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2 November 2021

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RESPONSE TO PUBLIC SUBMISSIONS

Application: DA No. 2021.358

Description: Proposed Demolition and Construction of New Supermarket, Bottle Shop & Cafe

Property: Lots 19 & 20 Sec. 33 DP758825, Lot 15 DP1204078 and Part Lot 16 DP1204078 Quondolo Street, Pambula NSW 2549

Dear Mark,

Thank-you for affording us the opportunity to respond to the public submissions that were received by Council during the public notification of the abovementioned Development Application.

We note that the Development Application was publicly notified from 30 July 2021 to 27 August 2021. However, due to the lack of any reference to the Council owned Lot 16 DP1204078 in the notification material, the Development Application was placed on a further round of public notification from 28 August 2021 to 26 September 2021.

A copy of the submissions (as redacted by Council) were provided to us on 20 October 2021 following the lodgement of an informal GIPA Application on 27 September 2021. Based on the information provided to us by Council, we note that there were a total of 115 public submissions received during the notification period comprising the following:

- 9 of the submissions received were supportive of the development proposed.
- 1 of the submissions supporting the development proposed was a petition comprising 197 signatures. It was noted that the petition was only active during the second round of public notification.
- 106 submissions objecting to the development proposed. 19 of these were letter templates for which there were 8 varying templates. As the submissions were redacted, there is a possibility that the same person lodged the same submission during the second round of public notification – hence causing the doubling up of similar submissions.
- 1 of the submissions objecting to the development proposed was a petition. Due to the submission having been redacted, it is unknown as to how many signatures were included in the petition. Notwithstanding, it is expected that only about 30 – 50 signatures were obtained at most.
- A number of the submissions objected to the development in its current form but were generally supportive of the site being re-developed as a supermarket. These submissions were counted as objections for the purpose of this response.

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We have reviewed each submission received and seek to offer a respectful and considered response that will assist Council in progressing their assessment of the Development Application. For brevity, we have structured our response to provide general comments that address the ‘common themes’ with planning merit identified across the submissions received.

Response to Submissions Supporting the Development Proposal

It is important to note that people who are generally supportive of a development proposal often do not come forward in lodging a submission of support. As such, it was positive to see nine (9) submissions supporting the development proposal, including one petition with 197 signatures.

Whilst our response to the submissions supporting the development proposed is not required, we believe that it is imperative to summarise the main comments made. The following are noted in point:

- The existing Foodworks supermarket provides an important and essential service for the Pambula community and tourists. It is a thriving business that has outgrown its current premises.
- The supermarket has outgrown its current premises with unfortunate and increasing negative impacts on the adjoining medical centre. For instance, the lack of on-site carparking and a loading dock has resulted in an encroachment into the medical centre carpark by service vehicles, pallet and waste storage and supermarket customers, which has created significant hazards and loss of amenity for patients and staff of the medical centre.
- The proposed site will be an ideal location for the new expanded supermarket with benefits for the entire community in terms of safety, access, traffic flow and convenience.
- The expanded supermarket will bring more jobs to Pambula and more money into the town.
- The visual appeal of the Royal Willows Hotel and bottle shop is not great and is of disservice to the town.
- The design of the proposed supermarket building is in keeping with the heritage appeal of Pambula and will enhance what is already in the Town Centre.
- The façade of the Royal Willows Hotel has been upgraded and changed multiple times over its history and there should be no problem with this happening again.
- The supermarkets in Merimbula are overloaded during peak tourist seasons. An expanded supermarket in Pambula would be great for locals and tourism in the area.
- Having more publicly available carparking spaces will be beneficial for the Town as a whole.
- The proposed supermarket will serve the aged community by providing space and accessibility for those with walking aids, wheelchairs and motorised scooters who can’t access the existing supermarket. It will also provide more accessible parking spaces within the Town Centre.
- During the COVID Pandemic with enforced lockdowns and social distancing, only very few people were able to access the existing supermarket at any one time with many having to line up on the street. The future of COVID is relatively unknown and as such, a larger supermarket would be more equipped to cope with social distancing requirements.
- The supermarket is one of the essential services within the Town Centre. Without the full range of essential services, people will do all of their shopping elsewhere on the basis that it is more convenient to do so.
- A larger supermarket would provide a greater product range and choice to the consumer and would be better equipped to provide online shopping and home delivery options.

