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| JRPP Reference No. | 2010STH008 |
| DA No. | RA10/1000 |
| Proposed Development: | Construction of an Aviation Support Facility & Associated Infrastructure, Lot 1 DP 1069677 Wugan Street, Yerriyong |
| Applicant: | Ken Stenning, SMA (Victoria) Pty Ltd |
| Report By: | Andrew Lissenden, Shoalhaven City Council |

Assessment Report and Recommendation

EXECUTIVE SUMMARY

Reason for Consideration by Joint Regional Planning Panel

The application has been referred to the Joint Regional Planning Panel pursuant to clause 13 B (2) (b) of the State Environmental Planning Policy (Major Development) 2005 as the development has a value of more than \$5 million and Council is the owner of the land.

Proposal

The development application seeks approval for the construction of an aviation support facility building containing five (5) aircraft maintenance bays, workshop facilities, office facilities, associated amenities, car parking for eighty (80) vehicles, signage and landscaping.

Permissibility

The site is zoned 5(a) (Special Uses "A" Zone) pursuant to the Shoalhaven Local Environmental Plan 1985 (SLEP 1985). The proposal is a permissible use in the zone with development consent.

Consultation

The application was notified in accordance with Council's Community Consultation Policy and no submissions were received.

Main Issues

Presentation of the building to Wugan Street.

RECOMMENDATION

It is recommended that RA10/1000 (JRPP Ref 2010STH008) be approved subject to the conditions contained in **Attachment 'A'**.

ASSESSMENT REPORT

1. Background

The following provides details on pre-lodgement discussions, post lodgement actions and general site history:

- a) Pre-lodgement: A pre-lodgement discussion (i.e. Development Advisory Unit (DAU) meeting) was had with Council staff prior to the applications lodgement on 21 December 2009.
- b) Post Lodgement: The current application was lodged on 6 April 2010. Council officers during the assessment of the application have requested additional information from the applicant on one occasion (i.e. letter dated 15 June 2010). The additional information specifically relating to amendments to the developments western elevation to improve its presentation to Wugan Street. The requested additional information/amendments was subsequently submitted by the applicant on 18 June 2010 (refer to amended elevation plan with reference SMA – T1L8-004, Revision B, Dated 16/6/10).
- c) Site History: A review of Council's computer records/files has indicated that the subject parcel of land was created by Development Consent SF 8477 which approved a 37 lot industrial subdivision in August 1998. There has had no previous development and/or building applications lodged on the parcel of land that has now been created and is the subject of this application.

2. Subject Site and Surrounds

The subject site:

- Is located approximately 11km southwest of the Nowra Central Business District (CBD);
- Has a legal description of Lot 1 in Deposited Plan 1069677, Wugan Street, Yerriyong;
- Is adjoined to the north and south by existing buildings which are being used for aviation related industries, to the east by the Royal Naval Air Station (RNAS) known as HMAS Albatross and to the west by Wugan Street to which the site has direct vehicular access;
- Is zoned 5(a) (Special Uses "A" Zone) under the Shoalhaven Local Environmental Plan 1985;
- Has a total area of 1.5 hectares;
- Slopes from its south western corner to its north eastern corner with an overall fall of approximately 3.8m;
- Forms part of an estate known as Albatross Aviation Technology Park;
- Is identified as bushfire prone land;
- Has been cleared of natural vegetation although some regrowth has occurred; and
- Is impacted upon by a number of easements/restrictions as to user.

The closest existing residential dwelling is at 810 Parma Road which is located approximately 1.8km to the south of the development site. Refer to **Attachment 'B'** for additional details on the site's location.

In summary, it is considered that the site has no significant features that would inhibit the construction of the proposed development.

3. Proposal

The submitted development application proposes to construct an aviation support facility building for sea hawk helicopters comprising the following:

- Five (5) aircraft maintenance bays;
- Workshop facilities (i.e. airframe repair, power and flight control repair, and composites);
- Repair and maintenance facilities (i.e. stowage areas, cleaning bay and spray painting area);
- Office facilities;
- Amenities (i.e. male/female toilets and change rooms, lunchroom, cleaners room);
- Associated manoeuvring areas (i.e. for aircraft parking and manoeuvring);
- Car parking for eighty (80) vehicles; and
- Security fencing, landscaping.

The built structure to be 84 metres long, 45 metres wide, have a maximum height of 13.76m and a gross floor area of approximately 3,670.5m². The facility to operate 7 days a week , 24 hours a day in support of Department of Defence Operational requirements. Refer to **Attachment 'C'** for a copy of the amended development application plans.

The applicant at this time has not applied for a Construction Certificate through Council and has not nominated Council as the Principal Certifying Authority.

4. Community Consultation

In accordance with Council's Community Consultation Policy, the development application was notified as follows:

- Individual property owners within a 1kilometre radius of the site were notified of the proposal (9 letters sent). The notification period was from 21/4/10 to 13/5/10 (23 days);
- The proposal was advertised in the local press on three occasions (South Coast Register on 21/4/10, 5/5/10 and Nowra News 28/4/10); and
- The application and supporting documentation were on display at Council's City Administrative Centre, Nowra as well as on Council's website.

No submissions were received by Council during the community consultation period

5. Statutory Considerations

The following planning instruments and controls apply to the proposed development:

- i. Environmental Planning and Assessment Regulation 2000;
- ii. State Environmental Planning Policy (Major Development) 2005;
- iii. State Environmental Planning Policy 55 – Remediation of Land;
- iv. Deemed SEPP (Illawarra Regional Environmental Plan);
- v. Shoalhaven Local Environmental Plan 1985 (as amended);
- vi. Development Control Plan No.18 – Car Parking Code;
- vii. Development Control Plan No.69 (Policy for residential development in the vicinity of RANAS (Royal Naval Air Station) Nowra;
- viii. Development Control Plan No.82 – A Signage Strategy;
- ix. Development Control Plan No. 93 – Waste Not (Site Minimisation and Management); and

- x. Shoalhaven City Council Section 94 Contribution Plan (as amended).

Additional information on the proposal's compliance with the above documents is detailed below in Section 6 (Statement of Compliance/Assessment) of this report.

6. Statement of Compliance /Assessment

The following provides an assessment of the submitted application against the matters for consideration under 79C of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Any planning instrument, draft instrument, DCP's and regulations that apply to the land

- i) Environmental Planning and Assessment Regulation 2000 (EPA Regs): The provisions of the EPA Regs could apply to the proposed development. Specifically, Schedule 3 of the EPA Regs relating to designated development. A comparison of the proposed works against the applicable requirements of the EPA Regs in relation to designated development is provided below:

- a) Schedule 3 (Designated Development), Part 1, Section 2 (Aircraft facilities): The requirements of this clause could apply as the proposed development satisfies the criteria of an aircraft facility. In terms of helicopter facilities, the applicant has advised that all helicopter flight operations will be conducted on the adjoining land at HMAS Albatross and will not be undertaken on the subject site. In addition, they have outlined that in the future if there are helicopter operations undertaken from the development site they will be restricted to less than 7 helicopter flight movements per week, and if a larger number of flight movements is required a separate application having regard for the requirements of designated development will be made. The locational requirements as specified in this section are not applicable as the development is not captured by the movement requirements. However, it should be noted that at this time no dwellings that are not associated with the facility are located within 1km of the proposed development. As such, it can be concluded that the proposed development is not designated development based on the flight movement information provided with the application. This to be reinforced by conditions on a development consent if issued.

In summary, it is considered that the proposed development does not conflict with the applicable provisions of Schedule 3 of the EPA Regs.

- ii) State Environmental Planning Policy (Major Development) 2005 (SEPP 2005): The provisions of SEPP 2005 apply to the proposed development. The clauses/matters contained in SEPP 2005 that have relevance to this application are overviewed below:

- a) Clause 13B (General development to which Part applies): In accordance with the requirements of Clause 13B2(b), as the development has a value of more than \$5 million and council is the owner of the land on which the development is proposed, the submitted application is classified as 'regional development' with the determining authority for the application being the Joint Regional Planning Panel (Southern Region). The submitted application to be referred to the Joint Regional Planning Panel for determination in accordance with the applicable provisions of SEPP 2005.

In summary it is considered that the proposed development does not conflict with the applicable provisions of SEPP 2005.

iii) State Environmental Planning Policy 55 – Remediation of Land (SEPP 55): The provisions of SEPP 55 apply to this site. The clauses/matters as contained in SEPP 55 that have relevance to this application are overviewed below:

- a) Clause 7 (Contamination and remediation to be considered in determining development application): Consideration has been given to whether the land on which the development is proposed is contaminated. In this regard, an initial evaluation of the subject site has indicated that:
- o Council is not aware of any previous investigations about contamination on the land;
 - o A potentially contaminating activity has not been previously conducted on the land;
 - o The subject land is not currently used for an activity listed in the Managing Land Contamination Planning Guidelines;
 - o No records exist at Council to indicate/identify the land is contaminated;
 - o Council is not aware of information concerning contamination impacts on land immediately adjacent to the subject land which could affect the subject land, although the adjoining land is used for defence purposes; and
 - o There is no land use restriction relating to possible contamination affecting the land.

In addition, the current application does not involve a change in use of land as specified by the requirements of SEPP 55 and, as such, it is considered Council is not required to consider a Stage 1 Preliminary Contaminated Land Assessment /Investigation Report. Having regard for the above, there is no reason to suspect contamination and it is considered that the land is suitable from a contamination perspective for the proposed development/use.

In summary, it is considered that the proposed development does not conflict with the aims and applicable provisions of SEPP 55.

iv) Deemed State Environmental Planning Policy - Illawarra Region Environmental Plan (IREP): The subject land is affected by the provisions of Deemed State Environmental Planning Policy - IREP. An assessment against the requirements of the IREP has indicated that the subject land is not identified as land containing rainforest vegetation, a wildlife corridor, land of prime crop and pasture potential, land containing extractive materials, land affected by a service corridor, land identified as a regional or sub-regional commercial centre, land containing coal resources, land with landscape or environmental attributes or land potentially suitable for urban use.

The clauses/matters contained in the IREP that have relevance to this application are overviewed below:

- a) Clause 3 (Aims, objectives, etc): It is considered that the submitted proposal does not

conflict with the general aims and objectives of the IREP as outlined in this clause; and

b) Clause 139 (Development applications—high rise buildings): Sub clause (2) outlines that Council cannot consent to the erection of a building greater than 11m in the Shoalhaven sub-region without the concurrence of the Director. The submitted proposal has a maximum height of approximately 13.76 metres (from the existing ground level to the highest point on the building). The applicant in their submitted Statement of Environmental Effects has acknowledged the height requirement and has submitted an assessment against the requirements of Clause 139(3) of the IREP. Council has also undertaken an assessment of the proposal against the criteria contained in Clause 139(3) and this has indicated the following:

- *The height, scale, bulk and density of the proposed building:* The building component of the development is setback approximately 25m from the Wugan Street boundary of the site and will have a maximum height of 13.76 metres (2.76m variation or 25%). The building when viewed from Wugan Street (western elevation) has a single storey appearance before taking on the appearance of a larger industrial factory in the middle portion of the site. The height, scale and bulk of the building as advised by the applicant has regard for the buildings functional requirements/proposed use and will result in a larger building than what currently exists on the adjoining lots to the north and south, although the building to the north (No.11 Wugan Street) has a maximum height approximately 200mm less than the current proposal. Having regard for the existing buildings and those that have been approved and not yet built, it is considered that the current proposal will have a bulk and scale that is consistent with the exiting developed streetscape and is therefore considered satisfactory in this regard.
- *The external appearance and materials used on the exterior of the proposed building:* The amended design given the buildings length to the Wugan Street frontage (i.e. 76.7m) has incorporated some variation/articulation through the provision of entrance/awning features and the provision of feature panels to the hanger facilities western wall which assists in providing greater visual interest to the building mass. As such, it provides an enhanced presentation to the Wugan Street frontage which is considered to be the site's main frontage. The design also incorporates a signage element and utilises a mix of building materials which includes alabaster split face concrete blocks, birch grey colour bond steel and tinted glass. The applicant advising that the current proposal has been developed to integrate with the existing Scientific Management Associates (SMA) owned facilities at No.11 and No.39 Wugan Street (i.e. to the north and south of this site). A complete finishes/colour schedule has been provided as part of this application which is similar to the adjoining developments. In terms of its external appearance, the development as proposed is considered satisfactory.
- *The relationship of the proposed building to the streetscape or landscape:* The proposed building incorporates a setback which is similar or greater than adjoining developments to the north and south. The amended design provides additional articulation which it is considered improves the buildings relationship with the streetscape. The proposed development does incorporate space for landscaping which is similar to what has been provided in adjoining lots. It is considered that opportunities exist to provide additional landscaping within the car parking area which, if planted with established native species, will further improve how the development relates to the streetscape. Having regard for the above, it is

considered that the proposed building will have an acceptable relationship to Wugan Street.

