

Panel Reference	PPSSTH-340
DA Number	DA.2023.0635
LGA	Queanbeyan Palerang Regional Council
Proposed Development	Construction of a registered club premises
Street Address	37 Tomsitt Drive Jerrabomberra
Applicant/Owner	Knight Frank Town Planning for Tuggeranong Valley Rugby Union & Sports Club Ltd / Poplars Developments Pty Limited
Prior SRPP Meeting	27 May 2025

1.0 BACKGROUND

Development Application DA.2023.0635 was reported to the Southern Regional Planning Panel (SRPP) on 27 May 2025. The panel deferred the matter pending the submission of a supplementary report by Council. This supplementary report assesses the information submitted by the applicant after the Council's Assessment Report was completed. Further assessment is also provided on issues raised in the presentations made to the Panel from the community and applicant. This supplementary report is to assist in the further consideration of the matters outlined in the panels notice of deferral dated 4 June 2025 and should be read in conjunction with Council's Assessing Officers report dated 13 May 2025 as presented to the Panel on 27 May 2025.

2.0 PANEL CONSIDERATION AND DEFERRAL

Extract of Panel deferral:

The Applicant submitted late information following the completion and upload of Council's assessment report to the portal on 13 May 2025. This included the following:

1. Letter Knight Frank Planning titled 'Town Planning Response to Panel – 37 Tomsitt Dr Jerrabomberra – 22 May 2025' – uploaded to Planning Portal 22 May 2025.
2. **Attachment A:** Summary of the community engagement undertaken by the proponent between 10 February and 16 March 2025 – uploaded to Planning Portal 16 May 2025.
3. **Attachment B:** Operational Noise Emission Assessment prepared by Acoustic Dynamics dated 16 May 2025 – uploaded to Planning Portal 16 May 2025.
4. **Attachment C:** Amended Plans – May 2025 – design amendments in response to recommendations from the Operational Noise Emission Assessment – uploaded to Planning Portal 16 May 2025.
5. **Attachment D:** amended Social Impact Assessment (Jerrabomberra Vikings Club Social Impact Assessment Update 2 prepared by Hill PDA May 2025) - uploaded to Planning Portal 22 May 2025.
6. **Attachment E:** cover letter prepared by Hill PDA dated 22 May 2025 addressing the peer review undertaken by Barr Planning - uploaded to Planning Portal 22 May 2025.
7. **Attachment F:** Legal advice prepared by Lindsay Taylor Lawyers dated 22 May 2025 - uploaded to Planning Portal 22 May 2025.
8. **Attachment G:** Amended Waste Management Plan memorandum prepared by INDESCO dated 15 April 2025 - uploaded to Planning Portal 22 May 2025.

The Panel agreed to defer the determination of the matter until 24 June 2025 to allow Council to consider not only the late information from the applicant, but also the presentations to the Panel from the community and the applicant. The consideration of this information is to be articulated in an addendum report by Council.

The decision to defer the matter was **unanimous**.

ACTIONS

To allow for the progression of the Development Application to determination, the Panel directed that:

1. Council provides an addendum assessment report as set out above. The addendum report is to be uploaded to the planning portal by 20 June 2025

2. When the addendum assessment report is received it will be published on the Sydney and Regional Planning Panels website and the Panel will finalise its determination.
3. The Panels Determination and Statement of Reasons will be published on the Sydney and Regional Planning Panels website once finalised.

3.0 ACTIONS FOLLOWING THE SRPP MEETING

3.1 Applicants Town Planning Response

The Applicant prepared a Town Planning Response letter by Knight Frank dated 22 May 2025 to assist the Panel with their deliberation of the DA. Deferral requires Council's consideration of this letter. The letter covered:

- Vikings and the Local Community
- Social Impacts and Community Engagement
- Amenity and Acoustic Impacts
- Site Suitability
- DA Assessment Timeline

The Applicant noted that council had a peer review on the Social Impact Assessment, and as such confirmed that they have addressed matters raised. The Applicant submits that threshold matters have been adequately resolved. The applicant submits that it is open to the Panel to grant part approval.

Council's Planner's comment

The matters raised in the Town Planning Response letter are addressed under the following sections of this supplementary report, where relevant.

3.2 Community Engagement

Deferral requires Council's consideration of Attachment A, summary of community engagement. The applicant has provided responses to the community engagement in the updated SIA. The applicant also provided a Stakeholder Engagement Report for the period 10 February to 16 March 2025. The Vikings Group set out to maximise community participation, the mixed methods engagement techniques led to 136 emails of support, 35 emails of support without a reason, and 17 submissions of support via The Poplars web site. A total of 188 submissions of support were received. Vikings outreached to 40,000 followers on social media, provided 8 drop-in sessions, provided feedback and answered questions. The document sets out the reasons for support.

Council Planner's comment

The attachment collates the community engagement undertaken by the applicant to support their proposal. The Town Planning Letter dated 22 May from Knight Frank provides extensive commentary on the notification and engagement processes.

The Panel presentations included comment that the document incorrectly identifies and names parties as member of the Jerrabomberra Residents Association and included photographs of attendees at the consultation without permission.

The Panel presentations included comment on the Council's notification process for the development application. Confusion arose as the address point for the subject site did not, in residents' minds, connect with the subject site. Speakers mentioned reliance on neighbours to inform them of the proposal as council's notification process had let them down. Over the assessment of the development application there were a number of notification processes, all detailed in the 13 May 2025 Council Assessment Report.

