 18 – Approved subdivision of parent lot (Lot 6 DP1246134 and Lot 1 DP1243031). Development proposed in Lot 11.

Note re pink 'cloud' image to plan above: Council's Development Engineer advises the emergency bushfire access gate was removed as part of this revision.

3. PLANNING CONTROLS

Clause 2.3 of the Queanbeyan Palerang Regional Local Environmental Plan 2022 identifies the site as being in the E1 Local Centre zone at the time of lodgement. However, Note 2 to the Land Use Table applies stating;

Under the Standard Instrument (Local Environmental Plans) Order 2006 Schedule 1 clause 6(2), this Plan is, until 26 April 2025, taken to apply to land identified as "Land subject to South Jerrabomberra Regional Jobs Precinct Process" on the Land Zoning Map as if certain amendments to this Plan had not commenced on 26 April 2023. As a result, until 26 April 2025 and to the extent this Plan applies to the subject land, this Plan is taken to include the references to business and industrial zones that were in this Plan immediately before 26 April 2023.

On 16 December 2022 the *State Environmental Planning Policy Amendment (Land Use Zones) (No 6) 2022 (Land Uses SEPP No. 6)* introduced the 'E employment zones' and repealed the 'B business zones' in the Queanbeyan Palerang Regional Local Environmental Plan 2022 (QPRLEP 2022).

The effect is that the QPRLEP 2022 includes the site within the E1 Local Centre zone under the Local Environmental Plans Order containing a savings provision which ceased to have effect on 26 April 2025.

The Applicant confirmed that the assessment of the application is to address the Land Uses SEPP No. 6 as it is considered a 'proposed planning instrument'.

On 28 March 2025 Part 7 of the *Queanbeyan Palerang Regional Local Environmental Plan 2022* was amended to include Additional Local Provisions relevant to development on land subject to the South Jerrabomberra Jobs Precinct Process.

However, the savings provisions under Clause 1.8A, which state that ‘An amendment made to this plan by *State Environmental Planning Policy Amendment (South Jerrabomberra Regional Jobs Precinct) 2025* does not apply to a development application made but not finally determined before the commencement of the amendment’ apply.

Therefore, any controls under Part 7 of the QPRLEP for development associated with the South Jerrabomberra Regional Jobs Precinct are not required to be considered by the consent authority under the savings provisions for this application.



Figure 19 – QPRLEP 2022 Zoning Map

A summary of the key matters for consideration and non-compliances arising from the relevant EPIs are outlined in Table 3.

Table 3: Summary of Key Matters in the Relevant EPIs

EPI	Matters for Consideration	Comply
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<i>State Environmental Planning Policy (Planning Systems) 2021</i>	<u>Chapter 2: State and Regional Development</u> Section 2.19(1) identifies the proposal as regionally significant development.	Yes
<i>State Environmental Planning Policy (Biodiversity & Conservation) 2021</i>	<p><u>Chapter 2: Vegetation in non-rural areas</u> Section 2.1 aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</p> <p>The site is subject to a Biodiversity Certification Order and Agreement which confirmed the objectives of the SEPP could be met.</p> <p><u>Chapter 4: Koala Habitat Protection 2021</u> Section 4.4(1) - Land to which Chapter applies.</p> <p>Section 4.9 — no approved koala plan of management for land, not required.</p> <p>The site is subject to a Biodiversity Certification Order and Agreement which confirmed the objectives of the SEPP could be met.</p>	Yes
<i>State Environmental Planning Policy (Resilience & Hazards)</i>	<p><u>Chapter 4: Remediation of Land</u> Section 4.6(1) - Contamination of land – An Environmental Site Assessment conducted by Tetra Tech Coffey (10 May 2023) identified contamination within the North Poplars precinct however not on the subject land which has been found to be suitable for the proposed use.</p>	Yes

<p><i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></p>	<p><u>Chapter 2: Infrastructure</u> Section 2.48(2) (Determination of development applications—other development) – electricity transmission. Essential Energy confirmed the proposal is satisfactory subject to conditions.</p> <p><u>Chapter 2 Infrastructure</u> Section 2.122 (Traffic Generating Development). Transport for NSW were referred the application and is able to support the proposal in terms of impacts on State Controlled Roads.</p> <p><u>Chapter 2 - Infrastructure</u> Division 4 Electricity generating works or solar energy systems.</p> <p>The application shows a solar array on the roof and references to a photovoltaic system. However, the application has not confirmed if development consent has not been sought at this stage. Solar energy works including roof infrastructure is not included should consent be granted.</p>	<p>Yes</p> <p>Yes</p> <p>Partial compliance</p>
<p><i>State Environmental Planning Policy (Sustainable Buildings) 2022</i></p>	<p><u>Chapter 3 Standards for non-residential development</u></p> <p>3.2 Development consent for non-residential development</p> <p>(1) In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—</p> <p>(a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,</p> <p>(b) a reduction in peak demand for electricity, including through the use of energy efficient technology,</p> <p>(c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,</p> <p>(d) the generation and storage of renewable energy,</p> <p>(e) the metering and monitoring of energy consumption,</p>	<p>Yes</p>

	<p>(f) the minimisation of the consumption of potable water.</p> <p>The application includes a sustainability plan suggesting measures to reduce energy consumption and mitigation measures including the use of EV charging stations, rain & stormwater harvesting, passive design and the use of solar panels.</p> <p>(2) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.</p> <p>A completed Embodied Emissions Materials Form has been submitted with the application.</p>	
<p><i>State Environmental Planning Policy (Industry & Employment)</i></p>	<p><u>Chapter 3 - Advertising Devices</u></p> <p>The SEPP seeks to ensure signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, is of high quality design and finish, and to regulate signage (but not content) under Part 4 of the Act.</p> <p>Council sought the applicant address compliance with Chapter 3 of the Environmental Planning Instrument given signage is indicated.</p> <p>In the response to the Information Request, the Applicant confirmed signage is proposed and stated that:</p> <p><i>“This will be considered in a Section 4.55 once the club receives its gaming license and progresses the CC (Construction Certificate) documentation. The club will ensure the community has input as to where signage will be placed however initial advice is that it will not face any residences.”</i></p> <p>The Applicant has confirmed business identification signage is proposed, however has not demonstrated compliance with the relevant Environmental Planning Instrument. Compliance with the relevant provisions of this SEPP remain outstanding.</p>	No
<p><i>State Environmental Planning Policy</i></p>	<p>On 16 December 2022 the <i>State Environmental Planning Policy Amendment (Land Use Zones)</i></p>	Yes

<i>Amendment (Land Use Zones) (No 6) 2022 (Land Uses SEPP No. 6)</i>	<i>(No 6) 2022 (Land Uses SEPP No. 6) introduced the 'E employment zones' and repealed the 'B business zones' in the Queanbeyan Palerang Regional Local Environmental Plan 2022 (QPRLEP 2022).</i>	
QPRLEP 2022 – see below	<ul style="list-style-type: none"> • Clause 1.4 – Definition • Clause 2.3 – Zone Objectives & Land Use Table • Clause 4.3(2) – Height of Buildings • Clause 4.4(2) – FSR • Clause 6.3 - DCP preparation • Clause 7.1 – Earthworks • Clause 7.8(2) – Airspace operations • Clause 7.9(3) - Aircraft Noise • Clause 7.10(3) - Aircraft Noise – South Jerrabomberra • Clause 7.12 - Essential Services 	<p>Yes</p> <p>No</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes once the lot is registered</p>
South Jerrabomberra Development Control Plan 2015	<p>Part 3 - The Master Plan</p> <p>Part 5 – Roads and Public Place</p> <p>Part 8 – Environmental Management</p> <p>Part 10 – Neighbourhood Centre Controls and Principles</p> <p>Appendix 2 – Master Plan Maps</p> <p>Appendix 3 – Neighbourhood Structure Plan</p> <p>Appendix 4 – Aircraft Noise Assessment Guidelines</p>	<p>Yes</p> <p>No</p> <p>No</p> <p>No</p> <p>Yes</p> <p>No</p> <p>Yes</p>
Queanbeyan Development Control Plan 2015	Part 2 Sections 2.1 to 2.9 of the Queanbeyan Development Control Plan 2012 are relevant to the application.	No

(i) State Environmental Planning Policy (Planning Systems) 2021

The proposal is *regionally significant development* pursuant to Section 2.19(1) as general development with a capital investment value of more than \$30 million. Accordingly, the Southern Regional Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

(ii) State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021 ('Biodiversity & Conservation SEPP') provides controls for various environmental issues.

Chapter 2: Vegetation in non-rural areas

This chapter aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

Clearing thresholds do not apply where it has been considered under the NSW *Biodiversity Conservation Act 2016* (BC Act). A biodiversity assessment was undertaken for the Poplars Business Park including Lot 6 DP 1246134 which includes the subject site.

The Department of Climate Change, Energy, the Environment and Water made an order conferring biodiversity certification under Part 8 of the *Biodiversity Conservation Act 2016* over land at The Poplars Business Precinct, gazetted on 9 February 2024.

According to the Department's register of orders made, the biodiversity certification application protects areas of higher biodiversity value, with areas of lower biodiversity value zoned for development of varying intensities. The development will avoid direct impact to

- the entire population of the endangered Hoary Sunray (*Leucochrysum albicans* subsp. *tricolor*) identified within the assessment area, and
- a critically endangered ecological community (CEEC) Box-Gum woodland that contains a native overstorey and a high diversity of native species in the understorey.

A biodiversity certification agreement between the Minister for Environment and the applicant is also in place to protect 8.45ha of avoided land, to be managed by:

- preparation and implementation of a biodiversity management plan, and
- meet the offset credit obligation by retiring credits already generated in the adjacent BioBanking sites, effectively formalising an on-site offset.

