

JOINT REGIONAL PLANNING PANEL (Southern Region)

JRPP No	2014STH003
DA Number	RA13/1003
Local Government Area	Shoalhaven City Council
Proposed Development	Aviation support facilities comprising two (2) buildings (a logistics warehouse and a helicopter maintenance facility), landscaping and associated infrastructure.
Street Address	Lot 1 DP 1069677, Wugan Street and Lot 20 DP1194689 (11 Garadi Street - being a lot created from the re-subdivision of Lot 19 DP 1094151), Yerriyong
Applicant/Owner	Jones Lang LaSalle/Shoalhaven City Council
Number of Submissions	2
Regional Development Criteria (Schedule 4A of the Act)	Satisfies the criteria of Clause 4 (Council related development over \$5 million) (b) of Schedule 4A of the EPA Act as it is for a development on land that is owned by Council that has a capital investment value (CIV) over \$5 million dollars
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> i. Environmental Planning and Assessment Act 1979 ii. Environmental Planning and Assessment Regulation 2000; iii. State Environmental Planning Policy (State and Regional Development) 2011; iv. State Environmental Planning Policy (Infrastructure) 2007; v. State Environmental Planning Policy - Offensive and Hazardous Industry; vi. State Environmental Planning Policy 55 – Remediation of Land; vii. Deemed SEPP (Illawarra Region Environmental Plan); viii. Shoalhaven Local Environmental Plan 1985 (as amended); ix. Shoalhaven Local Environmental Plan 2014; x. Development Control Plan No.18 – Car Parking Code; xi. Development Control Plan No.82 – A Signage Strategy; xii. Development Control Plan No. 93 – Waste Not (Site Minimisation and Management); and xiii. Shoalhaven Contribution Plan 2010.
List all documents submitted with this report for the panel's	Attachment A – Draft Development Consent; Attachment B – Development Application Plans; and Attachment C – Site Location Attachment D – Assumed Concurrence of the Director –

consideration	Department of Planning – Height of Buildings – s139 of Deemed SEPP (IREP)
Recommendation	Approval with conditions contained in Attachment ‘A’
Report by	Andrew Lissenden , Development Co-ordinator

ASSESSMENT REPORT

1. Proposal

The development application, as amended, proposes the construction of an aviation support facility comprising the following:

1. A helicopter maintenance building to be constructed on Lot 1 DP 1069677 (Lot 1). This building having a gross floor area of approximately 8,231m², a height of 16m above the natural ground level and is 102 metres long by 64 metres wide. The ground floor (6,163m²) containing eight helicopter maintenance bays, related repair and maintenance facilities, storage areas, associated office space, entrance lobby/lounge area, toilet /shower/locker facilities, utility room and pump room. The first floor/mezzanine area (2,068m²) containing a lobby area, office space, conference room, training room, meeting rooms, toilet facilities, lunch room, store room, rooftop plant area, server room and utilities room;
2. A logistics building to be constructed on Lots 20 DP1194689 (Lot 20). This to be a single level building with a gross floor area of approximately 3,200m². It is to have a height of 8.5 metres from the natural ground level and is approximately 72 metres long by 43 metres wide. The building containing warehouse space, toilet/shower/locker facilities, lobby area, cool room, fire pump room, storage rooms and associated office space.
3. Car parking for 152 cars. This comprising 35 car spaces on Lot 1 (helicopter maintenance facility site) and 117 car spaces on Lot 20 (logistics building site); and
4. Associated works including access/manoeuvring areas, drainage, above ground water tanks (x4), staff barbeque area and landscaping.

Both buildings to be occupied by Sikorsky Helitech who will provide services to the adjoining Royal Australian Naval Air Station (RANAS Nowra). The facility to operate 7 days a week, between the hours of 7am to 6pm, however the development may operate longer hours (i.e. up to 24 hours a day) depending on the Department of Defence operational requirements. Refer to **Attachment ‘B’** for a copy of the development application plans.

2. Subject Site and Surrounds

The development site:

- Comprises two parcels of land known as Lot 1 DP 1069677 (Lot 1) and Lot 20 DP1194689 (Lot 20), Yerriyong. Lot 20 is a re-subdivision of Lot 19 DP 1094151 that was registered with Land and Property Information on 1 May 2014. Both parcels of land are currently owned by Shoalhaven City Council;

- Has a combined area of approximately 2.57 hectares;
- Is located within the Albatross Aviation Technology Park (AATP) which is approximately 11km southwest of the Nowra Central Business District (CBD);
- Is separated by Wugan Street to which both parcels of land have direct vehicular access, is adjoined to the north and south by existing buildings/development which are being used for aviation related support industries, to the east by the RANAS Nowra known as HMAS Albatross and to the west by undeveloped land that is owned by the Nowra Aboriginal Land Council;
- Was zoned 5(a) (Special Uses “A” Zone) under the Shoalhaven Local Environmental Plan 1985 (SLEP 1985) and is now zoned B7 (Business Park) under the Shoalhaven Local Environmental Plan 2014 (SLEP 2014);
- Slopes from its south western corner to its north eastern corner with an overall fall of approximately 4.6m;
- Is partially identified as bushfire prone land (i.e. Lots 20 is affected by bushfire);
- Is currently undeveloped land/contains no built structures and has been cleared of natural vegetation; and
- Is impacted upon by a number of easements/restrictions as to user.

The closest residential dwelling not associated with the proposed development is at 196 Braidwood Road which is located approximately 700m to the north of the development site. Refer to **Attachment ‘C’** for additional details on the site’s location.

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

3. Background

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

- a) Pre Lodgement: Three pre-lodgement discussions (i.e. Development Advisory Unit (DAU) meetings) were had with Council staff. These were on 30 October 2013, 22 November 2013 and 4 December 2013.
- b) Post Lodgement: The current application was lodged on 20 December 2013. Council staff, during the assessment of the application have requested additional information from the applicant on five occasions (i.e. emails dated 18 February 2014 and 19 April 2014 as well as verbal requests on 20 January 2014, 14 April 2014 and 15 April 2014). Issues raised included:
 - Response to concerns raised in the submission received during the notification period;
 - Information on ongoing waste generated, its storage and collection;
 - Clarification on car parking spaces to be provided;
 - Clarification of the gross floor area for each building; and
 - Request for the amended plans to be provide in JREG format.

Additional information was provided by the applicant on 18 February 2014 (waste minimisation and management plan), 17 March 2014 (response to issues raised in the submission received), 14 April 2014 (clarification of car parking issues), 16 April 2014 (gross floor area information) and 22 April 2014 (JPEG plans). In addition, the applicant

during the assessment process submitted amended plans to Council. These were received on 17 March 2014. The amended plans seeking to address some of the issues raised in the public submission received as well as incorporating changes due to operational requirements. These plans, in summary, reduce the overall foot print of both buildings and reconfigure the car parking layout.

Council staff now believe that sufficient information has been submitted to enable a reasonable assessment of the application to be undertaken.

- c) Site History: A review of Council's records 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. One previous development application has been lodged on Lot1. This was Regional Development Application RA10/1000 (2010STH008) that approved an aviation support facility building (comprising five aircraft maintenance bays, workshop facilities, office facilities, amenities) with associated, car parking, landscaping and signage on 8 July 2010. Works associated with this consent, at the time of writing this report, had not been physically commenced on the land.

4. Community Consultation

The development application has been exhibited in accordance with Council's *Community Consultation Policy for Development Applications (including subdivision) and the Formulation of Development Guidelines and Policies – Amendment 7*. This notification has occurred on two occasions as overviewed below:

a) Original Development Application Notification - Notification 1:

- Individual property owners within a 1,000 metre radius of the site were notified of the proposal (12 letters sent). The notification period was from 15 January 2014 to 13 February 2014 (29 days);
- The proposal was advertised in the local press on one occasion (South Coast Register on 15 January 2014); and
- The application and supporting documentation were on display at Council's City Administrative Centre in Nowra as well as on Council's website.

One submission was received by Council. This is submission raised concerns with the adjoining taxiway clearance, location of northern driveway, Building Code of Australia (BCA) vehicle access requirements, car parking provision, bulk and scale of the development, ongoing waste management.

b) Amended Development Application - Notification 2:

This notification was undertaken due to the receipt of amended plans from the applicant.

- Individual property owners within a 1,000 metre radius of the site were notified of the proposal (12 letters sent). The notification period was from 18 March 2014 to 2 April 2014 (15 days); and
- The application and supporting documentation were on display at Council's City Administrative Centre in Nowra as well as on Council's website.

One submission was received by Council. This was from the same person who made the submission during notification period 1. This submission raised concerns with the adjoining taxiway clearance, bulk and scale of the development, car space dimensions and the height of paint booth exhaust stacks.

Further discussion of the issues raised in the submissions that have been received is provided in the following sections of this report

5. Statutory Considerations

The following are relevant planning controls that have been considered in the assessment of this application.

