

Joint Regional Planning Panel (Southern Region) 2 December 2010

JRPP Reference No.	2010STH026
DA No.	RA10/1009 - Demolition and Replacement of Tourist Accommodation
Property	Lot 16 DP 9075 Sec 3, 164 River Road, Sussex Inlet
Applicant	Cowman Stoddart Pty Ltd
Report By:	Craig Crompton, Shoalhaven City Council

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

Reason for Consideration by Joint Regional Planning Panel

The submitted development application (DA) has been referred to the Joint Regional Planning Panel (JRPP) pursuant to the State Environmental Planning Policy (Major Development) 2005 as the development will provide additional tourist accommodation for 10 persons or more on a parcel of land that is in a sensitive coastal location outside of the metropolitan coastal zone.

Proposal

The DA seeks approval for tourist accommodation comprising:

- a) Demolition of three (3) two bedroom units and an ancillary laundry facility;
- b) Construction of two (2) single storey “floatable” tourist cabins, each cabin containing:
 - i) three bedrooms;
 - ii) an ensuite for the main bedroom;
 - iii) a bathroom;
 - iv) living area;
 - v) kitchen and a deck area; and
- c) Construction of a garage that provides eighteen (18) secure overnight car and boat parking spaces.

NOTE: Council has served an Order upon the landowner to demolish a building currently encroaching upon the foreshore Crown reserve.

Permissibility

The site is zoned 2(d) (Residential “D” Zone) pursuant to the Shoalhaven Local Environmental Plan 1985 (SLEP 1985). The proposal is a permissible land use within the zone with development consent.

Consultation

The application was notified in accordance Council’s Community Consultation Policy. No submissions were received by Council during the notification period.

Recommendation

It is recommended that RA10/1009 (JRPP Reference 2010STH026) 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 meeting (i.e. Development Advisory Unit (DAU) meeting) was held with Council staff on 18 July 2009 prior to the lodgement of the application.
- b) **Post Lodgement:** The current application was lodged on 17 August 2010. The floor plans and floatation system plans were amended on one occasion on 27 October 2010. Council officers during the assessment of the application have requested additional information from the applicant on one occasion (i.e. letter dated 1 November 2010 requiring the applicant to demonstrate that the floatable cabins can structurally withstand floodwaters and not capable of becoming floating debris). The requested additional information was subsequently submitted by the applicant on 8 November 2010.
- c) **Site History:** A review of Council's computer records and files indicate that a number of previous development applications have been lodged on the subject site. A summary of each application is provided below:
 - Prior to 1964, the subject site contained a cottage dwelling and a motel;
 - BA73/2109 – Fibro Additions to Motel. Approved 7 December 1973;
 - BA75/0995 – Fibro Alterations to Restaurant. Approved 29 August 1975;
 - BA87/2178 – New Urban Dwelling. Approved 7 October 1987;
 - DA88/1663 – Cabins – 6 x (1 Bedroom) 6 Self Contained Villa Units. Approved 24 June 1988;
 - DA96/3109 – Caravan Park – Two Tourist Cabins. Approved 20 June 1996;
 - DA96/3642 – Advertising Sign/Structure. Approved 28 November 1996;
 - DA99/2621 – Commercial Additions – Convert existing restaurant into two (2) accommodation units. Approved 28 March 2000;
 - DA02/2019 – Advertising Sign/Structure – 1 Free Standing (at Entry) and 1 On-Structure (on Deck). Approved 14 May 2002.

2. Subject Site and Surrounds

The subject site:

- Is described as Lot 16 DP 9075, Section 3, 164 River Road, Sussex Inlet;
- Is located approximately 600 metres north-west of the Sussex Inlet town centre;
- Is adjoined to the north by Crown land (Lot 7028 DP 1052695) zoned 6(a), to the west by the 'Laguna Lodge' tourist accommodation (160 River Road, Sussex Inlet – Lot 17 DP 9075 Sec 3), to the east by the 'Alonga Waterfront Cottages' tourist cabins (166 River Road, Sussex Inlet – Lot 15 DP 9075 Sec 3) and to the south by River Road to which the site has direct vehicular access;
- Is zoned 2(d) (Residential "D" Zone) under SLEP 1985;
- Has a total area of approximately 4,715 m²;
- Slight slope (less than 1 degree) from north to south towards River Road;
- Is identified as flood prone land;
- Currently contains:
 - Six (6) tourist cabins, three of which are proposed to be demolished (currently subject to an Order);
 - Cottage featuring a manager's residence;
 - Motel with eight (8) rooms;
 - Fifteen (15) car parking spaces;
 - Large lawn area in the centre of the loop driveway that fronts onto River Road;
- Is heavily disturbed and cleared of vegetation due to the existing land uses on 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 DA proposes the following works (summary only);

- Demolition of three (3) two bedroom tourist accommodation units located in the north-eastern corner of the subject site;
- Construction of two (2) three bedroom "floatable" tourist cabins capable of providing accommodation for 12 people. The cabins will be mounted on a steel chassis housing 3 urethane-coated sealed polystyrene blocks that would allow the cabins to become buoyant in the event of flood. The cabins are to be fixed to four steel posts to allow for vertical movement. Each cabin contains two bathrooms (one of these an ensuite, the other capable of accommodating for disabled

persons), a front and a rear deck, kitchen and living area. Each tourist cabin has a floor area of 75m²;

- Construction of a secure parking facility on the eastern side of the site consisting of a storage garage containing 18 bays for the storage of vehicles, boats and trailers. The structure is proposed to be 3.6 metres high from floor level to the roof's pitch. Each garage door is measured to be 3.11 metres wide;
- Relocation of existing eastern driveway slightly west to accommodate for the secure storage facility. The relocated driveway is to be 5 metres wide.

Each proposed cabin will have a height of 1.0 metres above natural ground level (3.7m from floor to ceiling) and be constructed from lightweight materials (i.e. Colorbond wall cladding, Colorbond roofing). Refer to **Attachment 'C'** for a copy of the development application plans.

The applicant 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 100m radius of the site were notified of the proposal (15 letters sent). The notification period was from 8 September 2010 to 7 October 2010 (30 days);
- The proposal was advertised in the local press on two occasions (South Coast Register on 8 September 2010 and 22 September 2010); 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) State Environmental Planning Policy (Major Development) 2005;
- ii) State Environmental Planning Policy No.55 – Remediation of Land;
- iii) State Environmental Planning Policy No.71 – Coastal Protection;
- iv) Deemed State Environmental Planning Policy – Illawarra Regional Environmental Plan;
- v) Shoalhaven Local Environmental Plan 1985 (as amended);
- vi) Development Control Plan No.18 – Car Parking; and
- vii) Development Control Plan No.93 – Waste Minimisation and Management.

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 Section S79C of the Environmental Planning and Assessment Act 1979 (EP&A Act).

(a) Any planning instrument, draft instrument, DCP and regulations that apply to the land:

i) 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 13C: In accordance with the requirements of Clause 13C(a)(i), as the development site is located within a 'sensitive coastal location' outside the metropolitan coastal zone and will provide additional accommodation for 10 persons or more (i.e. each cabin has the capability to provide accommodation for 6 persons or 12 persons in total for the development as proposed), the submitted application is classified as 'regional development' with the determining authority for the application being the JRPP (Southern Region). The submitted application to be referred to the JRPP for determination in accordance with the applicable provisions of SEPP 2005.

