

P L A N N E D

Statement of Environmental Effects

K & J Stolzenhein

Various Lots, Quondola Street, Pambula NSW

PRESENTED: 30.06.2021 **RV:** 02 – FINAL

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Statement of Environmental Effects

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1 Introduction

1.1 Commission

Planned has been commissioned by K & J Stolzenhein (also described in this Report as the Proponent) to prepare a Statement of Environmental Effects (SEE) to accompany a Development Application proposing the demolition of the Royal Willows Hotel and the construction of a new commercial building (supermarket, drive-through bottle shop and licensed café) at Nos. 35 – 37 Quondola Street, Pambula NSW.

The current title description for the land is Lots 19 and 20 Section 33 DP758825 and Lot 15 DP1204078.

1.2 Purpose of Report

This SEE has been prepared in accordance with Schedule 1 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) for the purposes of:

- Demonstrating that the environmental impacts of the development have been considered; and
- Outlining the steps to be undertaken to protect the environment or to mitigate against any potential harm, if necessary.

This SEE describes the proposal and its environment, including a detailed description of the site and its surrounds and an assessment of the proposal against the relevant planning controls.

The SEE demonstrates that the development proposed is acceptable under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and concludes that the proposed development should be granted approval subject to conditions.

1.3 Type of Development Application

Section 1.5 of the EP&A Act 1979 defines what constitutes ‘development’. The scope of the proposed development clearly falls within that definition.

Under Section 4.5 of the EP&A Act, the Bega Valley Shire Council will be the consent authority in this instance.

The proposal is categorised as ‘integrated development’ under section 4.46 of the EP&A Act given that:

- It involves works within and adjacent to Quondola Street/Princess Highway, which is a classified road within the Roads and Maritime Services (RMS) road network hierarchy. Therefore, approval is required to be obtained from the RMS/TfNSW pursuant to Section 138 of the Roads Act 1993.

Section 4.3 of this See Report provides further discussion regarding integrated development matters.

The proposed development is not defined as either ‘designated’ or ‘State significant’ development under the EP&A Act or EP&A Regulation.

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Site Description and Context

2.1 Site Description

The land the subject of this Development Application (DA) is described as Lots 19 and 20 Section 33 DP758825 and Lot 15 DP1204078.

Collectively, the subject land is a large (circa 6,150m²) parcel of land situated at the south-eastern extent of the Pambula town centre. The subject land has a primary frontage to Quondola Street (west) measuring approximately 40m and a secondary frontage to Merimbola Street (east) measuring approximately 20m. It also has a minor frontage to Bennett Lane measuring approximately 7m. Vehicular access to the site is currently afforded via Quondola Street or Merimbola Street.

The subject land is currently divided north-south by Lot 16 DP1204078, which comprises an earthen drainage channel that services the upstream catchment of the Pambula town centre. Lot 16 DP1204078 is currently owned by the Bega Valley Shire Council. Notwithstanding, the Proponent benefits from a formal Easement for Access over part of Lot 16 DP1204078 and is required to construct, maintain and repair in perpetuity the box culvert system linking the eastern and western portions of the subject land. Details of the box culvert system are included with this current Application (refer to **Section 3** of this SEE Report below).

Lots 19 and 20 Section 33 DP758825 are currently developed and comprise the Royal Willows Hotel, drive-through bottle shop, motel units and associated on-site car parking (as detailed below). Lot 15 DP1204078 is largely un-developed and comprises a moderately sized shed near to the Merimbola Street frontage.

It is important to note that neither the Royal Willows Hotel nor the associated structures are listed as a heritage item/s under Schedule 5 of the Bega Valley Local Environmental Plan 2013. Notwithstanding, the subject land is located within the Pambula Main Street Heritage Conservation Area, which comprises a number of individually heritage listed properties.

Royal Willows Hotel

The Royal Willows Hotel presents to Quondola Street as the 1982 façade reproduction comprising painted weatherboards, timber doors and windows, a curved verandah with cast iron lacework and a decorated parapet. Of the original 1864 structures, only the row of hipped roofs over the front portion, the northern wall, remnants of interior walls and a single chimney remain, and the building as a whole is in very poor condition apart from the façade.

To the rear are a series of successive additions in face brick, weatherboard and fibre cement sheeting, which are of poor quality and low architectural or heritage value.

The interiors have been subject to multiple, successive alterations, resulting in no remaining significant fabric and structure and of which falls short of building, health and amenity, access and fire standards.

Photos of the Royal Willows Hotel are included below – refer to **Photos 1 – 4** and **7**.

Bottle Shop

The existing bottle shop is a single-storey, face brick building with a flat roof. It likely dates from a similar time as the construction of the motel units (i.e., 1950s/1960s) and may have been used as the reception building. The street façade has a stone veneer, later painted. The structure is covered with advertising signage and is visually intrusive in the streetscape. To the rear is a portable cool room mounted on brick piers.

Photos of the bottle shop are included below – refer to **Photos 5 – 6**.

Motel Units

The motel structure comprises face brick walls, a flat metal deck roof and painted timber door and window panels. It is typical of simple motel buildings of the 1950s/1960s. As a whole, the motel units are in very poor condition.

A photo of the existing motel units is included below – refer to **Photo 7**.



Photo 1: Front façade Constructed 1982



Photo 2: Southwest corner of 1982 facade



Photo 3: Hotel viewed from southeast showing additions behind the 1982 façade



Photo 4: Hotel roofscape showing remnants of original hipped roofs



Photo 5: Bottle shop façade



Photo 6: Rear of bottle shop and cool room



Photo 7: Rare carpark, motel units and Lot 15 DP1204078

2.2 Surrounding Development Context

Adjoining and adjacent lands are generally characterised by a mix of retail and commercial premises of various architectural style, age and repair.

- Land adjoining to the south comprises the United Petroleum service station, which is of modern design. The large canopy/forecourt allows extensive views of the subject land on approach from the south (either on foot or in a vehicle).
- To the north of the subject site, on the eastern side of Quondola Street is row of fairly consistent shop fronts with awnings over the footpath, glazed shopfronts and parapets concealing roof plans behind (refer to **Photos 8 – 10** below). Several of these buildings date from the 1920s and 1930s and are individually heritage listed. Other buildings are modern infills generally executed in a sympathetic traditional style. The overall design character is a consistent Art Deco style with tiled facades, glazed shopfronts, geometric detailing on parapets and soft pastel colours.
- Opposite, on the western side of Quondola Street is a more disparate range of buildings, including the heritage listed Commercial Hotel, weatherboard cottage and Anglican Church together with less sympathetic modern buildings (refer to **Figure 11** below).



Photo 8: Shops adjacent to the Royal Willows Hotel (Heritage Listed)



Photo 9: Pambula Milk Bar (Heritage Listed)



Photo 10: Goddards Garage (Heritage Listed)



Photo 11: Western side of Quondola Street

Figures 1 and 2 below show the subject site in its local and site-specific context.



Figure 1: Local Site Context (<https://maps.six.nsw.gov.au/>, June 2021)



Figure 2: Site-specific Context (<https://maps.six.nsw.gov.au/>, June 2021)

3

Proposed Development

As detailed below, the works proposed as part of this DA include:

- Full demolition of the existing Royal Willows Hotel, drive-through bottle shop and motel units.
- Use of the existing shed on Lot 15 DP1204078 as a temporary bottle shop.
- Construction of a new sustainable commercial building (circa 2,354m² GFA) comprising:
 - 1,409m² GFA supermarket,
 - 316m² GFA drive-through bottle shop,
 - 173m² GFA licensed café,
 - Pedestrian entrance/arcade from Quondola Street,
 - Two (2) loading/unloading docks.
- Basement/under-croft and at-grade carparking (total 98 car parking spaces).
- Site landscaping, including tree removal, retention and management.
- New culvert crossing over Lot 16 DP1204078.
- Site services, waste management arrangements, access arrangements, off-site works and other works as documented in this application.

3.1 Demolition

As shown on the Demolition Plan [Drawing No. DA 1860] included with the DA submission, the existing Royal Willows Hotel, drive-through bottle shop and motel units are proposed to be fully demolished (inclusive of the footings and foundations) so as to make way for the re-development of the site (as detailed below). The works will also include the demolition of the existing asphalt car parking area, which is currently to the rear of the Royal Willows Hotel building.

3.2 Temporary Use of Existing Shed

Subsequent to the demolition of the existing drive-through bottle shop structure, it is proposed that it be temporary re-located to the existing shed on Lot 15 DP1204078. This would enable the continuation of the bottle shop services whilst the new commercial building is being constructed. Following the completion of the construction works for the new building, the shed would be removed for the completion and formalisation of the rear at-grade car parking area.

3.3 Construction of New Commercial Building

3.3.1 General Description

The current Application provides for the construction of a new sustainable commercial building (circa 2,354m² GFA), which will comprise a supermarket (circa 1,345m² GFA), drive-through bottle shop (circa 300m² GFA), licensed café (circa 173m² GFA) and ancillary office space (circa 82m² GFA). Details of the proposed commercial building are provided in the Architectural Plans prepared by Gordon Building Design included with the DA submission.

Noting that the development proposed is to be located within the Pambula Main Street Heritage Conservation Area, the form, character, materials and detailing of the building fronting Quondola Street and its return on the southern side, has been of primary consideration. Specifically, the building form has been carefully designed as a sympathetic infill within the established heritage streetscape and includes:

- a simple awning over the footpath with a stepped parapet above concealing a low-pitched roof,
- glazed shopfronts with black framing and 1930s style tiling to plinths and piers,
- a glazed entry to an internal arcade leading to the supermarket at the rear,
- a tenancy designed for use as a licensed café, which has a recessed loggia/terrace behind the main façade line to accommodate outdoor seating,
- a bottle shop, which presents a uniform glazed shopfront to the street with the awning returning around the corner to form a canopy over the bottle shop drive through.

The specific components, which make up the building's frontage to Quondola Street and returning along the southern façade have been well-considered and include the following key details:

- 150mm x 150mm dressed timber posts with chamfered edges and painted terracotta to match the existing 1982 Royal Willows Hotel posts.
- Awning fascia of smooth painted metal sheet with modest signage in a sympathetic font. This has a similar appearance to adjacent fascias and is proposed to be painted terracotta to match the trim details on the existing 1982 Royal Willows Hotel façade.
- Awning soffit lining to be powder-coated miniorb sheeting painted a soft green. This material and colour is typical of the 1920s/1930s (Art Deco).
- Wall areas between and above windows are to be a modern interpretation of typical 1920s – 1930s shopfront tiling – i.e., teal-coloured tiles in a subway pattern. This will also be used to clad the lower walls in the licensed café loggia/terrace and the planter box in the bottle shop driveway.
- Window and door frames are to be slender with black powder-coat finish, echoing traditional shopfront styles and a classic 1930s colour.
- A polished concrete floor finish to the licensed café loggia/terrace and entrance arcade, which will have a warm grey colour with warm toned aggregate. There is an opportunity here to include public art in the form of a coloured/patterned inset design within the floor of the arcade. The walls of the arcade could also be utilised for the provision of murals or other decorative artwork installations (i.e., indigenous artwork or heritage photographs of the original Royal Willows Hotel).

- The main parapet walls are to be stepped as shown on the Architectural Plans. The finish is to be a soft textured render and paint over lightweight sheeting with taped and set joints. The cream colour is appropriate to the 1920s - 1930s and is similar to the wall colour on the existing 1982 Royal Willows Hotel building.
- Parapet trims including Art Deco decorative motifs to be dressed treated timber, painted terracotta to match the trim colour on the existing 1982 Royal Willows Hotel building.

Other building façades will include the following:

- Walls to the south side of the bottle shop will be smooth rendered masonry, painted cream.
- Base walls to the building will be painted a neutral 'Khaki' colour, which would form a solid base to the upper walls of precast concrete panels.
- Upper walls to comprise concrete tilt up panels with an off-form finish in 'miniorb' profile, painted cream. The length of this wall (i.e., the southern façade) will be relieved by two large panels of planted 'green wall'.
- The highlight walls of the building (i.e., those not highly visible to the street) will be horizontal fibre cement weatherboards, painted cream.

3.3.2 Supermarket Tenancy

The proposed supermarket tenancy is a new and larger home for the existing Pambula 'Foodworks', which is currently occupying a building that is not fit-for-purpose (as detailed at **Section 4.13.3** of this SEE Report below). The proposed supermarket tenancy would have a total GFA of circa 1,409.6m² and would comprise the following components:

- 896m² GFA for main supermarket trading,
- 97.1m² GFA for supermarket produce preparation,
- 74.4m² GFA for cool room storage,
- 212m² GFA for supermarket storage,
- 64.6m² GFA for ancillary office,
- 65.5m² GFA for general 'back-of-house' circulation.

The supermarket is proposed to operate Monday to Sunday – 7am to 7pm throughout the year – except for during the summer season whereby the trading hours would be extended to 9pm. A minimum of 20 staff would be employed on a full-time, part-time or casual basis. The coverage of staff hours would be based on operational needs and peak trading times.

3.3.3 Bottle Shop Tenancy

The proposed bottle shop tenancy is a new and larger home for the existing bottle shop, which is currently occupying a building that is not fit-for-purpose. The proposed bottle shop tenancy would have a total GFA of circa 316m² and would comprise the following components:

- 143m² GFA for main bottle shop trading,
- 40.5m² GFA for cool room storage,
- 115.5m² GFA for bottle shop storage,
- 16.9m² GFA for ancillary office.

The proposed bottle shop is proposed to operate Monday to Sunday as follows:

- Monday to Friday – 8am to 9pm.
- Saturday – 9am to 8pm.
- Sunday 10am to 7pm.

A minimum of 5 staff would be employed on a full-time, part-time or casual basis. The coverage of staff hours would be based on operational needs and peak trading hours.

3.3.4 Licensed Café Tenancy

The licensed café tenancy is proposed to the Quondola Street frontage to provide for public amenity and a stopping point. The tenancy has a GFA of circa 173m² and a 32m² recessed loggia/terrace behind the main building façade line to accommodate outdoor seating and dining.

The licensed café tenancy is an important component of the development proposed as it is a 'nod' to the old Royal Willows Hotel and would support the installation of public art – i.e., interpretive display of heritage photographs of the district and/or Royal Willows Hotel and/or a large wall mural comprising a blown-up heritage photograph of the district or Royal Willows Hotel.

3.3.5 Pedestrian Entrance/Arcade

The main pedestrian access to the proposed commercial building is via an inviting (yet discrete) arcade, which forms part of the main shopfront to Quondola Street. The arcade area is proposed to also support the installation of public art and other community resources – i.e., murals or other decorative artwork on the arcade walls, decorative pattern/mural in the arcade concrete floor, community notices board and portable first-aid defibrillator machine. The vacant floor space between the end of the pedestrian entrance/arcade and the supermarket tenancy is also proposed to be utilised for a community installation, being a portable visitor and tourist information kiosk.

3.3.6 Loading/Unloading Docks

The development proposed includes the provision of two (2) loading/unloading docks – one located on the eastern side of the building for the supermarket and the other on the western side of the building for the bottle shop.

The maximum size vehicle proposed to use the supermarket loading bay is a 20m long Articulated Vehicle, which will access the site via Quondola Street between 6am – 8am under a Plan of Management (PoM) – prior to the bottle shop opening. Service vehicles larger than a 6.4m long Small Rigid Vehicle (SRV) will also access the supermarket loading dock via Quondola Street before the bottle shop trading hours. The supermarket loading dock will also be accessed by 6.4m long SRVs throughout the day. The manoeuvre of these vehicles can be undertaken within the available circulation area and shall be monitored by the loading dock manager at all times under the PoM. All supermarket servicing vehicles will exit the site via the two-way driveway to Merimbola Street.

The maximum size vehicle proposed to use the bottle shop loading bay is a 12.5m long Heavy Rigid Vehicle, which will access the site via Merimbola Street between 7am – 8am under a PoM – prior to the bottle shop opening. The loading dock manager will ensure that no semi-trailer vehicles are entering or are parked within the supermarket loading dock when the bottle shop delivery trucks arrive so as to ensure that the truck can access the bottle shop loading dock. All bottle shop servicing vehicles will exit the site via the 'left-out only' driveway to Quondola Street.

The Loading Dock PoM is presented at Appendix D of the Traffic Impact and Parking Assessment prepared by McLaren Traffic Engineering and Road Safety Consultants included with the DA submission. Swept path testing of the loading dock operations within the site are included at Appendix E.

3.3.7 Car Parking Areas

A total of 98 parking spaces (including two (2) accessible parking spaces) are proposed to be provided within a basement/under-croft level car parking area and at-grade car parking areas to the rear of the proposed building. Vehicular access to the car parking areas is proposed via a two-way driveway intersecting with Merimbola Street.

The car parking layout for the development proposed has been designed so as achieve compliance with the relevant Australian Standards, being AS2890.1:2004 , AS2890.2:2002 and AS2890.6:2009. Specifically, the proposed car parking design achieves:

- 24m width two-way driveway facilitating access to Merimbola Street and 13m wide exit only driveway to Quondola Street,
- Minimum headroom of 2.2m for general circulation and 2.5m headroom clearance provided over disabled parking areas,
- Compliant ramp grades not exceeding 25% and no grade change greater than 12.5%,
- Minimum 6.2m width parking aisles,
- Minimum 5.4m length, 2.6m width car parking spaces,
- Minimum 5.4m length, 2.4m width disabled spaces with adjacent associated 5.4m length, 2.4m width shared space.

The basement/under-croft level car parking area is proposed to comprise a building entrance lobby with an escalator, lift and stairs, which will provide pedestrian access to the upper level of the building (i.e. Quondola street level). Pedestrian access to this entrance from the at-grade car parking areas to the rear of the building would be via designated pedestrian pathways and crossings.

The at-grade car parking area to the rear of the building is proposed to comprise a charging station for use by electric vehicles and a recyclables collection area (i.e., NSW Government 'Return and Earn' scheme and relevant infrastructure).

3.4 Site Landscaping

A landscape concept has been prepared and incorporates both soft and hard landscape elements so as to provide for an appropriate level of amenity within the commercial area. Where appropriate, the scheme utilises local endemic and robust, drought tolerant species to ensure low maintenance landscaping, which is suitable for the commercial environment.

Specifically, the landscape concept incorporates the following proposed assets:

- Hard (concrete) paving,
- Organic mulch surfaces,
- Planting beds,
- Non-structural landscape walls and planters.

Refer to the Landscape Plans [Drawing Nos. L401 – L 403] prepared by Place Logic included with the DA submission.

In addition to the proposed landscaping, a number of existing trees are proposed to be removed so as to facilitate the construction of the development proposed. The existing trees to be retained would be appropriately managed during construction. Refer to the Preliminary Arboricultural Assessment prepared by Canopy Tree Experts included with the DA submission.

New fencing is proposed to be provided to the rear and side boundaries (behind the building alignment) so as to secure the site from un-authorised access after-hours. As shown on the Architectural Plans included with the DA submission, 1.8m high loop top fencing would be provided to the majority of the rear and side boundaries. The exception is the north-western side boundary (in part), which will comprise 1.8m high acoustic/solid fencing. As per the Environmental Noise Assessment prepared by Day Design Pty Ltd included with the DA submission, this fence may be constructed of colourbond, although alternative materials such as three-rail 'solid capped and lapped' timber or masonry are also acceptable. The construction would need to be free of visible air gaps to provide an impervious sound barrier.

3.5 New Culvert Crossing

The current Application provides for the construction of a suitable culvert crossing over the existing earthen drainage channel within Lot 16 DP1204078 to allow all weather access for heavy vehicles to all portions of the subject land. This access is required to service the proposed development and is a requirement of the Deed of Agreement, which was entered into by the Proponent in securing the formal Easement for Access with Council over part of Lot 16 DP1204078.

Refer to the Engineering Documentation prepared by Van Leeuwen and Associated Pty Ltd included with the DA submission.

4 Strategic and Statutory Planning Context

This Section of the Report assesses the proposed development against the planning framework and planning controls applicable to the site and the development, including:

- Commonwealth legislation
- Biodiversity conservation (Section 1.7 of the EP&A Act)
- Integrated development matters (Section 4.46 of the EP&A Act)
- Matters for consideration relating to Development Applications (Section 4.15 of the EP&A Act)

4.1 Commonwealth Legislation

4.1.1 Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

The EPBC Act protects matters of National Environmental Significance (MNES), such as threatened species and ecological communities, migratory species (protected under international agreements), and National Heritage places (among others).

Any actions that will or are likely to have a significant impact on the matters of MNES, require referral and approval from the Australian Government Environment Minister. Significant impacts are defined by the Commonwealth for matters of MNES.

Comment

It is considered unlikely that MNES occur at or near the site. Notwithstanding, the scope of the development proposed involves areas of land that have been exposed to significant disturbance over many years through the operation and normal activities of the existing commercial premises. Accordingly, there would appear to be no sustainable grounds, which would preclude the proposed development as provided for in this Application.

4.2 State Legislation

4.2.1 Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 (BC Act) commenced on 25 August 2017 and replaces the Threatened Species Conservation Act 1995 (TSC Act). Together with the Local Land Services Amendment Act 2016 and State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, this new regulatory framework introduces a balanced approach to land management and biodiversity conservation in NSW.

Comment

The Application is not supported by a detailed biodiversity assessment on the basis that the development proposed is located within the boundaries of a highly modified, long-standing commercial site. Accordingly, it is considered that the scope of the works would have no impact on biodiversity values.

Those areas disturbed by the development works would be stabilised and rehabilitated as considered appropriate.

