

Our ref: STH20/00148/08
Contact: Andrew Lissenden 0418 962 703
Your ref: DA2021.358 (CNR-27441)

24 September 2021

Mark Fowler
Bega Valley Shire Council
BY EMAIL: council@begavalley.nsw.gov.au

DEVELOPMENT APPLICATION 2021.358 (CNR-27441) – LOT 19 AND LOT 20 SEC 33 DP 758825 (NO.37) QUONDOLA STREET, LOT 15 DP 1204078 (NO.36) MERIMBOLA STREET AND LOT 16 DP 1204078, PAMBULA – DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF A COMMERCIAL BUILDING (SUPERMARKET, DRIVE-THROUGH BOTTLESHOP AND CAFÉ) WITH ASSOCIATED CAR PARKING

Dear Mark,

Transport for NSW (TfNSW) refers to the notification it received on 30 August 2021 regarding the above development application (DA).

TfNSW has completed an assessment of the DA, based on the information provided, while focusing on the impact to the state road network. For this DA TfNSW notes:

- the key state classified road is the Quondola Street to which the development is seeking to gain access to (by cars/service vehicles) and from (by service vehicles);
- Council is seeking advice to assist in its assessment under Section 101 of *State Environmental Planning Policy (Infrastructure) 2007*;
- it has previously provided pre DA advice on this proposal (TfNSW emails dated 16 September 2018, 18 September 2018, 23 October 2020 and 23 December 2020);
- the DA will generate additional traffic. The impact of this traffic on the state classified road network needs to be considered and adequately mitigated; and
- concurrence under Section 138 of the *Roads Act 1993* will be required from TfNSW for any works within the Quondola Street road reserve.

Having regard to the above, TfNSW has concerns with the access arrangements that are being proposed to and from Quondola Street. As such, TfNSW requests that the matters outlined in **Attachment 1** be addressed.

TfNSW staff would be happy to be involved in a MS Teams meeting with Council staff and the applicant/their traffic consultant should there be a need to discuss/clarify the comments provided in Attachment 1.

If you have any questions, please contact me on 0418 962 703.

Yours faithfully



Andrew Lissenden
Development Case Officer
Community and Place | South Region

Cc: mfowler@begavalley.nsw.gov.au; and
elizabeth@planned.net.au

1. Servicing:

TfNSW is not supportive of service vehicles larger than a 6.4m long Small Rigid Vehicle (SRV) accessing the supermarket loading dock/entering the site via the left out only driveway onto Quondola Street and the associated reliance on a 'Loading Dock Management Plan' to ensure conflicting movements at the Quondola Street exit and within the development site does not occur.

TfNSW notes that with some rearranging of the car parking area in the vicinity of the supermarket loading bay, the service vehicles for the supermarket would be able to enter and exit via Merimbola Street.

In addition to the above, TfNSW notes that a 12.5m truck entering via Merimbola Street, and going to the bottle shop loading area will be unable to manoeuvre around a semi-trailer that is within the supermarket loading dock (refer to Page 62 of the Traffic and Parking Impact Assessment prepared by McLaren Traffic Engineering & Road Safety Consultants with reference 200630.03FA dated 28 May 2021).

2. Egress via Quondola Street:

TfNSW notes that the Quondola Street access, with the exception of service vehicles, is a left out only driveway for bottle shop customers only. The left out arrangement is to be controlled via signage and line marking.

Noting the lack of a turnaround facility for vehicles leaving the bottle shop and wishing to head north, TfNSW has concerns that without the provision of a physical barrier (i.e. median), signposting and line marking noting the width of the driveway, will not be sufficient to dissuade people who wish to turn right out of the bottle shop onto Quondola Street. TfNSW requests that the median in Quondola Street be extended from where it currently finishes to the south to past the development sites access to physically prevent right turn movements into and out of the development site. The median shall be in accordance with *Austroads Guide to Road Design* requirements and be 1.2m wide. A strategic/concept design for these works will be required. Refer to Point 3 below for additional details.

3. Strategic design of identified upgrades:

Having regard for the comments above a strategic design for the identified upgrades needs to be prepared to clarify the scope of works, demonstrate a compliant design can be constructed within the road reserve, and allow the Council as the consent authority to consider any environmental impacts of the works as part of their Part 4 assessment under the *Environmental Planning and Assessment Act 1979*. This should be prepared before DA determination.