In planning terms, the orderly delivery of the subdivision works which will create the lot that is the development site have not commenced. Consent for the subdivision has been issued, however the associated entry road, kerb and gutter and lot frontage, associated earthworks and service provision as well as the approved tree removal and tree retention works have not commenced. Residents' expectation that the Local Centre is to come forward on the E1 Local Centre zoned land has not as yet been realised by these early site delivery works. As such, many comments reflect the unexpected nature of an application, as residents have been taken unaware. The planning system does not require the orderly completion of the subdivision or works for the development site prior to the application being made.

3.3 Noise Impacts

Deferral requires Council's consideration of Attachment B Operational Noise Emission Assessment prepared by Acoustic Dynamics date 16 May 2025, and Attachment C Amended Plans May 2025 as a response to the Report.

The applicant engaged a new Acoustic consultant, and an Operational Noise Emission Assessment has been prepared by Acoustic Dynamics dated 16 May 2025 to support the applicant's submission. Council commissioned Day Design to undertake a Peer Review of this report. Further to the outcome of the Peer Review, the applicant has submitted a final Operational Noise Emission Assessment (13 June 2025). This has been checked by Day Design, bringing to an acceptable conclusion the Peer Review process.

Both the applicant's acoustic expert and Council's acoustic expert have concluded that the proposed design, conditions, recommendations and plan of management would secure the necessary noise planning requirements for the site.

The applicant's consultant undertook unattended noise monitoring at the development site to determine the existing noise environment and established relevant noise criteria, performed relevant calculations and noise modelling associated with the proposal to determine noise emission at nearby receiver locations and they provided recommendations for design measures to achieve compliance.

The Peer Review has concluded that there is enough information to form the conclusions for the proposed development.

The Proponents Acoustic Opinion is:

Further to our site survey, noise monitoring and measurements, our review of the relevant acoustic criteria and requirements, and our calculations, Acoustic Dynamics advises that the proposal can be designed to comply with the relevant acoustic criteria of Queanbeyan Palerang Regional Council, the NSW OLG, NSW EPA, POEO Act 1997 with the incorporation of our recommendations detailed in this report.

It is our opinion that the acoustic risks associated with the proposal can be adequately controlled and the amenity of neighbouring properties and residents can be satisfactorily protected.

Council Planner's comment

The submission of the Operational Noise Emission Assessment, prepared by Acoustic Dynamics dated 13 June 2025 has enabled an assessment of the potential noise and vibration related impacts from the proposal. Day Design has concurred with conclusions.

The modelling has been undertaken based on the proposed hours as set out in Table 1.1. The bistro and all outdoor areas close at 22.00. Noise scenario assumptions (section 4.2) and patron capacity for rooms was accepted.

In summary:

- The calculated patron and music noise emission levels at the sensitive receivers complies for both the 7.00 to 24.00 and 24.00 to 2.00.
- The mechanical plant noise emission levels at the sensitive receivers complies.
- The traffic noise emission levels at the sensitive receivers complies.

To achieve this compliance the site needs to operate under a Plan of Management that controls:

- Specific trading hours for each area,
- Specific patron numbers for external areas, alfresco (60), pondside (88), L1 function room terrace (40)
- All outdoor areas are restricted to day and evening use ceasing at 22.00
- All windows and doors to the upper ground function room must be closed at all times
- All windows and doors to level 1 function room shall be closed at all times
- Northern and southern most doors to restaurant must be closed at 22.00
- When the bistro has more than 53 patrons or after 22.00 all doors and windows on eastern façade must remain close
- Cessation of trade controls on patrons leaving quietly
- Staff training on set up and pack down procedures to ensure against excessive noise
- Heavy vehicle movements in daytime only
- Controls on time of days for waste collection
- Implementation of a community liaison procedure.

Further controls are needed:

- Audio entertainment system controls - relating to speaker mounts, isolation, no speakers outdoors, sound system limiter installed and calibrated to a complaint neighbour level, performers inducted and aware of controls, restaurant music can only be background music, all music in function rooms to cease at midnight.
- Building construction controls – mass, resilience and air tightness in construction, glazing requirements for various rooms and elevations, air locks and door seals, façade materials, roof materials, ventilation to outdoor gaming to have acoustic louvers.
- Internal design and finishes – absorptive finishes internal and external dining areas, walls ceiling and floors, use of absorptive panels.
- Mechanical Plant design sound levels, installed, tested and certified.
- Acoustic barriers

3.3.1 Acoustic Barriers

To achieve an acceptable planning outcome the development requires a full height acoustic barrier for mechanical plant deck, the site requires a 3m high acoustic barrier along the eastern and southeastern site boundary, and landscaping baffles directly to the north east of the bar passing area. The following assessment of these barriers is provided.

The mechanical plant deck acoustic barrier is necessary and could be conditioned. Its location within the curtilage of the proposed building limits any perceived negative amenity impacts from its siting and design.

The proposed development requires a 3.0m high acoustic barrier on the eastern boundary, so as to ensure that acceptable noise emission levels are secured for the sensitive receptors. In the absence of the acoustic barrier an acceptable planning outcome cannot be secured.

Council's planners have had regard to the existing acoustic barrier. The existing Neighbourhood Centre has necessitated an acoustic barrier on the eastern boundary. Refer to the photographs of the existing acoustic barrier, and context of existing vegetation, grass and green thoroughfare.

Photo 1



Photo 2



The Panel presentations included submitters stating that they do not want an acoustic wall, and that the existing wall has limited their outlook and adversely impacted the enjoyment of their property and surrounds.