Any commitments under the agreement are between the landowner and the Minister. Therefore, this proposal does not require any further assessment in terms of biodiversity impacts.

The applicant has confirmed there are no additional trees proposed to be removed from the site other than those proposed to be removed as part of the approved BCA works.

The civil plans submitted with this application include modification and enlargement of the existing pond. This work was anticipated by the BCA and the Department of Environment has

confirmed some minor modifications to the dam area are anticipated including some groundstorey vegetation loss where overstorey vegetation is to be retained.

Chapter 4: Koala Habitat Protection 2021

This Chapter aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline. Pursuant to Section 4.4(1), the Policy applies to the site as Queanbeyan-Palerang Regional LGA is listed in Schedule 2 and the relevant koala management area is *Central and Southern Tablelands* (s4.4(2)(a)).

Section 4.9 applies to the proposal as the site comprises an area of at least 1 hectare of land and there is no approved koala plan of management which applies to the site (Section 4.9(1)). Before a consent authority may grant consent to carry out development on the land, it must assess whether the development is likely to have any impact on koalas or koala habitat (Section 4.9(2)). Therefore, the test to be satisfied is whether the proposal will have any impact on koalas or koala habitat.

Section 4.9(3) provides that if the consent authority is satisfied that the development is likely to have low or no impact on koalas or koala habitat, they may grant consent to the development application. Section 4.9(4) provides that if the consent authority is satisfied that the development is likely to have a higher level of impact on koalas or koala habitat, it must, in deciding whether to grant consent to the development application, take into account a koala assessment report for the development.

In this case, a Biodiversity Certification Assessment was undertaken for the Poplars development, including the subject land, as part of DA.2023.0348. This included an assessment of the potential impacts on koalas and therefore satisfies this requirement.

Section 4.9(5) states that, despite subsections (3) and (4), the consent authority may grant development consent if the applicant provides —

- (a) information, prepared by a suitably qualified and experienced person, the council is satisfied demonstrates that the land subject of the development application—*
 - (i) does not include any trees belonging to the koala use tree species listed in Schedule 3 for the relevant koala management area, or*
 - (ii) is not core koala habitat, or*
- (b) information the council is satisfied demonstrates that the land subject of the development application—*
 - (i) does not include any trees with a diameter at breast height over bark of more than 10 centimetres, or*
 - (ii) includes only horticultural or agricultural plantations.*

For clarity, *core koala habitat* is defined in Section 4.2(1) of the Policy as:

core koala habitat means—

- (a) an area of land which has been assessed by a suitably qualified and experienced person as being highly suitable koala habitat and where koalas are recorded as being present at the time of assessment of the land as highly suitable koala habitat, or*
- (b) an area of land which has been assessed by a suitably qualified and experienced person as being highly suitable koala habitat and where koalas*

have been recorded as being present in the previous 18 years.

It is also noted that Section 4.10 provides that a consent authority is not prevented from granting consent to carry out development on land if the land does not have an approved koala plan of management, or the consent authority is satisfied that the land is not core koala habitat.

The BCAR stated that the subject land supports a number of the tree species listed in Schedule 3 of the Koala Habitat Protection SEPP and therefore the site supports 'potential koala habitat'. Following further consideration of the potential for the site to contain *core koala habitat*, which would indicate whether there was likely to be impacts on the koala and koala habitat, the BCAR provided the following conclusions:

- "The Poplars" property is separated by over 6 km from the nearest Koala records, all of which occur in intact vegetation to the west; the intervening areas are characterised by urban development and include a substantial number of significant impediments to Koala movement (e.g. large roads, urban expanses, human disturbance).
- The ecological values of "The Poplars" property have been investigated since the early 1990s (refer to Section 1.3.1). No Koala or signs of Koala occupation have ever been detected.

Therefore, the BCAR concluded that the site is considered unlikely to support Koala habitat and as such is unlikely to constitute important or occupied Koala habitat now or in the future.

It is considered that the proposal is likely to have a low or no impact on koalas or koala habitat pursuant to Section 4.9(3) of the Policy and therefore consent may be granted to the development application.

Further, it is considered that the site does not constitute core koala habitat and therefore the proposal also satisfies Section 4.9(5)(A)(ii) and consent can be granted.

(iii) *State Environmental Planning Policy (Resilience and Hazards) 2021*

State Environmental Planning Policy (Resilience and Hazards) 2021 ('Resilience and Hazards SEPP') commenced on 1 March 2022 and provides controls relating to resilience and hazards matters, with Chapter 4 (remediation of land) relevant to the proposal.

Chapter 4: Remediation of Land

Chapter 4 aims to promote the remediation of contaminated land in order to reduce the risk of harm to human health or any other aspect of the environment. Section 4.6 requires contamination and remediation to be considered in determining a development application.

- (1) *A consent authority must not consent to the carrying out of any development on land unless—*
- (a) *it has considered whether the land is contaminated, and*
 - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Comment: An Environmental Site Assessment conducted by Tetra Tech Coffey (10 May 2023)

has identified contamination within the North Poplars precinct stage 2. The subject site is within Stage 1 of North Poplars and did not contain contamination. The site has been shown to be free of contamination and suitable for the proposed use.

- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*

Comment: Not applicable

- (3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*

Comment: An Environmental Site Assessment conducted by Tetra Tech Coffey (10 May 2023) has identified contamination within the North Poplars precinct stage 2. The subject site is within Stage 1 of North Poplars and did not contain contamination. The site has been shown to be free of contamination and suitable for the proposed use.

- (4) The land concerned is—*
- (a) land that is within an investigation area,*
 - (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
 - (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—*
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

Comment: The site is not within an investigation area.

The proposal is considered to be consistent with Chapter 4 of the Resilience and Hazards SEPP. Should consent be issued conditions could be imposed regarding unexpected finds of material and the management of potentially contaminated material.

(iv) State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021 outlines the controls for the provision of infrastructure (Chapter 2).

Chapter 2: Infrastructure

The following provisions of Chapter 2 are relevant to the development application:

- *Section 2.48 – Determination of development applications – other development* - This section applies to a development application comprising or involving any of the following:
 - (a) *the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,*
 - (b) *development carried out—*
 - (i) *within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
 - (ii) *immediately adjacent to an electricity substation, or*
 - (iii) *within 5m of an exposed overhead electricity power line,*

The lot has not yet been created so it is unclear where electricity supply or easements will be located in relation to the development.

The application was referred to Essential Energy for advice who advised it had no comment to make as to potential safety risks arising from the proposed development and offered some general advice which could be included in any consent should the use be approved.

- *Section 2.122 – Traffic-generating development* - This section requires consideration of certain matters relating to development which is deemed to be traffic-generating. The proposal meets the criteria for development specified in Column 1 of the Table to Schedule 3 being a food & drink premises with car parking for over 200 vehicles.

The application was referred to Transport for NSW who confirmed the proposal is traffic generating development specified in Column 1 of the Table to Schedule 3 being a food & drink premises with car parking for over 200 vehicles. Their advice has been considered by Council's Development Engineers.

According to TfNSW, the proposal is considered to be consistent with the Transport & Infrastructure SEPP and satisfies the matters requiring consideration prior to determining a development application.

(v) State Environmental Planning Policy (Industry & Employment) 2021

Chapter 3 - Advertising Devices

Chapter 3 of the SEPP aims to ensure signage;

- (i) *is compatible with the desired amenity and visual character of an area, and*
- (ii) *provides effective communication in suitable locations, and*
- (iii) *is of high quality design and finish.*

Council sought the applicant address compliance with Chapter 3 of this Environmental Planning Instrument given signage was indicated.

In the response to the Information Request, the Applicant confirmed signage is proposed and stated that:

"This will be considered in a Section 4.55 once the club receives its gaming license and progresses the CC (Construction Certificate) documentation. The club will ensure the community has input as to where signage will be placed however initial advice is that it will not

face any residences.”

The Applicant has confirmed business identification signage is proposed, however has not demonstrated compliance with the relevant Environmental Planning Instrument.

(vi) State Environmental Planning Policy Amendment (Land Use Zones) (No 6) 2022 (Land Uses SEPP No. 6)

On 16 December 2022 the State Environmental Planning Policy Amendment (Land Use Zones) (No 6) 2022 (Land Uses SEPP No. 6) introduced the ‘E employment zones’ and repealed the ‘B business zones’ in the Queanbeyan Palerang Regional Local Environmental Plan 2022 (QPRLEP 2022).

The effect is that the QPRLEP 2022 includes the site within the E1 Local Centre zone with the Standard Instrument Order containing a savings provision which ceased to have effect on 26 April 2025.

(vii) Queanbeyan Palerang Regional Local Environmental Plan 2022

Clause 2.3 Zone Objective and Land Use Table

Clause 2.3 of the Queanbeyan Palerang Regional Local Environmental Plan 2022 identifies the site as being in the E1 Local Centre zone at the time of lodgement. However, Note 2 to the Land Use Table applies, stating;

Under the Standard Instrument (Local Environmental Plans) Order 2006 Schedule 1 clause 6(2), this Plan is, until 26 April 2025, taken to apply to land identified as “Land subject to South Jerrabomberra Regional Jobs Precinct Process” on the Land Zoning Map as if certain amendments to this Plan had not commenced on 26 April 2023. As a result, until 26 April 2025 and to the extent this Plan applies to the subject land, this Plan is taken to include the references to business and industrial zones that were in this Plan immediately before 26 April 2023.

The State Environmental Planning Policy Amendment (Land Use Zones) (No 6) 2022 (Land Uses SEPP No. 6) introduced the ‘E employment zones’ and repealed the ‘B business zones’ in the Queanbeyan Local Environmental Plan 2022 (QLEP 2022).