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- The Foodworks supermarket is owner operated and as such, management has greater ability to respond to the customer needs (i.e., alternative products for allergies and other medical conditions). Larger format supermarkets (i.e., Woolworths/Aldi) are unable to respond to such needs as they are focussed on profits from volume sales.
- The Pambula supermarket serves the communities of Pambula, Pambula Beach, South Pambula, Bald Hills, Lochiel, Millingandi and beyond. The combined population in these areas has increased dramatically in the past 30 years. The confines of the current supermarket building have not allowed an expansion in the business to serve that population increase.

Response to Objections Received

We have reviewed the 106 submissions objecting to the development proposal and note that the main issues raised relate to:

- Heritage and character of the Quondolo Street Heritage Conservation Area.
- Bulk and scale.
- Traffic.
- Noise.
- Flooding.
- Site Contamination.
- Panboola Wetlands.
- Sustainability in design.
- Safety and security after hours.
- Construction impacts.
- Lack of landscaping.
- Provision of public artwork.
- Need for the licenced café.

Our response to each of these matters raised is provided below.

Submission Themes	Response
Heritage	<p>The impact to heritage was noted to be the predominant reason for objecting to the development proposal and was cited in the bulk of the submissions received by Council.</p> <p>Based on our review, the heritage arguments are generally summarised as follows:</p> <ul style="list-style-type: none">▪ The Royal Willows Hotel is a landmark building within the Pambula Town Centre and has historic and cultural significance.▪ The Royal Willows Hotel should be heritage listed at Schedule 5 of the Bega Valley Local Environmental Plan 2013 (BVLEP 2013).▪ The existing façades facing Quondolo Street (west) and the existing service station (south) should be maintained and preserved so as to protect the historic view of the Pambula Town Centre when approaching from the south.▪ The existing building should be restored and re-purposed.▪ The Tathra Hotel, Wolumla Hotel, Robbie Burns at Wyndham and the Hotel Australasia at Eden are all examples of what can be achieved with sensitive and appropriate re-development.

