



# **Planning and Strategy Committee of the Whole**

**12 June 2019**

**UNDER SEPARATE COVER  
ITEM 6.2 – ATTACHMENTS 1 TO 4**



- Item 6.2     Development Application 505-2018 - Takeaway Food and Drink Premises - 10 Ferdinand Lane, Jerrabomberra

<i>Attachment 1</i>	<i>DA 505-2018 - Attachment Section 4.15 - Matters for Consideration - Takeaway Food and Drink Premises (KFC Resturant) - 10 Ferdinand Lane .....</i>	<i>1</i>
<i>Attachment 2</i>	<i>DA 505-2018 - Architectural Plans - Takeaway Food and Drink premises (KFC Restaurant) - 10 Ferdinand Lane .....</i>	<i>26</i>
<i>Attachment 3</i>	<i>DA 505-2018 - Submissions - Takeaway Food and Drink Premises - 10 Ferdinand Lane .....</i>	<i>40</i>
<i>Attachment 4</i>	<i>DA 505-2018 - Draft Conditions - Takeaway Food and Drink Premises - 10 Ferdinand Lane .....</i>	<i>57</i>





# **QUEANBEYAN-PALERANG REGIONAL COUNCIL**

## **Planning and Strategy Committee of the Whole Meeting Attachment**

**12 JUNE 2019**

---

ITEM 6.2	DEVELOPMENT APPLICATION 505-2018 - TAKEAWAY FOOD AND DRINK PREMISES - 10 FERDINAND LANE, JERRABOMBERRA
----------	--

ATTACHMENT 1	DA 505-2018 - ATTACHMENT SECTION 4.15 - MATTERS FOR CONSIDERATION - TAKEAWAY FOOD AND DRINK PREMISES (KFC RESTURANT) - 10 FERDINAND LANE
--------------	--

---

## ATTACHMENT - SECTION 4.15 TABLE – Matters for Consideration

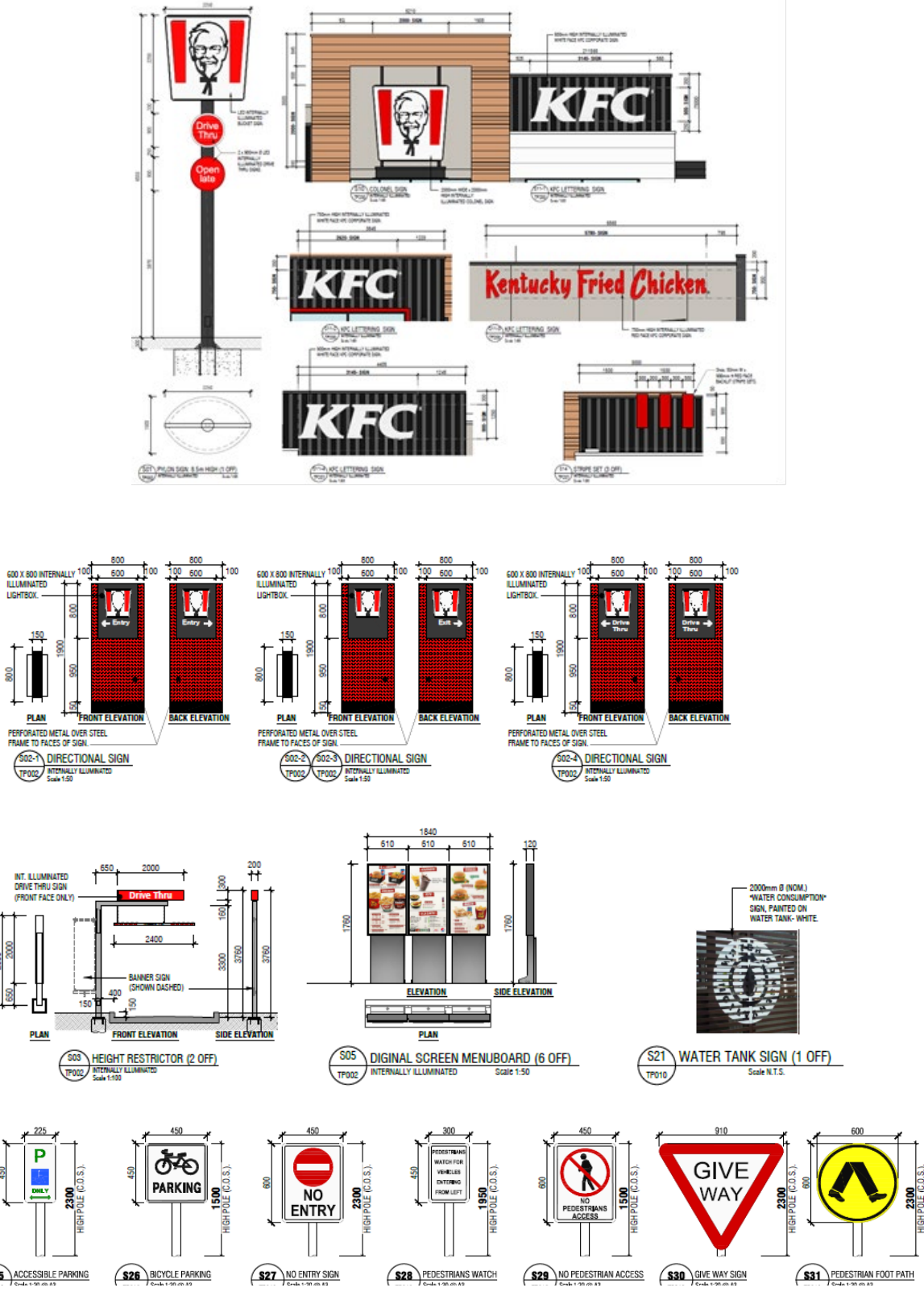
This application has been assessed under Section 4.15 of the *Environmental Planning and Assessment Act 1979* and the following matters are of relevance to **Development Application No 505-2018**.

### ***State Environmental Planning Policies***

The proposed development has been assessed in accordance with the requirements of the relevant State Environmental Planning Policies (SEPPs) including any draft SEPPs and a summary is provided in the following table:

SEPP COMMENTS	COMPLIES (Yes/No)
<b><i>State Environmental Planning Policy No 55 - Remediation of Land</i></b>	
<p>Clause 7(1) prescribes that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. There are no records of the site being previously used for any potentially contaminating purposes.</p> <p>This matter was considered under the subdivision application (DA 192-2016). A phase 2 Environmental Site Assessment (Coffey Environments Australia Pty Ltd (Ref: ENAUBRAD01138AA) and dated 23 November 2011) was submitted which identified several areas of environmental concern and recommended that a Remedial Action Plan (RAP) be prepared for the land and remediation carried out.</p> <p>The development consent required additional works including preparation of a Remedial Action Plan and subsequent validation activities (validation report) of the site prior to the commencement of any development work on the site.</p>	Yes
<b><i>State Environmental Planning Policy No 64 - Advertising and Signage</i></b>	
<p><b>Part 1 Preliminary</b></p> <p><b>Aims and Objectives</b></p> <p>Consideration is required of the aims and objectives of SEPP 64, including:</p> <ul style="list-style-type: none"> <li>(a) <i>To ensure that signage (including advertising):</i> <ul style="list-style-type: none"> <li>I. <i>Is compatible with the desired amenity and visual character of an area, and</i></li> <li>II. <i>Provides effective communication in suitable locations, and</i></li> <li>III. <i>Is of high quality design and finish, and</i></li> </ul> </li> <li>(b) <i>To regulate signage (but not content) under Part 4 of the Act, and</i></li> <li>(c) <i>To provide time-limited consents for the display of certain advertisement, and</i></li> <li>(d) <i>To regulate the display of advertisements in transport corridors, and</i></li> <li>(e) <i>To ensure that public benefits may be derived from advertising in and adjacent to transport corridors.</i></li> </ul> <p>Provided appropriate recommended conditions of consent are complied with, the proposed development is considered generally satisfactory with respect to the prescribed aims and objectives of SEPP 64. The proposed signage is compatible with the amenity and visual character of the area, provides effective communication in a suitable location and is of acceptable quality design and finish.</p>	Yes

SEPP COMMENTS	COMPLIES (Yes/No)
<p><b>Definitions</b> In terms of the definitions prescribed by SEPP 64, a number of definitions are considered relevant:</p> <p><b>signage</b> means all signs, notices, devices, representations and advertisements that advertise or promote any goods services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage and includes:</p> <ul style="list-style-type: none"> <li>(a) building identification signs, and</li> <li>(b) business identification signs, and</li> <li>(c) advertisements to which Part 3 applies,</li> </ul> <p>but does not include traffic signs or traffic control facilities.</p> <p><b>Business identification</b> sign has the same meaning as in the Standard Instrument. business identification sign means a sign:</p> <ul style="list-style-type: none"> <li>(a) that indicates: <ul style="list-style-type: none"> <li>(i) the name of the person or business, and</li> <li>(ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and</li> </ul> </li> <li>(b) that may include the address of the premises or place and a logo or other symbol that identifies the business,</li> </ul> <p>but that does not contain any advertising relating to a person who does not carry on business at the premises or place.</p> <p>The proposal involves the installation of a number of signs, as outlined in the Applicant's signage schedule. The signs consist primarily of business identification signs (illuminated signs 'Kentucky Fried Chicken', 'KFC', and associated logos 'the bucket') including the name of the business, and a logo that identifies the business. Additional signage for information, direction or traffic/parking purposes is proposed on free-standing panels including menu boards, entry/exit signs, 'drive-thru', parking, no entry etc. It is noted that the words 'Kentucky Fried Chicken', 'KFC', and the symbol 'Colonel Harland Sanders' are registered Trademarks associated with the business.</p> <p>The signage associated with the development is considered business identification signage and is consistent with the definition provided above. Please refer to the images below depicting the proposed signage.</p>	

SEPP COMMENTS	COMPLIES (Yes/No)
 <p>The drawings show a comprehensive set of signage for a KFC restaurant. Key elements include:</p> <ul style="list-style-type: none"> <li><b>Pole Sign:</b> A tall sign with a KFC logo at the top, 'Drive Thru' and 'Open late' buttons, and a 'KFC' illuminated sign below.</li> <li><b>Building Signs:</b> 'KFC' and 'Kentucky Fried Chicken' signs on the building facade, including a large 'KFC' sign above the entrance.</li> <li><b>Directional Signs:</b> Signs for 'Entry' and 'Exit' with arrows, mounted on poles.</li> <li><b>Height Restrictor:</b> A sign indicating a height restriction for the drive-thru.</li> <li><b>Digital Menu Board:</b> A large board displaying food items.</li> <li><b>Water Tank Sign:</b> A sign on a water tank.</li> <li><b>Traffic Signs:</b> Various signs including 'Accessible Parking', 'Bicycle Parking', 'No Entry', 'Pedestrians Watch', 'No Pedestrian Access', 'Give Way', and 'Pedestrian Foot Path'.</li> </ul>	
<p><b>Part 2 Signage Generally</b></p> <p><b>Granting of consent to signage</b></p>	

SEPP COMMENTS	COMPLIES (Yes/No)
<p>A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:</p> <ul style="list-style-type: none"> <li>(a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and</li> <li>(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.</li> </ul> <p>An assessment against schedule 1 is provided below.</p> <p><b>Schedule 1 Assessment Criteria</b></p> <p><b>1. Character of the Area</b></p> <ul style="list-style-type: none"> <li>• Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</li> <li>• Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</li> </ul> <p>The locality is a developing commercial area. The proposed restaurant/café, takeaway food and drink premises is consistent with the proposed uses along this section of Tomsitt Drive (medical centre, Aldi, McDonalds, 7-Eleven) in terms of signage associated with these types of developments.</p> <p>The proposed business signage relates to the subject use and will be located predominantly on the building façade and within the landscaped areas of the site. A single pylon sign is proposed.</p> <p>The proposal is considered compatible with the developing character of this commercial area and associated permitted uses: petrol station, take-away premises, and shopping centre. The desired future character of the area has been considered, given the site is located within an area undergoing transition.</p> <p>There is no specific theme for outdoor advertising existing in the area, however the proposal when developed will be consistent with the future character of the area.</p> <p>The sign provides clear lettering of the business name and uncomplicated graphics for the logo.</p> <p><b>2. Special Areas</b></p> <ul style="list-style-type: none"> <li>• Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</li> </ul> <p>It is considered that the proposed signage does not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas.</p> <p><b>3. Views and Vistas</b></p> <ul style="list-style-type: none"> <li>• Does the proposal obscure or compromise important views?</li> </ul>	

SEPP COMMENTS	COMPLIES (Yes/No)
<ul style="list-style-type: none"> <li>Does the proposal dominate the skyline and reduce the quality of vistas?</li> <li>Does the proposal respect the viewing rights of other advertisers?</li> </ul> <p>The proposed sign does not obscure or compromise important views or dominate the skyline. The viewing rights of other advertisers and businesses have been respected. The signs are located within the building height parameters (with the exception of a single pylon sign).</p> <p><b>4. Streetscape, setting or landscape</b></p> <ul style="list-style-type: none"> <li>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</li> <li>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</li> <li>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</li> <li>Does the proposal screen unsightliness?</li> <li>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</li> <li>Does the proposal require ongoing vegetation management?</li> </ul> <p>The proposed signs satisfy this criterion. The scale, proportion and forms are considered appropriate for the streetscape. The signs are located within the building height parameters (with the exception of a single pylon sign) which is located near the Tomsitt Drive street frontage (and opposite an undeveloped area zoned for recreation).</p> <p><b>5. Site and Building</b></p> <ul style="list-style-type: none"> <li>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</li> <li>Does the proposal respect important features of the site or building, or both?</li> <li>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</li> </ul> <p>The signage proposed is considered sympathetic to the developing character of this area of Tomsitt Drive and the signage will be consistent with the proposed signage in the area. It is considered that the proposed sign will be appropriate in the proposed location.</p> <p><b>6. Associated Devices and Logos with Advertisements and Advertising Structures</b></p> <ul style="list-style-type: none"> <li>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</li> </ul> <p>The signage will be illuminated. No other platforms or safety devices are proposed.</p> <p><b>7. Illumination</b></p> <ul style="list-style-type: none"> <li>Would illumination result in unacceptable glare?</li> </ul>	

SEPP COMMENTS	COMPLIES (Yes/No)
<ul style="list-style-type: none"> <li>Would illumination affect safety for pedestrians, vehicles or aircraft?</li> <li>Would illumination detract from the amenity of any residence or other form of accommodation?</li> <li>Can the intensity of the illumination be adjusted, if necessary?</li> <li>Is the illumination subject to a curfew?</li> </ul> <p>The proposed signage is illuminated.</p> <p>A condition of consent will be imposed in relation to illumination and prohibiting any flashing signage.</p> <p>The graphics are designed to be in accordance with the nature of the business.</p> <p><b>8. Safety</b></p> <ul style="list-style-type: none"> <li>Would the proposal reduce the safety for any public road?</li> <li>Would the proposal reduce the safety for pedestrians or bicyclists?</li> <li>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</li> </ul> <p>The proposed signage is located predominantly on the building façade and within the landscaped areas of the site. The 3-Dimensional signage (bucket) is proposed at a height and location that would not impact on the safety of pedestrians or cyclists.</p>	

### Local Environmental Plans

The proposed development has been assessed in accordance with the relevant requirements of the *Queanbeyan Local Environmental Plan (Poplars) 2013* and no relevant draft LEPs apply to the land. A summary is provided as follows:

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN (POPLARS) 2013 COMMENTS	COMPLIES (Yes/No)
<b>Part 1 Preliminary</b>	
<b>Clause 1.2 Aims of Plan</b>	
<p>(a) to rezone certain land at The Poplars to achieve economically, environmentally and socially sustainable urban development that complements and provides a range of facilities for the benefit of the adjoining Jerrabomberra community,</p> <p>(b) to facilitate the orderly growth of the Poplars urban release area in a staged manner that promotes a high level of amenity for workers and the timely provision of physical and social infrastructure through appropriate phasing of the development of land,</p> <p>(c) to identify, protect and manage environmentally and culturally sensitive areas within Poplars, including but not limited to waterways and riparian corridors, habitat corridors, native vegetation and associated buffers, and heritage items,</p>	Yes

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN (POPLARS) 2013 COMMENTS	COMPLIES (Yes/No)
<p>(d) to provide appropriate employment and community land use opportunities consistent with the environmental capacity of the land,</p> <p>(e) to provide appropriate controls for future development to minimise any adverse impact on the adjoining Jerrabomberra community.</p> <p>The proposed development for a Takeaway Food and Drink Premises (KFC Restaurant) at 10 Ferdinand Lane Jerrabomberra (lodged as 71 Tomsitt Drive) is consistent with the aims of the Queanbeyan Local Environmental Plan (Poplars) 2013. Specifically, the development provides appropriate employment opportunities for the local community and is consistent with the intended use for the site that was determined during the rezoning and subdivision of the land.</p>	
<b>Clause 1.4 Definitions</b>	
<p>The proposal involves the preparation and sale of food and drink for consumption on the premises and as take away meals and drinks, and associated parking, landscaping and signage. The following definitions are considered relevant:</p> <p><b>restaurant or cafe</b> 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.</p> <p><b>Take away food and drink premises</b> means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.</p> <p>In considering the characterisation of the proposed use, it is unclear which is the 'principal purpose' of the proposed use, however, notwithstanding the use of the site as a restaurant or café or a takeaway food and drink premises are both uses permitted on the site.</p> <p>Both a restaurant or café and a take away food and drink premises are land uses permitted with consent in the B1 Neighbourhood Centre zone, under Queanbeyan Local Environmental Plan (Poplars) 2013.</p> <p>Signage is proposed as part of the application, defined as:</p> <p>signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:</p> <ul style="list-style-type: none"> <li>(a) an advertising structure,</li> <li>(b) a building identification sign,</li> <li>(c) a business identification sign,</li> </ul> <p>but does not include a traffic sign or traffic control facilities.</p> <p>Signage is permitted with consent.</p>	Yes
<b>Part 2 Permitted or Prohibited Development</b>	
<b>Clause 2.1 Land Use Zones</b>	
<p>The subject site is zoned B1 Neighbourhood Centre. A <b>Takeaway Food and Drink Premises</b> is a permissible use within the B1 Zone.</p>	Yes



QUEANBEYAN LOCAL ENVIRONMENTAL PLAN (POPLARS) 2013 COMMENTS		COMPLIES (Yes/No)
<b>Clause 2.3 Zone Objectives and Land Use Tables</b>		
<ul style="list-style-type: none"> <li>To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.</li> <li>To permit small-scale non-residential uses that will provide goods and services to meet the day-to-day needs of people who live and work in the surrounding neighbourhood.</li> <li>To provide active land uses at street level.</li> <li>To ensure that residential development does not compromise the existing and future operations of the Canberra Airport.</li> </ul> <p>The proposed development is consistent with the zone objectives. Specifically, it will provide economic benefit to the local community through employment opportunities and will provide a service to residents.</p>		Yes
<b>Clause 2.7 Demolition requires development consent</b>		
The site is a greenfield site with no previous development. As a result, no demolition is proposed as a part of this development application.		N/A
<b>Part 4 Principal Development Standards</b>		
<b>Clause 4.3 Height of buildings</b>		
The maximum building height applicable to the subject site is 8.5m. The proposed development has a maximum height of 6.5m for the building and 8.5m for the pylon sign. Complies.		Yes
<b>Clause 4.4 Floor space ratio</b>		
A maximum Floor Space Ratio (FSR) of 1:1 is permitted on the site. The site area is 3,319m <sup>2</sup> and the GFA of the proposed development is 350m <sup>2</sup> for an FSR of 0.10:1. Complies.		N/A
<b>Part 5 Miscellaneous Provisions</b>		
<b>Clause 5.10 Heritage Conservation</b>		
The subject site is not heritage listed, not within the vicinity of a heritage item and is not located within a heritage conservation area. The clause is therefore not applicable.		N/A
<b>Clause 5.11 Bush fire hazard reduction</b>		
The entire site is bushfire prone. A bushfire report was submitted with the development, any necessary bushfire requirements will be conditioned as a part of the consent. Refer to the assessment under section 2.8 of Part 2 of the QDCP 2012 for further comment.		Yes
<b>Part 6 Additional Local Provisions</b>		
<b>Clause 6.1 Earthworks</b>		
Earthworks were completed as a part of the subdivision development application which created the allotment to which this proposal relates.		Yes
<b>Clause 6.2 Riparian Lands and Watercourses</b>		
The subject site is not located on or within the vicinity of riparian lands and watercourses.		Yes
<b>Clause 6.3 Airspace Operations</b>		
The proposed development has a maximum height of 6.5m for the building and 8.5m for the pylon sign and will not penetrate the OLS.		Yes
<b>Clause 6.4 Development in Areas Subject to Aircraft Noise</b>		
The subject site is partially within the 20 and 25 ANEF. The development does not propose any new dwellings or noise sensitive development, therefore this requirement is not considered applicable.		N/A