The effect is that the QPRLEP 2022 includes the site within the E1 Local Centre zone with the Standard Instrument Order containing a savings provision which ceased to have effect on 26 April 2025.

The Applicant has confirmed that the assessment of the application is to address the Land Uses SEPP No. 6 as it is considered a ‘proposed planning instrument’.

The amendment did not change permissibility however it did expand on the objectives of the zone.

E1 Local Centre Zone Objectives

The objectives of the E1 Local Centre Zone are;

- *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*

Comment: The proposal will cater to people who live in, work in or visit the area.

- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*

Comment: The proposal would generate employment opportunities and economic growth.

- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*

Comment: Not applicable.

- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*

Comment: The use includes non-residential uses on the ground floor.

- *To encourage development that is consistent with the character and amenity of the locality.*

Comment: This site adjoins an area with existing residential development to the east. The application has not demonstrated adequately that the proposed development will be consistent with the character and amenity of that part of the locality.

The site adjoins an area with existing commercial development to the south. The proposed development is more consistent with the character and amenity standards of that part of the locality.

The proposed development is not consistent with the desired future character of the site at the interface with residential development and has not demonstrated compliance with this objective.

- *To support business development by providing parking and other civic facilities.*

Comment: Not applicable.

- *To encourage some limited high density residential uses to create vitality in town centres.*

Comment: Not applicable.

Relevant controls and Principal Development Standards (Parts 4, 6 and 7)

The LEP also contains controls relating to development standards (Part 4), provisions for urban release areas (Part 6) and additional local provisions (Part 7).

Additional Clauses under the QPRLEP:

PART 4: PRINCIPAL DEVELOPMENT STANDARDS			
Height of buildings (CI 4.3(2))	12 metres	The maximum building height is proposed at 12m. The proposal meets the maximum building height standard.	Yes
FSR (CI 4.4(2))	1:1	The area of the lot will be 19,829m ² once registered. The maximum floor space proposed is 0.18:1.	Yes

		The proposal meets the floor space ratio standard for a building on this site.	
<u>Aboriginal Cultural Heritage (CI 5.10)</u>		An Aboriginal Cultural Heritage and Archaeological Report prepared by Past Traces Pty Ltd dated 30 March 2023 was submitted for an subdivision application over the parent lot. An assessment of the lots there were no areas of PAD located within the subject site.	Yes
PART 6 – URBAN RELEASE AREAS			
Development Control Plan (CI 6.3)	The objective of this clause is that development on land in an urban release area does not occur unless it occurs in a logical and cost-effective way, and in accordance with a staging plan, and only after a development control plan that includes specific controls has been prepared for the land.	<p>The proposed development is on land in an urban release area.</p> <p>The proposed development is not considered to be logical given it is one of several coming online in the immediate area with others offering a greater separation to sensitive adjoining residential uses.</p> <p>The application is premature and not logical in terms of managing land use planning, natural resources and infrastructure provision at this stage.</p> <p>The site is not contiguous with sporting facilities to complement the use.</p> <p>This assessment notes there may be mechanisms to issue a consent over a parent lot where the necessary infrastructure has not yet been provided however this issue goes to site suitability and public interest.</p>	No
PART 7: ADDITIONAL LOCAL CLAUSES			

Earthworks (CI 7.1(3))	Seeks to ensure earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items and features of the surrounding land, and (b) to allow earthworks of a minor nature without requiring separate development consent.	Earthworks are proposed to a maximum height of 3.5m. The applicant suggests earthworks will be minor and ancillary.	Yes
Clauses 7.2 to 7.7	Various environmental issues	The site is not included on these maps.	N/A
Airspace operations (CI 7.8(2))	Consent must not be granted to development that the consent authority is satisfied affect the site arising from Canberra airport unless certain matters are addressed.	Council notified the operator of the Canberra Airport who made recommendations on how the use could proceed to limit impacts on the airport operations.	Yes
Development in areas subject to aircraft noise (CI 7.9(3))	Consent must not be granted unless the consent authority (a) considers whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and (b) considers the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021:2015, and (c) is satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels	The site is located between the 20 and 25 ANEF contour for Canberra Airport and will increase the number of people affected by aircraft noise. Aircraft noise has been considered in the amended Acoustic Environmental & Impact Assessment and Aircraft Noise Assessment Report dated 3 February 2025.	Yes

	for Determination of Aircraft Noise Reduction) in AS 2021:2015.		
Aircraft noise—development in the South Jerrabomberra Urban Release Area (CI 7.10(3))	Consent must not be granted unless the consent authority is satisfied the development will meet various criteria in relation to aircraft noise.	The site is in the South Jerrabomberra Urban Release Area and is located between the 20 and 25 ANEF contour for Canberra airport. Aircraft noise has now been considered in the amended Acoustic Environmental & Impact Assessment and Aircraft Noise Assessment Report dated 3 February 2025.	Yes
Essential Services (CI 7.12)	Consent must not be granted unless the consent authority is satisfied as to certain matters.	The application has been lodged over the parent lot and the subject land is not yet a registered lot. Essential Services are not yet provided. Adequate arrangement can be satisfied through deferred commencement conditions should consent be granted.	Yes

(a) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are no draft instruments relevant to this determination.

(b) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The South Jerrabomberra Development Control Plan (SJDCP) is relevant to this application. The following sections of the DCPs are relevant to the proposal:

- Part 3 – The Master Plan
- Part 5 – Roads and Public Places
- Part 8 – Environmental Management
- Part 10 – Neighbourhood Centre including Mixed Use Controls and Principles
- Appendices to the South Jerrabomberra Development Control Plan
- Part 2 - Sections 2.1 to 2.9 of the Queanbeyan Development Control Plan 2012.

Part 3: The Master Plan

This Part contains the master plan for the South Jerrabomberra area and includes the key development areas and the staging of those areas. The site is included in Stage 1 North Poplars.

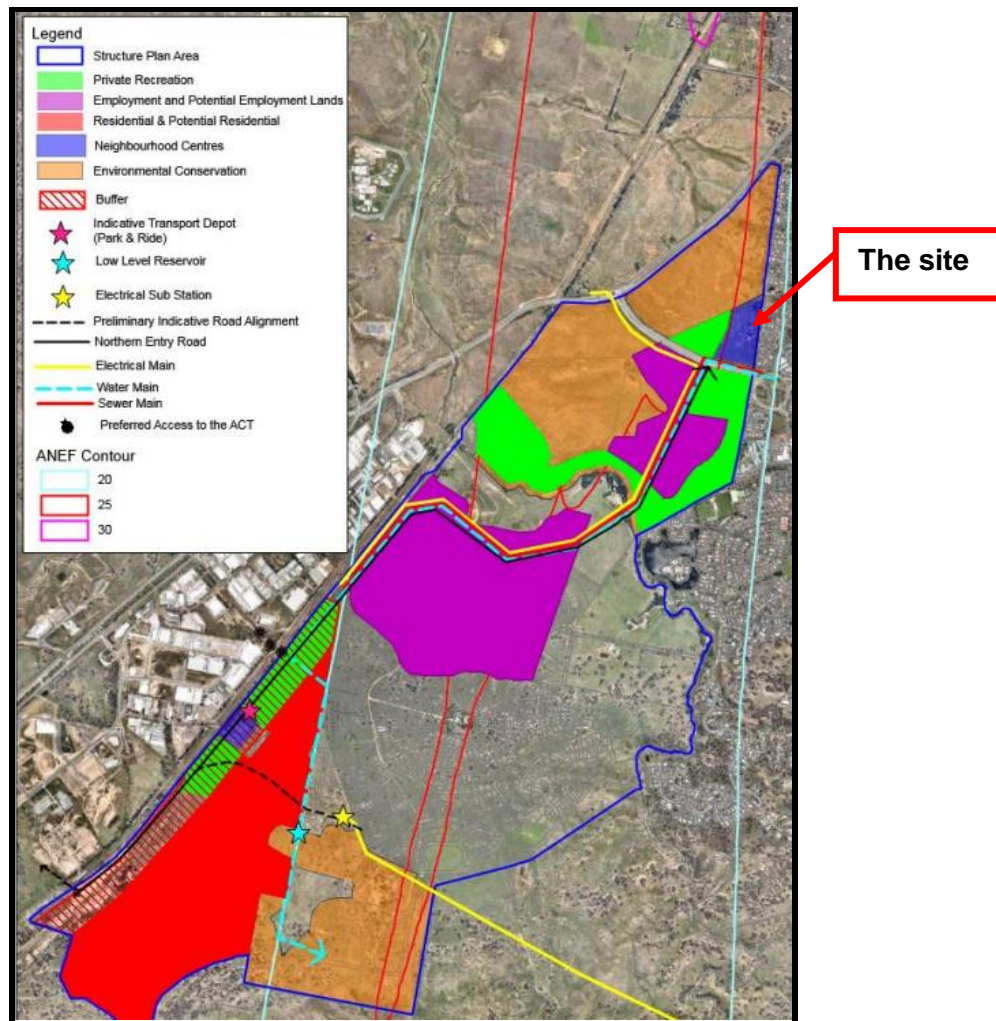


Figure 20: Master Plan (Source: Map 1 South Jerrabomberra Master Plan SJDCP)

- *3.4 – Desired Future Character* - the desired future character of this area is for a mix of office, light industrial, small scale retail, business and community uses that serve the needs of the people who live or work in the locality in a high quality urban designed setting.

Comment: The proposed development is not considered to be of a scale where impacts with adjoining residential uses can be suitably mitigated. The proposal appears to be of a regional scale that would cater to patrons beyond the people who live or work in the locality.