- *The effect of the proposed building on public amenity including pedestrian amenity:* At present, the existing developments fronting Wugan Street do not have a formal footpath provided along their frontages. As such, it is considered that the proposed development will have minimal impact on public and pedestrian amenity as what is to be provided (i.e. grassed/ landscaped road reserve) is the same as the adjacent developments. The applicant will however be required to undertake street tree planting along the developments frontage (i.e. within the road reserve area) which will improve public amenity in that it will make a positive contribution to the streetscape.
- *The effect of the proposed building on wind patterns and wind velocity in public places:* It is considered that the proposed development will have no negative effect on wind patterns and wind velocity in public places (i.e. Wugan Street) given the buildings setback to Wugan Street (i.e. 25 metres) and separation from adjoining buildings to the north (i.e. 30 metre separation) and to the south (i.e. 50 metre separation) which will allow the cross flow of wind with minimal impact.
- *The effect of the proposed building on overshadowing of public places:* It is considered that the proposed development, given its setback from the Wugan Street property boundary, will have no impact in terms of overshadowing of public places (i.e. the adjacent Wugan Street road reserve area).
- *The effect of the proposed building on views from public places:* The proposed development will not interrupt any views from a public place other than from Wugan Street to the east (i.e. towards the RANAS). This being no different to the development of other land on the eastern side of Wugan Street. It is considered that the proposed development will have no negative effect on views from public places.
- *The effect of the proposed building on any item of the environmental heritage in the vicinity:* It is considered that the proposed development will have no negative effect on nearby heritage items in that this development is located a sufficient distance from these items so as to have no physical impact.
- *The effect of reflections from the exterior of the proposed building on roads, public places, and buildings in the vicinity:* A complete finishes/colour schedule has been provided as part of this application. It is considered that the proposed external materials (i.e. alabaster split face concrete blocks, colour bond steel sheeting and tinted glass) will have no adverse impact on the adjoining roads, public places or buildings. In addition, it is believed that the colours selected (i.e. alabaster, birch grey, black and salsa) will have no impact in terms of reflections from the exterior of the building.

Having regard for the above, it is considered that the proposal is reasonable in this location and concurrence in this instance should be granted to allow the proposed building to have a height greater than 11m.

It is important to note that the requirements relating to land within an airport buffer (specifically Clauses 80 and 81) have been repealed from the IREP and, as such, are no longer applicable in the assessment of this application. In summary, it is considered that the proposal does not conflict with the relevant provisions of the IREP and will achieve the applicable outcomes.

- v) Shoalhaven Local Environmental Plan 1985 - as amended (SLEP 1985): The provisions of SLEP 1985 apply to this site. The clauses/matters contained in SLEP 1985 that have relevance to this application are overviewed below:
- a) Clause 2 (Aims and objectives): It is considered that the submitted proposal satisfies the general aims and objectives as outlined in Sub Clause 1(a) to 1(c), 2(a) to (w) and 3(a), 3(c), 3(d) of this clause;
 - b) Clause 9 (Zone objectives and development control table): The subject land is zoned 5(a) (Special Uses "A" Zone) under SLEP 1985. The zoning map identifying this site as suitable for 'public and airfield purposes'. The proposed development (aviation support facility containing aircraft hangers, workshop areas and office/administration facilities) is considered to fit the definition of an 'aviation related land use' under SLEP 1985, which, in part, is defined as a building or place used as an office or for other business or commercial purposes or industry related to aviation and includes services related to the maintenance and repair of aircraft. It is also considered to satisfy the objectives of this zone and is a permissible form of development within this zone subject to obtaining development consent from Council, as the proposed development is consistent with the particular purpose indicated on the zoning map (i.e. use of the land for 'public and airfield purposes');
 - c) Clause 20G (Development in the vicinity of a heritage item): The subject site is located in the vicinity of a heritage item identified in LEP Amendment 212. The particular item as listed in Schedule 7(Heritage conservation) of SLEP 1985 is 'RANS Albatross – Military defence complex and aviation museum'. This being described on the heritage register as a diverse grouping of inter war building styles, ranging from administrative buildings to aircraft Hangers, Defence accommodation (public housing) and airfield infrastructure. In summary, it is considered to be a representative group of buildings associated with naval training providing a good example of a defence establishment. SLEP 1985 identifying the item as having state significance. A Heritage Impact Statement (HIA) has been not been submitted as part of the application. An assessment against the requirements of Sub Clause (1), (2), (3), (4) and (5) has been undertaken by Council with it being considered that, for the purposes of the current application, an HIA is not required as the proposed development will not have an impact on the heritage significance of the heritage item given the physical separation between the development site and the items (i.e. no impact on the setting, visual curtilage, or significant views associated with the heritage item);
 - d) Clause 21 (Land of ecological sensitivity): The subject land is part identified as 'land/area of ecological sensitivity'. The development site being part of an existing subdivision which has resulted in a change to the original landform and clearing of the original vegetation. A review of the subdivision application (SF8477) indicating that a Flora and Fauna Study was undertaken and was considered as part of this application. As such, the requirements of this clause have been considered as part of that subdivision application. The land currently contains no existing vegetation (apart from natural regrowth) and it is considered that the proposed development will not have impacts upon natural features, flora/fauna, landforms or ecological processes;
 - e) Clause 26 (Soil, water and effluent management): The subject land has access to water and sewer services. A concept stormwater drainage plan has been submitted with this application and, as such, it is considered that the development (subject to the imposition of conditions) should not adversely impact upon public health, groundwater/surface water or community amenity. No measures have been

incorporated into the development to reutilise storm water (i.e. for cleaning and toilet facilities). In addition, a pollution control device has not been provided to ensure surface water leaving the site does not contain any pollutants. The above requirements (i.e. stormwater reuse, pollution control device) to be addressed through conditions on any development consent if issued.

- f) Clause 28 (Danger of bushfire): A review of Council records has indicated that the subject site is identified as bushfire prone on Council's Bushfire Prone Lands Map. The applicant has not submitted a bushfire assessment as part of this application. An assessment against the requirements of Sub Clause (1), (2), (3) and (4) and the applicable requirements in *Planning for Bushfire Protection 2006* has been undertaken by Council. This in summary has concluded that the proposed works based on the location of building as shown on the submitted plan:
- o Will not result in a significant threat to the lives of the occupants, visitors or emergency services personal subject to the implementation of requirements as outlined in advice provided by the RFS;
 - o Will increase the demand for emergency services, however will not significantly decrease their ability to react to and control major bushfires;
 - o Has been sited so as to reduce the threat from bushfires and to result in minimum new asset protection zone (APZ) works (i.e. currently a minimum of 30m separation distance to dominant woodland on the adjoining land to the west, with there being no direct fire path to the structure and measures exist and/or can be implemented to mitigate the threat from bushfire);
 - o Satisfies the objectives of *Planning for Bushfire Protection 2006* and has been designed to have regard for and will be able to satisfy the applicable requirements of Planning for Bushfire Protection 2006.

In addition, the application has been referred to the Rural Fire service for comment. The RFS advising that they had no concerns with the proposed development subject to the imposition of a recommended conditions on any issued development consent relating to the maintenance of asset protection zones (i.e. Inner Protection Area), provision of adequate water services and suitable location of other services, compliance with Building Code of Australia and Australian Standard AS3959-1999 (Construction of buildings in bush fire prone areas);

- g) Clause 37A (Notification of certain development): The submitted application was notified in accordance with Council's Community Consultation Policy. Refer to Section 4 (Community Consultation) for further details;
- h) Clause 48 (Development in Zone No.5(a)): The land is being developed in accordance with the use designated on the zoning map (i.e. public and airfield purposes), not an alternative use. As such, it is considered that the requirements of this clause do not impact upon the proposed development;
- i) Clause 53 (Residential development within the RANAS Nowra Airport Buffer): The subject land is within the area to which this clause applies (Amendment No.126). The proposed works do not involve the subdivision of land for residential purposes and does not involve residential development. Although the requirements of this clause do not impact upon the proposed development, an assessment against the requirements of the Building Site Acceptability Table has been undertaken. Additional details are provided below under the heading Noise, odour and dust;
- j) Amendment No.149: The submitted proposal has been assessed against Amendment No.149 (incorporating the definition of 'aviation related land use' and Clause 39 and Schedule 9 of SLEP 1985). As such, the following comments/assessment is provided:

- The proposed development is considered to satisfy the requirements of an 'aviation related land use';
 - Council is satisfied that the scenic integrity of Braidwood Road will not be impacted upon by the development and will be maintained; and
 - The type and scale of signage proposed as part of the development has been kept to a minimum and does not adversely affect the rural character of the land adjacent to Braidwood Road.
- k) Amendment No.192: The submitted proposal has been assessed against Amendment No.192. In this regard, it is considered that the proposal is consistent with the objectives of SLEP 1985.

In summary, it is considered that the proposed development does not conflict with the aims and relevant provisions of SLEP 1985.

vi) Development Control Plan No.18 – Carparking Code (DCP 18): The provisions of DCP 18 apply to this development. An assessment against the relevant requirements of DCP 18 is provided below:

- a) *Car Parking Requirement Schedule*: The table below summarises the proposed developments car parking provision and what is required in accordance with the numerical requirements of DCP 18.

| <i>Proposed land use</i> | <i>DCP 18 requirement</i> | <i>Floor space proposed</i> | <i>Spaces required</i> | <i>Spaces provided</i> | <i>Compliance with DCP 18</i> |
|-----------------------------------|-------------------------------------|--------------------------------------|------------------------|-------------------------|-------------------------------|
| <i>Workshop Area</i> | 1 car space per 100m ² . | 2,880m ² gross floor area | 29 (28.8) car spaces. | 80 car spaces in total. | yes |
| <i>Office/Administration Area</i> | 1 car space per 40m ² . | 790m ² gross floor area. | 20 (19.8) car spaces. | 80 car spaces in total. | yes |
| Total | | | 49 (48.6) | 80 | yes |

As outlined above, the submitted application proposes to provide in excess of the numerical requirements. Any development consent if issued, to contain a condition in relation to the total number of car spaces to be provided.

- b) *Parking Layout and Dimensions*: In terms of car space dimensions and manoeuvring, the submitted proposal has been designed so as to provide car space dimensions and aisle widths which are in excess of the requirements specified in DCP 18. No stack car parking or dead end aisles have been provided. Any development consent if issued, to contain a condition in relation to the provision of car parking as shown on the submitted car parking plan.
- c) *Access*: Two general access points into the development are proposed off Wugan Street at either end of the site. All access provided allows for vehicles to enter and leave the site in a forward direction and maintains sufficient site distances in accordance with AS2890.1. The northern access point into the site will be across the adjoining property (No.11 Wugan Street). At this time, no right of way exists however, the applicant (SMA) does own the adjoining property. Any development consent, if issued, to be conditioned in relation to the creation of a right of way through the adjoining property to the north so legal access is available to both the general parking

area at the front of the development and the smaller car parking area adjacent to the development site's northern boundary.

- d) *Manoeuvrability and service areas*: An assessment of the manoeuvrability in the internal car parking areas for cars has indicated that it complies with the requirements of DCP 18. In terms of delivery vehicles and in accordance with the requirements of DCP 18, the proposed development has sufficient space available to enable it to be serviced by a semi trailer (i.e. sufficient space is available on site to allow a semi trailer to manoeuvre on site and leave in a forward direction). Sufficient space is also available for a garbage truck to access the external garbage storage area, manoeuvre on site and leave in a forward direction.
- e) *Drivers with a Disability*: Two (2) disabled car parking spaces are proposed. This is above the requirements of DCP 18. The spaces proposed are located in close proximity to the main entry of the building and have been sized so as to comply with DCP 18. Requirements in relation to the marking/identification of the spaces to be provided will be conditioned on any development consent, if issued.
- f) *Construction Requirements*: Construction details for the car parking areas within the site, driveway and manoeuvring areas have been provided and are generally in compliance with Council requirements. A development consent, if issued, to be conditioned in relation to construction requirements.
- g) *Miscellaneous Requirements*: The applicant has advised that appropriate car parking access signage, car space markings, lighting of the car park area as well as space for bicycle parking is to be provided. Requirements in relation to the above to be conditioned on any development consent, if issued.
- h) *Landscaping*: The issue of landscape design is discussed in more detail in Section 7 (Other Issues).