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	<ul style="list-style-type: none"> ▪ The Royal Willows Hotel has social heritage significance as it has been an important nucleus of the Pambula village for locals to gather and to enjoy a drink/meal with friends. ▪ The reasoning for the proposed colour palette is unsound. <p>As detailed in the SEE Report (dated 30 June 2021) the design of the development proposed 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, Mr. Trevor King (BVSC Heritage Advisor).</p> <p>This consultative process culminated in the development as proposed and a Statement of Heritage Impact Report (dated 24 June 2021), which concluded the following:</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. ▪ 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 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 car park 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>We note that the Development Application has since been reviewed by Mr. Trevor King (BVSC Heritage Advisor) (dated 4 August 2021) and has been found to be ‘acceptable on Heritage grounds. Approval is recommended’.</p> <p>Further to the above, the nomination to heritage list the Royal Willows Hotel was considered by Council at its meeting on 22 September 2021. At that meeting, Council resolved the following:</p> <ul style="list-style-type: none"> ▪ That Council resolve <u>not</u> to support the nomination for listing the Royal Willows Hotel as a Local Heritage Item in Schedule 5 of Bega Valley Local Environmental Plan 2013. ▪ That those submitting the nomination be advised of Council’s Decision. <p>In relation to the comments regarding the restoration of the Royal Willows Hotel and/or the preservation of the visible facades, the SEE Report (dated 30 June 2021) included in the Development Application details a number of reasons as to why this is unviable including the building’s deteriorated state, fire risk potential (of the building itself and to adjacent properties), lack of patronage, poor economic performance and high insurance overheads to name a few. In fact, due to the current deteriorated state of the building, the entire structure would need to be fully demolished and re-built irrespective of the final land use. Unfortunately, unlike the Hotel Australasia in Eden, there is no original ‘in situ’ façade to restore.</p> <p>It is further noted that:</p> <ul style="list-style-type: none"> ▪ There is very little surviving original fabric in the building. ▪ That which remains is not easily recognisable and not visible to the public except for a small section of exterior wall on the south side of the building. ▪ The building has been extensively altered to such a degree that its original and early changes of form are not recognisable. ▪ Very few interior features remain. ▪ The building is in extremely poor condition, and it is economically and practically infeasible to restore or reconstruct it to its original or an earlier state.
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	<ul style="list-style-type: none"> ▪ The existing façade is not original and dates to the 1980s/90s. It combines design features of the original late Victorian hotel building together with later 1920s awning and parapet features but is not in itself an authentic building element. ▪ Whilst the existing reproduction hotel façade is valued by some, it is not original or authentic and has no intrinsic heritage value. <p>An earlier iteration of the development proposed comprised varying shades of green for the façades of the new building, which had been specified by Council's Heritage Advisor – Mr. Trevor King. Due to the Pambula Business Chamber raising concerns in relation to the proposed colour at the meeting dated 18 February 2021, advice was sought from Mr. David Hobbs of Philip Leeson Architects Pty Ltd as to other suitable colours that could be applied.</p> <p>The colour palette proposed in the Development Application aims to combine the rust red/terracotta and cream colours of the existing reproduction hotel facades with art deco colours.</p>
Impact to the Character of the Quondolo Street Heritage Conservation Area	<p>It was noted in the submissions received that the development proposed would have a detrimental impact to the character of the Quondolo Street Heritage Conservation Area. Reasons for this were noted to be the bulk and scale of the proposed new building and the positioning of the bottle shop within the proposed new building.</p> <p>It was acknowledged in the Statement of Heritage Impact Report (dated 24 June 2021) prepared by Philip Leeson Architects Pty Ltd, that the subject site is located within the Pambula Main Street Heritage Conservation Area, which contains a number of heritage listed items. Many of the buildings within this streetscape contribute to the overall identified character of the precinct with some more modern or poor-quality buildings being visually intrusive.</p> <p>As detailed in the Statement of Heritage Impact Report, the development proposed has been carefully designed to minimise any detrimental impact on the heritage significance and aesthetic qualities of the precinct and incorporates all of the elements noted in the Pambula Urban Design Guidelines as provided by Council.</p> <p>Specifically, the following is noted in point:</p> <ul style="list-style-type: none"> ▪ The bottle shop has been located to the side of the 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 St frontage. It will be far less visually intrusive than the existing bottle shop structure. ▪ Bottle shop signage is not proposed as part of the current Development Application. As such, a separate Development Application for the installation of advertising signage would need to be prepared and submitted to Council for determination at the appropriate time. ▪ The proposed new building has been carefully designed as a continuation of the Quondolo Street shopfronts. ▪ The façade aligns with the front boundary line, rather than extending c.0.5m beyond it as it does currently. It will align with the adjoining heritage listed building. ▪ Access to the building is provided discretely via an inviting arcade, which forms part of the Quondolo Street shopfront. ▪ An opportunity is provided for public amenity and a stopping point at a licensed café/restaurant on the Quondolo Street frontage. It is intended that this space comprise a public artwork installation that comprises a mural or heritage photographs of the Royal Willows Hotel. ▪ The 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.

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	<ul style="list-style-type: none"> ▪ 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 approach from the south by pedestrians and from vehicles. ▪ The shopfront comprise consistent glazing in black frames with blue tiled base walls and pillars reflecting 1920s/30s materials and colours. ▪ The overall colour scheme combines rust red/terracotta and cream which echoes that of the existing reproduction hotel façade. ▪ The building form to the rear has been kept as simple as possible. Two roof skillions with highlight 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.
Size and Height of the Supermarket Building	<p>Based on our review of the submissions, the comments in relation to the size and height of the proposed development are generally summarised as follows:</p> <ul style="list-style-type: none"> ▪ Pambula is a local centre only and a ‘village’ sized supermarket would be more suitable. ▪ The proposed supermarket cannot be considered to be a neighbourhood supermarket as it exceeds 1,000m² in floor area. ▪ The supermarket is too big for Pambula. ▪ The size and extent of the new building contravenes all of the objectives of the adopted Bega Valley Shire Council Commercial Land Strategy. ▪ The height of the façade fronting Quondolo Street is higher than the adjoining heritage listed building – Mrs. Macs. ▪ The proposed development will dwarf the surrounding developments in relation to its height and floor area. <p><u>Size of the Supermarket</u></p> <p>It is important to note that the introduction of the ‘neighbourhood supermarket’ definition into the Standard Instrument Local Environmental Plan in NSW was to enable neighbourhood supermarkets with a GFA of no more than 1,000m² to be developed within the B1 Neighbourhood Centre Zone, which is generally applied to the lowest level of the centres hierarchy in an area.</p> <p>As per the Bega Valley Shire Council Commercial Land Strategy, the neighbourhood centres are defined as Bemboka, Candelo, Wyndham, Kalaru, Wolumla, Quaama, Wonboyn and Boydtown. It is noted that these centres (except for Boydtown) are zoned RU5 Village under the provisions of the BVLEP 2013 and provide a restricted (if any) range of goods and services. It is noted that the B1 Neighbourhood Centre Zone has not been applied to land in the Bega Valley Shire.</p> <p>As detailed within the SEE Report (dated 30 June 2021), the subject land is located within the B2 Local Centre Zone. As there is no separate definition for supermarket in the BVLEP 2013, the proposed use is defined as a commercial premises, which includes the sub-set definitions of ‘retail premises’ and ‘shop’. All of these land uses are permissible with consent within the B2 Local Centre Zone and are subject to the relevant provisions of the Bega Valley Development Control Plan 2013 (BVDCP 2013).</p>