The Poplars Neighbourhood Centre precinct is an area of approximately 7 ha located north of Tomsitt Drive. It generally supports business, office and retail premises but does not include uses like bulky goods. This precinct has a high-quality urban design that is vibrant and attractive.

- *3.5 Staging of Development* - provides for the staging of the development, which includes the North Poplars precinct Stage 1 which accommodates the subject site.

- 3.6 *Neighbourhood Structure Plans* - provide direction for the land release by development area and sets out the broad development pattern.
- 3.7 Neighbourhood Structure Plan Controls

3.7.1 – *General*

The objective of the neighbourhood structure plan controls are to provide for the orderly development of South Jerrabomberra by establishing the broad structure of the neighbourhoods within the context of the Structure Plan and Staging Plan.

There is a Neighbourhood Structure Plan that includes the development site.

Parts 5, 8, 9, 10 of the South Jerrabomberra Development Control Plan provide the relevant development controls, including referring to the Queanbeyan Development Control Plan. There are addressed below.

3.7.13 – *Neighbourhood Centre Activity*

The relevant objective for activity within the Poplars Neighbourhood Centre is to ensure neighbourhood centres are developed in an efficient, orderly manner that are of high amenity and are attractive places.

This assessment has found the proposed use, despite being a permitted use, is not considered to achieve a high level of amenity at the interface of the neighbourhood centre with the existing adjoining residential uses.

Nuisance impacts generally relate to impacts from noise, activity across the site to 2am, outdoor activities to the north east to 10pm, the potential for privacy and overlooking impacts from the upper floor towards the existing residences to some properties on O'Sullivan Road and Esmond Avenue for stage 2.



Figure 21 - view of the proposal looking west from O'Sullivan Road.



Figure 22 – view of the proposal looking south west from Esmond Avenue.

The upper floor balcony will offer views to the east and north east which will provide opportunities for overlooking to some properties on O’Sullivan Road and Esmond Avenue.

The existing privacy enjoyed by residents in these locations is anticipated to be negatively impacted should the upper floor use areas to the development proceed.

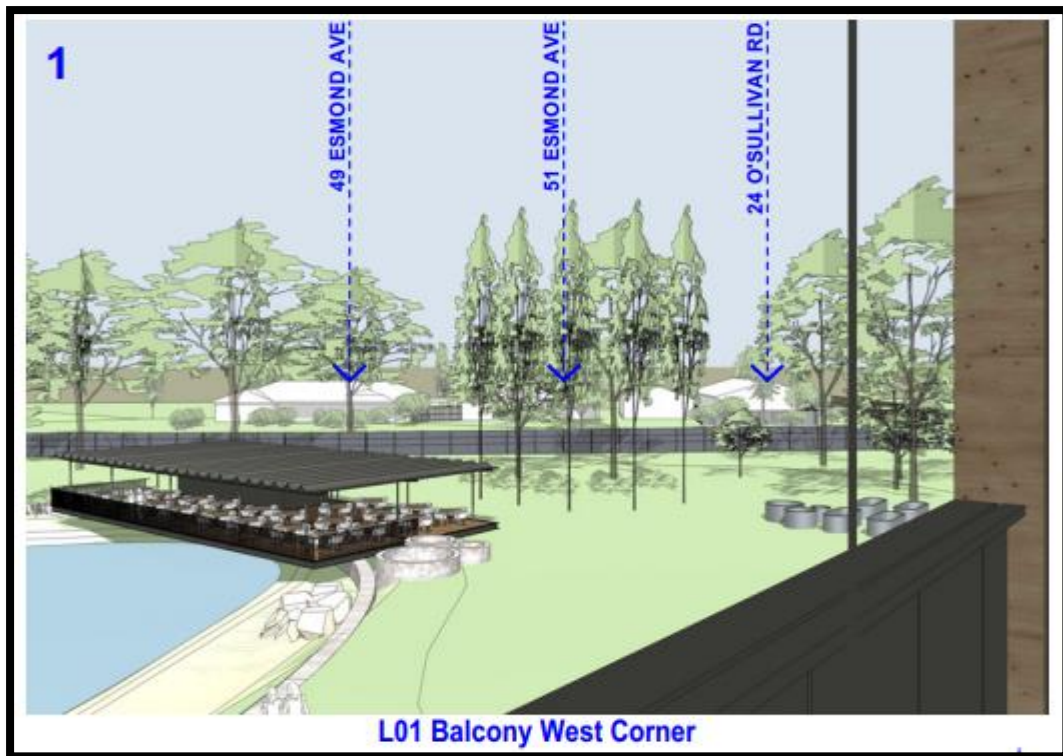


Figure 23 – view from Level 1 balcony (stage 2) to local residents to the north east and east.

Part 5 – Roads and Public places

- **5.13 Signage in Public Places** - The controls seek that unless exempt, signage is to comply with the relevant State Environmental Planning Policy.

Compliance has not been demonstrated. No signage is included in this assessment.

- **5.14 Additional Controls for the Poplars Neighbourhood Centre**

Access & Parking

Carparking is to be suitably landscaped and is to be designed to minimise vehicle and pedestrian conflicts and maximise general safety for users.

Carparking shall be located so as to be convenient for users of the Neighbourhood Centre and minimise any impact on the amenity of adjoining residential areas.

Council's Development Engineer and Transport for NSW confirm access and parking arrangements will be adequate once the lot is registered.

Vehicle Servicing

Servicing is to be designed and located in such a manner that is convenient for users and to minimise impacts on the amenity of adjoining residential areas.

The acoustic report provided by the Applicant notes *noise produced by trucks using the proposed loading dock may have an effect on the nearest residential receivers near the proposed site. Also, the garbage bay is adjacent to the loading dock and garbage trucks accessing the loading dock will contribute as an additional noise source.*

Council's peer acoustic review sought a preliminary assessment of noise associated with mechanical plant to confirm the size and location of proposed plant areas will be acceptable. This assessment is outstanding.

Service zones are to be designed to be visually unobtrusive and suitably screened where practicable from the public view.

A loading dock is proposed which is accessible from the eastern car park. It appears to be unobtrusive.

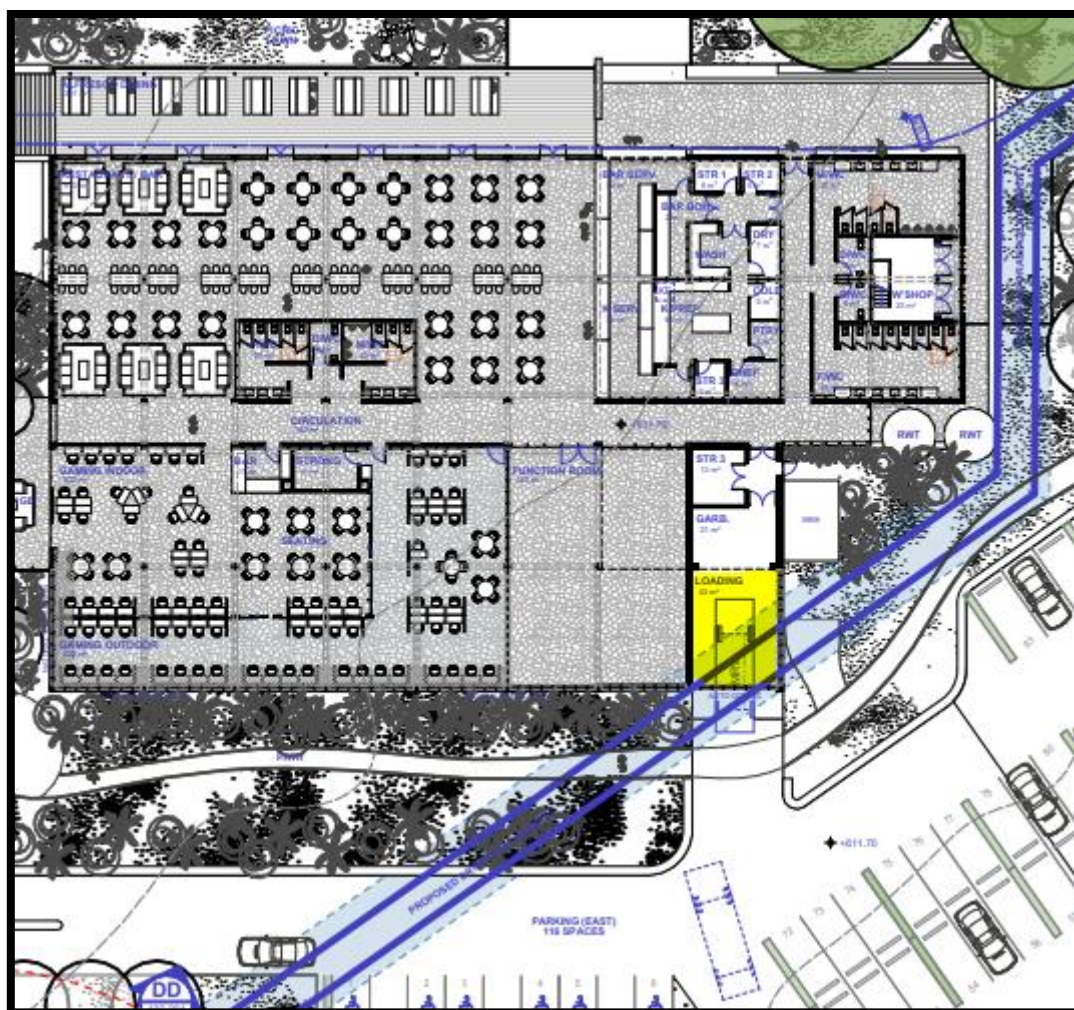


Figure 24 – Loading dock (highlighted yellow).