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN (POPLARS) 2013 COMMENTS	COMPLIES (Yes/No)
<p><b>Clause 6.6 Essential Services</b></p>	
<p>Essential services are available to the site. Council's Development Engineer has stated that the development complies with this clause, please refer below for further comment.</p> <p><b>Development Engineers Comments</b></p> <p><b>Water</b> The subdivision civil works contractor has constructed a 150mm potable water main in the road reserve along the front of the lot, with a 40mm tie provided at the north-east corner. This is in accordance with Council's D11 specification for South Jerrabomberra for minimum commercial water service requirements and is likely adequate for the site, however the applicant should engage a hydraulic consultant and notify Council if an upgrade is required prior to installation of a main water meter (80.14). The development may require an RPZ device installed at the meter, as mentioned in the DCR meeting. If so, this is to be included on the plan and registered with Council. (Condition???) A hydrant has also been provided in the vicinity of each lot. Further fire requirements are to be assessed by Council's building surveyor.</p> <p><b>Sewer</b> A 150mm sewer tie has been provided to the north-east corner of the lot as part of the subdivision construction work, connecting to a 225mm main in the road reserve. A trade waste application will need to be submitted to Council (56.11) and a trade waste connection and grease trap will be required. The grease trap location has been indicated on the civil plans. This is to be further assessed by Council's health team.</p> <p>An 8m wide sewer easement with 525mm trunk main runs diagonally through the lot, with an invert depth of approx. 4-5m. No buildings are proposed within the easement and the paved driveway/parking areas would be acceptable under Council's Development Adjacent to Water, Sewer &amp; Stormwater Mains Policy. Landscaping in the easement is to be restricted to small shrubs and vegetation, &lt;1.5m high (73.01). The plants detailed in the mass planting bed would be acceptable. If in the future Council requires excavation or removal of structures to access the sewer main, the owner would bear any costs of reinstating.</p> <p>The drive-thru signage/height restrictors appear to be located just outside of the easement. This would be within the zone of influence of the sewer main, however given the depth of the main and width of the easement, it would be considered unreasonable to condition piers of 4-5m depth for such a small-scale structure.</p> <p>It is also noted that the internal SW pipes run through the sewer easement twice, with at least 3m clearance between the pipe invert levels. This is unavoidable given the site orientation, however Council will not be held accountable if damage is incurred during future maintenance within the easement.</p> <p><b>Stormwater</b> A 375mm service main supplies a Class 4 RCP tie toward the north-east corner of the lot. The civil plans and site survey indicate that the tie is 375mm, while CC plans for the Poplars development specify 300mm. The tie location on the survey is also approx. 10m closer to the centre of the lot than shown on the approved construction drawings. Specific details should be confirmed on submission of final WAE, however shouldn't affect the stormwater drainage flow rates in the drainage plan.</p>	<p>Yes</p>

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN (POPLARS) 2013 COMMENTS	COMPLIES (Yes/No)
<p>Stormwater management plans have been submitted along with the DRAINS model that was used for design and QPRC's D5 Hydrology Summary sheet.</p> <p>Stormwater quality has been addressed using MUSIC modelling and the model outputs are in accordance with Council's D7 Stormwater Management guidelines. A SPEL Hydro-system and SPEL stormsacks within sumps are to be installed to achieve the desired treatment targets.</p> <p>A 3000L tank collects roof-water to be reused for on-site irrigation, however there seems to be some discrepancy between the MUSIC node diagram and drainage plan. The flow diagram indicates that the rainwater tank will discharge to the SPEL Hydro-system, however this is not shown on the plans and is unlikely given the tank location. Similarly, the path of the excess roof-water to the OSD tank has not been specified.</p> <p>The internal drainage system consists of grated pits in the carpark, which drain to the front of the site, through the SPEL system to the on-site detention tank. Sumps also collect runoff from the internal roads. It is noted that pipe diameter reduces from 300mm to 225mm as water flows through the SPEL system. The applicant has advised that this reduction is intentional to avoid an additional bypass line on the stormwater treatment unit and that their DRAINS model has confirmed that no additional upwelling will occur.</p> <p>The OSD tank should be sized to maintain predevelopment flow rates for 20% and 1% AEP rain events (80.08) and an internal screen should be fitted to prevent orifice blockage. The plans propose a 22kL OSD tank with 210mm orifice plate. Without access to the DRAINS model or specific detail of the OSD tank design and calculations, it is difficult to confirm how this has been sized, although the orifice plate does seem quite large. However, the output graphs for the 5 and 100 year storm events show that predevelopment flow rates are not exceeded and confirm that the drainage system will be satisfactory.</p>	
<b>Clause 6.7 Land Adjoining Hume Industrial Area and Goulburn/Bombala Rail Line</b>	
The subject site is lot located within the visual and acoustic buffer and therefore this clause is not considered applicable.	N/A

### Development Control Plan

The Queanbeyan Development Control Plan (QDCP) 2012 & South Jerrabomberra Development Control Plan apply to the development and a summary of the relevant provisions is provided in the following table.

QUEANBEYAN DEVELOPMENT CONTROL PLAN 2012/ SOUTH JERRABOMBERRA DEVELOPMENT CONTROL PLAN COMMENTS	COMPLIES (Yes/No)
<b>Part 1 About This Development Control Plan</b>	
<p><b>1.8 Public Notification Of A Development Application</b></p> <p>The development application was notified to adjoining owners and advertised. The proposal required notification under Queanbeyan DCP 2012. 13 submissions were received. Details of the issues identified within the submissions and a response is provided below. Please refer to the community consultation section of the Staff Report for further consideration of the relevant issues raised in the submissions.</p> <p><b>Issue: Operating Hours and Noise</b></p> <p>Comment: Issues were raised with the potential for 24 hour operation of the premises. The proposed development for a KFC Restaurant, proposes operating hours from 10:00am to 11:00pm (7 days) and delivery hours of 7:30am to 10:30pm (Mon-Fri). The development consent will include operating hours as a condition to ensure compliance</p>	Yes

QUEANBEYAN DEVELOPMENT CONTROL PLAN 2012/ SOUTH JERRABOMBERRA DEVELOPMENT CONTROL PLAN COMMENTS	COMPLIES (Yes/No)
<p>with these hours can be enforced. The operating hours are generally consistent with KFC Restaurants around Australia. Additionally, taking into consideration the location of the allotment, the submitted noise assessment report and the implementation of appropriate noise mitigation measures. The proposed operating and delivery hours are seen as acceptable and it is not anticipated that the development will have an unreasonable impact on surrounding sensitive land uses.</p> <p><b>Issue: Waste and Litter Management</b> Comment: the issue of waste and litter from the site and impacts on the surrounding area were raised. The proposed development and application was supported by a waste management plan. The waste management plan outlines details for how the site will manage waste from staff and patrons in regards to operational waste and litter. The waste management plan and site and floor plan for the development identify the provision of a waste enclosure and external bins, an excerpt from the waste management plan is provided below with further detail:</p> <p>Waste Enclosure <i>"The building includes a waste room of approximately 15.5m<sup>2</sup> adjacent to the loading dock/service bay. This waste room is the standard size for KFC Restaurants of this size and seating capacity. It allows for waste bins and recycling bins to be stored in an area separate from the restaurant operations but readily accessible from both within the building and externally.</i></p> <p><i>It is expected that the KFC restaurant will generate approximately 13m<sup>3</sup> of general waste and 3m<sup>3</sup> of recyclable waste per week. Allowing for 3 collections per week this results in a requirement for 2 x 3m<sup>3</sup> waste bins and 1 x 1.1m<sup>3</sup> recycling bin. The proposed waste enclosure has sufficient area to accommodate these bins".</i> The consent will be conditioned accordingly so that a litter management plan is provided to Council prior to operation of the site and can be enforced if issues arise.</p> <p><b>Issue: Visual Impact of Signage</b> Comment: The proposed development incorporates a number of business identification signs and wayfinding/directional signage. This includes a pylon sign and flush wall signs with the business name/branding. Comprehensive detail of the proposed signage is provided within the SEPP 64 – Advertising and Signage assessment provided within the Section 4.15 Report – Matters for Consideration and within this report. The proposed signage is not inconsistent with the assessment criteria within schedule 1 of SEPP 64 and the requirements of the relevant Development Control Plan. However, it is acknowledged that the combination of signs from the adjoining sites will have a further cumulative impact. The variation in height of the pylon signs will provide a visual break-up. Additionally, one of the premises has a pylon sign with a total height of 5m, it is not anticipated that this would be visible from Tomsitt Drive and will reduce the overall impact of the combined 4 pylon signs. Additionally, adequate distances between sites and appropriate landscaping will aid in breaking up signage and allowing for satisfactory visual impact.</p> <p><b>Issue: Contamination</b> Comment: Concerns were raised in regards to importation of fill and the existing use of the site and potential contamination. The site has been adequately remediated within the requirements of the conditions of consent for the subdivision (DA 192-2016). Please refer to the comments against SEPP 55 Remediation of Land within this report for further information.</p>	

QUEANBEYAN DEVELOPMENT CONTROL PLAN 2012/ SOUTH JERRABOMBERRA DEVELOPMENT CONTROL PLAN COMMENTS	COMPLIES (Yes/No)
<p><b>Issue: Public Health</b></p> <p>Comment: The issue of public health and dietary choices has been considered by Council. However, it is noted that individual dietary choices are not a matter for consideration in regards to the relevant environmental planning instruments and cannot be enforced or controlled through the development assessment process. A Takeaway Food and Drink Premises is permissible with consent in the zone.</p>	
<b>Part 2 All Zones</b>	
<p><b>2.2 Car Parking</b></p> <p>Council's Development Engineer has assessed car parking for patrons, service vehicles and in regards to manoeuvring to be more than adequate for the proposed development. The QDCP 2012 requires 1 parking space per 3 seats for a Take-Away Food and Drink Premises, plus a queuing area for 5-12 cars. The proposed development has a total of 72 seats. The proposed development requires 24 spaces in total, as well as 1 disabled space and an area to accommodate a service vehicle. The application proposes a total of 34 spaces, including 2 disabled parking spaces, queuing space for 12 vehicles and bicycle parking. The development is compliant with this section of the QDCP 2012. For a full assessment of car parking and access requirements please refer to the Development Engineer's comments below:</p> <p><b>Traffic and Parking</b></p> <p>Clause 2.2 of the Queanbeyan DCP requires 1 parking space per 3 seats for a take-away food and drink premises, plus queuing area for 5-12 cars. With a total of 72 seats proposed, 24 spaces would be required as well as 1 disabled space and a service vehicle area. The application proposes 34 spaces, including 2 disabled spaces, queuing space for 12 vehicles, as well as bicycle parking, which satisfies DCP requirements.</p> <p>Carpark users would be classified by AS2890 as Class 3A (short-term, high turnover). Parking spaces are to be minimum 2.6 x 5.4m with an aisle width of 6.6m. Disabled spaces are to be 2.4 x 5.4m, with a 2.4m wide shared space and bollard to be provided. The submitted parking layout complies with these requirements (66.04).</p> <p>The applicant has nominated a heavy rigid vehicle as the service vehicle, 12.5m long by 2.5m wide. A suitable service vehicle area has been provided, 3.7m wide with a length of approx. 19.3m. Swept paths have been submitted, demonstrating single-manoeuvre access and egress is achievable without encroachment over boundaries or into parking spaces.</p> <p>A pedestrian crossing is located at the entrance to the drive-thru. As landscaping is kept to shrubbery and groundcover either side, adequate pedestrian sight lines have been provided. To ensure safety of pedestrians and drivers, ongoing vegetation management within the carpark will be required (79.02).</p> <p>A traffic report has not been submitted with the application. It's almost a certainty that the Poplars subdivision and Tralee intersection will cause significant impacts to the function of Tompsitt Drive, however these concerns aren't the subject of this application as the development of a lot within the Poplars subdivision. Traffic modelling was completed as part of the subdivision DA (DA 192-2016), taking into account the use of the subject site for general retail. Peak traffic generations from Stage 1 were forecasted and the intersection designed accordingly. The introduction of traffic lights and an</p>	<p>Yes</p>

QUEANBEYAN DEVELOPMENT CONTROL PLAN 2012/ SOUTH JERRABOMBERRA DEVELOPMENT CONTROL PLAN COMMENTS	COMPLIES (Yes/No)
<p>extended right-hand turn lane on Tomsitt Drive has been approved with these subdivisions prior and the proposed use is considered consistent with the envisaged usage for the subdivision.</p> <p><b>Access</b></p> <p>A survey plan has been submitted confirming there is minimal fall over the site. Hence, driveway grades will be relatively flat. The driveway/roadway is 7.2m wide internally, which is in accordance with AS2890.2 guidelines.</p> <p>A shared VKC (approx. 18m wide) between Lots 2 &amp; 3 has been constructed during subdivision works. As the verge crossover is existing and internal driveway grades don't pose an issue, there is no need to condition driveway construction or inspection by Council.</p>	
<p><b>2.3 Environmental Management</b></p> <p>A Section J report will be required at Construction Certificate stage.</p> <p><b>Lighting</b></p> <p>A site plan was submitted showing light spill from the proposed lighting of the off-street car park. The light spill diagram is considered adequate in terms of its potential impacts on adjoining properties, this includes adjoining commercial property and surrounding nearby residences. The light spill diagram is provided on the site plan included in the attachment – architectural plans.</p> <p><b>Noise</b></p> <p>A Noise Assessment Report was submitted with the Development Application to support the proposal. Proposed hours of operation for the premises are 10:00am to 11:00pm. Delivery hours are wholly within operational hours.</p> <p>The Noise Assessment Report makes three key recommendations for the site. These include:</p> <p><b>Plant Noise</b></p> <p>All plant, including any refrigeration plant when taken together are not to exceed the criteria at the boundaries as established in this report and reported as the night time one: LAeq 35 dB(A). This should be verified during construction. This is the most stringent criterion.</p> <p><b>Waste collection</b></p> <p>Waste collection should be conducted during the hours of 7 am to 6 pm Monday to Saturday, and 8 am to 6 pm Sunday and public holidays.</p> <p><b>Drive through Windows</b></p> <p>No attenuation is required to the drive through speakers, as there is adequate distance and a noise wall. Payment and collection points should not be amplified. Further, the payment and pick-up windows should not exceed the criteria.</p> <p>The development will be conditioned to comply with the recommendations of the Noise Assessment Report.</p> <p><b>Waste</b></p> <p>A Waste Management Plan was submitted in support of the proposed development. The plan includes provisions to deal with operational waste, including a waste enclosure</p>	Yes

QUEANBEYAN DEVELOPMENT CONTROL PLAN 2012/ SOUTH JERRABOMBERRA DEVELOPMENT CONTROL PLAN COMMENTS		COMPLIES (Yes/No)																																																																				
and external/internal bins and provisions for dealing with oil spills. Compliance with this plan will be conditioned, whilst construction waste will need to be addressed through the submission of a Construction Management Plan, which will be conditioned to be submitted prior to commencement of construction																																																																						
<p><b>2.4 Contaminated Land Management</b></p> <p>Clause 7(1) prescribes that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated.</p> <p>This matter was considered under the subdivision application (DA 192-2016). A phase 2 Environmental Site Assessment (Coffey Environments Australia Pty Ltd (Ref: ENAUBRAD01138AA) and dated 23 November 2011) was submitted which identified several areas of environmental concern and recommended that a Remedial Action Plan (RAP) be prepared for the land and remediation carried out.</p> <p>The development consent required additional works including preparation of a Remedial Action Plan and subsequent validation activities (validation report) of the site prior to the commencement of any development work on the site.</p> <p>No conditions will be required for this application in regards to contamination and remediation of land, as all relevant works have been completed in accordance with the requirements of DA 192-2016 upon release of the subdivision certificate. The site is considered appropriate for this type of development.</p>		Yes																																																																				
<p><b>2.5 Flood Management</b></p> <p>The subject site is not within a flood prone area.</p>		N/A																																																																				
<p><b>2.6 Landscaping</b></p> <p>A Landscape Plan was prepared by a Category 1 Landscape Consultant as listed on Council's Landscape Consultant Register. The proposed landscaping is considered appropriate for the site. Specifically, the plan proposes the following plantings:</p> <table><tr><th colspan="4">INDICATIVE PLANT SCHEDULE</th></tr><tr><th>CODE</th><th>SPECIES</th><th>SPACING</th><th>MATURE SIZE (m)</th></tr><tr><td colspan="4">TREES</td></tr><tr><td>LIN</td><td>Lagerstroemia indica</td><td>As Shown</td><td>7 x 5</td></tr><tr><td>PCO</td><td>Pyrus calleryana</td><td>As Shown</td><td>6 x 2</td></tr><tr><td>PYCC</td><td>'Oakville Crimson Spire' Pyrus calleryana 'Capital'</td><td>As Shown</td><td>11 x 3</td></tr><tr><td colspan="4">SHRUBS</td></tr><tr><td>Lvsh</td><td>Lavandula angustifolia 'Hidcote'</td><td>4/m<sup>2</sup></td><td>0.3 x 0.3</td></tr><tr><td>Pss</td><td>Pittosporum 'Silver Sheen'</td><td>1/m<sup>2</sup></td><td>4 x 2</td></tr><tr><td>Vti</td><td>Viburnum tinus</td><td>1v</td><td>2 x 2</td></tr><tr><td>Wng</td><td>Westringia 'Grey Box'</td><td>2/m<sup>2</sup></td><td>0.5 x 0.2</td></tr><tr><td colspan="4">GRASSES/TUFTED PLANTS/GROUNDCOVERS</td></tr><tr><td>In</td><td>Isoplepis nodosa</td><td>6/m<sup>2</sup></td><td>0.6x0.4</td></tr><tr><td>Lta</td><td>Lomandra longifolia 'Tanika'</td><td>4/m<sup>2</sup></td><td>0.6 x 0.5</td></tr><tr><td>Lm</td><td>Liriope muscari 'Isabella'</td><td>5/m<sup>2</sup></td><td>0.4 x 0.4</td></tr><tr><td>Pte</td><td>Phormium tenax</td><td>1/m<sup>2</sup></td><td>1.5 x 1.5</td></tr><tr><td>Tj</td><td>Trachelospermum jasminoides</td><td>2/m<sup>2</sup></td><td>-</td></tr></table> <p>The proposed landscaping is considered appropriate for the site. It will not obscure site lines to and from entry and exit points and will add to the amenity of the site and streetscape.</p>		INDICATIVE PLANT SCHEDULE				CODE	SPECIES	SPACING	MATURE SIZE (m)	TREES				LIN	Lagerstroemia indica	As Shown	7 x 5	PCO	Pyrus calleryana	As Shown	6 x 2	PYCC	'Oakville Crimson Spire' Pyrus calleryana 'Capital'	As Shown	11 x 3	SHRUBS				Lvsh	Lavandula angustifolia 'Hidcote'	4/m <sup>2</sup>	0.3 x 0.3	Pss	Pittosporum 'Silver Sheen'	1/m <sup>2</sup>	4 x 2	Vti	Viburnum tinus	1v	2 x 2	Wng	Westringia 'Grey Box'	2/m <sup>2</sup>	0.5 x 0.2	GRASSES/TUFTED PLANTS/GROUNDCOVERS				In	Isoplepis nodosa	6/m <sup>2</sup>	0.6x0.4	Lta	Lomandra longifolia 'Tanika'	4/m <sup>2</sup>	0.6 x 0.5	Lm	Liriope muscari 'Isabella'	5/m <sup>2</sup>	0.4 x 0.4	Pte	Phormium tenax	1/m <sup>2</sup>	1.5 x 1.5	Tj	Trachelospermum jasminoides	2/m <sup>2</sup>	-	Yes
INDICATIVE PLANT SCHEDULE																																																																						
CODE	SPECIES	SPACING	MATURE SIZE (m)																																																																			
TREES																																																																						
LIN	Lagerstroemia indica	As Shown	7 x 5																																																																			
PCO	Pyrus calleryana	As Shown	6 x 2																																																																			
PYCC	'Oakville Crimson Spire' Pyrus calleryana 'Capital'	As Shown	11 x 3																																																																			
SHRUBS																																																																						
Lvsh	Lavandula angustifolia 'Hidcote'	4/m <sup>2</sup>	0.3 x 0.3																																																																			
Pss	Pittosporum 'Silver Sheen'	1/m <sup>2</sup>	4 x 2																																																																			
Vti	Viburnum tinus	1v	2 x 2																																																																			
Wng	Westringia 'Grey Box'	2/m <sup>2</sup>	0.5 x 0.2																																																																			
GRASSES/TUFTED PLANTS/GROUNDCOVERS																																																																						
In	Isoplepis nodosa	6/m <sup>2</sup>	0.6x0.4																																																																			
Lta	Lomandra longifolia 'Tanika'	4/m <sup>2</sup>	0.6 x 0.5																																																																			
Lm	Liriope muscari 'Isabella'	5/m <sup>2</sup>	0.4 x 0.4																																																																			
Pte	Phormium tenax	1/m <sup>2</sup>	1.5 x 1.5																																																																			
Tj	Trachelospermum jasminoides	2/m <sup>2</sup>	-																																																																			
<p><b>2.7 Soil, Water and Vegetation Management Plan (SWVM Plans)</b></p>		Yes																																																																				