In summary, it is considered that the proposed development does not conflict with the aims and relevant provisions of DCP 18.

- vii) *Development Control Plan No.69 (Policy for residential development in the vicinity of RANAS (Royal Naval Air Station) Nowra (DCP 69)*: The plan attached to DCP 69 includes the subject land within the area to which the plan applies. It is however noted that this plan specifically contains controls relating to residential development and does not contain any controls for the type of development as proposed. As such, it is considered that the requirements of DCP 69 do not impact upon the proposed development.
- viii) *Development Control Plan No.82 – A Signage Strategy (DCP 82)*: The provisions of DCP 82 apply to this development. The submitted application proposing one (1) sign to be positioned on the western elevation of the building containing the words 'BAE SYSTEMS'. The proposed sign not to be illuminated and will be 2 metres high by 18 metres wide with an overall sign face area of 36m². An assessment against the relevant requirements of DCP 82 indicating that the sign would be classified as an 'on-building sign' and although it is a business identification sign, it is not classified as exempt development as the signs size exceeds 0.75m². An assessment against the acceptable solutions for on building signs indicating that the signage proposed does not comply with the maximum sign face area allowed which for the proposed development based on the maximum building width is 29.4m² with 36m² of signage proposed. In addition, it does not comply with the maximum sign face area permissible for any one sign (i.e. 4m² permissible with 36m² proposed). The applicant has not acknowledged the signs non compliance with the provided acceptable solutions. However, in accordance with Clause 4.4, an assessment

against the performance criteria and objectives of the DCP has been undertaken. This indicating that the proposed sign is associated with the lawful use of the land, relates to the premises situated on the land/describes the business being undertaken on the land, is in scale with the development as proposed, does not detract from a heritage item and does not adversely affect the amenity or character of the area. Having regard for the above, it is considered that the proposal complies with the objectives of the DCP and the relevant performance criteria. As such, and based on the above, it is believed that sufficient justification exists to support a variation to the acceptable solutions relating to maximum sign face area.

Any development consent issued to be conditioned so that no signage other than what has been detailed with the current development application (as shown on the plan with reference Drg No. SMA-T1L8-0004, Revision B, Dated: 16/07/09) or that is considered to be exempt from requiring development consent under DCP 82, shall be erected without the consent of Council.

ix) Development Control Plan 93 - Controls for Waste Minimisation and Management (DCP 93): The provisions of DCP 93 apply to this development. A waste minimisation and management plan (WMMP) for the construction and the on-going use of the proposed development has been submitted with the development application. Each aspect is further discussed below:

- a) Demolition/Construction Waste: The applicant has submitted a WMMP with the development application (pro-forma on the DA application form). This identifies each of the main waste materials that will be generated during the construction phase and the disposal location. It is considered that this component of the submitted plan is satisfactory. Any development consent issued to be conditioned so as to require compliance with the submitted plan.
- b) On-going Waste: The submitted application identifies the on-going waste storage area will be adjacent to the northern elevation of the building. Sufficient area is available to allow the placement skip bins in this location although, it will be visible from a public place (i.e. Wugan Street). The plans submitted detailing that this area will be screened however, no details on the screening have been submitted with the current application. It is considered that this component of the submitted plan is satisfactory subject to the imposition of a condition on any issued development consent requiring the provision of details on the screening of the on-going waste storage area.

Having regard for the above, it is considered that the proposed development does not conflict with the aims and relevant provisions of DCP 93.

ix) Shoalhaven City Council Section 94 Contribution Plan (as amended): The provisions of Council's Section 94 Contribution Plan apply to this site. Having regard for the works proposed, the following Section 94 projects are applicable to the application:

- a) CW FIRE 0001: Citywide Fire & Emergency Services;
- b) CW FIRE 0002: Shoalhaven Fire Control Centre; and
- c) CWMGMT 2001: Section 94 Administration

The total contribution applicable to the proposed development is \$3,696.89. If the application is approved, any development consent issued should be conditioned to reflect the above.

Likely impact of that development on the natural and built environment and social and economic impacts in the locality.

- i) **Threatened Species:** A review of Council's subdivision approval file (SF8477) has indicated that a threatened species assessment (Flora and Fauna Study, by Kevin Mills and Associates, October 1997) was undertaken as part of the development application for the subdivision that has created the existing lot. A pro-forma Threatened Species Preliminary Site Assessment and Assessment of Significance has been undertaken by Council staff as part of this application and has confirmed that as the site has been cleared of vegetation and as all the adjoining land has been previously cleared/disturbed to create the existing subdivision or has been developed, that no threatened species will be impacted on directly or indirectly as a result of this development.
- ii) **Noise, odour and dust:** Noise is expected to be created during construction period and during the ongoing use of the development. This is anticipated to be comparable with the adjoining land uses/development (i.e. RANAS). The site, as it is adjacent to an airfield, is affected by *AS2021-2000 Acoustic-Aircraft noise intrusion-Building siting and construction* (AS2021). The proposed building under the 2014 Australian Noise Exposure Forecast (ANEF) Contour Map being classified as 'Acceptable' due to its location within the 20-25 ANEF zone. The classification of acceptable being based on a light industrial classification (i.e. worst case scenario). Table 2.1 does note that if a building of a particular type contains spaces of another type (i.e. an office in an industrial building) then Table 3.3 of AS2021 should be used to determine the internal design noise levels within these specific spaces. Table 3.3 specifically in relation to the spaces within the proposed building requiring private offices to be attenuated to achieve an indoor design sound level of 55 dB(a), open office areas to be attenuated to achieve an indoor design sound level of 65 dB(a) and the maintenance and workshop areas to be attenuated to achieve an indoor design sound level of 85 dB(a). The application acknowledges that more stringent noise level requirements will be achieved and has provided some comments on building materials and construction methods. Having regard for the above, it is considered that any development consent issued should be conditioned so as to require the building to be attenuated in accordance with AS2021 so as to achieve the noise levels as shown in Table 3.3 of the standard.

In terms of residential development, the closest sensitive noise receiver (i.e. dwelling house) not associated with the development or the activities undertaken on the adjoining land (i.e. RANAS) is located at 810 Parma Road which is approximately 1.8km to the south of the development site. Given the separation, it is considered that the proposed development should have no impact upon this property.

In terms of odour and dust, no concerns are raised. Any issued development consent will however, be conditioned so as to control dust and odour in case an issue arises.

- iii) **Context and Setting:** A setback to the western boundary of 25 metres has been provided which assists the proposed building in addressing the street frontage. The submitted design has been amended during the assessment process so as to provide an enhanced

presentation to Wugan Street through the provision awning structures which provides some articulation and feature panels attached to the hanger facilities western wall. The submitted plans identify that the main construction materials to be used will be split face concrete blocks and colourbond cladding which are similar to the adjoining developments to the north and south. The submitted finishes/colour schedule indicating that the materials and colours to be used are also similar to adjoining developments. The feature panels that are proposed to be attached to the hanger facility will utilise the fascia colour that is to be used on the awnings. Having regard for the above, it is considered that the design as amended is consistent and in character with the existing buildings in the area and general surroundings and has a bulk and scale that is consistent with the streetscape that is expected and is emerging within the Aviation Park given the developments intended use and space needed. A landscape plan has been submitted with the application which proposes plantings within the development site and the adjoining road reserve area. It is considered that additional plantings should be provided along the internal western boundary of the site. It is acknowledged that the development, given its size and bulk, will have a visual impact. The provision of additional landscaping along the western elevation assisting in softening the visual impact of the building. It is however, considered that the overall design of the development, when one has regard for its intended purpose, provides a positive contribution to the quality of the built environment at this location and is satisfactory in terms of context and setting. Any development consent issued will impose conditions in line with the comments above (i.e. provision additional plantings, building to be constructed in accordance with submitted schedule of colours and building materials, etc).

- iv) Traffic: The proposed development will increase the number of vehicles utilising the adjoining road network (i.e Wugan Street). Given the size of the proposed development and its use, the increase in traffic is considered acceptable and is capable of being handled by the existing road system. Access to and from the site is via two access points (both combined entry/exit). Sufficient site distances exist at both points to enable safe entry and exit from the site.
- v) Economic/Social Impacts: The proposed development will have a positive economic impact during the construction phase. In addition, the proposed development will provided additional services to the adjoining naval base which has the potential to increase employment opportunities within the Shoalhaven Local Government Area. It is not anticipated that the proposed development will have any adverse social impacts.
- vi) Sediment and Erosion Control: The proposed development will require a considerable amount of cut adjacent to the northern boundary and in the southern portion of the site. As such, there will be a need to ensure that, during the construction of the proposed development, the site is adequately managed to control water and soil. A concept erosion and sediment control plan (ESCP) has been submitted as part of this application and it is considered that this needs to be amended to demonstrate compliance with the Landcom manual “*Soils and Construction, Managing Urban Stormwater, Vol 1 4th Edition, March 2004*” particularly, in relation to the location of proposed erosion and sediment control measures, maintenance measures, etc . As such, any issued development consent will be conditioned so as to require an updated ESCP prepared by a suitably qualified/experienced person and based on the Landcom manual “*Soils and Construction, Managing Urban Stormwater, Vol 1 4th Edition, March 2004*” to be submitted and approved prior to the issue of a Construction Certificate. In addition, a

condition will be imposed requiring the proposed measures to be installed prior to the commencement of any works so as to ensure that no sediment leaves the site.

The suitability of the site for the development

The proposed development is consistent with the zoning of the site and the use of surrounding land and is therefore, considered to be well suited to the site.

Any submissions made in accordance with the Act or the regulations

The application was notified by way of a public notification as outlined in Section 4 (Community Consultation). No submissions were received.

The public interest

Refer to point (d) above.

7. Other Issues:

- i) **Aboriginal Land Claim:** Council records indicate that the subject land is affected by an Aboriginal Land Claim (Claim No.2891). Contact has been had with the Office of the Registrar, Aboriginal Land Right Act 1983 who have advised that a search of the Register of Aboriginal Land Claims database has indicated that the site does not appear on the register as being affected by an Aboriginal Land Claim pursuant to Sections 36 and 37 of the Aboriginal Land Rights Act 1983.
- ii) **Landscaping:** A concept landscape plan has been provided with the application. This plan indicating that some existing trees/re-growth will be retained. However, it is considered that additional detail is required as well as the incorporation of additional landscape areas within the internal car parking area (western side). This additional landscaping would provide shade and screening so as to soften the visual impact of the building and associated car parking area. The provision of additional landscaping within this area will result in the loss of two car parking spaces (i.e. car space 8 and 15). The proposed development currently proposes to provide car parking on site in excess of Council's numerical requirements. In addition to the above, the plantings that are proposed in terms of tree species are considered to be too small (i.e. 5 litre pot size trees proposed) and this should be increased to a minimum of 35 litre pot size trees for both the plantings within the road reserve area and within the property. If the application is approved, any development consent issued should be conditioned so as to require an amended landscape plan that incorporates additional landscape areas within the car parking area, the provision of specific details on plant type, pot sizes, numbers, irrigation facilities, etc and an increase in the pot sizes of trees to be planted.
- iii) **Drainage:** In terms of drainage, this application has two components. Each is discussed below:
 - a) **General Storm Water Drainage:** A concept storm water management plan has been provided with the application. This in summary indicating that all storm water from the development will be piped to an existing junction pit in the sites north eastern corner. The submitted storm water design incorporating on site detention (OSD) prior to its discharge from the site. Based on the information provided this will detain a 1:100 year storm event with discharge from the site designed for a 1:10 year storm average re-

currency interval which is in line with pre-development conditions. Council's Development Engineer has reviewed the information that has been supplied and has advised that the proposed storm water measures are acceptable and should have no adverse affect on adjoining properties or the existing drainage system. If the application is approved, any development consent issued should be conditioned with recommended drainage conditions as outlined in their advice (i.e. OSD and drainage to be provided generally in accordance with the submitted plan, level requirements, general OSD requirements relating to construction). In addition to the above it is considered that as the proposed development does contain a large amount of hardstand area, a storm water treatment device (i.e. first flush collection system) capable of removing litter, oil, grease & sediment prior to discharge to the storm water system should be incorporated into the general storm water drainage design. Any development consent issued, to be conditioned so details of the proposed device to be installed including design, size, suitability for catchment, location are provided to and approved by Council prior to the issue of a Construction Certificate.