- i. Environmental Planning and Assessment Act 1979;
- ii. Environmental Planning and Assessment Regulation 2000;
- iii. State Environmental Planning Policy (State and Regional Development) 2011;
- iv. State Environmental Planning Policy (Infrastructure) 2007;
- v. State Environmental Planning Policy 33 – Hazardous and Offensive Development ;
- vi. State Environmental Planning Policy 55 – Remediation of Land;
- vii. Deemed SEPP (Illawarra Regional Environmental Plan);
- viii. Shoalhaven Local Environmental Plan 1985 (as amended);
- ix. Shoalhaven Local Environmental Plan 2014;
- x. Development Control Plan No.18 – Car Parking Code;
- xi. Development Control Plan No.82 – A Signage Strategy;
- xii. Development Control Plan No. 93 – Controls for Waste Minimisation and Management;
- xiii. Shoalhaven Contribution Plan 2010; and

Additional information on the proposal's compliance with the above documents is detailed in the following sections 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 EPA Act.

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

- i) *Environmental Planning and Assessment Act 1979 (EPA Act):* The clauses/matters contained in EPA Act, apart from Section 79C, that have relevance to this application are overviewed below:
 - a) *Section 79BA (Consultation and development consent-certain bush fire prone lands):*
The development site is partially identified as bushfire prone (i.e. Lot 20). A bushfire report has been submitted with the application (Bushfire Risk Assessment, Ref: 1030827, Prepared by SET Consultants, dated: 26 November 2013). Council staff are satisfied that the development will be able to conform with the specifications and requirements of Planning for Bushfire Protection 2006 (PBP 2006). This issue is further discussed in the report below.

- b) *Schedule 4A (Development for which regional panels may be authorised to exercise consent authority functions of councils)*: The development meets the criteria of Clause 6 under this schedule as a type of development (i.e. 'council related development') that has a CIV of more than \$5 million dollars (i.e. the proposed development has a CIV of \$35,000,000.00) and therefore, must be referred to the Joint Regional Planning Panel for determination. As such, the application will be determined by the Southern Joint Regional Planning Panel.

In summary, the proposed development does not conflict with the applicable provisions of the EPA Act.

- ii) *Environmental Planning and Regulation 2000 (EPA Regs)*: The clauses/matters contained in EPA Regs that could have relevance to this application are overviewed 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' (i.e. buildings for the servicing or maintenance of aircraft and includes the parking of helicopters). 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 (i.e. no flight movements on site). The locational requirements as specified in this section are not applicable as the development is not captured by the movement requirements. As such, Council staff's assessment has 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, the proposed development, subject to the imposition of conditions as detailed above, does not conflict with the applicable provisions of the EPA Regs.

- iii) *State Environmental Planning Policy (State and Regional Development) 2011 (SEPP 2011)*: The clauses/matters contained in SEPP 2011 that have relevance to this application are overviewed below:

- a) *Part 2 (State Significant development)*: The development does not trigger the requirements for state significant development as detailed in Schedule 1 of SEPP 2011.
- b) *Part 4 (Regional Development)*: The development is of a class or description included in Schedule 4A of the EPA Act (i.e. council related development over \$5 million dollars). As required by this Part, the Council consent functions are to be exercised by a regional panel, and as such, the application has been referred to the Southern Joint Regional Planning Panel for determination.

In summary, the processing of this application does not conflict with the applicable provisions of the SEPP 2011.

- iv) *State Environmental Planning Policy (Infrastructure) 2007 (SEPP 2007)*: The

clauses/matters contained in SEPP 2007 that have relevance to this application are overviewed below:

- a) *Clause 104 (Traffic-generating development)*: The development is not of a type that meets the size requirements specified in Column 2 or Column 3 of Schedule 3. As such, the application was not referred to Roads and Maritime Services (RMS) for comment in accordance with the requirements of this clause.

In summary, the proposal complies with the relevant provisions of the SEPP 2007.

- v) *State Environmental Planning Policy – Offensive and Hazardous Development (SEPP 33)*: The proposed development could be considered a 'potentially hazardous industry' as defined in SEPP 33, and as such, consideration has been given to the requirements of the SEPP. The *Hazardous and Offensive Development Application Guidelines* (2011) have been used to determine if a Preliminary Hazard Analysis (PHA) is required for the development/use. The following provides an assessment based on what the applicant has advised in relation to the various classes of materials being used/stored:

- o Class 2.1 (pressurised): 775 kilograms (Kg) of Class 2 pressurised (non LPG) substances will be kept on site. This is greater than the threshold of 100kg. Consideration has therefore been given to Figure 6 and the separation distances which outlines that they should be stored greater than 28 metres from the boundary. The applicant advising that these materials will be stored in the northern half of the Hazmat Store which is located at the southern end of the logistics building. This provides a separation distance of 30 metres minimum between the Class 2 substances and the nearest boundary. The above separation requirement to be conditioned on any development consent issued.
- o Class 2.1 (liquefied): 67.5Kg of Class 2 liquefied (non LPG) substances will be kept on site. This is under the threshold of 500kg.
- o Class 3: 1,158Kg of Class 3 substances will be kept on site which is under any of the screening thresholds for the different Class 3 substance types.
- o Class 8: 620kg of class 8 substances will be kept on site which is under any of the screening thresholds for the different Class 8 substance types.

Based on the above, Council staff's assessment has concluded that no PHA is required for the activity, and as such, the provisions of SEPP 33 do not impact upon the proposal. Any development consent issued should however be conditioned so as to constrain the maximum amount of materials stored within the buildings to the quantities as detailed in Table 2 of the Statement of Environmental Effects prepared by Cowman Stoddart Pty Ltd, Ref: 13/93, dated December 2013. In addition, a condition should be included that Class 2 pressurised (non LPG) items are to be stored a minimum of 28 metres from the closest boundary (i.e. only in the northern half of the Logistics Building Hazmat Store)/ must comply with the *Hazardous and Offensive Development Application Guidelines* (2011).

- vi) *State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)*: 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 works are proposed is contaminated. The applicant has provided a Stage 1 Preliminary Assessment as part of this application (Phase Contamination Assessment, prepared by URS Corporation Ltd). The assessment covered all land on which the development is proposed and included an analysis of the history of the land. Council staff's assessment, which has had regard for the URS assessment, has indicated that:

- Council records do not identify the site as potentially contaminated land;
- 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 and does not involve a change in use of land as specified by the requirements of SEPP 55;
- 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;
- There is no land use restriction relating to possible contamination affecting the land; and
- The URS assessment that was undertaken has indicated that the likelihood of soil and/or groundwater contamination is low and the site is suitable for the type of development proposed.

Having regard for the above, Council staff are of the opinion that further assessment is not required as there is no reason to suspect contamination. As such, 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.

vii) *Deemed State Environmental Planning Policy - Illawarra Region Environmental Plan (IREP)*: The clauses/matters contained in the IREP that have relevance to this application are overviewed below:

- a) *Maps attached to the IREP*: The subject land is not identified by the maps attached to the IREP as land containing rainforest vegetation, a wildlife corridor, land affected by a service corridor, land identified as a regional or sub-regional commercial centre, land containing coal resources, land potentially suitable for urban use, land of prime crop and pasture potential or land with landscape and environmental attributes. It is, however, identified as land within an airport buffer zone. The IREP does not contain any requirements for land within an airport buffer zone. These requirements (specifically Clauses 80 and 81) have been repealed from the IREP.
- b) *Clause 3 (Aims, objectives, etc.)*: The proposal does not conflict with the general aims and objectives as detailed in this clause;
- c) *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 building proposed on Lot 1 DP 1069677 has a maximum height of 16 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 provided comments 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 on Lot 1 is predominately setback 10m from the Wugan Street boundary of the site although at two points it is setback 5.5m. The two components with the 5.5m setback are articulated elements that have a height (i.e. 10 metres) which is less than the remainder of the building. The maximum height of the building of 16 metres which is 5m over the 11m height limit represents a variation 45%. Although this is a large variation, regard must be had for the intended buildings use which requires a building of the size proposed to accommodate the physical dimensions of the aircraft being maintained. The Wugan Street (western elevation) of the building uses a mix of materials that include metal panel cladding and polycarbonate cladding panels. The building also uses large vertical sunshade screens that provide another variation to the western façade. Overall, the height, scale and bulk of the building has regard for the buildings functional requirements/proposed use which results in the need for a larger building than what currently exists on the adjoining lots to the north and south. In terms of density the building footprint only occupies approximately 41% of the site area and therefore provides large setbacks to the other boundaries (i.e. approximately 25 metres to the north, 21 metres to the south and 29 metres to the east). 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 existing developed streetscape and is therefore, considered satisfactory in this regard.
- *The external appearance and materials used on the exterior of the proposed building:* The building's design given its length to the Wugan Street frontage (i.e. 101.6m) has incorporated some variation/articulation through the provision of two elements at either end of the building which protrude forward of the 10m setback. This has been used to improve the external appearance of the western façade. In addition, the use of glass and sunshade screens at one end of the building 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 utilises a mix of building materials and colours (silver, portico grey, charcoal, softsun, opal, shale grey and citi pearl). In terms of its external appearance, the development as proposed is considered satisfactory in this location.
- *The relationship of the proposed building to the streetscape or landscape:* The proposed building incorporates a setback which is less than adjoining developments to the north and south. It is important to note that Council does not have any adopted requirements in relation to front setbacks within the AATP. The proposed building given its intended use is consistent with the existing built character in