Having regard for the above, the proposed development does not conflict with the applicable provisions of SEPP 2005.

ii) State Environmental Planning Policy No.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: 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:
- Council is not aware of any previous investigations about contamination on the land;
 - A potentially contaminating activity has not been previously conducted on the land;
 - The subject land is not currently used for an activity listed in the Managing Land Contamination Planning Guidelines;
 - No records exist at Council to indicate/identify the land is contaminated;

- Council is not aware of information concerning contamination impacts on land immediately adjacent to the development site which could affect the subject land; and
- 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, 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 the land is suitable from a contamination perspective for the proposed development/use.

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

iii) State Environmental Planning Policy No.71 - Coastal Protection (SEPP 71):

The provisions of SEPP 71 apply to the site as it is located within the 'coastal zone' and within a 'sensitive coastal location' as defined by the SEPP. SEPP 71 requires Council to take certain matters into account when determining a development application that is located within the coastal zone. The clauses/matters contained in the SEPP71 that have relevance to this application are overviewed below:

- a) Part 2, Clause 7: In accordance with subclause (b) as SEPP 71 applies to the site, the matters in Clause 8 are to be taken into consideration in determining this application;
- b) Part 2, Clause 8: The proposal is consistent with the requirements of this clause as:
 - It is not inconsistent with the aims of the policy (i.e. (a) to (l) in Clause 2);
 - It does not impact or impinge on public access to or along the coastal foreshore. In fact, the proposal will remove a building encroachment upon the foreshore Crown reserve. No existing access points are being blocked/closed and no new access points are proposed;
 - It is considered to be suitable development having regard to surrounding land uses;
 - It will not lead to excessive overshadowing of foreshore areas or loss of views from a public place due to the existing natural topography;
 - It will not diminish the scenic qualities of the area/adjacent coast;
 - It will not impact upon wildlife corridors;
 - It will not impact upon items of heritage, archaeological or historical significance;

- It will not lead to a conflict between land based and water based coastal activities;
 - It will not impact upon the water quality of coastal waterbodies; and
 - The proposal, will not impact upon known aboriginal heritage;
- c) Part 4 Clause 13: Flexible zoning provision clauses in the SLEP 1985 do not impact upon/apply to this development site;
- d) Part 4 Clauses 14: The subject site adjoins Crown land (Crown Reserve 69668 for Public Recreation) to the north which fronts onto the Sussex Inlet channel. The proposed development will not impact or impinge on public access to the Crown land and foreshore to the Sussex Inlet channel;
- e) Part 4 Clause 15: Effluent disposal is to be via an existing reticulated system and, as such, will not have a negative impact on water quality of the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.
- f) Part 4 Clause 16: In accordance with the applicant's Stormwater Management Plan, stormwater is to be directed towards a proposed bio-retention swale and infiltration trench that will run north to south towards River Road. The infiltration trench consists of layers of sandy loam, coarse sand and a mix of gravel. Runoff will then be directed into a stormwater pit before discharging into the existing system. Subject to appropriate stormwater and drainage conditions as outlined above being imposed on any development consent, the proposed development would not result in untreated stormwater being discharged into the sea, a beach, an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.

Other parts of SEPP 71 which relate to significant coastal development and master plans do not apply to the proposed works. In summary, the proposed development does not conflict with the aims and applicable provisions of SEPP 71.

- iv) ***Deemed State Environmental Planning Policy - Illawarra Region Environmental Plan (IREP):*** The subject land is affected by the provisions of IREP. An assessment against the requirements of the IREP has indicated that the subject land is not identified as a wildlife corridor, land of prime crop and pasture potential, land supporting rainforest vegetation, land containing extractive materials, land containing coal resources, land affected by a service

corridor or land that is part of the sub regional commercial centre. It is however, identified as land with landscape or environmental attributes.

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

- a) Clause 3 of the IREP contains the aims and objectives of the plan. The submitted proposal does not conflict with the general aims and objectives as outlined in this clause; and
- b) The Regional Landscape and Environmental Study: The IREP contains no specific provisions that apply to land with “landscape and environmental attributes”. The Regional Landscape and Environmental Study that supports the IREP provide specific recommendations for broad areas of the south coast, including the Sussex Inlet area. In terms of the area within which the subject site is located, the study identifies the area as ‘IC/e’ High Priority Protection-Preservation. In addition, the Environmental Attribute Scenic Quality Map provides a ranking for this area as II which is the second lowest ranking. As the development is within the existing urban zoned area and outside of any wetland area, no concerns are raised.

In summary, the proposal does not conflict with the relevant provisions of the IREP and will achieve the applicable outcomes.

- v) **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: The proposed development satisfies the general aims and objectives as outlined in subclause 1(a) to 1(c), 2(a) to 2(w), and 3(a), 3(c) and 3(d) of this clause;
- b) Clause 9: The subject land is zoned 2(d) (Residential “D” Zone) under SLEP 1985. In accordance with clause 9(3) of SLEP 1985 in determining this development application, Council has taken into account the objectives of the zone within which the development is proposed. The proposal is considered to fit the definition of a ‘tourist facility’ under SLEP 1985 which in part means an establishment for providing holiday accommodation. It is therefore considered to satisfy the objectives of the zone which encourage the provision of tourist accommodation. In terms of permissibility, a ‘tourist facility’ is listed as a permissible use with development consent on land zoned 2(d);

- c) Clause 20G: The northern adjoining Crown land is identified as a heritage item. "Kemp's Boatshed" is located approximately 800 metres east of the subject site and is not visible from where the proposed development will take place. The proposed development will not impact on the adjoining heritage item;
- d) Clause 26: The proposed development is located in an area that has sewer and water services/infrastructure and therefore, satisfies the requirements of this clause. A Storm Water Management Plan was submitted with the application. Measures have been incorporated in the development to capture storm water, with proposed works including the relocation of a water meter, a stormwater pit and an infiltration trench and bio-detention swale to drain into the stormwater pit. No details have been provided in relation to sediment and erosion control. If approved, any issued development consent will be conditioned to require an erosion and sediment control plan prior to the issue of a Construction Certificate. Having regard for the above, the development will not adversely impact upon public health, surface water, ground water or community amenity;
- e) Clause 27: The development site is within an area identified as having a probability of containing acid sulphate soils by NSW Department of Land and Water Conservation. A geotechnical assessment was prepared and lodged with the development application. As part of the assessment, five boreholes were drilled to test the soil on site. The results of the soil test concluded that groundwater was present at a depth of approximately 700mm below surface level. In addition, the pH level of the soil was measured to be within the neutral range; therefore acidity was not present in the soil tested. In the event acid sulphate soils are found to be present, an acid sulfate soil management plan is to be prepared in order to minimise impacts.
- f) Clause 29: Council's mapping indicates that the site is affected by flooding. As the subject land is within an urban zone, the Council may consent to the carrying out of development on flood liable land. A detailed flood assessment report and accompanying flood certificate was submitted as part of the application. The flood assessment report was later revised to account for amendments made to the floor plans and the floatation devices used to ensure the cabins are buoyant in the event of flood. Conditions are to be imposed in any issued development consent to ensure the cabins are capable of rising to the 3.2m AHD level, can withstand the force of floodwaters and does not become floating debris in the event of flood;

- g) Clause 37A: The submitted application was notified in accordance with Council's Community Consultation Policy. Refer to Section 4 (Community Consultation) for further details.