4.2.2 Test of Significance

Will the proposed development have a significant effect on threatened species or ecological communities or their habitats? ☐ Yes ☒ No ☐ N/A

Test of Significance	
In the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
In the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:	
<ul style="list-style-type: none"> Is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
<ul style="list-style-type: none"> Is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction. 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
In relation to the habitat of a threatened species or ecological community:	
<ul style="list-style-type: none"> The extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
<ul style="list-style-type: none"> Whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
<ul style="list-style-type: none"> The importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality. 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly).	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A

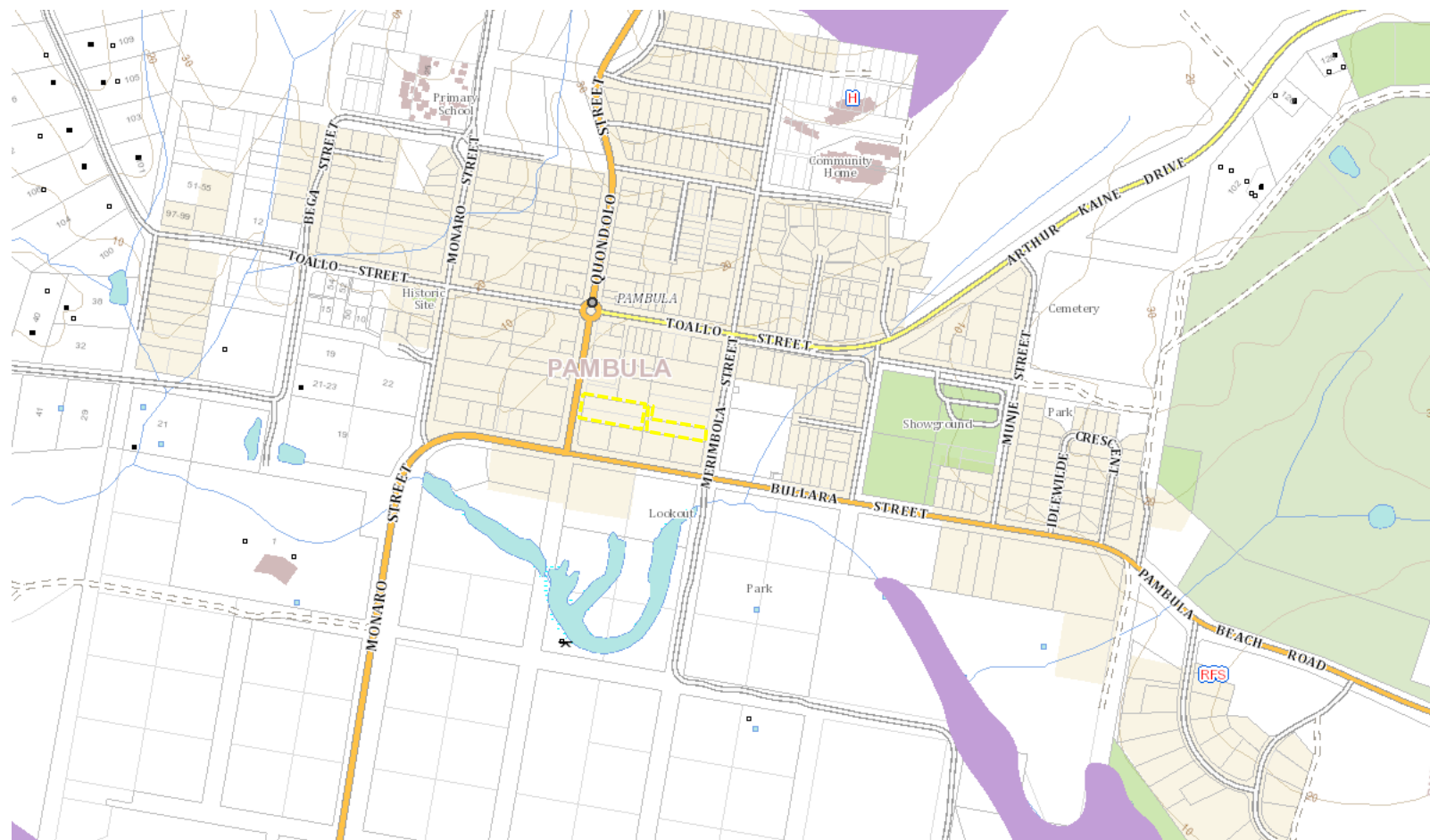


Figure 3: Extract from the Biodiversity Vales Map (<https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap>, June 2021)

4.3 Integrated Development

Section 4.46 of the EP&A Act requires a review of whether the proposed development on the land would trigger an approval under other environmental or related legislation. Such development is categorised as ‘integrated development’.

The following provides a brief overview on whether any aspect of the development triggers a need for the consent authority to obtain general terms of approval from other relevant approval authorities.

Integrated Development Matters	
Coal Mine Subsidence Compensation Act 2017	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Fisheries Management Act 1994	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Heritage Act 1977	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Mining Act 1992	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
National Parks and Wildlife Act 1974	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Petroleum (Onshore) Act 1991	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Protection of the Environment Operations Act 2002	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Roads Act 1993	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Rural Fires Act 1997	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Water Management Act 2000	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Comments Heritage Act 1977 <p>The <i>Heritage Act 1977</i> provides for the protection, conservation, registration and promotion of items having a State heritage significance.</p> <p>Section 57 of the Act states that a person must not “demolish, despoil, excavate, alter, move, damage or destroy” any item on the State Heritage Register without a permit being granted under Section 63 of the <i>Heritage Act 1977</i>.</p> <p>The development proposal does not involve an item or place listed on the NSW State Heritage Register. Approval is therefore, not required under Section 57 of the <i>Heritage Act 1977</i>.</p> <p>Refer also to the Statement of Heritage Impact prepared by Philip Leeson Architects Pty Ltd included with the DA submission.</p> National Parks and Wildlife Act 1974 <p>The <i>National Parks and Wildlife Act 1974</i> is administered by the Director-General of the National Parks and Wildlife Services, who is responsible for the control and management of all national parks, historic sites, nature reserves, and Aboriginal areas (among others). The main aim of the Act is to conserve the natural and cultural heritage of NSW. Where works will disturb Aboriginal objects, an Aboriginal Heritage Impact Permit (AHIP) is required.</p>	

Noting that the development proposed is located within the boundaries of a highly modified, long-standing commercial site, it is considered highly unlikely that the development proposed would impact any items of Aboriginal culture and heritage. Notwithstanding, the Proponent sought advice from the Eden Local Aboriginal Land Council under the 'Due Diligence Code of Practice for the Protection of Aboriginal Objects' to understand whether the proposed works would have the potential to harm Aboriginal objects or values protected under the *National Parks and Wildlife Act 1974*.

The Due Diligence Assessment assessed the potential impact as 'low' and made the following recommendations:

- If an Aboriginal object is found while undertaking the activity the proponent must stop work and notify the NSW DPIE – an AHIP may need to be sought.
- If human skeletal remains are found, the Proponent must stop work immediately, secure the area to prevent unauthorised access and contact the NSW Police and NSW Department of Planning, Industry and Environment (DPIE).
- During earthworks being conducted in preparation for construction of the proposed development an Aboriginal sites officer from the Eden Local Aboriginal Land Council should be present to observe. This is to ensure that if, whilst unlikely, any Aboriginal objects are uncovered during this phase of works they can be accurately identified, and immediate advice can be provided on how to proceed.

Refer to the Aboriginal Due Diligence Assessment prepared by the Eden Local Aboriginal Land Council included with the DA submission for further details.

Roads Act 1993

Section 138 of the *Roads Act 1993* requires an approval from the Roads Authority (either Council, RMS or TfNSW) for certain works in, on or over a public road, or to connect to a classified road.

Noting that Quondola Street forms part of the Princes Highway (classified road), the RMS and TfNSW are referring agencies for the subject Application under Clause 4.46 of the EP&A Act.

4.4 Environmental Planning Instruments

The following addresses the State Environmental Planning Policies (SEPPs) and/or deemed SEPPs that are considered to be relevant to this DA.

Environmental Planning Instruments	
SEPP 21 Caravan Parks	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
SEPP 33 Hazardous and Offensive Development	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
SEPP 36 Manufactured Homes Estates	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
SEPP 50 Canal Estates	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
SEPP 55 Remediation of Land	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
SEPP 65 Design Quality of Residential Flat Development	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
SEPP 64 Advertising and Signage	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
SEPP 70 Affordable Housing (Revised Scheme)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A

SEPP (Coastal Management) 2018	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
SEPP (Housing for Seniors or People with a Disability) 2004	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
SEPP (Building Sustainability Index: BASIX) 2004	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
SEPP (State and Regional Development) 2011	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
SEPP (Infrastructure) 2007	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
SEPP (Koala Habitat Protection) 2020	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
SEPP (Koala Habitat Protection) 2021	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
SEPP (Affordable Rental Housing) 2009	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
SEPP (Educational Establishments and Child Care Facilities) 2017	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
SEPP (Exempt and Complying Development Codes) 2008	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
SEPP (Vegetation in Non-Rural Areas) 2017	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
SEPP Primary Production and Rural Development 2019	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Others	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A

Comments

SEPP 55 Remediation of Land

This Policy provides a State-wide planning approach to remediation and aims to promote the remediation of any contaminated land for the purpose of reducing risk of harm to human health and/or the environment.

The subject land has been used for commercial purposes for many years. There is no evidence to suggest that the land has been exposed to past land use activities and/or development practices which have resulted in site specific material contamination.

SEPP 64 Advertising and Signage

The Policy provides a State-wide approach to the regulation of advertising and signage.

Conceptual signage has been shown on the elevation plans and perspective imagery to demonstrate the future advertising intent. As the design of the signage has not yet been finalised, it is expected that a future Development Application will be submitted for the design and installation of signage (as required).

SEPP (State and Regional Development) 2011

Under SEPP (State and Regional Development) 2011, some types of development are deemed to be regionally significant due to the size, economic value or potential impacts that a development may have. Regional development is defined at Schedule 7 of the SEPP and includes:

- Development with a capital investment value (CIV) of \$30 million.
- Development with a CIV over \$5 million, which is:
 - council related
 - lodged by or on behalf of the Crown (State of NSW)
 - private infrastructure or community facilities,
 - eco-tourist facilities
- Extractive industries, waste facilities and marinas that are designated development.
- Certain coastal subdivisions.
- Development with a CIV between \$10 million and \$30 million, which is referred to the Planning Panel by the applicant after 120 days.

The development proposed is not consistent with the definition for regional development at Schedule 7 of SEPP (State and Regional Development) 2011. On this basis, the Bega Valley Shire Council will be the relevant determining authority.

Refer to the DA Cost Report prepared by Rider Levett Bucknall ACT Pty Ltd included with the DA submission, which confirms that the total cost of the development proposed will be \$8,022,000.00 excluding GST.

SEPP Infrastructure 2007

State Environmental Planning Policy (Infrastructure) 2007 assists the NSW Government, private infrastructure providers, local councils and the communities they support by simplifying the process for providing infrastructure like hospitals, roads, railways, emergency services, water supply and electricity delivery.

The proposed development has a frontage to a classified road, being the Princes Highway (Quondola Street) and as such, must satisfy Clause 101(2) of the Infrastructure SEPP, being:

- 2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*
 - (a) *where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
 - (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
 - (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

An assessment of Clause 101 of the Infrastructure SEPP is provided at Section 4.4 of the Traffic Impact and Parking Assessment prepared by McLaren Traffic Engineering & Road Safety Consultants included with the DA submission. The assessment confirms that the development proposed would not compromise the effective and ongoing operation and function of the classified road and is of a type that would not be sensitive to traffic noise or vehicle emissions arising from the adjoining classified road.

Schedule 3 of the Infrastructure SEPP identifies the types of 'traffic-generating' development that require referral to the RMS. As shown in the Table below, the development proposed qualifies as 'traffic generating' development and as such, is required to be referred to Transport for NSW (TfNSW).

Purpose of Development	Size or Capacity – site with access to a road (generally)	Size or Capacity – site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road)	Relevance to the Development Proposed
Car parks (whether or not ancillary to other development)	200 or more car parking spaces	50 or more car parking spaces	N/A – The proposed car parking areas comprise a collective total of 98 car parking spaces. As the car parking area is accessed via Merimbola Street, which connects to Toallo Street and Bullara Street (non-classified roads), the car parking areas are not considered to be ‘traffic generating’ development.
Food and drink premises (other than take away food and drink premises with drive-through facilities)	Car parking for 200 or more motor vehicles	300m ² in gross floor area	N/A – The licensed café as proposed has a GFA of 173m ² .
Shops	2,000m ² in gross floor area	500m ² in gross floor area	Yes – Collectively, the proposed supermarket and bottle shop have a GFA of over 500m ² . Noting that the supermarket delivery trucks will enter the site via Quondola Street (classified road) and that the bottle shop customers and delivery trucks will exit via Quondola Street, the development is considered to be ‘traffic generating’ for the purpose of Schedule 3 of the Infrastructure SEPP.

SEPP (Vegetation in Non-Rural Areas) 2017

This Policy ensures that the biodiversity offset scheme (established under the Land Management and Biodiversity Conservation reforms) applies to all clearing of native vegetation that exceeds the offset thresholds in urban areas and environmental conservation zones that does not require development consent.

As detailed previously, the subject land is unlikely support any significant native vegetation. As such, this Policy is not considered to be applicable as the development proposed does not involve the clearing of native vegetation that exceeds the offset thresholds in urban areas that does not require development consent.

4.5 Other Environmental Planning Instruments

4.5.1 Bega Valley Local Environmental Plan 2013

The following addresses the relevant provisions of the Bega Valley Local Environmental Plan 2013.

Bega Valley Local Environmental Plan 2013	
The subject land is Zoned	B2 Local Centre
The proposed land use is defined as:	Commercial Premises, namely retail premises being shops and a food and drink premises.
Is the land use permissible?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>Comments</p> <p>Under the provisions of the BVLEP 2013, commercial premises are permissible within the B2 Local Centre Zone subject to the consent of the Bega Valley Shire Council.</p> <p>Commercial premises means any of the following—</p> <ul style="list-style-type: none"> (a) Business premises, (b) Office premises, (c) Retail premises. <p>retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following—</p> <ul style="list-style-type: none"> (a) (Repealed) (b) cellar door premises, (c) food and drink premises, (d) garden centres, (e) hardware and building supplies, (f) kiosks, (g) landscaping material supplies, (h) markets, (i) plant nurseries, (j) roadside stalls, (k) rural supplies, (l) shops, (m) specialised retail premises, (n) timber yards, (o) vehicle sales or hire premises, 	

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

By design, the proposed development clearly distinguishes itself as a commercial premises, namely retail premises being shops and a food and drink premises. Accordingly, there would appear to be no legislative impediment to determining the current application on that basis.

There are a number of specific provisions in the BVLEP 2013 that are relevant to the assessment of the Application. These are listed and commented on in the Table below. Overall, it is considered that there are no provisions in the BVLEP 2013 that would preclude the granting of development consent for the development proposal.

Relevant Clause	Comment
Part 1 Preliminary	
<input checked="" type="checkbox"/> 1.2 Aims of the Plan	<p>Comment</p> <p>The proposed development would not be inconsistent with the Aims of the Plan.</p>
Part 2 Permitted or Prohibited	
<input checked="" type="checkbox"/> 2.3 Zone Objectives	<p>Comment</p> <p>The proposed development would not be inconsistent with the Objectives of the B2 Local Centre Zone, which are:</p> <ul style="list-style-type: none"> ▪ To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. ▪ To encourage employment opportunities in accessible locations. ▪ To maximise public transport patronage and encourage walking and cycling. ▪ To enable other land uses that are complementary to, and do not detract from, the viability of commercial uses within the zone.

Relevant Clause	Comment
	<ul style="list-style-type: none"> To minimise conflict between land uses on land in the zone and land uses on land in adjoining zones. To strengthen the viability of existing business centres as places for investment, employment and cultural activity.
<input type="checkbox"/> 2.4 Unzoned Land	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<input type="checkbox"/> 2.5 Additional permitted uses for particular land	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<input type="checkbox"/> 2.6 Subdivision	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<input checked="" type="checkbox"/> 2.7 Demolition requires development consent	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Comment. Development consent is being sought for the demolition works as detailed in this DA submission as the works are not considered to be exempt or complying development for the purpose of SEPP (Exempt and Complying Development Codes) 2008.
<input type="checkbox"/> 2.8 Temporary use of land	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Part 4 Principal Development Standards	
<input type="checkbox"/> 4.1 Minimum subdivision lot size	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<input type="checkbox"/> 4.1AA Minimum lot size community title	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<input type="checkbox"/> 4.1A Minimum lot size – dwellings, dual occupancies, multi dwelling housing and residential flat buildings	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<input type="checkbox"/> 4.1B Lot averaging – subdivision in R5, E3 and E4 Zones	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<input type="checkbox"/> 4.2 Rural subdivision	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<input type="checkbox"/> 4.2A Erection of dwelling houses on land in certain rural, residential and environmental protection zones	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<input type="checkbox"/> 4.2B Exceptions to minimum lot sizes for certain rural subdivisions	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<input type="checkbox"/> 4.2C Erection of rural workers dwellings	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<input type="checkbox"/> 4.2D Erection of dual occupancies (detached) in RU1 And RU2 Zones	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<input type="checkbox"/> 4.2E Exceptions to minimum subdivision lot size for boundary adjustments	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A

Relevant Clause	Comment
<input type="checkbox"/> 4.2F Exceptions to minimum subdivision lot size for resulting lots	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<input checked="" type="checkbox"/> 4.3 Height of building	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Comment. The prescriptions of this Clause set a maximum building height of 10m. As shown on the Section Plans included with the DA submission, the maximum height of the proposed development is circa 8.5m.
<input checked="" type="checkbox"/> 4.4 and 4.5 Floor space ratio	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A Comment. There is no maximum floor space ratio (FSR) prescribed for the subject land under the provisions of Clause 4.4 of the BVLEP 2013.
<input type="checkbox"/> 4.6 Exceptions to development standards	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Part 5 Miscellaneous Provisions	
<input type="checkbox"/> 5.1 and 5.1A Development on land intended to be acquired for public purposes	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<input type="checkbox"/> 5.2 Classification and reclassification of public land	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<input type="checkbox"/> 5.3 Development near zone boundaries	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<input checked="" type="checkbox"/> 5.4 Controls relating to miscellaneous permissible uses	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A Comment. The development proposed is not considered to be a neighbourhood supermarket as the proposed supermarket tenancy exceeds 1,000m ² .
<input type="checkbox"/> 5.6 Architectural roof features	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<input type="checkbox"/> 5.7 Development below mean high watermark	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<input type="checkbox"/> 5.8 Conversion of fire alarms	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<input checked="" type="checkbox"/> 5.10 Heritage conservation	Is the property listed under the LEP? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Heritage Conservation Area? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Aboriginal Place of Significance? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Relevant Clause	Comment																																																																	
	<p>If yes, does it satisfy Objectives/requirements of the Clause? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Is the land in the vicinity of a heritage item/conservation area? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, is the proposal satisfactory having considered the heritage significance of the adjoining development? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>																																																																	
<p>Comment</p> <p>The overarching objective of the BVLEP 2013 is to ensure the integrity of both European and Aboriginal heritage and archaeology.</p> <p>European Heritage</p> <p>Neither the Royal Willows Hotel nor the associated structures are listed as a heritage item under Schedule 5 of the Bega Valley Local Environmental Plan 2013. Notwithstanding, the subject land lies within the Pambula Main Street Heritage Conservation Area. Heritage listed properties within the Conservation Area include:</p> <table border="1"> <thead> <tr> <th>Item Name</th> <th>Item No.</th> <th>Street Address</th> <th>Property Description</th> <th>Significance</th> </tr> </thead> <tbody> <tr> <td>Cottage</td> <td>I238</td> <td>11 Quondola Street</td> <td>Lots 1 and 2, DP 999772</td> <td>Local</td> </tr> <tr> <td>Pambula School of Arts</td> <td>I244</td> <td>13 Quondola Street</td> <td>Part Lot 19, Section 40, DP 758825</td> <td>Local</td> </tr> <tr> <td>Weatherboard House</td> <td>I780</td> <td>15 Quondola Street</td> <td>Lot 20, DP 1117048</td> <td>Local</td> </tr> <tr> <td>Timber cottage</td> <td>I229</td> <td>16 Quondola Street</td> <td>Lot 51, DP 777274</td> <td>Local</td> </tr> <tr> <td>The Commercial Hotel</td> <td>I062</td> <td>18 Quondola Street</td> <td>Lot 11, Section 11, DP 758825</td> <td>Local</td> </tr> <tr> <td>Pambula Butchery</td> <td>I673</td> <td>21 Quondola Street</td> <td>Lot 13, DP 777556</td> <td>Local</td> </tr> <tr> <td>Building</td> <td>I245</td> <td>22 Quondola Street</td> <td>Lot 9, DP 69009</td> <td>Local</td> </tr> <tr> <td>Pambula War Memorial</td> <td>I781</td> <td>In front of 22 Quondola Street</td> <td>-</td> <td>Local</td> </tr> <tr> <td>'The Retreat', building</td> <td>I061</td> <td>26-30 Quondola Street</td> <td>Lot 567, DP 629965</td> <td>Local</td> </tr> <tr> <td>Goddard's Motors</td> <td>I672</td> <td>29 Quondola Street</td> <td>Lot 1, DP 794988</td> <td>Local</td> </tr> <tr> <td>Pambula Milk Bar</td> <td>I671</td> <td>31 Quondola Astreet</td> <td>Lot 2, DP 995491</td> <td>Local</td> </tr> <tr> <td>Christ Church Anglican Church</td> <td>I234</td> <td>31 Quondola Astreet</td> <td>Lot 1, DP 237308</td> <td>Local</td> </tr> </tbody> </table> <p>Given the above, the Application is accompanied by a Statement of Heritage Impact (SOHI) prepared by Philip Leeson Architects Pty Ltd. As detailed in the SOHI the following conclusions were made:</p>		Item Name	Item No.	Street Address	Property Description	Significance	Cottage	I238	11 Quondola Street	Lots 1 and 2, DP 999772	Local	Pambula School of Arts	I244	13 Quondola Street	Part Lot 19, Section 40, DP 758825	Local	Weatherboard House	I780	15 Quondola Street	Lot 20, DP 1117048	Local	Timber cottage	I229	16 Quondola Street	Lot 51, DP 777274	Local	The Commercial Hotel	I062	18 Quondola Street	Lot 11, Section 11, DP 758825	Local	Pambula Butchery	I673	21 Quondola Street	Lot 13, DP 777556	Local	Building	I245	22 Quondola Street	Lot 9, DP 69009	Local	Pambula War Memorial	I781	In front of 22 Quondola Street	-	Local	'The Retreat', building	I061	26-30 Quondola Street	Lot 567, DP 629965	Local	Goddard's Motors	I672	29 Quondola Street	Lot 1, DP 794988	Local	Pambula Milk Bar	I671	31 Quondola Astreet	Lot 2, DP 995491	Local	Christ Church Anglican Church	I234	31 Quondola Astreet	Lot 1, DP 237308	Local
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Relevant Clause	Comment
<ul style="list-style-type: none"> The development proposed is extensive and will result in substantial change to the existing conditions both on the Quondola Street frontage and to the rear. While the existing reproduction hotel façade is sympathetic to the streetscape character and valued by some, it is not original or authentic and has no intrinsic heritage value. The proposal has been guided by an experienced heritage management professional in close consultation with Council. The proposed design is for a high-quality building which makes a modern yet sympathetic contribution to the streetscape in terms of form, amenity, finishes and colours. The visual impact of the building and carpark proposals at the rear will be mitigated by the retention of mature trees and by new tree plantings. The proposed design strikes a reasonable balance between respecting the recognised heritage significance and general design character of Quondola Street and accommodating the complex functional requirements of a supermarket and bottle shop. <p>Aboriginal Heritage</p> <p>Noting that the development proposed is located within the boundaries of a highly modified, long standing commercial site, it is considered highly unlikely that the development proposed would impact any items of Aboriginal culture and heritage. Notwithstanding, the Proponent sought advice from the Eden Local Aboriginal Land Council under the ‘Due Diligence Code of Practice for the Protection of Aboriginal Objects’ to understand whether the proposed works would have the potential to harm Aboriginal objects or values protected under the <i>National Parks and Wildlife Act 1974</i>.</p> <p>The Due Diligence Assessment assessed the potential impact as ‘low’ and made the following recommendations:</p> <ul style="list-style-type: none"> If an Aboriginal object is found while undertaking the activity the proponent must stop work and notify the NSW DPIE – an AHIP may need to be sought. If human skeletal remains are found, the Proponent must stop work immediately, secure the area to prevent unauthorised access and contact the NSW Police and NSW DPIE. During earthworks being conducted in preparation for construction of the proposed development an Aboriginal sites officer from the Eden Local Aboriginal Land Council should be present to observe. This is to ensure that if, whilst unlikely, any Aboriginal objects are uncovered during this phase of works they can be accurately identified, and immediate advice can be provided on how to proceed. <p>Refer to the Aboriginal Due Diligence Assessment prepared by the Eden Local Aboriginal Land Council included with the DA submission for further details.</p>	
<input type="checkbox"/> 5.11 Bush fire hazard reduction	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<input type="checkbox"/> 5.12 Infrastructure development and use of existing buildings of the Crown	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<input type="checkbox"/> 5.13 Eco–tourist facilities	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<input type="checkbox"/> 5.14 Siding Spring Observatory – maintaining dark sky	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<input type="checkbox"/> 5.15 Defence communications facility	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<input type="checkbox"/> 5.16 Subdivision of, or dwellings on, land in certain rural, residential or environmental protection zones	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<input type="checkbox"/> 5.17 Artificial waterbodies in environmentally sensitive areas and in areas of operation of irrigation corporations	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<input type="checkbox"/> 5.18 Intensive livestock agriculture	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A