Part 8 – Environmental Management

- **8.2 - Soils and Salinity** - These controls require that soil conservation measures are provided to minimise soil erosion and siltation during construction and following completion of development. A Sediment and Erosion Control Plan can be sought as a condition of consent should the use be approved.

The QPRLEP 2022 does not map the site as being subject to salinity.

- **8.3 - Cut and fill** – The controls limit excavation and fill on building sites to a maximum of 1.5 metres, with greater depths capable of being considered by Council, if within the

building envelope, suitably retained and/or stabilised and not visible from the street.

There is approximately 3.5 metres of excavation required for the western car park (refer Bulk Earthworks Plan CO21 by Indesco). This has been shown on a civil engineering plan and could be conditioned to ensure any potential soil erosion or stability issues are further assessed through the Construction Certificate stage and suitably managed.

- *8.4 - Water sensitive urban design (WSUD)* – These controls require that development incorporates stormwater, retention and detention strategies to limit the changes to the hydrological regime (flow rate and duration) of the receiving waterways. Council's Engineer confirms the Stormwater plan proposes adequate arrangements for the management of stormwater on the site including the use of the pond to the northeastern corner of the site. This aspect of the proposal is considered to be satisfactory.
- *8.5 - Natural hazards* – These controls require the application identify measures which minimise risks to future development and users from slip, bushfire, flood and other natural hazards. This site is mapped as being bushfire prone land with this hazard considered by NSW RFS who consider it can be suitably managed through conditions.
- *8.6 - Bushfire management* – This section requires that a Bushfire Threat Assessment report must form part of all development applications for lands identified as 'bush fire prone' in accordance with *Planning for Bushfire Protection*. NSW RFS have considered the material lodged with the application and have suggested conditions should the use be approved.
- *8.7 - Aboriginal heritage* – An Aboriginal Cultural Heritage report was prepared for the subdivision of the parent land under DA.2023.0348. An Aboriginal Cultural Heritage and Archaeological Report prepared by Past Traces Pty Ltd dated 30 March 2023 was submitted with that application. The report determined that no Aboriginal artefacts, sites or areas of potential archaeological deposit were located within the subject site and that the area has a low potential for sites.

If consent is issued a condition could be imposed to ensure development proceeds with caution.

- *8.8 - European Archaeological Heritage* - The site does not contain or adjoin any Heritage items.
- *8.9 – Development in Areas subject to Aircraft noise*– The controls require consideration of aircraft noise and airspace operations as outlined in the QPRLEP 2022.

The amended Acoustic Assessment addressed aircraft noise. Council understands these standards could be achieved through conditions should consent be granted.

- *8.10 Airspace Operations* - Canberra Airport were referred the application for their advice on airspace operations and made suggestions on how the use could operate to ensure the continued safe operation of the airport.
- *8.11 – Development near Arterial Roads* – not applicable
- *8.12 – Development near Hume Industrial Area and Railway line* – not applicable

- **8.13 - Tree retention and Biodiversity** - These controls require existing significant trees to be retained.

Tree removal has been assessed through a BCAR with commitments required to be met before the lot is registered.

The following plan was approved under DA.2023.0348 and shows the trees approved to be removed and those to be retained over the subject site.

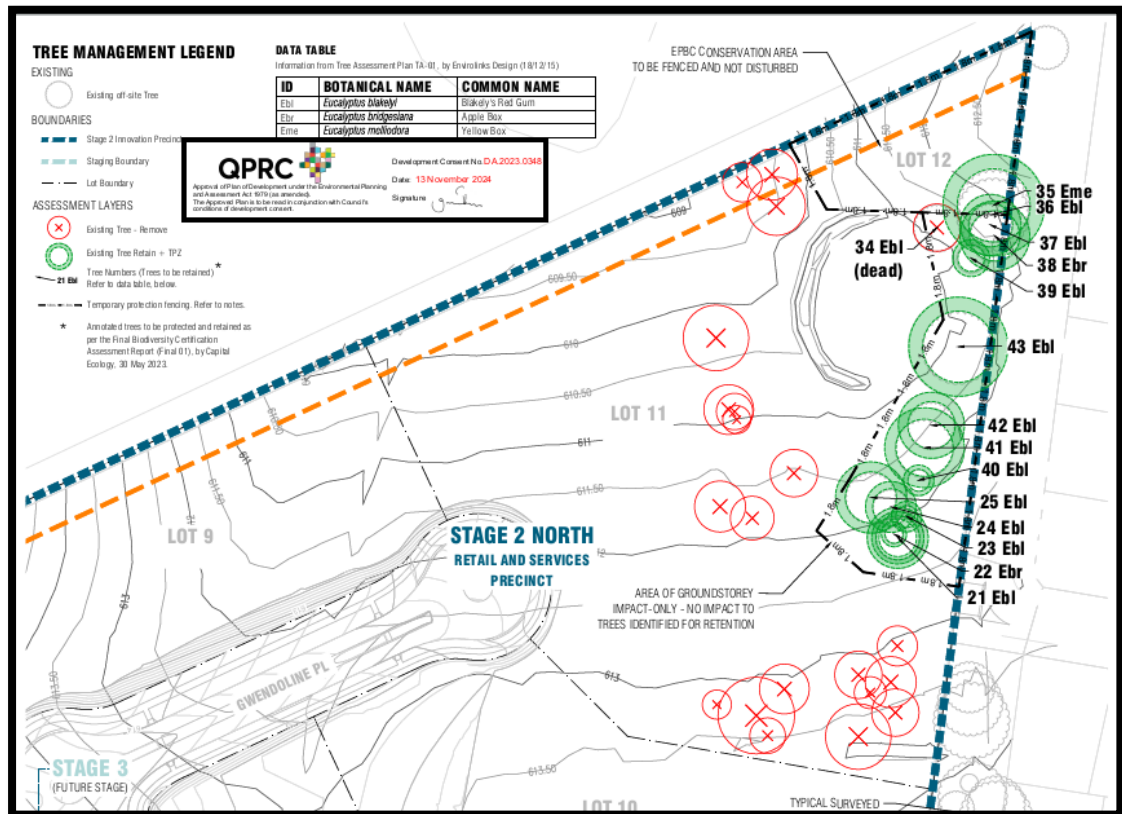


Figure 25 – Landscape Plan associated with existing subdivision approval (DA.2023.0348).

A Landscape Plan has been provided proposing additional planting on the site including between the proposed acoustic wall and the site boundary.

- **8.14 – Flora and Fauna (subdivision controls only)** – not applicable
- **8.15 - Land contamination Management** – Consideration of land contamination is required and is considered in the Resilience & Hazards SEPP assessment.
- **8.16 – Odour (near sewerage treatment plant)** – not applicable
- **8.17 - Construction waste** – Construction waste must be considered and a Waste Management Plan provided. Council's Waste Officer notes discrepancies between the size of waste vehicle proposed on various plans.
- **8.18 - Landfill and earthworks** – Earthworks to 3.5m is anticipated for the proposed new building and car parks. Earthworks can be considered ancillary to the development and conditions could be managed should the use be approved.

- *8.19 – Additional Controls for Subdivision in a Buffer Area* – not applicable.

Part 10 - Neighbourhood Centre including Mixed Use Controls and Principles

- *10.2 Overall desired future character* - The desired future character of the neighbourhood centre is of a low scale node of activity that meets the daily convenience shopping needs of the surrounding residential catchment.

Further, that development within the neighbourhood centre is to be sensitive to the character of the local area and shall enhance the local residential and environmental amenity through appropriate and sustainable urban design.

Comment: The proposed development is not considered to be a low scale activity. The proposal appears to be of a scale that would cater to patrons beyond meeting the needs of the people who live or work in the locality.

The proposal has not demonstrated it is sensitive to the character of the local area given the design was not sufficiently informed by a Social Impact Assessment that included the concerns of the local residents anticipated to be most affected.

The proposal has not demonstrated it shall enhance the local amenity through appropriate design.

The proposal is generally inconsistent with the overall desired future character plan in terms of scale, interface with residential areas, desired future character and amenity.

- *10.3 Signage* – The applicant suggests signage will be provided however has not addressed relevant Environmental Planning Instrument controls or DCP controls.
- *10.4 Safety and security* – The objectives of Section 2.9 of the QDCP 2012 seeks to afford maximum casual surveillance to developments from public places, to ensure a sense of ownership and well cared for spaces.

It is anticipated that light, landscaping and movement paths could assist to manage safe movement of people through the site.

- *10.5 Site car parking* – The controls require compliance with the relevant controls of Section 2.2 of the QDCP 2012. Refer that part of this assessment report.
- *10.7 Pedestrian access and mobility* – These controls require the provision of access for people with disabilities. The design of the building can meet relevant standards through conditions should the use be approved.
- *10.12 Additional Objectives and Controls for Poplars Neighbourhood Centre*

Objectives

- 1) *To ensure that the design, mix and siting of development supports the neighbourhood centre.*

The use is permissible however the design and siting is not considered to meet the objectives of the neighbourhood centre.

- 2) *To ensure that design and siting of the development establishes a high quality, vibrant and attractive place.*

The design appears as a high quality, vibrant and attractive place.

- 3) *To ensure that the arrangement of uses takes into account the residential amenity of the adjacent housing.*

The application has taken into account, to a degree, the residential amenity of the adjacent housing. Deficiencies in the social impact assessment, acoustic assessment, impacts on privacy and inconsistencies in the application material demonstrate the extent to which those were considered appears lacking.

- 4) *To ensure that the arrangement of uses takes into account and minimises any adverse impacts on the ecological values of the adjoining environmental conservation land.*

The site is subject to a Biodiversity Certification Agreement which has taken into account developable areas and impacts.