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

- vi) ***Development Control Plan No.18 - Car Parking Code (DCP 18):*** The provisions of DCP 18 apply to this development. An assessment against the relevant requirements of DCP 18 is provided in **Attachment 'D'**.

- a) *Car Parking Requirement Schedule:*

Attachment 'D' provides a summary, in table form, of the car parking that is required for the proposed development based on the numerical requirements of DCP 18. The existing and proposed development can meet the requirements of DCP 18 in terms of total car spaces required for the tourist cabins, the motel and manager's residence on site. 32 car spaces will be provided in total, resulting in a surplus of 13 car spaces.

- 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/manoeuvring areas which are in excess of the requirements specified in DCP 18. No stack car parking has been provided. An assessment of the manoeuvrability in the internal car parking area for cars has indicated that it complies with the requirements of DCP 18.
- c) *Access:* Access to the subject site off River Road is provided by way of a looped driveway. As such, two access points are available to the site. The access provided allows for vehicles to enter and leave the site in a forward direction and has sufficient site distances in accordance with AS2890.1.
- d) *Drivers with a Disability:* No disabled car parking space is proposed. In accordance with the Building Code of Australia (BCA) as each dwelling is classified as a Class 1A building, they are not required to cater/provide facilities for disabled persons. As each proposed dwelling has not been designed to provide disabled facilities, the provision of a disabled space is not considered necessary. However, it should be noted that sufficient space is available on site should it be considered that a disabled space is required.

- e) **Construction Requirements:** Construction details for the driveway and car parking areas within the site were not lodged with the development application. Engineering details for the driveway and car park is to be lodged prior to the issue of a Construction Certificate. Given the applicant proposes to engage a private certifier to issue a Construction Certificate, certification shall be submitted to verify that the works have been undertaken in accordance with the approved construction specifications.

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

- vii) **Development Control Plan No. 93 - 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 demolition of the proposed development was submitted with the development application. Advice was sought from Council's Waste Minimisation Officer in regard to the WMMP. It was advised that the applicant address operational waste detailing the amount and type of material, method of disposal and destination of waste prior to the issue of a Construction Certificate.

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

- i) **Construction Materials:** The applicant has indicated on the submitted plans proposed construction materials as follows:

Tourist Cabins:

- a) Colorbond skillion roof;
- b) Colorbond wall cladding;

Secure Vehicle Storage Shed:

- a) Zinalume roof
- b) Colorbond wall cladding;
- c) Colorbond corners, barge, gutters and downpipes;

No colours have been chosen as part of the proposed development. A schedule of the colour treatment for all elevations and details of construction materials must be lodged with Council prior to the issue of a Construction Certificate.

- ii) **Context and setting:** The subject site is identified in a sensitive coastal location and is zoned 2(d) Residential in accordance with SLEP 1985. The objectives of a 2(d) zone are to "identify land for tourist infrastructure and to encourage tourist accommodation facilities and other compatible residential

uses and recreation.” The proposed development/use complies with the objectives of the zone.

Given adjoining sites contain approved tourist developments, the proposed tourist cabins are compatible with the surrounding area. In addition, the proposed cabins would be set back from the adjoining Crown land and be of minimal impact.

- iii) **Economic impacts:** It is anticipated that the proposed development would have a positive economic impact during the construction phase with regard to short-term employment opportunities. In the longer term, it is considered that additional short-term accommodation stock would provide a positive benefit to the economy of the local community.
- iv) **Flooding:** Part of the subject site is identified under SLEP 1985 as flood affected. A flood certificate and flood assessment report were lodged with the application and referred to Council’s Natural Resources and Flooding Unit for comment. It was advised that the floor levels of the cabins must be raised above the recommended flood planning level of 3.2m AHD that accounts for sea level rise. Any issued development will be subject to flood conditions relating to evacuation, access, and structural soundness.
- v) **Noise:** It is expected that some noise will be created during the construction phase of the development. However, this would be of short duration and would be in accordance with relevant guidelines for construction site noise contained within the EPA Environmental Noise Control Manual. In this regard, construction noise levels will not exceed these guidelines and construction would only occur during the hours of 7.00 am to 6.00 pm. Such noise would be similar to the volume generated from normal dwelling construction works and would be generated for a considerably shorter period of time. As a measure to minimise potential impacts generated from construction noise, a condition will be imposed in any issued consent limiting construction hours.

In terms of the ongoing use of the development, it is acknowledged that noise will be created as the number of people using the subject land will increase. However, given the size of each of the cabins, the noise generated will be minimal and should not adversely impact upon adjoining lands. However, any adverse impact can be minimised through the imposition of a condition on any issued development consent limiting noise levels to no greater than 5dba above the background noise at the boundary of the closest sensitive noise receiver.

- vi) **Sediment and erosion control:** The proposed works will result in soil disturbance and as such, there will be a need to ensure that, during construction, the site is adequately managed to control water and soil. No erosion or sediment control plan (ESCP) has been submitted with the development application. As such, any issued development consent will be conditioned to require an ESCP to be prepared by a suitably qualified/experienced person in accordance with the Landcom manual “Soils

and Construction, *Managing Urban Stormwater, Vol 1 4th Edition, March 2004*” and should be approved prior to the issue of a Construction Certificate. In addition, to ensure that no sediment and/or contaminated material leaves the site, a condition would be imposed requiring the proposed erosion control measures to be installed prior to the commencement of any works.

- vii) Social impacts:** The proposed development will provide additional accommodation options in the town of Sussex Inlet. Traffic and visual impacts would be marginal, and the proposed cabins do not restrict access to the adjoining Crown land. Based on the submitted information, it is considered that the proposed development would have minimal adverse social impact.
- viii) Threatened species:** A review of Council records has indicated that there is one endangered ecological community (EEC) identified as coastal salt marsh located approximately 200m north-east of the development site on the northern side of the Sussex Inlet waterway. Due to the separation between the development site and the EEC, and given the proposed development will not result in any removal of vegetation, no threatened species or their habitats will be impacted on directly or indirectly as a result of this development.
- ix) Traffic and access:** Access to the development site is provided via a looped driveway from River Road. Sufficient site distances exist at both access points to enable safe entry and exit from the site. Two tourist cabins are proposed to replace three cabins to be demolished in the north-eastern corner of the site. No additional traffic or daily vehicle trips are expected to be generated by the proposed development/use.
- x) Visual / scenic impact:** A site inspection was undertaken to visually assess any impacts that may arise from the proposed development. The development is to be located in an area characterised by a cluster of tourist developments that front the Sussex Inlet water body. The proposed development would not have a significant visual impact on adjoining land.

(c) Suitability of the site for the development

With regard to zoning permissibility, surrounding land uses and topographical constraints, the subject site is suitable for the proposed development and will not adversely impact upon adjoining lands.

(d) Submissions made in accordance with the Act or Regulations

The application was notified by way of public notification in accordance with Council's Community Consultation Policy. No submissions were received by Council during this period.