Wugan Street (i.e. buildings that provide aviation service industries). It is considered that the articulation which has been incorporated into the building's design at either end of the structure improves the building's relationship with the streetscape. The proposed development does incorporate space for landscaping along the Wugan Street frontage which is greater than what has been provided on adjoining lots as these areas have been used for car parking. It is considered that opportunities exist to provide additional tree plantings within the front landscaped area which 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 within the road reserve area. 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. Council staff believe 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 development's frontage (i.e. within the road reserve area) which will improve public amenity in that it will make a positive contribution to the streetscape. In addition, as this application relates to a development on Lot 1 and Lots 20 & 21 which are on opposite sides of Wugan Street, the applicant is proposing to provide a pedestrian path/linkage with its development site on the western side which will improve pedestrian amenity/safety as these two sites will be operating together.
- *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. 10 metres) and separation from adjoining buildings to the north (i.e. 35 metre separation) and building to the south (i.e. 24 metre separation) which is sufficient space to 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 some impact in terms of overshadowing of public places (i.e. the adjacent Wugan Street road reserve area). Given the use of this public place (i.e. a formed road reserve) no concerns are raised.
- *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 RANAS Nowra). 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 as the 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:* Based on finishes/colour schedule as noted on

the submitted plans, it is considered that the proposed external materials will have no adverse impact on the adjoining roads, public places or buildings. In addition, it is believed that the colours selected will have no impact in terms of reflections from the exterior of the building. Conditions can be included on any development consent issued so as to require all external surfaces to be non- reflective so as not to affect visibility and provide a visual distraction during day time hours.

Having regard for the above, Council staff are of the opinion that the proposed development on Lot 1 is reasonable in this location and concurrence in this instance has been granted by Tim Fletcher (Group Director, Planning and Development Services Group) to allow the proposed building to have a height greater than 11m.

Attachment 'D' provides a copy of the signed concurrence.

In summary, the proposal does not conflict with the relevant provisions of the IREP.

viii) Shoalhaven Local Environmental Plan 1985 - as amended (SLEP 1985): The clauses/matters contained in SLEP 1985 that have relevance to this application are overviewed below:

- a) *Clause 2 (Aims and objectives)*: The submitted proposal, based on the information provided, generally satisfies the aims as outlined in Sub Clause 1(a) to 1(c) and objectives as outlined in Sub Clause 2(a) to (w);
- 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 both development sites as suitable for 'public and airfield purposes'. The proposed development (aviation support facility containing aircraft hangers, workshop areas and office/administration facilities as well as a separate logistics building) is best categorised as 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 therefore a permissible land use with development consent in the zone. It is also considered to satisfy the objectives of this zone as the development and associated use is in accordance with the use identified on the LEP map;
- 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 'RANAS Nowra (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) and the nature of the new development currently under construction by the Department of Defence on the adjoining land to the east;

- d) *Clause 21 (Land of ecological sensitivity)*: The subject land is part identified as 'land/area of ecological sensitivity' (all of the original Lot 19 and part of Lot 1). 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. As the development site currently contains no existing vegetation, 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 proposed development is located in an area, which has sewer and water services/infrastructure, thereby satisfying the requirements of this clause. A sediment and erosion control plan and stormwater drainage plan have been submitted with the application. This incorporates both water re-use, on site detention (OSD) and associated pollution control devices. Council staff's assessment concluding that the proposed development, subject to the imposition of conditions in relation to sediment and erosion control implementation and implementation of on-site drainage infrastructure as outlined in the submitted stormwater management report and associated plans, will not adversely impact upon public health, surface water, groundwater or community amenity.
- f) *Clause 28 (Danger of bushfire)*: Council's mapping identifies that the subject site is bushfire prone. The applicant has provided a bushfire assessment as part of this application (Bushfire Risk Assessment, prepared by SET Consultants, dated 26 November 2013) which has looked at the applicable requirements in PBP 2006. Council staff have reviewed this and have concluded that the proposed works based on the location of buildings as shown on the submitted plan, slopes and adjacent vegetation types:
- Has a bushfire exposure level equivalent to BAL 12.5;
 - 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 and recommendations in the submitted Bushfire Risk Assessment;
 - Will increase the demand for emergency services, however, should not significantly decrease their ability to react to and control major bushfires;
 - Has been sited so as to provide adequate asset protection zones (APZ); and
 - Satisfies the objectives of PBP 2006 and has been designed to have regard for and will be able to satisfy the applicable requirements PBP 2006.

In addition, the application has been referred to the Rural Fire Service (RFS) for comment. The RFS advising that they had no concerns with the proposed development subject to the imposition of their recommended conditions on any issued

development consent. These relating to the maintenance of asset protection zones (i.e. Inner Protection Area), provision of adequate water services, suitable location of other services, design and construction requirements complying with Planning for Bushfire Protection 2006 (PBP)/ Australian Standard AS3959-1999 (Construction of buildings in bush fire prone areas) as well as landscaping to comply with PBP 2006.

- g) *Clause 33 (Height of buildings)*: The buildings proposed although described as two storey buildings, do have a height greater than two stories. Development consent is being sought from Council and therefore, the requirements of this clause are being satisfied.
- h) *Clause 37A (Notification of certain development)*: The submitted application was notified in accordance with Council's Community Consultation Policy. This is discussed in greater detail in Section 4 (Community Consultation) of this report;
- i) *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.
- j) *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 *AS2021-2000 Acoustic-Aircraft noise intrusion-Building siting and construction* (AS2021) and specifically the Building Site Acceptability Table has been undertaken. Additional details are provided in the report below;
- k) 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:
 - o The proposed development is considered to satisfy the requirements of an 'aviation related land use';
 - o Council is satisfied that the scenic integrity of Braidwood Road will not be impacted upon by the development and will be maintained; and
 - o 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.
- l) 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, the proposed development, subject to the imposition of conditions as detailed above, complies with the relevant provisions in SLEP 1985.

- ix) *Shoalhaven Local Environmental Plan 2014 (SLEP 2014)*: SLEP 2014 was notified on 8 April 2014 and legally commenced on 22 April 2014. The clauses/matters contained in SLEP 2014 that have relevance to this application are overviewed below:

- a) *Clause 1.8A (Savings provisions relating to development applications):* As this development application was made and was not determined before the commencement of this plan, the development application must be determined if the plan had not commenced. Consideration has however been given to the requirements of SLEP 2014 as part of Council staff's assessment of the submitted development application;
- b) *Clause 2.3 (Zone objectives and land use table):* The land where the works are proposed is zoned B7 (Business Park) .The proposed development/use is consistent with the objectives of the zone as it will provide employment opportunities (employment for 105 people) and provides facilities that meet the day to day needs of the workers of the area (aviation support services that will service the adjacent RANAS Nowra (Albatross) Military defence complex). The proposed land use is not listed as prohibited or development permissible without consent and is therefore, permissible with consent.
- c) *Clause 4.3 (Height of buildings):* The building proposed on Lot 1 has a maximum height of 16m and therefore, exceeds the 11 metre height limit required by this clause. Consideration has been given to the matters listed in Clause 4.6 (Exemptions to development standards) and, Council staff are satisfied, based on the information that has been submitted, that compliance with the development standard is unreasonable in the current circumstances, there are sufficient environmental grounds to justify the variation and proposed development will be in the public interest. The concurrence of proposed development will not have an adverse impact on visual amenity or public health and safety.
- d) *Clause 5.10 (Heritage conservation):* The development site is in the vicinity of one identified heritage item known as 'RANAS Nowra (Albatross) – Military defence complex and aviation museum'. Consideration has been given to the relevant matters listed in parts 4, 5 and 8 which are discussed in detail in other sections of this report. In summary, the proposed works will not have an adverse impact on a heritage item or place of aboriginal heritage significance;
- e) *Clause 7.8 (Flood Planning Land):* The 'Flood Planning Area' map does not identify the site as being flood affected. However, Council's mapping system identifies that the land could be subject to the discharge of a 1:100 ARI flood event and it is therefore, affected by this clause. Consideration has been given to the matters listed in part 3 of this clause and Council staff are of the opinion that the development will not adversely be affected by the concentrated flow of water as the existing ground levels at the site are significantly in excess of the Flood Planning Level (FPL) and the drainage design has incorporated on site storage of water (both for re-use and general on-site detention).
- f) *Development within the HMAS Albatross Military Airfield buffer area:* The applicant has provided a noise assessment as part of this application (Sikorsky – TLS Facility Development Application AS2021 Noise Assessment, prepared by WPS Acoustics, dated 29 November 2013) which has looked at the applicable requirements in AS2021. As the development is likely to be impact upon aircraft noise, the

requirements of this clause have been considered. Council has considered the criteria in AS2021 and the requirements set out in Table 2.1 of AS2021. The submitted noise assessment specifying design criteria which, if implemented, will satisfy the requirements of AS2012. Any development consent issued to be conditioned to require compliance with AS2012 and the submitted noise assessment.