It is noted that the residences in this area benefit from the visual relief of the green thoroughfare in the intervening space between the acoustic barrier and their homes. Long and mid distances views are not available. Presenters spoke of the loss of the distance views and that the proposal would lead to the same. Balancing this, there is also an expectation that the Neighbourhood Centre will come forth on the site and the long and mid distance views will change as part of that process.

The subject site eastern boundary is located on the western side of Esmond Avenue, and at the junction with O'Sullivan Road. The below photographs note; the orientation of the Esmond Avenue residences, the uses in the intervening space between homes and the development site including a road and minimal existing vegetation. The proposal includes a 1.0m wide strip on the eastern side (Esmond Avenue) of the acoustic barrier. The landscape plan details the plantings to be a low growing form of bottlebrush bushes, that would not overcome the adverse impact of the 3.0m high acoustic barrier.

Photo 3



Photo 4



The siting of the proposed acoustic barrier does not enable a more substantial landscape visual screen, which would be necessary to overcome the impacts to the local amenity. It is considered that there would be a substantial difference in the enjoyment of the area from pedestrians and residents, when compared to the existing acoustic barrier.

Within the development site, the proposal includes landscape baffles adjacent and northeast of the bar. It is noted that the baffles are 2.5m high which is lower than the acoustic boundary wall. The acoustic performance of the baffles comes into question. Council's Acoustic experts note the baffles may be in the site to be closer to the source of noise, and question if these baffles are required. Council's Planners do not support the inclusion of acoustic baffles within the site as they obstruct the passive surveillance across the site and create areas of entrapment, which is undesirable in relation to design against crime.

Having regard for the proposed plans, landscape plans and Operational Noise Emission Assessment it is considered that the acoustic mitigation measures would lead to an unacceptable level of harm, and not securing an acceptable form of development.

3.3.2 Achieving Compliance

As part of Council's assessment of the application, consideration is given to the regulatory compliance regime and necessary conditions for such a development to operate without ongoing complaints. The town planning submission and acoustic report reinforce the reliance on conditions so that the development can comply.

A Plan of Management will require the ongoing effective management of the site, including staff using all mechanical equipment in accordance with the set levels and controls, ensuring occupants do not exceed designated numbers for the room or outdoor area, ensuring windows and opening remain closed when specified.

The NSW Government Planning Circular for Noise Complaint Management at Licenced Premises, dated 1 July 2024, sets out the enforcement regime for these matters. This circular advises that the lead regulator for noise complaints for licenced premises is Liquor and Gaming NSW. Their role is to receive complaints and investigate these under the Liquor Act Disturbance Complaints Guidelines, subject to a site having a Liquor Licence. It is expected that this site would have a licence, and as such Council would not have a role in ensuring compliance other than mechanical noise.

The Circular advises that certain noise related conditions that Councils have included on licenced premise development consents under local planning laws will cease to have effect and complaints about those venues will be managed under the Liquor Act. Notwithstanding this, the Peer Review encourages

that should the Panel be minded to grant conditional consent, such conditions should be imposed so that, were the lead authority to change, these conditions would be able to be enforced.

Refer to Attachment 1 for a list of conditions that would be necessary for the development to secure compliance.

3.4 Social Impacts

Deferral requires Council's consideration of Attachment D amended Social Impact Assessment, as well as Attachment E letter dated 22 May 2025 from Hill PDA.

The applicant has provided an amended Social Impact Assessment dated May 2025. This has been provided in response to the Peer Review Council commissioned from Barr Planning dated May 2025.

Council Planner's comment

The amended Social Impact Assessment has adopted and taken on matters identified in the Peer Review. The Peer Review made six recommendations which the applicant has taken on and made amendments in the final SIA. In summary these key changes are:

- Updates from the Tier 1 consultation, methodology, impacts and new matters raised have been made.
- Tier 1 stakeholder feedback is included.
- Additional mitigation proposed around risks, however the risks associated with exposure to gambling for persons who may be predisposed to risky behaviours is unchanged, as the severity of this outcome is high.
- Additional mitigations around ensuring that access to dedicated management and support services for Aboriginal and Torres Strait Islander residents is included. (Chapter 8)
- The applicant has considered cumulative effects of an accumulation of venues providing access to alcohol and gaming and mitigation measures are proposed. (Chapter 7.2)
- It is proposed that the Social Impact Management Plan elements be incorporated into the substantive operational management plans and procedures for the venue, as this is the most effective way to ensure management, monitoring and review. (Chapter 8)

The amendments to the SIA enable it to be relied upon, as work that has met the required standard. The SIA further informs the proposal. It provides responses to matters raised in the Tier 1, 2 and 3 stakeholder engagement. The SIA assessed the proposal against each of the eight key categories of social impact. Presentations and written submissions to the Panel provided compelling stories of families and communities impacted by the negative effects of alcohol and gambling.

The planning system looks to the licensing regime to regulate the premise and antisocial behaviours. The licenses, conditions and plans of management, which are broad ranging, are intended to monitor and manage these social issues. The submissions question the adequacy of this regime. Many submitters recognise that licensed venues and clubs are part of society, however the community expectation for a neighbourhood centre in this location never envisaged a large licensed club this close to homes. The application has not reflected the community expectations for the local neighbourhood centre.

Section 3.5 below assesses the site suitability and design considerations which were raised in presentations to the Panel, and are in the SIA as mitigation measures, with the Town Planner Letter (22 May 2025) also commenting on the design changes.

The SIA Community section 6.2 addresses cohesion and function, and in 6.2.2 balances the community related impacts against the assessed overall positive benefits of the Vikings Group's community funding work. Mitigation measures rely on the ongoing role of NSW Police and Liquor and Gaming NSW.