(e) The public interest

It is unlikely the public will be impacted given the proposed development:

- a) Complies with the zone and does not impact on the local character;
- b) Reduces the existing development footprint;
- c) Will be setback from Crown land. The existing development currently encroaches over the Crown land;
- d) Does not impede public access to adjoining Crown land;
- e) Will not result in a significant increase in traffic; and
- f) Does not impact on the privacy of adjoining properties.

7. Other Issues:

i) “Floatable” Cabins: According to the applicant’s flood assessment report, the two proposed cabins will be “floatable”, mounted on a steel chassis and polystyrene pontoons that allow for the cabins to be buoyant during flood events. The cabins are to be fixed to four steel posts located on each corner of the building to allow for vertical movement. Combined, the cabin weight and the weight of the floating steel chassis are 15 tonnes, and the combined volume of the tanks is approximately 27m³. About 55% of the polystyrene floats would be submerged in the event of flood. The applicant’s structural engineer has advised that the floatable cabins rise level can be increased by increasing the height of the four restraining posts. The restraining posts are the critical components and the section size and hold down bolts will be increased to allow for the additional movement due to the increased lever arm on the posts because of the higher float level. The footing system will have the additional required capacity. The flood loads to the cabin floor structure will remain essentially unchanged as the draft of the submerged section will remain constant on floating. The floor structure as proposed exceeds the required design capacity. Service connections need to be designed with the required flexibility to meet the requirements. In conclusion, the structure can be readily modified to meet flood level requirements.

ii) Servicing of Cabins: As outlined in the applicant’s flood assessment report, the cabins are to be serviced in a way to minimise impacts associated with flood:

- Power/electricity to be provided by way of a flexible overhead cable or a triple helix underground connection.
- The cabins are to be fitted with mounted gas bottles to satisfy gas requirements.
- Sewer – DN100 pipe inside DN150 sleeve with gas tight seal.
- Stormwater will be directed via downpipes that drain into a grated pit.

- Water supply will be directed via a flexible helix hose underground connection.
- iii) *Bushfire:*** A review of available records for the subject site has indicated that it is not identified as bushfire prone land. As such, no further assessment has been undertaken.
- iv) *Climate Change:*** No cumulative impacts are expected in regard to the proposed development that could further contribute to climate change. However, flood risks are present on site that may impact on the proposed development. Any issued development consent is to be conditioned to ensure that the proposed development is capable of rising to the flood planning level height of 2.8m AHD, with an additional 0.4m AHD increase to account for sea level rise.
- v) *Safety and Security:*** The proposed design provides opportunities for natural surveillance from both within and external to the building (i.e. sight lines maintained, opportunity for additional passive surveillance over the adjoining public reserve area, entrance points to each cabin adjacent). It is therefore considered that the proposed works have been designed having regard for crime prevention through environmental design (CPTED) principles and strategies.
- vi) *Disabled Access:*** The applicant is to ensure compliance with the disabled access provisions of the BCA and the Disability Discrimination Act, 1992.
- vii) *Landscaping:*** No provision for landscaping was submitted with the development application. Any issued consent shall be conditioned to provide a detailed landscape plan prior to the issue of a Construction Certificate.

8. Referrals

Internal:

- **Building Surveyor:** No objection to the proposal subject to the imposition of recommended conditions on any issued development consent (i.e. Section 68 Approval under the Local Government Act required, compliance with disabled access provisions in accordance with the BCA).
- **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).
- **Environmental Health Officer:** No objection to the proposal subject to the imposition of recommended conditions on any issued development consent (i.e. acid sulphate soil testing, demolition with regard to asbestos).
- **Shoalhaven Water:** No objection to the proposed development.

- **Strategic Planning Group (Natural Resources and Flooding Unit):** Recommended the floor level be above 3.2m AHD in consideration of Sea Level Rise and appropriate flood-related conditions be imposed in any issued development consent (i.e. structural soundness, evacuation and access).
- **Waste Management Manager:** Additional information requested in relation to how on-going waste will be handled. Any consent will be conditioned to provide a revised Waste Minimisation and Management Plan prior to the issue of a Construction Certificate.

External:

- **NSW Office of Water (NOW):** Advice provided that a controlled activity approval is not required from NOW given the site of the proposed cabins is separated by Council managed land 30-40 metres from the watercourse, the proposed cabins will be further setback from the watercourse and the proposed works will be sited within the existing building footprint of the cabins to be demolished. As such, this department made no objection to the proposal.

9. Options

The JRRP 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 in **Attachment 'A'** or modify the those conditions or include new conditions); or
- b) Resolve to refuse the application (i.e. on the grounds that the submitted proposal has an unsatisfactory visual impact and/or will have privacy impacts); or
- c) Notify the applicant requesting amendments/modifications the proposal, subject to any matters of concern being adequately resolved and a further report to 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. RA10/1009 may be supported subject to suitable conditions (refer to **Attachment 'A'**) being imposed on any issued development consent.

11. Recommendation

RECOMMENDED that, in respect of RA10/1009 (2010STH026) for two (2) three-bedroom tourist cabins at Lot 16 in DP 9075 Section 3 (No.164) River Road, Sussex Inlet, the application be approved as an operational development consent subject to conditions as contained in Attachment 'A'.

Signed: Craig Crompton

Date: 18 November 2010

**NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION
DEVELOPMENT CONSENT
Environmental Planning and Assessment Act, 1979
RA10/1009**

TO:

Cowman Stoddart Pty Ltd
PO Box 738
NOWRA NSW 2541

**being the applicant(s) for RA10/1009 relating to:
164 River Rd, SUSSEX INLET - Lot 16 DP 9075 Sec 3**

APPROVED USE AND OR DEVELOPMENT:

Demolition of three (3) x two (2) bedroom tourist accommodation units which are proposed to be replaced with two (2) x three (3) bedroom 'floatable' tourist cabins intended to provide accommodation for up to twelve (12) people and construction of a garage that provides eighteen (18) secure overnight car and boat parking spaces.

BCA CLASSIFICATION(s):

1a

DETERMINATION DATE:

[#Determined#]

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:

[#ConsentFrom#]

CONSENT TO LAPSE ON:

[#LapseDate#]

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 to the **Demolition of three (3) x two (2) bedroom tourist accommodation units which are proposed to be replaced with two (2) x three (3) bedroom 'floatable' tourist cabins intended to provide accommodation for up to twelve (12) people and construction of a garage that provides eighteen (18) secure overnight car and boat parking spaces** as illustrated on the plans, specifications and supporting documentation stamped with reference to this consent, as modified by the following conditions.

Plan	Ref. No.	Sheet No.	Date
Plan Showing Details and Contours	25245-01	1 of 3	13/02/2010
Plan Showing Details and Contours	25245-01	2 of 3	23/07/2010
Plan Showing Details and Contours	25245-01	3 of 3	13/02/2010
Elevations	N/A	N/A	May 2010
Floor Plan	N/A	N/A	Amended 27/10/2010
Floor Plan & Elevation	ULLADA-3224	1/7	Submitted 17/08/2010
Floor Plan & Elevation	ULLADA-3224	2/7	Submitted 17/08/2010
Floor Plan & Elevation	ULLADA-3224	3/7	Submitted 17/08/2010
Floor Plan & Elevation	ULLADA-3224	4/7	Submitted 17/08/2010
Floor Plan & Elevation	ULLADA-3224	5/7	Submitted 17/08/2010
Floor Plan & Elevation	ULLADA-3224	6/7	Submitted 17/08/2010
Floor Plan & Elevation	ULLADA-3224	7/7	Submitted 17/08/2010

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 proposed development must not be occupied or the use shall not commence 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 must 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.** (The attached form '*Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority*' is to be completed and returned to Council.)