Relevant Clause	Comment
<input type="checkbox"/> 5.19 Pond based, tank-based and oyster aquaculture	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<input type="checkbox"/> 5.20 Standards that cannot be used to refuse consent – playing and performing music	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Part 6 Additional Local Provisions	
<input type="checkbox"/> 6.1 Acid sulfate soils	Will the proposed development disturb, expose or drain acid sulphate soils and resulting in environmental damage? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<input checked="" type="checkbox"/> 6.2 Earthworks	<p>Will the proposed development have detrimental effects resulting from extensive site excavations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Comment.</p> <p>The extent of the proposed earthworks would be contained within the boundaries of the site and of a nature, which only facilitates the construction of the development within its horizontal and vertical proportions.</p> <p>It is expected that all earthworks will be undertaken in accordance with the conditions imposed on any subsequent development consent, but subject to detailed design lodged as part of any future application for the issue of a Construction Certificate.</p> <p>Ultimately, the issue of the Construction Certificate will endorse the full nature and extent of the earthworks and soil and water management controls.</p>
<input checked="" type="checkbox"/> 6.3 Flooding	<p>Is the land subject to flooding? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Comment.</p> <p>With reference to the Architectural Plans included with the DA submission, the finished floor level is above Council's adopted 4.5m flood planning level for Pambula. The exceptions are the basement/under-croft level and at-grade car parking areas, which is considered to be an appropriate outcome.</p> <p>As detailed in the Engineering Documentation prepared by Van Leeuwen and Associates Pty Ltd included with the DA submission, the proposed culvert crossing has been designed for an appropriate storm having regard to the immediate topography and runoff generated by the sub-catchment and has sufficient capacity to match the existing outflow of the channel without causing choking resulting in upstream flooding.</p>
<input checked="" type="checkbox"/> 6.4 Coastal risk planning	Will the proposed development be impacted on or contribute to coastal risks? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A

Relevant Clause	Comment
<input type="checkbox"/> 6.5 Terrestrial biodiversity	<p>Is the proposal likely to have an adverse impact on:</p> <p>Flora and fauna <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Habitat and survival of native fauna <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Potential to fragment, disturb or diminish biodiversity structure, function and composition <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Connectivity <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Appropriate measures have been proposed to avoid, minimise or mitigate the impacts of development <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>The development has been designed, sited and will be managed to avoid, minimise, or manage any significant adverse environmental impacts <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>
<input type="checkbox"/> 6.6 Riparian land and watercourses	<p>Is the proposal likely to have an adverse impact on:</p> <p>Water quality and flows <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Aquatic and riparian species, habitat and ecosystems <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Stability of the bed and banks of the water course <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Free passage of fish and other aquatic organisms within or along the watercourse <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Any future rehabilitation of the watercourse and riparian areas <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Appropriate measures have been proposed to avoid, minimise or mitigate the impacts of the development <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>The development has been designed, sited and will be managed to avoid, minimise or manage any significant adverse environmental impact <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>

Relevant Clause	Comment
<input type="checkbox"/> 6.7 Environmentally sensitive areas	<p>Is the proposal likely to have an adverse impact on:</p> <p>Any land with a slope greater than 25% <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Any land that is subject to high erosion potential <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Any land with a high proportion of rock outcropping <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>
<input type="checkbox"/> 6.8 Airspace operations	<p>Will the proposed development penetrate the Limitation or Operational Surface of the Merimbula Airport? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>
<input type="checkbox"/> 6.9 Development at Kalaru Racecourse	<p>Is the dwelling house to be erected on a neighbourhood lot? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Has development consent been granted for a stabling complex on the land? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Has the stabling complex been completed or will be completed before the dwelling house is occupied. <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>

4.6 Draft Environmental Planning Instruments

Are there any Draft Environmental Planning Instrument relevant to the proposed development? ☐ Yes ☒ No

Draft Environmental Planning Instruments	Comment
Draft LEP (exhibited)	Not Applicable
What is the proposed zoning of the development site?	Not Applicable
What is the land use definition for the proposal?	Not Applicable
Is the proposed development permissible in the draft LEP	Not Applicable
Draft SEPP	<p>Specify</p> <p>Remediation of Land SEPP</p>
Is the draft EPI certain and imminent at the time of this assessment?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comment

Currently, SEPP 55 provides the assessment framework for the remediation of contaminated land and sets out the remediation works that require development consent. It also requires councils and other planning authorities to consider the potential for land to be contaminated when making planning decisions.

The Draft Remediation of Land State Environmental Planning Policy aims for the better management of remediation works by aligning the need for development consent with the scale, complexity and risk associated with the proposed works.

The Draft SEPP was publicly exhibited from 31 January to 13 April 2018 and the Department of Planning and Environment is currently collating submissions that were received. It is therefore, considered that the Draft SEPP is imminent and has some relevance in the assessment and determination of the current application.

As previously discussed, the proposed development involves the use of an area of land that has been exposed to significant past disturbance as a result of an existing commercial use. There is no evidence to suggest that this land has been exposed to past land use activities and/or practices, which have resulted in site specific material contamination.

4.7 Provisions of Development Control Plans

The Bega Valley Development Control Plan 2013 (BVDCP) supplements the BVLEP 2013 by providing detailed reasoning, guidelines, controls and general information relating to the decision-making process. Together, these documents form the land use planning and development controls for the Bega Valley Shire LGA.

The proposed development has been sited and designed in accordance with the relevant development standards of the BVDCP as detailed below:

Provisions of Development Control Plans	
Part 2 Commercial and Industrial Development	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Part 3 Residential Development	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Part 4 Rural Development	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Part 5 General Development	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Part 6 Engineering Requirements	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Part 7 Specific Requirements	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Table 1: Assessment of the Relevant Provisions of the BVDCP 2013

Relevant Section	Response
PART 2 – COMMERCIAL AND INDUSTRIAL DEVELOPMENT	
2.5 Pambula Town Centre	
2.5.4 Precinct Specific Requirements	
2.5.4.1 Precinct 1 – Main Street Commercial	
<ul style="list-style-type: none"> ▪ New development will: <ul style="list-style-type: none"> - Not be visually dominant in the streetscape - not obscure significant views of adjacent buildings - be no higher than the maximum height of the adjacent building - have a maximum height (top of ridge) of 7.5m above natural ground level, unless it can be demonstrated that a second storey is well set back from the main street and will have little or no adverse visual impact on the historic streetscape. In the latter case the maximum height from natural ground to top of ridge will not exceed 10m - be sympathetic to and consistent with the historic built form evident in the main street ▪ New or restored shopfronts must adopt an historic form and palette of materials that is evident elsewhere in the main street. A useful set of built forms is illustrated in the “Pambula Urban Design Guidelines” available from the Council library. ▪ Existing verandas and upper-floor balconies will not be enclosed or removed. ▪ Where visible from a public place, the roof form and pitch for new buildings, alterations and additions will be similar to or sympathetic with historic examples found elsewhere in the main street. ▪ External signage may require Council approval and examples can be found in the “Pambula Urban Design Guidelines” available from the Council library. ▪ Specific circumstances relating to each block may require an increased front or side boundary set back, e.g. proximity of adjacent building, historic foot print, rear lane access etc. New development will not compete with, or detract from, adjacent historic structures and in these circumstances Council may require greater setbacks for new or unsympathetic structures. 	<p>Deemed to comply.</p> <p>As detailed in the Statement of Heritage Impact included with the DA submission, the development proposed has been carefully designed to minimise any detrimental impact on the heritage significance and aesthetic qualities of the Pambula Main Street Conservation Area. It also incorporates all of the elements noted in the Pambula Urban Design Guidelines provided by Council.</p> <p>Specifically, the following are noted in point.</p> <ul style="list-style-type: none"> ▪ The proposed commercial building has been carefully designed as a continuation of the Quondola Street shopfronts and would therefore not obscure significant views of adjoining and adjacent buildings. ▪ The proposed building façade will align with the property boundary, rather than extending circa 0.5m beyond as it does currently. It will therefore align with the adjoining heritage listed building to the north (on Lot 31 DP861207). ▪ A decorative parapet extends across the street façade and incorporates Art Deco motifs to match those of the buildings adjoining and adjacent. This extends around the southern corner of the proposed building where it is seen on pedestrian and vehicular approach from the south. ▪ The height of the parapet is consistent with that of the adjoining heritage listed building to the north and does not exceed 7.5m above natural ground level. ▪ The street awning reflects the established scale and height of adjacent awnings and is continuous across the street façade. ▪ The proposed materials, finishes and colours reflect the significant heritage attributes of the streetscape. ▪ The overall colour scheme combines rust red and cream, which echoes that of the existing Royal Willows Hotel façade. ▪ Pedestrian access to the proposed building from Quondola Street is provided discretely via an inviting arcade, which forms part of the shopfront. There is an

Relevant Section	Response
<ul style="list-style-type: none"> Generally setbacks will follow those of the existing building unless existing setbacks are clearly unsympathetic, in which case the requirements in the clause above must apply. Where buildings in Quondolo and Toallo Streets are currently set well back from the street, Council may allow up to 50% of the frontage to have zero setback if the building form is entirely in keeping with historic streetscape character. Any setback from the street alignment is not to be used for car parking or similar purposes, but may be considered for café seating etc. 	<p>opportunity for the provision of public artwork in the concrete floor and on the walls of the arcade (i.e., decorative pattern, indigenous murals etc.).</p> <ul style="list-style-type: none"> An opportunity is provided for public amenity and a stopping point at the licensed café on the Quondola Street frontage. The bottle shop has been located to the south side of the proposed building and the entry and driveway are as discrete as possible. The necessary advertising signage will be restricted to within the driveway apron, under the awning and away from the Quondola Street frontage. It would therefore be far less visually intrusive than the existing bottle shop structure and signage. The main building form to the rear has been kept as simple as possible. Two roof skillions with highlight windows admit natural light into the building but are largely unseen from the Quondola Street public domain. The apparent bulk and scale of the two-storey rear walls is moderated by the use of smooth concrete base walls painted a neutral 'khaki' colour, which forms a solid base to the upper walls of precast concrete panels, relieved with an off form miniorb imprint and painted cream. The long south wall is broken up by the alternating use of cream miniorb imprinted concrete panels and sections of 'green wall'. Car parking is proposed to be provided at basement/under-croft level and to the rear of the commercial building and would not be visible from the Quondola Street public domain. Notwithstanding, the expanse of the proposed car parking is relieved by the retention of a group of existing mature trees and by new substantial tree plantings at regular intervals.
2.6 General Commercial and Industrial Development	
2.6.1 Design	
2.6.1.1 Roofs	
<p>Requirements</p> <ul style="list-style-type: none"> Buildings are to include distinctive roof forms that contribute to the architectural design of a building. Elements such as parapets, skillion roofs, eaves must be utilised where appropriate. Roof forms must not result in excessive bulk and overshadowing. The design of the roof will be integrated into the overall façade and building composition. 	<p>Deemed to comply.</p> <p>The development proposed incorporates a well-considered roof design, which will contribute to the overall design quality and performance of the building.</p> <p>The following are noted in point:</p> <ul style="list-style-type: none"> The proposed commercial building incorporates a decorative parapet above the awning line across the Quondola Street frontage, which echoes that of the adjacent buildings. The main roofline is largely concealed behind the parapet

Relevant Section	Response
<ul style="list-style-type: none"> All plant and equipment and any other potentially intrusive elements are to be concealed within roof forms to minimise visual impact. The use of the roof for the following sustainable functions will be considered: <ul style="list-style-type: none"> rainwater tanks renewable energy applications innovative design solutions, such as water features or 'green' roofs solar hot water. Note that lighter coloured roofs absorb less heat which may result in energy savings 	<p>and generally comprises a low-pitched form with two (2) roof skillions with highlight windows to admit natural light into the building.</p> <ul style="list-style-type: none"> The rooftop mounted plant and equipment are proposed to be largely concealed and integrated with the shape and form of the roof and building. The proposed roof material is corrugated metal, being colourbond 'shale grey'. This lighter colour is proposed as it will assist with the environmental performance of the building. It is proposed that the roof be utilised for the installation of photovoltaic panels to enhance the environmental performance of the building. It is also proposed for the roof stormwater to be discharged to rainwater storage tanks located to the rear of the commercial building.
2.6.1.2 Fencing and Retaining Walls	
<p>Requirements</p> <ul style="list-style-type: none"> Screen walls which face a road, pedestrian walkway, reserve or public place will be constructed from high quality materials. Consideration is to be given to sight lines for vehicles. Large expanses of continuous masonry or timber fencing having frontage to a street, public reserve or other public place is not permitted. Bonded sheet metal fencing is not permitted at any location other than alongside and rear boundaries shared with other private property, where such fencing is not directly visible from the street, public reserve or other public place. Fencing to rear and side boundaries (behind the building alignment) will be a maximum 1.8m in height. In the case of a corner allotment, fencing placed on the secondary building alignment will be located behind the primary building alignment. The fence will be articulated, incorporate landscaped treatment and complement the design and finish of the development. Fencing on corner allotments will not obstruct the sight distance of traffic. Security fencing must be of high quality materials, integrated with walling and appropriate low-scale landscaping to reduce visual impact. No barbed wire, razor wire (or the like) fencing will be placed on any land where such fencing is visible from a public place. 	<p>Deemed to comply.</p> <p>Fencing</p> <p>New fencing is proposed to be provided to the rear and side boundaries (behind the building alignment) so as to secure the site from un-authorised access after-hours. As shown on the Architectural Plans included with the DA submission, 1.8m high loop top fencing would be provided to the majority of the rear and side boundaries. The exception is the north-western side boundary (in part), which will comprise 1.8m high acoustic/solid fencing. As per the Environmental Noise Assessment prepared by Day Design Pty Ltd included with the DA submission, this fence may be constructed of colourbond, although alternative materials such as three-rail 'solid capped and lapped' timber or masonry are also acceptable. The construction would need to be free of visible air gaps to provide an impervious sound barrier.</p> <p>Retaining Walls</p> <p>As detailed Section 4.5.1 of this SEE Report, the extent of the proposed earthworks would be contained within the boundaries of the site and of a nature, which only facilitates the construction of the development within its horizontal and vertical proportions.</p> <p>As shown on the Structural Footing Plan prepared by Andrew Marshman & Associates Pty Ltd included with the DA submission, retaining walls / peripheral walls to the basement level/under-croft car parking area are proposed to be constructed. These works would, however, be subject to detailed design lodged as part of any future application for the issue of a Construction Certificate.</p>

Relevant Section	Response
<ul style="list-style-type: none"> Fencing will not obstruct power, water, sewer, gas or telephone services, drainage systems, (including overland flow paths) or any easements or rights of way. Cut and fill and the associated use of retaining walls will be minimised. Any retaining wall visible from a public place will be sited, designed and constructed in materials and colours to ensure that the retaining wall complements the development as well as the character and quality of the streetscape. 	<p>Non-Structural Landscape Walls</p> <p>As shown on the Architectural and Landscape Plans included with the DA submission, non-structural landscape walls and planters have been integrated into the design so as to accentuate the quality and amenity of the development proposed. The landscape walls and planters have been sized to provide sufficient soil volume to support living infrastructure and are proposed to be constructed of materials (and colours) that are complementary to the architectural language of the building and that enhance the character and quality of the adjoining streetscape.</p> <p>It is noted that the non-structural landscape walls and planters would be subject to detailed design lodged as part of any future application for the issue of a Construction Certificate.</p>
2.6.2 Amenity	
2.6.2.1 Setbacks	
<p>Requirements</p> <p>Refer to Section 2.7.2.3 of this plan for the objectives and requirements for setbacks in the B2 and B4 zones.</p>	<p>Deemed to comply.</p> <p>Refer to the assessment of Section 2.7.2.3 of the BVDCP 2013 provided below.</p>
2.6.2.2 Access and Equity	
<p>Requirements</p> <ul style="list-style-type: none"> Access is to be provided for people with a disability in accordance with the requirements of Section 5.3 of this plan. Any new development must be designed to allow equitable access to all people, including people with disabilities by ensuring an accessible path of travel from the footpath. Integrated and shared access ramps for adjoining sites will be provided wherever possible. Accessible paths of travel will be provided linking public buildings, open space and accessible car parking. The cross fall of footpaths across driveways will not exceed 2.5%. A centrally located power point for recharging electric wheelchair or scooter batteries shall be provided in every large commercial development. One well-located accessible public payphone, designated by signage, must be provided in every large commercial development. 	<p>Deemed to comply.</p> <p>The development proposed has been designed so as to achieve compliance with the following:</p> <ul style="list-style-type: none"> Disability Discrimination act 1992. Disability Access to Premises Standards 2010. Applicable Australian Standards AS1428.1:2009, AS1428.4.1:2009 and AS2890.6:2009. Building Code of Australia. BVDCP 2013.