In summary, the proposed development, subject to the imposition of conditions as detailed above, does not conflict with the aims and relevant provisions of SLEP 2014.

x) *Development Control Plan No.18 – Car Parking Code (DCP 18)*: The clauses/matters contained in DCP 18 that have relevance to this application are overviewed below:

a) *Car Parking Requirement Schedule*: The table below summarises the proposed development's 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 .	7,499m ² gross floor area	75 (74.99) car spaces.	152 car spaces in total.	yes
<i>Warehouse area</i>	1 car space per 300m ² .	2,946m ² gross floor area	10 (9.82)	152 car spaces in total.	yes
<i>Office/Administration Area</i>	1 car space per 40m ² .	986m ² gross floor area.	25 (24.65) car spaces.	152 car spaces in total.	yes
Total			110 (109.46)	152	yes

As outlined above, the submitted application proposes to provide in excess of the numerical requirements outlined in DCP 18. In addition, the development provides 5 motor cycle spaces. The number of car spaces proposed exceeding the anticipated number of staff which the applicant has advised will be 105 people. 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*: The car parking design and associated manoeuvring has been based on the Australian Standards (AS2890.1:2004 and AS2890.6:2009) not DCP 18. No concerns are raised with this as the elected Council has previously resolved that AS2890 can be used instead of DCP 18. No stack car parking is proposed with all car parking on site being readily accessible from the adjoining public road system. Some dead end aisles are shown, however these provide sufficient space for manoeuvring (i.e. blind aisle extensions). In addition, provision has been made in all the car parking areas for vehicles to enter and leave in a forward direction. Requirements in relation to the provision of car parking as shown on the submitted car parking plan and associated line marking of the spaces (i.e. marking of turning bay

area, marking of individual spaces, signage, etc.), to be conditioned on a development consent.

- c) *Access:* Access to the building on Lot 1 (helicopter maintenance building) is proposed off Wugan Street with two access points being provided. The access point in the vicinity of the site's northern boundary is a combined entry/exit point and allows for general vehicular and service vehicle access. A secondary access point is also proposed in the vicinity of the southern boundary however, the applicant has advised that this access will only be available for use by emergency vehicles. A sliding gate is shown on the plans at this access point to restrict its use. All access provided to this building allows for vehicles to enter and leave the site in a forward direction and maintains sufficient site distances in accordance with AS2890.1. In addition, the amended plans ensure the northern access point does not impact on the adjoining property to the north (No.11 Wugan Street) with sufficient separation being provided.

Access to the building on Lot 20 (logistics/warehouse building) is proposed from both Wugan Street and Garadi Street. All vehicles (cars and service vehicles) to enter the site from the Garadi Street access point with cars being able to exit the site via both Garadi Street and Wugan Street. Service vehicles will be required to travel one way through the site and exit at Wugan Street. All access provided to this building allows for vehicles to enter and leave the site in a forward direction and maintains sufficient site distances in accordance with AS2890.1.

- d) *Manoeuvrability and service areas:* An assessment of the manoeuvrability in the internal car parking areas on both sites for cars has indicated that it complies with the requirements of AS2890. In terms of delivery vehicles, the development has been designed to accommodate a 19m service vehicle (i.e. semi-trailer). Defined loading areas have been shown on the submitted plans for both buildings as well as a waiting area for a semi-trailer adjacent to the western boundary of the logistics/warehouse building. Swept paths for a semi-trailer have been provided and indicate that all service vehicles will be able to manoeuvre into and out of each site in a forward direction. No concerns are raised with the location of the designated loading/service area or the ability for delivery/service vehicles to access the garbage storage area and the designated service area.
- e) *Drivers with a Disability:* Six disabled car parking spaces are shown on the submitted plans (two within Lot 1 and four within Lot 20). This is above the requirements of DCP 18. The spaces proposed are located in close proximity to the buildings entry points and have been sized to comply with AS2890.6:2009. Requirements in relation marking/ identification of the spaces to be conditioned on any development consent 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. Specific conditions in relation to the construction requirements to be included on any development consent issued.
- g) *Miscellaneous Requirements:* The applicant has provided some details in the information submitted with the application to confirm with Council staff that appropriate

access signage, car space markings, lighting of the car park area are to be provided. Requirements in relation to the above to be conditioned on any development consent issued;

- h) *Landscaping*: A concept landscape plan submitted with the application shows landscaping around the perimeter of the car parking and service area on Lot 1. In addition, a number of shade trees are proposed within the car parking area for the logistics/warehouse building on Lot 20. Council staff are of the opinion that additional landscaping (i.e. the provision of shade trees) needs to be provided around the perimeter of the internal car parking area on Lot 1 (in the area adjacent to the northern boundary). Having regard for the above comments, the overall landscaping proposed is sufficient and will provide additional screening so as to assist in softening the visual appearance of the building, associated car parking areas and further assist in incorporating the works into the natural environment. Requirements in relation to landscaping including the provision of additional shade trees in Lot 1, details on pot sizes and quantities to be conditioned on any development consent issued.

In summary, the proposal, subject to the imposition of conditions as outlined above, does not conflict with the aims of DCP 18 and the provisions of the relevant Australian Standards.

- xi) Development Control Plan 82 – A Signage Strategy: The submitted plans provide some indicative locations for future signage. The applicant has however outlined that further approval for signage will be obtained in the future. No concerns are raised with this approach. Any development consent issued to be conditioned that no signage other than what is considered to be exempt from requiring development consent under a State Environmental Planning Policy or Development Control Plan is approved as part of this development application.
- xii) Development Control Plan 93 - Controls for Waste Minimisation and Management (DCP 93): A waste minimisation and management plan (WMMP) for the construction and on-going use of the proposed development has been submitted with the development application. Each aspect is further discussed below:
 - a) *Construction Waste*: The WMMP identifies each of the main waste materials that will be generated during the construction phase, quantities and some disposal locations. This including the reuse as well as recycling. Council staff are of the opinion that this component of the submitted plan is satisfactory subject to the identification of the specific locations where materials will be taken. This requirement as well as requirements in relation to construction waste management (i.e. compliance with the submitted plan) to be conditioned on a development consent.
 - b) *On-going Waste*: The WMMP has calculated the ongoing waste requirements based on the 'Best Practice Guide for Waste Management'. Based on this, the total development will be serviced by five x 6 cubic metre garbage bins (two for food/general waste, 2 for recyclable cardboard waste and one for other recyclable waste such as glass, cans, metals and plastics. The bins to be located within a defined screened waste areas within each site. Each site having the ability to hold 3 bins. The waste storage areas are of a sufficient size and are proposed to be

screened from public view. With reference to liquid and other commercial waste (oils and lubricants), an area has been set aside within the helicopter maintenance building for the storage of these wastes which is of sufficient size. Council's Waste Management Officer has raised no concerns in relation to the proposed on-going waste management and with the applicant's assessment of waste to be generated by the use and waste disposal methods as summarised above. Requirements in relation to waste associated with the ongoing operation being contained on site and disposed of in accordance with the waste management arrangements as detailed in the submitted WMMP and screening of the waste areas to be conditioned on any development consent issued.

Having regard for the above, the proposed development subject to the imposition of conditions, does not conflict with the aims and relevant provisions of DCP 93.

- xiii) Shoalhaven Contribution Plan 2010: The provisions of Council's Section 94 Contribution Plan apply to the development. Having regard for the works proposed, the following Section 94 projects are relevant to the application:

- a) CW FIRE 2001: Citywide Fire & Emergency Services;
- b) CW FIRE 2002: Shoalhaven Fire Control Centre; and
- c) CWMGMT 3001: Contributions Management and Administration

The total monetary contribution applicable to the development is \$18,139.86 (calculation based on the floor space of the development which equates to 55.42 Equivalent Tenements for the fire and administration projects). 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 applications assessment and has confirmed that as the site has been cleared of vegetation and as 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: Each of these issues is discussed separately below:
 - a) Noise: Noise is expected to be created during construction period. The generation of noise during construction is considered to be acceptable as it is expected that it will be for a short timeframe. However, any consent issued should be conditioned to manage/control construction noise generated to minimise its impact on adjoining landowners.