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/Damage to Public Assets

7. Prior to the commencement of any work(s) associated with this development:
 - a) 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 as a consequence of undertaking works under this

consent will be at the developer's expense. In addition, any repair or damage to services will be at the developer's expense; and

- b) The developer or his agent must undertake a site inspection and document any evidence of damage to the public assets prior to commencement of work. Any damage to the adjacent kerbs, gutters, footpaths (formed or unformed), walkways (formed or unformed), carriageway, reserves and the like, that occurs during development works shall be repaired by the applicant. Failure to adequately identify existing damage will result in all damage detected by Council after completion of the building work being repaired at the applicant's expense.

Engineering Approval (Works On-site)

- 8. Engineering design plans for civil works within the property must be submitted to Council or an accredited private certifier who has the required civil certification from the Building Professionals Board. Details of the private certifier and qualifications to be forwarded to council. Plans to be 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 Council's Development Engineer for a fee estimate. All fees must be paid prior to plans being released for construction approval.*

Supervision of Works

- 9. Prior to the commencement of works, Council must 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.

Acid Sulphate Soils

- 10. The development site is within an area identified as having a probability of containing acid sulphate soils by NSW Department of Land and Water Conservation (Soil Conservation Service – Acid Sulphate Soil Risk Map, Sheet for Sussex Inlet). Soil samples are to be assessed for content of acid sulphate material by a suitably qualified person and the results lodged with Council's Environmental Services Manager prior to earth works commencing for the construction.

If acid sulphate materials are identified, no excavation shall take place until the applicant shall lodge an acid sulphate soil management plan prepared by a suitably qualified person for approval by Council's Environmental Services Manager, and undertake such measures as are required to minimise adverse environmental impact due to the release of acid to the environment (whether at the excavation site or elsewhere).

Soil and Water Management

11. The relevant sedimentation and erosion controls required by this consent (refer to condition 18) must be implemented, inspected and approved by the PCA **prior to commencement of any work** and maintained until the work is completed and the site stabilised.

Approval Required for Work within the Road Reserve – Section 138 Roads Act

12. 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 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;
- Insurance details.

Should the Traffic Management Plan require a reduction of the speed limit, a Direction to Restrict shall be obtained from Council.

Approval Required for Water, Sewer and Drainage Works – Section 68 Local Government Act

13. Prior to undertaking any water, sewer or drainage works, the contractor must obtain the approval of Council under Section 68 of Local Government Act, 1993. No works are to commence until approval is obtained.

Disposal of Excavated Material

14. All excavated surplus material must be hauled to an approved landfill site. Details of fill storage and/or disposal and haulage routes must be submitted to Council for approval prior to the commencement of works.

Demolition – Asbestos

15. If demolition of building materials, likely to contain asbestos, is to take place, the following is required:

- a) A clearance certificate from an independent competent person in accordance with the National Occupational Health and Safety Commission Code of Practice for the Safe Removal of Asbestos be limited to cases involving the removal of friable asbestos;

- b) Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Demolition Licence or a current WorkCover Class 2 (Restricted) Asbestos Licence.

PART C

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

Flooding

16. A detailed report and certificate from a qualified consulting structural engineer is required demonstrating that the building in which the approved development/use is to be undertaken will not become floating debris during a 1% AEP flooding scenario.

Landscaping

17. The applicant must lodge a detailed landscape plan with Council prior to the issue of a Construction Certificate. The plan may be approved by Council or an accredited certifier. The detailed landscape plan must include the following additional works/details.

- Details on the location of the planting proposed, species, number of plants and pot sizes;
- The 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;
- A maintenance plan for a 26 week period.

All landscaping, including plantings, mulch, watering systems must be carried out in accordance with the approved plan.

Erosion Sediment Control Plan

18. An 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*", must be lodged for approval with the application for a Construction Certificate. The ESCP controls must be implemented, inspected and approved prior to the commencement of any site works and maintained for the life of the construction period and until revegetation measures have taken hold.

The ESCP must include, but not be limited to:

- a) Location and type of proposed erosion and sediment control measures;
- b) Clearance of sediment traps on a regular basis and after major storms;
- c) Proposed site rehabilitation measures, including seeding of all bare un-grassed areas and turfing where erosion or scouring is likely to occur;
- d) Standard construction drawings for proposed erosion and sediment control measures.

Stormwater Pit Plan

19. A detail plan of the existing stormwater pit located in River Road adjacent to the driveway entrance for the development will need to show details of the reconstruction of the pit and the stormwater drainage works within the road reserve. The plan is to be forwarded to Council for approval prior to the issue of a Construction Certificate.

Existing Services

20. Due to the possibility of problems in crossing the services within the road reserve, full details of the alignment and levels of all services (Council, Integral Energy, telecommunications, gas or other services) must be shown on the engineering plans to be submitted prior to the issue of a Construction Certificate. Any required alterations to services will be at the developer's expense.

Colour Schedule

21. A schedule of the colour treatment for all elevations and details of construction materials must be lodged with Council **prior to the issue of a Construction Certificate**. The proposed colours and materials must blend with the built and/or natural environment. The schedule may be approved by Council or an accredited certifier.

Waste Minimisation and Management

22. A Waste Minimisation and Management Plan (WMMP) must be prepared in accordance with Development Control Plan No. 93 – Waste Minimisation and Management. The WMMP must be approved by Council or an accredited certifier **prior to the issue of a Construction Certificate**.

Note: *“Waste” has the same meaning as the definition of “Waste” in the Protection of the Environment Operations Act 1997.*

PART D

CONDITIONS RELATING TO THE APPROVED WORK AND SITE MANAGEMENT

Building Code of Australia

23. 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.*

Road Reserve, Footpath & Gutters

24. The kerb, gutter and footpath adjoining the site must be kept clear of soil and debris.

Design and Construction to DCP 100

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

Internal Driveway and Car Park

26. The internal driveway and car park must:

- (a) Be constructed of one of the following:
 - (i) Two coat bitumen seal standard: With a minimum compacted pavement thickness of 200mm; or
 - (ii) Asphaltic concrete (AC): With a minimum compacted pavement thickness of 200mm, surfaced with 25mm of AC10 asphaltic concrete.
- (b) Provide no fewer than **19** car parking spaces on site (6 spaces for the existing tourist cabins, 4 spaces for the new tourist cabins, 8 spaces for the motel and one space for the manager's residence). These spaces must be constructed as follows:
 - (i) The car parking shall be designed, constructed, line marked and signposted in accordance with Council's Car Parking Code (Part 2.10 of Development Control Plan No 18);
 - (ii) Car parking spaces shall not be less than 2.6m x 5.5m.
- (c) Be bordered by a concrete edge strip (min 150mm wide and 300mm deep). The work shall comply with Council's Plan No. SC 263710.