Relevant Section	Response
<ul style="list-style-type: none"> Where an accessible lift is required by the BCA, Council require that the lift be a passenger lift designed to provide for the turning of wheelchairs and prams and independent operation by people with disabilities. Council prefer that designated accessible toilets are unisex and include baby changing facilities that to not impact on the circulation space and are raised to the highest level (approximately 480mm). Electronic sliding doors operated by a toggle switch are preferred or inward facing doors. 	
2.6.2.3 Traffic and Access	
<p>Requirements</p> <ul style="list-style-type: none"> New streets, laneways and pathways through large blocks, must be incorporated into development designs where this can improve access and function of the centre. (See Section 2.4 of this plan for detailed access requirements applicable in Merimbula town centre). Pedestrian arcade style development will provide an inviting width of not less than 6m, be lined with active shop fronts on both sides, be straight and maintain a line of sight through the arcade and be open for extended periods. Footpath will be provided along all street frontages. Street and public space lighting will be provided at the cost of the developer along key pedestrian routes and adjoining the development in accordance with Council specifications. Pedestrian and vehicle access to buildings will be separated where achievable. Access to parking and loading facilities will be provided from secondary streets or laneways where possible to protect the amenity of the public domain and reduce conflicts. Finished levels for all external and internal pedestrian spaces surrounding and within buildings will connect directly with the natural ground floor level of any development and adjoining footpath space. Service lanes and access ways can either be in the form of a public road or as a private road but must have the appearance of a 'public road' with street tree planting, pedestrian footpaths and appropriate directional signage. All service and delivery activities are to be accessed from an access way where one is required. 	<p>Deemed to comply.</p> <p>The development proposed is considered to be consistent with the requirements of Section 2.6.2.3 of the BVDCP 2013 as follows:</p> <ul style="list-style-type: none"> Vehicular access to the site is proposed via a one (1) two-way driveway from Merimbola Street and an exit only drive-through bottle shop from Quondola Street. Servicing vehicles in excess of a 6.4m long Small Rigid Vehicle are proposed to enter the site via Quondola Street under a Plan of Management (PoM) outside the proposed operation of the drive through bottle shop. This will be managed via a boom gate and signage to ensure no vehicles exit out onto Quondola Street during this time period. The above arrangement is proposed noting that the narrow width of the site (circa 40m) made manoeuvring a 20m long Articulated Vehicle within the site impracticable. The proposed arrangement therefore enables the provision of one-way on-site circulation of heavy vehicles (i.e., enter via Quondola Street and exit via Merimbola Street). Throughout the day, the site will be serviced by vehicles up to a 6.4m long Small Rigid Vehicle, which will access and exit the site via Merimbola Street and would be operated under a PoM. Only bottle shop customers will be able to exit the site via a left turn onto Quondola Street. All other customers would be required to access and exit the site via Merimbola Street. The design of the driveways and their intersection with Quondola Street or Merimbola Street have been purposeful in prioritising pedestrian and cyclist safety by providing clear sightlines for vehicles entering/exiting the site. There is no existing pedestrian footpath within the adjoining Merimbola Street road verge. There is, however, a pedestrian footpath provided to the north of the site circa 75m distant. This footpath provides access to the footpath along

Relevant Section	Response
	<p>Toallo Street for residents of the existing over 55's multi-unit housing development on SP76396. The proposal does not include the provision of a pedestrian footpath along the adjoining Merimbola Street road reserve on the basis that it would likely cause conflict between vehicles and pedestrians/cyclists.</p> <ul style="list-style-type: none"> ▪ The footpath within the adjoining Quondola Street road reserve is proposed to be retained and improved as needed. ▪ As required, exterior lighting systems servicing the development would be installed and operated to ensure compliance with the relevant Australian Standards (i.e., AS1158.3.1 Pedestrian Lighting and AS4282 Control of the Obtrusive Effects of Outdoor Lighting).
2.6.3 Environment	
2.6.3.1 Energy Conservation and Solar Access	
<p>Requirements</p> <ul style="list-style-type: none"> ▪ The design of buildings will have regard to siting, layout and construction methods that minimise the need for fossil fuel based heating, cooling and lighting, and encourage the use of water saving features and energy efficient heating systems. ▪ Roof pitch and orientation of all buildings will be suitable for the installation of solar collectors. ▪ All development must demonstrate how sustainable design principles and features have been incorporated into the proposed development in accordance with Section 5.5 of this plan. 	<p>Deemed to comply.</p> <p>The Proponent is committed to achieving best practice in sustainable design and construction and to ensure the long-term sustainability of the building by reducing its environmental impact throughout its service life.</p> <p>Refer to the assessment against Section 5.5 of the BVDCP 2013 below, which outlines the Proponent's core areas for focus as well as the sustainable design principles that have or are being investigated for incorporation into the development proposed</p>
2.6.3.2 Landscaping	
<p>Requirements</p> <ul style="list-style-type: none"> ▪ Landscaping is to be appropriately scaled and located relative to building bulk. ▪ All landscaping work is to enhance the existing natural features of the site and adjoining unfenced areas. ▪ All parts of the site not built-upon or paved are to be landscaped with grass, trees, shrubs and/or other vegetation. As many trees as possible are to be retained on the site. 	<p>Deemed to comply.</p> <p>A well-considered landscape concept has been prepared for the development proposed and is included in the Landscape Plans prepared by Place Logic included with the DA submission.</p> <p>The proposed landscape concept satisfies the relevant provisions of Section 2.6.3.2 of the BVDCP 2013 as follows:</p> <ul style="list-style-type: none"> ▪ The landscape concept has been developed in close coordination with the proposed architecture to carry forth a high-quality of materials, form and

Relevant Section	Response
<ul style="list-style-type: none"> Development is to contribute to water and stormwater efficiency by integrating landscape design with water and stormwater management, for example by: <ul style="list-style-type: none"> using plants with low water demand to reduce mains consumption using plants with low fertiliser requirements using plants with high water demand, where appropriate, to reduce run off from the site utilising permeable surfaces using water features incorporating wetland filter systems. Active rooftop spaces will be landscaped. Deep soil planting zones, where available, are required within development sites to facilitate the accommodation of mature tree planting. Any portion of a development site that remains unused or vacant following development will be landscaped or turfed and maintained. Planting adjacent to intersections and driveways will be less than 900mm high (to maintain sightlines for safety purposes). All outdoor at-grade car parking areas must be provided with 1 tall branching mature shade tree for every 10 linear car spaces. In streetscape works, trees will be tall branching, and ground covers and shrubs will have a maximum height of 0.6m to maintain clear pedestrian, resident and vehicle sightlines. The provision of street trees and public area landscaping must be consistent with the themes and strategy adopted for the place. 	<p>planting design that is relative to the bulk and scale of the commercial building.</p> <ul style="list-style-type: none"> The areas of the site that are not included in the landscape concept are to be landscaped with grass and suitably maintained. Plants and plans species are key aspects of the landscape concept design, not only softening the architecture internally and along street frontages, but also reinvigorating the previously paved site with sustainability in mind – reducing urban heat sink, slowing stormwater runoff, reducing water usage and maintenance, inviting native pollinators back into landscape and supporting human amenity and wellbeing. There is no significant landscaping proposed within the sightlines at the site access/egress to Quondola Street and Merimbola Street. Regular spaced street trees/landscaped planters are proposed to be installed at regular intervals within the open outdoor car parking area. The tree species would be tall branching, and ground covers and shrubs would have a maximum height of 0.6m to maintain clear pedestrian and vehicle sightlines.
2.6.3.3 Waste Management	
<p>Requirements</p> <ul style="list-style-type: none"> Developments will demonstrate appropriate resource recovery and recycling strategies and actions. Waste and recycling systems are to be easy to use and, where necessary, collection vehicles are able to safely access buildings to remove waste and other resources. Practices for the storage, handling and collection of waste and recycling materials are healthy and safe. 	<p>Deemed to comply.</p> <p>Based on the development proposed, the waste streams expected to be generated would be general waste and commingled recycling – i.e., single-sort recycling.</p> <p>The waste storage area is proposed to be contained within a dedicated area in the loading/unloading dock so as to ensure convenient servicing by waste collection vehicles. The designated area would be designed so as to minimise odour, deter vermin, protect surrounding areas and to ensure that it is a user-friendly and safe area. Appropriate</p>

Relevant Section	Response
<ul style="list-style-type: none"> Stormwater pollution that may occur as a result of poor waste storage and management arrangements is prevented. 	<p>signage would also be installed so as to clearly identify the waste/recycling stream and what can and cannot be disposed of in the relevant receptacle.</p> <p>It is expected that an Operational Waste Management Plan would be prepared at the detailed design phase and lodged as part of any future application for the issue of a Construction Certificate. At that time, other initiatives such as participation in Council's commercial FOGO (Food Organics Garden Organics) scheme can be investigated with greater confidence.</p>
2.6.3.4 Potable Water and Stormwater	
<p>Requirements</p> <ul style="list-style-type: none"> Developments are to incorporate the principles of water sensitive urban design. These include minimisation of impervious surfaces, and use of integrated systems that are used for collecting, reusing, flood controlling and applying treatment to stormwater runoff. Internally, water minimisation measures that reduce the demand on potable supplies are to be incorporated. The objectives of water management are to be consistent with the BASIX tool and incorporate the 40% reduction targets in potable water usage through reduction methods and/or rainwater utilisation. This may be achieved by the: <ul style="list-style-type: none"> – installation of a rainwater tank that meets Council's requirements – connection of a rain water tank to at least 1 external outdoor tap and for the flushing for internal toilets. All developments are required to demonstrate that they will not have an adverse impact on the stormwater flows / flooding of any adjoining properties. Development must incorporate water efficient fixtures such as taps, showerheads and toilet suites. The fixtures must be rated to at least AAA under the National Water Conservation Rating and Labelling Scheme. Where a site proposed for development is unable to discharge stormwater to the street frontage and on site detention is not practical, the DA must include the written agreement from all downstream property owners stating that they have no objection to the discharge of stormwater through their properties to reach Council's drainage system nor do they have objection to the creation of necessary easements over the pipelines 	<p>Deemed to comply.</p> <p>A Stormwater Drainage Concept has been prepared by Andrew Marshman & Associates Pty Ltd and is included with the DA submission to detail the water sensitive urban design (WSUD) approach that is proposed to be adopted as part of the development strategy.</p> <p>As detailed previously, the Proponent is committed to achieving best practice in sustainable design and construction and to ensure the long-term sustainability of the building by reducing its environmental impact throughout its service life. As detailed in the assessment of Section 5.5 of the BVDCP 2013 below, the Proponent is currently investigating options to reduce water consumption through the application of high water efficiency fixtures and fittings and rainwater harvesting and re-use systems for non-potable water applications. Details of this would be provided at the detailed design phase lodged as part of any future application for the issue of a Construction Certificate.</p>

Relevant Section	Response
2.7 Specific Requirements – Commercial and Retail Development	
2.7.1 Design	
2.7.1.1 Context and Articulation	
Requirements <ul style="list-style-type: none"> ▪ Overt (strong) non-complimentary colours or buildings painted a specific noncomplimentary colour to suit advertising requirements will not be supported. ▪ A palette of roof colours ranging from red to subtle greens, greys and off white or natural galvanised iron must be considered in new development. ▪ Alterations and additions to existing facades must have consideration for the existing style, materials and finishes. 	<p>Deemed to comply.</p> <p>To ensure that the building exterior reinforces the character and continuity of the existing streetscape (and the Pambula Main Street Heritage Conservation Area), the following design solutions have been adopted.</p> <ul style="list-style-type: none"> ▪ The façade aligns with the front boundary line, rather than extending circa 0.5m beyond it as it does currently. The proposed commercial building will therefore align with the adjacent building and form a continuation of the Quondola Street shopfronts ▪ The proposed commercial building will, in its materials, finishes and colours, carefully reflect the significant heritage attributes of the streetscape without being a faux reproduction. ▪ The street awning reflects the established scale and height of adjacent awnings and is continuous across the street façade. ▪ A decorative parapet extends across the street façade and incorporates art deco design motifs to match those adjacent. This extends around the south side, where it is seen on pedestrian and vehicle approach from the south. ▪ The shopfronts of the proposed commercial building comprise consistent glazing in black frames with blue tiled base walls and pillars reflecting 1920s /1930s materials and colours. ▪ The overall colour scheme combines rust red and cream which echoes that of the existing reproduction Royal Willows Hotel façade. <p>Further details are included in the SOHI prepared by Philip Leeson Architects included with the DA submission.</p>
2.7.1.2 Built Form	
Requirements <ul style="list-style-type: none"> ▪ Buildings and structures will be appropriately modulated and articulated in their facade and adjoining walls to provide well-proportioned elevations and human scale. 	<p>Deemed to comply.</p> <p>The proposed built form satisfies the relevant provisions of Section 2.7.1.2 of the BVDCP 2013 as follows:</p> <ul style="list-style-type: none"> ▪ The façade to Quondola Street has been appropriately articulated and provides a well-proportioned elevation and human scale.

Relevant Section	Response
<ul style="list-style-type: none"> Buildings will demonstrate continuity with the streetscape and surrounding buildings through the use of similar floor/ceiling and awning heights, materials, colours, building elements and architectural styles. Large expanses of blank, featureless walls and curtain walling will be avoided. Garage doors/loading docks will be recessed so that they are not the dominant element in the overall presentation of the development. The visibility, functionality and safety of building entrances must be optimised by: <ul style="list-style-type: none"> facing entrances towards the public street providing clear lines of sight between entrances, foyers and the street providing direct and well-lit access between car parks and lift lobbies and to all entrances designing buildings to overlook streets and public and communal spaces to provide casual surveillance facing living areas with views over public or common open space areas, where possible using bay windows and balconies, which protrude beyond the main facade and enable a wider angle of vision to the street using corner windows that provide oblique views of the street The use of roller shutters or the like is not permitted on doors and windows facing the street or public open space. Any security railings must be designed to complement the architecture of the building. Adequate lighting and directional signage is to be provided to all pedestrian and access ways, building entries, driveways and car parks. All developments are to incorporate the principles of Crime Prevention through Environmental Design. 	<ul style="list-style-type: none"> As detailed in the SOHI prepared by Philip Leeson Architects included with the DA submission, the building form has been carefully designed as a sympathetic infill in the established heritage streetscape. The loading docks have been located so that they are not a dominant element in the overall presentation of the development proposed. In relation to the loading/unloading dock for the supermarket, it is proposed to be located to the rear of the building so as not to dominate the Quondola Street frontage or conflict with pedestrian movements in front of the building. The loading/unloading dock for the bottle shop has been recessed behind the main building line and designed so as to be as discrete as possible when viewed from Quondola Street. The visibility, functionality and safety of the building entrances have been optimised by the following design solutions: <ul style="list-style-type: none"> The main building entrance faces towards Quondola Street. The building entrance within the basement/under-croft level car parking area faces towards the car parking area. The provision of clear lines of sight between the main building entrances and the street and from car parking areas. The provision of direct and well-lit access to all entrances. The provision of well-proportioned glazing to the shopfronts so as to provide for the casual surveillance of Quondola Street. Adequate lighting and wayfinding signage would be provided to all pedestrian accessways, building entries, driveways and car parking areas. As detailed at Section 4.12 of this SEE Report, the principles of Crime Prevention Through Environmental Design have been incorporated into the development proposed.
2.7.1.3 Building Height	
Requirements <ul style="list-style-type: none"> The maximum building height is defined in the LEP. In addition, the maximum rise (or number) of storeys in the Bega, Eden and Merimbula Town Centres will be limited in relation to the maximum height as defined in the LEP as follows: <ul style="list-style-type: none"> 10m height limit – maximum 2 storeys 	Deemed to comply. As detailed at Section 4.5 of this SEE Report, the maximum height of the development proposed is 8.5m, which complies with the 10m maximum building height as prescribed at Clause 4.3 of the BVLEP 2013.

Relevant Section	Response
<ul style="list-style-type: none"> - 13m height limit – maximum 3 storeys - 16m height limit – maximum 4 storeys ▪ Development above two storeys will generally only be considered in Heritage Conservation Areas at the rear of properties, particularly in Carp Street, Bega, in order to maintain the two storey character of the streetscape. ▪ Where any portion of a basement protrudes 500mm or more above existing ground level, it will be counted as a storey for the purposes of determining the maximum rise in storeys. All applications that propose a basement level that protrudes above existing ground level must demonstrate that the protrusion is necessary due to topographical constraints and that the design is in keeping with the bulk and scale of adjoining development. ▪ A portion of the roof of a development may encroach the maximum height stipulated under the LEP to encourage articulation of roof form. Such encroachments are subject to LEP Clause 4.6 and are only permitted where the roof projects no more than 1000mm above the maximum height limit, achieves an average height encroachment of no more than 500mm, and complies with the relevant setback requirements. Figures 2.12 – 2.17 illustrate examples of permissible roof encroachments for 2, 3 and 4 storey development. ▪ Where a roof volume is used as an attic, mezzanine or storey, it will be counted as a storey for the purposes of establishing the maximum rise in storeys of a development. 	
2.7.1.4 Awnings	
Requirements <ul style="list-style-type: none"> ▪ Continuous awnings are to be provided where there are ground floor retail uses and active frontages are required. See Section 2.1 of this plan for requirements relating to the Bega Town Centre. ▪ Awnings are to be horizontal or near horizontal to the footpath. ▪ Adjoining awnings are to be of a consistent height and depth, allowing for variations in the camber of roads where required. 	Deemed to comply. To continue the established pattern of awnings along Quondola Street (to the north of the site), the development proposed incorporates a continuous awning across the street façade, which reflects the established scale and height of the adjoining awnings.
2.7.1.5 Corner Elements	
Requirements <ul style="list-style-type: none"> ▪ Provide vertical elements to the building design by concentrating the tallest portion of the building on the corner itself. Utilise design devices such as 	Deemed to be not relevant. The subject land is not located at the corner of an intersection.

Relevant Section	Response
<p>increased wall heights, splayed corner details, expression of junction of building planes and other architectural features to reinforce the way finding attributes of street corners.</p> <ul style="list-style-type: none"> ▪ Design corners to add variety and interest to the street and clarify the street hierarchy. ▪ Present each frontage of a corner building as a main street frontage. ▪ Shopfronts will be wrapped around corners. 	
2.7.1.6 Landmark Buildings	
<p>Requirements</p> <ul style="list-style-type: none"> ▪ Buildings occupying corner sites, at the termination of vistas along streets, at key bends in a street will be of a larger scale and include elements such as: <ul style="list-style-type: none"> - articulated tall elements, e.g. towers - entrances - balconies - strong sense of material and colour - roof forms - articulated parapets or gables - built elements encroaching on the setback of an upper level. 	<p>Deemed to be not relevant.</p> <p>Due to its positioning within the Pambula Town Centre, the subject site is not considered to be appropriate for the establishment of a landmark building. For instance, it is not located at a corner, at the termination of a street vista or at a key bend in a street.</p>
2.7.1.7 Street Frontages	
<p>Requirements</p> <ul style="list-style-type: none"> ▪ Active street frontages must enable direct contact (visual and physical) between the street and the interior of an adjoining building. ▪ Active ground floor uses are to be accessible and at the same level as the footpath. ▪ An active frontage must not accommodate fire exits, service cupboards, and vehicle or service entrances unless there are no other feasible alternatives. ▪ Shopfronts are not to be concealed behind heavy colonnade structures that would restrict the visibility of any commercial tenant from the road, or limit natural daylight along footpaths. 	<p>Deemed to comply.</p> <p>The development proposed satisfies the relevant provisions of Section 2.6.3.2 of the BVDCP 2013 as follows:</p> <ul style="list-style-type: none"> ▪ The proposed design of the commercial building articulates an active frontage with direct pedestrian access from Quondola Street. The incorporation of the licensed café with a shopfront and loggia/terrace to Quondola Street enables direct contact (both visual and physical) between the street and the interior of the building. The drive-through bottle shop achieves a similar outcome in relation to the provision of direct contact. ▪ The commercial building is proposed to be directly accessible from Quondola Street pedestrian footpath. ▪ All fire exits and service cupboards are located clear of the building frontage to Quondola Street.

Relevant Section	Response
	<ul style="list-style-type: none"> The shopfronts are not concealed behind a heavy colonnade structure. Rather, they are located behind a street awning that reflects the established scale and height of adjacent awnings. The posts to this awning would comprise 150mm x 150mm dressed timber posts with chamfered edges and painted terracotta to match the existing 1982 Royal Willow Hotel posts. <p>Further to the above, the bottle shop with its driveway would have ideally been kept away from the Quondola Street frontage. However, it is not feasible to locate the bottle shop entirely to the rear of the building. The majority of business is passing trade and for this, a street presence is required. The proposed bottle shop and driveway have been designed to be as unobtrusive as possible, including provision of a glazed shopfront contiguous with the remainder of the Quondola Street frontage and a driveway, which has been located to the south side with only a narrow street entry. Furthermore, vehicle movements are limited to exit only for bottle shop users, and two way movement for delivery vehicles only.</p>
2.7.2 Amenity	
2.7.2.1 Views	
Requirements <ul style="list-style-type: none"> Development will appropriately respond to important views and vistas. Existing landmarks/landscapes must be preserved, with established vistas to and from them protected. Views along public streets to the distant surrounding landscape or seascape will be retained and embellished through appropriate tree planting, landscaping and the like. Opportunities for new access corridors must be pursued with a prospect of providing further view opportunities. Opportunities to preserve and enhance strategic plantings in the centre and immediate environs must be pursued. The concept of “view sharing” must be considered in the design of development proposals (see Section 3.2.2.6 of this plan). Large-scale buildings will generally blend in with other developments in the town centre when viewed from a distance. Buildings will generally be site responsive, stepping down slopes. 	Deemed to comply. <p>It is acknowledged that the view/vista afforded to motorists entering the Pambula Town Centre to the south – i.e., via Bullara Street and Quondola Street, is important.</p> <p>Given the large open forecourt of the adjoining United service station, extensive views of the western and southern sides of the subject site are afforded on approach from the south.</p> <p>In response, the form, character, materials and detailing of the building fronting Quondola Street and its return on the southern side, has been of primary consideration. The specific components, which make up the building frontage to Quondola Street and returning along the southern façade at the top of the driveway include the following:</p> <ul style="list-style-type: none"> 150mm x 150mm dressed timber posts, chamfered edges, painted terracotta to match the existing 1982 Royal Willows Hotel posts. Awning fascia of smooth painted metal sheet circa 400-500mm deep with modest signage in a sympathetic font. This has a similar appearance to adjacent fascias and is painted terracotta to match trim details on the existing 1982 Royal Willows Hotel façade. Awning soffit lining to be powder-coated miniorb sheeting painted a soft green. This material and colour is typical of the 1920s/1930s.