- b) **Trade Waste Drainage:** The submitted application proposes an external wash down area on the eastern side of the building. Information submitted with the application detailing that this area will not be covered and as such will incorporate a first flush wash down system, 3,000 litre collection sump and a 3,000 litre oily water coalescing plate separator. Shoalhaven Water has reviewed this information and has raised no concerns with the general concept subject to the submission of a Trade Waste Application prior to issue of a Construction Certificate which will provide greater details on the system proposed. At this time, from the information that has been submitted, it does not appear that any polluted storm water will be entering the general storm water drainage system. While these areas generally need to be covered so as to prevent the entry of storm water, it is acknowledged, given the usage of the area (i.e. cleaning associated with helicopters), this will not be practical. As such, in accordance with the Department of Water and Energy Liquid Trade Waste Regulation Guidelines (April 2009) the system as proposed is in concept considered acceptable.
- iv) **Flooding:** The subject site is not identified as being flood prone on Council's mapping. As such, no further assessment in relation to flooding has been undertaken.
- v) **Easements/Restrictions on the use of the land:** A review of the Deposited Plans (DP) and associated Section 88B instruments for the property has indicated that the subject land is affected by a number of easements and restrictions on the use of the land. Additional details on each of these is provided below:
- **Restriction on the use of the land (DP1063290):** This affects the entire site. No details on this restriction could be found on this DP or any associated DP.
 - **Easement for drainage of water and sewage:** This easement is adjacent to the site's eastern boundary and is 3 metres wide. The 88B instrument attached to DP 880423 indicating that the easement allows the draining of water and sewage within the easement and for access over the easement. The submitted application proposes no new works within this easement apart from the provision of an access point from the adjoining taxiway. It is considered that these works do not conflict with the requirements of this easement.
 - **Restriction as to user (DP1063290):** This restriction runs along the site's eastern boundary and is 5 metres wide. It relates to placement of buildings, structures, improvements (including fencing) and vegetation exceeding the height requirements of

the Civil Aviation Safety Authority within the part of the lot burdened by the easement. The submitted application proposes no structures, improvements (including fencing) or vegetation, apart from grass, within this area and therefore, complies with the requirements of this easement.

Having regard for the above, any development consent issued will however be conditioned so as to comply with the terms of any restrictions or easements imposed at the time of subdivision.

- vi) Native Vegetation Act (NV Act): The requirements of the NV Act in terms of clearing of re-growth do not apply to the development site as the re-growth that exists on the site has re-grown after lawful clearing since 1 January 1990 and is therefore, classified as 'non-protected re-growth'. As such, separate approval from the Southern Rivers Catchment Management Authority is not required.
- vii) Fencing: Fencing location details have been provided on the submitted landscape plan. This indicating that no fencing is to be provided directly adjacent to the Wugan Street frontage of the site which is similar to the adjoining developments. In addition no fencing is to be provided directly adjacent to the eastern property boundary which adjoins the taxiway. However, fencing is proposed adjacent to the frontage of the building (i.e. within the site) to both adjoining property boundaries and adjacent to the southern elevation of the proposed building extending north along the boundary of the car parking area to the site's northern boundary. This fencing being provided in these locations so as to restrict access to aircraft areas and the adjoining taxiway. The applicant advising that this fencing will meet DOD requirements and will be of a chain wire construction 2.5 metres high. While no concerns are raised with the provision of chain wire fencing along the eastern boundary or adjacent to the rear of the proposed building in the northern portion of the site, it is considered that any fencing provided in the western portion of the site that is clearly visible from Wugan Street should be of a higher quality so as to provide an improved presentation to the street (i.e. open form powder coated fencing instead of chain wire fencing). This requirement to be conditioned on any development consent issued as well as the provision of fencing in locations as shown on the submitted landscape plan.
- viii) Footpath: Wugan Street currently does not contain a pedestrian footpath. A review of Council's Pedestrian Access Management Plan (PAMP) has indicated that, at this time, Council has no plans to provide a footpath in this area. In addition, a review of Council's Development Control Plan No.100 (Engineering Design Specifications) has indicated that the formal requirement for the provision of a footpath is currently restricted to residential related developments. Even when one uses the road classifications and maximum traffic volumes specified for residential development, Wugan Street which would be classed as a 'local street' would not require the provision of a footpath based on maximum traffic volumes that it may generate when fully developed.
- ix) Safety and Security: Limited details have been provided as part of this application that address the principles of Crime Prevention through Environmental Design (CPTED). A preliminary Safer by Design Crime Risk Assessment having regard for Safer by Design Principles has been undertaken by council staff for the proposed works. This assessment has determined that in terms of territorial reinforcement, access, space management and surveillance opportunities the proposed development has a low to medium risk rating and

therefore requires no modification and/or incorporation of features above what the applicant has outlined as part of their Statement of Environmental Effects to minimise the potential risk of crime and/or anti social behaviour (i.e. fencing, lighting).

- x) Climate Change: No cumulative impacts are expected in regard to the proposed development that could further contribute to climate change. Furthermore, there are no risks relevant to the site that could potentially be exacerbated by climate change.

8. Referrals

Internal:

- o Building Surveyor: No objection to the proposal subject to the imposition of recommended conditions on any issued development consent (i.e. PCA/ CC requirements, Section 68 requirements).
- o Development Engineer: No objection to the proposal subject to the imposition of recommended conditions on any issued development consent (i.e. construction standards, drainage requirements, general site works requirements).
- o Environmental Health Officer: No objection to the proposal subject to the imposition of recommended conditions on any issued development consent (i.e. pollution control requirements, storage/chemical management requirements).
- o Shoalhaven Water: No objection to the proposal subject to the imposition of recommended conditions (i.e. compliance with all required requirements prior to the issue of a CC and prior to the issue of an Occupation Certificate) and the attachment of the provided Shoalhaven Water Development Application Notice to any issued development consent.

External:

- o Rural Fire Service (RFS): No objection to the proposal and have provided of a number of recommended conditions that should be imposed on any issued development consent (i.e. Asset Protection Zone requirements, design/construction requirements and water/utility requirements).
- o Department of Defence (DOD): No objection to the proposal subject to the imposition of recommended conditions on any issued development consent (i.e. notification of cranes prior to use). In addition, DOD have advised that access to the runway at HMAS Albatross will require separate DOD approval will be subject to a contractual agreement between DOD and the land owner. This to be included as advice on any issued development consent.

9. Options

The Joint Regional Planning Panel may:

- a) Resolve to approve the application subject to conditions (i.e. adopt the recommendations of this report including the draft conditions of consent provided or modify the provided conditions); or
- b) Resolve to refuse the application (i.e. on the grounds that the submitted proposal has an unsatisfactory visual impact and will have adverse health impacts); or
- c) Write to the applicant requesting them to amend/modify the proposal and subject to the matters being satisfactorily resolved a further report be submitted to the Joint Regional

Planning Panel (Southern Region) for its consideration.

10. Conclusion

This application has been assessed having regard to the Matters for Consideration under Section 79C of the Environmental Planning and Assessment Act 1979. Following a detailed assessment, it is considered that Development Application No RA10/1000 (2010STH008) should be supported subject to suitable conditions being imposed on any issued development consent.

11. Recommendation

RECOMMENDED that, in respect of RA10/1000 (2010STH008) for the construction of an aviation support facility at Lot 1 DP 1069677 Wugan Street, Yerriyong, the application be approved as an operational development consent subject to conditions as contained in **Attachment 'A'**.

Signed:

date: 24/06/10

A handwritten signature in black ink, appearing to read 'Andrew Lissenden', with a stylized flourish at the end.

Andrew Lissenden

Attachment 'A'

NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION

DEVELOPMENT CONSENT

**Environmental Planning and Assessment Act, 1979
RA10/1000**

TO:

Ken Stenning (SMA) Victoria Pty Ltd
No.2/11 Wugan Street
YERRIYONG NSW 2540

being the applicant(s) for RA10/1000 relating to:

Lot 1 DP 1069677 Wugan, YERRIYONG

APPROVED DEVELOPMENT:

Aviation support facility building (comprising five aircraft maintenance bays, workshop facilities, office facilities, amenities) with associated manoeuvring areas, car parking, landscaping and signage.

BCA CLASSIFICATION(s):

8

DETERMINATION DATE:

Pursuant to the Section 81 of the Act, notice is hereby given that the above application has been determined by granting consent, subject to the conditions listed below.

CONSENT TO OPERATE FROM:

CONSENT TO LAPSE ON:

DETAILS OF CONDITIONS

The conditions of consent and reasons for such conditions are set out as follows:

PART A

CONDITIONS OF A GENERAL NATURE, INCLUDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT

General

1. This consent relates an **aviation support facility building (comprising five aircraft maintenance bays, workshop facilities, office facilities, amenities) with associated manoeuvring areas, car parking, landscaping and signage** as illustrated on the plans with the following references:
 - DRG No: SMA-T1L8-0001 (Site Plan of Land), Revision B, Dated: 18/06/10;
 - DRG No: SMA-T1L8-0002 (Plan View), Revision B, Dated: 18/06/10;
 - DRG No: SMA-T1L8-0003 (North & South Site Elevations), Revision B, Dated: 18/06/10;
 - DRG No: SMA-T1L8-0003 (East & West Elevations), Revision B, Dated: 16/06/10;
 - DRG No: SMA-AATP-G01 (SMA Development Plan Lots 6 through 10), Revision A, Dated: 13/02/10;
 - DRG No: SMA-T1L8-0001, Attachment 03-09a (Car Parking and Access Plan), Revision A, Dated: 18/03/10;
 - DRG No: SMA-T1L8-0001, Attachment 03-10a (Landscaping Plan), Revision A, Dated: 18/03/10;
 - DRG No: SMA-T1L8-0001, Attachment 03-10b (Existing Vegetation Plan), Revision A, Dated: 18/03/10;
 - DRG No: SMA-T1L8-0001, Attachment 03-13a (Drainage/Stormwater Concept), Revision A, Dated: 18/03/10;
 - DRG No: SMA-T1L8-0001, Attachment 03-13b (Sanitary Plumbing & Drainage), Revision A, Dated: 18/03/10; and
 - DRG No: SMA-T1L8-0001, Attachment 03-15b (Proposed Levels), Revision A, Dated: 18/03/10

specifications and supporting documentation (Development Application Supporting Information, Dated 31 march 2010) stamped with reference to this consent, as modified by the following conditions. The development shall be carried out in accordance with this consent.

Notes:

- *Any alteration to the plans and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s96 of the Act, or a fresh development application. No works, **other than those approved under this consent**, shall be carried out without the prior approval of Council.*
 - *Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions shall prevail to the extent of that inconsistency.*
2. The development shall not be occupied until all relevant conditions of development consent have been met or unless other satisfactory arrangements have been made with council (i.e. a security).

Occupation Certificate

3. An **Occupation Certificate** shall be issued by the Principal Certifying Authority (PCA) before the building(s) is used or occupied.

Note: Refer to Part F of this development consent for additional requirements in relation to the above condition.

PART B

CONDITIONS THAT MUST BE COMPLIED WITH BEFORE WORK CAN COMMENCE

Principal Certifying Authority/Construction Certificate

4. The following must be undertaken **before any building works can commence**:
 - a) A Principal Certifying Authority (PCA) must be appointed; and
 - b) A Construction Certificate must be obtained from either Council or an accredited certifier.

Notice of commencement

5. Notice must be given to Council at least two (2) days **prior to the commencement of building work**.

Builders' toilet

6. Before commencing building operations, a builder's water closet accommodation must be provided to Council's satisfaction.

A chemical toilet may be used on the site or alternatively the site may be provided with temporary closet accommodation connected to Council's sewer where sewer is available and operational.

Under no circumstances will pit toilets or similar be accepted by Council.