As the site is adjacent to an airfield, long term noise for the development's occupants has the potential to be an issue. This has been addressed in the noise impact assessment submitted with the current application. Given the site's location, it is affected by 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 ongoing noise impacts on adjoining development, no concerns are raised. Any development consent issued, to be conditioned so as to manage/control the ongoing noise generated so that noise in connection with the use of the premises does not cause 'Offensive Noise' as defined in the Protection of the Environment Operations Act 1997. In addition, any consent should require the mitigation measures as identified in the applicant's noise report to be implemented and compliance certified prior to issue of an Occupation Certificate.

No information has been provided with the application on the impact of noise from the development on residential receivers. The closest residential receiver is located approximately 700m (196 Braidwood Road) and 1.8km (810 Parma Road) from the site. The applicant has, however, advised that the maintenance of helicopters will not involve the starting up of engines within the facility. As such, Council staff consider the development will have less impact upon on residential receivers than the adjacent airfield and further noise assessment to address this issue is not considered necessary.

- b) *Odour*: It is not anticipated that the proposed development will create an unacceptable odour problem. Any development consent issued will, however, be conditioned so as to require no offensive odour being generated.
- c) *Dust*: Dust has the potential to be an issue during the construction process. To minimise the impacts of dust during the construction period, any issued development consent will be conditioned to require dust suppression measures to be implemented. This including, but not limited to, the spraying down of vehicles and trafficable areas, installation of shade cloth along the site's development/disturbed area.

iii) *Context and Setting*: The proposed buildings, given their intended use do present as

large structures and could be considered to be bulky structures with limited articulation of their main facades. Both structures do however, incorporate sufficient detail in their elevations to provide some visual interest. This detail including some mix of materials and colours, the use of windows and horizontal elements which assist in reducing building bulk. A comprehensive colour and building materials schedule has been provided and no concerns are raised given the location of the building.

While it is recognised that the sites are not themselves in a visually prominent locality in a regional context, the sites are visible from the adjoining road network and from nearby properties in the local context. Based on the plans provided, both buildings when viewed from adjoining land or at a distance should not be visually prominent. Council staff are therefore of the opinion that the overall design of the development is satisfactory in terms of its context and setting. In addition, Council staff are of the opinion that the materials and colours proposed are appropriate to the local landscape, do not strongly contrast with the background environment and should not be highly reflective. Any development consent issued to be conditioned that the building be constructed using the external materials and colour scheme as submitted with the development application, require the provision of additional landscaping along the Wugan Street frontage of the development on Lot 1 and require that all external surfaces (i.e. for both buildings) are to be non-reflective so as not to affect visibility and provide a visual distraction to the users of adjoining lands (i.e. pilots) during day time hours.

- iv) Traffic and access: The proposed development will increase the number of vehicles utilising the adjoining road network (i.e. specifically Wugan Street and Garadi Street). As there is no public transport to the site, it is expected that almost all employees (estimated at 105 people) will arrive by car as well as there being a number of additional truck movements (estimated at approximately 10 per day). The increase in traffic (both car and truck) is considered acceptable and is capable of being handled by the existing road system. Sufficient site distances exist at both site's access points to enable safe entry and exit from the site for cars and trucks.

In terms of pedestrian access, as the majority of car parking to service the development is to be provided on Lot 20, there will be an increase in the number of pedestrian movements across Wugan Street to Lot 1. The applicant is proposing the installation of a concrete path with kerb ramps, hand rails and no stopping signs on each side of Wugan Street so as to provide a defined crossing point for pedestrians/users of the development. Council staff have no concerns with this, provided details designs are submitted to Council for approval prior to the commencement of works in the road reserve, and details relating to new regulatory signs within the road reserve being provided to Shoalhaven City Council's Traffic Committee for comment/approval prior to their installation. Requirements in relation to the above to be conditioned on any development consent issued.

- v) Economic/Social Impacts: In terms of economic impacts, the proposed development will have a positive impact both during the construction phase through the creation of construction jobs, although these will be short term, and post construction through the provision of additional employment opportunities to the local community and wider area (both on site jobs and economic benefits for those businesses that provide goods and or services to the development's operator). The applicant advising that the development will

create 105 full time permanent positions once it is operational. It is not anticipated that the proposed development will have any adverse social impacts.

The suitability of the site for the development

The site is considered suitable for the proposed development with regard to zoning/ permissibility, surrounding land uses, and topographical constraints. It is not subject to any constraints that would restrict and/or prohibit the development of the site or have an adverse impact on adjoining lands sufficient to facilitate the current application's refusal. In addition, the proposed development will not adversely impact the physical environment and provides a social and economic benefit which outweighs any potential negative impacts. As such, Council staff are of the opinion that the site is suitable for the proposed development.

Any submissions made in accordance with the Act or the regulations

Submissions from the general public and public authorities are discussed separately below:

- b) The Public: In accordance with Council's Community Consultation Policy, the development application when received was notified as is outlined in Section 4 (Community Consultation) of this report. A summary of the issues raised in the submissions received and associated comments from Council are provided below:
- *Location of the northern driveway*: Concern has been raised about the location of the northern access point into Lot 1 as shown on the original plans. The concern being that the driveway in this location may create confusion and lead to accidents given its proximity to the existing driveway for the development to the north (11 Wugan Street). The applicant has acknowledged this concern and has amended the design so as to reposition the driveway further to the south. A separation of approximately 14m at the property boundary is now provided. Based on the information that has now been submitted by the applicant, Council staff do not believe that the driveway location as shown on the amended plans will create a safety problem.
 - *Taxiway Clearances*: Concern has been raised about the setback of the development on Lot 1 to the adjoining taxiway and compliance with CASA requirements. Specifically, the hardstand apron, fence and water tanks on Lot 1 DP 1069677 infringe the taxiway strip requirement by approximately 2 metres. The submission received indicating that the clearance for a Category B taxiway should be 21.5m. Council staff, based on advice received, have formed the opinion that the CASA standard (Chapter 1) is clear as the standards are for "the travelling public" (1.1.1.1) and for conducting air transport operations under CASR Part 121A and Part 121 B (1.1.1.2). As the taxi way is used for aircraft moving to a maintenance facility and those aircraft are engaged for defence purposes they are not passenger aircraft so the standards are not mandatory.

In addition, the Restriction as to User (DP 1069677) on Lot 1 is 5 wide. When added to the distance of property to centreline of Taxiway (14.5m) becomes 19.5m. This is 50% of the 39m CASA standard to which this taxiway was built for a Category B aircraft. The standard has been upgraded to now require a 43m wide taxiway (or 21.5m from centreline as referenced by the objector). CASA has advised that as the taxiway was built under the former standard it is compliant (refer to Manual of

- *Compliance with the Building Code of Australia (BCA):* Concerns has been raised about both buildings no compliance with vehicle access requirements for large isolated buildings under the BCA. Specifically, the need to provide a 6m unobstructed vehicle access. The applicant has advised Council that their BCA consultants have reviewed the amended plans and will be addressing the issue as an alternative solution with this to be done in consultation with the NSW Fire Brigade. As Council has not been nominated as the Principal Certifying Authority (PCA) or requested to issue a Construction Certificate, no detailed assessment against the requirements of the BCA have been undertaken as part of this applications assessment. This is to be undertaken by the applicant's PCA.
- *Building bulk, height and setback:* Concern has been raised about the building on Lot 1. Specifically its height (larger than existing buildings) and setback from Wugan Street (less than adjacent buildings). In relation to setbacks, Council does not have any specific policy/requirements for a buildings front setback on the subject land. With reference to the height of the building on Lot 1, it has been designed having regard for its intended use (i.e. has been designed to accommodate the physical dimensions of the aircraft that will be maintained within it in a safe working environment). No concerns are raised by Council staff. The issue of the size of the building on Lot 1 is discussed in detail above under the heading Deemed State Environmental Planning Policy – Illawarra Region Environmental Plan.
- *Waste Management:* Concern has been raised with the amount of detail provided, specifically how the excavated material will be dealt with and how the ongoing waste generated by the development will be managed. The applicant has submitted a more detailed waste minimisation and management plan. With reference to construction waste, no concerns are raised with any development consent issued to be conditioned to comply with the waste measures proposed as well as requiring all excavated waste to only be taken off site to facilities/sites that have prior approval (i.e. development consent) to accept that material. In terms of ongoing waste management, sufficient space has been provided on both sites to cater for estimated waste generated. In terms of liquid waste, a storage area has been provided which will be serviced by a suitably qualified service contractor. Based on the information that has now been submitted by the applicant, Council staff have no concerns with waste management subject to conditions as detailed above.
- *Height of exhaust stacks:* Concern has been raised with the height of the proposed exhaust stacks that come from the paint booth and there compliance with *AS4144 Spray painting booths, designated spray painting areas and paint mixing rooms* and the applicants use of *AS1668.2:2012*. The applicant has subsequently advised that the exhaust stacks have been designed in accordance with *AS4144*, specifically Section 4.4.1 and 4.4.3 which in part requires the discharge 3m above the building roof. Council staff have no concerns with the development's compliance with *AS4144* and any development consent issued will be conditioned to require compliance with *AS4144* including associated approval from the Department of Defence.