- 5) *To ensure personal safety for workers and visitors to the development.*

This objective is considered able to be met.

- 6) *To ensure the design minimises the opportunity for crime and maximises opportunities for passive surveillance.*

The applicant has provided a Crime Prevention Through Environmental Design (CPTED) assessment which includes opportunities to reduce crime on site. The acoustic wall is anticipated to limit passive surveillance.

The Built Form Controls

- a) *Development is generally to take the form of 1 to 2 storeys.*

The applicant seeks to demonstrate compliance stating *the proposed club presents as a two storey form however its scale is equivalent to three storeys in height, particularly the northern component of the building.*

The scale of the development equivalent to three storeys in height does not comply with this control. Council considers the proposed justification does not warrant a variation to this control.

- b) *The equivalent of 3 storey built form structures may be considered in order to provide variation and diversity and may form part of key signage elements and strategic articulation of the built form.*

The applicant seeks to demonstrate compliance stating *The proposed club is up to three storeys in terms of its height. It is well-articulated and presents a high-quality architectural response. The greatest height is at the north-western part of the building which is focussed away from the residential area to the east and is largely arrived at due to the sites topography.*

The southern aspect of the development otherwise presents between 1 – 2 storey in form to the commercial land to the south. The building has been designed and sited such that the horizontal length, and therefore bulk of the building, is focussed away from the more sensitive residential edge to the east.

The building meets the height and floor space ratio controls of the QPRLEP however it does not meet this objective which this assessment recognises as a local guideline only.

- c) *The design and siting of buildings shall give consideration to providing a transition to the existing residential development.*

The applicant suggests the siting has given consideration to the residential development to the east. Also, that car parking, landscaping and a setback of 28.6m to the boundary provide sufficient transition to the existing residential development.

Council's assessment considers that the outcome of any consideration given to the design of the use has resulted in a proposal that insufficiently demonstrates the design provides an acceptable transition to the existing residential development.

- d) *Where practical, active building frontages at ground level are to define edges to the pedestrian network and public domain elements.*

The proposed building frontage will present to public areas.

- e) *Where practical large format retail uses are to contain active uses along primary pedestrian connections and frontages - Not applicable.*

- f) *Blank walls are discouraged*

The proposed external walls include treatment and a variety of materials.

- g) *Built form is to include a high level of architectural finish and design.*

The proposal has been designed by Benson McCormack Architects and includes architectural finishes and a variety of materials.

Part 2 Queanbeyan Development Control Plan 2012

Pursuant to Section 1.7 of the SJDCP, Sections 2.1 to 2.9 of Part 2 of the Queanbeyan Development Control Plan 2012 (QDCP) are adopted by the SJDCP.

- *2.1 Introduction* – This part of the DCP outlines the requirements for development in all zones outlined in section 2.2 onwards.
- *2.2 Car Parking*– The Queanbeyan Palerang Development Control Plan 2012 would require over 600 parking spaces over both stages, based on the GFA of 3,562m².

Development Engineering understands that this requirement was adopted from the TfNSW Guide to Traffic Generating Developments, which was based on a survey completed in 1978.

For registered clubs, the TfNSW Guide to Traffic Generating Development (Clause 5.8.3) recommends car parking spaces to satisfy the average maximum demands

based on the characteristics of the proposed development. The guide recommends drawing comparisons to similar clubs.

The traffic impact assessment report prepared by QT for the proposed registered club and function centre (DA.2023.0635) indicated that 272 parking spaces would be provided, including 152 spaces in Stage 1 and an additional 120 spaces in Stage 2.

The report confirmed 153 spaces for stage 1 and 120 for stage 2 would be adequate to satisfy the anticipated peak demands under typical conditions.

A new guide to Transport Impact Assessment (TS 00085 Version 1.1) is published by TfNSW and will be effective for DA's lodged on or after 4 November 2024. While the new version is not applicable to the subject DA, a review was conducted to see any impact on the parking requirements. Development engineering notes that the parking requirement remains the same, specifying that a comparison should be drawn to similar clubs.

Car parking numbers have been assessed by Council's Engineer to be satisfactory.

- **2.3 Environmental Management**

- 1) *Facilitate the development of building design excellence appropriate to a regional city.*

The building includes design and building elements that appear appropriate to a regional location.

- 2) *Ensure environmental impacts of new development are managed in a sustainable and economical way.*

The application has not adequately demonstrated environmental impacts anticipated by the operation of the use are able to be suitably managed.

- 3) *Ensure a healthy environment.*

The application has not adequately demonstrated a healthy environment can be achieved by the operation of the use.

- 4) *Provide an adequate and renewable supply of resources - Not applicable.*

- 5) *Ensure application, where appropriate, of the BASIX or Building Code of Australia energy efficiency provisions.*

The application material includes energy efficiency measures.

- **2.3.3 Energy Efficiency and Conservation** - Non residential development is to demonstrate compliance with Section J of the *National Construction Code*.

This can be sought through conditions should the use be approved.

- **2.3.4 Water Conservation** - New development to implement water saving measures.

This can be sought through conditions should the use be approved.

- 2.3.5 Waste and recycling - Non residential requires a waste management plan to be provided.

The application includes a waste management plan however there are inconsistencies between the plan and the civil plans in terms of the length of the waste vehicle. Council also sought details on food waste management.

- 2.3.6 *Noise and vibration* - The objective of this section is to ensure development provides for effective management of noise and vibration through effective siting, building design, materials and layout, construction and engineering techniques, operational management.

Further, where a proposed development includes an activity which may generate unreasonable noise or which may be affected by an existing noise source, an acoustic study is to be undertaken to establish noise levels and provide a mitigation strategy demonstrating the measures to be taken to effectively mitigate noise.

The proposed development is anticipated to create noise and a noise impact assessment/s has been provided. This assessment has found that noise levels and mitigation measures cannot be relied upon and council is not satisfied this issue can be managed through conditions.

- 2.4 *Contaminated Land Management* – Considered in the assessment under the Resilience & Hazards SEPP and is satisfactory.
- 2.5 *Flood management* – Considered in the LEP assessment and is satisfactory.
- 2.6 *Landscaping* – A landscape Plan has been provided which is satisfactory.
- 2.7 *Erosion and Sediment Control* – Erosion and Sediment Control Plan has been provided. Relevant conditions could be imposed should the use be approved.
- 2.8 *Guidelines for bushfire prone areas* – Refer to NSW RFS response.
- 2.9 *Safe design* – addressed under the SJDCP above.

Contributions Plans

The following contribution plans are relevant pursuant to Section 7.18 of the EP&A Act.

1. South Jerrabomberra Local Infrastructure Contributions Plan 2018
 - a. Contributions under this plan have been applied to the subdivision of the land that creates the lot on which the registered club is proposed.
2. Water Supply - Development Servicing Plan for former Queanbeyan City Council
 - a. Typically, contributions under this plan would apply at subdivision stage based on a per hectare rate (because site usage would not normally be

known). Contributions have been applied to the subdivision of the land that creates the lot.

- b. Contributions calculations would apply again for the DA for the proposed club as the water usage can now be better quantified. Should the calculation show additional demand for water, contributions would be levied as a condition of consent, if approved.

3. Sewer - Development Servicing Plan for former Queanbeyan City Council

- a. Typically, contributions under this plan would apply at subdivision stage based on a per hectare rate (because site usage would not normally be known). Contributions have been applied to the subdivision of the land that creates the lot.
- b. Contributions calculations would apply again for the DA for the proposed club as the water usage can now be better quantified. Should the calculation show additional demand for sewer, contributions would be levied as a condition of consent, if approved.

(c) Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act

A planning agreement was entered into on 5 June 2020 and amended on 8 December 2020 between the Village Building Company (VBC), Poplars Developments Pty Ltd (Poplars) and Council titled the *Jerrabomberra Innovation Precinct Infrastructure Planning Agreement* (Innovation Precinct Planning Agreement).

The Innovation Precinct Planning Agreement applies to development of the South Jerrabomberra Land for residential purposes and the West Jerrabomberra Land for retail, business, light industrial, educational and recreational purposes, including the subject site.

Any relevant commitments of the planning agreement would be assessed and applied to the land prior to subdivision and required of the landowner developer at that time. There is no implication for the proposed development under the Planning Agreement.

(d) Section 4.15(1)(a)(iv) - Provisions of Regulations

The following matters require consideration in relation to Part 4, Division 1 of the 2021 Regulations:

- Section 61(1) - In determining a development application for the demolition of a building, the consent authority must consider the *Australian Standard AS 2601—2001: The Demolition of Structures* – Demolition proposed as part of Stage 2 could be managed through conditions.
- Section 62 (consideration of fire safety) – This is not relevant as a change of building use is not proposed.
- Section 64 (consent authority may require upgrade of buildings) – The alterations to the building as a part of Stage 2 could be managed through conditions.

Accordingly, the provisions of the 2021 EP&A Regulation have been adequately considered.

3.1 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered.

Potential impacts related to the proposal have been considered. On balance, the impacts anticipated as a result of the operation of the Club is anticipated to outweigh anticipated social or economic benefits.

3.2 Section 4.15(1)(c) - Suitability of the site

The site is not considered to be suitable for the proposed development at the interface with an existing residential area. The application has not demonstrated the proposed development meets the desired future character of the neighbourhood centre it is located in and does not enhance the local residential and environmental amenity. It is not considered to be sensitive to the character of the local area.

3.3 Section 4.15(1)(d) - Public Submissions

The community submissions are considered in Section 5 of this report.

3.4 Section 4.15(1)(e) - Public interest

The proposal is considered to not generally be in the public interest as the potential impacts of the proposal have not been adequately mitigated.