The strategic concept design must:

- Contain sufficient detail to demonstrate an Austroads compliant design can be constructed within the road reserve;
- Be to scale and include, but not be limited to, details on legal property boundaries including the existing road reserve boundaries, existing and proposed lane configurations, existing and proposed lane widths at several locations along the length of the proposed works, conceptual drainage details for any changes required, etc;
- Include a swept path assessment in accordance with Austroad turning templates to demonstrate that all allowed vehicles can maintain egress with required clearances; and
- Be prepared by a suitably qualified person (i.e. civil design engineer).

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30 November 2021

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Dear Mark

Transport for NSW (TfNSW) refers to the notification it received on 16 November 2021 regarding the above development application (DA).

TfNSW has reviewed the additional information provided while focusing on the impact to the state classified road network (i.e. Quondola Street). TfNSW notes:

- Council is seeking advice to assist in its assessment under Section 101 of *State Environmental Planning Policy (Infrastructure) 2007*;
- the additional information has sought to address comments that TfNSW has previously provided in its correspondence dated 24 September 2021;
- the servicing arrangements have been amended so that all service vehicles now enter via Merimbola Street/the local road. The supermarket service vehicles to exit via Merimbola Street, the bottle shop service vehicle to exit via Quondola Street with all servicing to occur within restricted times.
- a 1.2m wide isolated median will be provided within Quondola Street to prevent right turns into and out of the site (refer to **Attachment 1**); and
- concurrence under Section 138 of the *Roads Act 1993* will be required from TfNSW for the works within the Quondola Street road reserve.

On the basis that Council is of the view that the development satisfies the provisions of Section 101 of *State Environmental Planning Policy (Infrastructure) 2007*, TfNSW will not object to the DA subject to the conditions outlined in **Attachment 2** being included in any development consent issued. To assist Council in its assessment and determination of the DA TfNSW also provides some advisory comments in **Attachment 3**. As these comments relate to manoeuvring within the site they are only provided as advice.

TfNSW highlights that in determining the DA under Part 4 of the *Environmental Planning and Assessment Act 1979*, it is the consent authority's responsibility to consider the environmental impacts of any road works which are ancillary to the development. This includes any works which form part of the proposal and/or any works which are deemed necessary to include as requirements in the conditions of development consent.

Depending on the level of environmental assessment undertaken to date, the consent authority may require the developer to undertake further environmental assessment for any ancillary road works.

Upon determination of this DA, it would be appreciated if the Council could send a copy of the Notice of Determination to 'development.south@transport.nsw.gov.au'.

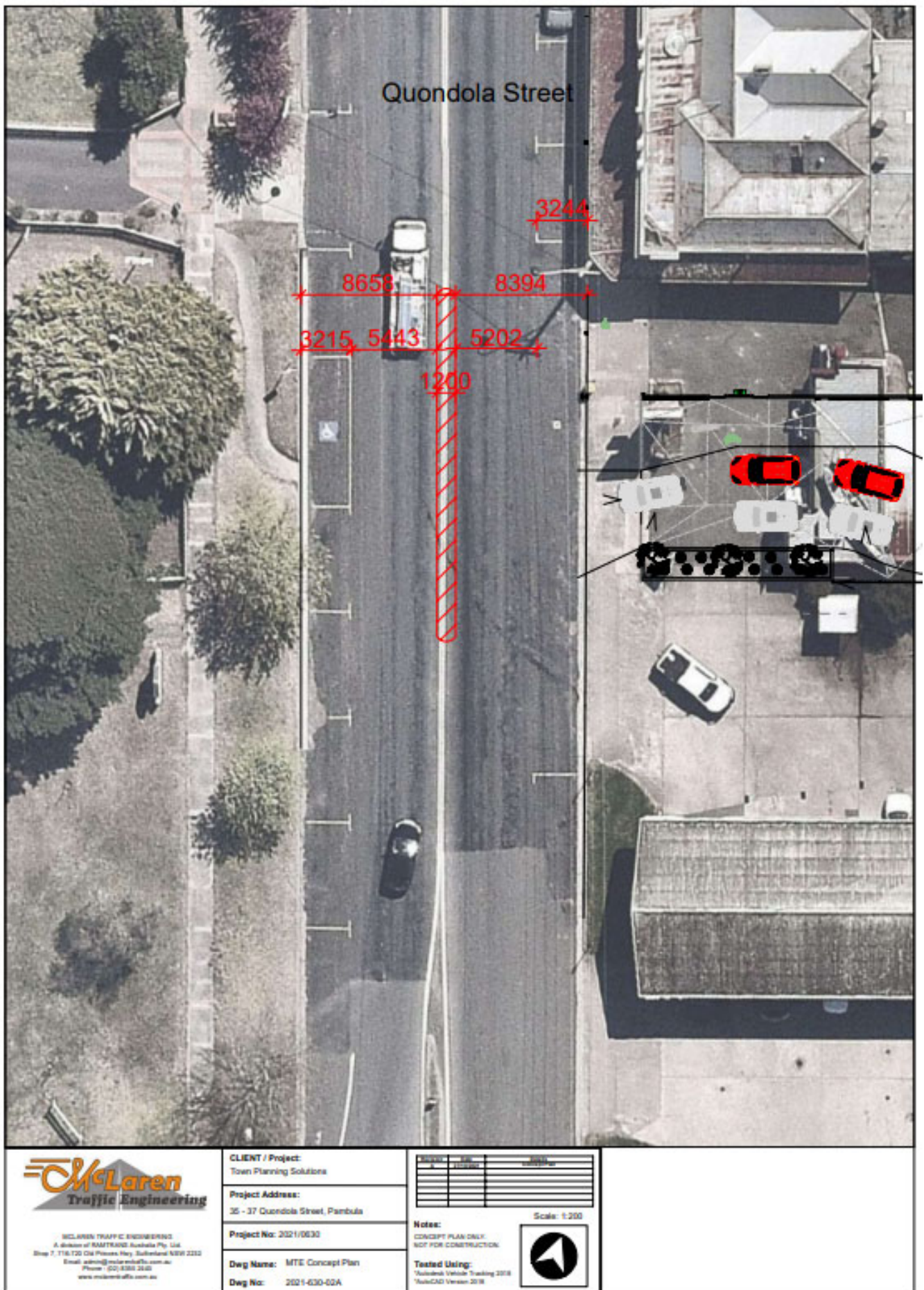
If you have any questions, please me on 0418 962 703.