The evaluation of impacts has been reviewed. The applicant concludes a residual impact of significance after management on each criterion in either construction or operation. Council's Planner questions the weight and conclusions that have been drawn by the applicant.

There are many construction impacts, however these are not the impacts which would have enduring effect. Professional practice is to manage these and have controls in place, there are many ways through engagement and communication, and controlling activity that these impacts can be in part mitigated.

Council's review has focused on the operation impacts which are enduring, and questions the applicants conclusions as provided in Table 26.

- Great weight is given to the Alcohol Plan of Management (APOM) as a measure to shift negative impacts to way of life from High to Medium. The NSW Police in their submission to Council example the nature of these impacts. It is clear that society works to reduce this impact, but it is also without question that all measures are needed and that the impact significance would remain High.
- Great weight is given to the Acoustic barrier restricting pedestrian movement from the site to adjacent areas shifting negative way of life from Medium to Low. Review of the acoustic barrier plan in the Operational Noise Emission Assessment confirms that the acoustic wall does not connect with the existing wall and that the boundary return could enable pedestrian access from adjoining sites to the adjacent areas. People will find a way to navigate obstacles and pathways to access adjacent areas. This should remain as a Medium impact.
- There is a community expectation that the local neighbourhood centre will come forward on this site and this is reflected in the land use zone and Masterplan for the area. Great weight is given to the APOM and zoning being measures to complement surrounding areas, shifting long term impacts to local sense of place from High to Medium. It is the proposed use which has misaligned the local sense of place, not development per se. This residual impact should remain High.
- Great weight is given to the future potential provision of divisions in the acoustic barrier as a mechanism to improve access into and around the Poplars Precinct, shifting the pedestrian access limitation from Medium to Low. The importance of connectivity and pedestrian networks into and through the site is key for a successful future local neighbourhood centre. This should have been evaluated as a High almost certain and remained High.

Council's Planners are not in agreement with the residual impact significance as provided by the applicant, in all instances, which in turn would lead to differences in the cumulative impact assessment.

3.5 Site Suitability and Design Considerations

Deferral requires Council's consideration of the Amended Social Impact Assessment and Town Planner Letter 22 May 2025 comments on the proposal

The Town Planner Letter comments on the site suitability for the proposal, permissibility and compatibility, amenity, character in the context of the Local Centre and community integration and social value. The Statement of Environmental Effects (SEE) prepared by Knight Frank for the proposal addresses material planning considerations.

Council Planner's Comment

The subject site is zoned E1 Local Centre under the QPRLEP 2022. The zone has a number objectives which need to be considered as a whole when assessing proposals. Council's assessment report of 13 May 2025 provided commentary on each of the objectives individually, which has led to the applicant concluding that Council's assessment is that the proposal is partially inconsistent with one objective.

The proposal by way of its siting adjacent to the R2 Residential zone, has created a juxtaposition that is inconsistent with the objectives of the E1 Local Centre. The proposal also by way of its siting and design on a future resulting lot in the E1 Local Centre would not positively contribute to the vibrancy of the street. Council's assessment is that the proposal does not achieve the objectives of the zone and is not suitable for the site.

When considered as a whole, the objectives of the zone seek to secure; a vibrant Local Centre with a range of uses (retail, business and community uses), which is a place for investment and economic growth, enabling residential development, with vibrancy, serviced by parking and facilities, and all being, consistent with the character and amenity of the locality.

Through well designed and considered proposals on the subject land, the objectives of the zone can be secured. The juxtaposition of the land use zones does not therefore mean that all proposals coming forward on this site will be inconsistent with the objectives of the zone. Every site within the E1 Local Centre needs to positively contribute towards the zone objectives so that the Local Centre can be secured for the community. It is considered that the proposal does not positively contribute towards enabling the desired future character of the Local Centre.

The QPRLEP 2022 sets out the objectives of the zone and then through the land use table details land uses permitted with consent. Permissibility is then followed by proposals demonstrating suitability, by way of all the material planning considerations. The applicant has submitted that the land use is compatible as it is permissible, falling short of assessing how the proposal will contribute to, and enable, the E1 Local Centre.

The Panel Presentations and submissions on the development application have been taken, in part, as objections to the development of the site. The SIA comments on the changing nature of the area and that the community has an expectation of the site which does not align with the Masterplan or planning policy framework. This may be the case for some submitters.

In planning terms, the QPRLEP 2022 E1 Local Centre zone objectives are shaping how the changing nature of the area would be realised, the Masterplan for the area is also guiding this. The adopted planning instruments set out the vision for the area.

The applicant's assessment of scale and suitability for the site is the compliance with the height control and floor space ratio. In the SEE, the applicant states that *'the proposed club is of a scale that complies with the development standard and is a type of development that is permissible, meaning in use, and scale that it has been contemplated by Council in the objectives'*.

The SEE makes the case that in relation to *'matters of land use zoning and consistence with zone objective, the proposed club is consistent with the character and amenity of the locality as demonstrated through amended specialist reports including: Amended Acoustic Environmental & Impact Assessment Report; Amended Alcohol Plan of Management; Amended Traffic Impact Assessment; Amended architectural plans reducing building height to comply with the maximum permitted building height; reduction in the number of electronic gaming machines, and detailed view analysis'*...

When considering the suitability of the large registered club for the subject site, Council's planner has assessed the proposal to be a large registered club due to the number of patrons which the club will be catering for, the extensive venue offering, the number of car parks and associated services necessary to support the proposal. Compliance with building height and FSR metrics are not the only assessment measures.