- *Distribution of car parking between both sites:* Concerns has been raised about the distribution of car parking between both lots with the majority of car parking to service Lot 1 being contained on Lot 20 and the need for there to be a mechanism in place to ensure there is a permanent allocation of car parking on Lot 20 to service Lot 1. The applicant advising that the amended plans have increased the car parking on Lot 1 from 15 to 35 car spaces. They have also advised that they propose to use a Section 88B restriction to ensure that the parking provided will be available to the occupants of Lot 1. The Section 88B restriction is discussed in greater detail in the report below.
 - *Car parking does not comply with DCP 18:* Concern has been raised that the car parking spaces do not comply with DCP 18 in terms of their width. Council has previously resolved that car parking design for developments can either be provided in accordance DCP 18 or AS 2890.1:2004 and AS2890.6:2009 (i.e. one or the other not a mixture of both). The current car parking design complies with the relevant Australian Standards. Any development consent issued will be conditioned to require compliance with AS2890.1:2004 and AS2890.6:2009.
- i) Public Authorities: A submission has been received from the RFS and Department of Defence. Both submissions are discussed in greater detail in Section 8 (Referrals) of this report.

The public interest

The development, as proposed, should not have a detrimental impact upon either the public interest or interests of any level of government. There are no known Federal and State Government policy statements that have relevance to this application. The proposed development, based on the information provided, is not expected to have any significant negative impact on the environment, the amenity of the locality or public health/safety. As such, it is considered that the works proposed are in the public interest.

7. Other Issues:

- a) Drainage: A storm water management plan for both the construction and post construction phase of the development has been provided with the application (Stormwater Management Report, S131110-RPT-SAS-2013-12-13-1.01, prepared by: Brown, dated 16.12.13 - Issue B). For the construction phase, all water from the disturbed area of each site is proposed to be diverted to a sediment basin or basins within each site. The settlement of finer particles will be accelerated by the use of a flocculating agent. The water then passing through a filter before being discharged to existing street drainage. Council staff have no concerns with this approach with any development consent issued to be conditioned so as to require compliance with the above.

With reference to post construction drainage, the design submitted indicates that storm water from the development's roofed areas will be harvested for re-use and stored in a 55 kilolitre tank on the maintenance facility site and a 16.5 kilolitre tank on the logistics facility site. This water to be used within the building (i.e. toilets) and for irrigation of site landscaping works. In addition, each site will incorporate On-Site Detention (OSD) to ensure runoff discharging into Council's storm water drainage system is less than the pre development runoff for all storms up to the 100 year ARI design storm event. It being

estimated that OSD storage for the maintenance facility will be 50 kilolitres and for the logistics facility will be 15 kilolitres. The submitted drainage design has also incorporated pollution devices to ensure water leaving the site is of a suitable quality. The submitted design proposing the installation of three gross pollutant traps such as a Humeceptor (two at the logistics facility site and one at the maintenance facility site). The above devices being able to remove litter, oil, grease, suspended solids, nutrients and sediment. In addition, the spillage of contaminants or hazardous materials will be contained by bunding for spillage within the buildings and the gross pollutant traps for external pollutants. During fire situations specifically within the maintenance facility building which will have a foam fire suppression system, a below ground tank will be used to capture all flows. Requirements in relation to the provision of drainage infrastructure in accordance with the submitted storm water management plan, general OSD requirements relating to construction and requirements relating to maintenance to be conditioned on any development consent issued.

- b) Aboriginal Land Claim: Council mapping 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.
- c) Aboriginal Cultural Heritage: No known Aboriginal heritage items are known to be on the land. This development site and adjoining land have been significantly disturbed by the development of the approved subdivision and the associated development of each lot created. A basic AHIMS search undertaken by the applicant did not return any known sites or places. Any development consent issued should, however, be conditioned that if Aboriginal objects are identified during the construction process, all works are to stop, a suitably qualified archaeologist engaged and the find must be reported to the NSW Office of Environment and Heritage.
- d) Landscaping: A concept landscape plan for both sites has been submitted with the application. Concern is however raised that the submitted landscape plans do not provide sufficient detail on number of plants proposed, trees proposed are not of a sufficient pot size, no street trees are provided and the plans do not identify the location of taps/irrigation systems to allow all landscaped areas to adequately watered. In addition, any landscaping within the existing sewerage easements that affect Lot 20 will need to be a suitable plant species (i.e. that do not have invasive roots). Any consent issued to be conditioned so as to require the above to be incorporated into an amended landscape plan prior to the issue of a Construction Certificate. This including all proposed trees to be a minimum of 45 litre pot size, the requirement for street trees along the site's frontages within the road reserve as well as within the frontage of Lot 1 and details of plant species to be used within the sewerage easement areas to be landscaped (i.e. in accordance with Shoalhaven Waters document '*Keeping Plant Roots out of Your Sewer*').
- e) Fencing: Fencing location details have been provided on the submitted plans. With reference to the street frontages, this indicates that fencing is to be provided along the Wugan Street frontages of both sites. No fencing is shown on the plans along the Garadi

Street frontage. New fencing is also proposed along the side boundaries of both properties. The fencing proposed along these frontages is a Leda 'Redfern' security steel fence which is a vertical steel bar fence. No concerns are raised with this fencing. Any development consent issued to be conditioned that fencing provided along the Wugan Street frontage and Garadi Street frontage of the development shall be open form powder coated fencing (i.e. no chain wire fencing).

- f) Land Owner's Consent: The application as submitted has provided consent from the owner of the property (Shoalhaven City Council – Paul Dorahy, Business and Property Manager) in the form of a completed owner's declaration on the development application form. No concerns are therefore raised with land owner's consent.
- g) Easements/Restrictions on the use of the land: A review of the Deposited Plans (DP) and associated Section 88B instruments for the subject properties has indicated that the subject land is affected by a number of easements and restrictions on the use of the land. Each property is discussed below:

Lot 1 DP 1069677

- Easement for drainage of water and sewage: This easement is adjacent to the lots 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 that would interfere with this easement apart from the provision of an access point from the adjoining taxiway and the replacement of the existing storm water pipe that runs along the eastern boundary of the site. With reference to the proposed works, the Shoalhaven Water Development Application Notice that would be issued with any development consent has addressed this issue by requiring the developer to ensure any works associated with access or drainage do not adversely impact upon the existing Shoalhaven Water assets in this easement (e.g. unsatisfactory cover over water main, below minimum offset or general conflict) with the plans for this work to be submitted to Shoalhaven Water for approval prior to issue of a Construction Certificate. Having regard for the above 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 lot'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 restriction. This restriction relates to CASA requirements and in summary makes the area of the restriction part of the adjoining taxiway. The submitted application proposes no buildings within the area of the restriction. However, the amended plans show improvements (including fencing) and therefore, does not comply with the requirements of this restriction as to user. Any consent issued will be conditioned to require compliance with the requirements of this restriction as to user (i.e. relocation of the fencing clear of the restriction as to user, retaining wall height within the area of the restriction complying with CASA requirements or being relocated clear of the area of the restriction).

Lot 20 DP 1194689

- Easement for drainage of sewage: This easement is adjacent to the lots northern boundary and is a maximum of 3 metres wide. The submitted application proposes no new works that would interfere with this easement apart from the provision of an access point from Garadi Street and landscaping. It is considered that these works do not conflict with the requirements of this easement, however landscaping within the area must be in accordance with the species listed in Shoalhaven Water document 'Keeping Plant Roots out of Your Sewer' or other species approved by Shoalhaven Water. Any consent issued will be conditioned accordingly.
 - Easement for drainage of sewage: This easement is adjacent to the lots eastern boundary and is 3 metres wide. The submitted application proposes no new works that would interfere with this easement apart from the provision of an access point from Wugun Street and landscaping. It is considered that these works do not conflict with the requirements of this easement, however landscaping within the area must be in accordance with the species listed in Shoalhaven Water document 'Keeping Plant Roots out of Your Sewer' or other species approved by Shoalhaven Water. Any consent issued will be conditioned accordingly.
- h) Section 88 Restriction: The applicant is no longer proposing to consolidate both parcels of land (this being proposed when the application was originally lodged). The applicant now seeking to place a Section 88B restriction on the title of Lot 20 to ensure that the provided car parking is available to the occupants of Lot 1. Council staff raise no concerns with this approach as it will enable the users of Lot 1 to legally park on Lot 20. However, the Section 88B restriction must be worded so that it states that the party with the right to release or vary the restriction is Shoalhaven City Council and the owner of Lot 1 acting jointly and specify the number of car spaces provided in Lot 20 DP 1194689 to benefit Lot 1 DP 1069677. As such, any development consent issued will be conditioned so as to require a Section 88B restriction on the title of Lot 20 as detailed above to be created, with the developer to consult with Shoalhaven City Council to determine the requirements of the 88B restriction prior to its registration.
- i) Safety and Security: As per the requirements of Council's Safer by Design Guidelines, consideration needs to be had for 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. This assessment has determined that the design of the building has ensured that elevations, where possible, have been activated through the use of windows which will allow the passive surveillance of the adjoining areas. In addition, the public access points to the buildings are clearly defined, with the grounds surrounding the building being designed so they are visually open and providing a good visual connection between the building and the adjacent areas that will be used by occupants and visitors. Details on lighting to be provided indicate that lighting will be limited to low impact lighting in the constructed car park area that will be a mix of pole mounted lights as well as wall mounted lights. Access to the majority of the development, given its intended use, is controlled with security gates. In terms of territorial reinforcement, access, space management and surveillance opportunities, the proposed development has been classified as having 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 and supporting information submitted with the application to minimise the potential risk of crime and/or anti- social behaviour.