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	<p>It is important to note that the intent of the development proposed is to provide a new purpose-built home for the existing Foodworks supermarket, which is located at the northern end of the Pambula town centre. The existing Foodworks store has a retail floor area of approximately 180m² and a back of house area of approximately 50m². There is no dedicated on-site loading dock or car parking areas. The existing Foodworks is therefore grossly undersized and unable to meet the current and anticipated demands of the resident and tourist population within the Pambula District.</p> <p>The intent is also to provide a new purpose-built home for the existing drive-through bottle shop, which is currently trading out of the old motel reception building and a portable cool room to the rear. Due to the small scale of the existing building and cool room (c. 90m²) there is very limited (if any) back of house areas.</p> <p>As detailed in the Development Application, the proposed supermarket has a total gross floor area (GFA) (i.e., sales area/retail area together with back of house areas) of 1,315m² (almost 900m² of which comprises sales area/retail area). The proposed bottle shop has a total GFA of 300m² (almost 140m² of which comprises sales area/retail area). With regard to the size of the consolidated site area (c. 6,150m²), the proposal results in a floor space ratio of approximately 0.38:1, which is not considered to be excessive in a commercial zone.</p> <p>Whilst the size of the supermarket and bottle shop are larger than those existing, the extent of the floor areas proposed are to accommodate a reasonably comprehensive range of food and groceries to meet the day-to-day convenience needs of residents and tourists of the evolving Pambula District both now and into the future. The size has also been largely driven by Foodworks in response to current and projected market conditions.</p> <p>For instance, it is identified in the adopted land use strategies of the Bega Valley Shire Council, that the population of the Pambula District is expected to increase over time through the strong demand for both residential and rural residential living opportunities within the District and the extent of the areas identified for re-zoning. For instance, the Bega Valley Shire Council Rural Residential Land Strategy identifies four (4) separate areas for which re-zoning is supported and whereby approximately 135-269 rural residential allotments could be delivered. It is understood that Council is already considering re-zoning proposals for land identified in the Strategy.</p> <p>Further to this, the Social Economic Impact Assessment (dated June 2021) prepared by DFP Planning Consultants, demonstrates that based on the expected available catchment expenditure, there is adequate support for the expanded supermarket and bottle shop. In addition to this, the Social Economic Impact Assessment concludes that the proposal will result in more expenditure from the local community being retained within the town centre and that the provision of an 'anchor' facility such as a supermarket within the local centre will have significant and positive 'knock on' impacts for other businesses within the centre as a result of more activity and retained expenditure.</p> <p>Finally, in accordance with the Bega Valley Shire Council Commercial Land Strategy, the existing Woolworths supermarkets (c.4,000m² and 3,300m²) and new Aldi supermarket (c. 1,300m²) in the Merimbula/Tura Beach Major Centre will continue to provide the higher order comparison and destination goods for the immediate region and are unlikely to be significantly affected by the expanded Foodworks supermarket in Pambula.</p> <p><u>Height of the Supermarket Building</u></p> <p>In relation to the proposed height of the new building along Quondola Street, the dimensions shown on the Elevation Plans prepared by Gordon Building Design are references to RLs extrapolated from the survey data prepared by Caddey Searl and Jarman.</p> <p>For instance, the West Elevation Plan (Drawing No. A201) shows the height of the parapet ranging from 11m up to 12.2m where it adjoins the existing heritage listed building – Mrs. Macs. Noting that the proposed floor level is at c. RL5500 (bottle shop) – RL5950 (arcade), the height of the parapet will range from 5.05m - 6.7m. On this basis, the Elevation Plans are not incorrect in showing a consistent height with the adjoining heritage listed building.</p>
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Traffic Impact	<p>Traffic impacts were also noted to be the predominant reason for objecting to the development proposal and were cited in the bulk of the submissions received by Council. Based on our review, the traffic impact arguments are generally summarised as follows:</p> <ul style="list-style-type: none"> ▪ All access should be from Merimbola Street only. ▪ The current construction standard of Merimbola Street is not adequate and does not have kerb or guttering. It should not be used by trucks. ▪ Increased traffic in the surrounding road network. ▪ Increased traffic at the intersection of Quondolo Street and Bullara Street. ▪ Availability and lack of car parking in the Pambula town centre and that the proposed development should be self-sufficient in that regard. ▪ Lack of parking for the disabled, seniors and parents with prams. ▪ Impact on pedestrians in the vicinity of the site. ▪ Timing of the traffic surveys. <p><u>Traffic Impact</u></p> <p>A Traffic Impact and Parking Assessment was prepared by McLarens Traffic Engineering (dated 28 May 2021) to accompany the Development Application. The Assessment estimated the traffic likely to be generated by the proposed development and the impact of this traffic on the performance of key intersections within the vicinity of the site. Specifically, the impacts of the traffic generation were modelled using SIDRA INTERSECTION 9.0 and indicated that there would be no determinantal impact to the performance of the intersections as a result of the generated traffic.</p> <p>Further this, the Development Application has been reviewed by Transport for NSW (TfNSW) who have raised issues in relation to:</p> <ul style="list-style-type: none"> ▪ The strategy for service vehicles larger than 6.4m long Small Rigid Vehicle (SRV) accessing the site via Quondolo Street and the associated reliance on a Loading Dock Management Plan. ▪ Customers service vehicles from the bottle shop wishing to head north along Quondolo Street. <p>In relation to the concerns raised by TfNSW, a meeting with Mark Fowler (BVSC Senior Town Planner) and Andrew Lissenden (TfNSW Development Case Officer) was held on 7 October 2021 to discuss a possible resolution for the above matters. At that meeting, the following was agreed:</p> <ul style="list-style-type: none"> ▪ All vehicular traffic (including all service vehicles) is to access and exit the site via Merimbola Street. The exception is for bottle shop customers and bottle-shop service vehicles only, who will exit the site via a left-turn only onto Quondolo Street. ▪ That the relevant plans be updated to show a suitably sized manoeuvring area for trucks reversing into the loading dock. ▪ That McLarens Traffic Engineering prepare a traffic safety management plan (or similar) demonstrating how the operation of the site is to be managed when there is a service vehicle accessing the loading dock during trading hours. ▪ That the plans be updated showing the provision of a physical barrier (i.e., median) within Quondolo Street to prevent vehicles from turning right (i.e., north) onto Quondolo Street. ▪ That the vehicular crossing to Quondolo Street be narrowed to reflect the revised access/exit arrangements and to limit conflicts between vehicles and pedestrians. <p>As required above, all relevant documentation is currently being updated and will be submitted back to Council once completed.</p> <p>Given the above, it is not expected that the development proposed would have a deleterious impact on traffic.</p>
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	<p><u>Provision of Parking</u></p> <p>As detailed in the Traffic Impact and Parking Assessment prepared by McLarens Traffic Engineering (dated 28 May 2021), the development proposed will provide a surplus (c. 24 spaces) of on-site carparking to that required under the provisions of the BVDCP 2013.</p> <p>As per the BVDCP 2013, the development proposed would require four (4) disabled car parking spaces, six (6) seniors car parking spaces and four (4) car parking spaces for parents with prams. The site provides two (2) disabled car parking spaces, nil (0) seniors car parking spaces and nil (0) car parking spaces for parents with prams. The addition and allocation of disabled, seniors and parent parking spaces can be easily achieved within the car park considering the excess parking provided if required by council.</p> <p><u>Impact on Pedestrians</u></p> <p>As noted above, the vehicular crossing to Quondolo Street will be narrowed, which will assist with limiting potential conflicts between vehicles and pedestrians at this location. The installation of appropriate signage, line marking, and pavement treatments can also be implemented to further reduce conflicts if required by Council.</p> <p>It was identified in the submissions that pedestrians use Merimbola Street to access the Panboola Wetlands and that there are no dedicated pedestrian footpaths within the verge areas proximate to the site. As such, concerns were raised that the traffic associated with the development proposed would impact the safety of pedestrians.</p> <p>If Council deems it appropriate for a footpath to be provided within Merimbola Street, the Proponent should only be required to construct the footpath within the verge area adjoining the subject site – not the full length of Merimbola Street to Panboola Wetlands. It is important to note that Mitre 10 contributes to a large proportion of vehicular traffic along Merimbola Street – so too does the public playground, community gardens, public car parking area and public transport facilities in Bennet Lane. As such, the full burden should not fall to the Proponent in this instance.</p> <p><u>Timing of the Traffic Survey</u></p> <p>As stated in the Traffic Impact and Parking Assessment prepared by McLarens Traffic Engineering (dated 28 May 2021), intersection traffic surveys were conducted at the intersections of Quondolo Street / Bullara Street, Toallo Street / Quondolo Street, Merimbola Street / Toallo Street and Merimbola Street / Bullara Street from 7:00 AM to 10:00 AM and 4:00 PM to 7:00 PM on Thursday 17th of September 2020 representing a typical operating weekday.</p> <p>According to McLarens Traffic Engineering, this is a standard approach applied when undertaking traffic surveys to ascertain the likely traffic impact of a development proposal.</p> <p>In relation to the COVID pandemic, the timing of the traffic survey was during a period when there were no active stay-at-home orders. On this basis, the timing is noted to be suitable.</p>
Acoustic Impacts	<p>It was noted in the submissions that the development proposed will create an unreasonable noise disturbance to residents within the Pambula town centre by way of:</p> <ul style="list-style-type: none"> ▪ Increased vehicular traffic to and from the site. ▪ Roof top plant. ▪ Excessively long trading hours. ▪ Timing of the use of the loading dock facilities. <p>An Environmental Noise Assessment was prepared by Day Design (dated 2 June 2021) and accompanied the Development Application. 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.</p> <p>In relation to the timing of the use of the lock facilities, it is noted in the Environmental Noise Assessment that if trucks are to access the loading dock before 7am that a detailed noise assessment, including background noise modelling, should be carried out to determine the noise impact, including the impact on sleep disturbance.</p>