The development is anticipated to provide positive community and economic impacts however unacceptable social and amenity impacts are also anticipated.

Accordingly, on balance, this assessment has found the proposal is not in the public interest.

4. REFERRALS & SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 4.

Table 4: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Referral/Consultation Agencies			
Electricity supply authority	Section 2.48 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	Essential Energy advised it has no comments to make as to potential safety risks arising from the proposed development.	Yes

	Development near electrical infrastructure.		
Department of Planning, Housing & Infrastructure (Crown Lands)	Crown Lands as adjoining land owner.	No objection.	Yes
Canberra Airport	Obstacle Limitation Surface (OLS) assessment.	<p>Confirmation the site is situated in the ANEF 20-25 contours.</p> <p><i>As the proposed club premises will be subject to aviation noise, the development must be constructed in accordance with the relevant Australian Standard to withstand aviation noise impacts. Can be conditioned.</i></p> <p><i>Managing the Risk of Wildlife Strikes in the Vicinity of Airports. Can be conditioned.</i></p>	Yes
NSW Police Force	Public Safety	<p>The NSW Police objects to the proposal in terms of public safety.</p> <p>They provided advice on 22 March 2024, met with Council staff on 26 November 2024 and provided additional advice received on 6 December 2024 regarding the potential risks from alcohol related and street crime, objection to the hours of operation and inability of the Plan of Management to minimise amenity and safety risks and their concerns regarding resourcing especially given a serious crime occurred in November at a premises near the proposed development.</p>	No
Integrated Development (S 4.46 of the EP&A Act)			
Rural Fire Service	S100B - <i>Rural Fires Act 1997</i>	The land is bushfire prone. A Bushfire Assessment by Southern Bushfire Solutions	Yes

	bush fire safety for development of land for special fire protection purposes.	dated 10 September 2024 was referred to RFS. General Terms of Approval (GTA) have been provided from the NSW RFS in their correspondence of 11 March 2025.	
Transport for NSW	Section 2.121 & 3.58(3) – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development that is deemed to be traffic generating development in Schedule 3 confirmed by TfNSW to be 'Food & drink premises with car parking for 200 or more motor vehicles'.	TfNSW found that the intersection under their control is likely to be able to function adequately should the use proceed. However, they noted that due to the queuing length of vehicles, these are likely to impact on users to the service station.	Yes

4.2 Council Referrals

The development application has been referred to various Council officers for technical review as outlined Table 5.

Table 5: Consideration of Council Referrals

Officer	Comments	Resolved
Development Engineer	<p>Council's Development Engineering reviewed the onsite servicing arrangements and considered them to be satisfactory.</p> <p>Traffic generation and car parking was also assessed. In response to TfNSW comments, Councils Development Engineer advises:</p> <p><i>While the referral from TfNSW did not have any objections to the proposed development, they have outlined that a 60m queue length at Henry Place in a post-development scenario might cause traffic congestion for customers egressing from the service station. Development engineering notes that the traffic impact assessment only includes movements under existing conditions plus the traffic demands associated with the proposed development.</i></p> <p><i>The Traffic Impact Statement, as prepared by Quantum Traffic, has outlined that the anticipated post-development scenario traffic will have fewer delays and</i></p>	No

	<p><i>queue lengths than under the base scenario. The base scenario is assumed to be a shop development on the subject site.</i></p> <p><i>Development Engineering is aware that the intersection of Tomsitt Drive and Henry Road will be at capacity with fully developed Poplars Stage 2 (in which this site is proposed).</i></p>	
Local Development Committee	<p>At the Local Development Committee meeting on 2 April 2024 a report was presented on the development proposal emphasising the impact on pedestrian and vehicular traffic in Jerrabomberra. It also identified the departure from the Development Control Plan for the number of parking spaces proposed.</p> <p>The following recommendations from the Local Development Committee meeting were made;</p> <p><i>“Consideration should be given to deliveries and public transport. Noting the road network in the subdivision hasn’t demonstrated support for these vehicles yet.”</i></p> <p>Issues raised at the meeting included parking numbers and the vehicles considered for deliveries and waste pick-up. The Traffic Impact Statement was updated on 13 August 2024, which includes a survey of three additional clubs to support the parking demand requirements and updated swept path drawings to address the issues raised during the Local Development Committee.</p>	Yes
Building	<p>Council’s Building Officer did not raise any objections and noted a report addressing BCA compliance has been submitted with the application and it indicates that compliance can be achieved by meeting deem to satisfy requirements or performance solutions.</p>	Yes
Environmental Health	<p>Land contamination - Council’s Environmental Health officer confirmed the potential for contamination was addressed through the recent subdivision application under DA.2023.0348. That application included an Environmental Site Assessment prepared by Tetra Tech Coffey Pty Ltd (Coffey) for land within the Poplars Estate.</p> <p>Acoustics - The removal of the eastern gate and the continuation of the acoustic wall along the length of the residential interface should reduced some noise. However, there are still concerns regarding the effectiveness of the boundary acoustic wall in mitigating noise from a multistorey building.</p>	No

	<p>Due to the potential acoustic impact of this proposal on the surrounding neighbouring residential area and proposed hours of operation to 2am it is recommended that an independent acoustic consultant is engaged to review the report to determine if the mitigation strategies will indeed be effective.</p> <p>The submitted acoustic report did contain errors and failed to assess the outdoor area beside the pond.</p>	
Waste	<p>The Waste Management Plan does not specify food waste and how it will be collected. It will need to be separated from landfill waste and a collection service implemented. This will be mandated by NSW EPA from 2025 for many businesses and was specifically sought in the Information Request.</p> <p>Litter management has not been addressed and was specifically sought in the Information Request.</p> <p>Waste Management Plans and Civil Plans are inconsistent. Waste Plan shows servicing by an 8.8m long vehicle while Civil Plans correctly show a 12.5m vehicle.</p> <p>An amended Waste Management Plan addressing these concerns remain outstanding.</p>	No
Trade Waste	Trade Waste application required which could be conditioned should the use be approved.	Yes
External Independent Acoustic Consultant Day Design	<p>In response to Council's Environmental Health Officers concerns regarding the adequacy of the Acoustic Environmental & Impact Assessment by Acoustic Noise and Vibration Solutions Pty Ltd dated 15 August 2024, Council engaged an external independent consultant to peer review the report and provide Council with independent advice. Mr Stephen Gauld of Day Design advised in his review dated 15 November 2024 that <i>'Following my review of the documentation provided, there are significant concerns that result from an inadequate level of information, incorrect calculations and unworkable recommendations.'</i></p> <p>Relevant amended application material was provided to Day Design for review. The advice to Council of 26 February 2025 confirmed, in summary, that there was still an inadequate level of information provided in</p>	No

	<p>relation to noise criteria, the function of external entry doors and noise emissions, sound level used / omission of a noise criteria determined in line with the Liquor & Gaming NSW standard, assumptions regarding noise from outdoor areas, noise from cars and patrons in the car park. Also, incorrect calculations on noise criteria, sleep disturbance and noise from outdoor areas. Further, unworkable recommended conditions relating to the acoustic rating of external doors and patrons to not raise their voices when on the outdoor 1st floor terrace.</p> <p><i>The peer review advice concluded The Amended Report has not addressed many of the criticisms in the Day Design Review and has not adopted many of the recommendations in the AD Review. The Amended Report does not provide sufficient information or certainty to enable Council to properly consider the likely noise impacts from the proposal, regardless of whether Stage 1 alone is built or Stages 1 and 2 are built.</i></p> <p>Council has relied on this advice in its assessment.</p>	
Peer Review of Social Impact Assessment by Barr Planning	<p>A social impact assessment was sought of the applicant through Council's Information Request.</p> <p>Planning officers and submitters raised questions about apparent deficiencies in the assessment.</p> <p>Barr Planning were engaged to provide Council and the consent authority with a peer review of the Social Impact Assessment dated August 2024 and updated Assessment dated February 2025.</p> <p>Barr Planning concluded overall, the SIAs generally followed the relevant SIA Guideline, however, lack the critical analysis resulting from consultation with the social locality most impacted by the development, denoted as Tier 1 Stakeholders. Further, that Barr Planning considered that this is a shortcoming of the SIA that requires rectification before the application can proceed. They made several recommendations should an amended SIA by the Applicant be undertaken.</p> <p>Council has relied on this advice in its assessment.</p>	No

Additional issues

The assessment of the application material found a number of errors or inconsistencies including:

- 1) Statement by Knight Frank in their letter of 3 February letter (page 4) that 'there will be no direct traffic access to the adjacent residential areas' conflicts with Site Plan 1/2 dated 30 January 2025 by Benson McCormack Architects;
- 2) Statement by Knight Frank in their letter of 3 February letter (page 4) that 'there will be no direct traffic access to the adjacent residential areas' conflicts with note to Site Opportunities plan dated 30 January 2025 stating emergency vehicle access will be provided to Esmond Avenue;
- 3) Statement by Knight Frank in their letter of 3 February letter (page 4) that 'there will be no direct pedestrian access to the adjacent residential areas' conflicts with a number of the General Arrangement plans dated 30 January 2025 that show a pedestrian access (refer A-DA-1-110-002, A-DA-1-110-003, A-DA-1-110-005);
- 4) The civil plans by Indesco Sheet 1 of 2 Plan C040 shows a 12.5m long waste vehicle which is inconsistent with the waste management plan also prepared by Indesco dated 15 August 2024 section 4.4 page 2 which shows an 8.8m long vehicle; and
- 5) The amended acoustic report Version 2 dated 3 February 2025 still contains references to childcare centre measurements which are not proposed.