The applicant concludes that *with no adverse impacts on nearby residential areas able to be identified by Council, the proposed club by any measure of amenity, use and environmental impacts is consistent with both the residential and commercial character of the locality.*

By virtue of the extensive number of mitigation measures, conditions, plans of management as well as proactive ongoing site management and ongoing residential liaison, the proposed use is not suitable for the site. The applicant has given great weight to the absence of acoustic harm on sensitive receptors in the nearby residential area, however such is only secured by way of 3.0m high acoustic barriers which in themselves adversely impact on the amenity of the area. The applicant has not addressed the overall outcome of siting and design impact on the E1 Local Centre.

The proposed development needs to achieve the objectives of the zone as detailed above so that the future character of the Local Centre is not diminished, and; demonstrate its suitability for the site by way of design so that it does not adversely impact on the nearby residential area.

Council considers that the proposal, a large registered club, on this site cannot achieve the planning balance.

3.6 Legal Advice

Deferral requires council's consideration of Attachment F, legal advice.

The applicant has provided legal advice dated 22 May 2025 prepared by Lindsay Taylor Lawyers. To benefit from the advice, it should be read in full. The questions covered in the advice are:

- Whether the South Jerrabomberra Regional Jobs Precinct Masterplan is a matter for consideration in the s.4.15 when the DA is determined;
- How the 186 emails in support should be considered pursuant to 4.15 of the EP&A Act 1979;
- Whether the Alcohol Plan of Management (APOM) prepared by JSF Consulting dated 15 January that specifically responds to the NSW Police was required to be referred to the NSW Police
- Whether the Panel can grant a partial development consent to Stage 1 of the DA.

In summary, the Masterplan is a public interest consideration; these are not confined to planning instruments but include policies and plans. It applies to the land, was publicly exhibited, and should be given significant weight.

The 186 emails in support are submissions made in accordance with the Act, in any event they are relevant as a public interest consideration.

The NSW Police is not an approval or concurrence authority for the DA, and as such the APOM was not required to be referred to them. Nonetheless it would have assisted the Council to have their comments, and it is for the Panel to satisfy itself whether the APOM responds to the previous NSW Police concerns.

It is open to the Panel to grant partial development consent for Stage 1, without approving or refusing Stage 2, so that the Panel may subsequently grant consent to Stage 2.

Council Planner's comment

3.6.1 South Jerrabomberra Regional Jobs Precinct Masterplan

Having regard for the need to consider the Masterplan as a matter of public interest, please find the following further assessment of the DA.

The applicants legal advice states that *'it is clear that the DA has been designed and will contribute a land use that has regard to the vision and structure planning for the land to which it relates contained in that document, which has been publicly exhibited and published by the State Government.'*

The legal advice is helpful and confirms that the Masterplan relates to the site and through its public exhibition and adoption is a matter of public interest for the Panel to consider as part of the 4.15 and deliberation of the application. The legal advice purports to the weight of the Masterplan being significant. Rather than focus on the weighted balance the following assessment of the DA in relation to the Masterplan is provided.

The development site is located on land within the South Jerrabomberra Regional Jobs Precinct. The site is in the North Poplars local centre (E1 Local Centre) in the South Jerrabomberra Regional Jobs Precinct Master Plan, which has illustrated the provision of shops and retail uses, cafés, bars, and restaurants as well as wellbeing facilities for people living and working in the South Jerrabomberra precinct and surrounding areas. The development application is consistent with the intent of the South Jerrabomberra Regional Jobs Precinct Master Plan.

The presentations made to the Panel on the DA included a representative of Poplars, the landowner. The following clarification on the presentation is provided. The landowner has made six separate representations to Council in relation to rezoning the B7 Business Park land to the west. In 2019 as part of the West Jerrabomberra Planning Proposal, it was requested that registered clubs be expressly included as an additional permitted use in the Poplars Retail and Services Precinct. Council report of May 2019 resolved not to support due to the impending comprehensive LEP. The proponents also made a submission on the QPRC Local Strategic Planning Statement in 2020, requesting that the Neighbourhood

Centre role extend to and include the B7 Business Park land, the high-level nature of the LSPS has not facilitated any change.

The South Jerrabomberra Regional Jobs Precinct Masterplan commenced in May 2021. A request from the proponent was received in January 2021, the proponent was advised that a flipping of zones could be facilitated through a Housekeeping Planning Proposal and that any other configuration would require a stand-alone amendment, supported by a traffic impact study and a retail study. In August 2021 a Business and Retail Study was provided to Council. The planning proposal did not progress due to the Employment Land Zone reforms undertaken by the NSW State Government and commencement of the South Jerrabomberra Regional Jobs Precinct Master Plan.

In 2023 two separate submissions were made to the State Government on the draft South Jerrabomberra Regional Jobs Precinct Master Plan recommending that the E1 Local Centre apply to all of the North Poplars Local Centre sub precinct (ie including the B7 land). The final South Jerrabomberra Regional Jobs Precinct Master Plan retained the existing zoning layout.

Council will continue to work with the proponent to facilitate appropriate land uses on the land west of the site. Any rezoning of land to the west will be managed independently to the assessment of the development application.

3.6.2 Emails in Support

The Council received 186 emails of support on the application. These submissions have been provided to the Panel. These need to be considered as part of determining the application. Council's Officers accept the applicant's position that these should be considered as submissions under 4.15 of the EP&A Act 1979.