Relevant Section	Response
<ul style="list-style-type: none"> The removal, relocation and / or screening of features and buildings, which detract from the ambience and views of the centre and environs, will be promoted. Signature buildings/structures having a significant impact will be conserved and enhanced, whilst new buildings performing such functions will be encouraged and existing buildings “retrofitted”. 	<ul style="list-style-type: none"> Wall areas between and above windows to be a modern interpretation of typical 1920s – 1930s shopfront tiling – i.e., blue/teal-coloured tiles in a subway pattern. This will also be used to clad the lower walls in the licensed café loggia/terrace and the planter box in the bottle shop driveway. Window and door frames to be slender with black powder-coated finish, echoing traditional shopfront styles and a classic 1930s colour as suggested by Council’s heritage advisor. The main parapet walls are to be stepped as shown. Finish to be soft textured render and paint over lightweight sheeting with taped and set joints. The cream colour is appropriate to the 1920s/1930s and is similar to the wall colour on the existing 1982 hotel building. Parapet trims including Art Deco decorative motifs to be dressed treated timber, painted terracotta to match the trim colour on the existing 1982 Royal Willows Hotel building. <p>The result of the above is a carefully designed building form that presents a sympathetic infill in the established heritage streetscape. Therefore, conserving the scenic quality of the Pambula Town Centre built environment.</p>
2.7.2.2 The Public Domain	
<ul style="list-style-type: none"> Clear boundaries between the public and private domain will be provided. Public spaces will be designed to provide an appropriate interface with commercial activity, adequate opportunities for integrated public facilities, public art and relevant recreational experiences. All use of public areas by business requires an Approval under the Local Government Act and compliance with Local Approvals Policy No. 1 “Use of Public Land”. Lighting and directional signage will be provided to all pedestrian paths, car park areas, building entries, and public spaces. Linkages between public assets and the broader community will be enhanced. New community facilities will generally be multipurpose in nature. Specific additional requirements for Merimbula town centre are detailed in Section 2.4 of this plan. All development with floor area greater than 1,000m² will provide creative, innovative, attractive and distinctive public art works in streets and public spaces in accordance with Council’s Public Art Policy. 	<p>Deemed to comply.</p> <p>The development proposed includes work within the Quondola Street road verge (adjoining the subject site), including the establishment of a new and continuous street awning that reflects the established scale and height of adjacent awnings. This awning would provide suitable shelter during seasonal weather events thereby providing enhanced pedestrian amenity within the public domain at this part of the Pambula Town Centre.</p> <p>The provision for a co-located supermarket, bottle shop and licensed café would create a new and complimentary local retail hub that is easily accessible and that offers convenience retail to the local community in one location. The development proposed would replace existing inactive buildings and land thus contributing greater activity to this part of the Pambula Town Centre. Specifically, it would improve day and night surveillance, achieved by customers entering and leaving the site throughout the day and week—further facilitated through the on-site management presence.</p> <p>It is intended that the installation of appropriate directional signage and the on-site management presence would provide clear delineation between the publicly accessible</p>

Relevant Section	Response
	<p>and private domains. As required, appropriate lighting and directional signage would be provided to all pedestrian paths, car parking areas, building entries and public spaces.</p> <p>In relation to the requirement for the provision of public artwork in accordance with Council's Public Art Policy, the following areas are identified as being appropriate in supporting the installation of public art:</p> <ul style="list-style-type: none"> ▪ The licensed café tenancy – i.e., interpretive display of heritage photographs of the district and/or Royal Willows Hotel and/or a large wall mural comprising a blown-up heritage photograph of the district or Royal Willows Hotel. ▪ Pedestrian Entrance/Arcade – i.e., murals or other decorative artwork on the arcade walls, decorative pattern/mural in the arcade concrete floor. <p>In relation to the above, the Proponent would accept a suitably worded consent condition requiring full details of the artwork installation/s be provided at the detailed design phase.</p>
2.7.2.3 Setbacks	
<p>Requirements</p> <ul style="list-style-type: none"> ▪ The minimum building setback to all boundaries for the ground and first floor is zero or as nominated in the Sections 2.1, 2.3 and 2.4 of this plan for Bega, Eden and Merimbula town centres. ▪ Where buildings are required to maintain a minimum front setback of 3.0m or align with existing neighbouring buildings the following applies: <ul style="list-style-type: none"> - Where adjacent buildings have a similar setback, the front setback of the existing adjacent buildings applies. - Where adjacent buildings have different front setbacks, the average setback of the two adjacent buildings applies - Where there are no existing buildings adjacent to a proposed development, a 3m front setback applies. ▪ Where a proposed development abuts a residential zone boundary, a minimum 3m setback for all floors will apply between the proposed development and the residential zone boundary. ▪ Appropriate setbacks will apply to developments adjacent to heritage listed buildings: <ul style="list-style-type: none"> - To provide sufficient separation between a new development and an existing heritage listed building. In this regard the required setback will increase in proportion to the difference in bulk, height and scale of the 	<p>Deemed to comply.</p> <p>The proposed building façade will align with the front boundary line, rather than extending circa 0.5m beyond it as it does currently. This will ensure that the new building aligns with that adjoining to the north, which is noted to be individually heritage listed (I235). As required at Section 5.2.3.1 of the BVDCP 2013, front setbacks are to be equal or greater than adjacent heritage buildings so that they remain prominent in the streetscape.</p> <p>The side setback to the north is proposed to be a minimum of 1.2m. This setback is considered to be appropriate in that the development proposed would not compromise the curtilage or setting of the adjoining heritage building. As detailed in the SOHI prepared by Philip Leeson Architects included with the DA submission, the development proposed will make a sympathetic contribution to the streetscape in terms of built form, amenity, finishes and colours.</p>

Relevant Section	Response
<p>proposed development in comparison to the existing heritage listed building.</p> <ul style="list-style-type: none"> - Setbacks for development adjacent to heritage listed buildings will be in accordance with the requirements of Section 5.2.3.1 of this Plan. ▪ Where a zero setback to the front boundary is proposed, the building above the first floor must be setback a minimum of 5m from the main street frontage. No balconies are permitted to encroach into this setback. Window awnings and other architectural treatments within the 5m setback will be considered if they contribute to the building's design and streetscape. Figures 2.14 and 2.16 illustrate examples of front setbacks for 3 and 4 storey development. ▪ Where a zero setback to the side and rear boundaries is permitted for 3 storey developments, setbacks for all residential development above the second floor will be in accordance with the principles of SEPP 65 Design Quality of Residential Flat Development. Figures 2.14 and 2.15 illustrate examples of side, front and rear setbacks for 3 storey development. ▪ Where a zero setback to the side and rear boundaries is permitted for 4 storey developments, all development above the second floor must be set back a minimum of 6m from the rear boundary, and development above the third floor will be setback a minimum of 6m from the side boundaries. In this regard, the principles of SEPP 65 Design Quality of Residential Flat Development will be taken into consideration. Figures 2.16 and 2.17 illustrate examples of side, front and rear setbacks for 4 storey development 	
PART 5 – GENERAL DEVELOPMENT	
5.1 Aboriginal Heritage	
5.1.1 Application requirements	
<p>Due Diligence Assessment</p> <p>Where a development will disturb the ground surface and/or may impact on Aboriginal cultural or spiritual values, the development application must demonstrate that a Due Diligence assessment has been undertaken by the applicant or a suitably qualified person. This includes (but is not limited to) submitting the following documentation in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW:</p>	<p>Deemed to comply.</p> <p>The Proponent sought advice from the Eden Local Aboriginal Land Council under the 'Due Diligence Code of Practice for the Protection of Aboriginal Objects' to understand whether the proposed works would have the potential to harm Aboriginal objects or values protected under the National Parks and Wildlife Act 1974.</p> <p>The Due Diligence Assessment assessed the potential impact as low and made the following recommendations:</p>

Relevant Section	Response
<ul style="list-style-type: none"> ▪ A statement and results of a basic 200m AHIMS search. Where a site is identified within 200m of the development site the results of an extensive AHIMS search are required. ▪ A statement identifying whether the development site is partially or wholly within the area identified as having a high probability of Aboriginal cultural heritage values on the Aboriginal Cultural Heritage Landscape Map (see Figure 5.1b). ▪ A statement indicating whether there are landscape features that indicate the potential presence of Aboriginal objects. Landscape features include foreshore areas, creek lines, rocky areas, wetlands, ridge tops, ridgelines, headlands, sand dunes and caves. Figure 5.1a illustrates several landscape features where there is potential for Aboriginal sites to occur. ▪ A statement indicating if previous Aboriginal Cultural Heritage studies have been undertaken on the subject land. ▪ A statement indicating if the development site is within a declared Aboriginal Place of Significance as listed in Schedule 5 of the Bega Valley Local Environmental Plan 2013. 	<ul style="list-style-type: none"> ▪ If an Aboriginal object is found while undertaking the activity the proponent must stop work and notify the NSW DPIE – an AHIP may need to be sought. ▪ If human skeletal remains are found, the Proponent must stop work immediately, secure the area to prevent unauthorised access and contact the NSW Police and NSW DPIE. ▪ During earthworks being conducted in preparation for construction of the proposed development an Aboriginal sites officer from the Eden Local Aboriginal Land Council should be present to observe. This is to ensure that if, whilst unlikely, any Aboriginal objects are uncovered during this phase of works they can be accurately identified, and immediate advice can be provided on how to proceed. <p>Refer to the Aboriginal Due Diligence Assessment prepared by the Eden Local Aboriginal Land Council included with the DA submission for further details.</p>
5.2 European Heritage	
5.2.2 Requirements for Heritage Listed Items	
5.2.2.1 General Requirements	
<ul style="list-style-type: none"> ▪ In accordance with Clause 5.10 of the LEP, Council will not grant consent to a development application unless it has made an assessment of the impact of the proposal on the heritage significance of the place, including historic, architectural, aesthetic, cultural, social, technological, landscape, archaeological or other features of the place including its setting. ▪ Where a development may have significant impact on a heritage item or Heritage Conservation Area, Council may request the applicant to provide a full Heritage Impact Assessment prepared by an appropriately qualified person. 	<p>Deemed to comply.</p> <p>As detailed at Section 4.5.1 of this SEE Report, the subject land is not listed on the State Heritage Register and neither the Royal Willows Hotel nor the associated structures are listed as a heritage item under Schedule 5 of the Bega Valley Local Environmental Plan 2013. Notwithstanding, the subject land lies within the Pambula Main Street Heritage Conservation Area and is situated within proximity to a number of heritage listed properties.</p> <p>Given the above, the Proponent engaged David Hobbs of Philip Leeson Architects – an experienced heritage management professional, to guide the development proposal in close consultation with Council staff (including Council’s Heritage Consultant – Trevor King). This included several site inspections, meetings with the Proponent, their consultant team and Council staff and a series of advices, design reviews, and recommendations for materials and finishes.</p>

Relevant Section	Response
	<p>This process culminated in the preparation of a SHOI, which is included with the DA submission. The main conclusions of the SOHI are:</p> <ul style="list-style-type: none"> ▪ The development proposal is extensive and will result in substantial change to the existing conditions both on the Quondola Street frontage and to the rear. ▪ Whilst the existing reproduction hotel façade is sympathetic to the streetscape character and valued by some, it is not original or authentic and has no intrinsic heritage value. ▪ The proposal has been guided by an experienced heritage management professional in close consultation with Council. ▪ The proposed design is for a high-quality building which makes a modern yet sympathetic contribution to the streetscape in terms of form, amenity, finishes and colours. ▪ The visual impact of the building and carpark proposals at the rear will be mitigated by retention of mature trees and by new tree plantings. ▪ The proposed design strikes a reasonable balance between respecting the recognised heritage significance and general design character of Quondola Street and accommodating the complex functional requirements of a supermarket and bottle shop. <p>Finally, it is important to note that an assessment by Council's heritage advisor confirms that little original fabric in the hotel remains and that the building is not fit for purpose. The existing façade, while sympathetic to the heritage streetscape, is not an exact copy of any historical phase of the building. It contains no significant fabric and has no intrinsic heritage value. Therefore, the building is highly unlikely to meet thresholds for heritage listing. Council has also confirmed that there are no plans to consider heritage listing for any existing structures on the subject land.</p>
5.2.3 Requirements for Development in the Vicinity of Heritage Items	
5.2.3.1 General Requirements	
<p>Requirements</p> <ul style="list-style-type: none"> ▪ Subdivision and the development consequences arising from subdivision will not compromise the curtilage or setting of significant places. ▪ New development within the vicinity of heritage places will have due regard to the character and significance of the heritage place and will be sympathetic in terms of character, scale, height, form, siting, materials, colour and detailing. For more detail see the publication Design in Context – Guidelines for Infill 	<p>Deemed to comply.</p> <p>As detailed previously, the subject land is within proximity to a number of heritage listed properties.</p> <p>With reference to assessment provided in the SHOI included with the DA submission, the development proposed is considered to be acceptable in relation to its potential impact on heritage items within the vicinity of the site. The following reasons are noted in point:</p>

Relevant Section	Response
<p>Development in the Historic Environment available free from the NSW Heritage Office website.</p> <ul style="list-style-type: none"> ▪ New buildings in the vicinity must not dominate the heritage item by virtue of their height, scale, bulk or proximity and in general will be of a similar height or less than the neighbouring heritage place. ▪ New buildings may "borrow" architectural elements or design from its historic neighbours such as roof pitch, corrugated iron roofing or weatherboard walls. However in some instances it may be acceptable to interpret traditional design concepts in a modern way, rather than copy existing buildings. ▪ New development will not obstruct important views or vistas to buildings and places of historic and aesthetic significance. ▪ Front setbacks will generally be equal to or greater than adjacent heritage buildings so that heritage buildings remain the prominent items in the streetscape. ▪ Where a structure is unable to achieve a suitable design standard, for example because of its utilitarian or specific nature, it is to be lower, set back from adjacent structures and incorporate screening. ▪ Side setbacks, where applicable, will be generous to ensure that new development does not compromise heritage buildings nor their curtilage or setting. ▪ Visible side elevations must be articulated (broken up) if greater than 15 metres or so in length. The articulation can take the form of a rebate in the wall, possibly in combination with a full height change of wall material. ▪ Fence requirements for listed items will apply to the common boundaries of the listed place and places in its vicinity. ▪ Depending on the scale of work proposed, Council may require a building and streetscape character analysis, elevation, and definition of suitable envelope, all of which must be discussed with Council prior to undertaking detailed design 	<ul style="list-style-type: none"> ▪ The bottle shop has been located to the southern side of the proposed commercial building and the entry and driveway are as discrete as possible. The necessary advertising signage will be restricted to within the driveway apron, under the awning and away from the Quondola Street frontage. Therefore, it will be far less visually intrusive than the existing intrusive bottle shop structure. ▪ The proposed commercial building has been carefully designed as a continuation of the Quondola Street shopfronts. ▪ The façade aligns with the front boundary line, rather than extending circa 0.5m beyond it as it does currently. The proposed commercial building will therefore align with the adjacent building. ▪ The proposed commercial building will be obviously new but will, in its materials, finishes and colours, carefully reflect the significant heritage attributes of the streetscape without being a faux reproduction. ▪ The street awning reflects the established scale and height of adjacent awnings and is continuous across the street façade. ▪ A decorative parapet extends across the street façade and incorporates art deco design motifs to match those adjacent. This extends around the south side, where it is seen on pedestrian and vehicle approach from the south. ▪ The shopfronts of the proposed building comprise consistent glazing in black frames with blue tiled base walls and pillars reflecting 1920s /1930s materials and colours. ▪ The overall colour scheme combines rust red and cream which echoes that of the existing reproduction of the Royal Willows Hotel façade. ▪ Pedestrian access to the proposed commercial building is provided discretely via an inviting arcade which forms part of the shopfront to Quondola Street. ▪ An opportunity is provided for public amenity and a stopping point at a licensed café on the Quondola Street frontage.
5.2.4 Requirements for development of non-heritage listed places in Heritage Conservation Areas	
5.2.4.1 General Requirements	
<p>Requirements</p> <ul style="list-style-type: none"> ▪ New or infill development on vacant land in a Heritage Conservation Area will be sympathetic with surrounding heritage buildings. For more detail see the 	<p>Deemed to comply.</p> <p>As detailed previously, the subject land lies within the Pambula Main Street Heritage Conservation Area.</p>

Relevant Section	Response
<p>publication Design in Context – Guidelines for Infill Development in the Historic Environment available free from the NSW Heritage Office website.</p> <ul style="list-style-type: none"> ▪ New buildings may be “of the time in which they are built” and not reproductions of earlier historic building styles. ▪ The height, scale and bulk of new development will not adversely impact on heritage places within the Heritage Conservation Area or on the character of the Heritage Conservation Area in general. ▪ New development will maintain the historically significant pattern of development within the Heritage Conservation Area. ▪ Materials and colour of new buildings must be sympathetic with the prevailing heritage character of the area. ▪ Front setbacks will generally be equal to or greater than prevailing setbacks so that heritage and contributory buildings remain the prominent items in the streetscape. ▪ Side setbacks will generally be consistent with prevailing setbacks elsewhere in the Heritage Conservation Area. ▪ New development will not obstruct important views or vistas to buildings and places of historic and aesthetic significance. ▪ Fences within Heritage Conservation Areas and around individually significant buildings must reflect the style of fence that was typical of the historic period. ▪ Ribbed metal sheet fencing must not be used within Heritage Conservation Areas or around a significant place unless it is at the rear of the property and will not be readily visible from the public domain. Traditional corrugated galvanized iron may be appropriate if suitably detailed. ▪ Contributory items must be sympathetically restored so that their contribution to the overall character of the Heritage Conservation Area or streetscape is enhanced. ▪ Where a structure is unable to achieve a suitable design standard, for example because of its utilitarian or specific nature, it is to be lower, set back from adjacent structures and incorporate suitable screening. 	<p>With reference to assessment provided in the SHOI included with the DA submission, the development proposed is considered to be acceptable in relation to its potential impact on the Heritage Conservation Area. The following reasons are noted in point:</p> <ul style="list-style-type: none"> ▪ The new commercial building as seen from Quondola Street is of a modern design that is sympathetic to the historic character of the streetscape in terms of its form and scale. For instance, geometric forms, which echo the Art Deco character of adjacent buildings, have been incorporated into the design and the use of overly decorative treatments, such as scrolls, brackets, curved roofs etc., have been avoided. ▪ The bottle shop has been located to the southern side of the proposed commercial building and the entry and driveway are as discrete as possible. The necessary advertising signage will be restricted to within the driveway apron, under the awning and away from the Quondola Street frontage. Therefore, it will be far less visually intrusive than the existing intrusive bottle shop structure. ▪ The proposed commercial building has been carefully designed as a continuation of the Quondola Street shopfronts. ▪ The façade aligns with the front boundary line, rather than extending circa 0.5m beyond it as it does currently. The proposed commercial building will therefore align with the adjacent building. ▪ The proposed commercial building will be obviously new but will, in its materials, finishes and colours, carefully reflect the significant heritage attributes of the streetscape without being a faux reproduction. ▪ The street awning reflects the established scale and height of adjacent awnings and is continuous across the street façade. ▪ A decorative parapet extends across the street façade and incorporates art deco design motifs to match those adjacent. This extends around the south side, where it is seen on pedestrian and vehicle approach from the south. ▪ The shopfronts of the proposed building comprise consistent glazing in black frames with blue tiled base walls and pillars reflecting 1920s /1930s materials and colours. ▪ The overall colour scheme combines rust red and cream which echoes that of the existing reproduction Royal Willows Shotel façade. ▪ Pedestrian access to the proposed commercial building is provided discretely via an inviting arcade which forms part of the shopfront to Quondola Street.

Relevant Section	Response
	<ul style="list-style-type: none"> ▪ An opportunity is provided for public amenity and a stopping point at a licensed café on the Quondola Street frontage. ▪ The building form to the rear has been kept as simple as possible. Two roof skillions with highlights admit natural south light but are largely unseen from the public domain. ▪ The apparent scale of the two storey rear walls is moderated by the use of smooth concrete base walls painted a neutral 'khaki' colour, which forms a solid base to the upper walls of precast concrete panels, relieved with an off form miniorb imprint and painted cream. ▪ The long south wall is broken up by the alternating use of cream miniorb imprinted concrete panels and sections of 'green wall'. ▪ To the rear the visual impact of the expanse of new carpark is relieved by the retention of a group of existing nature trees and by new substantial tree plantings at regular intervals.
5.2.4.2 Garages	
Requirements <ul style="list-style-type: none"> ▪ Attached garages to new dwellings must be set back a minimum of 900mm from the front face of the dwelling. ▪ Where facing the street, the roof form of a garage attached to a new dwelling must not to be a continuation of the main roof, but rather be articulated to reduce its scale and bulk. ▪ Garages facing the street must be set beneath an awning or verandah roof to further reduce their visual impact. ▪ Garage doors, (especially double garage doors) must be selected / designed to harmonise with the house and the streetscape. 	Deemed to be not relevant. Garages are not proposed.
5.2.4.3 Significant Streetscape Elements	
Requirements <ul style="list-style-type: none"> ▪ Significant streetscape features including footpaths, grass verges, granite kerbs, gutters and formal street planting will be managed to conserve their contribution to the heritage value of items, areas and streetscapes. ▪ New work such as driveway cross-overs will be done in a manner that minimises adverse impacts on the heritage value of the streetscape. 	Deemed to comply. New work within the streetscape (i.e., driveway crossovers, footpaths) will be done in a manner that minimises adverse impacts on the heritage value of the streetscape.

Relevant Section	Response
5.2.5 Additional Requirements for Rural Village Heritage Conservation Areas	
<p>Requirements</p> <ul style="list-style-type: none"> ▪ Roofs will be predominantly pitched or skillion in form. Flat roofs are generally not appropriate in the village Heritage Conservation Areas. ▪ Roof pitch will generally be in excess of 25 degrees although shallower slopes are appropriate for skillions, verandas etc. ▪ New roof material will be corrugated metal. Neither tiles nor modern ribbed metal sheet profiles are appropriate for the Heritage Conservation Area, other than in restoration work. ▪ Buildings within the Heritage Conservation Area will generally be single storey, although undercrofts are appropriate where slope permits and where not readily visible from the public domain. ▪ The use of attic spaces and dormer windows may be appropriate and must be modelled on historic examples in the Heritage Conservation Areas. ▪ The height of new buildings and additions above natural ground will not exceed that of the average of adjacent heritage buildings. ▪ The palette of building materials will generally draw on those used in the village for which development is proposed. 	<p>Deemed to comply.</p> <p>The development proposed is considered to be consistent with the requirements of Section 5.2.5 of the BVDCP 2013 as follows:</p> <ul style="list-style-type: none"> ▪ The proposed commercial building incorporates a decorative parapet above the awning line across the Quondola Street frontage, which echoes that of the adjacent buildings. The main roofline is largely concealed behind the parapet and generally comprises a low-pitched form with two (2) roof skillions with highlight windows to admit natural light into the building. ▪ The proposed roof material is corrugated metal, being colourbond 'shale grey'. ▪ As it presents to Quondola Street, the proposed commercial building is single storey. Given the sloping topography of the site, a basement/under-croft level car parking area with an associated building entrance is proposed to be provided, which would not be readily visible from the Quondola Street public domain. ▪ The height of the proposed commercial building would not exceed that of the adjoining and adjacent heritage buildings. ▪ The proposed materials and colour palette has been informed by the materials and colours in the existing streetscape, typical 1920s/1930s Art Deco colours, and the cream and rust red colours on the existing Royal Willows Hotel building.
5.2.3 Access and Mobility	
5.2.3.1 Access and Mobility Impact Assessment	
<p>The Commonwealth Disability Discrimination Act 1992 and accompanying Disability (Access to Premises-Building) Standards 2010 set out the requirements for equitable access to buildings, facilities and services in Australia.</p> <ul style="list-style-type: none"> ▪ When assessing development applications Council requires compliance with Australian Standards 1428 - Design for Access and Mobility (Parts 1 and 2) and the intent and implications of the Disability Discrimination Act 1992, as well as the relevant requirements of this plan. ▪ Supporting documentation concerning the impacts on access and mobility may be required by Council in the form of an Access and Mobility Assessment lodged with the development application. In some cases a formal assessment 	<p>Deemed to comply.</p> <p>The development proposed has been designed so as to achieve compliance with the following:</p> <ul style="list-style-type: none"> ▪ Disability Discrimination act 1992. ▪ Disability Access to Premises Standards 2010. ▪ Applicable Australian Standards AS1428.1:2009, AS1428.4.1:2009 and AS2890.6:2009. ▪ Building Code of Australia. ▪ BVDCP 2013.