Existing services and damage to public assets

7. **Prior to the commencement of any work(s)** associated with this development:
 - a) The developer or his agent shall undertake a site inspection of the adjacent kerbs, gutters, footpaths, walkways, carriageway, reserves and the like and document evidence of any damage to existing assets. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the applicant's expense. Any damage to the adjacent kerb, gutter, footpath/road reserve area, carriageway and the like that occurs during development works shall be repaired by the applicant; and
 - b) The developer or his agent must check that the proposed works are not affected by any Council, Integral Energy, telecommunications, gas service or other services. Any required alterations to services will be at the developer's expense.

Soil and water management

8. The relevant sedimentation and erosion controls required by this consent (refer to condition 16) must be implemented, inspected and approved by the Principal Certifying Authority **prior to commencement of any work on site** and maintained until the work is completed and the site stabilised.

Fencing

9. The building site is to be fenced **prior to the commencement of construction and during construction** with a fence suitable to keep members of the public and unauthorised people out. All fencing is to be contained wholly within Lot 1 DP 1069677 and is not to encroach on adjoining lands unless written approval is obtained from the affected land owner.

Supervision of works

10. **Prior to the commencement of works**, Council shall be advised in writing of the name of a designated person/company nominated by the applicant to be responsible for construction of all engineering works including erosion and sediment control measures.

Asset protection zones

11. **At the commencement of building works** the property around the proposed new building for a distance of 10 metres shall be maintained an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Fire Service's document 'Standards for asset protection zones':

Engineering approval (works on-site)

12. Engineering design plans for civil works within the property must be submitted to Council or an accredited certifier who has the required civil certification from the Building Professional Board, and approved **prior to the commencement of building works**. All work must be carried out in accordance with the approved plans.

Note: Fees apply to the checking of engineering plans and inspections. Contact shall be made with Councils Development Engineer for a fee estimate. All fees must be paid prior to plans being released for construction approval.

Existing vegetation to be retained

13. Protective fencing must be installed around all trees within the site to be retained (i.e. as identified on the plan with reference DRG No: SMA-T1L8-0001, Attachment 03-10b (Existing Vegetation Plan), Revision A, Dated: 18/03/10). No excavation shall occur inside the drip line of these trees. If excavation inside the drip line is essential, the excavation must be by hand, so as to retain and preserve the tree roots. All care must be taken. The required protective fencing must be implemented, inspected and approved by the Principal Certifying Authority **prior to commencement of any work on site** and maintained until the work is completed.

PART C

CONDITIONS THAT MUST BE COMPLIED WITH BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

Design

14. The Construction Certificate plans must be amended to show:
- a) Details of the recycling/waste bin storage area screening method that will ensure this area is not viewable from a public space (i.e. Wugan Street) and developments adjoining lands;
 - b) Compliance with the applicable requirements of AS2021-2000 *Acoustic-Aircraft Noise intrusion-Building Siting* (e.g. all buildings are to be attenuated to achieve the internal design noise levels within specific spaces as shown in Table 3.3); and
 - c) Car spaces 8 and 15 adjacent to the properties western boundary converted in additional landscape area (refer to area marked in red on the plan with reference DRG No: SMA-T1L8-0001 (Site Plan of Land), Revision B, Dated: 18/06/10).

Section 68 Approval

15. a) An application pursuant to Section 68 of the Local Government Act 1993 is to be made for any works involving water, sewerage and stormwater drainage prior to the issue of a Construction Certificate. In this regard full hydraulics plans/details and

specifications that have been prepared by a properly qualified and practising hydraulics engineer and show all services to the building (i.e. sanitary drainage, hot and cold water services, fire hose reels, fire mains, etc) are to be submitted to Council for assessment and approval.

- b) No works (i.e. water, sewerage and stormwater drainage) are to commence until an approval is issued.

Erosion and sediment control plan

16. The submitted Erosion and Sediment Control Plan is unsatisfactory. An amended Erosion and Sediment Control Plan (ESCP) and accompanying specifications for the construction phase of the works, prepared by a suitably qualified/experienced person and based on the Landcom manual "*Soils and Construction, Managing Urban Stormwater, Vol 1 4th Edition, March 2004*", shall be lodged for approval with the application for a Construction Certificate. A copy of the approved ESCP shall be provided to Council with the Construction Certificate. The ESCP shall include, but not be limited to:

- a) Provision for the diversion of runoff around disturbed areas;
- b) Location and type of proposed erosion and sediment control measures;
- c) Location of and proposed means of stabilisation of site access (i.e. shaker pad);
- d) Approximate location of site sheds and stockpiles;
- e) Proposed staging of construction and ESCP measures;
- f) Clearance of sediment traps on a regular basis and after major storms;
- g) Proposed site rehabilitation measures, including seeding of all bare un-grassed areas and turfing where erosion or scouring is likely to occur;
- h) Standard construction drawings for proposed erosion and sediment control measures.

Landscaping

17. a) The submitted landscape plan is unsatisfactory. An amended landscape plan shall be lodged with Council prior to the issue of a Construction Certificate. The plan may be approved by Council or an accredited certifier and must be prepared by a suitably qualified professional. The amended landscape plan must include the following additional plantings/details:

- The replacement of the planting proposed within the public road reserve (i.e. Wugun Street) with the alternate planting of *Eucalyptus Haemastoma* (35 litre pot size-minimum) and *Callistemon Harkness* (35 litre pot size-minimum) for the length of the frontage of the approved development (i.e. fifteen),
- A minimum of two (2) additional landscape beds (minimum 1,600mm clear dimensions inside the kerb) shall be provided within the car parking area adjacent to the western boundary so as to provide shade tree planting (refer to area marked in red on the plan with reference DRG No: SMA-T1L8-0001 (Site Plan of Land), Revision B, Dated: 18/06/10) . These areas to be sufficient in size to accommodate the planting of species such as *Waterhousia floribunda* (Wf), *Hymenosporum flavum* (Hf) or *Acmena smithii* (As)(minor)*Cupaniopsis anacardiodes* (35 litre pot size) and so as to accommodate their future growth (i.e. sufficient soil depth to allow the trees to anchor and survive in perpetuity). The location and species (including height at maturity) is to be detailed on the approved plan.
- Location of all common tap/taps/irrigation system to permit all landscape works to be adequately watered;
- Mulching of all landscaped areas to a depth of 75mm;
- Details on the number of plants proposed and how those plants within the road reserve area will be staked/secured;
- Compliance with the principle of Appendix 5 of 'Planning for Bush Fire Protection 2006';
- Root barrier details (refer to Condition); and

- A maintenance plan for a 26 week period;
- b) All landscaping, including plantings, mulch, watering systems and barriers must be carried out in accordance with the approved plan.

Shoalhaven Water (Water and/or Sewer Contributions)

18. Prior to issue of a Construction Certificate all conditions listed on the Shoalhaven Water Development Application Notice under the heading "PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE" must be complied with and accepted by Shoalhaven Water. The authority issuing the Construction Certificate for the development shall obtain written approval from Shoalhaven Water allowing a Construction Certificate to be issued. This shall also apply to approved staged developments.

Note: Relevant details, including **monetary** contributions (where applicable) under the Water Management Act 2000, are given on the attached Notice issued by Shoalhaven Water.

For further information and clarification regarding the above please contact Shoalhaven Water's Development Unit on (02) 4429 3111

Contributions for additional services and/or facilities

19. This development will generate a need for additional services and/or facilities as described in Council's *Contributions Plan 1993*, as itemised in the following table.

| Project | Description | Calculation | Amount |
|----------------|------------------------------------|--------------------|-------------------|
| CWFIRE0002 | Shoalhaven Fire Control Centre | \$205.04*26.92 | \$1,905.44 |
| CWFIRE0001 | Citywide Fire & Emergency Services | \$156.61*9.293 | \$1,455.38 |
| CWMGMT2001 | Section 94 Administration | \$2.13.99*157.78 | \$336.08 |
| | | | \$3,696.89 |

Contribution rates are adjusted annually on 1st July in accordance with the indexation formula indicated in the Contributions Plan (currently the implicit price deflator) and the total contribution levied **will be adjusted accordingly at the time of payment**. (i.e. contributions are calculated on the rate applicable at the date of payment, **not** the date of development consent.)

A total contribution, currently assessed at the sum of \$3696.89 (i.e. 2009/2010 rate) or as indexed in future years shall be paid to Council before the issue of a Construction Certificate. *Contributions Plan 1993* may be inspected at the Council Administrative Offices, Bridge Road, Nowra and Deering Street, Ulladulla.

Pavement tests for all pavements (including on site)

20. The design of road, driveway and car park pavements, both on site and on public land, shall be supported by test results for the in-situ subgrade material. These test shall be carried out by a NATA approved laboratory, or may be carried out by Council at the applicant's expense and shall be submitted to the Principal Certifying Authority for those works occurring within Lot 1 DP1069677 and to Council for those works within the Wugan Street road reserve for approval, prior to the issue of the Construction Certificate.

On-Site Detention – Design Flow rate

21. On-site detention is to be provided generally in accordance with DRG No: SMA-T1L8-0001, Attachment 03-13a (Drainage/Stormwater Concept), Revision A, Dated: 18/03/10. It is to be designed to ensure:

- a) The discharge from the site for design storm events up to and including the 10 year average recurrence interval does not exceed the pre-developed conditions;
- b) All flow discharging from on-site detention is to be via gravity flow to an approved discharge location;
- c) Automatic pump out systems from on-site detention will not be allowed.

Details demonstrating compliance with the above must be submitted to Council or an accredited certifier for approval prior to the issue a Construction Certificate.

Stormwater treatment device

- 22. The hard stand areas (i.e. car park, right of way and general manoeuvring areas, etc) associated with this development must drain to a primary stormwater treatment device capable of removing litter, oil, grease and sediment prior to discharge to the stormwater system (i.e. first flush collection system). This device is separate to the device servicing the wash down pit. Details of the proposed stormwater treatment device to be installed including design, size, pollutants captured, suitability for catchment, location, etc must be provided to Council and approved by Council prior to the issue of a Construction Certificate.

Engineering approval (works in road reserve)

- 23. Engineering design plans for all works within the road reserve shall be submitted to Council for approval prior to the issue of a Construction certificate. All work must be carried out in accordance with the approved plans. Refer to Part H (Other Council Approvals) of this development consent for additional details/requirements.

Note: Fees apply to the checking of engineering plans and inspections. Contact shall be made with Councils Development Engineer for a fee estimate. All fees must be paid prior to plans being released for construction approval.

PART D

CONDITIONS RELATING TO THE APPROVED WORK AND SITE MANAGEMENT

Building Code of Australia

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

Note: *This condition is prescribed under the Environmental Planning and Assessment Regulation 2000.*

Design and construction to DCP100

- 25. All design and construction shall be in accordance with DCP 100 – Subdivision Code.

Engineering design

- 26. Detailed engineering plans and specifications for works referred to in this Consent shall be prepared by a practising engineer or surveyor.

Road reserve, footpath & gutters

- 27. The road, kerb, gutter and footpath area adjacent to and nearby the site shall be kept clear of soil and debris.

Construction hours

28. To limit the impact of the development on adjoining properties, *all* construction work shall be restricted to the hours of 7.00am to 6.00pm Monday to Friday and 8.00am to 3.00pm Saturdays. No construction work shall take place on Sundays or Public Holidays.

Waste

29. All waste must be contained within the site during construction and then be recycled in accordance with the approved Waste Minimisation and Management Plan (WMMP) or removed to an authorised waste disposal facility (i.e. West Nowra Tip). No waste shall be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site.

Compliance with the WMMP shall be demonstrated by the retention of relevant receipts. These must be submitted to Council, upon request.

Note: "Waste" has the same meaning as the definition of "Waste" in the protection of the Environment Operations Act 1997.

Exterior materials/colour schedule

30. a) Exterior materials (excluding windows and other glazing) are to be non-reflective and of a texture and colour which blend with the existing surroundings. Metal roofing and wall cladding shall be pre-coloured at the manufacturing stage. Zincalume materials shall not be used; and
b) The building must be constructed in accordance with the approved schedule of colours and building materials and finishes as detailed with the submitted application. This including the provision of awning features and banding/feature panels attached to the hanger facilities western wall as shown on the approved plans.

Bunding

31. The building is to be banded to prevent spills escaping the building and polluting the environment. Attention will need to be given to the floor/ wall intersection and all external openings. In this regard the banding may consist of grated drain across doorways, rollover bands across doorways or the concrete floor graded away from external walls and doorways and drained to a sump or similar central point for discharge to an oil separator. However it must ensure that stormwater is kept separate from the waste water stream. If grated drains are to be used they need to be located inside so general stormwater is not captured.