QUEANBEYAN DEVELOPMENT CONTROL PLAN 2012/ SOUTH JERRABOMBERRA DEVELOPMENT CONTROL PLAN COMMENTS	COMPLIES (Yes/No)
Standard conditions relating to site management will be imposed should development consent be granted.	
<b>2.8 Guidelines for Bushfire Prone Areas</b> The subject site is bushfire prone and the application will be conditioned to comply with any construction requirements if necessary. Council's Building Surveyor has assessed the bushfire impact of the development and assessed compliance with the BCA and the PBP (Planning for Bushfire Protection) guide.	Yes
<b>2.9 Safe Design</b> The proposed development is generally consistent with the aims and objectives of this section of the QDCP 2012. The proposed design contains clear entry points to and from the site with entry to the building clearly defined from the internal car park. Landscaping is considered appropriate for the site and will not detrimentally impact site lines or create areas for hiding. Passive and natural surveillance is not considered an issue for the proposed development	Yes
<b>2.11 Height of Buildings</b> Refer to LEP assessment (Clause 4.3).	Yes
<b>2.13 Preservation of Trees and Vegetation</b> No tree or vegetation removal is proposed or required.	N/A
<b>Part 10 Neighbourhood Centre Controls and Principles</b>	
<b>10.3 Signage</b>  <b>Objectives:</b>  1) <i>To ensure that signage (including advertising):</i> <i>i. Is compatible with the desired amenity and visual character of an area.</i> <i>ii. Provides effective communication in suitable locations.</i> <i>iii. Is of high quality design and finish.</i>  2) <i>Maintain uniformity and orderly standards for advertising structures, as well as controlling the number and types of advertisements.</i>  3) <i>Ensure that the placement and design of advertisements and advertising structures are consistent with the architectural theme and design of a building and that such advertisements are not placed on prominent architectural features of a building including gables or the like.</i>  4) <i>Ensure that advertisements and advertising structures do not detract from the streetscape and waterscape of the locality, nor lead to visual clutter through the proliferation of such advertisements.</i>  5) <i>Ensure that advertisements and advertising structures do not constitute a traffic hazard to motorists and pedestrians.</i>  6) <i>Ensure that advertisements and advertising structures do not interfere with the operation of traffic control signs and signals.</i>	Yes



QUEANBEYAN DEVELOPMENT CONTROL PLAN 2012/ SOUTH JERRABOMBERRA DEVELOPMENT CONTROL PLAN COMMENTS	COMPLIES (Yes/No)
<p>7) <i>Ensure equal viewing rights where practical, for all advertisements and advertising structures, and to ensure that such advertisements are affixed and maintained in good structural condition at all times.</i></p> <p>8) <i>Reduce the proliferation of advertisements and advertising structures by requiring rationalisation of existing and proposed advertisements and the use of common directory boards in proposed and existing multi occupancy developments.</i></p> <p>The proposed signage is generally consistent with objectives of this section. Specifically, it is consistent and complimentary to the built form of the proposed building and will not have an impact on the amenity of the locality or impede on the viewing rights of advertising signage proposed by other entities. The signage is generally low-scale and acceptable for the building, site and locality.</p> <p><b>Controls:</b></p> <p>a) <i>Comply with the relevant controls in Part 9 Signage of this DCP for the type of sign proposed.</i></p> <p>Part 9 Signage of the South Jerrabomberra DCP outlines the provisions for signage to be designated as 'exempt development'. The proposed signage does not meet any criteria as designated within Part 9 of this DCP therefore consent is required. As a result, signage was assessed in detail against SEPP 64 'Advertising and Signage' which is provided at the start of this report.</p>	
<p><b>10.4 Safety and Security</b></p> <p><b>Objectives:</b></p> <p>1) <i>To create an environment in which people feel safe to walk during the day and night.</i>  2) <i>Enhance public safety by reducing opportunities for crime to occur.</i>  3) <i>Improve observation of public and private spaces.</i>  4) <i>Optimise the use of public spaces and facilities by the community.</i>  5) <i>Promote the design of safe, accessible and well maintained buildings and spaces.</i></p> <p>The proposed development is generally consistent with the objectives of section 10.4. Specifically, the development has clear entry and exit points and will have adequate lighting during night operating hours.</p> <p><b>Controls:</b></p> <p>a) <i>Comply with the relevant controls in Clause 2.2 of the Queanbeyan Development Control Plan 2012</i></p> <p>Please refer to the assessment against clause 2.2 of the QDCP 2012 in the above section and specifically clause 2.9 safety.</p>	Yes
<p><b>10.5 Site Car Parking</b></p> <p><b>Objectives:</b></p>	Yes

QUEANBEYAN DEVELOPMENT CONTROL PLAN 2012/ SOUTH JERRABOMBERRA DEVELOPMENT CONTROL PLAN COMMENTS	COMPLIES (Yes/No)
<p>1) <i>Ensure that onsite parking for all development is provided to meet the anticipated demand of employees, residents and customers.</i></p> <p>The proposed development is consistent with this control, as it provides an excess of car parking above the requirements of Part 2 of the QDCP 2012.</p> <p><b>Controls:</b></p> <p>a) <i>Comply with the relevant controls in Clause 2.2 of the Queanbeyan Development Control Plan 2012.</i></p> <p>Please refer to the assessment against clause 2.2 of the Queanbeyan Development Control Plan 2012 in the above section.</p>	
<p><b>10.7 Pedestrian Access and Mobility</b></p> <p><b>Objectives:</b></p> <p>1) <i>To provide safe and easy access to buildings to enable better use and enjoyment by people regardless of age and physical condition whilst also contributing to the vitality and vibrancy of the public domain.</i></p> <p>2) <i>To ensure buildings and places are accessible to people with a disability.</i></p> <p>3) <i>To provide a safe and accessible public domain.</i></p> <p>Disabled parking spaces, pedestrian linkages and adequate signage ensure that the development is safe and easy to access for everyone.</p> <p><b>Controls:</b></p> <p>a) <i>To assist people with a disability the main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity.</i></p> <p>Entry points to the building are visible from both the street and the car park. The design and layout of the building will make it easy to access and easy to identify entry points. Complies.</p> <p>b) <i>The design of facilities (including car parking requirements) for disabled persons shall comply with the relevant Australian Standard (AS 1428 Pt 1 and 2 or as amended) and the Disability Discrimination Act 1992 (as amended).</i></p> <p>The design of the proposal and its facilities is capable of complying with the relevant Australian standards and disability discrimination act. Further assessment against these provisions will be provided at construction certificate stage.</p> <p>c) <i>The development shall provide at least one main pedestrian entrance with convenient barrier free access to the ground floor and/or street level.</i></p>	Yes

QUEANBEYAN DEVELOPMENT CONTROL PLAN 2012/ SOUTH JERRABOMBERRA DEVELOPMENT CONTROL PLAN COMMENTS	COMPLIES (Yes/No)
<p>The proposed development complies with this control.</p> <p><i>d) The development shall provide continuous access paths of travel from all public roads and spaces as well as unimpeded internal access.</i></p> <p>The proposed development complies with this control.</p> <p><i>e) The development shall provide visually distinctive accessible internal access linking to building entry points and the public domain.</i></p> <p>Marked pedestrian linkages are proposed throughout the carpark, creating visually distinctive links between the car park, road and entry points to the proposed building. Complies.</p> <p><i>f) Pedestrian access ways, entry paths and lobbies shall use durable materials commensurate with the standard of the adjoining public domain (street) with appropriate slip resistant materials, tactile surfaces and contrasting colours.</i></p> <p>This requirements will form a part of the conditions of the development consent.</p> <p><i>g) Any new development providing basement car parks shall make provision for access for persons with a disability.</i></p> <p>No basement parking is proposed. Not applicable.</p>	
<p><b>10.12 Additional Objectives and Controls for Poplars Neighbourhood Centre</b></p> <p><b>Objectives:</b></p> <p><i>1) To ensure that the design, mix and siting of development supports the neighbourhood centre.</i></p> <p><i>2) To ensure that design and siting of the development establishes a high quality, vibrant and attractive place.</i></p> <p><i>3) To ensure that the arrangement of uses takes into account the residential amenity of the adjacent housing.</i></p> <p><i>4) To ensure that the arrangement of uses takes into account and minimises any adverse impacts on the ecological values of the adjoining environmental conservation land.</i></p> <p><i>5) To ensure personal safety for workers and visitors to the development.</i></p> <p><i>6) To ensure design minimises the opportunity for crime and maximises opportunities for passive surveillance.</i></p> <p>The proposed development is generally consistent with the objectives of this section. Specifically, it addresses safety, design and amenity adequately through its overall layout and design. For further comment refer to the assessment against the relevant sections of Part 2 of the QDCP 2012.</p>	Yes

QUEANBEYAN DEVELOPMENT CONTROL PLAN 2012/ SOUTH JERRABOMBERRA DEVELOPMENT CONTROL PLAN COMMENTS	COMPLIES (Yes/No)
<p><b><i>The Built Form Controls:</i></b></p> <p><i>a) Development is generally to take the form of 1 to 2 storeys.</i></p> <p>The building is within the specified height limit under the QLEP (Poplars) 2013. It is single storey. Complies.</p> <p><i>b) The equivalent of 3 storey built form structures may be considered in order to provide variation and diversity and may form part of key signage elements and strategic articulation of the built form.</i></p> <p>Not applicable to this development.</p> <p><i>c) The design and siting of buildings shall give consideration to providing a transition to the existing residential development.</i></p> <p>The proposed development is single storey and is consistent with the intended uses of the subdivision of the site.</p> <p><i>d) Where practical, active building frontages at ground level are to define edges to the pedestrian network and public domain elements.</i></p> <p>The proposed building is adjacent to the street, and as a result it adequately addresses the streetscape through setback and building form. Complies.</p> <p><i>e) Where practical large format retail uses are to contain active uses along primary pedestrian connections and frontages.</i></p> <p>Adequate linkages from the street to the building have been provided. Complies.</p> <p><i>f) Blank walls are discouraged.</i></p> <p>No blank walls are proposed. The proposed building is adequately articulated.</p> <p><i>g) Built form is to include a high level of architectural finish and design.</i></p> <p>The proposed development is reasonable in this regard, and is consistent with other KFC premises across Australia. A number of contemporary building materials are proposed that create visual interest and adequate articulation. Complies.</p> <p><i>h) Articulated and varied architectural forms and facades are encouraged.</i></p> <p>The design of the façade is articulated sufficiently, it incorporates a range of materials, colours and windows and doors. Complies.</p> <p><b><i>Access and Mobility Controls:</i></b></p> <p><i>a) Pedestrian links are to be open and the pedestrian network within the Neighbourhood Centre is to facilitate movement between the centre and any new bus stop that might be provided, central public spaces, retail facilities and the car parking areas.</i></p>	

QUEANBEYAN DEVELOPMENT CONTROL PLAN 2012/ SOUTH JERRABOMBERRA DEVELOPMENT CONTROL PLAN COMMENTS	COMPLIES (Yes/No)
<p><b>Note:</b> Additional controls for access and parking are set out in part 5.</p> <p>Car parking areas of the proposed development are linked and integrated into the surrounding pedestrian network</p> <p><b>Landscaping and Edge Treatment Controls:</b></p> <p><i>a) The landscaping of a sufficient width and suitable species shall be provided around the perimeter of the neighbourhood centre including Tomsitt Drive.</i></p> <p>The mix of small-medium trees and mix of shrubs with grass and mulch ground cover provides adequate landscaping for the type of development. A buffer is provided around the perimeter of the site from the landscaping. For further information in regards to the proposed planting schedule please refer to the assessment against clause 2.6 of Section 2.2 of the QDCP 2012.</p> <p><i>b) The landscape buffer along the eastern edge of the centre shall be designed to provide a suitable buffer to minimise any impact on the amenity of the adjacent residential area.</i></p> <p>The allotment is not located against the landscape and acoustic wall buffer. A small landscaping strip is provided along the eastern boundary of the site.</p> <p><i>c) Landscaping along the northern edge shall be designed to minimise any adverse impact to the environment / conservation values of the adjoining land.</i></p> <p>The proposed landscaping achieves the objectives of the control with an appropriate mix of shrubs, ground cover and trees.</p> <p><i>d) Landscape edge to Tomsitt Drive shall provide a suitable address whilst also retaining visibility for the commercial uses along the frontage.</i></p> <p>The lot borders Tomsitt Drive, the planting located on the southern boundary facing Tomsitt Drive includes small-medium size trees and grasses/shrubs. The landscaping will retain visibility between the site and the street, whilst also enhancing the amenity of the streetscape. Complies.</p> <p><i>e) All landscape areas shall be designed in accordance with safer by environmental design practices.</i></p> <p>Appropriate tree and shrub species have been selected for the development. Please refer to the assessment against Section 2.2, clause 2.6 and 2.7 of the QDCP 2012 that discusses landscaping and safe design.</p> <p><b>Safety and Surveillance Controls:</b></p> <p><i>a) Buildings should be designed to overlook public domain areas and provide casual surveillance.</i></p> <p>No public domain is located within the vicinity of the proposed development. Not applicable.</p>	

QUEANBEYAN DEVELOPMENT CONTROL PLAN 2012/ SOUTH JERRABOMBERRA DEVELOPMENT CONTROL PLAN COMMENTS	COMPLIES (Yes/No)
<p><i>b) Building entrances should be orientated towards the street wherever possible to ensure visibility between entrances, foyers, car parking areas and the street.</i></p> <p>The primary entrances of the proposed building face the internal car park with the façade and identification signage visible from the street to direct patrons in. Complies.</p> <p><i>c) Appropriate lighting should be provided to all cycle and pedestrian paths, bus stops, car parks and buildings.</i></p> <p>Internal pedestrian links from the car park to the proposed building will be adequately lit. Complies.</p> <p><i>d) Development should provide clear sight lines and well-lit routes between buildings and the street, and along pedestrian and cycle networks within the public domain.</i></p> <p>Adequate pedestrian links and lighting has been provided for the site. Clear site lines are retained from the street and car park through to the access points of the proposed building.</p> <p><i>e) Consideration should be given to the use of landscape elements so as to not compromise the perceived level of safety.</i></p> <p>The proposed landscaping incorporates mulch, grass, small-medium size trees and shrubs. The spacing between trees and placement of shrubs will not impact natural surveillance and site lines through the car park and towards the proposed building. Complies.</p>	

### Additional Planning Considerations

The following additional planning matters apply to the development:

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<b>Environmental Planning and Assessment Act Regulation 2000</b>	
<p><i>The provisions of any matters prescribed by the Regulations, which apply to the land to which the development application relates, must be considered.</i></p> <p><i>Clause 92 - Australian Standard AS 2601-1991 (Demolition of Structures).</i>  <i>Clause 94 - Fire Safety Considerations (rebuilding/altering/enlarging/extending existing building) applies to the proposal. Recent renovations have been undertaken in the building and it is considered that the measures contained in the building are adequate to protect persons using the building, and to facilitate their egress from the building in the event of a fire.</i></p>	Yes
<b>The Likely Impacts of the Development</b>	
<p><i>Context and Setting</i> – The proposed development will have a minimal impact on the scenic qualities and features of the landscape including views and vistas and is compatible with the established character of the locality. There will be minimal impact on adjacent properties in relation to overshadowing and privacy.</p>	Yes
	Yes

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<i>Access, Transport and Traffic</i> - The proposed development's impact in relation to access, transport and traffic is considered to be acceptable. The matters relating to parking and access have been previously addressed under Part 2 of the QDCP 2012.	
<i>Public Domain</i> - The proposed development will not adversely impact on public recreational opportunities, pedestrian links or access to public space.	Yes
<i>Utilities</i> - The site is serviced with water, sewer, electricity and telecommunication services.	Yes
<i>Heritage</i> - The proposed development will have a minimal impact in relation to heritage. The site is not heritage listed, is not adjacent to a heritage item, and is not located within a Heritage Conservation Area.	Yes
<i>Other Land Resources</i> - The proposed development will not affect the future use or conservation of valuable land resources such as: productive agricultural land; mineral and extractive resources; and water supply catchments.	Yes
<i>Water</i> - The proposed development will have minimal impact on the conservation of water resources and the water cycle.	Yes
<i>Soils</i> - The proposed development will have minimal adverse impact on soil conservation. The soils are suitable for the development.	Yes
<i>Air and Microclimate</i> - The proposed development will have minimal/satisfactory impact on air quality and microclimatic conditions and will be conditioned to prevent air pollution such as dust or odour where required.	Yes
<i>Flora and Fauna</i> - The proposed development will have a minimal impact in relation to the maintenance of biodiversity in the area. There are no known listings of critical habitat, threatened or endangered species, populations, ecological communities or their habitats on or in close proximity to the site.	Yes
<i>Waste</i> - adequate waste facilities are available for the proposed development.	Yes
<i>Energy</i> - A BASIX Certificate is not required for this proposal. A Section J Report will be required at Construction Certificate stage.	N/A
<i>Noise and Vibration</i> - The proposed development is not likely to cause any adverse ongoing impact from noise or vibration. Appropriate conditions will be added to the consent in regards to operating and delivery hours.	Yes
<i>Natural Hazards</i> - Flood management has been addressed under the QDCP (Poplars) 2013. The site is not flood prone.	Yes
<i>Technological Hazards</i> - No technological hazards are known to affect the site.	N/A
<i>Safety, Security and Crime Prevention</i> - The proposed development complies with the relevant section of the QDCP (Poplars) 2013 and the QDCP 2012 and South Jerrabomberra Development Control Plan on crime prevention through environmental design.	Yes
<i>Social Impact in the Locality</i> - The social impacts of the proposal are anticipated to be minimal.	Yes