Relevant Section	Response
<p>by a suitably qualified person in relation to access and mobility assessment and compliance with the Disability Discrimination Act 1992 will be required.</p> <ul style="list-style-type: none"> ▪ Council may refer specific public space development applications to its Access Advisory Committee for comment. 	
5.4 Social and Economic Impacts	
5.4.1 Social and Economic Impact Assessment	
<ul style="list-style-type: none"> ▪ In order to assess the impact of certain developments on the community a statement of the social and economic impacts of the development, known as a socio-economic impact assessment, will be provided with the development application for applicable development types. 	<p>Deemed to comply.</p> <p>A Social and Economic Impact Assessment (SEIA) has been prepared by DFP Planning Pty Ltd and is included with the DA submission to demonstrate due consideration of the likely social and economic impacts of the development proposed. In doing so, the SEIA demonstrates consideration of the statutory planning objectives, economic drivers and competitive landscape in relation to the development proposed so as to appreciate its need and appropriateness within the Pambula Town Centre and regional context.</p> <p>The SEIA concludes that the development proposed will have a positive social and economic influence within the Pambula Town Centre and the regional context. The following reasons are noted in point:</p> <ul style="list-style-type: none"> ▪ At present, there is only a very small neighbourhood supermarket 'Foodworks', which is available to service Pambula and the surrounding community. This supermarket has limited stock availability due to the lack of storage and display facilities. As a result, the community is forced to travel to other town centres for groceries and for a wider choice of products. Similarly, the existing bottle shop is also very small and has only limited stock. ▪ The development of a new and larger supermarket facility with integrated loading dock areas, together with a larger bottle shop and licensed café, will revitalise this part of the Pambula Town Centre and result in more expenditure from the local community being retained within the Town Centre. The provision of an 'anchor' facility such as a supermarket within the Town Centre will have significant and positive 'knock on' impacts for other businesses within the Centre as a result of more activity and retained expenditure. ▪ There is sufficient expenditure available from the local community and other sources, such as tourists and passing trade, to support the proposed development.

Relevant Section	Response
	<ul style="list-style-type: none"> ▪ The development proposed has been designed to respect the form and scale of adjoining and adjacent heritage items within the Pambula Main Street Heritage Conservation Area. ▪ The development proposed demonstrates an investment in design that would ensure that urban change creates amenity, diversity and a more sustainable built form within the Pambula Town Centre setting. ▪ Promotes sustainability by replacing an existing and very small supermarket facility, which is currently located within an existing building that is not fit for purpose, and that is unable to meet current and anticipated customer demands. ▪ Increased employment opportunities associated with the operation of the new development.
5.5 Sustainable Design Principles	
5.5.1 Sustainable design requirements	
<ul style="list-style-type: none"> ▪ All development is encouraged to achieve best practice in addressing SDPs from the design stage through to construction and operation. ▪ A Sustainable Design Management Plan (SDMP) is required for the following developments: commercial development greater than 1,500m², development of 4 or more storeys, residential subdivision for 5 or more allotments and developments of 10 or more dwellings (including units). ▪ The principles of sustainable design are outlined in Table 5.1. 	<p>Deemed to comply.</p> <p>The Proponent is committed to achieving best practice in sustainable design and construction and to ensure the long-term sustainability of the building by reducing its environmental impact throughout its service life. Specifically, the Proponent is focussed on the following key areas:</p> <ul style="list-style-type: none"> ▪ Reduced energy consumption through best practice initiatives and the investigation of the offset of energy consumption with application of renewable energy technologies. ▪ Reduced water consumption and the offset of non-potable water demands through the application of rainwater harvesting and re-use systems. ▪ Enhanced health and wellbeing through the avoidance of materials, which contribute to poor indoor air quality. <p>Noting the above, it is likely that the following sustainable initiatives will be further investigated as part of the detailed design phase:</p> <ul style="list-style-type: none"> ▪ Photovoltaic (PV) renewable energy generation. ▪ Energy recovery to HVAC systems and outside air rates to provide better indoor air quality. ▪ Best practice lighting and the broad application of LED technology and advanced lighting control systems.

Relevant Section	Response
	<ul style="list-style-type: none"> ▪ Rainwater harvesting and reuse system for non-potable water applications. ▪ High water efficiency fixtures and fittings to reduce water demand. ▪ Low VOC finishes and products (i.e., paints and floor coverings). ▪ Implementation of an electric car charging station. ▪ Recyclables collection (i.e., NSW Government 'Return and Earn' scheme and relevant infrastructure). ▪ Installation of 'green walls'. <p>Supermarket development can be exceptionally energy, water and emissions intensive. Implementing sustainability initiatives (like those detailed above) are likely to measurably impact greenhouse gas emissions, water consumption and operating costs, minimising lifecycle costs for the benefit of the Pambula Town Centre.</p> <p>The lifecycle of the building has also been a major consideration as the Proponent is likely to retain ownership of the building and provide the premises to a supermarket operator (i.e., 'Foodworks') under a management licence. This ownership interest is driving additional expenditure in the building fabric and fittings that are commensurate with a long-hold asset to minimise operational and maintenance expenses during the life of the building.</p> <p>Further details in relation to the Proponent's commitment to sustainability is provided in the Sustainable Management Plan, which is included at Appendix 1 to this SEE Report.</p>
5.6 Tree and Vegetation Preservation	
5.6.3 Council Approval Process – Vegetation Permit	
<p>The following is prescribed vegetation for which clearing requires a Vegetation Permit to be issued by Council.</p> <p>All native vegetation is declared for the purposes of this part.</p> <p>Native vegetation including the following types of plants native to New South Wales:</p> <ul style="list-style-type: none"> ▪ Trees (including sapling or shrub or any scrub) ▪ Understorey plants ▪ Groundcover (being any type of herbaceous vegetation) ▪ Plants occurring in a wetland. <p>Application</p> <p>This Section applies to land in the following zones: RUS Village, R2 Low Density Residential, R3 Medium Density Residential, R5 Large Lot Residential, B1 Neighbourhood</p>	<p>Deemed to comply.</p> <p>As detailed previously, the proposal requires the removal of a number of trees to facilitate the construction of the development proposed.</p> <p>As per the Preliminary Arboricultural Assessment prepared by Canopy Tree Experts included with the DA submission, the removal of the trees as proposed requires the consent of the Bega Valley Shire Council.</p> <p>Overall, the removal of the trees is considered to be supportable based on the following:</p> <ul style="list-style-type: none"> ▪ The proposed landscape concept will soften and enhance the visual quality of the development. ▪ The proposed landscape concept will supplement the existing trees to be retained through the provision of additional trees within the site. The

Relevant Section	Response
Centre, B2 Local Centre, B4 Mixed Use, IN1 General Industrial, IN2 Light Industrial, SP2 Infrastructure, SP3 Tourism, RE1	<p>additional trees will be of a suitable species to soften the impact of the built form and to provide visual relief to the urban condition.</p> <ul style="list-style-type: none"> The removal of the trees on site is necessary to facilitate development of a scale and density that is appropriate for this location within the Pambula Town Centre. <p>Refer to the Preliminary Arboricultural Assessment prepared by Canopy Tree Experts included with the DA submission for further details.</p>
5.8 Planning for Hazards	
5.8.1 Flood Planning	
5.8.1.2 Requirements for Development at or below Flood Planning Level	
<ul style="list-style-type: none"> Buildings and structures will be designed and constructed with appropriate water resistant materials. Building foundations will be designed by a suitably qualified geotechnical engineer to be suitable for grounds with potentially reduced bearing capacity under flood conditions. Development must comply with the principles of ecologically sustainable development taking into account floodplain ecology and integrity. Any fill or excavation must be minimised and must not adversely affect neighbouring properties or the overall flood behaviour and flood storage volume. Development in areas designated as flood storage is not permitted unless it can be demonstrated that there will be no decrease in net flood storage available on the site. All development applications must demonstrate that the proposed structure can withstand the force of floodwater, debris and buoyancy through a report prepared by a suitably qualified and experienced engineer. All habitable rooms within residential development must be at or above the flood planning level. Flood free access is required for all dwellings, caravan parks, schools, hospitals and other public building. No excavated underground car parking in commercial and industrial development is permitted on land at or below the flood planning level. Ground floor parking is however appropriate 	<p>Deemed to be satisfactory.</p> <p>Refer to the comments provided at Clause 6.3 of the BVLEP 2013 included at Section 4.5 of this SEE Report.</p>

Relevant Section	Response
<ul style="list-style-type: none"> All development applications for industrial and commercial development must be supported by a flood emergency plan. Appropriate warning and advisory signage must be prominently visible at entry/exit points 	
5.8.2 Coastal Hazards	Deemed to be not relevant. The subject land is not located within a coastal area.
5.8.3 Contaminated Land	
5.8.3.1 Requirements	
<ul style="list-style-type: none"> Development will only be approved on land where Council has made an assessment of any land contamination that may have resulted from a previous use. Where contamination is identified, remediation will be undertaken in accordance with the Managing Land Contamination Planning Guidelines, SEPP55 – Remediation of Land and the Contaminated Land Management Act 1997 and a Verification Report provided to Council. 	Deemed to comply. Refer to the comments in relation to contamination at Section 4.4 of this SEE Report.
5.8.4 Bushfire Prone Land	Deemed to be not relevant. The subject land is not identified as bushfire prone.
5.8.5 Climate Change	
5.8.5.1 Guidelines	
<p>Council recognises the likely impacts of climate change including; increased hot days, increased severe weather, more extreme droughts and floods and storm surges.</p> <p>Council is not yet in a position to determine what land may be impacted by sea level rise, coastal processes, flooding and rising water table, or impacts of higher temperatures, possibility of bushfire events. Until the required investigations and studies are completed, this Plan recommends that people building new homes in any low lying area near the coast or a waterway, or in the more remote and vegetated areas should exercise caution and discretion in commissioning designs for new homes and design and construct development to ensure environmentally sustainable buildings that can more easily cope with climate change over time.</p> <p>In some locations as knowledge is improved, climate change impacts may require mandatory controls to be applied.</p> <p>The introduction of the carbon tax and a growing awareness of gasses that impact on climate change will increase the costs of carbon rich goods and services, particularly the cost energy from non-renewable resources and new building materials. This plan includes</p>	Deemed to comply. As noted previously, the subject land is located away from areas of known high biodiversity values, high bushfire and flooding hazards, contaminated land and designated waterways, which reduces the possible exposure to future climate related risks.

Relevant Section	Response
requirements and guidelines to enable small scale renewable energy generation and reduce energy consumption as well as encourage the reuse of building materials.	
5.9 Off-Street Car and Bicycle Parking	
5.9.1 General Requirements	
<ul style="list-style-type: none"> Development applications of a traffic generating nature may be referred to the relevant Traffic Authorities. Council may determine parking requirements for such developments with due regard to the representations made by these authorities. Where off-street parking for business or industrial developments cannot be provided in accordance with this Section, Council may accept a financial contribution instead in accordance with Council's Planning Agreements Policy. Any car parking matters not considered in this Section will be provided in accordance with "Guide to Traffic Generating Developments" from the New South Wales Government's Roads and Maritime Services. Parking spaces must be designed in accordance with Australian Standards 2890.1 and 2890.2 for the 99th percentile vehicle. The minimum vertical clearance for car parking areas is 2.3m. A larger vertical clearance may be required for the provisions of delivery or other vehicles. Bicycle parking facilities will be designed in accordance with Australian Standard 2890.3 1993 	<p>Deemed to comply.</p> <p>A Traffic Impact and Parking Assessment (TIPA) has been prepared and is included with the DA submission to demonstrate due consideration and assessment of the following:</p> <ul style="list-style-type: none"> Road network servicing the site and existing land uses surrounding the site. Availability of public transport. Potential traffic implications of the development proposed. Car and bicycle parking requirements. <p>In summary, the TIPA concludes the following in relation to the development proposed:</p> <ul style="list-style-type: none"> The proposal includes the provision of 98 car parking spaces within the proposed at-grade and under-croft car parking area, which exceeds Council's minimum requirements by 24 spaces. The BVDCP 2013 requires the provision of nine (9) bicycle parking spaces and nil (0) motorcycle parking spaces. Four (4) bicycle parking spaces and one (1) motorcycle parking space have been provided within the under-croft car parking areas. It is considered that there is sufficient room on-site for the additional bicycle parking spaces to be provided as required. The proposed development will include one (1) loading bay on the eastern side of the building for the supermarket and one (1) loading bay on the western side of the building for the bottle shop. The supermarket loading bay will accommodate vehicles up to 20m long Articulated Vehicles and the loading bay for the bottle shop will accommodate vehicles up to 12.5m long Heavy Rigid Vehicles. The operations of the loading docks will be managed under a PoM to ensure safe and efficient vehicle movements. The access to the site is proposed to be via a two-way driveway from Merimbola Street and a left out only driveway onto Quondola Street for bottle shop customers only. The parking areas of the site have been assessed against the relevant sections of AS2890.1:2004, AS2890.2:2018 and AS2890.6:2009 and have been found to

Relevant Section	Response
	<p>satisfy the objectives of each standard with the exception of the minor required changes detailed in Annexure F of the TIPA.</p> <ul style="list-style-type: none"> The traffic generation of the proposed development has been estimated to be some 73 vehicle trips (36 IN, 37 OUT) and 196 vehicle trips (97 IN, 99 OUT) during the Thursday AM and PM peak, respectively. The impacts of the traffic generation have been modelled using SIDRA INTERSECTION 9.0, indicating that there will be no detrimental impact to the performance of the intersections as a result of the generated traffic.
5.9.2 Specific Requirements – Development Types	
5.9.2.4 Commercial Development	
<ul style="list-style-type: none"> Of the car parking spaces required a minimum of one disabled persons space is to be provided per development, plus 1 per 25 spaces designed in accordance with the Australian Standard 2890.6 In medium and larger sized developments a minimum of 2 per 50 car parking spaces are to be designated for people using wheelchairs, 3 in 50 car spaces are to be designated for Seniors, and 2 in 50 car parking spaces are for parents with prams. Parking spaces designated for accessible car parking, seniors and parents with prams shall be located as near as possible to the main accessible entrance of the building and linked by an accessible path of travel. An accessible path of travel will link accessible car parks with the development. Pedestrian flow in car parking areas will be an integral part of the design and pedestrians must be separated from vehicular traffic wherever possible. Use of lighting must be considered where night use is involved. Parking will be located on the site of the development in places where readily accessible to principal staff and/or customer entrances and will not be located within any setback area to a street. Car parking may not be accessed directly from Carp Street in Bega, Market Street in Merimbula or Lamont Street in Bermagui. Where rear laneway or alternative access to allotments facing Carp Street in Bega, Market Street in Merimbula or Lamont Street in Bermagui cannot be achieved, Council will consider negotiating a planning agreement to enable a payment in lieu of the provision of the on-site parking required for retail and 	<p>Deemed to comply.</p> <p>The development proposed is considered to be consistent with the requirements of Section 5.9.2.4 of the BVDCP 2013 as follows:</p> <ul style="list-style-type: none"> Under the Building Code of Australia (BCA), the development proposed would be classified as Class 6 – ‘A shop or other building for the sale of goods by retail or the supply of services direct to the public’. In relation to the provision of disabled car parking under the BCA for a Class 6 building, 1 space for every 50 car parking spaces (or part thereof) is required to be provided. With reference to the Architectural Plans included with the DA submission, two (2) disabled parking spaces designed in accordance with AS2890.6 are proposed to be provided. If the proposed development is considered by Council to be a medium-large development, then it would require the provision of four (4) disabled car parking spaces, six (6) seniors car parking spaces and four (4) car parking spaces for parents with prams. As noted above, the proposal provides two (2) disabled car parking spaces as well as nil (0) seniors car parking spaces and nil (0) car parking spaces for parents with prams. Notwithstanding, the addition and allocation of disabled, seniors and parent parking spaces can be easily achieved (if required by Council) within the car parking areas considering the excess parking provided. As required, the car parking spaces designated for accessible car parking, seniors and parents with prams can be located within proximity to the proposed building entrance (including the escalator and lift core) and linked via an accessible path of travel.

Relevant Section	Response																											
<p>commercial floor space in the development in accordance with Council’s Planning Agreements Policy.</p> <ul style="list-style-type: none">▪ All car parking for residential floor space in mixed use developments must be provided onsite and no payment for these spaces will be accepted.▪ Council may accept car parking on adjoining or nearby land owned by the applicant provided that the adjoining or nearby land is:<ul style="list-style-type: none">- appropriately zoned; and- consolidated with lands the subject of the development, or a restriction to user placed on nearby land so as to effectively tie such land to the development; and- the parking provided is of equal benefit as if it were on the development site.▪ Visitor spaces will be clearly marked and will not be used for stacked parking.▪ The layout of parking areas will be designed so that parking spaces remain available and accessible. Residents must have unrestricted access to designated parking areas at all times.	<ul style="list-style-type: none">▪ To promote pedestrian safety, the car parking areas will be suitably lit during the day and night-time hours. Designated pedestrian pathways and crossings are also proposed to be provided to further enhance pedestrian safety.▪ As noted above, the development proposed is seeking to provide all required car parking spaces on-site. Therefore, the existing car parking within the Pambula Town Centre is not needing to be relied upon.▪ The development proposed is seeking to provide a surplus of car parking (circa 24 spaces), which will be of benefit to the Pambula Town Centre (as a whole), which is currently affected by an undersupply of car parking.▪ The layout of the car parking areas has been designed to ensure that all of the car parking spaces remain available and accessible at all times during standard operational hours. After hours, the car parking areas would be secured via an electronic barrier system, which can be opened via a keypad or remotely operated. Appropriate signage would be provided on-site to warn customers that the site is secured after hours and that vehicles would be towed as/if required.																											
5.9.3 Calculating the Required Number of Car Parking Spaces																												
<ul style="list-style-type: none">▪ The number of off-street parking spaces to be provided on-site for specified land use is set out in Table 5.5. Council will determine a requirement for uses not referred to in the table according to the merits of the case.▪ All development applications will contain a calculation plan that maps and shows the area in m2 of each section of the gross floor area.▪ Where it can be demonstrated that in mixed use developments the time of a peak demand for the various facilities do not coincide, Council will consider a reduction from the requirements for the individual uses assessed separately.▪ Depending on land use type, parking for delivery/service vehicles, courier vehicles, bicycles, buses, taxis may also be required.▪ For mixed use developments the number of car and bicycle parking spaces must be calculated on the basis of each separate use; e.g. shops with housing above would be calculated on the basis of the number of dwellings and gross floor area.	<p>Deemed to comply.</p> <p>The following Table is a reproduction of that included in the TIPA and details the relevant car parking requirements for each relevant component of the development proposed (per m²).</p> <table><tr><th>Use</th><th>Scale</th><th>Rate</th><th>Parking Required</th><th>Parking Provided</th></tr><tr><td>Supermarket</td><td>1,263m²*</td><td>1 per 25m²</td><td>50.5</td><td rowspan="4">98</td></tr><tr><td>Licensed Café</td><td>205m²</td><td>1 per 25m²</td><td>8.2</td></tr><tr><td>Drive-through Bottle Shop</td><td>300m²</td><td>1 per 25m²</td><td>12</td></tr><tr><td>Ancillary Office</td><td>82m²</td><td>1 per 25m²</td><td>3.3</td></tr><tr><td colspan="3">TOTAL</td><td>74</td><td>98</td></tr></table>	Use	Scale	Rate	Parking Required	Parking Provided	Supermarket	1,263m²*	1 per 25m²	50.5	98	Licensed Café	205m²	1 per 25m²	8.2	Drive-through Bottle Shop	300m²	1 per 25m²	12	Ancillary Office	82m²	1 per 25m²	3.3	TOTAL			74	98
Use	Scale	Rate	Parking Required	Parking Provided																								
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TOTAL			74	98																								

Relevant Section	Response
<ul style="list-style-type: none"> Calculations must be rounded upwards to the nearest whole number e.g. if the calculation determines that 2.3 spaces are required then 3 spaces would be required. Where the nature of the development requires the preparation of a parking study, the applicant will be required to review the parking demands of a similar development in a similar location as a basis for establishing the likely parking demands for the proposed development. 	<p>NOTE: * This area includes 896m² supermarket trading, 212m² supermarket store, 97m² supermarket produce preparation and 58m² supermarket cool rooms. It excludes 16.4m² supermarket produce cool room and 65m² supermarket 'back-of-house' egress. If these areas were to be included, then the area of the supermarket would be 1,344.4m². This would equate to a requirement for 54 car parking spaces (or 3 more than that shown above).</p> <p>As detailed above, strict application of the BVDCP 2013 requires the provision of 74 car parking spaces. The development proposed includes provision for 98 car parking spaces, which represents a numerical surplus of some 24 car parking spaces. If the additional supermarket area is included (see NOTE above), then the surplus would be reduced to 21 car parking spaces.</p> <p>The additional car parking would be of benefit to the broader Pambula Town Centre, which is noted to have an undersupply of centrally located and convenient car parking.</p>
PART 6 ENGINEERING REQUIREMENTS	
6.2 Parking and Driveways	
6.2.1 General Requirements	
<ul style="list-style-type: none"> Access to parking areas will be designed to minimise conflict between pedestrians, cyclists and traffic. Council may require road and traffic management works to ensure safe access to parking areas. Where developments front a busy road, access to rear lanes (if available) must be provided. Driveways will be located to the street with the lowest traffic volume. In particular, driveways will not be located opposite a 'T' intersection or closer than 6m to an intersecting street as measured from the property boundary, but preferably 9m to an intersecting street as measured from the property boundary. Parking areas and driveways are to be designed, surfaced and graded to reduce run off and allow stormwater to be controlled on site or disposed of to the Council controlled drainage system. Driveway design will make provision for service vehicles where applicable. 	<p>Deemed to be satisfactory.</p> <ul style="list-style-type: none"> The main vehicular access to the development proposed is to be provided via Merimbola Street (i.e., lower order road) with a driveway connection provided to Quondola Street for the drive-through bottle shop and heavy vehicle access between 6am and 8am. The drive-through bottle shop when used by customers will be restricted to a left-out only and restricted to bottle shop customers only via appropriate signage and line marking. Heavy vehicles will enter the site via Quondola Street between 6am and 8am outside of the operational hours of the bottle shop. This arrangement is proposed noting that the narrow width of the site (circa 40m) made manoeuvring a 20m long Articulated Vehicle within the site impracticable. The proposed arrangement therefore enables the provision of one-way on-site circulation of heavy vehicles (i.e., enter via Quondola Street and exit via Merimbola Street). Access to the site by heavy vehicles (i.e., left turn into the site via Quondola Street) would be outside of the network peak and would not impact traffic flow efficiency or safety along Quondola Street. Refer to Section 4.3 of the TIPa included with the DA submission for further details.