Yours faithfully



Andrew Lissenden
Development Case Officer
Community and Place | South Region

*Cc: mfowler@begavalley.nsw.gov.au; and
elizabeth@planned.net.au*



1. Prior to the issuing of the Construction Certificate, the developer must:

- a) Enter into a Works Authorisation Deed (WAD) with the TfNSW, or other suitable arrangement as agreed to by TfNSW, for all works within the Quondola Street road reserve as generally shown in Attachment 1 (i.e. the median, amended driveway, etc).

Notes:

- A WAD is a legally binding contract between TfNSW and the developer, authorising the developer to undertake works on a State road.
- To progress the WAD, the developer needs to email a copy of the conditions of development consent to ghyhsrphqwrwkhqC wdvgsrwtqz ljrydx.
- All roadworks and traffic control facilities must be undertaken by a pre-qualified contractor. A copy of pre-qualified contractors can be found on the RMS website at: www.rms.nsw.gov.au/business-industry/partners-suppliers/tenders-contracts/prequalified-contractors.html
- Any new services or modifications to existing services associated with this development application that involve works on, over or under Quondola Street (as defined the area from kerb to kerb) must be incorporated into, and managed under, the Works Authorisation Deed for the project. Note: It is the developer's responsibility to identify these works to the TfNSW project manager.
- More information on WADs can be found at:
zzzlp vtyz ljrydx2rfox hqw2sunhfw2dfwkhhwghyhsrphqwrwkhqC

2. Prior to commencing works within the Quondola Street road reserve, the developer must:

- a) Obtain Section 138 consent under the Roads Act 1993 for the works associated with the WAD.

Notes:

- TfNSW will be exercising its powers under Section 64 of the Roads Act, 1993 to become the roads authority for works associated with the WAD and therefore responsible for issuing the Section 138 consent for those specific works.
- b) Develop and implement a community information strategy in relation to the works, in consultation with, and to the satisfaction of TfNSW.
 - c) Apply for, and obtain a Road Occupancy Licence (ROL) from the TfNSW Traffic Operations Unit (TOU) prior to commencing roadworks within the Quondola Street road reserve or any other works that impact a travel lane of Quondola Street.

Notes:

- For information on the ROL process and to lodge an ROL application, please visit <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>
- The applicant will need to create an account (this may take a few days to register), before submitting the ROL application. The applicant must submit the ROL application 10 business days before commencing work. It should be noted that receiving approval for the ROL within this 10 business day period is dependent upon TfNSW receiving an accurate and compliant TMP.
- The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU.
- An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by TfNSW Project Manager.