Submissions in support welcome the proposal to bring together the local community, support local sporting groups, provide competition to existing services, provide employment opportunities and will provide recreational, social and cultural activities.

All these comments are reasons for supporting the proposal. There is nothing further needed in terms of their assessment. They are standalone submissions which are all clear and indicate the breadth of opportunity that the proposal would bring, which is for the Panel to consider and give the appropriate weight as part of their deliberations.

3.6.3 NSW Police Comments

The legal advice is helpful explaining the role of the NSW Police in the DA, in that they are not a referral or concurrence authority. The applicant's legal review is highlighting this matter, seeking the assessment of the APOM in concluding this matter. The applicant Town Planning submission notes that it is not clear to them whether Council reengaged with NSW Police in light of the Amended APOM or amended hours of operation lodged in February 2025 which specifically address the concerns of NSW Police.

Council sought comments from the NSW Police originally on the application, they provided a full review dated 22 March 2024. The proponent Vikings Club addressed matters in a letter dated 15 August 2024 to the NSW Police. A further letter from NSW Police dated 3 December 2024 was provided in response to that letter. The Alcohol Plan of Management dated 15 January 2025 was provided to NSW Police for their comments and a final submission dated 19 March 2025 was received. These NSW Police comments have been provided to the Panel under confidential cover.

The applicant's legal advice seeks Council's assessment of the APOM. The extensive nature of the matters included in the Alcohol Plan of Management are noted. The requirement for the APOM to reflect the conditions and limitations in hours and operations would be secured through a condition should consent be granted. It is understood that the APOM would be regularly updated and would be a requirement of the license for the Club.

The assessment of the DA cannot conclude that through the APOM that the crime and alcohol related issues would not arise, the purpose of the APOM is to manage real and potential risks. Many of the risks that it refers to are regulated outside of planning.

3.7 Amended Waste Management Plan

Deferral requires the Council's consideration of Attachment G, amended waste management plan by INDESCO dated 15 April 2025.

The applicant has submitted an Amended Waste Management Plan prepared by INDESCO dated 15 April 2025.

Council Planner's comment

Council requested additional information on 28 June 2024, for a Waste Management Plan. The applicant uploaded a Waste Management Plan on 6 September 2024. The Plan was reviewed and did not satisfy the requirements of the further information request.

The Amended Waste Management Plan dated 15 April 2025 has been reviewed. The review concludes that the amended Waste Management Plan is deficient and requires details relating to managing food waste, construction waste, developing litter management plan, providing adequate area for waste collection and storage.

Refer to Attachment 1 for the conditions which are considered necessary for the development due to the deficiencies in the provided Waste Management Plan.

4.0 CONCLUSION

This supplementary report has addressed the reasons for deferral by the Panel, the additional information provided by the applicant and information in presentations to the Panel by submitters.

Material planning considerations which have been addressed through the additional information.

Council's Assessment Report 13 May 2025 recommended refusal of the application for eleven (11) reasons. The further information provided has enabled a review of the original recommendation and strengthened the assessment with the benefit of concluding on the neutral, beneficial and negative effects. This has been undertaken to inform a weighted balance.

Planning matters which have been addressed and are in part considered to be of neutral effect as they have been partially resolved are:

- Acoustic matters of noise and vibration. Final Peer Review of the final version of the Operational Noise Emission Assessment (16 June 2025) concludes that through the imposition of conditions which include an ongoing plan of management, the design of the building, design of mechanical plant and equipment, occupancy levels of rooms, use of noise limiters and many management measures, acoustic risks can be adequately controlled and the amenity of neighbouring properties and residents can be satisfactorily protected. The adverse impact of the acoustic barrier and other mitigation measures is maintained to be a negative impact of significant weight.
- Social Impact Assessment. Provision of the amended SIA removes doubt over the method and standard of this supporting report when undertaking the assessment of material considerations. There are residual significant impacts which are assessed as being a negative impact and significant weight.

Through the provision of the further information, and presentations to the Panel, the following material planning considerations are of beneficial effect, and should be given significant weight:

- Economic Activity. Direct and indirect benefits from employment both during construction and operations, and ongoing associated spending activity.
- Community Building. Through providing a venue, meeting place, entertainment and events.
- Investing Local Sports. Through sporting initiatives, local teams, local grants and ClubGrant program.

The proposed developments negative effects are:

- The Acoustic Wall. While necessary to mitigate acoustic risks of the development, the acoustic wall due to its required height and position, has a visual impact on the amenity of the area, that is not overcome from the wall design or proposed landscaping plan. The amenity impact increases as the intervening space between residences and the acoustic wall on the site boundary is of limited visual relief. The intervening land includes the gutter road and informal swale drain.
- Future Character. The local neighbourhood centre zoning and development controls provide for development that enhances the local residential and environmental amenity. The architectural design, materials and landscape plans positive effect is limited. The scale and form of the development does not reflect the overall desired future character as set out in the DCP. The site requires an acoustic barrier wrapped on the eastern and south eastern boundaries. This limits the enjoyment of the site and appearance of the Local Centre, to visitors only rather than the wider character of the local area. While the SIA concludes that the undivided acoustic barrier would have a medium impact, the proponent evaluates this as a low residual significance of impact. The importance on pedestrian access and the enjoyment of the future character of the neighbourhood centre has not been secured by way of the proposal.
- E1 Local Centre. The proposed development, by virtue of its scale of use, siting and design does not achieve the objectives of the zone as a whole and therefore it places at risk the orderly and ultimate delivery of the Local Centre, in accordance with its desired future character.
- Social Cohesion. The proposal gives rise to social impacts that have been assessed by the Council's Planner as having greater residual impact significance than the proponent purports.