Relevant Section	Response
	<ul style="list-style-type: none"> ▪ The driveways and car parking areas have been designed to reduce run off from the site and to enable stormwater to be controlled on-site before being discharged into the Council controlled drainage system. Refer to the Engineering Documentation prepared by Andrew Marshman & Associated Pty Ltd included with the DA submission. ▪ The driveways will be utilised by service vehicles accessing the loading/unloading dock. On this basis, the driveways and driveway crossovers have been designed so as to cater for the largest service vehicle that would access the site (being a 20m long Articulated Vehicle).
6.3 Soil and Stormwater Management	
6.3.1 General Requirements	
<ul style="list-style-type: none"> ▪ The development will incorporate the principles of water sensitive urban design. These include minimisation of impervious surfaces and provision for the collection, reuse and management of stormwater to reduce reliance on potable water and ensure that predevelopment water quality is maintained or enhanced in post-development runoff. ▪ The management of water must address cumulative environmental impacts and be carried out in accordance with the objectives of integrated water cycle management. ▪ In order to minimise land degradation, water pollution and damage to infrastructure from accumulated sediment, development must be constructed in a manner which minimises erosion and sedimentation to current best practice. ▪ Interallotment drainage systems will be designed and constructed to minimise the number of allotments using each easement so that maintenance responsibilities are as simple as possible. As a general rule, each interallotment drainage easement must serve no more than two allotments, except where no feasible alternative exists. ▪ Subdivisions will be designed so that stormwater flows for rainfall events of a 100 year average recurrence interval (ARI) and greater can pass without causing damage to property and infrastructure. Stormwater flows for events larger than the 5 year ARI for residential development and 10 years for commercial and industrial development are not required to be contained within piped drainage systems however the overflow path must be planned, 	<p>Deemed to comply.</p> <p>A Stormwater Drainage Concept has been prepared by Andrew Marshman & Associates Pty Ltd and is included with the DA submission to detail the water sensitive urban design (WSUD) approach that is proposed to be adopted as part of the development strategy.</p> <p>As detailed previously, the Proponent is committed to achieving best practice in sustainable design and construction and to ensure the long-term sustainability of the building by reducing its environmental impact throughout its service life. As detailed in the assessment of Section 5.5 of the BVDCP 2013 above, the Proponent is currently investigating options to reduce water consumption through the application of high water efficiency fixtures and fittings and rainwater harvesting and re-use systems for non-potable water applications.</p>

Relevant Section	Response
<p>clearly evident on the site and contained within suitable easements, public reserves and road reserves.</p> <ul style="list-style-type: none"> Subdivisions in zones R2, R3, RU5, B1, B2, B4, IN1, IN2, SP2 and SP3 will be designed and constructed to produce no net increase in peak stormwater flows downstream, generally through the use of on-site stormwater detention facilities, and re-use of stormwater on site. The development of land within Wonboyn Village must achieve best practice soil and water management controls as detailed in the report: "Stormwater, Septic and Water Leachate Management Plan Wonboyn Lake" 4 April 2005. The report is available on request from Council. 	
6.4 Utility Services	
6.4.1 General Requirements	
<ul style="list-style-type: none"> Where land being subdivided is identified by Council as being within the Development Servicing Plan for Water Supply or identified by Council as being within the Development Servicing Plan for Sewerage all lots will be provided with access to these services. The subdivider will provide the reticulation mains and all works necessary to enable these mains to operate, including reservoirs, trunk mains, pumping stations, telemetry systems and any associated works, all at no cost to Council. Any existing water services and any existing internal sewer drainage lines are to be wholly within the boundaries of the allotment they are to serve. Easements for services may be required to allow public utility services. Electricity substations and telecommunications service multiplexers will be located within suitable easements and will not be located within public road reserves. Where development other than subdivision requires sewerage or water supply works outside of normal connection to existing mains, Council will select the appropriate equivalent service requirements. 	<p>Deemed to comply.</p> <p>The subject site is currently connected to all available reticulated utilities.</p> <p>The development proposed is to be connected to all available reticulated utilities and includes the installation of a 315kVA pad-mount substation adjacent to the Merimbola Street frontage. As required, the substation would be located within a suitable easement.</p>

4.8 Planning Agreements

Is the application and development of the land subject to a planning agreement (existing/proposed) ☐ Yes ☒ No

Planning Agreements

Comments

No further comment required.

4.9 The Regulations

Regulations

- Does the proposed development involve demolition? ☒ Yes ☐ No
- Does the proposed development involve the construction of a manor house or multi dwelling housing (terraces) ☐ Yes ☒ No
- For development involving the rebuilding, alteration, enlargement or extension of an existing building, is it considered appropriate to require the upgrading of the existing building to ensure fire safety standards ☐ Yes ☐ No ☒ N/A
- For the erection of a temporary structure will the fire protection and structural capacity be appropriate and will the surface on which the structure is to be erected suitable to sustain the structure while in use ☐ Yes ☐ No ☒ N/A

Comment

The proposed development involves the full demolition of the existing Royal Willows Hotel, bottle shop and motel units.
Accordingly, the demolition process will need to be carried out strictly in accordance with AS 2601-2001 and Work Health and Safety Regulation 2011.

4.10 Coastal Zone Management Plan

Is the land subject to the application located within an adopted coastal zone management plan? ☐ Yes ☒ No

4.11 Likely Impacts of the Development

4.11.1 Environmental Impacts - Natural

Is this proposal satisfactory, having consideration to the impact on the environment in terms of:	
Landforms	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Drainage/hydrology/watercourses	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Water quality	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Vegetation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Erosion and sedimentation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Marine environment	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Other	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Comments Drainage/Hydrology/Watercourses/Water Quality Refer to the relevant discussions at Section 4.5 and 4.7 of this SEE Report as well as the Civil Engineering Plans prepared by Andrew Marshman & Associated Pty Ltd and Van Leeuwen and Associated Pty Ltd included with the DA submission. Vegetation Refer to the discussions at Sections 4.1 and 4.2 of this SEE Report. Erosion and Sediment Control Soil and water management controls in accordance with the Landcom publication 'Managing Urban Stormwater: soils and construction 4th Edition' 2004 (the Blue Book) would need to be installed and maintained to the satisfaction of the Bega Valley Shire Council. The more typical pathway to address erosion and sediment control is at the Construction Certificate stage of the process following the finalisation of detailed architectural and engineering designs for the project. An Erosion and Sediment Control Plan should be submitted to and endorsed by the Principal Certifying Authority as part of any subsequent application for the issue of a Construction Certificate. Following endorsement, the Plan should be implemented during the demolition and construction phases of the development to the satisfaction of the Principal Certifying Authority.	
Is the proposal satisfactory having regard to:	
Provision of landscaping	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Preservation of existing vegetation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Setbacks to watercourses/riparian buffers	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Provisions of any property vegetation plan	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A

Comments

Provision of Landscaping

Refer to the discussions at **Section 3.4** and **4.7** of this SEE Report and the Landscape Plans prepared by Place Logic included with the DA submission.

Provision of Existing Vegetation

Refer to the discussions at **Sections 4.1** and **4.2** of this SEE Report.

4.11.2 Biodiversity Considerations

Biodiversity Considerations

Will the proposed development involve clearing native vegetation ☐ Yes ☒ No ☐ N/A

Will any part of the proposed development take place on land nominated on the Biodiversity Values Map ☐ Yes ☒ No ☐ N/A

Will any proposed clearing exceed the nominated threshold for the land ☐ Yes ☐ No ☒ N/A

Is the application supported by a development biodiversity assessment report ☐ Yes ☐ No ☒ N/A

Comments

Refer to the comments at **Section 4.2.1** of this SEE Report.

4.11.3 Environmental Impacts – Hazards

Is the proposal satisfactory having regard to:

Soil instability/subsidence/slip/mass movement, uncompacted fill ☐ Yes ☐ No ☒ N/A

Contaminated land provisions or listings ☒ Yes ☐ No ☐ N/A

Other ☐ Yes ☐ No ☒ N/A

Comment

Contaminated Land

Refer to the relevant discussions at **Sections 4.4** and **4.6** of this SEE Report.

4.11.4 Environmental Impacts – Built

Is the proposal satisfactory having regard to:	
Impact on adjoining land and the locality?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
The amenity of the area?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Appearance from public spaces?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Noise/lighting impacts on adjoining developments or roads etc?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Existing noise sources?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
The scenic qualities and features of the landscape and streetscape?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
The design, scale and character of the area?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Sunlight and overshadowing?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Visual impact?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
View sharing?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
The positioning of buildings?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Boundary treatments, retaining walls and impact on neighbouring buildings	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Is the road system adequate to cater for any increase in traffic movements generated by the proposal?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Is vehicular access satisfactory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Is carparking provided and adequate?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Is a carparking contribution appropriate?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Has the availability, accessibility and adequacy of public transport been considered in the assessment of this proposal?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Is pedestrian access satisfactory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Comment Adjoining Land, Amenity and Scenic Qualities Refer to the relevant discussions at Sections 2 and 4.7 of this SEE Report, the Landscape Plans prepared by Place Logic and the Architectural Plans prepared by Gordon Building Design included with the DA submission. Waste Management – Demolition and Construction An integral component to the development process is the preparation and adoption of a waste management plan which clearly details the following:	

- The volume and type of waste to be generated by the works
- How the waste materials are to be managed, stored and treated (recycled/directed to landfill) on-site during the demolition and construction phases of the redevelopment
- How residue waste is to be disposed of and where.

Given the many variables that would be associated with the demolition/construction phases of the project, it is difficult to accurately enumerate the full nature and extent of any waste generation as part of the development assessment and determination process.

The more typical pathway to address the management of waste generation is at the Construction Certificate stage of the process following the finalisation of detailed architectural and engineering designs for the project. An operational waste management plan should be submitted to and endorsed by the Principal Certifying Authority as part of any subsequent application for the issue of a Construction Certificate. Following endorsement, the plan should be implemented during the demolition and construction phases of the development to the satisfaction of the Principal Certifying Authority.

A suitable condition could be imposed on any subsequent development consent granted for the project.

Waste Management – Operation

Based on the development proposed, the waste streams expected to be generated would be general waste and commingled recycling – i.e., single-sort recycling.

The waste storage area is proposed to be contained within a dedicated area in the loading/unloading dock so as to ensure convenient servicing by waste collection vehicles. The designated area would be designed so as to minimise odour, deter vermin, protect surrounding areas and to ensure that it is a user-friendly and safe area. Appropriate signage would also be installed so as to clearly identify the waste/recycling stream and what can and cannot be disposed of in the relevant receptacle.

It is expected that an Operational Waste Management Plan would be prepared at the detailed design phase and lodged as part of any future application for the issue of a Construction Certificate. At that time, other initiatives such as participation in Council's commercial FOGO (Food Organics Garden Organics) scheme can be investigated with greater confidence.

Noise Impacts

Refer to the Environmental Noise Assessment prepared by Day Design Pty Ltd included with the DA submission. The Assessment states that provided the recommendations are satisfactorily implemented, then the level of noise emitted from the proposed development would be able to meet the relevant noise requirements of the NSW Noise Policy for Industry.

Traffic and Parking

Refer to the relevant discussions at **Section 4.7** of this SEE Report and the Traffic Impact and Parking Assessment prepared by McLaren Traffic Engineering and Road Safety Consultants included with the DA submission.

4.11.5 Social and Economic Impact

Will the proposal have a social and economic impact

☒ Yes ☐ No ☐ N/A

Comment

Refer to the relevant discussions at **Section 4.7** of this SEE Report and the Social and Economic Impact Assessment prepared by DFP Planning Pty Ltd included with the DA submission.

4.11.6 Public Interest

Would approval of the development be in the public interest?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Have the principles of ecologically sustainable development been considered in the assessment of this development under the <i>Environmental Planning & Assessment Act 1979</i> ?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Has the precautionary approach been considered in the assessment of this development?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Have the potential impacts of sea level rise been considered in the assessment of this development?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A

4.12 Crime Prevention Through Environmental Design

Will the proposed development satisfy the Principles of Crime Prevention Through Environmental Design? ☒ Yes ☐ No ☐ N/A

Comment

There are four principles that need to be considered as part of proposed development for the purpose of minimising the opportunity for individuals to participate in anti-social behaviour and crime. They are:

- **Surveillance Measures**

Opportunities for anti-social behaviour and crime can be reduced by providing opportunities for effective surveillance by creating sight lines between public and private places and maximising natural surveillance and by providing appropriate lighting and landscaping.

- **Access Control**

The principle of access control is to use physical and symbolic barriers to attract, channel or restrict movement of people to minimise opportunities for anti-social behaviour and crime by increasing the effort required to commit the act or offence.

- **Territorial Reinforcement**

The principle revolves around community ownership of public spaces and the creation, promotion and maintenance of public spaces, which the public feel comfortable in using. Well used public spaces act as a deterrent against anti-social behaviour and crime as they reduce the opportunity to commit the act or offence. Designing with clear transitions and boundaries between public and private spaces is essential.

- **Activity and Space Management**

This principle is linked to the principle of territorial reinforcement and ensures that spaces are appropriately utilised and well-cared for. Space management strategies include activity co-ordination, site cleanliness, timely repair of vandalism and graffiti, the replacement of lighting to name a few.

The subject development proposal has been developed with regard to its contribution to the achievement of Crime Prevention through Environmental Design (CPTED) principles, and the site and its surrounds have been considered in the context of existing and proposed activities in this location and their potential to contribute to crime prevention strategies to improve safety at this part of the Pambula Town Centre.

The development proposal as an activity generator has the potential to contribute to crime prevention outcomes through the implementation of the following CPTED principles:

Lighting

Lighting plays a vital role in crime protection and personal safety.

Internal and exterior lighting would be appropriately engineered and located to mitigate shadowing effects and to provide adequate and consistent levels of lighting across all areas of the development (inclusive of the adjoining landscaped open space areas) during night-time use.

All entries/exits to the proposed development and all accessible paths of travel within the development would be appropriately illuminated to delineate pedestrian and vehicle access and to ensure personal safety, security of the asset and regulatory compliance.

As relevant, lighting will be designed in accordance with Australian Standards AS1158 (Part 2 and Part 3.1) and AS4282.

Areas within the proposed development that are not intended for night-time use will not be illuminated so as to deter use.

Fencing

The characteristics of fencing is important and should ensure personal safety and the security of the asset.

New fencing is proposed to be provided to the rear and side boundaries (behind the building alignment) so as to secure the site from un-authorised access after-hours. As shown on the Architectural Plans included with the DA submission, 1.8m high fencing would be provided to the majority of the rear and side boundaries.

Car Parking

The siting and design of on-site carparking and associated driveway areas is critical to their safe, effective and efficient day and night-time use.

Several security measures are proposed to be incorporated into the car parking areas to ensure the safety of customers and visitors. These would generally include uniform lighting coverage (preferably with energy-efficient light fixtures) and closed-circuit television (CCTV) cameras. Access into the site is proposed to be secured via electronic gates to Merimbola Street and the driveway ramp to Quondola Street, which can be opened via a keypad or remotely operated. The gates will secure the site after hours. All gates will remain open during the trading hours for the supermarket and Bottle Shop and will be closed and secured after hours.

Entrapment Spots and Blind Corners

Ensuring personal safety within the site is paramount. Accordingly, it is important to eliminate these areas of potential conflict through careful design of buildings and facilities and their spatial relationships both internal and external to the site.

Entrapment spaces within the proposed development have been minimised by sensible design and detailing of the building façades, both internally and externally to open spaces, and around the building. Plantings have been selected to allow visibility into open space areas and minimise opportunities for concealment. This will be supported by regular maintenance to trim and prune plantings as required.

Landscaping

The design, establishment and ongoing maintenance of landscaping is of paramount importance if both passive and active surveillance within the development and its immediate curtilage is to be effectively managed.

Proposed landscape treatments across the site would not obscure views along networked pedestrian paths, adjoining roads and property entrances. The landscaping treatments within the proposed development would be sited and species selective to ensure longevity and ease of maintenance whilst enhancing streetscape character, public amenity and passive surveillance opportunities.

Movement Predictors

Movement predictors are routes which people move through on a regular and predictable basis.

The proposed pedestrian routes are open and direct and would enjoy high levels of passive surveillance when viewed from adjacent areas.

Pedestrian access throughout the proposed development has been carefully considered and designed to integrate with management practices to effectively restrict access to areas, which are not intended to be accessible to the public.

Entrances

The entrance to any type of development must be sited and designed to facilitate their safe, effective and efficient use. They need to be prominent and identifiable so as to promote their quick and convenient use whilst limiting the opportunity to engage in anti-social behaviour.

The main pedestrian entrance to the proposed development would be from Quondola Street. The access, being integrated into the design of the front façade of the building, would be well-defined and would promote ease of access for all user groups.

Clear sight lines from building to the public domain would be facilitated by the use of glazing in the shopfronts and building entrances and suitable exterior lighting.

Materials and Finish

Building materials and finishes should be of an appropriate quality and detailed in a manner to reduce opportunities for graffiti and vandalism, facilitate cleaning and replacement and avoid facilitating illegal access to the building and to services.

Where appropriate, durable building materials would be used in the construction of the development proposed to ensure cost efficient ease of maintenance and/or replacement over the buildings' lifetime.

The selective use of building materials and proposed would effectively deter the incidence of vandalism and unauthorised graffiti/street art and would help secure the building against unauthorised access.

4.13 Pre-Lodgement Consultation

4.13.1 Bega Valley Shire Council

The development proposal has been the subject of comprehensive consultation with the Bega Valley Shire Council, including the following:

- **Heritage Advisor Report dated 6 June 2018** – Prepared by Trevor King, which noted the following:
 - The demolition of the Royal Willows Hotel is not supported.
 - Allow for the sensitive adaptation of the existing structures and infill development where appropriate.
 - Retain the heritage and streetscape character of the heritage conservation area.
- **DAP Meeting held on 21 June 2018** – Attended by Mark Fowler (BVSC Acting Planning Coordinator), Cecily Hancock (BVSC Town Planner), Will Nichols (BVSC Senior Development Engineer), David Rodgers (BVSC Water & Sewer Assets Engineer), Rob Quick (BVSC Strategic Planner), Erin Kluit (BVSC Planning Assistant), Steven Gordon and Maureen Gibbons (Gordon Drafting Service) and Kel and Jeanette Stolzenhein (Proponent).

The following was noted at the meeting:

- The hotel itself is not heritage listed but is located within the Pambula Main Street Heritage Conservation Area, and adjacent to heritage listed premises. Development would need to be sympathetic to the surrounding streetscape.
 - A qualified heritage consultant be engaged to guide the design and to create a Heritage Impact Statement, to provide advice on the bulk and scale of the building and for tying the faced treatments into the heritage precinct, signage accessibility and materials.
- **Heritage Advisor Report dated 8 February 2019** – Prepared by Trevor King following a site inspection with Cecily Hancock (BVSC Coordinator Planning) and Kel and Jeanette Stolzenhein (Proponents). The Report noted the following:
 - Only a small section of the original façade remains and a substantial portion of the existing structure is composed of later additions of medium to poor quality.
 - Re-development of the property should be developed in consultation with a town planner and suitable qualified heritage consultant / architect.
 - Ongoing commercial viability as a hotel is seriously open to question and the owner's right to pursue a change of use or re-development option is both fair and reasonable.
 - The front wall of any new building should be constructed back behind the property line.
 - Interpretation by way of a heritage café at the front of the building with tables on the footpath.
 - Create an active street frontage on Quondola Street perhaps by way of a small arcade.
 - Demolition of the bottle shop and relocation to the south side of the building.

- New works should be seen as contemporary structures and should not seek to falsely historicise their character and materiality, but should respect the character and visual setting in the Conservation Area.

A copy of the Heritage Advisor's Report is included as Appendix 1 to the SOHI prepared by Philip Leeson Architects included with the DA submission.

- **DAP Meeting held on 30 January 2020** – Attended by Rob Quick (BVSC Town Planner), Jonathon Pyke (BVSC Coordinator Environmental Health and Building), Will Nichols (BVSC Senior Development Engineer), Rickee Marshall (BVSC Coordinator Property and Facilities), Sophie Thompson (BVSC Coordinator Strategic Planning), Suzanne Charnock (BVSC Development Specialist), Steven Gordon and Maureen Gibbons (Gordon Drafting Service) and Kel and Jeanette Stolzenhein (Proponent).

The following were agreed at the meeting:

- Council is broadly supportive of the proposal to demolish the existing buildings on the site and to re-develop with a green supermarket, bottle shop, café and possibly other retail tenancies.
- Council understands and accepts “in principle” the economic argument that refurbishing the existing pub is unviable. It will require a statement outlining the economic and social impacts of the proposal.
- Trevor King confirmed that having examined the existing building in more detail he agrees that it has largely lost its integrity, and that while the current façade is traditional it has no relation to the original building.
- Cecily Hancock advised that Council has no plans to heritage list the existing buildings.
- The redevelopment must be sympathetic to the historic character of Quondola Street.
- The new building must align with the front boundary on Quondola Street, noting that the existing structure is located circa 0.5m forward of the building line.
- There should be an awning over the footpath, ideally with posts for the greatest length of frontage possible, which continues the established pattern of awnings down Quondola Street.
- The length of frontage given up to vehicle entry should be kept to a minimum.
- The frontage should be ‘active’ as far as possible, i.e., glazed shopfronts, not blank walls.
- The café could have some outdoor seating within a semi open loggia behind the boundary line.
- The bottle shop and associated activities should be as unobtrusive as possible from Quondola Street.
- There should be an inviting pedestrian arcade entry to the supermarket and to any other retail tenancies.
- Ideally one of the retail tenancies on the frontage would be a café/restaurant which takes the opportunity to display interpretative material outlining the history of the site, e.g., old photos, newspaper articles etc.

- The new building as seen from Quondola Street should be of a modern design, but which is sympathetic to the historic character of the streetscape in terms of form and scale. Avoid overly decorative treatments (scrolls, brackets, curved roofs etc). Use geometric forms which echo the Art Deco character of adjacent buildings.
- The bottle shop forecourt should be incorporated into the overall envelope and roofline of the building.
- There should be a parapet above the awning line, on the front boundary, which echoes that of adjacent heritage buildings. The main roof of the building should be largely concealed behind the parapet and take the form of a series of small gables, at least for the front half of the building.
- Council would consider a partial second storey as long as it is set well back from the frontage and the bulk is moderated by an appropriate roof form. This is particularly encouraged if it reduces the overall building length and preserves the mature trees halfway down the block. The trees will help to obscure the building bulk when viewed from the rear.
- The south side of the building, visible from the main street should be broken up down its length by some form of setback or inset and a variety of wall materials.
- Council would prefer that the bulk of the building is not clad in tilt up concrete panels. Ideally a variety of material would be used including smooth rendered painted surfaces, weatherboard or corrugated colorbond.

4.13.2 Pambula Business Chamber

As part of the design development process, consultation with the Pambula Business Chamber was conducted to allow genuine feedback to be incorporated into the design of the development proposed prior to lodgement. The design was presented to members of the Pambula Business Chamber at a General Meeting held on 18 February 2021. At the Meeting, it was noted that the majority of the members were generally supportive of the proposal on the basis that key matters raised could be suitably addressed as part of the DA. Such matters included, heritage impact, colour, traffic and parking, sustainability in design, and stormwater runoff given the site's proximity to the Panboola Wetlands.