- j) Energy Efficiency: The submitted application is accompanied by a LEED Certification report. The LEED Certification system is a third-party certification program that recognizes best-in-class building strategies and practices. It is intended to assist in lowering operating costs, reducing greenhouse gas emissions and improve the health and wellbeing of occupants. The submitted design achieves a 'certified' threshold for the logistics facility building (lowest level of certification) and a 'silver' threshold for the maintenance facility building (second lowest level of certification). A condition that the development shall target the design ratings as detailed in the submitted LEED Certification report to be included on any development consent issued.
- k) 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.
- l) 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:

- Development Engineer: No objection to the amended plans subject to the imposition of recommended conditions relating to design standards for access works and car parking, drainage, erosion/sediment control and construction management.
- Building Surveyor: No objection to the amended plans subject to the imposition of conditions relating to need for a Construction Certificate, Building Code of Australia compliance and Section 68 requirements. No detailed Building Code of Australia (BCA) assessment undertaken as Council has not been nominated as a Principal Certifying Authority.
- Environmental Health Officer: No objection to the amended plans subject to the imposition of conditions relating to the storage and handling of materials including dangerous goods and bunding requirements.
- Shoalhaven Water: No objection to the amended plans subject to the imposition of a condition on any consent issued relating to the requirements of Shoalhaven Water being complied with and the provided Shoalhaven Water Development Application Notice being issued concurrently with any development consent issued.
- Waste Management Officer: Concerns initially raised with information provided relating to the ongoing use of the premises and how waste will be managed. Amended information re-referred for comment. No objection raised and no conditions recommended.

External:

- NSW Rural fire Service (RFS): No objection to the amended plans and suggested conditions in relation to asset protection zones, water/utilities, access, design/construction and landscaping.
- Department of Defence (DOD): No objection to the amended plans subject to conditions. The advice provided also advised that the site is subject to building height controls that protect airspace near HMAS Albatross and that a Defence (Air Control) Regulation approval required (i.e. the current approval issued by the DOD based on the originally submitted plans is no longer relevant). .
- Endeavour Energy: Advice provided that once the installation of a new distribution feeder is complete (currently being undertaken by Council as part of the subdivision), there will be sufficient capacity to handle the proposed development.

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; 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. RA13/1003 (2014STH003) should be supported subject to suitable conditions being imposed on any issued development consent.

11. Recommendation

RECOMMENDED that, in respect of RA13/1003 (2014STH003) for 'Aviation support facilities', the application be approved as an operational development consent subject to conditions as contained in **Attachment 'A'**.



Signed: Andrew Lissenden
Senior Town Planner
Shoalhaven City Council
Date: 13/05/14



Robert Russell
Development Manager,
Shoalhaven City Council
Date: 13/05/14

Attachment 'A'

NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION DEVELOPMENT CONSENT

Environmental Planning and Assessment Act, 1979 RA13/1003

TO:

Jones Lang LaSalle
GPO Box 721
CANBERRA CITY ACT 2601

being the applicant(s) for RA13/1003 relating to:

Lot 1 DP 1069677 (Wugan Street) and Lot 20 DP1194689 (11 Garadi Street), Yerriyong.

APPROVED USE AND OR DEVELOPMENT:

Aviation support facilities comprising two (2) buildings (a logistics warehouse and a helicopter maintenance facility), landscaping and associated infrastructure.

DETERMINATION DATE:

Pursuant to the Section 81 of the Act, notice is hereby given that the above application has been determined by granting partial development 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 to an aviation support facilities comprising two (2) buildings (a logistics warehouse and a helicopter maintenance facility), landscaping and associated infrastructure as illustrated on the plans, specifications and supporting documentation with the following references:
 - Statement of Environmental Effects(Proposed Aviation Support Facilities including Logistics Warehouse and Helicopter Maintenance Facility), prepared by Cowman Stoddart Pty Ltd, Ref: 13/93, dated December 2013;
 - PSP STLS A-001 (Drawing List and Location Plan), Revision A/14 March 2014;
 - PSP STLS A-005 Site Plan Demolition), Revision A/14 March 2014;
 - PSP STLS A-010 (Site Plan), Revision A/14 March 2014;
 - PSP STLS A-100 (MRO Floor Plan Ground Level), Revision A/14 March 2014;
 - PSP STLS A-101 (MRO Floor Plan Level 1), Revision A/14 March 2014;
 - PSP STLS A-110 (MRO Carpark Plan), Revision A/14 March 2014;
 - PSP STLS A-120 (MRO Landscape Plan), Revision A/14 March 2014;
 - PSP STLS A-200 (Logistics Floor Plan), Revision A/14 March 2014;
 - PSP STLS A-210 (Logistics Carparking Plan), Revision A/14 March 2014;
 - PSP STLS A-220 (Logistics Landscape Plan), Revision A/14 March 2014;
 - PSP STLS A-300 (MRO Elevations Sheet 01), Revision A/14 March 2014;
 - PSP STLS A-301 (MRO Elevations Sheet 02), Revision A/14 March 2014;
 - PSP STLS A-302 (Logistics Elevations), Revision A/14 March 2014;
 - PSP STLS A-303 (Logistics & MRO Street Elevations), Revision A/14 March 2014;
 - PSP STLS A-400 (MRO Sections), Revision A/14 March 2014;
 - PSP STLS A-401 (Logistics Sections), Revision A/14 March 2014;
 - Drawing No H002 (Hydraulic Services Schematics-MRO Sprinkler Discharge Containment Strategy), dated 3/12/13 (Rev: P1);
 - Job No:S131100, Drawing No.C0-00 (Drawing List and Locality Plan), dated: 17/12/13 (Revision B);
 - Job No:S131100, Drawing No.C1-10 (Erosion and Sediment Control Plan Sheet 1 of 2), dated: 13/12/13 (Revision A);
 - Job No:S131100, Drawing No.C1-11 (Erosion and Sediment Control Plan Sheet 2 of 2), dated: 13/12/13 (Revision A);
 - Job No:S131100, Drawing No.C1-15 (Erosion and Sediment Control Notes and Details), dated: 13/12/13 (Revision A);
 - Job No:S131100, Drawing No.C1-70 (Earthworks Cut and Fill Plan-Maintenance Facility), dated: 17/12/13 (Revision A);
 - Job No:S131100, Drawing No.C1-71 (Earthworks Cut and Fill Plan-Logistics Facility), dated: 17/12/13 (Revision A);
 - Job No:S131100, Drawing No.C3-60 (Stormwater Catchment Plan-Maintenance Facility), dated: 13/13/13 (Revision A);
 - Job No:S131100, Drawing No.C3-61 (Stormwater Catchment Plan-Logistics Facility), dated: 17/12/13 (Revision B);

- Job No:S131100, Drawing No.C3-71 (Traffic Signs and Pavement Marking-Logistics Facility), dated: 13/12/13 (Revision A);
- Job No:S131100, Drawing No.C3-70 (Traffic Signs and Pavement Marking Plan-Maintenance Facility), dated: 13/13/13 (Revision A);
- Job No:S131100, Drawing No.C4-20 (Stormwater Drainage Details), dated: 13/12/13 (Revision A);
- Job No:S131100, Drawing No.C4-30 (Onsite Detention Tank Details), dated: 13/12/13 (Revision A);
- Job No:S131100, Drawing No.C4-50 (Stormwater Drainage Plan-Maintenance Facility), dated: 13/12/13 (Revision B);
- Job No:S131100, Drawing No.C4-51 (Stormwater Drainage Plan-Logistics Facility), dated: 17/12/13 (Revision B);
- Bushfire Risk Assessment (Ref: 1030827), Prepared by SET Consultants, dated: 26 November 2013;
- Stormwater Management Report (Ref: S131110-RPT-SAS-2013-12-13-1.01), Prepared by: Brown, dated 16.12.13 (Issue B);
- Traffic, Parking and Accessibility Assessment (Project No: S1311100), Prepared by: Brown, dated 16.12.13 (Issue 2);
- LEED Overview for DA Submission (Project No: SYD1335200), Prepared by: WSP, dated 03/12/2013 (Revision 2);
- Development Application AS2021 Noise Assessment (Project No:ACG1310700), Prepared by: WSP, dated: 2013-11-29;

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 use of the aviation support facilities comprising two (2) buildings (a logistics warehouse and a helicopter maintenance facility) shall not commence until all relevant conditions of development consent have been met or unless other satisfactory arrangements have been made with Shoalhaven City 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 E (Conditions that must be complied with before an Occupation Certificate can be issued or building occupied) 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 (i.e. construction of dust extractor) 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.
 - ***If appointment as PCA, Shoalhaven City Council WILL NOT INSPECT any building work unless evidence of indemnity insurance has been provided. A copy of the Certificate of Insurance will suffice.***

Supervision of Works

6. Prior to the commencement of any works, Shoalhaven City 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. This must include the provision of a 24 hour contact number for the designated person/company.