The proposal incorporates design, management and mitigations as set out in the Operational Noise Emission Assessment to secure a neutral effect. This is reliant on the daily management of the site, during construction and operation. Refer to Attachment 1 for conditions necessary to secure compliance. Liquor and Gaming NSW would be the lead regulator, with Council not having a role in terms of ensuring and protecting the public interest in terms of compliance of the operations, other than mechanical noise.

The proposal requires many elements in the plan of management to secure an acceptable planning outcome. Securing a neutral effect is reliant on an overly burdensome regime of planning control, through an extensive plan of management, conditions, monitoring and mitigation. It is considered that while the proposal has properly assessed the acoustic matters, the conclusions do not outweigh the negative effects of the acoustic barrier and impact on the future character of the neighbourhood centre.

Council's Planner attributes great weight to securing the Local Centre in accordance with the vision of the Local Plan, Masterplan and South Jerrabomberra Development Control Plan, as it sets out the overall desired future character of the neighbourhood centre. Therefore, matters of scale, walkability, accessibility, local residential character, sustainable urban design and landscaping should be secured by proposals.

5.0 Recommendations

Having regard for Development Application **DA.2023.0635** for the construction of a Registered Club at 37 Tomsitt Drive Jerrabomberra, presentations and submissions made, it is recommended that, pursuant to s.4.16(1)(b) of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979), the Southern Regional Planning Panel refuse Development Application DA.2023.0635, for the following reasons:

1. The proposal, by virtue of its siting, large scale nature and design does not achieve the objectives of the E1 Local Centre zone, and therefore undermines the ultimate delivery of the Local Centre. The proposal does not achieve the objectives as a whole, and is contrary to the objectives of E1 Local Centre zone of the Queanbeyan Palerang Regional Local Environmental Plan 2022, and has not achieved provision S.4.15(1)(a)(i) of the EP&A Act 1979.
2. The proposal, due to its juxtaposition siting in the northeastern corner of the E1 Local Centre zoned site, adjoining the R2 Residential zone, adversely impacts on the amenity of the adjacent area. Further the proposal has not demonstrated how it contributes to securing the future character of the E1 Local Centre. The siting, layout and design, landscape plans and acoustic barrier do not overcome the harm. The proposal does not achieve the provisions of Part 10

Neighbourhood Centre of the South Jerrabomberra Development Control Plan. Specifically, the proposal does not achieve 10.2 Overall Desired Future Character, being the low scale node of activity meeting the daily convenience shopping needs of the surrounding residential catchment, designed to be accessed from walkable neighbourhoods. The proposal does not achieve the provisions of s.4.15(1)(a)(iii) a development control plan, s.4.15(1)(c) suitability of the site and s4.15(1)(e) public interest of the EP&A Act 1979.

3. The proposal, due to the nature and scale of use as a registered club, would lead to social impacts in the categories of the way of life and community. The mitigation measures proposed do not overcome unacceptable social impacts, nor ensure the public interest remains intact. The proposal does not satisfy the provisions of s4.15(1)(e) public interest of the EP&A Act 1979.
4. The proposal is not suitable for this site as it requires an overly burdensome level of planning control through extensive conditions, management restrictions, and operational management plans. The necessary level of planning controls needed to support the proposal on the subject site amounts to the proposal not being suitable for the site, undermining the E1 Local Centre site and being impactful on the public interest. Overly burdensome planning control does not achieve the Precautionary Principle. The proposal does not satisfy the provisions of s.4.15(1)(c) suitability of the site and s4.15(1)(e) public interest of the EP&A Act 1979.

Attachment 1 – Draft Conditions

The following Conditions relate to the above assessment for Noise and Waste.

Noise

Prior to Construction Certificate

All site plans and construction drawings are to be in accordance with the design specifications detailed in the acoustic report (16 May 2025) prior to the issuance of the Construction Certificate. An acoustic report is required prior to the issuance of the Construction Certificate that confirms the construction drawings have incorporated the recommendations in the acoustic report (16 May 2025).

Reason: To ensure that the design and construction specification detailed in the acoustic report are adopted into the plans thereby achieving the required sound mitigation measures.

An acoustic report assessing the suitability of the proposed plant and associated equipment noise onsite must be submitted to Council for review prior to the issuance of a Construction Certificate. The acoustic report is to ensure that the plant is clearly identified and the noise emanating from the plant does not exceed the background noise level specified in the acoustic report (16 May 2025) when measured for LAeq 15 minute period during the day, evening, and night.

Reason: To ensure that the location and noise generated from the mechanical plant will not impact surrounding sensitive receivers. To ensure compliance with the Protection of the Environment Operations Act 1997.

Prior to Occupation Certificate

Develop an acoustic plan of management adopting the operational recommendations set out in the acoustic report (16 May 2025). This acoustic plan of management is to be submitted to Council for review prior to the issuing of an Occupation Certificate.

Reason: To ensure that the noise generated by the operational activities onsite are suitably managed and will not impact surrounding sensitive receivers.

Provide Council with an acoustic certification certificate demonstrating that the mechanical plant equipment onsite has been installed as detailed on the certified construction drawings and complies with the noise criterion in Condition XX prior to the issuance of an Occupation Certificate. Noise level measurements of the installed mechanical plant are to be included in the acoustic compliance certificate.

Reason: To ensure that the mechanical plant has been installed correctly and will not impact surrounding sensitive receivers.