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<i>Economic Impact in the Locality</i> - The economic impacts of the proposal are anticipated to be positive in terms of creating local employment opportunities and increasing access to services/products for consumers.	Yes
<i>Site Design and Internal Design</i> - The site design and internal design of the development has been assessed under the QDCP 2012 and South Jerrabomberra Development Control Plan. The proposed design is considered to be satisfactory.	Yes
<i>Construction</i> - The construction stage of the proposed development will have the potential to impact on adjoining properties and the environment for a short period of time. Any approval will be conditioned to ensure construction activities do not unreasonably impact on the adjoining properties and their occupants and the environment by way of noise, erosion and the like. These conditions are standard Council conditions of development consent.	Yes
<i>Cumulative Impacts</i> - Cumulative impacts relate to the small impacts of developments in an area that when considered in unison can result in detrimental impact on the natural or built environment. It is considered unlikely that the proposed development will result in adverse cumulative impact.	Yes
<b><i>The Suitability of the Site for the Development</i></b>	
<i>Does the proposal fit in the locality?</i> - The proposal is considered to be compatible with its site and general locality.	Yes
<i>Are the site attributes conducive to development?</i> – Site attributes such as configuration, size and slope, are considered to be generally conducive to the proposed development.	Yes
<b><i>Have any submissions been made in accordance with the Act or the Regulations?</i></b>	
<i>Public Submissions</i> - The application was required to be notified. A total of 13 submissions were received during the notification period. An assessment against the issues raised in the submissions has been provided under the assessment against the QDCP 2012 within Part 1. The community consultation section of the Council Report also contains a response to the issues raised within the submissions that were received during the public exhibition period.	Yes
<i>Submissions from Public Authorities</i> – The application was referred to NSW Police with no comment returned. In this instance Council assumed no objection. The application was also referred to NSW RMS who had no objection to the development. One of the comments from RMS related to the intersection of Tomsitt Drive and was only relevant to the subdivision works which are subject to a separate assessment and approval to the KFC development.	Yes
<b><i>The Public Interest</i></b>	
It is considered that the public interest will not be adversely affected by the proposed development. Standard conditions will be imposed to ensure minimal impacts to surrounding properties.	Yes
<b><i>Government and Community Interests</i></b>	
It is considered that government and community interests will not be adversely affected by the proposed development.	Yes
<b><i>Section 7.11 and 64 Development Contributions</i></b>	



MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<p><i>Section 7.11 Contributions are applicable to the development.</i></p> <p><i>Section 64 Contributions are applicable to the development.</i></p> <p>An invoice containing contribution charges will be issued with the development consent.  Please refer to the Council Report for further information on contributions.</p>	Yes

# **QUEANBEYAN-PALERANG REGIONAL COUNCIL**

## **Planning and Strategy Committee of the Whole Meeting Attachment**

**12 JUNE 2019**

ITEM 6.2                      DEVELOPMENT APPLICATION 505-2018 - TAKEAWAY FOOD  
AND DRINK PREMISES - 10 FERDINAND LANE,  
JERRABOMBERRA

ATTACHMENT 2      DA 505-2018 - ARCHITECTURAL PLANS - TAKEAWAY FOOD  
AND DRINK PREMISES (KFC RESTAURANT) - 10  
FERDINAND LANE



## KFC JERRABOMBERRA

NEW KFC RESTAURANT AT  
TOMPSITT DRIVE, NSW



**DRAWING REGISTER:**

## ARCHITECTURAL DRAWINGS

[illegible]

**SOUTHERN  
RESTAURANTS VIC**  
LEVEL 1, 278 FERNTREE GULLY RD  
NOTTING HILL, VICTORIA 3168  
TELEPHONE: (03) 9271 0900  
FACSIMILE: (03) 9661 9188

**Voda** building services p.l.  
ABN 3287 146 2418  
Suite 3, 668 Burwood Road  
Hawthorn East, Victoria. 3123.  
Tel: (03) 9805 8400 Fax: (03) 9805 8455  
E-mail: voda@vodabs.com.au

**NOTE:**

Check and verify all dimensions on site before commencement of any works &/or shop drawings. Any discrepancies should be reported to the architect. This Design and Drawing is Property of Voda Building Services Pty Ltd. and may not be copied in any way in part or whole without written consent.

© Design Copyright.

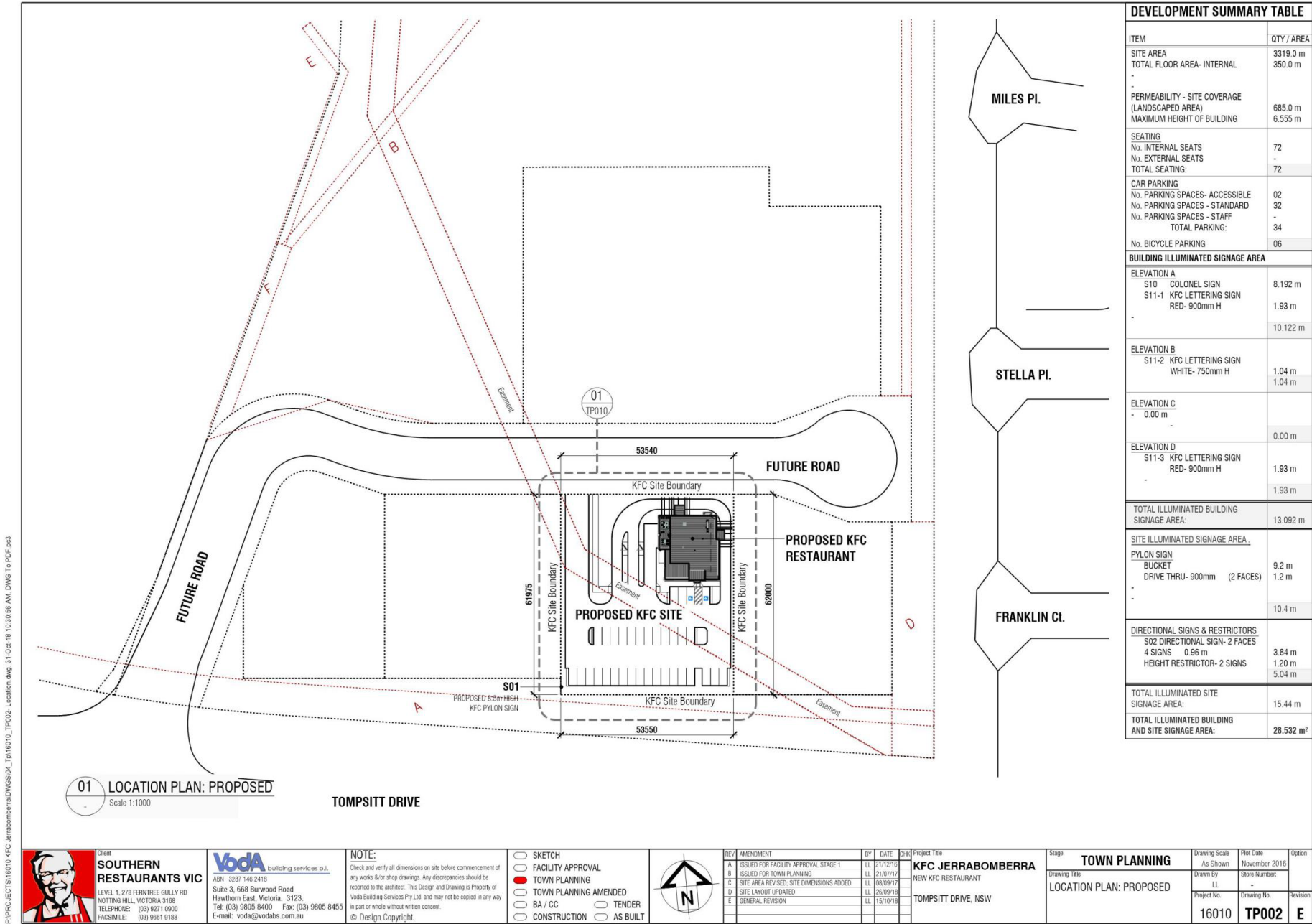
- ☐ SKETCH  
☐ FACILITY APPROVAL  
☒ TOWN PLANNING  
☐ TOWN PLANNING AMENDED  
☐ BA / CC  
☐ CONSTRUCTION

REV	AMENDMENT	BY	DATE	CH
H	GENERAL REVISION	KL	24/10/18	S
J	DRAWING REGISTER UPDATED	LL	21/03/19	S
K	REVISIONS AS CLOUDED	KL	28/03/19	S
L	REVISIONS AS CLOUDED	KL	04/04/19	S

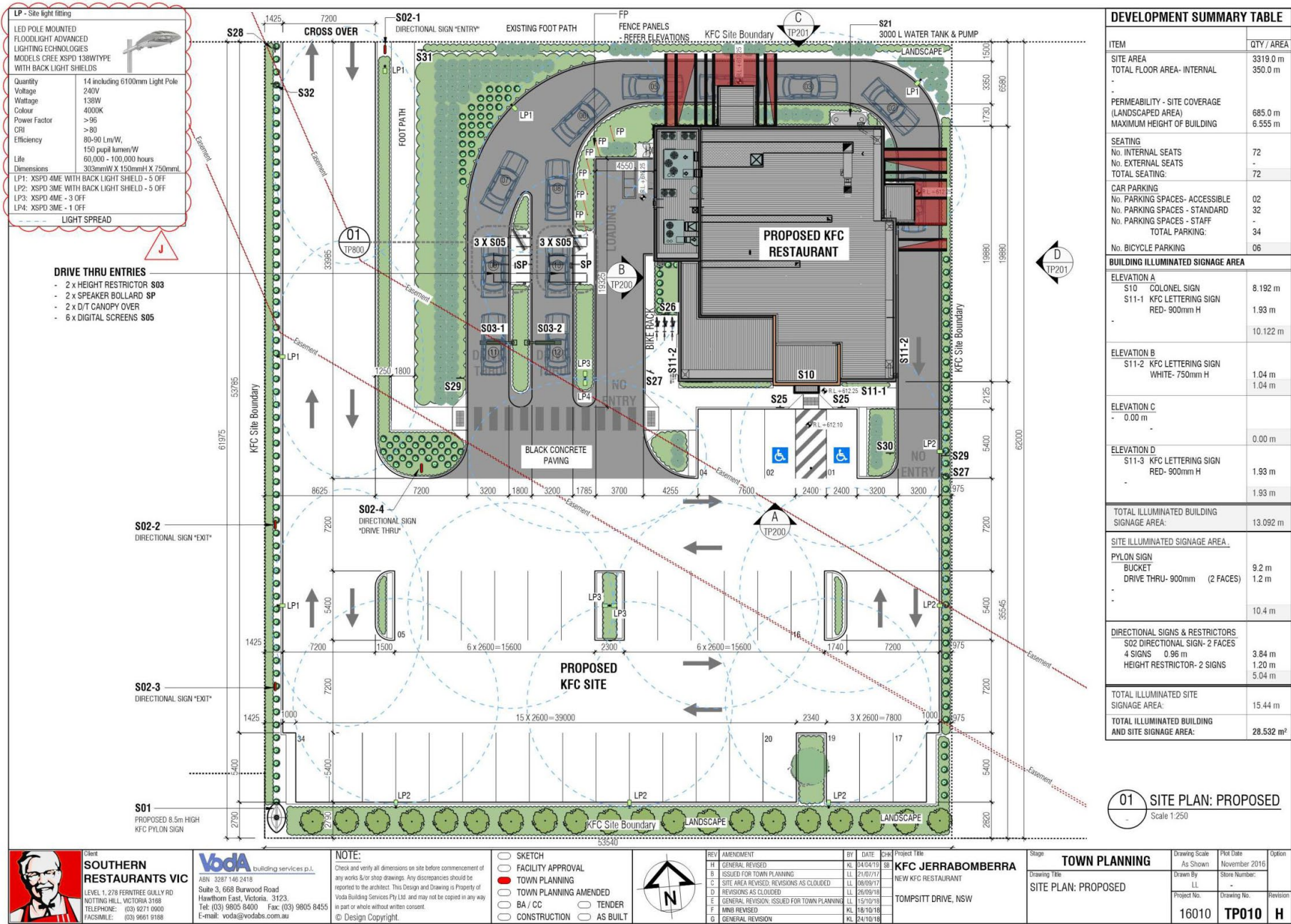
Project Title	KFC JERRABOMBERRA
	NEW KFC RESTAURANT
	TOMPSITT DRIVE, NSW

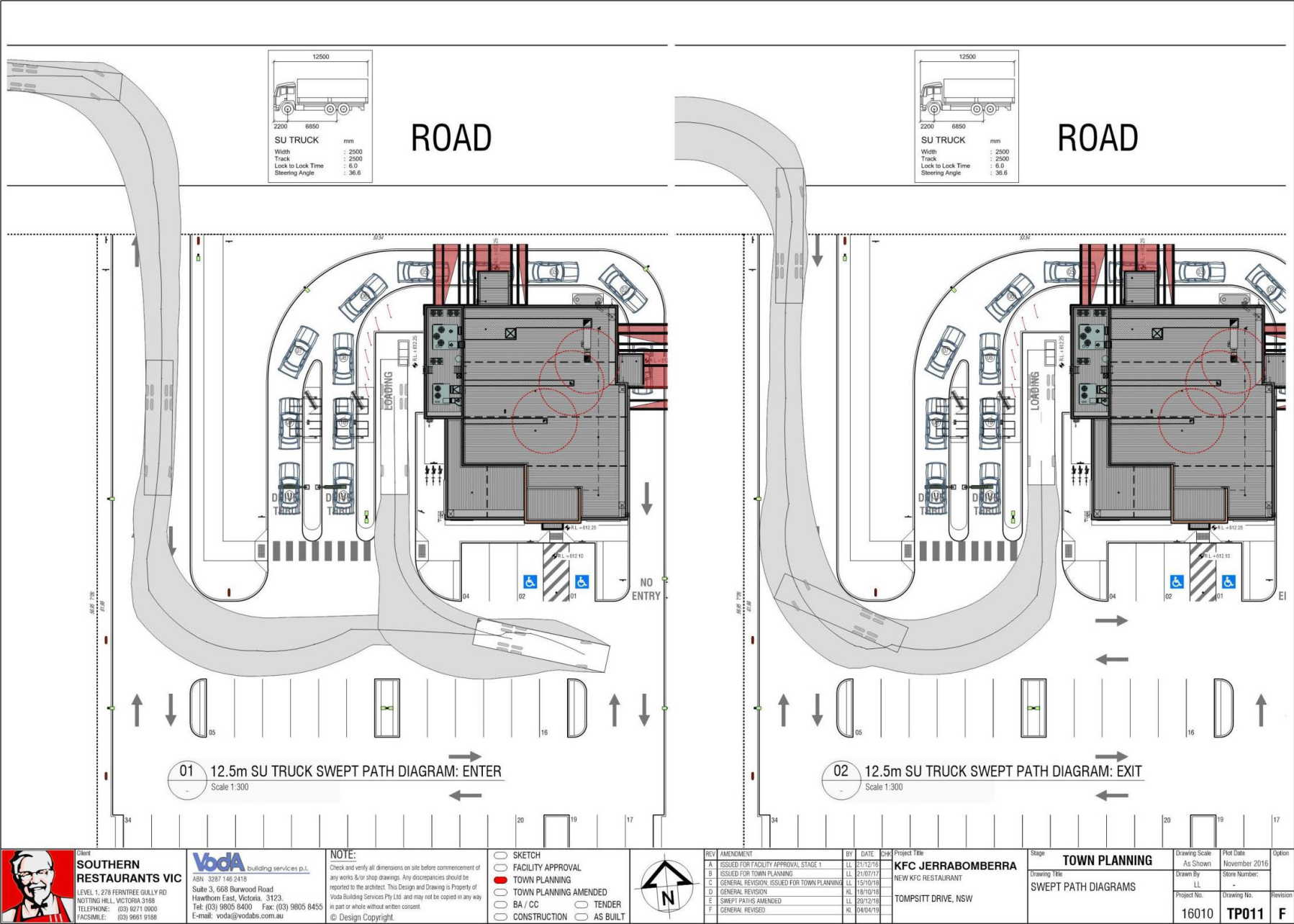
Stage	<b>TOWN PLANNING</b>
Drawing Title	COVER SHEET; DRAWING REGISTER & LOCATION MAP

Drawing Scale As Shown	Plot Date November 2016	Option
Drawn By LL	Store Number: -	
Project No. <b>16010</b>	Drawing No. <b>TP000</b>	