Flooding

27. The approved development must be undertaken (i.e. fit out) so as to ensure compliance with the following:

- a) Floor level is required to be at existing habitable floor level or higher as practical, or within the 1% AEP flood level + 500mm freeboard + 400mm accounting for sea level rise (i.e. 3.2m AHD);
- b) Building materials used below the flood planning level (3.2m AHD) must be flood proof, and to be built from flood compatible materials;
- c) The structure must not become floating debris during a 1% AEP flooding scenario;
- d) Reliable emergency vehicle access is required for ambulance, SES, fire brigade, police and other emergency services during a 1% AEP flood event;
- e) Reliable access for pedestrians is required during a 1% AEP flood event;

Provision of Services

28. Service connections must be flexible in order to allow for floatation and retraction of connections with falling waters without causing damage to the service lines.

Site Drainage

29. Stormwater drainage works shall generally be in accordance with the Stormwater Management Plan **25245-03** by **Allen Price and Associates** Dated **May 2010**.

30. 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.

31. All drainage works within the site must be designed and constructed for a 10 year average recurrence interval unless otherwise specified.

Certification of Civil Works for Compliance with Construction Specifications

32. Certification must be submitted to verify that the following works (where applicable), have been completed in accordance with the approved construction specifications:

- All clearing works and bulk earth works;
- Pipelines including inter-allotment;
- Drainage pits and culverts;
- Bio swales and open channels;
- Pavement subgrade and base-course densities and thicknesses;
- Pavement prior to bitumen or asphalt sealing;

- Erosion and sediment control measures;
- Final cut and trim, seeding and grassing;
- Signage and other traffic control devices.

Crown Land

33. The subject site adjoins Crown Reserve 69668 for Public Recreation. The proponent must not:

- (a) Encroach upon the adjacent Crown land;
- (b) Fence across the Crown reserve as a continuation of their freehold boundary;
- (c) Remove any vegetation from the adjoining Crown land;
- (d) Stockpile materials, equipment or machinery on the adjoining Crown land;
- (e) Use the adjoining Crown land as access;
- (f) Use the adjoining Crown land as effluent management zones or as asset protection zones.

Soil and Water Management

34. All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur.

In particular, a silt fence or equivalent must be provided downhill from the cut and fill area (or any other disturbed area). The fence must be regularly inspected and cleaned out and/or repaired as necessary and all collected silt must be disposed of to the satisfaction of the Principal Certifying Authority (PCA).

Unnecessary disturbance of the site (e.g. excessive vehicular access) must not occur.

All cuts and fills must be stabilised or revegetated as soon as possible after the completion of site earthworks.

All the above requirements must be to the satisfaction of the PCA. A copy of Council's Code "Guidelines for Stormwater Protection on Building Sites" is enclosed.

Construction Hours

35. To limit the impact of the development on adjoining owners, *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 Minimisation and Management

36. 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. 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.

PART E

CONDITIONS THAT RELATE TO THE ONGOING MANAGEMENT OF THE PROPOSED DEVELOPMENT

Site Management and Maintenance

37. 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 subject site;
- (b) Goods or machinery must be stored, and all activities must occur, inside the building(s) and not in the carpark or drive way areas;
- (c) 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;
- (d) Maintenance and replacement (if necessary) of all landscaping in accordance with the approved Landscape Plan;
- (e) Maintenance of all:
 - vehicular movement areas including driveways, carparking, manoeuvring areas and line marking to the standard specified in this consent;
 - stormwater drainage pipes and systems to ensure efficient discharge of stormwater in accordance with the approved stormwater drainage plan;
 - buildings, fencing, signage/markings to the standards outlined in the development application and/or specified in this consent.

Noise

38. Noise levels from the premises/approved development (measured using the L10 noise level descriptor) must not exceed the background noise level in any octave band (measured using the L90 noise level descriptor) by more than 5 dB(A) when measured at the boundary of the closest residential premises.

Landscaping – Noxious and Environmental Weeds

39. The planting of plant species listed on the Weeds Australia NSW weeds list (www.weeds.org.au) is prohibited for the life of the development.

Advertising Signage

40. No signs or advertising structures (except those exempted under Council's Advertising Sign Code) shall be erected on or in conjunction with the proposed tourist accommodation without prior consent to Council.

Visitor Occupation

41. The occupation of any of the approved tourist cabins by any one individual is limited to a maximum period of occupancy in any one year of 150 days including a maximum period of 42 days consecutive occupancy.

PART F

CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

42. Prior to the issue of an Occupation Certificate for the approved development the requirements of conditions 17 (Landscaping), 19 (Stormwater Pit Plan), 21 (Colour Schedule), 26 (Internal Driveway and Carpark), 27 (Flooding), 29, 30, 31 (Site Drainage), 32 (Certification of Civil Works for Compliance with Construction Specifications) and 33 (Crown Land) must be complied with and completed.

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, carparking and access requirements arising from the development are addressed.
7. Ensure the development does not conflict with the public interest.

PART H

ADVICE ABOUT RIGHTS OF REVIEW AND APPEAL

Development Determination 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 I

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 J

GENERAL ADVICE TO APPLICANT

PRIVACY NOTIFICATION

Personal information contained on this Development Consent and any associated documents will be published on Council's website as required by the *Government Information (Public Access) (GIPA) Act 2009*.

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.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on

- a) A matter of national environmental significance (NES) matter; or
- b) Commonwealth land

without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation.

It is the proponent's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of consent as notification to you that the Commonwealth Act does not have application.

The Commonwealth Act may have application and you should obtain advice about this matter.

There are severe penalties for non-compliance with the Commonwealth legislation.

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.

Occupation Certificate

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

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

Principal Certifying Authority

A Principal Certifying Authority (PCA) must be appointed before any building work can commence.

DBYD Enquiry – 'Dial Before You Dig'

In order to avoid risk to life and property it is advisable that an enquiry be made with "Dial Before You Dig" on 1100 or www.dialbeforeyoudig.com.au prior to any excavation works taking place to ascertain the location of underground services.

Inspections

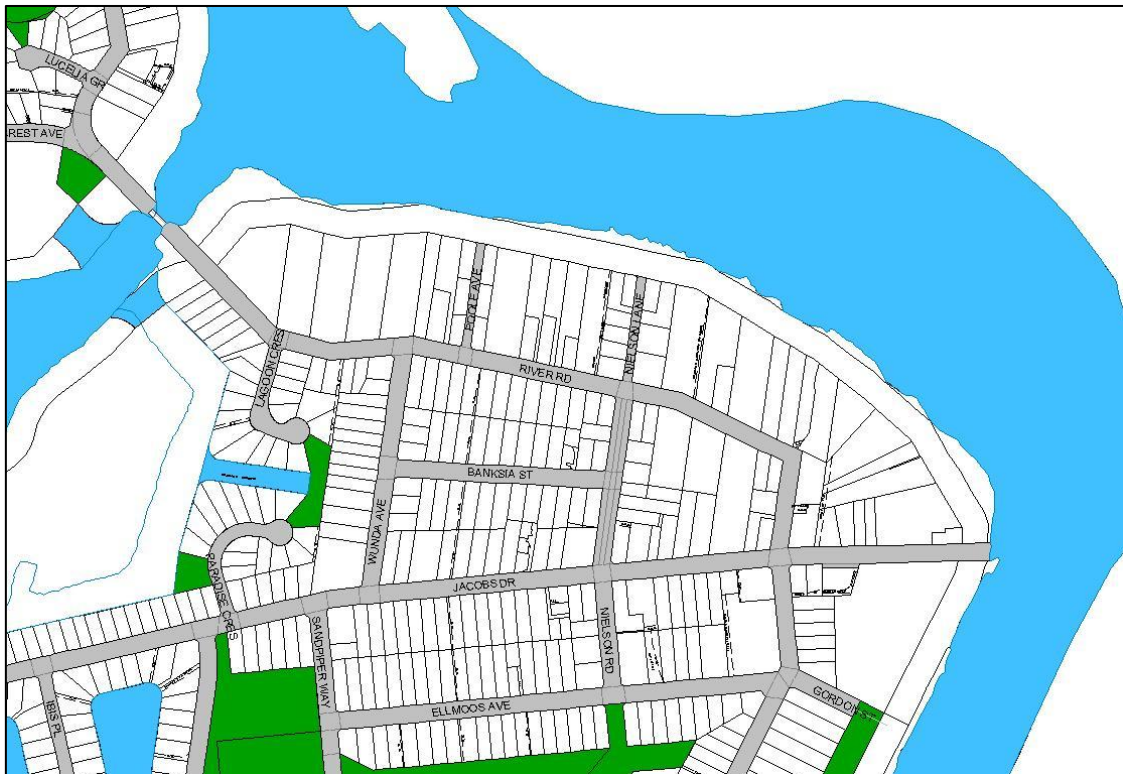
If Council is the appointed PCA for this project, a minimum twenty-four (24) hours notice must be given to Council to make an inspection of the work.