4.3 Community Consultation

The proposal was initially advertised and notified in accordance with the Council's Community Engagement and Participation Plan from 11 March – 5 April 2024.

At its meeting of 24 April 2024 Council passed a unanimous Notice of Motion that it acknowledged the community interest received for this application and that it makes a submission to the Regional Planning Panel on this proposal noting these community concerns. Further, recommended to the Regional Planning Panel that they conduct a public determination meeting in person at Queanbeyan prior to their determination (Item 12.4).

In response, a public briefing meeting was conducted by the Panel on 17 July 2024 where the Panel were provided with an update on the status of the application by Council officers and heard issues raised by the public in attendance.

Public notification of material provided by the Applicant in response to the Information Request was conducted from 26 September – 15 October 2024 and again, in response to amended application material, from 10 February – 16 March 2025.

A total of 123 submissions (66 unique submissions) were received. Also, 186 emails of support were also received. In accordance with Council's Community Engagement and Participation Plan these are not characterised as a formal submission given they were not accompanied by a donations or gifts disclosure.

A copy of the redacted submissions have been uploaded to the NSW Planning Portal for the Panels consideration. Redacted submissions from all notification rounds have also been made available to the Applicant.

A summary of the main concerns raised in submissions include:

- Address is misleading. The Tomsitt Drive address meant people did not appreciate the actual location.
- Inadequate consultation, lack of prior engagement, public notification during school holidays and inconsistency with the initial proposal and the application lodged.
- Trading hours will promote impacts from anti-social behaviour for residents in the local area.
- Anti-social behaviour and public safety concerns as a result of alcohol consumption.
- Inconsistent with the quiet low density, family friendly suburb. An alternative site should be used.
- Need – there is already a tavern in this suburb.
- Noise – intoxicated people will make a noise leaving the club, the acoustic barrier may not be effective, operational noise from functions, car park noise, plant, waste vehicles reversing / loading dock activities and announcements to patrons to be quiet on departure. The acoustic report does not appear to describe the elevated locations nearby or associated impacts.
- Effectiveness of the Plan of Management and Alcohol Management Plan to manage patron behaviour including people leaving the premises.
- Light pollution will impact on nearby residents.
- Recent refusal of NSW Liquor & Gaming to extend the trading hours of the Jerrabomberra Hotel *siting concerns relating to the social impact of approving the application may be detrimental to the well-being of the local or broader community.*
- No sporting fields or outdoor space which could have been an additional buffer.
- There are no sporting teams or sporting facilities proposed for the local community.
- Bulk – the view from the residential area to the east and from Lanyon Drive will be bulky. Simulated views do not appear to be a true perspective.
- Scale - out of character with the local area, the scale is not family friendly.
- Social impacts associated with gambling and the number of poker machine proposed including gambling losses and stress on families.
- Parking and traffic issues including the adequacy of onsite car parking, traffic congestion, access points to local streets and installation of no parking signs on local residential streets.
- Affiliation of the club and how it will benefit the local community, not just continuing to support a Canberra / Tuggeranong club.
- Applicant states they will consider using local contractors and suppliers however they have an established business and may use those providers and their existing experienced staff, not local people.
- Residential amenity impacts including overlooking, loss of privacy and increased litter in the local area.
- Seek better formed pedestrian links to this site and the local commercial area.
- Impacts on air quality including odour from smoking areas and from commercial food operations.
- Proposal does not comply with relevant planning aims, objectives and controls.
- Relationship with adjoining land with a high biodiversity value, flora and fauna impacts

from development on this site including how the pond will be impacted.

- Application lacked detail on staging and timing of each stage.
- Loss in property values.
- Loss of current views to open space.
- Incorrect and inconsistent information.

A summary of the key issues raised in support of the proposal include:

- Would provide an opportunity for gathering, social and recreational opportunities.
- Would provide an additional venue for eating & drinking
- Proposal will support local sporting groups
- Opportunity for local jobs in construction and ongoing operations.

The emails in support suggest the proposal will bring together members of the local community, support local sporting groups, provide competition to existing services, provide employment opportunities and will provide recreational, social and cultural activities.

5. KEY ISSUES

An assessment of the proposal against Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) is provided.

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application

(a) the provisions of—

(i) any environmental planning instrument,

This assessment has outlined compliance, or otherwise of the proposal with the provisions of any relevant environmental planning instrument.

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved),

There are no applicable draft proposed instruments.

(iii) any development control plan, and

This assessment has outlined compliance, or otherwise of the proposal with the relevant matters in the South Jerrabomberra Development Control Plan and the Queanbeyan Development Control Plan as applicable.

(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

This assessment has outlined compliance with any relevant planning agreement.

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

This assessment has outlined compliance with the relevant regulations.

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

The consideration of impacts on the natural and built environments includes the following:

- Context and setting – The proposal is not considered to be generally consistent with the context of the site in terms of its proximity to existing residential development, impacts from overlooking, noise and general operations.
- Access and traffic – Access to the site will be newly formed and expected to function adequately.
- Public Domain – The proposal will appear as a prominent structure in the landscape.
- Utilities – It is anticipated that relevant utilities will be available to the site once the lot is registered.
- Heritage – There are no heritage items located on the site contain or on any adjoining or nearby sites. Aboriginal cultural heritage is considered in the key issues section of this report and is adequately addressed.
- Other land resources – The site is not located within or adjacent to water catchment or mining. There are some agricultural land uses in the area, however, the proposal does not affect, or is affected by, such uses.
- Water/air/soils impacts – The potential for contaminated land is considered in the assessment under the Hazards & Resilience SEPP and the site is not affected by acid sulphate soils.
- Flora and fauna impacts – Ecological impacts under the Biodiversity Conservation Act have been considered in the subdivision of the parent lot.
- Natural environment – There are earthworks proposed on the site which could be managed through conditions. The natural environment would be altered by any use of the land.
- Noise and vibration – An Acoustic Environmental & Impact Assessment Report, amended report and additional acoustic advice has been provided by the Applicant.

Council's Environmental Health Officer expressed concerns which warranted an external peer review of that material by an Acoustic consultant.

According to Council's consultant (Stephen Gauld of Day Design), the application has not demonstrated that noise impacts can be adequately managed and this issue is not able to be conditioned.

- Natural hazards – The site is affected by bushfire, which has been considered by the

NSW RFS and a Bushfire Safety Authority has been issued. Flooding has also been considered in the QPRLEP 2022 assessment and found to be satisfactory. Relevant conditions could be imposed to manage these impacts.

- Safety, security and crime prevention – Council’s assessment notes lighting, pedestrian movement controls and landscaping could assist to reduce the potential impacts on personal safety and security.

NSW Police Force Monaro District object to the proposal. If operational, they would take on enforcement responsibility for public nuisance and crime which they anticipate could occur as a result of a proposal of this nature, scale, trading hours, and perceived deficiencies in the management of patron behaviour.

- Social impact – A registered club could provide residents and employees in the local area with a social benefit. A Social Impact Assessment was sought through Council’s Information Request.

The Social Impact Assessment by Hill PDA Consulting dated August 2024 provided in support of the application confirms they did not undertake any ‘dedicated engagement’ with Tier 1 stakeholders, being the closest residents to the site, which they describe as *Potential sensitive receivers* (page 44).

The ‘Updated Social Impact Assessment’ by Hill PDA Consulting dated February 2025 recommended further consultation be undertaken however that was not undertaken prior to the completion of the updated SIA.

As a result of concerns raised by submitters and Council’s assessment, an independent external consultant was engaged to peer review the social impact assessment reports provided by the Applicant.

Barr Planning completed a SIA Peer Review and considered:

- The overall methodology and quality of the reports
- The suitability of the social locality selected
- The suitability and effectiveness of consultation undertaken
- The adequacy of the impact categorization and assessment
- The adequacy of the final recommendations

Barr Planning found that, overall, the SIAs generally followed the SIA Guideline, however, lack the critical analysis resulting from consultation with the social locality most impacted by the development, denoted as Tier 1 Stakeholders. Barr Planning considered that this is a shortcoming of the SIA and requires rectification before the application can proceed.

- Economic impacts – The proposal will have positive economic impacts in terms of employment generation including during the construction phase, food and bar service, security and grounds management which is likely to include local residents and tradespeople.

The use is also anticipated to create a direct and ongoing profit for the proponent and part of the profit will be directed towards local grants through the ClubGrant program.

- Site design and internal design – The proposed building directs activities generally to the north however this does not mitigate potential impacts to sensitive receivers to the east.
- Construction – Relevant conditions can be imposed to reduce potential construction impacts during those times.
- Cumulative impacts – The proposal is anticipated to result in adverse cumulative impacts as outlined above.

(c) *the suitability of the site for the development*

The use is one which is permissible in this zone however the intensity of the use on a site adjoining existing residential development makes it incompatible with the existing residential uses. The proposal is therefore not suitable for this site.

(d) *any submissions made in accordance with this Act or the regulations*

The issues raised by submitters cannot be entirely overcome through the imposition of conditions.

(e) *the public interest.*

Despite anticipated positive social and economic impacts, the net impact on the amenity of the existing residents to the sites east cannot be adequately managed through the imposition of conditions.

The proposal is therefore not considered to be in the public interest.

6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report.

7. RECOMMENDATION

That the Panel;

Have regard to the issues raised in this assessment report for Development Application (DA.2023.0635) which seeks consent for the Construction of a Registered Club at 37 Tompsitt Drive Jerrabomberra, and

Pursuant to Section 4.16(1)(b) of the *Environmental Planning and Assessment Act 1979*, the Southern Regional Planning Panel refuse Development Application DA.2023.0635 for the following reasons;

- 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

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.