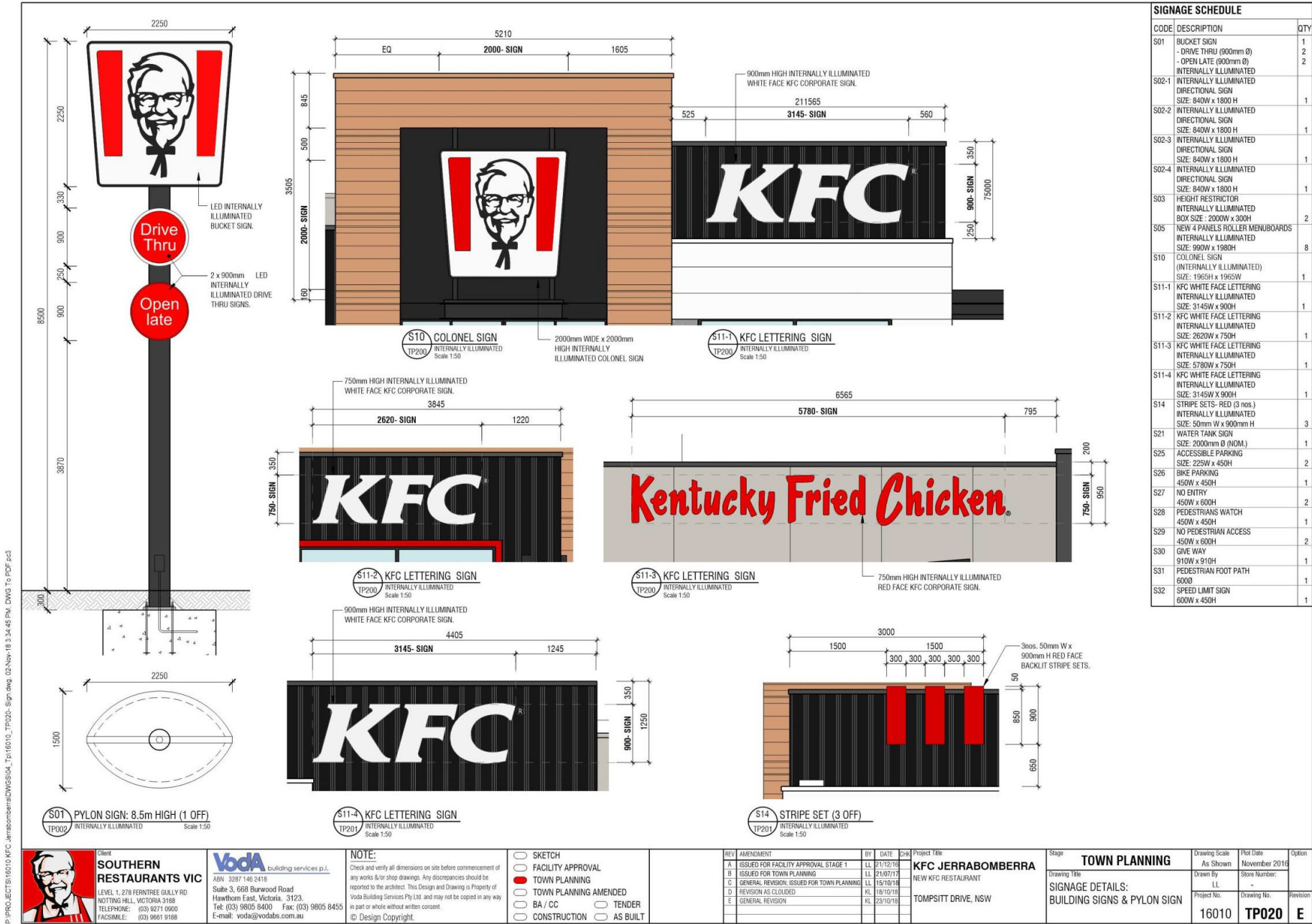


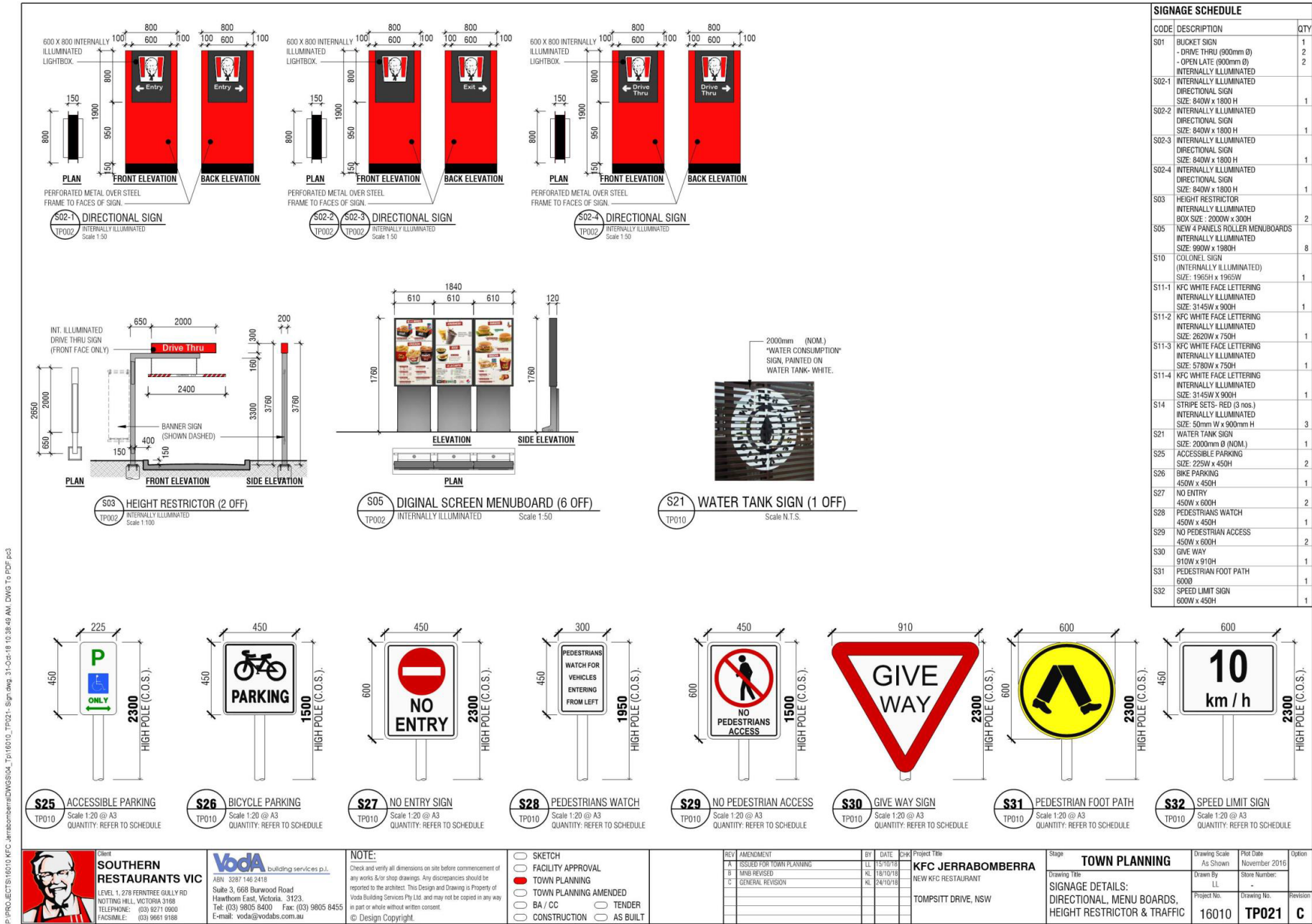




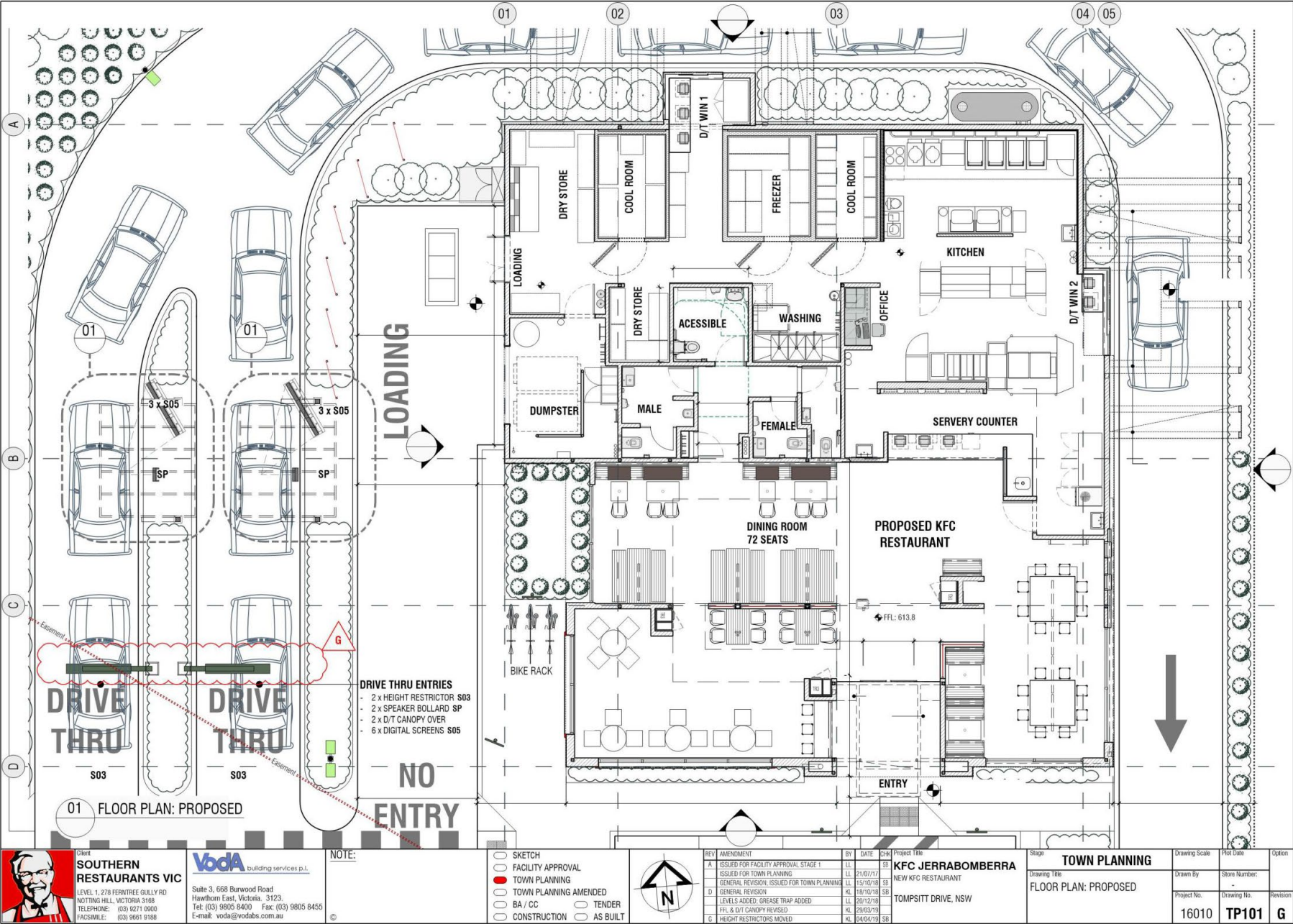


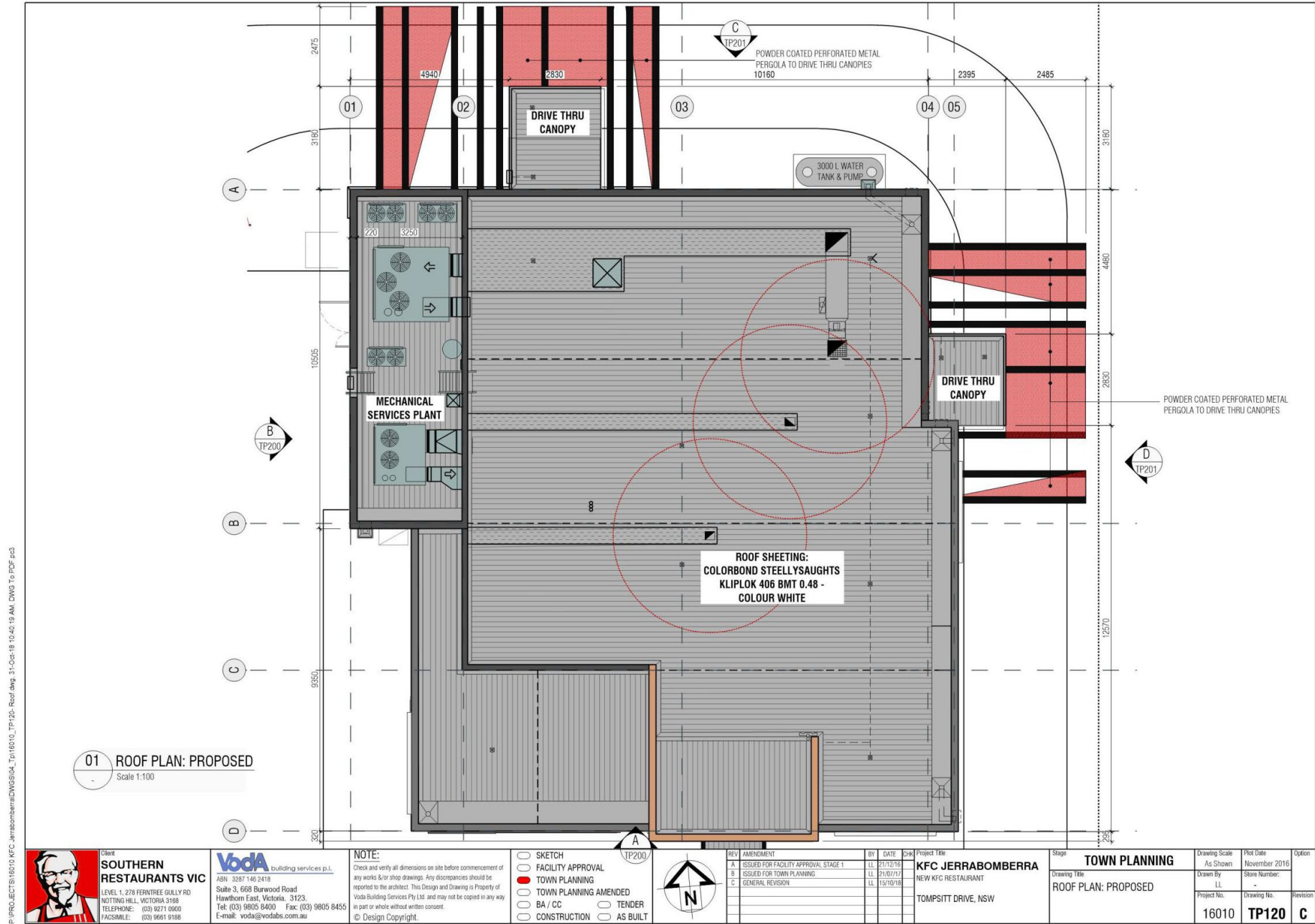




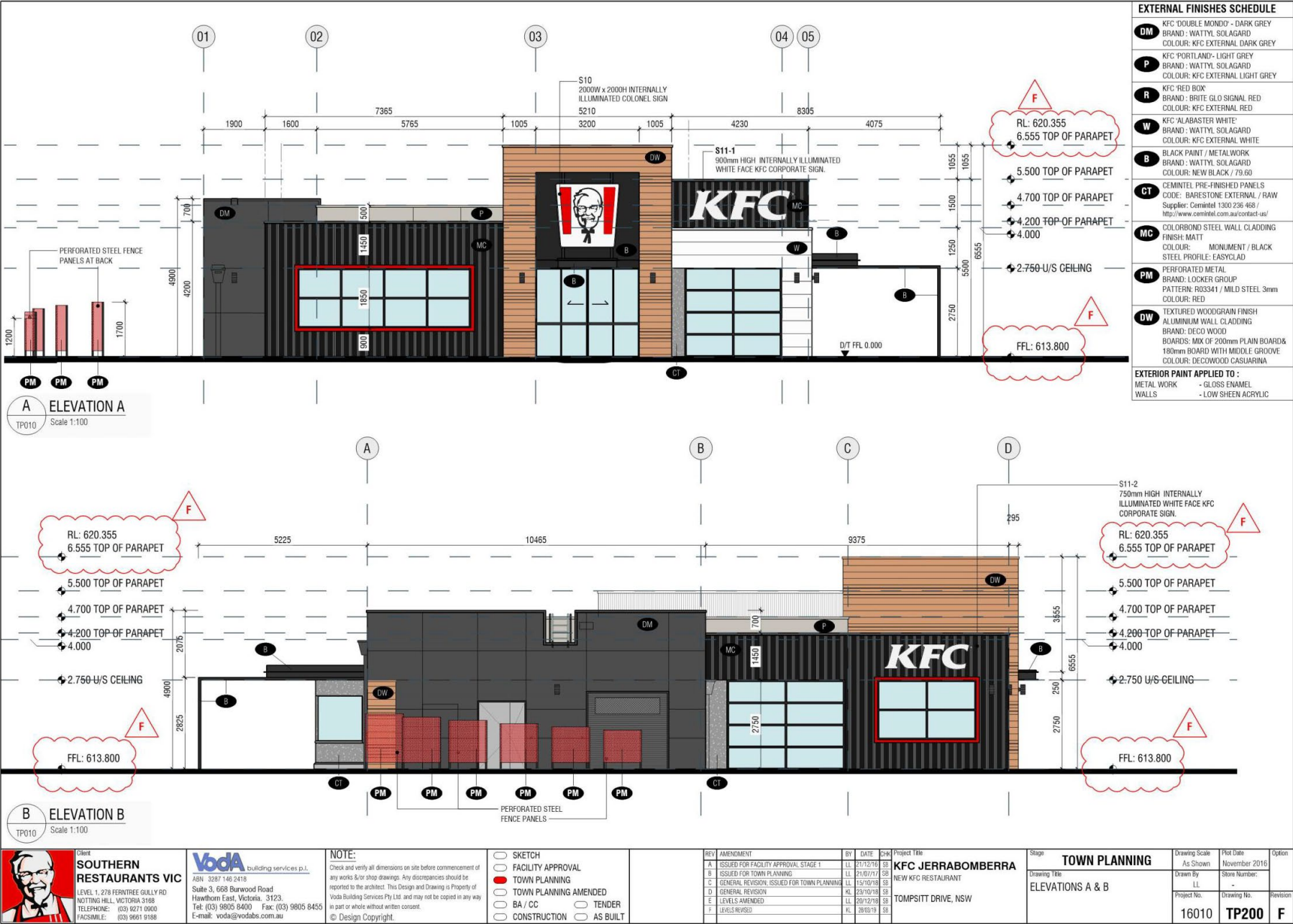


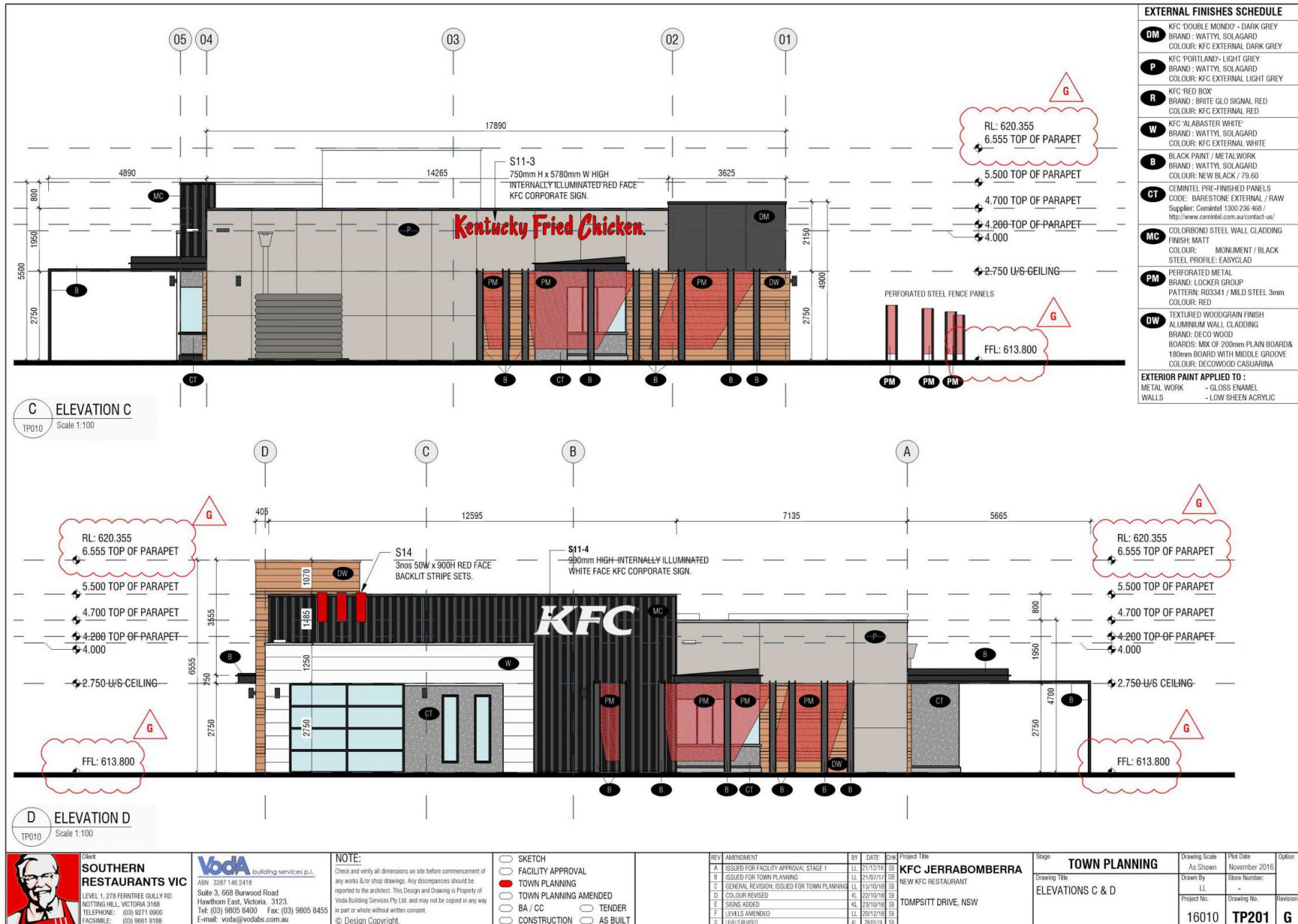


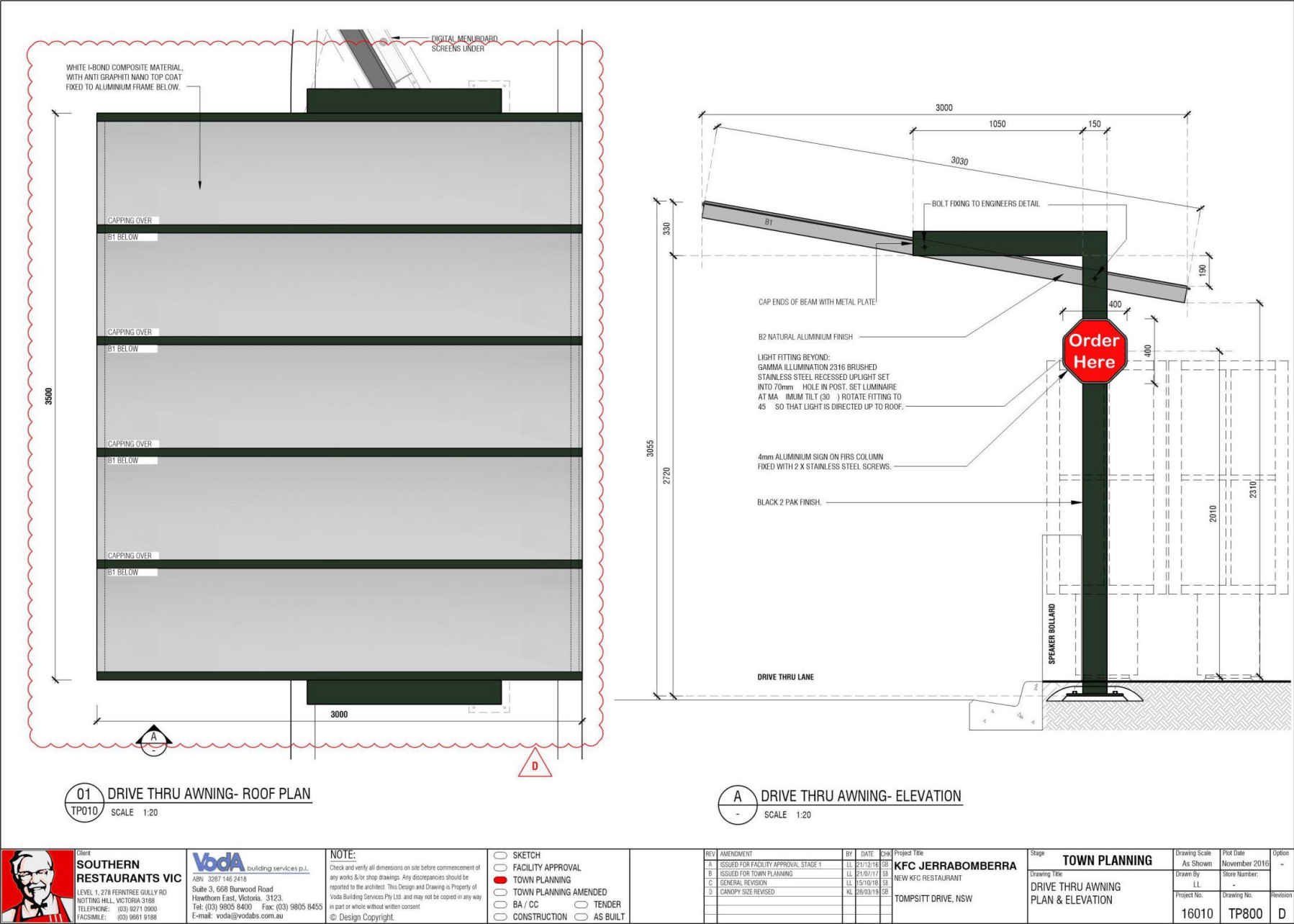




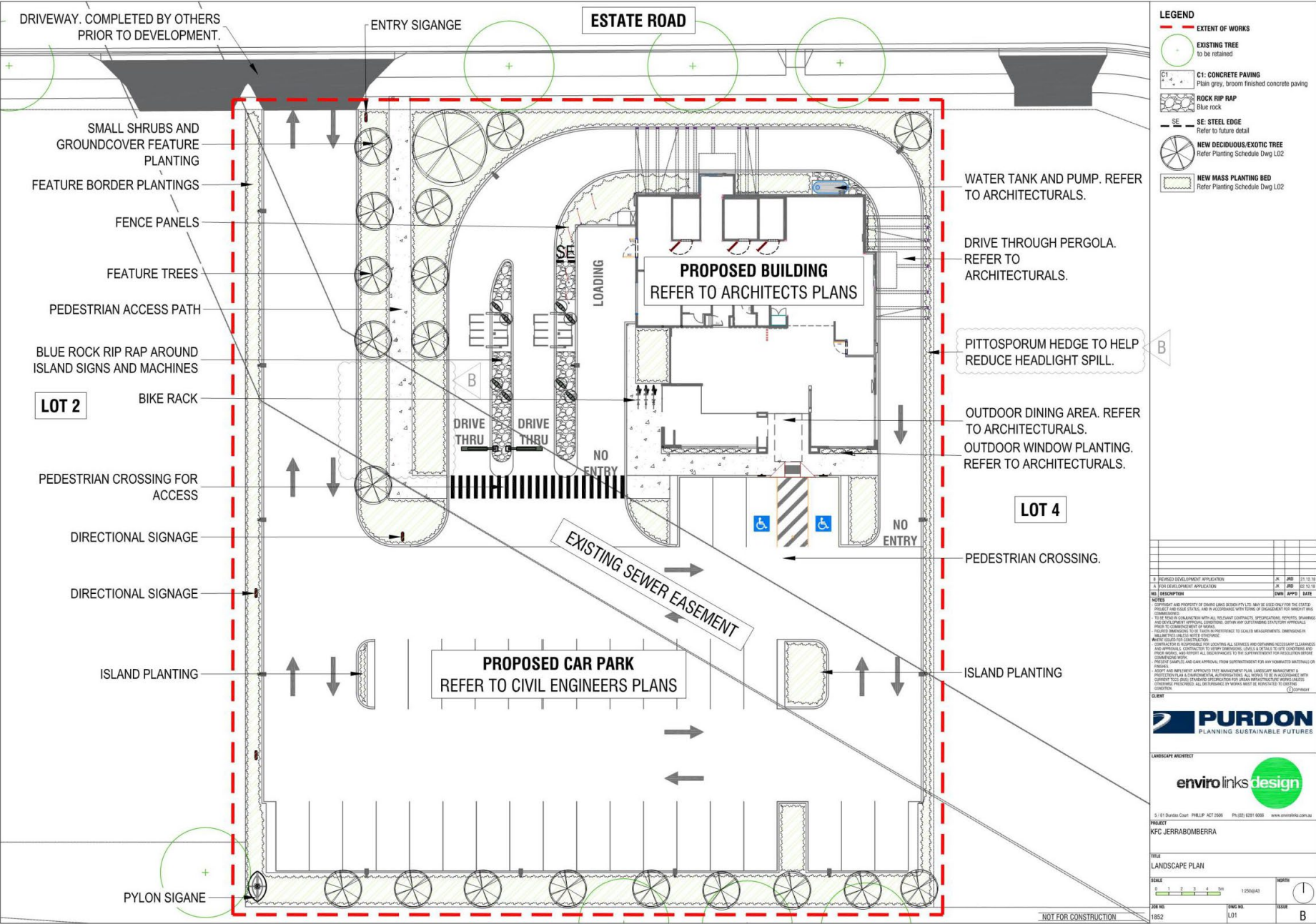




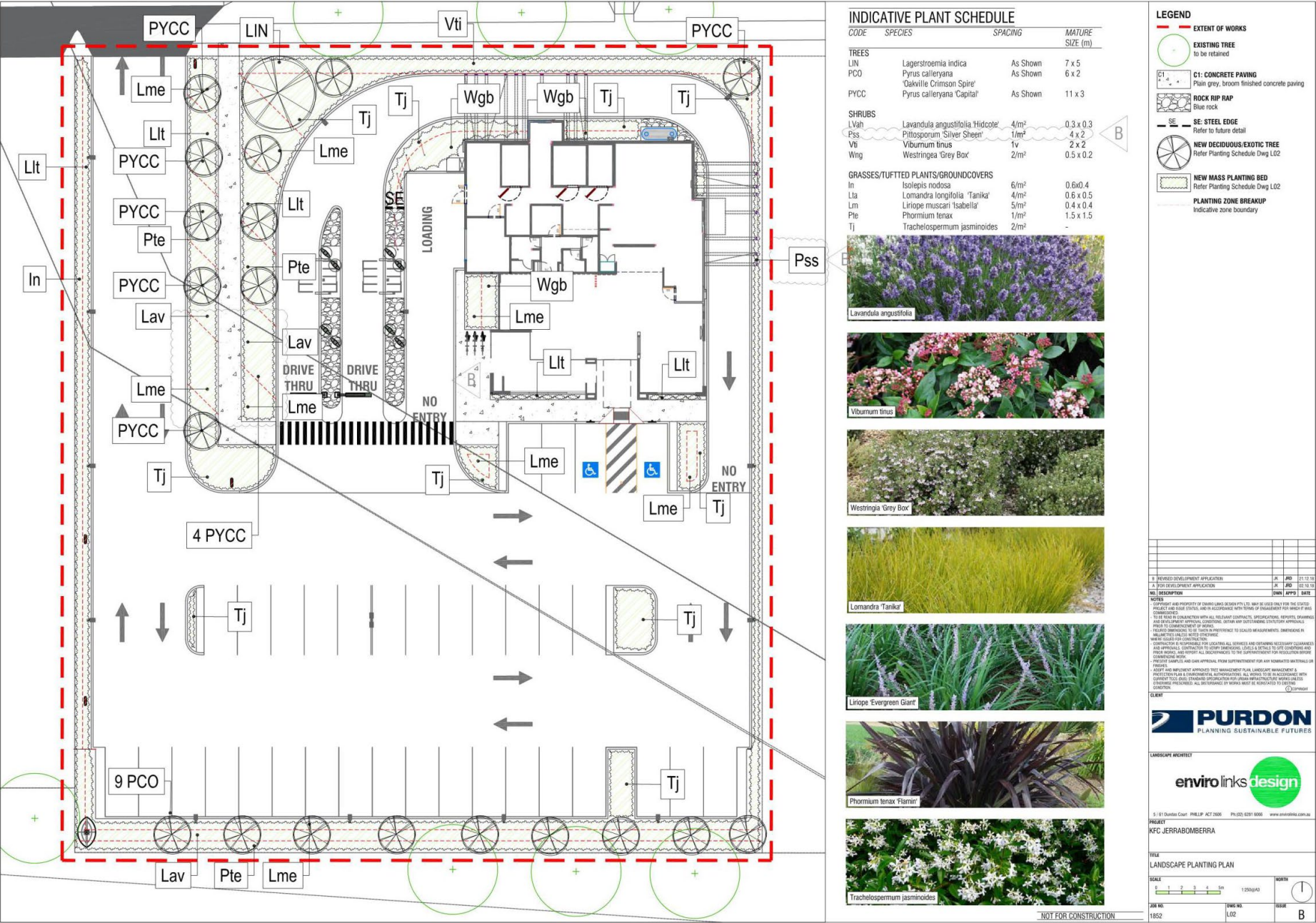












# **QUEANBEYAN-PALERANG REGIONAL COUNCIL**

## **Planning and Strategy Committee of the Whole Meeting Attachment**

**12 JUNE 2019**

ITEM 6.2                      DEVELOPMENT APPLICATION 505-2018 - TAKEAWAY FOOD  
AND DRINK PREMISES - 10 FERDINAND LANE,  
JERRABOMBERRA

ATTACHMENT 3      DA 505-2018 - SUBMISSIONS - TAKEAWAY FOOD AND DRINK  
PREMISES - 10 FERDINAND LANE



## **Compilation of Submissions Received in Relation to KFC at 10 Ferdinand Lane Jerrabomberra (DA 505-2018)**

### **Submission 1**

Dear QPRC,

I am writing to express my strong concern over the proposed development of a McDonald's and/or KFC and/or any major global chain on Tomsitt Drive, Jerrabomberra.

I understand that once the Ellerton Drive Extension is complete, there will be increased traffic flow through Jerra onto Tomsitt Drive. However, I do not believe that Tomsitt will be a major enough arterial road to require drive through fast food restaurants. I think it makes much more sense to put these sort of rest-stops/re-fueling points down in Hume, an extra few kilometers. The Caltex in Hume is open 24 hours, making sense for a 24 hour fast-food restaurant to be conveniently placed next door. Jerrabomberra has a strong residential community and a McDonald's/KFC would deteriorate this charming neighborhood.

McDonald's and KFC, whilst supporting local employment, would be detrimental to pre-established local businesses such as Suppeto, Jerra Takeaway, and Jerra Hotel. A global fast food chain will take away significant market share through aggressive pricing.

Furthermore, there is absolutely no reason why (if it does go ahead) McDonald's should be operating 24 hours a day. Jerrabomberra is not a hotspot of activity and all other businesses close by 11pm, including the service station. Having a 24 hour fast food restaurant may encourage loitering, increase noise levels, contribute to a littering problem, and attract the 'wrong type' of people.

Jerra residents (or those transiting through), can simply drive to Queanbeyan to get their fast food fix (a maximum 10 minute drive). Queanbeyan has plenty of fast food outlets at any time of night. I believe people choose to live in Jerra because it doesn't have what Queanbeyan offers. Jerra fully fits the QPRC slogan of 'country-living, city benefits.' We get those city benefits when we take the short commute to Queanbeyan or Canberra. Let's keep Jerra's country charm as not many other suburbs can offer it and still be a 20 minute commute from Canberra.

I feel extremely sad that the day has come where Jerra is potentially evolving to a point where it will become unrecognisable.

Thank you,

### **Submission 2**

Dear QPRC,

I am writing to express my strong concern over the proposed development of a McDonald's and/or KFC on Tomsitt Drive, Jerrabomberra. While I believe the

community would greatly benefit from an additional supermarket, I do not think there is anything positive about opening a global fast-food chain(s).

McDonald's and KFC, whilst supporting local employment, would be detrimental to pre-established local businesses in Jerrabomberra such as Suppeto, Jerra Takeaway and Jerra Hotel as a global fast food chain would take away significant market share through aggressive pricing. Furthermore, there is absolutely no reason why (if it does go ahead) McDonald's and/or KFC should be operating 24 hours a day. Jerrabomberra is not a hotspot of activity and all other businesses close by 11pm, including the service station. Accordingly, having a 24 hour fast food restaurant may encourage loitering, increase noise levels, contribute to a littering problem and attract the 'wrong type' of people.

Jerra residents (or those transiting through), can simply drive to Queanbeyan to get their fast food fix (a maximum 10 minute drive) or on Monaro Hwy in Hume for 24/7 snacks at a service station. I believe people choose to live in Jerra because it doesn't have what Queanbeyan offers. Jerra fully fits the QPRC slogan of 'country-living, city benefits.' We get those city benefits when we take the short commute to Queanbeyan or Canberra. Let's keep Jerra's country charm as not many other suburbs can offer it and still be a 20 minute commute from Canberra.