SIGNED on behalf of Shoalhaven City Council:

Signature

Name Craig Crompton
Development Planner
Development & Environmental Services Group

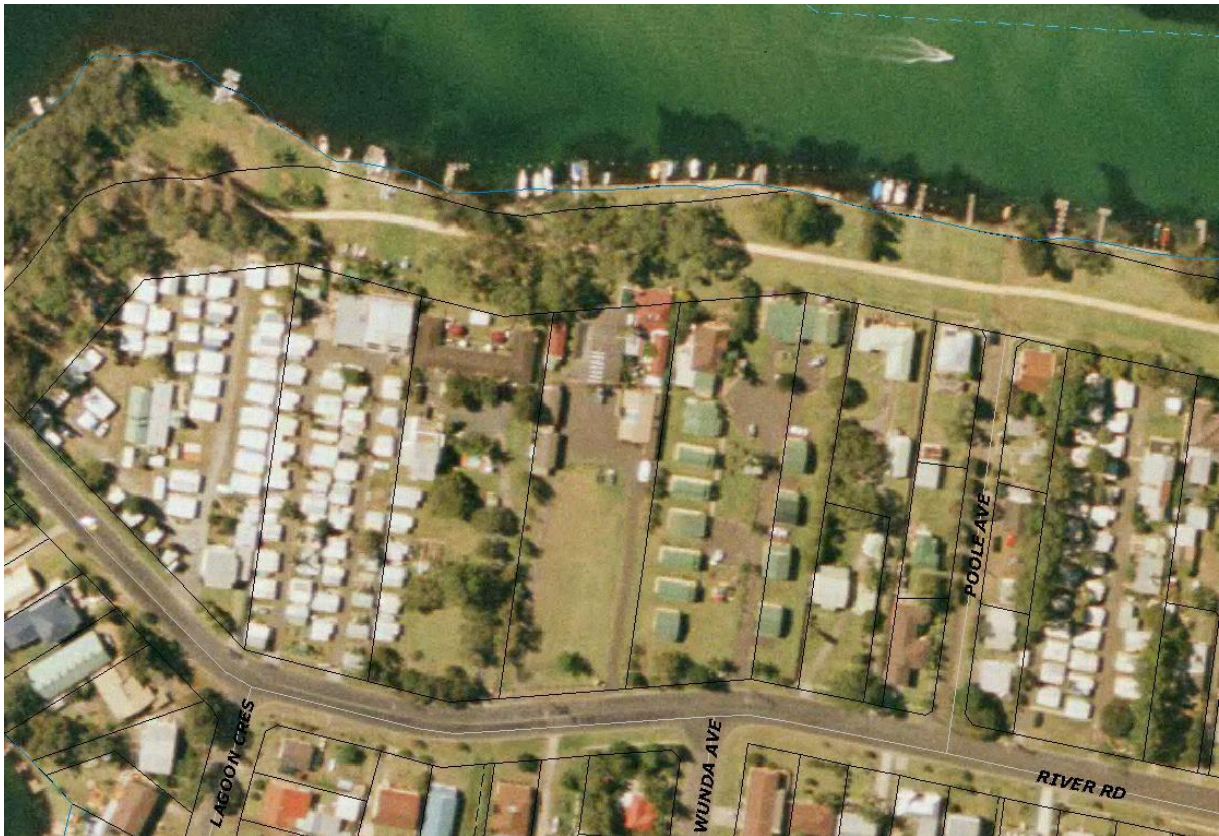
ATTACHMENT 'B'



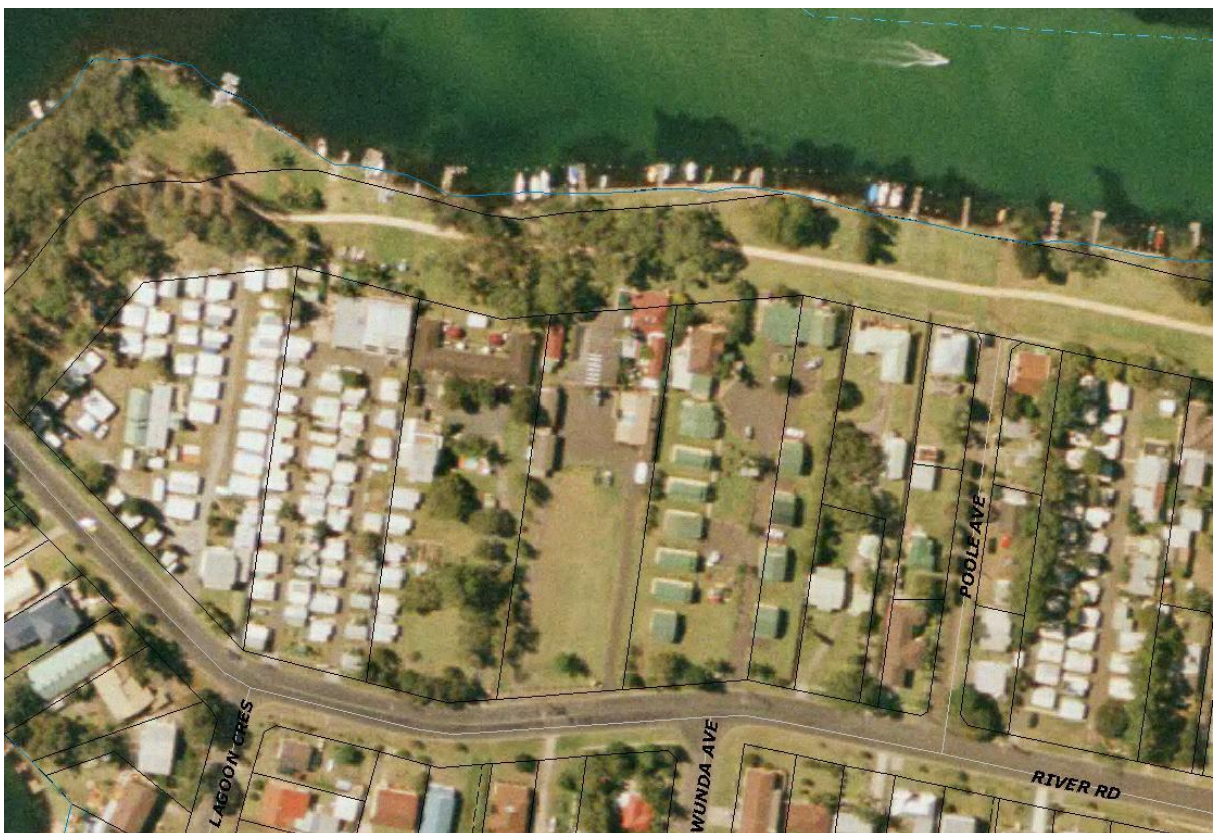
MAP OF SUBJECT SITE IN CONTEXT OF LOCALITY