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	<p>It is noted that the specifications and locations for the mechanical plant have not yet been selected for the development proposed. As such, once the mechanical plant and its location has been selected, the Environmental Noise Assessment recommends that a detailed acoustic assessment be undertaken prior to the issue of a Construction Certificate. It is further recommended that the mechanical services engineer select mechanical plant and equipment with the lowest sound power levels to reduce the amount of acoustic treatment necessary to achieve the relevant noise criteria at nearby residential receivers.</p> <p>The Proponent would accept a suitably worded consent condition reflecting the recommendations of the Environmental Noise Assessment.</p> <p>In relation to the proposed trading hours of the supermarket and bottle shop, they are noted to be standard trading hours typical of other similar developments locally. They are not considered to be excessive.</p>
Flooding Impacts	<p>It was generally noted in the submissions that it is unacceptable to have an underground car park within a flood zone and that the development proposed has not been assessed against the provisions of Clause 21 of the BVLEP 2013.</p> <p>As noted in the SEE Report (dated 30 June 2021), the finished floor level of the proposed development is above Council's adopted 4.5m flood planning level for Pambula. The exceptions are the basement/undercroft level and at-grade car parking areas, which is considered to be an appropriate outcome.</p> <p>As shown on the Architectural Plans prepared by Gordon Building Design, an accessible (1:14) ramp leading to the escalator within the basement/undercroft level building entry has been provided so as to lift the escalator as high as it can without restricting disabled access. As such, the escalator is located at a level of 4.11m AHD, which is slightly above the presumed 1% AEP flood level of 4.0m AHD (excluding the 0.5m freeboard). The stairs, lift and store are below this level and can be expected to be affected by the 1% AEP flood level. In relation to the lift core, the lift can be elevated above the flood level during a 1% AEP flood event. However, prior to use post flood, it would need to be suitably inspected and cleared for use – this approach has been applied to a number of buildings in Bega that are affected by the 1% AEP flood level.</p> <p>Further to the above, the subject site is likely to be affected by backwaters rather than concentrated open channel flows in a 1% AEP flood event. As such, the impact of flood waters on those parts of the development below the adopted 4.5m flood planning level, 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 Development Application, 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>
Site Contamination	<p>It was noted in the submissions that the site had a fuel bowser that had been used to dispense fuel into vehicles. Evidence of the fuel bowser was provided in the form of an old photograph dated c. 1971, which showed the fuel bowser located to the south of the Royal Willows Hotel building – in the area between the existing Royal Willows Hotel and adjacent motel units.</p> <p>This information came at a surprise to the Proponent (i.e., current landowner) who had no knowledge of the existence of the fuel bowser and/or underground fuel storage tank. It was for this reason that the Development Application was silent on this matter.</p> <p>Following a recent site inspection by the Proponent, the lid to the underground fuel storage tank has been found and is noted to be situated near to the existing bottle shop cool room. The lid has since been opened by the Proponent and the depth of the tank measured and its contents investigated. According to the Proponent, the tank has an approximate depth of 6 feet (or 1.8m) and contains approximately 6 inches (or 15cm) of stale water. The orientation of the underground tank was unable to be determined.</p>