I feel extremely sad that the day has come where Jerra and its village atmosphere is potentially evolving to a point where it will become unrecognisable. We shouldn't be submitting feedback on fast food expansion, but should be talking about the proposal of a high school, a swimming pool, better public transportation - these are the issues which the community value but feel are not being prioritised.

Thank you,

### **Submission 3**

Dear Council Representative,

The proposed development in Jerrabomberra while presented must be rejected.

NSW strategic planning is currently under a great deal of criticism and it is your responsibility to protect the LONG TERM BEST INTERESTS of the Public of this area.

As each council has developed guidelines to achieve this, so has this council. To protect the already built area and community within, in the manner expected and in CONTEXT and approval of expectation.

I see however breaches when areas already earmarked for development still do not have a functioning supermarket and facilities. I see Queanbeyan crying out for input in jobs and development. I question your justification in responsibility to these already invested people.

The road development by passing Queanbeyan and directing traffic into the residential area suggests more of a willingness to allow individuals profit rather than enhance this area.

I am unable to view the traffic studies or projections that would seem mandatory in any zoning or approval (I fear these will indicate what local residents have expressed and point to a poor choice of road works, leaving Jerrabomberra unhappy )

Health studies last year found an alarming correlation in children's diabetes incidence correlated with significant occurrence each 500 metres closer to a road way; Particulate cancer causing links to roads is well documented; loss of trees and their canopy protection also manifesting enormous evidence in the need to keep our Trees Vegetation and Green spaces....I question quite severely the full scale clearing of this area and adherence to AS2970.

McDonalds:

offers car size as sedan not the local style and size and points to a clear lack of scoping;

3 story height of building and a sign NOT in and concept keeping with residents current vision...this can only be viewed as a depreciation to them;

Misrepresentation-as resident that heard of a restaurant, cafe area I and others expected it would be perhaps more like Kingston and Marnuka quality...instead they find a "Heat Sink " of an environmental eye sore. Sound walls and no Significant trees suggested to hide them on either side ;

space for tree growth will be a resident cost via rates as this will be needed.;

With diabetes and obesity marked as a Budget drain on all NSW and Australian residents the addition of yet another fast food outlet brings this area into the likely end as Hume, just down the road. An unjustified and extremely questionable administration decision in duplication.

24/7 a definite NO NO on all transport in and out it is a clear negative noise impact to a residential area that acoustically will bounce through the area.

KFC:

Duplicates this and seems to be submitted in a manner that relies on McDonalds agreement to provide access to its vague and under detailed application.

ALDI:

somewhat milder in height but again bringing 127cars? with trees that are somewhat Bonsai style in ability to grow to any heat protective height and significance...this needs rectifying in ALL council surveillance of these development in line with its 20/20 and future climate demands and expectations.

AGAIN I question your justification and responsibility to the public in Queanbeyan city?

I believe a promise of a High School and sports centre appetising...but no real detail or funds to build it leave this as simply that an "unsubstantiated dream" and not really dependent on this development IF there was a will to do so.

These and any future proposals will need considerable tree growth lining the entire roads on both sides of the access to this area; It will need lights in the future and the safety of crossing in and out of it will be extremely dangerous, especially now the road is directed through Jerrabomberra with peaks of early morning and 5-8pm peaks will cross with projected use peaks (McDonalds application).

I submit that there is more benefit to all if this area is designed as a truly leisure and recreational area with up market restaurant and cafes with tree shade and offices that fit in context amiable to this. Introduction of another market site (similar to the Entertainment quarter in Moore Park Sydney).