Fencing

32. Fencing provided along the Wugan Street frontage of the development (i.e. to the north and south of the buildings western elevation as shown on the plan with reference DRG No: SMA-T1L8-0001, Attachment 03-10a (Landscaping Plan), Revision A, Dated: 18/03/10) shall be black open form powder coated fencing to a maximum height of 2.2m (i.e. metal or picket fence, no chain wire fencing).

Internal driveway, car park design/construction

33. The internal driveway and car parking area shall:
- a) Be constructed, line marked and signposted in accordance with Councils Car Parking Code (Development Control Plan No.18). The general car park layout shall be as shown on DRG No: SMA-T1L8-0001, Attachment 03-09a (Car Parking and Access Plan), Revision A, Dated: 18/03/10;

- b) Be bordered by concrete kerbing, except where surface run-off is concentrated, in which case concrete kerb and gutter shall be constructed. The work shall comply with Council's Plan No. SC 263710;
- c) Have a minimum of 78 constructed car spaces provided;
- d) Be concrete/asphaltic concrete (AC) flexible pavement designed and constructed for a minimum traffic loading of 1×10^6 ESA's. Where asphaltic concrete surfaced pavements are likely to be subject to bogie-axle vehicles turning tightly, the asphaltic concrete is to include a rubber base to improve durability and manufacturer's product details shall be submitted to Council or accredited certifier for approval; and
- e) Have a heavy duty concrete vehicular gutter layback and footpath crossings constructed for both entrances in accordance with widths as shown on DRG No: SMA-T1L8-0001, Attachment 03-09a (Car Parking and Access Plan), Revision A, Dated: 18/03/10. The construction must be in accordance with Council's Plan Nos. G202603 and G202605. Council's Subdivision Manager or his nominee shall inspect and approve the kerb line, levels and formwork prior to pouring.

Internal aircraft manoeuvring area

- 34. The aircraft manoeuvring area shall be heavy duty concrete or asphaltic concrete (AC) flexible pavement designed and constructed for the maximum sized aircraft loadings permissible to be used within this area.

Gutter layback construction detail

- 35. Where kerb and gutter exists, concrete gutter laybacks (crossings) are to be constructed as follows:
 - a) The road pavement is to be saw-cut parallel to the lip of the gutter;
 - b) The existing kerb and gutter is to be removed; and
 - c) New cast in-situ gutter layback and gutter is to be poured and connected to the adjoining sections of kerb with suitable bitumen joining.

Shoulder seal

- 36. The road shoulder shall be bitumen sealed or sealed with 25mm of hot mix from the gutter crossing to the edge of existing bitumen seal on a pavement having a minimum compacted thickness of 300mm.

Site drainage

- 37. Stormwater drainage works shall be designed and constructed to comply with the following engineering requirements:
 - a) Runoff currently entering the site from uphill properties shall not be obstructed from entering the site nor redirected, other than by building works or in accordance with an approved stormwater plan, so as to increase the quantity or concentration of surface runoff entering adjoining properties;
 - b) The levels of the car park and landscaped areas adjacent to the building must be designed so as to prevent the 1 in 100 year stormwater runoff from overland flows or pipe blockages from entering the building;
 - c) Roof water shall be piped and incorporated into the site drainage system;
 - d) Stormwater connections between the property boundary and the kerb and gutter, or Council's underground system, must be inspected and approved by Council's Subdivision Manager or their nominee and backfilled as soon as possible;
 - e) All drainage works within the site shall be designed and constructed for a 10 year average recurrence interval unless otherwise specified;
 - f) The on-site detention structure must be designed to incorporate lockable access for maintenance and a suitably graded invert to prevent ponding;
 - g) The on-site detention structure must be designed to withstand a T44 load as defined in Austroad's Bridge Design Manual;

- h) The developer must provide certification from a qualified civil and/or structural engineer with NPER-III registration that the on-site detention structure has been constructed in accordance with the approved plans; and
- i) A stormwater treatment device (refer to Condition 22) shall be constructed and incorporated into the end of the site drainage system within Lot 1 DP 1069677 draining to the under ground drainage system (i.e. adjacent to the sites eastern boundary).

Waste oil recycling and storage areas

- 38. All chemical storage areas shall be bunded around the perimeter to prevent the escape of liquid waste material in the event of an accidental spill or the like. The bunding should be capable of storing a volume equal to 10% of the total combined drum storage potential, or 110% of the largest container, whichever is the greatest. All waste oil drums etc are to be stored in these areas at all times and there must be no access for any spills or leaks to any drains. In addition to storage tanks, drums etc, any oily parts, engines, gearboxes, etc should also be placed in this area off the ground. All drums awaiting collection shall be sealed and stored in an upright position.
- 39. An absorbent spill kit is to be provided and maintained on the premises capable of containing and cleaning up petroleum products.

Installation of root barriers for street trees

- 40. The developer must install a root barrier to all street trees. It must be installed to manufacturer's specification to effectively deter root damage of any structural works, paving or service lines located in the vicinity of the proposed street tree planting. The root barrier must be installed in a trench at a minimum of 500-1000mm deep dependant on the variety of tree specified and may be obtained from any manufacturer on the condition that the product is equal to RS500 or RS1000 Root Barrier supplied by Woodchuck Equipment.

Bushfire

- 41. Water, electricity and gas services to the approved development are to comply with Section 4.1.3 of 'Planning for Bushfire Protection 2006'.
- 42. All proposed Class8 structures as defined per the Building Code of Australia 2006 (i.e. the approved development) shall comply with Australian Standard AS3959-2009 'Construction of buildings in bushfire prone areas' BAL 12.5.

Lighting – internal driveway and car parking areas

- 43. Lighting is to be provided to the internal driveways and car parking areas in accordance with AS/NZS 1158 - Road Lighting Pedestrian Area, Category P Lighting, Performance and Installation Design Requirements. Particular attention shall be given to all entry/exit points as well as the general interior lighting levels and all pedestrian areas.

Excavations, retaining walls and drainage

44. All excavations and backfilling must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent a danger to life or property. Having regard for the proposed finish floor level and soil conditions any retaining walls provided must incorporate appropriate agricultural and stormwater drainage to prevent the movement of soil and subsequent nuisance to adjoining properties.

Use of cranes

45. Prior to the rigging of any cranes commencing the Department of Defence (DOD) requires notification. Additionally should any crane exceed 30m above ground level a separate air safety and height approval from DOD must be obtained.

Note: The point of contact at DOD for the above is LCDR on 02 4424 1725.

Restrictions as to Use/Easements – 88b

46. The applicant shall comply with the requirements of the restrictions-as-to-user/ easements placed over the title at the time of subdivision.

PART E

CONDITIONS THAT RELATE TO ONGOING MANAGEMENT OF THE PROPOSED DEVELOPMENT

Site management and maintenance

47. The proprietor shall at all times be responsible for on-going site management and maintenance in accordance with the following:
- a) Loading and unloading in relation to the use of the premises must occur within the site (i.e. Lot 1 DP 1069677) in the designated loading areas;
 - a) Goods or machinery must be stored, and all activities must occur, inside the building(s) and not in the public car park (i.e. western side of building within the Wugan Street frontage);
 - b) Activity on the site must not impact upon the amenity of any adjoining property or tenancy by reason of the emission of noise, dust, fumes, odour, vibration, electrical interference or otherwise;
 - c) Maintenance and replacement (if necessary) of all landscaping in accordance with the approved Landscape Plan;
 - d) Maintenance of all:
 - i) vehicular movement areas including driveways, car parking, manoeuvring areas and line marking to the standard specified in this consent;
 - ii) stormwater drainage pipes and systems to ensure efficient discharge of stormwater in accordance with the approved stormwater drainage plan; and
 - iii) buildings, fencing, signage/markings to the standards outlined in the development application and/or specified in this consent.
48. The use of the premises shall not give rise to the transmission of unacceptable noise (i.e. offensive noise) or vibration to any other neighbouring premises in accordance with the NSW Department of Environment and Conservation (DEC) - Noise Guide for Local Government, the NSW DEC Industrial Noise Policy 1999 and the relevant Noise Control provisions under the Protection of the Environment Operations Act 1997.

Mechanical work, washing down of equipment and storage of chemicals

49. In terms of mechanical work under taken on the site, washing down of equipment and storage of chemical the following must be complied with:

- a) All mechanical work, washing down of vehicles/aircraft and parts etc, shall be carried out within the confines of the workshop/hangar units. No work including the storage of parts and equipment are permitted outside of these units (i.e. the manoeuvring area). All doorways (including roller doors) to the units shall be fitted with permanent barriers across the openings to prevent the escape of wastewater to the outside, uncovered area and stormwater;
- b) Where possible, all covered work areas shall be cleaned by the application of dry absorbents and sweeping thus negating the need to dispose of wastewater runoff caused by hosing down;
- c) Each type of chemical shall be stored in a separate container and clearly labelled;
- d) No solid or liquid waste material shall be disposed of via the stormwater drainage system
- e) Waste oil drums and oily parts are to be stored within the facility unit at all times;
- f) All chemicals shall be stored in accordance with:
 - Australian Standard AS1940-2004. *The Storage and Handling of Flammable and Combustible Liquids*; and
 - Environment Protection Authority's *Environment Protection Manual for Authorised Officers: Technical Section (Bunding and spill management)*
- g) All drainage systems including oil separators, grated drains, sumps, pits, traps etc shall be regularly cleaned out and maintained to the satisfaction of Council.

Re-fuelling of aircraft

50. There is to be no refuelling of aircraft/helicopters on the subject land.

Spray booth requirements

51. In order to avoid the emission of gases onto a neighbouring property, the requirements of Australian Standard AS/NZS 4114.1 & 4114.2 are to be met. The standard requires that "Air" shall be exhausted to a location where it does not cause contamination of other air intakes used for building ventilation. The outlet must be 3 metres above the building roof and must discharge vertically.

Signage

52. No signage other than what has been approved as part of this development consent (as shown on the drawings with reference DRG No: SMA-T1L8-0003 (East & West Elevations), Revision B, Dated: 16/06/10) or what is considered to be exempt from requiring development consent under Development Control Plan No.82 – A Signage Strategy for the City of Shoalhaven, shall be erected without the consent of Council.

Bushfire protection

53. In perpetuity the property around the building to a distance of 10 metres, shall be maintained as an inner protection area (IPA) as outlined below:

The inner protection area shall comprise of the following:

- a) Minimal fine fuel at ground level;
- b) Vegetation that does not provide a continuous path to building/s for the transfer of fire;
- c) Shrubs and trees do not form a continuous canopy and vegetation is planted/cleared into clumps rather than continuous rows;
- d) Species that retain dead material or deposit excessive quantities of ground fuel are avoided;

- e) Scrubs and trees are pruned or removed so they do not touch or overhang the building/s; and
- f) Vegetation is located far enough away from the building/s so that plants will not ignite the building/s by direct flame contact or radiant heat emissions.

Height of structures

54. No part of any structure including ancillary structures such as antennae, light poles, etc are to exceed the maximum 13.76m Above Ground Level (AGL).

PART F

CONDITIONS THAT MUST BE COMPLIED WITH BEFORE AN OCCUPATION CERTIFICATE CAN BE ISSUED

55. Prior to the issue of an Occupation Certificate for the approved development the requirements of conditions 14b (Design), 17b (Landscaping), 30 (Exterior materials/colour schedule), 31 (Bunding), 32 (Fencing), 33 (Internal driveway and car park design/construction), 37 (Site drainage), 38 (Waste oil recycling and storage), 39, 40 (Installation of root barriers for street trees), 41 (Bushfire), 42 (Bushfire), 43 (Lighting) and 51 (Spray booth requirements) shall be complied with and completed.
56. An Emergency Response Management Plan shall be prepared and submitted to Council for approval prior to the issue of the Occupation Certificate. The Plan shall include, but not be limited to the following:
- a) List of chemicals and maximum quantities to be stored at the site;
 - b) Identification of potentially hazardous situations;
 - c) Procedure for incident reporting;
 - d) Details of spill stations and signage;
 - e) Containment and clean-up facilities and procedures; and
 - f) The roles of all staff in the Plan and details of staff training.