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	<p>Based on the above, it is accepted by the Proponent that Council would impose a suitably worded consent condition requiring the completion of a detailed site investigation prior to the commencement of construction works. This investigation would include a review of the site history, site inspection and soil sampling, laboratory testing and analysis program and if site contamination is confirmed, make recommendations for the appropriate management of the underground tank (i.e., removal) and any contaminated soils. It is important to also note that this investigation would also consider any contamination impact from the adjoining service station (on Lot 1 DP758825).</p> <p>Due to the known location of the underground tank, carrying out the detailed site inspection prior to the issue of any development consent will render the existing bottle shop in-operable whilst the investigations are being conducted. As such, it is reasonable to expect that this work be undertaken post issue of the development consent and prior to the commencement of construction.</p>
Impact to the Adjacent Panboola Wetlands	<p>It was noted in the submissions that the noise, traffic, light spill and stormwater runoff generated by the development proposed will have a detrimental impact on the Panboola Wetlands and that the Development Application should be supported by a biodiversity impact assessment or similar.</p> <p>The development proposed is located over 100m away from the closest extent of the Panboola wetlands and involves land that has been exposed to significant disturbance over many years through the operation and normal activities of existing commercial premises. As such, it is unlikely that the development proposed would have a detrimental impact on the biodiversity values attributed to the Panboola Wetlands.</p> <p>In relation to stormwater runoff from the site, a Stormwater Drainage Concept was prepared by Andrew Marshman & Associates Pty Ltd to detail the water sensitive urban design (WSUD) approach that is proposed to be adopted as part of the development strategy. As such, it is unlikely that the development proposed will have an adverse impact on the Panboola Wetlands by way of increased and/or untreated stormwater runoff.</p>
Sustainability in Design	<p>It was noted in the submission that the landowner's commitment to investigating sustainability initiatives at the detailed design phase does not provide any certainty that it would occur.</p> <p>As detailed in the SEE Report (dated 30 June 2021), 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>In light of the above, the following sustainable initiatives would be further investigated as part of the detailed design phase:</p> <ul style="list-style-type: none"> ▪ Photovoltaic (PV) renewable energy generation. ▪ Use of refrigeration gases with low greenhouse gas emissions. ▪ 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.