NO 9metre signs of McDonald a strict height restriction and green outdoors setting.

ALL of this is able to be directed by COUNCIL to be in Context and expectation with the public.

YOU CAN DO BETTER !

#### **Submission 4**

My name is (name removed), and I am a resident and rate payer (address removed). I have no donations or gifts to councillors or council staff to declare, and have no relevant business or investment interests.

I note varying approaches to signage across DAs 446, 505 and 507 of 2018, all of which claim to be within development guidelines.

The prospect of a myriad of tall corporate signs varying in height from 5.0m to 9.0m across The Poplars development concerns me, as this would significantly detract from the gateway approach to our "country living" suburb.

I request council review the signage proposed within the current batch of DAs collectively, and consider appropriate planning controls around these and future developments in The Poplars.

In particular, I object to the approval of DA 507-2018 on the basis that the proposed 5.0m high sign is out of visual character from the local area, pre- or post-development of the neighbourhood centre.

Thank you for your consideration.

Best regards,

#### **Submission 5**

Hello,

I have just reviewed the current development applications for the McDonalds and KFC restaurants and Aldi supermarket proposed for Tomsitt Dr, Jerrabomberra (as published on the Jerra residents Association webpage).

As a resident of nearby Googong, I just wanted to voice my support for the developments as they are planned. I look forward to seeing the progress in the region.

#### **Submission 6**

hello.

I wish to comment on the proposal to build Aldi and KFC at Jerrabomberra. The Jerrabomberra Residents Association informed me of this proposal - I cannot find reference to it on your website anywhere. I strongly oppose the development of KFC at Jerrabomberra. Fast food outlets only bring smell, rubbish and extra traffic. Jerrabomberra already has far too much traffic funneling down minimal access roads, we do not need such unnecessary extra congestion. This is supposed to be a residential suburb, not an inner-city dive or an industrial hub - exactly what is a "business park" for, anyway? Give us a public high school, not a bunch of rubbishy franchises.

#### **Submission 7**

I cant find information on website regarding how to comment on DA for McDonalds and KFC proposed but I strongly object to these applications:

- . I do not agree the gateway into Jerrabomberra should have fast food outlets such as these - it is not compatible with the look and feel of the suburb – it is not a cookie cutter development and proudly remains devoid of this type of eyesore – a 9m sign – no thanks.

- . I agree with the sentiments outlined in the JRA letter to Council.

- . I am concerned for other businesses in Jerrabomberra (food) which already struggle.

- . By all means put these franchises on the Monaro highway in Hume but not in this suburb which is serviced adequately with options for residents.

- . Please Please -no.

Would you be kind enough to let me know if there is a more formal way to respond.

#### **Submission 8**

To who this concerns this my my concerns over the new development in Jerrabomberra

I have concerns with a KFC opening up in Jerrabomberra. In my opinion we do not need another fast food outlet in Jerra one is more than enough.

1- we have 2 kfc with in driving range being Queanbeyan or Fyshwick. Both being less that 30 mins

2- I clearly remember we had two kfc in Queanbeyan at one stage and the food court one was shut down due to slow business. Will the Jerra one have enough business or will we build it and it shut down or take Queanbeyan out of business

3- It will bring in wanted attention to the area with people hanging around near the store

4- Litter will become more relevant in the area and can effect the wild life . Making Jerra look untidy.

5-The smell can be smelt for miles away and it isn't a attractive smell

6- We are trying to model healthy eating to our primary school, and community having two fast food places close to each other will mean more people will get take out for the convinase with it being places at Jerra entry

7 Our local business will suffer.

8 We have had fast food places in Jerra ( chicken something or rather, where the real state place is now in Jerrabomberra )before and they have never lasted more than 6 months We don't need them in Jerra having a more healthy or beneficial service will help Jerra to grown and become a town where people want to move. As I can tell you once I can move out I'll be out of Jerra as I don't want this in my town

### **Development Application (DA) KFC Tomsitt Drive Jerrabomberra**

The proposed Poplars site for the DA is zoned B1 Neighbourhood Centre. An objective of a B1 Centre is “To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood”. The Queanbeyan Local Environment Plan (LEP) (Poplars) 2013 aims to “rezone certain land at the Poplars to achieve economically, environmentally and socially sustainable urban development that complements and provides a range of facilities for the benefit of the adjoining Jerrabomberra community”.

A number of Australian towns, including Byron Bay, Minyama, Katoomba, Yamba, Port Macquarie and Tecoma, have opposed fast food outlets on the basis that they destroy the character of the town, with negative impacts in terms of public health, litter, vandalism, traffic, visual impact, and resident amenity. The Tecoma outlet was opposed by 88.2% of residents surveyed, and unanimously rejected by the council (ref 1).

These concerns are not isolated to country towns. In 2017 the ACT Planning Authority (ACTPLA) rejected a DA by KFC to build a new restaurant next to a skate park, and close to UC Senior Secondary College in Belconnen. The skaters themselves opposed the development on the grounds of litter, antisocial behaviour and traffic (ref 2). The ACTPLA decision was overturned by the Appeals Tribunal, but ACTPLA is taking the rare action of an appeal in the Supreme Court, due to the strength of the opposition (ref 3).

The large pylon signs (8.5 and 9 m) of the outlets will have an adverse visual impact on local residents, and have attracted protests elsewhere (ref 4).

Many health organisations, including the Heart Foundation (ref 5), have expressed concern over the proximity of fast food outlets to schools. The proposed outlets will be located about 1 kilometre from Jerrabomberra Public School. It would be appropriate to consult the school regarding the DAs.

The proposed 24/7 operation of the McDonald’s is unsuitable for a ‘dormitory’ suburb which has no other premises open overnight, and is at odds with the Council slogan “Country living, city benefits”. The problems of 24/7 operation are illustrated by the Lake Macquarie outlet. A resident living opposite the drive-through said “living in the area had already become “stressful” for nearby residents who were subjected to non-stop traffic, antisocial behaviour, bad language and dangerous driving of people who visited the store” (ref 6).

The location and timing of the KFC and McDonald’s DAs suggest that a major incentive is the coastal and heavy vehicle traffic diverted from the main street of Queanbeyan via the EDE onto Tomsitt Drive. This is also suggested by the large pylon signs on the boundary facing Tomsitt Drive, the drive-throughs, and the 24-hour operation of the McDonald’s. The KFC

building entrance will face Tomsitt Drive, not the access road (the McDonald's will face in the opposite direction!).

Serving passing traffic on Tomsitt Drive from the entire Southern ACT including Hume industrial estate, Kings Highway, Googong and other Queanbeyan suburbs is not consistent with the aims and objectives of the B1 Zone and Poplars LEP, *to serve the local (Jerrabomberra) community*. In fact, serving through-traffic from such a wide area will be detrimental to Jerrabomberra. The KFC DA merely states "... it is considered that Tomsitt Drive has the capacity to accommodate the increased traffic volumes". The DAs do not comment on the likelihood of heavy vehicles attempting to access the outlets. Jerrabomberra residents do not want a 'truck stop' on their doorstep. The appropriate location for the outlets is away from residences.

Tomsitt Drive is the main commuter road for Jerrabomberra, with an 80 kph speed limit. The new traffic lights for access to the Neighbour Centre will interrupt commuter traffic in both directions on Tomsitt Drive, impacting almost all (~10,000) Jerrabomberra residents. The traffic lights will be less than 1 km from the Lanyon-Tomsitt Drive traffic lights under construction. Commuters will have to pass through 5 sets of traffic lights in less than 4 km to reach the northbound lanes of the Monaro highway in the ACT, where most work. Peak operation times of the food outlets will coincide with peak commuter times.

The new traffic lights on Tomsitt Drive have implications for the wider road network. Convergence of traffic from Jerrabomberra, Googong, the Queanbeyan bypass and South Jerrabomberra onto a single access road, Tomsitt Drive, has been repeatedly raised as a concern. The failure to secure a direct road to the ACT means that South Jerrabomberra residents will face a long circuitous commute via Tomsitt Drive. Despite the traffic modelling, it is difficult to envisage that Tomsitt Drive, the large roundabout in Jerrabomberra, and the 2-lane section of Edwin Land Parkway will meet peak traffic demands when the Queanbeyan bypass is opened.

I could not find any reference to these DAs on the QPRC website, and am grateful to the Jerrabomberra Residents Association for providing the relevant documents.

Yours sincerely

27 November 2018

#### REFERENCES

1. McDonald's claims victory for fast food in slow burning battle of Tecoma. *The Guardian (Australian edition)* 7 April 2014.
2. Kentucky's Fried position: Skaters speak out about proposed KFC site. *The Canberra Times* 26 May 2018.



3. ACTPLA appeals decision over plan for KFC next to Belconnen skate park. *The Canberra Times* 29 June 2018.
4. Jolimont residents demand McDonald's take away golden arches. *Perth Now* 26 March 2018.
5. The Heart Foundation wants fast food no-go zones near schools. *Perth Now* 16 April 2017.
6. Lake Macquarie City Council overturns Swansea McDonald's approval to trade 24-hours a day. *Newcastle Herald* 26 March 2018.

**SUBMISSION by (Name Removed), (Address Removed)**

**DEVELOPMENT APPLICATION NO 505-2018**

**DEVELOPMENT APPLICATION LODGED BY Purdon Planning Pty  
Limited for the operation of a takeaway food and drink premises at 31  
Tomsitt Drive, Jerrabomberra**

I understand the proposed takeaway food and drink premises is 'KFC'.  
Accordingly I will refer to the proposed premises as 'KFC' in this submission.

I object to the development application (DA) in its current form, on the  
following grounds:

**1. Pedestrian traffic and child road safety**

Jerrabomberra has a large population of older children and young teenagers.  
KFC undertakes marketing activities to specifically target these groups of  
young customers.

It is certain that older children and young teenagers will walk to the KFC from  
their residences in Jerrabomberra, or from the existing shopping village on  
Limestone Drive. This means they will walk along Tomsitt Drive and attempt  
to access KFC directly via that route.

***I have strong concerns around how pedestrians, in particular children,  
will access the KFC from their residences and the existing shopping  
village safely on foot.***

It is clear that vehicle access to the KFC will be accommodated; however the  
DA does *not* address how pedestrians will access the KFC from Tomsitt  
Drive, without a vehicle. The DA does not make clear how pedestrian traffic  
will be facilitated in a safe manner through the use of footpaths, pedestrian  
crossings etc.

Children will walk to the KFC from their homes regardless of whether there  
are adequate and safe pedestrian walkways. Children do not have the  
maturity to assess road risk to the same extent as adults. There will be a large  
volume of vehicle traffic around the KFC to navigate, and therefore a higher  
relative risk to pedestrians.

I submit that the DA does not safely accommodate pedestrian safety when  
accessing KFC without a vehicle, and therefore should not be approved in its  
current form.

**2. Flow of pedestrians generally**

The flow of pedestrian traffic from the existing shopping village on Limestone  
Drive to the KFC will be a large factor in the extent to which rubbish disposal

and crime/anti-social behaviour will affect the residents of Miles Place and surrounding streets.

To protect the amenity of residents, the likely flow of pedestrians should avoid Miles Place and surrounding residential areas when pedestrians walk between KFC and Limestone Drive.

At present, there is no clear pathway that would carry the flow of pedestrian traffic from the shopping village on Limestone Drive and other areas.

I submit that as the DA does not address how it is intended that pedestrians will access the KFC on foot from Limestone Drive or indeed any other part of Jerrabomberra, it should not be approved in its current form.

### **3. Rubbish disposal**

It is well known that fast food outlets generate large amounts of rubbish that litter the road ways and water ways. This is particularly the case with drive-through takeaway stores that are open 24 hours per day.

In this case, it is reasonable to expect that at least the adjoining roads (e.g. Tomsitt Drive, Lanyon Drive, Edwin Land Parkway) as well as residential streets in Jerrabomberra, will be negatively affected by the increased litter.

There is concern that the effects of increased litter will be felt by the adjoining streets, e.g. Franklin Court, Stella Place and Miles Place in particular. These streets back on to a common strip of what I understand is Crown land. This runs along the Eastern boundary of the Poplars. It seems highly possible that customers of the KFC will walk down that Crown land strip to travel to or from KFC, and litter along their way.

There is already an issue with rubbish littering the local community. This will amplify that problem, increasing pollution and detracting from the natural harmony of the environment.

The DA addresses how rubbish will be dealt with on the immediate surrounding location, but it does not address how rubbish will be dealt with in the further reaching areas.

I submit that the DA does not adequately address the impact of rubbish on the Crown strip of land and further reaching areas, and therefore the DA should not be approved in its current form.



## *Jerrabomberra Residents Association Inc.*

PO Box 132  
Jerrabomberra NSW 2619

Email: [council@gprc.nsw.gov.au](mailto:council@gprc.nsw.gov.au)

### **Construction and use of Take Away Food and Drink Premises – KFC 65 Tomsitt Drive Jerrabomberra DA 505-2018**

The Jerrabomberra Residents Association (JRA) has considered the Development Application that is currently on exhibition for the above premises.

Jerrabomberra since its conception in the early 1990s has been built as a Village. It is the view of the JRA that this proposed DA does not fit in with the village style feel of Jerrabomberra. What is proposed would be suited to a main arterial road, not Tomsitt Drive. People opt to live in Jerrabomberra due to the semi-rural feel of the area. The JRA believes that this proposed development does not take into account the residential amenity of adjacent housing.

Jerrabomberra proudly has an insignificant litter problem, which can be attributed to factors such as a more highly educated population, appealing streetscape and most importantly, minimal disposable packaging used by existing businesses. We believe that the proposed fast food establishment will see increased litter, including fast food wrappers, cups, plastic lids and straws being blown around our suburb. The Werribee River Association has been recording where they find most take away food rubbish as part of a study called “Circles of litter”. They found most litter was between 1.2 and 2.5 kilometres from a fast food restaurant.

(<http://www.abc.net.au/news/2017-06-01/circles-of-rubbish-ring-fast-food-restaurants-says-riverkeeper/8578876> )

Jerrabomberra is situated in an environmental corridor and the DA borders environmentally significant lands. We do not want the native wildlife to be consuming food and litter that isn't part of their natural diet.

The unpleasant odour of the fatty and oily food being prepared at the outlet will permeate the surrounding area and will be constant and unavoidable. This will degrade the quality of life of close-by existing residents (and devalue their properties). There are no plans to mitigate against the smell generated by this proposal and its impact on existing residents.

There is no designated crossing or safe way to cross Tomsitt Drive or Edwin Land Parkway from The Park to get to the proposed KFC. This is a particularly important consideration for local school children who attend the Jerrabomberra Public School off Jerrabomberra Parkway.

The proposed 8.5 metre pylon sign (S01) in the KFC corporate style and colours will not fit in with the village look and feel of Jerrabomberra and will be illuminated during evening hours which could impact on local residents' comfort and sleep. Furthermore there is an unknown impact of the native birdlife of the area that is critical to be assessed prior to further consideration of this development application. Recent studies in USA have concluded that the brightness of signage, particularly at night, has detrimental effects on birdlife behaviours.

It is the view of the JRA that the sign proposed isn't required and forms an eye-sore on the local landscape. The unique quality of Jerrabomberra is that many of the homes are elevated allowing residents' uninterrupted views towards the Canberra Basin and the Brindabellas. The proposed large sign will blot out existing vista. Its location on Tomsitt Drive goes against the State Environmental Planning Policy 64 (SEP64) where signage is compatible with the desired amenity and visual character of the area.

It is the JRA's view that all the signage for this site needs to be subtle and the words "Kentucky Fried Chicken" (S111-3) are obtrusive and tacky. It is our position that the pylon sign (S01) and S111-3 sign not be approved and the applicant revisit their proposal for a more subtle presence in line with the planning guidelines.

We are also concerned that the carpark lighting will impact on existing residents. We request that the carpark lighting design is such that it is contained within the development area. We would like to see the lighting switched off once the store closes.

Jerrabomberra is unique in so much as we now have three retail precincts for a population of approximately 10,000. Even with the additional development of South Jerrabomberra we would expect an additional 1500 people to join our community. Our local food businesses are owned by Jerrabomberra residents and profits are kept in the local community. We are concerned that a National Franchisee (with their large financial backing) will have a significant impact on our local businesses and economy. Furthermore, we are concerned that having existing fast food establishments within a five-minute drive from Jerrabomberra - located in Queanbeyan - is total oversupply of this type of fast food thus eroding the viability of those establishments.

Australia is currently in the grip of an obesity and diabetes epidemic. The answer lies in prevention – in not giving planning permits to fast food outlets that sell unhealthy food. Federal and state government public health prevention policy should not sit in isolation from planning policy. The latter should inform the former. QPRC in their Sports Facilities' Strategic Plan highlight the need for healthy lifestyles "preventable non-communicable diseases, such as mental illness, obesity, cardiovascular diseases, type 2 diabetes and cancer, remain major factors not only affecting health and well-being, but also driving up the cost of health care and reducing the productivity of the workforce." The establishment of a KFC store will contribute to these issues in the local community.

We have no donations or gifts to councillors or council staff to declare, and have no relevant business or investment interests.

Jerrabomberra Residents Association

27 November 2018

Queanbeyan-Palerang Regional Council  
PO Box 90  
Queanbeyan  
New South Wales, 2620

**Re: Tomsitt Drive Development**

To Whom It May Concern

My wife and I are deeply concerned regarding the development application submitted by KFC and McDonalds on the vacant land off Tomsitt Drive. Our main objection is in relation to a 9 metre neon sign and 24 hour operating times. However, we also have the following concerns:

- We read the QPRC newsletters. I do not recall seeing plans for fast-food restaurants being proposed for Jerrabomberra. Furthermore, I searched old newsletters on the QPRC website going back to January 2017, and there is no reference to these proposals;
- Three of QPRC's priorities in the 'Community Strategic Plan' (CSP) are maintaining roads to allow safe and easy travel; protecting the natural environment; and land use that responds to local needs;
  - It is unclear how traffic will be safe or easy. If a person is travelling towards Lanyon Drive how do they cut safely across Tomsitt Drive? Secondly, how do vehicles exit the site? Presumably some genius has plans to install traffic lights to stop all traffic entering Jerrabomberra, thus slowing a main arterial road. This does not meet one of your own CSP 'priorities';
  - Litter will become an increasing issue. On your website you spruik the 'Don't be a Tosser! Campaign' which openly admits to a litter problem in the Queanbeyan area. You must realise this proposal is the direct antithesis of your campaign. This fails another CSP priority;
- There are already many fast-food outlets in Queanbeyan, Tuggeranong, Fyshwick and Woden. In Jerrabomberra there are several options in the existing shopping centre and a new café near the school. How would a small village suburb like Jerrabomberra benefit when there are existing options already available;
- We understand the McDonalds proposal is to operate 24 hours a day, 7 days a week. What kind of cretin would be so desperate for a 'Happy Meal' they would be cruising through Jerrabomberra beyond normal daytime hours? There's also the issue of noise and the smell;
- The last thing a quiet village like Jerrabomberra needs is a vile neon sign standing 9 metres in the air as a beacon to attract undesirables;
- Currently when you drive to Jerrabomberra the first impression is of a quiet semi-rural village with fields populated with cows and kangaroos. In time that first impression will be replaced by the neon sign and the repugnant sight of poor people pushing American hamburgers into their sweaty faces;
- Presumably once the precedent has been set to allow a business to hawk food and beverages 24 hours a day then other local businesses will also be allowed similar operating hours;

- Children leaving Jerrabomberra Public School will gravitate towards these restaurants and could possibly make it a lunchtime food choice rather than opting for a healthier option. There is currently no safe way for a child to make that journey on foot;
- According to information online there are 869 McDonalds (so-called) restaurants and 640 KFC's in Australia. In an era of increasing obesity (particularly amongst children) and disease (such as diabetes) there is no justification for exacerbating this issue by adding more fast-food restaurants. You only have to look at an American to see the effect junk food has on a person.