Shoalhaven Water

57. A Certificate of Compliance must be obtained from Shoalhaven Water prior to the issue of an Occupation Certificate.

Creation of a right of way

58. A reciprocal right of carriage way must be created over both Lot 1 DP 1069677 and the adjoining Lot 7 DP 880423 along the adjacent boundary (i.e. northern boundary) being variable width as shown on the plan with reference DRG No: SMA-T1L8-0001, Attachment 03-09a (Car Parking and Access Plan), Revision A, Dated: 18/03/10. The creation of the reciprocal Right of Carriageway must be negotiated between the relevant landowners. In this regard, evidence of registration of the reciprocal right of carriage way with the Land Property Information Office shall be submitted to Council prior to issue of an Occupation Certificate.

PART G

REASONS FOR CONDITIONS

Conditions of consent have been imposed to:

1. Ensure the proposed development:
 - a) achieves the objects of the Environmental Planning and Assessment Act, 1979;

- b) complies with the provisions of all relevant environmental planning instruments;
 - c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.
2. Ensure that the relevant public authorities and the water supply authority have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities.
 3. Meet the increased demand for public amenities and services attributable to the development in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979.
 4. Ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.
 5. Minimise any potential adverse environmental, social or economic impacts of the proposed development.
 6. Ensure that all traffic, car parking and access requirements arising from the development are addressed.
 7. Ensure the development does not conflict with the public interest.

PART H

OTHER COUNCIL APPROVALS

Section 68 Local Government Act, Section 138 Roads Act

Approval REQUIRED for work within the Road Reserve – Section 138 Roads Act

1. Prior to undertaking any works within the road reserve, the contractor must obtain the approval of Council under Section 138 of the Roads Act, 1993. The following details must be submitted to Council for in order to obtain the s.138 approval:
 - Pavement design;
 - Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the travelling and pedestrian public. The TCP must comply with the RTA's manual – "*Traffic Control at Work Sites*". Warning and protective devices shall comply with the provisions of AS 1742.3 – 2002 Traffic Control Devices for Works on Roads. The plan must be prepared and certified by a person holding the appropriate RTA accreditation, a copy of which is to be submitted with the plan; and
 - Insurance details

Should the Traffic Management Plan require a reduction of the speed limit, a Direction to Restrict shall be obtained from the relevant road authority (Council or the RTA - Traffic Operations Unit).

PART I

ADVICE ABOUT RIGHTS OF REVIEW AND APPEAL

Development Consent under Environmental Planning and Assessment Act, 1979

*Under section 82A of the Environmental Planning and Assessment Act, 1979 an applicant may request the council to review its determination except where it relates to a complying development certificate, designated development or integrated development. The request must be made **within twelve (12) months** of the date of the receipt of the determination, with a prescribed fee of 50% of the original DA fee.*

*Section 97 of the Environmental Planning and Assessment Act, 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court which can be exercised **within twelve (12) months** after receipt of this notice.*

Approvals under Local Government Act, 1993

Section 100 of the Local Government Act, 1993 provides that an applicant may request Council to review its determination of an application.

*Section 176 of the Local Government Act, 1993 provides that an applicant who is dissatisfied with the determination of the Council may appeal to the Land and Environment Court. The appeal must be made within **twelve (12) months** of the date of determination.*

PART J

ADVICE ABOUT WHEN THIS CONSENT LAPSES

This consent is valid for five years from the date hereon.

In accordance with Section 95 of the Act, development consent of the erection of a building does not lapse if building, engineering or construction work relating to the building or work is physically commenced on the land to which the consent applies before the lapse date.

PART K

GENERAL ADVICE TO APPLICANT

Disability Discrimination Act 1992

This application has been assessed in accordance with the Environmental Planning & Assessment Act, 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The Disability Discrimination Act covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS1428.1 - "Design for Access and Mobility". AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act currently available in Australia.

Disclaimer – s88B restrictions on the use of land

The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

Under clause 37 of Shoalhaven Local Environmental Plan 1985 agreements, covenants or instruments that restrict the carrying out of the proposed development do not apply to the extent necessary to enable the carrying out of that development, other than where the interests of a public authority is involved.

Inspections

If Council is the appointed PCA for this project, a minimum twenty-four (24) hours notice must be given to Council to make an inspection of the work.

Car Parking

If the any of the floor space that has been approved as part of this development is converted to an alternative use, which generates a higher car parking requirement, a reassessment of car parking numbers will be undertaken by Council (as part of the assessment of the new development application) with the additional car parking calculated being required to be provided on site.

Integral Energy

To ensure a secure supply of electricity to the approved development an application needs to be submitted to Integral Energy. To avoid delays you are encouraged to submit an application to Integral Energy at your earliest convenience. Final determination of the electrical supply arrangement and associated electrical works shall be determined upon submission of this application. An application can be obtained from Integral Energy on (02) 9853 6234.

Protection of the Environment Operations Act

Any stormwater directed off-site which contains contaminants may constitute “pollution of waters” and therefore is an offence under the Protection of the Environment Operations Act.

Department of Defence

Access to the airfield will require Department of Defence (DOD) approval and will be subject to a contractual agreement between the DOD and the landowner/tenant. The DOD will not be in a position to support an application until such time as access arrangements have been approved. It is therefore stressed that any expectation of airfield access will be at the commercial risk of the developer.

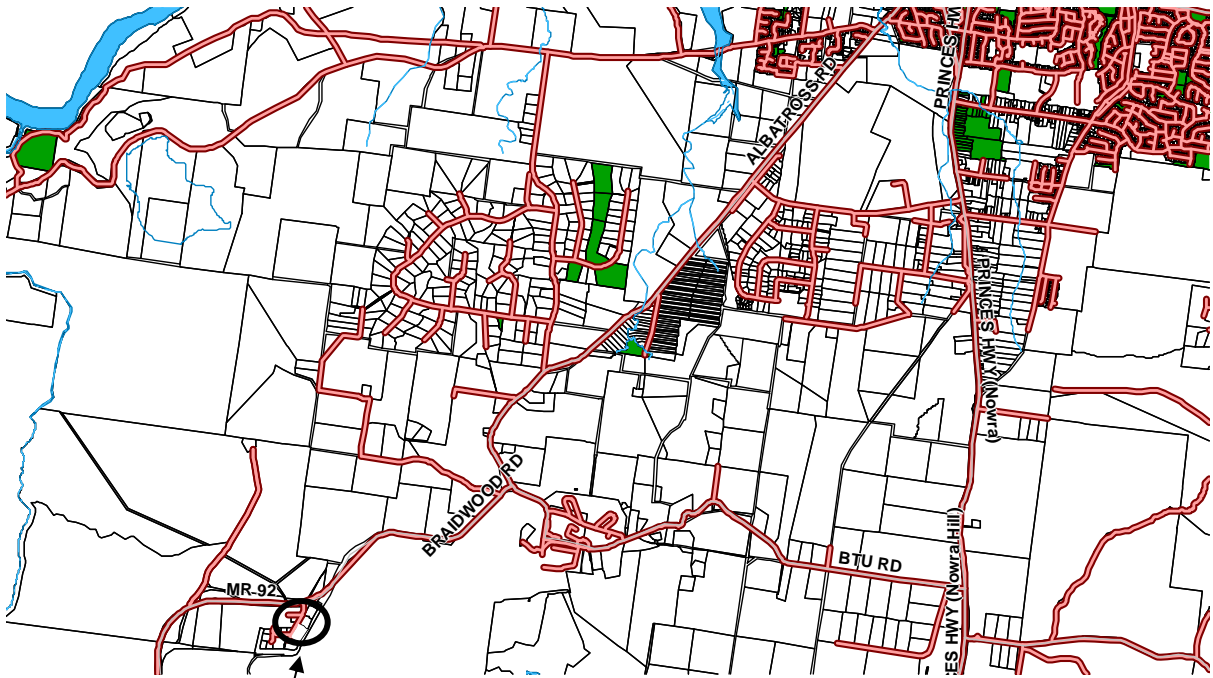
SIGNED on behalf of Shoalhaven City Council:

Signature

**Name Andrew Lissenden
Senior Development Planner
Development & Environmental Services Group**

Attachment 'B'