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	<ul style="list-style-type: none"> ▪ Recyclables collection (i.e., NSW Government 'Return and Earn' scheme and relevant infrastructure). ▪ Installation of 'green walls'. <p>It is appreciated that a 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>Based on the above, the Proponent would accept a suitably worded consent condition requiring full details of the sustainable design initiatives to be provided at the detailed design phase, which is considered to be an appropriate outcome in this instance.</p>
Safety and Security After Hours	<p>It was noted in the submissions that the development proposed presents a number of safety and security risks, including:</p> <ul style="list-style-type: none"> ▪ The rear carparking area will become a playground after dark and will encourage antisocial behaviour. ▪ The larger bottle shop will increase crime. ▪ Predatory people would be able to sit in cars within the adjoining car park and prey on children playing in the playground. <p>It is noted that the Development Application has been reviewed by the NSW Police Force who have provided the following recommendations:</p> <ul style="list-style-type: none"> ▪ A closed-circuit television (CCTV) system should be installed internally and externally which complies with the Australian Standard – Closed Circuit Television System AS4806:2006. 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. ▪ Security to the building should be enhanced with a comprehensive alarm system to deter and detect intruders. ▪ Lighting should be installed to the perimeter of the building, walkways and within the car park to enhance public safety. Lighting in the car park areas is to be sufficient to provide clear definition of people and vehicles. Lighting should operate during the operational hours of the business and include security lighting during non-operational hours. ▪ The proposed new development includes a licensed café and bottle shop which will require review of the existing liquor license. ▪ The proposed trading hours should be reflected in a suitably worded condition of consent. ▪ The site plans indicate perimeter fencing to the proposed car park. To restrict access to the proposed car park during non-operational hours, it is requested that there be physical gates to lock the carpark for vehicles and pedestrians. ▪ To ensure clear direction for motorists and pedestrians in relation to the proposed pedestrian crossings, it is requested that 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. ▪ Landscape planting to be designed and maintained so as not to restrict sight lines to and from the complex centre, car parking 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. <p>Based on the above, it is expected that Council would impose a suitably worded consent condition requiring the details of the above recommendations to be provided as part of the detailed design phase.</p>