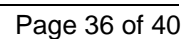
ZONING MAP OVERLAY

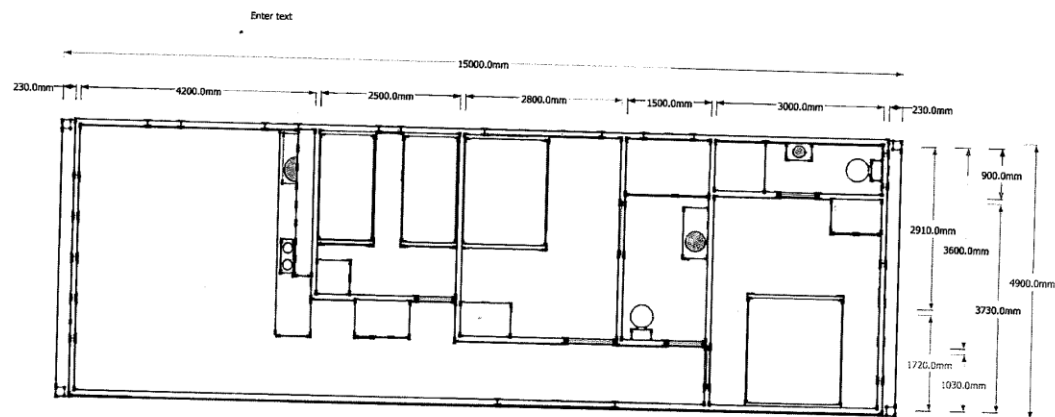


DEVELOPMENT AREA



ADJOINING LAND USES





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CLIENT Bentley Waterfront Motel

DATE 23/11/09

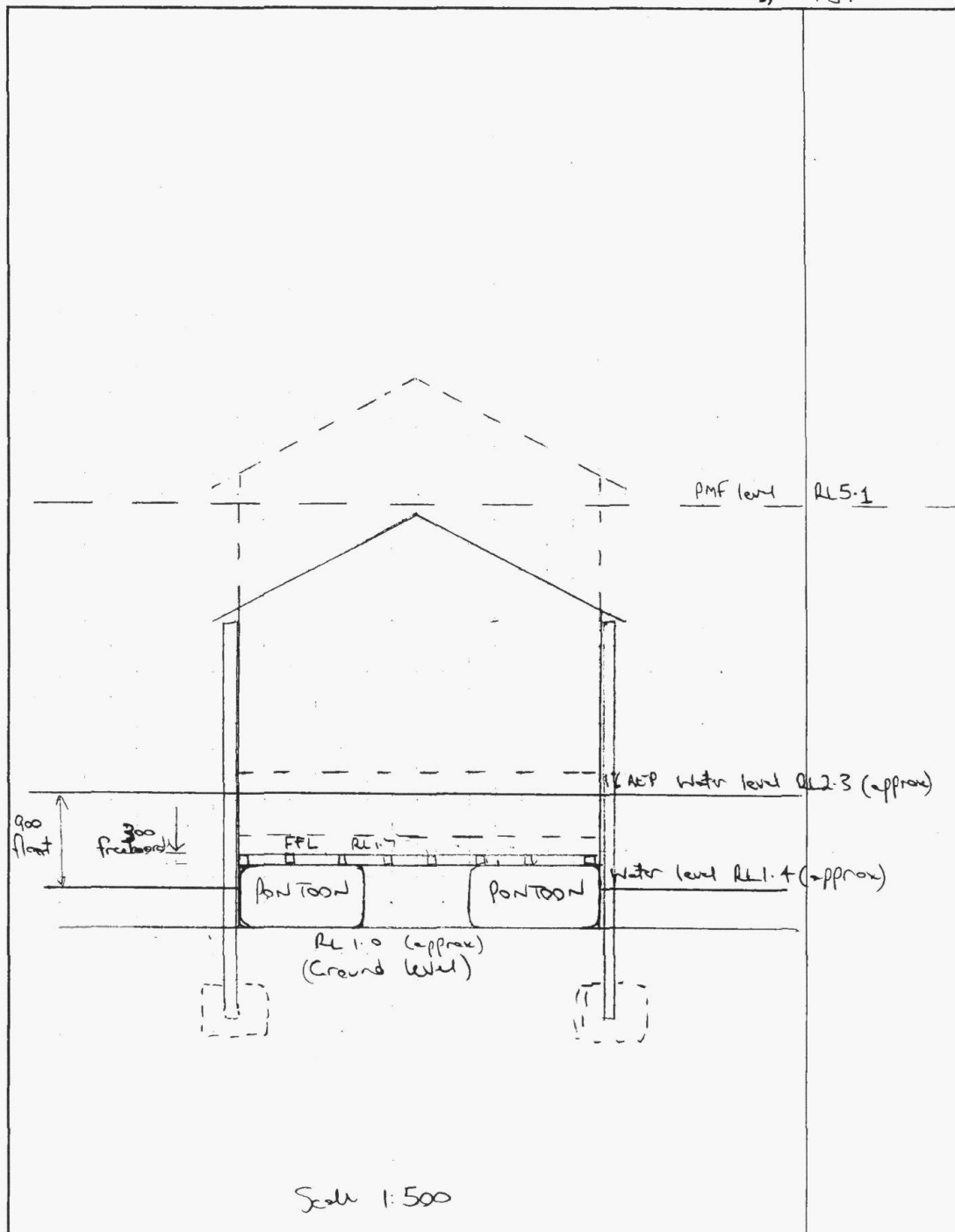
PROJECT "Floatable" cabins

JOB No 25245

SUBJECT Floating Pontoon Concept

SHEET 1 of 2

By MJP



FLOATATION PLAN

DCP 18 CAR PARKING ASSESSMENT

LAND USE	DCP 18 REQUIREMENT	TOTAL PROPOSED SITES	TOTAL SPACES REQUIRED	TOTAL SPACES PROVIDED
Holiday Cabins	Two spaces per holiday cabin plus one space per employee and/or manager.	5 cabins	11 (including manager's residence)	<ul style="list-style-type: none"> • Existing bitumen car park featuring 12 car spaces; • 1 garage space for manager's residence; • 2 carports; • 18 proposed secure garage spaces.
Motel	One space per room plus one space per employee and/or manager.	8 motel rooms	8	
TOTAL			19	32 car parking spaces provided.