SITE LOCATION DETAILS



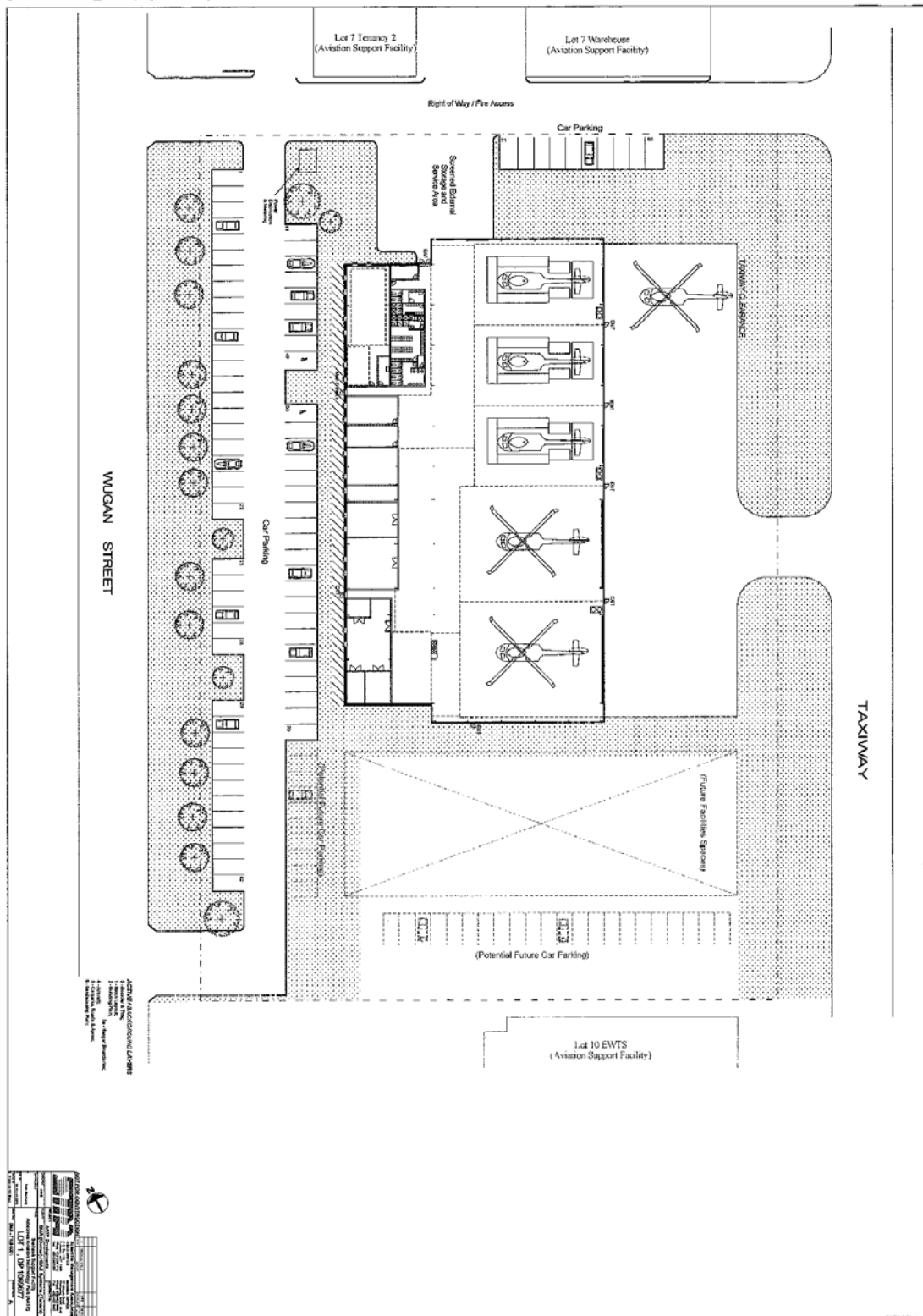
Development Site



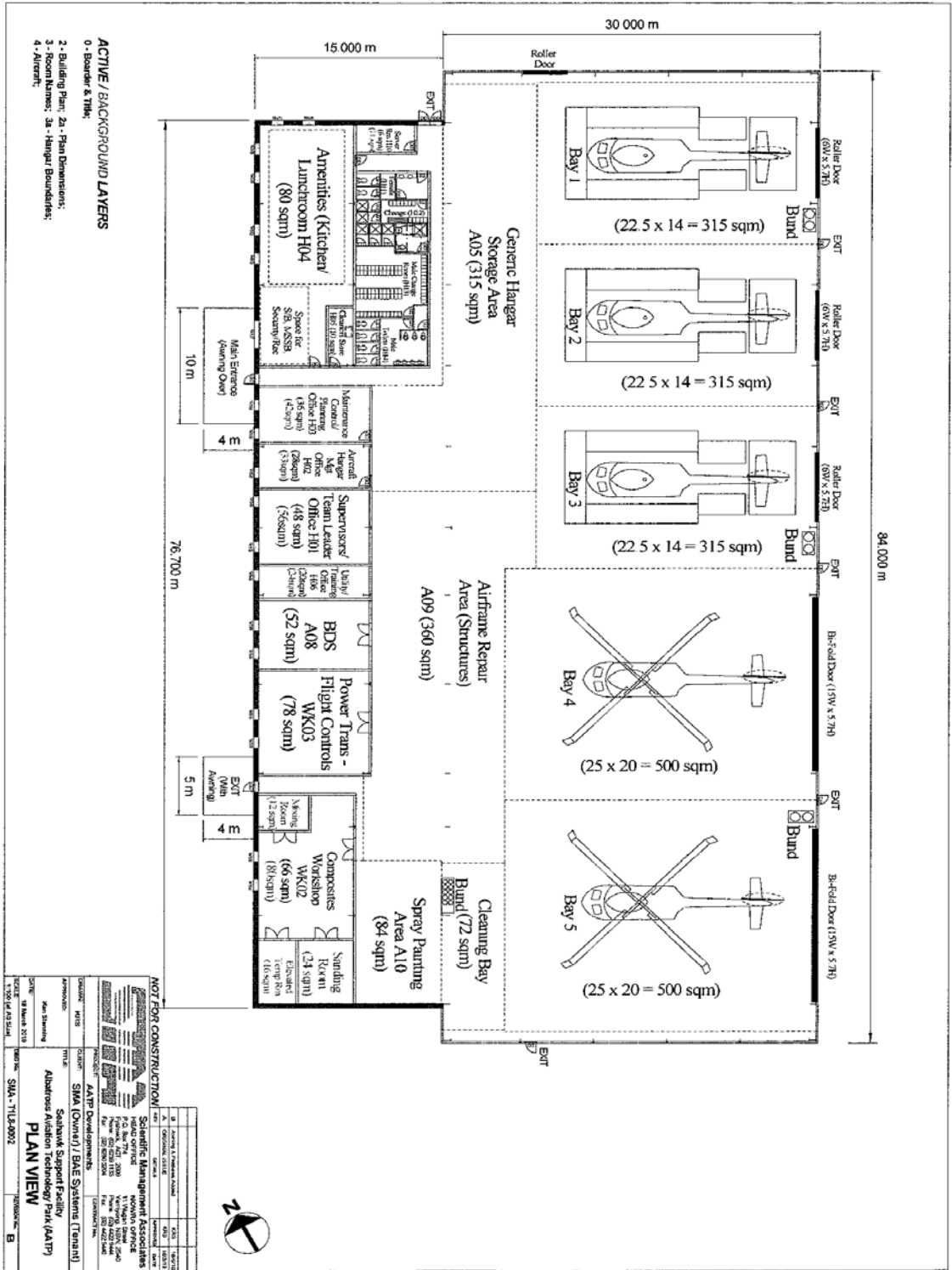
— Site Boundaries

Attachment 'C'

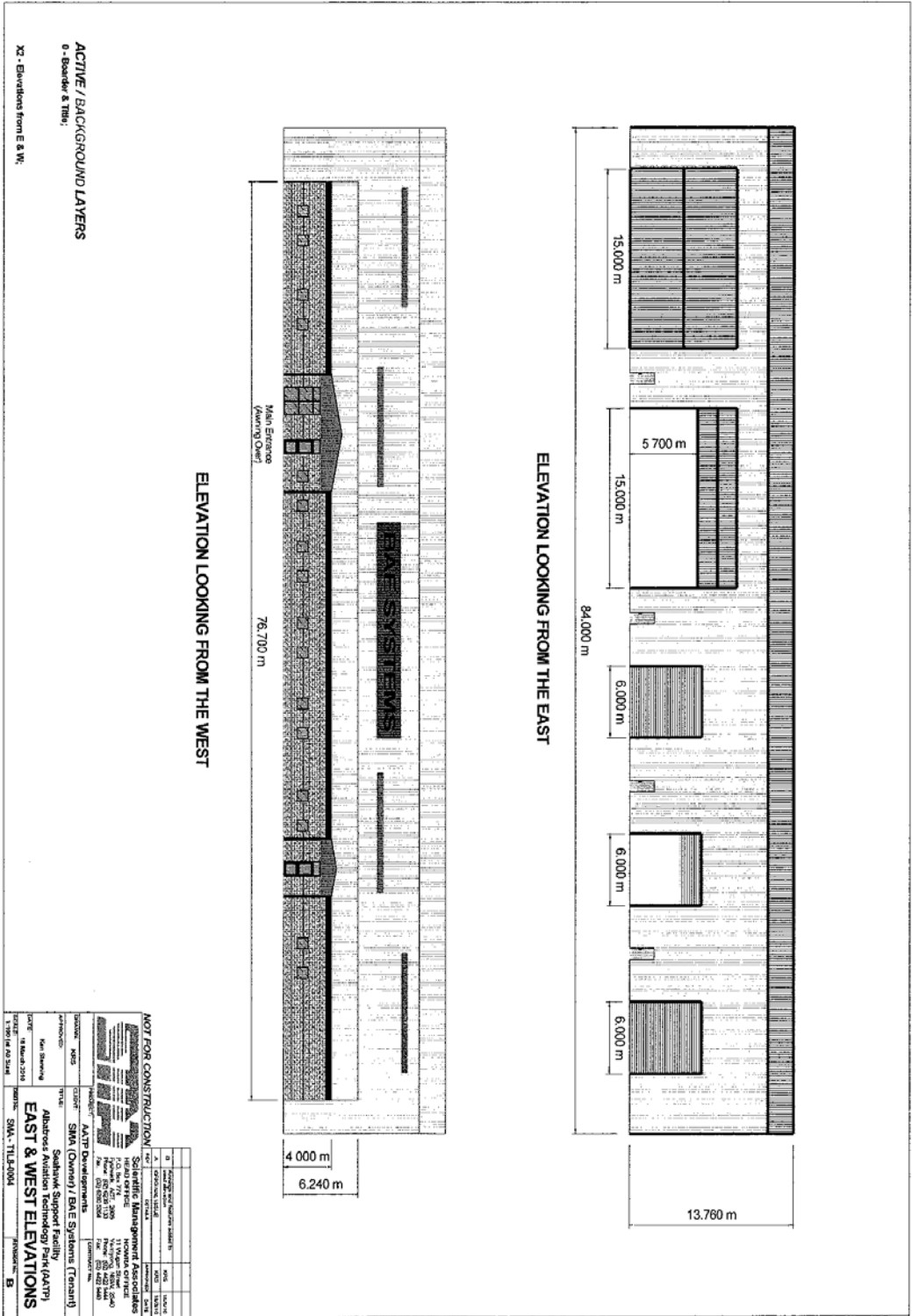
Development Application Plans – Site Layout



Development Application Plans – Plan View of Proposed Building



Development Application Plans – East and West Elevations



ACTIVE / BACKGROUND LAYERS
0 - Boulder & Tide
X1 - Elevations from N & S.

ELEVATION LOOKING FROM THE NORTH

30,000 m 15,000 m 4 m

ELEVATION LOOKING FROM THE SOUTH

4 m 15,000 m 30,000 m

TYPICAL SECTION THROUGH FACILITY

4.000 m
RL 112.850
RL 112.850
RL 112.800
13.760 m
APRON
TAXIWAY ACCESS
TAXIWAY
RL 112.650
RL 112.000

NOT FOR CONSTRUCTION

Scientific Management Associates
HEAD OFFICE
10000 100th Ave. S.W.
Richmond, B.C. V6X 2E9
Tel: 604-273-8888
Fax: 604-273-8889

NOVA OFFICE
10000 100th Ave. S.W.
Richmond, B.C. V6X 2E9
Tel: 604-273-8888
Fax: 604-273-8889

Seabank Support Facility
Albion Air Station Technology Park (AATP)
NORTH & SOUTH ELEVATION

Owner: SMA - 114-0003

Contractor: SMA - 114-0003

Project: SMA - 114-0003

Client: SMA - 114-0003

Scale: 1:1000

Sheet: 1 of 1

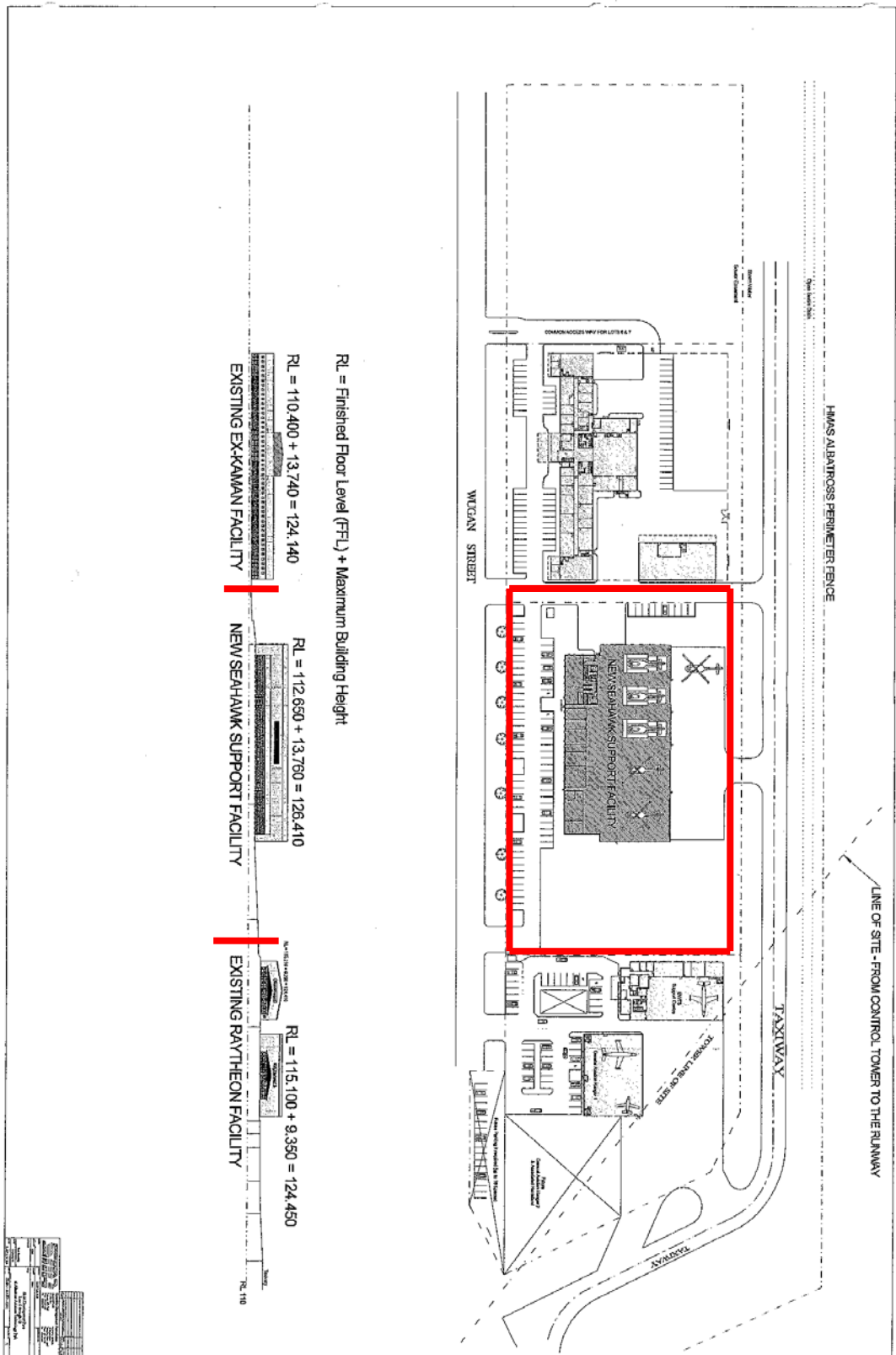
Revision: 1

Drawn by: B

Checked by: B

Approved by: B

Date: 10/10/2011



— Site Boundaries