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Construction Impacts	<p>It was noted in the submissions that the future construction of the development proposed would have the following impacts:</p> <ul style="list-style-type: none"> ▪ Potential to impact the structural integrity of the adjoining heritage listed building – Mrs. Macs. ▪ Disruption to residences and shops in the Town Centre due to long construction hours. ▪ Noise and air pollution from trucks and machinery, dust, and asbestos. ▪ Polluted stormwater runoff. <p>As is standard practice, Council will impose suitably worded consent conditions that aim to reduce impacts during construction, including the construction hours, noise and vibration emissions, maintenance of the construction site, erosion and sediment control measures, support and protection for neighbouring buildings, protection of adjoining areas, removal of asbestos etc.</p> <p>It is therefore expected that construction related impacts would be suitably mitigated.</p>
Lack of Landscaping	<p>The lack of landscaping and the removal of existing trees were raised as issues in the submissions.</p> <p>A landscape concept for the site was prepared by a suitably qualified landscape architect and included with the Development Application. The landscaping concept 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.</p> <p>Specifically, the landscaping proposed is considered to be consistent with the relevant requirements of the BVDCP 2013 in relation to the provision of landscaping for commercial developments. For instance, the following was noted in point in the SEE Report (dated 30 June 2021) included with the Development Application:</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 planting design that is relative to the bulk and scale of the commercial building. ▪ 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 Quondolo 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.
Public Artwork	<p>It was acknowledged in the submissions that the development proposal includes options for the provision of public artwork. So as to secure the provision of this artwork, the submissions noted that Council should impose a suitably worded condition in any development consent granted.</p> <p>As detailed in the SEE Report (dated 30 June 2021), the Proponent would accept a suitably worded consent condition requiring full details of the public artwork installation/s to be provided at the detailed design phase.</p>

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Need for the Licensed Café	<p>A number of the submissions questioned the need and likely use of the proposed licenced café/restaurant.</p> <p>It is important to note that this element was suggested by Council's Heritage Advisor – Mr. Trevor King, to provide an opportunity for the available written and photographic information about the developmental and social history of the Royal Willows Hotel building to be displayed and/or re-interpreted as an artwork installation.</p>
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We trust that our response to the matters raised in the public submissions will assist you in progressing your assessment of the DA. However, should additional information or input be required, please do not hesitate to contact the undersigned on 0457 786 776 or elizabeth@planned.net.au.

Yours sincerely,

Elizabeth Slapp

Elizabeth Slapp RPIA
Senior Town Planner