A multi band sound limiter that captures all amplified sound equipment onsite must be installed and calibrated by a suitably qualified acoustic professional to ensure that sound at all sensitive receivers does not exceed the adopted sound limits set out in Table 2.3 of the acoustic report (16 May 2025). The settings for the multi band sound limiter (internal LA10 levels and hardware/software settings) are to be provided to Council prior to the issuance of an Occupation Certificate.

Reason: To ensure that all amplified sound equipment used onsite is set to a limit that will not impact surrounding sensitive receivers.

All construction specifications detailed in the acoustic report (16 May 2025) are to implemented prior to the issuance of an Occupation Certificate.

Reason: To ensure compliance with the recommended specifications of the acoustic report.

General Conditions

Ongoing sound levels (LA10) at sensitive receivers that do not achieve compliance with the accepted acoustic report (16 May 2025) must have the multi band sound limiter settings further reduced until compliance is achieved. Any changes to these settings must be provided to Council with a detailed explanation as to why the settings were changed and who made the changes.

Reason: To ensure that the operation of the amplified sound equipment is monitored and necessary changes are made to comply with the requirements of the acoustic report and Protection of the Environment Operations Act 1997.

All recommendation detailed in the acoustic report, Report No. 6641L001 Rev.0, by Acoustic Dynamics for 37 Tompsitt Dr Jerrabomberra NSW 2619 must be implemented and adhered to.

Reason: To ensure compliance with the acoustic report and prevent an impact on surrounding sensitive receivers.

Stage 1

Provide an acoustic report by a suitably qualified professional to Council that assesses noise emission within 6 months of the issuance of the Stage 1 Occupation Certificate assessing the sound generated from the site during the evening, until close (8 pm to close). The acoustic report must report the patronage of the Club during the measurements and extrapolate the noise emission for full capacity. The report shall provide sound mitigation recommendations relating to any non-compliances and all recommendations must be implemented.

Reason: To determine compliance of the site with the adopted acceptable sound levels and instigate further sound mitigation measures if deemed necessary by the report.

Stage 2

Provide an acoustic report by a suitably qualified professional to Council that assesses noise emission during an evening function within 6 months of the issuance of the Stage 2 Occupation Certificate assessing the sound generated by the operations of the site during an evening function until close (8 pm to close). The acoustic report must report the patronage of the Club during the measurements and extrapolate the noise emission for full capacity. The acoustic report must make sound mitigation recommendations relating to any non-compliances and all recommendations must be implemented.

Reason: To determine compliance of the site with the adopted acceptable sound levels and instigate further sound mitigation measures if deemed necessary by the report.

Waste

Waste Management Plan

Prior to Construction Certificate

A revised Waste Management Plan is to be submitted to Council for authorisation. The Waste Management Plan is to address the following matters prior to issue Construction Certificate:

- a. Submit a revised waste management plan that includes the separation of food waste as per the Mandatory NSW EPA FOGO mandates.
- b. Establish Construction and Demolition Waste Areas
- c. Establish construction and demolition waste areas in accordance with the approved Waste Management Plans.
- d. Keep Construction and Demolition Waste Records. Record details of construction / demolition waste generated by the works, including the following information:
 - Quantities of construction waste broken down into major waste streams, the facility the waste was sent to and the end use (landfilled, reused, recycled)
 - Quantities of excavated natural material (ENM), the classification of ENM, the ENM disposal site(s) and the volume of ENM deposited at each site
- e. Manage construction and demolition waste areas in accordance with the approved Plans for the duration of the works.

Prior to Occupation Certificate

- f. The operator shall implement a Litter Management strategy, including installing all infrastructure and setting out the frequency and regime of litter management.
- g. The operator shall install, and commission as necessary, all waste infrastructure required to service the development.

Occupation of Premises

- h. The operator shall ensure that the requirements of any revised waste management plan is complied with by all tenants or other occupants of the development including the addition of food waste separation and collection for reuse to the waste management plan.
- i. The operator shall be responsible for disposing of waste from this development. Disposal shall be to an appropriately licensed facility at the operator's cost. Food waste will need to be separately collected and sent for reuse. As per the mandatory NSW EPA FOGO mandates for businesses.
- j. Collection of waste generated in connection with the ongoing operation of the development must be carried out wholly within the site. All receptacles, storage areas and vehicles required for the collection of waste from development must be accommodated wholly within the site with vehicles entering and leaving the property in a forward direction. Bins are not to be transferred to, collected from, or stored on, the public street at any time.
- k. Waste collection vehicles up to 12.5m entering or exiting the site shall only do so in a forward direction as per the approved Oasis Building Design Vehicle turning plans
- l. The operator shall:
 - manage access to the waste areas to ensure that only authorised users can access the area; and
 - keep waste areas free of debris, vermin and otherwise in a safe state for the collection of waste; and
 - manage waste storage areas to minimise negative impacts to adjoining properties; and
 - store bins within the waste areas that do not impede access to other bins, fire safety features, emergency exits or other structures required to be accessed.

Reason: To ensure that waste is appropriately managed, avoided, recycled, reused and disposed of during the lifecycle of the development.

Construction Waste Management

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

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

Submit Construction Waste Records

Prior to the issue of an Occupation Certificate, the Proponent shall submit to Council the following information:

- Quantities of construction waste broken down into major waste streams, the facility the waste was sent to and the end use (landfilled, reused, recycled).
- Quantities of excavated natural material (ENM), the classification of ENM, the ENM disposal site(s) and the volume of ENM deposited at each site.
- A signed declaration confirming that the information supplied is a true and accurate record.

Reason: To verify that waste has been legally managed