3. Prior to the issuing of the Occupation Certificate, the developer must:

- a) Have completed the works within the Quondola Street road reserve to the satisfaction of TfNSW, generally in accordance with the plans approved as part of the Section 138 Consent issued, *Austroads Guide to Road Design* and other relevant standards. Written confirmation must be obtained from TfNSW to confirm that above.

Notes:

- *The pavement design on Quondola Street must be in accordance with Austroads standards.*
- *All works need to be completed at no cost to TfNSW.*

b) Physically close any other existing access points to Quondola Street by reinstating the kerb and gutter.

4. For the life of the development:

- a) All service vehicles must enter from Merimbola Street. The supermarket service vehicles (19m articulated vehicle) shall exit via Merimbola Street with the bottle shop service vehicle (12.5m heavy rigid vehicle) exiting via Quondola Street.
- b) Servicing of the development is to be undertaken wholly within the site and not encroach into the Quondola Street road reserve.
- c) All vehicles must enter and exit the site in a forward direction.
- d) Servicing of the development by both the 19m articulated vehicles and 12.5m heavy rigid vehicles is to occur between 6.00 am and 8.00 am.

1. The turning paths for the 19.0m semi-trailer show the vehicle can manoeuvre into the loading dock but it will take more than one reversing movement. The manoeuvre to get into the loading dock requires the full width of the parking area and relies on traffic control to ensure the space was available and could be carried out safely. TfNSW suggests that any traffic control that is required to be undertaken should be undertaken by a suitably qualified person.
2. Australian Standard (AS) 2890.2, Section 5.3(b) (iii) requires the entire prime mover and semi-trailer to be parallel to and aligned with the service bay. TfNSW notes that If the semi-trailer in the supermarket loading dock was in this position the 12.5m large rigid vehicle would be unable to manoeuvre around it.

Fowler, Mark

From: Melinda White <melinda.white@essentialenergy.com.au>
Sent: Tuesday, 19 April 2022 4:05 PM
To: Fowler, Mark
Subject: RE: DA2021.358 - 35-37 Quondola Street, Pambula and 34-36 Merimbula Street, Pambula

Thank you for seeking comment from Essential Energy in relation to the proposed development at the above property.

Strictly based on the documents submitted, Essential Energy has the following comments to make as to potential safety risks arising from the proposed development.

- The development should be made conditional upon the overhead powerlines being relocated underground to a location approved by Essential Energy and in accordance with Essential Energy's contestable works process.

Essential Energy makes the following general comments:

- If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with; and
- In addition, Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.
- Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995 (NSW)*.
- Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

Should you require any clarification, please do not hesitate to contact us.

Regards,

Melinda White
Senior Conveyancing Officer
Governance and Corporate Services



T: 02 6588 6778 (Extn 86778) | melinda.white@essentialenergy.com.au

PO Box 5730 Port Macquarie NSW 2444 | essentialenergy.com.au

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NSW Police Force

Development Application Review

WEBCOPS Event No: **E 82678726**

RMS Reference: **D/2021/1000955**

DA Reference No: **DA2021.358**

Council: **Bega Valley Shire Council**

Applicant: **Elizabeth SLAPP / Kel & Jeanette STOLZENHEIN**

Private Certifier: Unknown

Property address: **Lot 19 DP 758825, Lot 20 DP 758825 & Lot 15 DP 1204078 – 35 Quondolo Street, Pambula, 37 Quondolo Street, Pambula and 36 Merimbola Street, Pambula**

Proposed development/use of space: **Demolition and construction of a new commercial building (supermarket, drive-through bottle shop, licensed café).**

1. INTRODUCTION

In line with section 4.15 of the New South Wales Planning & Assessment Act 1979 and the New South Wales Planning Guidelines, the below report has been conducted on Development Application **DA2021.358**.

2 CURRENT ENVIRONMENT

The location is currently a hotel/motel and drive-through bottle shop. The motel is currently not in operation. The site is located at 35-37 Quondolo Street, Pambula and through to 36 Merimbola Street, Pambula and is located within a retail/commercial area of Pambula along the main street.

2.1 PROPOSED DEVELOPMENT

The proposed development is for the demolition and construction of a new commercial building including a supermarket, drive-through bottle shop, licensed café and associated on-site car parking, landscaping, new culvert crossing, site services, waste management arrangements, access arrangements, off-site works and other works.