Yours sincerely



# **QUEANBEYAN-PALERANG REGIONAL COUNCIL**

## **Planning and Strategy Committee of the Whole Meeting Attachment**

**12 JUNE 2019**

ITEM 6.2                      DEVELOPMENT APPLICATION 505-2018 - TAKEAWAY FOOD  
AND DRINK PREMISES - 10 FERDINAND LANE,  
JERRABOMBERRA

ATTACHMENT 4      DA 505-2018 - DRAFT CONDITIONS - TAKEAWAY FOOD AND  
DRINK PREMISES - 10 FERDINAND LANE

## **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE (BUILDING)**

1. SUBMIT AN APPLICATION FOR TRADE WASTE (C5)  
**Prior to the issue of the Construction Certificate (Building) a Trade Waste Application (C5) to install a waste treatment device or devices must be submitted to, and approved by, Council. The waste treatment devices proposed must be able to cater for discharges from the following sources:**
  - (a) Kitchen
  - (b) Café
  - (c) Laundry
  - (d) Hairdresser

**The application must include the following details;**

- (a) Details and location of all processes, tanks, pits and apparatus associated with the generation of trade waste and,
- (b) Specifications of the treatment system including capacity/dimensions, material of construction and lining of the proposed pre-treatment facilities and,
- (c) Details of pipes and floor drainage conveying the waste and,
- (d) A detailed sewage drainage plan.

**REASON:** To ensure compliance with Section 68 of the *Local Government Act 1993*, Council's Policy for Discharge of Liquid Trade Waste into Council's Sewer 2004/05 and to protect Council's Sewerage System.  
**(56.11)**

**Note:** *For further information regarding Trade Waste treatment and discharge please contact Council's Trade Waste Officer.*

2. **SUBMIT A CONSTRUCTION MANAGEMENT PLAN**

**Prior to release of any Construction Certificate (Building) a Construction Management Plan for the management of soil, water, vegetation, waste, noise, vibration, dust, hazards and risk for the construction works must be submitted to, and endorsed by, Council.**

**The plan must:**

- (a) describe the proposed construction works and construction program and,**
- (b) set standards and performance criteria to be met by the construction works and,**
- (c) describe the procedures to be implemented to ensure that the works comply with the standards and performance criteria and,**
- (d) identify procedures to receive, register, report and respond to complaints and,**
- (e) nominate and provide contact details for the persons responsible for implementing and monitoring compliance with the plan.**

REASON: To ensure that satisfactory measures are in place to provide for environmental management of the construction works. **(56.16)**

## **PRIOR TO COMMENCEMENT**

3. **BUILDING CONTRIBUTIONS TO BE PAID**

**Prior to the lodgement of the Notice to Commence Building Work and Appointment of a Principal Certifying Authority the contributions specified in Schedule 1 of this consent must be paid to Council under the provisions of Section 7.11 of the *Environmental Planning and Assessment Act 1979*, Section 64 of the *Local Government Act 1993* and Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000*.**

REASON: To provide for the funding of augmentation and provision of services and community facilities. **(57.02)**

4. **SUBMIT NOTICE OF COMMENCEMENT OF BUILDING WORK**

**A Principal Certifying Authority for the building work must be appointed and the Principal Certifying Authority must, no later than two days before the building works commences, notify Council of his or her appointment.**

REASON: To satisfy the requirements of Section 81A of the *Environmental Planning and Assessment Act 1979*. **(57.04)**

5. ERECT A SIGN FOR ANY DEVELOPMENT WORKS

**A sign must be erected and maintained in a prominent position on any site on which building, subdivision or demolition work is being carried out;**

- (a) **Showing the name, address and telephone number of the Principal Certifying Authority for the work.**
- (b) **Showing the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours.**
- (c) **Stating that unauthorised entry to the work site is prohibited.**

REASON: To satisfy the provisions of Clause 136B and 227A of the Environmental Planning and Assessment Regulation 2000. **(57.08)**

6. PROVIDE WORKERS TOILET FACILITIES

**Adequate toilet facilities for workers must be provided at or in the vicinity of the work site.**

REASON: To provide suitable and hygienic toilet facilities for use by people visiting or working on the site. **(57.09)**

7. CONSTRUCTION CERTIFICATE (BUILDING) TO BE ISSUED

**The erection of a building in accordance with the development consent must not be commenced until a Construction Certificate has been issued by Council or an Accredited Certifier.**

REASON: To satisfy the requirements of Section 81A of the Environmental Planning and Assessment Act 1979. **(57.03)**

8. SUBMIT A TRAFFIC MANAGEMENT PLAN

**Prior to work commencing a Traffic Management Plan for the construction works must be submitted to, and approved by, Council under the provisions of Section 138 of the *Roads Act 1993*.**

REASON: To ensure that adequate arrangements are made for traffic and pedestrian safety during the construction works. **(57.13)**

## **SITE MANAGEMENT DURING DEMOLITION AND CONSTRUCTION**

9. PROVIDE WASTE STORAGE RECEPTACLE

**A waste receptacle must be placed on the site for the storage of waste materials.**

REASON: To prevent pollution of surrounding areas. **(58.02)**

10. WORKS SITES TO BE FENCED

**A hoarding/fence must be erected between the development site and public places before commencement of any other work.**

REASON: To ensure that an effective barrier is provided to preserve the safety of people and property in public places. **(58.07)**

11. WORK ON ADJOINING LAND IS LIMITED

**The verge and other adjoining lands must not be used for storage of materials or disturbed by construction activities except for:**

- (a) Installation of a temporary, stabilised construction access across the verge.**
- (b) Installation of services.**
- (c) Construction of an approved permanent verge crossing.**

REASON: To minimise interference with the verge and its accessibility by pedestrians. **(58.05)**

12. REPAIR DAMAGED PUBLIC PROPERTY

**All damage caused to public property during the establishment of the development must be repaired or reinstated prior to the issue of any Occupation Certificate.**

REASON: To ensure that all public property in the vicinity of the development is maintained in its pre-development condition. **(58.06)**

13. TEMPORARY VEHICLE ACCESS

**Temporary vehicle access to the site must be stabilised to prevent the tracking of sediment onto the roads and footpath. Soil, earth, mud or similar materials must be removed from the roadway by sweeping, shovelling, or a means other than washing, on a daily basis or as required. Soil washings from wheels must be collected and disposed of in a manner that does not pollute waters.**

REASON: To minimise transfer of soil from the site onto the road pavement. **(58.08)**

14. HOURS OF OPERATION FOR WORKS

**All works associated with the demolition and/or construction of this development must be carried out between the following hours:**

<b>Weekdays:</b>	<b>7.00am to 6.00pm</b>
<b>Saturdays:</b>	<b>8.00am to 4.00pm</b>
<b>Sundays and Public</b>	<b>NIL</b>
<b>Holidays:</b>	

REASON: To reduce the chance of offensive noise being created and to minimise the impacts of the development in its locality. **(58.04)**

## **GENERAL CONDITIONS**

15. IN ACCORDANCE WITH THE APPROVED PLANS

**The development must be carried out generally in accordance with all of the documents accompanying the development application and with the plans bearing the Council approval stamp, and any amended plans approved under subsequent modification(s) to the development consent, except where varied by notations made in red ink by Council or conditions of approval.**

**In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.**

REASON: To ensure the development is completed in accordance with the approved plans and the development consent. **(59.02)**

16. OPERATIONAL, TRADING & DELIVERY HOURS OF PREMISES

**The hours of operating, trading and deliveries is provided below:**

**Operational Hours:**

- **7:00am to 11:00pm (7 days a week)**

**Trading Hours:**

- **10:00am to 11:00pm (7 days a week)**

**Delivery Hours:**

- **7:00am to 10:00pm on Monday to Friday; and**
- **7:00am to 8:00pm on Saturdays and Sundays/Public Holidays.**

REASON: To ensure impacts from noise on surrounding land uses is kept to a minimum **(59.01)**

## BUILDING

17. SUBMIT SURVEY PLAN SHOWING BOUNDARY SETBACKS

**The building must be set out by a Registered Surveyor in accordance with the datum shown on the approved plans. A survey plan that identifies the location of the building in relation to the allotment boundaries must be prepared upon completion of the base course brickwork and then be submitted to the Principal Certifying Authority.**

REASON: To ensure building has been sited in accordance with the approved plans. **(60.08)**

18. COMPLY WITH THE BUILDING CODE OF AUSTRALIA

**All building work must be carried out in accordance with the requirements of the Building Code of Australia.**

REASON: This is a prescribed condition under the provisions of clause 98 of the Environmental Planning and Assessment Regulation 2000. **(60.02)**

## FIRE SAFETY MEASURES

19. SUBMIT FINAL FIRE SAFETY CERTIFICATE

**At the completion of works, a Final Fire Safety Certificate detailing each essential fire safety measure provided in the building must be issued by the owner and must be submitted to Council. Copies the certificate must also be given to the Fire Commissioner and be prominently displayed in the building.**

REASON: To ensure compliance with the *Environmental Planning and Assessment Regulation 2000*. **(61.02)**

20. SUBMIT ANNUAL FIRE SAFETY STATEMENT

**Each year, the owner of the building must submit to Council an Annual Fire Safety Statement for the building. The Annual Fire Safety Statement must address each Essential Fire Safety Measure in the building.**

REASON: To ensure compliance with the *Environmental Planning and Assessment Regulation 2000*. **(61.03)**

## **CARPARKING AND ACCESS**

21. CAR PARKING TO COMPLY WITH AS2890

**All car parks must comply with AS2890 – 2004 Parking Facilities.**

REASON: To provide adequate off-street car parking. **(66.04)**

22. ALL SURFACES TO BE CONCRETE OR BITUMEN SEALED

**All parking spaces, loading bays, driveways and turning aisles must be concrete or bitumen sealed, with all parking spaces line marked.**

REASON: To ensure car parking spaces are functional prior to use of the premises. **(66.06)**

## **SAFER BY DESIGN**

23. LIGHTING IN CAR PARKS AND PUBLIC SPACES

**Lighting throughout the car parking area, in public spaces and illuminated signage must comply with AS 2890.1:2004 – Parking Facilities – Off-Street Car Parking, AS 1158 - Lighting for Roads and Public Spaces, and AS 2482:2019 – Control of the Obtrusive Effects of Outdoor Lighting.**

REASON: To ensure the provision of adequate lighting within the development. **(71.02)**

## **ADVERTISING AND BUSINESS/BUILDING IDENTIFICATION SIGNAGE**

24. REMOVE DAMAGED OR OBSOLETE SIGNS

**The sign(s) allowed by this consent must be removed if the signage becomes obsolete or is in a state of disrepair.**

REASON: To ensure that obsolete signs and signs in poor condition are not left on buildings. **(72.04)**



## LANDSCAPING

25. LANDSCAPING WORKS COMPLETED BY AN ACCREDITED CONTRACTOR

**All landscaping must be completed by a Council accredited Category 1 landscape contractor in accordance with approved landscape plan bearing the Council approval stamp.**

REASON: To help ensure a high standard of landscape works. **(73.02)**

26. LANDSCAPING WITHIN EASEMENT

**Landscaping within the easement is to be restricted to small shrubs and vegetation, <0.5m high.**

REASON: To ensure that public services are not damaged or otherwise impacted on by the development. **(73.01)**

## FOOD

27. CONSTRUCTION AND FITOUT REQUIREMENTS

**Food preparation, sale and storage areas must be constructed and fitted out to comply with the requirements of the:**

- (a) *Food Act 2003*;**
- (b) *Food Regulations 2015*;**
- (c) Australia New Zealand Food Standards Code; and**
- (d) AS1668.2 – The use of ventilation and air conditioning in buildings – Part 2: Ventilation design for indoor air contaminant control**

REASON: To ensure safe and hygienic food preparation/storage and compliance with *Food Act 2003* and *Regulations 2015*, Food Standards Code and relevant Australian Standards. **(75.02)**

## ENVIRONMENTAL

### 28. SIGNAGE FOR WASTE STORAGE AREA

**Appropriate signage must be provided in the waste storage area advising staff of the kinds of waste that can be disposed of in the bins.**

**The sign must be;**

- (a) Clearly visible, and**
- (b) Made of durable and weather-proof material.**

**In addition, appropriate signage must be placed on the external wall/door of the waste storage area to identify it.**

REASON: To provide information to residents of the building and reduce the level of contamination found in the waste bins. **(76.02)**

### 29. THREE MONTH ACOUSTIC REPORT – COMPLIANCE

**Within three months of the date an occupation certificate (or interim certificate) is issued, an acoustic report prepared by a suitably qualified, experienced and independent person must be submitted to Council.**

**The report must:**

- (a) Assess how compliance with the recommendations of the Noise Management Plan (No. 0306 R01) prepared by Paradigm 42 Pty Ltd has been achieved, and**
- (b) Include an assessment of the level of noise generated from all noise sources and cumulative noise sources on the site, and**
- (c) Identifies all reasonable and feasible measures that could be implemented on the site to reduce noise impacts, and**
- (d) Assess the likely effectiveness of these measures.**

**Any measures recommended in the acoustic report to reduce noise impacts must be implemented.**

REASON: To ensure noise levels generated from activities on the site are not excessive and do not impact on surrounding sensitive receptors. To ensure compliance with the recommendations of the acoustic report submitted prior to the issue of the development consent. **(76.05)**

30. WASTE COLLECTION TIMES

**The waste collection service must not be conducted outside the following hours:**

- 7am to 6pm Monday to Saturday: and
- 8am to 6pm Sunday and Public Holidays

REASON: To ensure the collection of waste from the site does not cause adverse noise impacts on neighbouring residential properties. **(76.03)**

31. PLANT AND EQUIPMENT NOISE

**The noise level emanating from plant and equipment installed on the premises must not exceed a level of 5dB(A) above background level when measured for a LA<sub>eq</sub> 15 minute period during the day, evening or night.**

REASON: To reduce the noise nuisance to residents and adjacent neighbours, also to comply with the *Protection of the Environment Operations Act 1997* and Regulations. **(76.04)**

## **PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

32. OBTAIN OCCUPATION CERTIFICATE BEFORE OCCUPATION

**Occupation or use of whole or part of the building must not commence unless an Occupation Certificate has been issued in relation to the building or part.**

REASON: To satisfy the provisions of Section 109M of the *Environmental Planning and Assessment Act 1979*. **(78.02)**

33. INSTALLATION OF LIGHT BARRIER PRIOR TO OCCUPATION

**A suitably designed and constructed light barrier must be installed along the eastern boundary of the lot of an adequate height to prevent light pollution from cars that will be utilising the drive through service during night time hours.**

**The barrier may double as an acoustic barrier as long as it is able to maintain both the acoustic reduction and light prevention qualities.**

REASON: To prevent light pollution from the drive through service impacting local residents. **(78.01)**

34. SUBMIT FOOD BUSINESS REGISTRATION FORM

**The proprietor of the food business must complete a Council “Food Registration Form” and submit it to Council prior to sale of food commencing.**

REASON: To ensure correct information to be gathered on the Food Premises so as to maintain the list of food business that Council is required to maintain as per section 106 of *the Food Act 2003*. **(78.20)**

35. DESIGNER'S CERTIFICATION OF STORMWATER MANAGEMENT

**Prior to the issue of any occupation certificate, certification of the as-built stormwater management system, in accordance with the requirements of Council's Design Specifications D5 and D7, is to be provided to Council by the system designer.**

REASON: To ensure that the as-built stormwater management system meets the requirements of Council's design specifications. **(78.01)**

36. SUBMISSION OF LITTER MANAGEMENT PLAN

**Prior to the issue of any occupation certificate the applicant shall submit to Council a litter management plan detailing how the store will undertake a litter clean up around the carpark and fringes of the building and property boundary. The plan shall include a regular schedule for litter pickup and a maintenance schedule for litter bins placed in the carpark. Following commencement of operations this litter management plan shall be adhered to.**

REASON: To ensure that the carpark and building surrounds are kept free from litter whether generated onsite or from surrounding sites.

## **ON-GOING MANAGEMENT OF THE DEVELOPMENT**

37. MAINTENANCE OF STORMWATER MANAGEMENT SYSTEM

**The on-site stormwater quantity (on-site detention) and quality management system is to be maintained such that the system operation is able to meet the requirements of Council's Design Specifications D5 and D7 in an ongoing capacity.**

REASON: To ensure the continual effectiveness of the on-site stormwater management system. **(79.01)**

38. MAINTAIN CAR PARKING AREAS AND DRIVEWAY SEALS

**All sealed car parking areas, loading bays, manoeuvring areas and driveways must be maintained in a trafficable condition. Ongoing management of vegetation within parking areas is also required.**

REASON: To ensure car park areas are useable and clear sight lines are maintained. **(79.02)**

39. KEEP CAR PARKING AREAS FREE FOR PARKING

**The operator of the development must ensure that all vehicles associated with the development are parked within the site in the approved car parking area as line marked.**

REASON: To ensure that the car parking provided on site is used for the development. **(79.03)**

40. VEHICLE AND GOODS STORAGE CONFINED TO THE SITE

**All loading and unloading activities in connection with the development must be carried out wholly within the site and all goods and vehicles associated with the development must be accommodated wholly within the site.**

REASON: To ensure free flow of vehicular and pedestrian traffic on the road and the verge. **(79.04)**

41. CAR PARKING SPACES TO BE KEPT FREE AT ALL TIMES

**All car parking spaces, loading and unloading areas, vehicle manoeuvring and driveway areas must not be used for the storage of any goods or materials and must be available for their intended use at all times.**

REASON: To ensure such areas are available for occupants and visitors of the site. **(79.05)**

42. WASTE MANAGEMENT PLAN

**The development shall at all times comply with the requirements of the waste management plan submitted in support of the proposed development.**

REASON: to ensure waste generated from the activities on the site is satisfactorily managed to minimise health and amenity impacts.

## PLUMBING AND DRAINAGE

### 43. STORMWATER DISPOSAL REQUIREMENTS

**All stormwater from the site must be trapped and piped to the existing stormwater system via an on-site detention system, in accordance with the approved plans, to limit the discharge from the site to the pre-development rate for the 20% and 1% Annual Exceedance Probability storm event.**

REASON: To provide satisfactory stormwater disposal. **(80.08)**

### 44. PROVIDE WATER SERVICE AND WATER METER

**A new main water meter and water service shall be installed by Council at no cost to the Council. The size of the meter and service shall be determined by a suitably qualified hydraulic consultant at no cost to Council.**

**The main meter shall be installed in an easily accessible position at the front of the site, or other accessible position approved by Council.**

REASON: To ensure that the development is appropriately water metered. **(80.14)**

### 45. HEATED WATER NOT TO EXCEED 50 DEGREES C

**All new heated water installations, must deliver hot water at the outlet of all sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding 50° Celsius.**

REASON: To prevent accidental scalding. **(80.07)**

### 46. INSULATE HEATED AND COLD WATER SERVICE PIPES

**Heated and cold water service pipes installed in the following areas of the building must be insulated in accordance with the requirements of AS 3500: Plumbing and Drainage:**

- (a) unheated roof spaces**
- (b) locations near windows, ventilators and external doors where cold draughts are likely to occur**
- (c) locations in contact with cold surfaces such as metal roof and external metal cladding materials.**

REASON: To prevent the water service being damaged by water freezing within the pipes due to local climatic conditions. **(80.12)**