The matters raised have been suitably addressed as part of the DA as follows:

- **Heritage Impact** – The design of the development proposal has been guided by an experienced heritage management professional – Mr. David Hobbs of Philip Leeson Architects Pty Ltd and in close consultation with Council staff – in particular, Ms Cecily Hancock (BVSC Planning Coordinator) and Mr. Trevor King (BVSC Heritage Advisor). The process has culminated in the development as proposed and a SOHI prepared by Philip Leeson Architects Pty Ltd, which concludes the following:
 - The development proposal is extensive and will result in substantial change to the existing conditions both on the Quondola Street frontage and to the rear.
 - While the existing reproduction hotel façade is sympathetic to the streetscape character and valued by some, it is not original or authentic and has no intrinsic heritage value.
 - The proposed design is for a high-quality building which makes a modern yet sympathetic contribution to the streetscape in terms of form, amenity, finishes and colours.

- The visual impact of the building and carpark proposals at the rear will be mitigated by retention of mature trees and by new tree plantings.
- The proposed design strikes a reasonable balance between respecting the recognised heritage significance and general design character of Quondola Street and accommodating the complex functional requirements of a supermarket and bottle shop.
- **Colour** – A number of members expressed a dislike for the dominant green trim colours proposed at the time. Subsequently, it was decided to pursue a colour scheme, which reflects the existing colours on the 1982 Royal Willows Hotel façade, with which the community is familiar. The new colours are included as part of the current Application.
- **Traffic and Parking** – The DA is supported by a Traffic Impact and Parking Assessment (TIPA) prepared by McLaren Traffic Engineering and Road Safety Consultants. The TIPA concludes that the development proposed is supportable in terms of its traffic and parking impacts. The following outcomes of the TIPA are relevant to note:
 - The proposal includes the provision of 98 car parking spaces within a proposed on-site carpark, which exceeds Council’s minimum DCP requirements by 24 car parking spaces.
 - Council’s DCP requires the provision of nine (9) bicycle parking spaces and nil (0) motorcycle parking spaces. Four (4) bicycle parking spaces and one (1) motorcycle parking space have been provided within the car parking areas. It is considered that there is sufficient room on-site for the additional bicycle parking spaces to be provided as required.
 - The proposed development will include one (1) loading bay on the eastern side of the building for the supermarket and one (1) loading bay on the western side of the building for the bottle shop. The supermarket loading bay will accommodate vehicles up to 20m long Articulated Vehicles and the loading bay for the bottle shop will accommodate vehicles up to 12.5m long Heavy Rigid Vehicles. The operations of the loading docks will be managed under a PoM to ensure safe and efficient vehicle movements.
 - The access to the site is proposed to be via a two-way driveway from Merimbola Street and a left out only driveway onto Quondola Street for bottle shop customers only.
 - The parking areas of the site have been assessed against the relevant sections of AS2890.1:2004, AS2890.2:2018 and AS2890.6:2009 and have been found to satisfy the objectives of each standard with the exception of the required changes detailed in Annexure F of the TIPA. Swept path testing has been undertaken and is reproduced within Annexure E of the TIPA.
 - The traffic generation of the proposed development has been estimated to be some 73 vehicle trips (36 IN, 37 OUT) and 196 vehicle trips (97 IN, 99 OUT) during the Thursday AM and PM peak, respectively. The impacts of the traffic generation have been modelled using SIDRA INTERSECTION 9.0, indicating that there will be no detrimental impact to the performance of the intersections as a result of the generated traffic.
- **Sustainability in Design** – As detailed in this SEE Report, the Proponent is committed to achieving best practice in sustainable design and construction and to ensure the long-term sustainability of the building by reducing its environmental impact throughout its service life. Specifically, the Proponent is focussed on the following key areas:
 - Reduced energy consumption through best practice initiatives and the investigation of the offset of energy consumption with application of renewable energy technologies.

- Reduced water consumption and the offset of non-potable water demands through the application of rainwater harvesting and re-use systems.
- Enhanced health and wellbeing through the avoidance of materials, which contribute to poor indoor air quality.

Noting the above, it is likely that the following sustainable initiatives will be further investigated as part of the detailed design phase:

- Photovoltaic (PV) renewable energy generation.
- Energy recovery to HVAC systems and outside air rates to provide better indoor air quality.
- Best practice lighting and the broad application of LED technology and advanced lighting control systems.
- Rainwater harvesting and reuse system for non-potable water applications.
- High water efficiency fixtures and fittings to reduce water demand.
- Low VOC finishes and products (i.e., paints and floor coverings).
- Implementation of an electric car charging station.
- Recyclables collection (i.e., NSW Government 'Return and Earn' scheme and relevant infrastructure).
- Installation of 'green walls'.

Supermarket development can be exceptionally energy, water and emissions intensive. Implementing sustainability initiatives (like those detailed above) are likely to measurably impact greenhouse gas emissions, water consumption and operating costs, minimising lifecycle costs for the benefit of the Pambula Town Centre.

Further details in relation to the Proponent's commitment to sustainability is provided in the Sustainable Management Plan, which is included at **Appendix 1** to this SEE Report.

- **Stormwater Runoff** – A Stormwater Drainage Concept has been prepared by Andrew Marshman & Associates Pty Ltd and is included with the DA submission to detail the water sensitive urban design (WSUD) approach that is proposed to be adopted as part of the development strategy.

As detailed previously, the Proponent is committed to achieving best practice in sustainable design and construction and to ensure the long-term sustainability of the building by reducing its environmental impact throughout its service life. Specifically, the Proponent is currently investigating options to reduce water consumption through the application of high, water efficiency fixtures and fittings and rainwater harvesting and re-use systems for non-potable water applications. Details of this would be provided at the detailed design phase lodged as part of any future application for the issue of a Construction Certificate.

4.13.3 Pambula Community

The Proponent did not consult directly with the Pambula community on the basis that a negative and hateful social media campaign had been started using the 'Pambula – Our Town' Facebook Page as well as others. All of the social media posts have been monitored and reviewed as part of the design development process. Whilst the majority of the social media posts were noted to be personal attacks against the current landowners, it is noted that some of the posts did raise concerns in relation to the proposed demolition of the Royal Willows Hotel and its perceived heritage significance. Such concerns have 'planning merit' and have been suitably addressed as part of the DA submission.

Other posts made mention that the Royal Willows Hotel building should be renovated and continue to operate as a pub, that the motel units should also be renovated and be made available for tourist and visitor accommodation, and that the current location of the supermarket is suitable and should remain as is. These matters are addressed specifically below:

- **Renovation and Continuation of the Royal Willows Hotel** – There are many intractable issues associated with the Royal Willows Hotel building including its deteriorated state, fire risk potential (of the building and to adjacent properties), lack of patronage, poor economic performance, high insurance overheads, and other factors including that the front façade of the building is located within the area of the Quondola Street road reserve. These issues are detailed further below:
 - The existing floor structure of the Hotel building is dropping in most areas.
 - The existing roof structure of the Hotel building is sagging in most areas and needs to be replaced.
 - The condition of the existing electrical wiring is poor and is required to be photographed each year for insurance purposes.
 - The condition of the electrical wiring and that the Hotel building and the heritage building adjoining to the north are timber structures, there is a real risk of fire. The existing timber structure also inflates the price of insurance for the building, which is noted to be very expensive and a contributing factor in the unviable state of the Hotel's commercial operations.
 - There are instances of termite attack and dry-rot in some areas of the timber structure.
 - The Hotel building contains asbestos.
 - The existing front façade is located within the Quondola Street road reserve and was rebuilt in the 1980s using coloured photographs as a reference. It is also noted that the 'original' front façade was setback 1.8m from the current positioning of the front façade.
 - The existing kitchen does not meet current acceptable standards.
 - The existing bathrooms are not conducive for disabled access and the sewer becomes blocked during times when there is a large crowd present.
 - The internal roof above the restaurant dining area has recently collapsed without warning.
 - Given the above, almost the entire structure would need to be fully demolished and rebuilt so as to continue the 'pub' use.

- The lack of patronage and poor economic performance of the Hotel's commercial operations is noted to be exacerbated by the localised presence of around 10 other licensed premises, popular food trucks and the recently renovated Commercial Hotel. Further to this, with changes to drink driving laws, smoking in public places and changes to other demographics, licensed hotels now struggle to remain commercially viable.
- If a commercial property has become financially unviable and the cost of renovating/rehabilitating the property cannot be justified against the poor commercial outcomes that may be expected to result, it is unreasonable to require the property owner to incur such costs in the face of little to no return on their investment.
- Further to the above point, if the Royal Willows Hotel was to be renovated/rehabilitated it is highly likely that it would attract patronage away from the Commercial Hotel resulting in two (2) under-performing licensed hotels within the Pambula Town Centre, which would not support the sustainable operation of the town or district as a whole. It may also re-ignite the past 'top pub' versus 'bottom pub' mentality/divide within the community, which existed prior to the closure of the Royal Willows Hotel.
- **Renovation of the Motel Units for Tourist and Visitor Accommodation** – As noted previously, the motel component is typical of the simple motel buildings of the 1950s/1960s. As a whole, the motel building is in very poor condition and the motel units are small and un-inviting. The following is noted in point:
 - The electrical wiring within the motel units is of concern as it is noted to be bare wiring within the existing brick walls. When more than two (2) small appliances are in use, it can cause the electricity to short circuit/stop working.
 - The existing bathrooms have showers that are leaking and a strong smell of sewage, which is also notable in the Hotel building.
 - Air flow within the existing motel units is also noted to be an issue with the presence of mould and mildew.
 - For the motel units to be made available for visitor and tourist accommodation would require substantial renovation/rehabilitation works. Such works are unlikely to result in a viable commercial accommodation outcome given the localised context – i.e., being situated adjacent to an existing service station, which would create noise and odour impacts from the early morning to late at night, and being situated adjacent to the Princes Highway and the traffic noise it generates during all times of the day and night. Further to this, given Pambula's proximity to Pambula Beach, Eden and Merimbula it is likely that tourists would choose to stay there rather than in the Pambula Town Centre – adjacent to a service station and main highway.
 - Given the above, it is unreasonable to expect the property owner to incur extensive renovation costs in the face of little to no return on their investment.
- **Existing Supermarket to Remain** – The existing Pambula 'Foodworks' supermarket is located at No. 19 Quondola Street, Pambula, which is situated approximately 20m to the north of the existing roundabout at the four-way intersection of Quondola Street (north – south) and Toallo Street (east – west). The existing supermarket occupies a small, old timber building with a floor area of approximately 250m². There are no loading/unloading facilities or customer/staff car parking on-site. Given the strong viability and growth of the business, the location of the supermarket is no longer-fit-for purpose – as detailed below:

- There is no loading/unloading facilities. Access to the supermarket for deliveries is only possible via a lease agreement with the adjoining Pambula Medical Centre, whereby one (1) car parking space is rented so as to enable access to the side/rear of the building for loading/unloading and waste collection. Without this agreement, the supermarket would be unable to continue operations as delivery/service trucks would have to park on the street and unload onto/collect from the footpath, which is not an acceptable outcome for a number of reasons.
- It is understood that the current arrangement with the Pambula Medical Centre is causing impact to that business resulting from the use of the car park by delivery/service trucks, pallet storage, garbage bins and customers, which creates significant potential hazards and loss of amenity for patients and staff.
- There is no on-site car parking for supermarket customers or staff. As such, they are forced to park on the street or within the adjoining Medical Centre car park. This has significant implications for the disabled as there are no disabled car parking spaces within proximity to the site.
- Due to the lack of on-site loading/unloading facilities, the deliveries sit on pallets within the Pambula Medical Centre car park. The pallets are then individually un-packed, and the products transferred into the supermarket. This increases the handling of products and the staff required for the viability of the operation.
- The existing floor structure is damaged, and, in some instances, the shelving has fallen through the floor.
- The existing building is of timber construction, which makes obtaining suitable insurance very expensive. The timber structure and existing wiring is of considerable concern as it poses a real risk of fire.
- Electricity consumption is un-sustainably high due the number of old plug-in refrigerators. The existing refrigerators are unable to be easily replaced with new sustainable appliances as they cannot be installed without removing the glazing to the supermarket shopfront – the existing doorways are not wide enough. Further to this, it is unlikely that the existing floor structure would take the weight of the new fit-for-purpose appliances.
- There is also a major issue with heat transfer from the old plug-in refrigerators into the supermarket. A larger air conditioning unit has been installed and is still unable to keep a reasonable constant temperature within the supermarket. This has a flow-on affect for the operation of the refrigerators, which are constantly breaking down. It is also an issue on hot days, whereby stock has been destroyed due to the high temperatures within the supermarket.
- The existing kitchen does not meet current acceptable standards.
- Given the extent of the existing old appliances, the electricity supply to the site is at its maximum limit. This creates an operational problem when appliances/equipment in the kitchen cannot be used until something else is un-plugged.
- Due to the very limited internal floor space, products are single-faced, which increases product handling and the staff needed for the viability of the operation. Further to this, the limited floor area makes the supermarket aisles very tight. For instance, if there is a customer with a trolley within an aisle, no other customer can pass. This has also been an issue during the COVID pandemic whereby no more than four (4) customers were permitted in the shop at any one time so as to comply with social distancing requirements.

- The limited floor area also limits the availability and variety of stocked products. For example, the current supermarket has an average of 7,000 product lines, this increases to 21,000+ for larger supermarkets. On this basis, the community is forced to travel to other centres for groceries and a for a wider selection of products.
- All of the above inhibit the performance of supply and price to the customer, which can affect the continued viability of the supermarket operation.

Further to the above, one (1) written submission supporting the development proposed has been received and is included as **Appendix 2** to this SEE Report. In summary, support for the proposal is provided based on the following:

- The current supermarket has no parking, no loading zone and is located less than 20m from the roundabout carrying traffic through Pambula via the Princes Highway.
- The Proponent, their hardworking family and with the support of the Pambula community, have grown the supermarket business substantially since they took over the ownership.
- The supermarket has outgrown the current site with unfortunate and increasing negative impacts on the surrounding businesses and properties.
- The lack of parking and lack of loading zone has resulted in encroachment on the Pambula Medical Centre carpark by delivery trucks, pallet storage, garbage bins and customers, which create significant potential hazards and loss of amenity for patients and staff.
- Large delivery trucks are noted to have damaged the roof line of the Pambula Medical Centre on several occasions and there is evidence of deterioration in the surface of the carpark from the heavier vehicle use.
- The proposed new site is considered to be an ideal location with benefits for the entire community in terms of safety, access, traffic flow and convenience.

5

Conclusion

This Application proposes the demolition of the Royal Willows Hotel and the construction of a new commercial building at Nos. 35 – 37 Quondola Street, Pambula NSW.

The scope of the proposal has been assessed in accordance with the provisions of all relevant State legislation, the Bega Valley Local Environmental Plan 2013 and Bega Valley Development Control Plan 2013 (as relevant) and has been found to be an acceptable development.

Based on the information contained within this Statement of Environmental Effects and the technical documentation included with the DA submission, there would appear to be no sustainable grounds to refuse the issue of development consent.

Appendix 1 – Sustainable Management Plan

P L A N N E D

30 June 2021

SUSTAINABLE MANAGEMENT PLAN

Project: Proposed Demolition and Construction of New Commercial Building

Description: Preparation of Development Application

Property: Lots 19 and 20 Section 33 DP758825 and Lot 15 DP1204078, Pambula, NSW

Category	Principles as per Section 5.5 of the BVDCP 2013	Proposed Response/Inclusions
Energy	<ul style="list-style-type: none"> Ensure solar passive design including subdivision and layout of building/s on the property Ensure the efficient use of energy Reduce energy peak demand Encourage renewable energy generation Reduce total operating greenhouse gas emissions encourage building materials with low embodied energy 	<ul style="list-style-type: none"> Investigation into the possible inclusion of renewable energy in the form of PV cells to generate energy for the proposed commercial building. Best practice lighting and the broad application of LED technology and advanced lighting control systems. Investigation into the installation of energy efficient fixtures and equipment.
Water Resources	<ul style="list-style-type: none"> Protect and enhance natural waterways and bodies Encourage the collection and reuse of stormwater Ensure the efficient use of water Reduce total operating potable water use Encourage the appropriate use of alternative water sources (e.g. greywater) 	<ul style="list-style-type: none"> Investigation into reduced water consumption and the offset of non-potable water demands through the application of rainwater harvesting and re-use systems. Installation of high water efficiency fixtures and fittings to reduce water usage/demand. Landscape concept that includes drought tolerant and low-water tolerant plant species.
Ecology	<ul style="list-style-type: none"> Protect and enhance biodiversity Protect and enhance existing natural landscapes, heritage, amenity (including visual) and neighbourhood character Provide ecologically sustainable landscapes and natural habitats Protect and manage all remnant indigenous plant communities Encourage the planting of indigenous vegetation Encourage productive gardens 	<ul style="list-style-type: none"> Landscaping within the commercial site is proposed to be increased through the retention of existing and proposed landscape plantings, increasing the overall opportunity for habitat for native birds and fauna. Use of native and endemic plantings as part of the overall landscape concept. The scope of the development proposed involves areas of land that have been exposed to significant disturbance over many years through the operation and normal activities of the existing commercial premises. Accordingly, it is considered that the scope of the works would have no impact on biodiversity values. The plans and plant species are key aspects of the landscape design and will reinvigorate the site with biodiversity considerations in mind – i.e., providing habitat for native birds and fauna and inviting native pollinators back into the landscape.
Stormwater Management	<ul style="list-style-type: none"> Reduce the impact of stormwater run-off Improve the water quality of stormwater run-off 	<ul style="list-style-type: none"> A stormwater management plan has been prepared and accompanies the DA submission

P L A N N E D

	<ul style="list-style-type: none"> ▪ Achieve best practice stormwater quality outcomes ▪ Incorporate the use of water sensitive urban design, including stormwater re-use 	to demonstrate best practice stormwater management and quality outcomes.
Transport	<ul style="list-style-type: none"> ▪ Ensure that the built environment is designed to promote the use of walking, cycling and public transport in that order ▪ Ensure accessibility for all ages and capabilities ▪ Minimise car dependency promote the use of low emissions vehicle technologies and supporting infrastructure 	<ul style="list-style-type: none"> ▪ Proximity to the Pambula Town Centre, which will promote walking and cycling and the use of available public transport. This will help to minimise car dependency. ▪ Inclusion of bicycle parking spaces. ▪ Investigation into the inclusion of an electric car changing station/s.
Waste Management	<ul style="list-style-type: none"> ▪ Ensure waste avoidance, reuse and recycling during the design, construction and operation stages of the development ▪ Consider the durability and long term reusability of building materials ▪ Design the built environment to adapt to future needs in a waste-efficient manner 	<ul style="list-style-type: none"> ▪ Investigation of the possible participation in Council's commercial FOGO (Food Organics Garden Organics) scheme. ▪ Investigation into the provision of a recyclables collection facility (i.e., NSW Government 'Return and Earn' scheme and relevant infrastructure). ▪ The lifecycle of the proposed commercial building has also been a major consideration as the Proponent is likely to retain ownership of the building and provide the premises to a supermarket operator (i.e., 'Foodworks') under a management licence. This ownership interest is driving additional expenditure in the building fabric and fittings that are commensurate with a long-hold asset to minimise operational and maintenance expenses during the life of the building.
Indoor Environmental Quality	<ul style="list-style-type: none"> ▪ Achieve a healthy indoor environment quality for the wellbeing of building occupants, including the provision of fresh air intake, cross ventilation, natural daylight, external views and appropriate levels of lighting ▪ Achieve thermal comfort levels with minimised need for mechanical heating, ventilation and cooling ▪ Reduce indoor air pollutants by use of materials with low toxic chemicals, minimal offgassing and production of allergens ▪ Reduce reliance on mechanical heating, ventilation, cooling and lighting systems ▪ Use flexible internal controls for any mechanical systems ▪ Minimise noise levels and noise transfer within and between buildings and associated external areas 	<ul style="list-style-type: none"> ▪ Commitment to the use of low VOC finishes and products (i.e., paints and floor coverings) where possible. ▪ Energy recovery to HVAC systems and outside air rates to provide better indoor air quality. ▪ Commitment to the provision of indoor planters/plants within appropriate locations.
Innovation and Area	<ul style="list-style-type: none"> ▪ Encourage innovative technology, design and processes in all development, which positively influence the sustainability of buildings and the surrounding area ▪ Integrate effectively buildings with accessibility, landscaping, open spaces, community facilities, natural areas, public and active transport and safety 	<ul style="list-style-type: none"> ▪ Provision of a new and modern commercial building that is accessible and that integrates positively with the Pambula Town Centre. ▪ Integration of public artwork and community facilities such as a centrally located community notices board, first aid defibrillator machine, and a portable visitor and tourist information kiosk.

Appendix 2 – Public Submission

Sian & Rob Morton

PO Box 185

Pambula NSW 2549

13/11/20

TO WHOM IT MAY CONCERN

RE: Pambula Supermarket Development Application/Kel & Jeanette Stolzenhein

Rob & I are writing to enthusiastically support this development application. We own residential property at 15 Quondola Street, Pambula, and commercial property at Lot 8 17 Quondola Street, Pambula, from which we operate Pambula Medical Centre. The current supermarket is located at 19 Quondola Street, Pambula, with no parking, no loading zone and is less than 20m from the roundabout carrying traffic through Pambula via the Princes Highway.

Kel & Jeanette - with the help of their hardworking family and the support of the Pambula community - have grown this business substantially since they took over ownership. Their supermarket provides an important essential service for the local community, tourists and travellers. However it is been abundantly clear for some time that the supermarket has outgrown the current site with unfortunate and increasing negative impacts on our business and our property. The lack of parking and lack of loading zone has resulted in encroachment on our carpark by delivery trucks, pallet storage, garbage bins and customers which create significant potential hazards and loss of amenity (eg availability of parking, pedestrian access) for patients and staff. Large delivery trucks have damaged our roof line on several occasions and there is evidence of deterioration in the surface of our carpark from the heavier vehicles. We gratefully acknowledge that Kel and Jeanette have made every effort within their capacity to minimise these impacts.

Kel & Jeanette Stolzenhein have our full support for their development application, and we believe the proposed site will be an ideal location for their new Pambula Supermarket with benefits for the entire community in terms of safety, access, traffic flow and convenience.

Yours sincerely,



Sian & Rob Morton