**South Coast Police District
Batemans Bay District Office**

Level One, 13 Orient Street, Batemans Bay NSW 2536.

T 02 44789910 **F** 02 44789911 **W** www.police.nsw.gov.au

TTY 02 9211 3776 for the hearing and speech impaired ABN 43 408 613 180

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For non emergencies

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Report crime anonymously



NSW Police Force

3. CRIME RISK AND IDENTIFIED ISSUES

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

Crime Prevention through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design and structure of cities and neighbourhoods. It reduces opportunities for crime by using design and place management principles that reduce the likelihood of essential crime ingredients from intersecting in time and space.

CPTED employs key strategies. These are Surveillance, Lighting, Access Control, Territorial Reinforcement and Space/Activity Management.

There are no significant crime issues or trends at the current site.

4. POLICE RECOMMENDATIONS

4.1 SURVEILLANCE

Closed circuit television system

It is recommended that a closed circuit television (CCTV) system be installed internally and externally which complies with the Australian Standard – Closed Circuit Television System AS:4806:2006.

The system should be strategically positioned to cover all areas accessible to the public within the building and external areas including entry and exit locations and full coverage of the carpark.

The system should be digitally recorded with computer hard drive back up with a 28 day retention period and capable of being downloaded for the purpose of any investigations by management or police.

Monitors should be positioned within the respective offices and counter areas that are usually staffed. This provides added security by real time surveillance.

Alarms

Security to the building will be enhanced with a comprehensive alarm system to deter and detect intruders.

A duress facility should be incorporated to enable staff to activate in an event of an emergency, such as a robbery, assault on staff, etc. Duress devices should only be operated when safe to activate, so as to not put the staff member at further risk.

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4.2 LIGHTING

Police recommend lighting be installed to the perimeter of the building, walkways and within the carpark to enhance public safety. Lighting in the carpark areas is to be sufficient to provide clear definition of people and vehicles. Lighting should operate during the operational hours of business and include security lighting during non-operational hours.

4.3 LIQUOR LICENCE

The venue currently has a hotel liquor licence through Liquor & Gaming NSW number LIQH400112386. The proposed new development includes a licensed café and bottle shop which will require a review of the liquor licence.

4.4 TRADING HOURS

We note that the application specifies the hours of trading as follows and we request this be a condition of consent.

Proposed hours are 7:00am to 9:00pm seven (7) days per week.

4.5 ACCESS CONTROL

The site plans indicate perimeter fencing to the proposed carpark. To restrict access to the proposed carpark during non-operational hours, we request that there be physical gates to lock the carpark for vehicles and pedestrians.

4.6 TERRITORIAL REINFORCEMENT

It is noted in the carpark design layout there are a number of pedestrian crossings. To ensure clear direction for motorists and pedestrians in relation to these crossings, it is requested they be sign-posted as pedestrian crossings. Pathways should be installed so there is a continuous walkway within the carpark to the building access points.

4.6 LANDSCAPING

Landscape planting to be designed and maintained so as not to restrict sight lines to and from the complex centre, carparking and pedestrian pathways.

Landscaping should not create concealment opportunities and should not impact the effectiveness of carpark and building lighting.

Dense planting should be restricted to areas that don't present a concealment opportunity for criminal activity close to pathways and publicly accessible areas.

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Disclaimer

The New South Wales Police Force has a vital interest in ensuring the safety of members of the community and their property. By using the recommendations contained in this assessment, any person who does so acknowledges that:

- It is not possible to make all areas evaluated by the NSWPF entirely safe for members of the community or the security of their property.
- It is based upon the information provided to the NSWPF at the time the assessment was made.
- This assessment is a confidential document and is for use of the consent authority unless otherwise agreed.
- The contents of this assessment are not to be copied or circulated otherwise than for the purposes of the consent authority, unless otherwise agreed.

The NSW Police Force hopes that by using the recommendations contained in this assessment, criminal activity will be reduced and the safety of members of the community and the security of their property will increase. However, it does not guarantee that all risks have been identified, or that the area assessed will be free from criminal activity if its recommendations are followed.

This is not a submission on behalf of police in regard to traffic matters. Police representation for these matters are made through the local traffic committee.

Should you have any questions in relation to the evaluation contact Senior Constable Adrienne Murray, Crime Prevention Officer by email on murr1adr@police.nsw.gov.au.

Senior Constable Adrienne Murray
Crime Prevention Officer
South Coast Police District
23/08/2021

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