Sign – Supervisor contact details

7. Prior to the commencement of any building works, the person/company responsible for the construction of all works must erect a sign at the front of the property/sites in a visible position with that person/company's name, license number, site address and contact number, and the name of the Principal Certifying Authority, accreditation number and telephone number, where the Principal Certifying Authority is not the Council.

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

Builders' Toilet

8. 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.

Fencing

9. The building site/area where construction works are being undertaken is to be fenced (in accordance with WorkCover requirements) prior to the commencement of construction with a fence suitable to keep members of the public and unauthorised people out.

Furthermore, any fencing and structures located adjacent to the eastern property boundary of Lot 1 DP1069677 must be positioned so as not to encroach upon the 5 metre wide Restriction as to User registered under DP1063290.

Existing services/damage to public assets (all stages)

10. Prior to the commencement of any work(s) associated with this development, the developer or their agent must:
 - a) Check that the proposed works are not affected by or do not affect any Council, electricity, telecommunications, gas service or other services. All services, existing and proposed, above or below ground are to be shown accurately on the engineering plans including longitudinal sections with clearances to proposed infrastructure clearly labelled. 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) Undertake a site inspection and document any evidence of damage to the public assets prior to commencement of work. A copy of the inspection documentation is to be provided to Council prior to the commencement of works. Failure to adequately identify existing damage will result in all damage detected by Council after completion of the work being repaired at the developer's expense.

Soil and Water Management

11. Prior to the commencement of any works, the relevant sedimentation and erosion controls required by this consent must be implemented, inspected and approved by the PCA and maintained until the work is completed and the site stabilised.

Construction Management Plan (Traffic & Parking)

12. Details of the proposed method of dealing with construction traffic are to be submitted to Council and approval obtained prior to the commencement of any works on the site. The details shall include, but are not limited to, the following:

- a) A Traffic Management Plan prepared by a suitably qualified person detailing traffic measures to be implemented for the various stages of construction (i.e. to ensure safe ingress and egress of vehicles from the site)
- b) Proposed haulage routes for delivery of materials to the site and spoil disposal from the site.
- c) Details on the estimated timing of construction works;
- d) Parking arrangements for construction employees and contractors noting that all vehicles associated with the construction process must be contained within the site.

PART C

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

Contributions for Additional Services and/or Facilities

13. This development will generate a need for additional services and/or facilities as described in Council's *Contributions Plan 2010*, as itemised in the following table.

Project	Description	Rate	Total
CW FIRE 2001	Citywide Fire & Emergency services	\$120.81*14 * 55.42	\$6,695.29
CW FIRE 2002	Shoalhaven Fire Control Centre	\$176.75*14 * 55.42	\$9,795.49
CW MGMT 3001	Contributions Management & Administration	\$502.40*14 *55.42	\$1,649.08
			\$18,139.86

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 **\$18,139.86** or as indexed in future years shall be paid to Council **before the issue of a Construction Certificate**.

Contributions Plan 2010 may be inspected at the Council Administrative Offices, Bridge Road, Nowra and Deering Street, Ulladulla.

Landscaping – additional plantings

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

- Provision of street trees within the road reserves along the development site's frontages (i.e. both sites – Garadi Street frontage and both Wugan Street frontages). The street trees to be used are *Callistemon Harkness* (45 litre pot size-minimum) at the rate of 1 tree every 10 metres of the site's frontages;
 - Provision of a minimum of 15 trees (45 litre pot size minimum) within the landscaped area that is proposed within Lot 1 DP 1069677 along its frontage;
 - The planting of species within the two easements for the drainage of sewage affecting Lot 20 DP 1194689 (i.e. adjacent to this sites northern and eastern boundaries) that conform with the species listed in Shoalhaven Water document '*Keeping Plant Roots out of Your Sewer*' or other species approved by Shoalhaven Water;
 - Details on the specific species, number of plants and pot sizes for the plantings as shown the submitted landscape concept plan (i.e. within the sites). In this regard, all new trees identified on the approved landscape plan must be a minimum of 45 litre pot size;
 - Mulching of all landscaped areas to a depth of 75mm;
 - Location of common taps and irrigation/watering system to permit all landscape works to be adequately watered;
 - Landscaping of the site must comply with the principles of Appendix 5 of 'Planning for Bushfire Protection 2006';
 - Installation of 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; and
 - A maintenance plan for a 26 week period.
- b) Landscaping must be carried out on the land in accordance with the approved plan (i.e. as amended by part a) of this condition).

Shoalhaven Water (Water, Sewer and Trade Waste requirements)

15. 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.**

<p>Note: Relevant details, including monetary contributions (where applicable) under the Water Management Act 2000, are given on the attached Notice issued by Shoalhaven Water.</p>
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For further information and clarification regarding the above please contact Shoalhaven Water's Development Unit on (02) 4429 3111.

Department of Defence

16. Prior to the issue of a Construction Certificate, an approval under the Defence (Air Control) Regulation (D(AC)R) must be obtained from the Department of Defence and a copy of the approval must be provided to Council.

Note: If the approval issued contains requirements that will result in changes to the approved plans under this development consent a modification to the development consent may be required.

Erosion and Sediment Control

17. The submitted erosion and sediment control plans for both sites must be amended to include a shaker pad in addition to the stabilised site access.

PART D

CONDITIONS RELATING TO THE APPROVED WORK AND SITE MANAGEMENT

Building Code of Australia

18. a) All building work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

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

- b) Access and facilities for the disabled must be provided in accordance with the provisions of the BCA and AS1428.1-2009.

Design Standards

19. The following design standards must be complied with:
- a) Engineering design plans and specifications for the internal civil works referred to in this consent must be submitted to an accredited certifier (Private Certifier or Shoalhaven City Council) for approval;
 - b) Engineering design plans and specifications for the external civil works (i.e. within the road reserve) referred to in this consent must be submitted to Shoalhaven City Council for approval;
 - c) All civil works are to be in accordance with DCP100 Council's Engineering Design Specifications and Development Construction Specifications current at the time of construction unless otherwise specified in this consent;
 - d) Road, drainage and other civil works referred to in this Consent within the road reserve and on public or private land shall be prepared by a suitably qualified practising engineer or surveyor; and
 - e) All work must be carried out in accordance with the approved plans.

Road Reserve, Footpath & Gutters

20. Existing roads, footpaths and reserves adjacent to and nearby the site shall be kept clear of soil, debris, materials and equipment except in accordance with the Traffic Control Plan or as otherwise approved in writing by Council.

Soil and Water Management

21. The following soil and water management measures must be implemented:
- a) All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur (e.g. sediment fences, etc.). In particular, a silt fence or equivalent must be provided downhill from the cut and fill area (or any other disturbed area). Unnecessary disturbance of the site (e.g. excessive vehicular access) must not occur. All areas disturbed must be stabilised or revegetated as soon as possible after the completion of site earthworks;
 - b) All works and measures detailed in the approved sediment and erosion control plans and Stormwater Management Report, S131110-RPT-SAS-2013-12-13-1.01, prepared by: Brown, dated 16.12.13 (Issue B) must be implemented and complied with; and
 - c) The erosion and sediment measures must be maintained for the life of the construction period and until runoff catchments are stabilised

Construction Hours/Vehicles

22. a) To limit the impact of the development on adjoining owners, all construction work shall be restricted to the hours of 6.00am to 6.00pm Monday to Friday and 6.00am to 3.00pm Saturdays. No construction work shall take place on Sundays or Public Holidays without the concurrence of the Planning & Development Director of Shoalhaven City Council; and.
- b) All construction vehicles and equipment shall be kept within the confines of the site.

Waste Minimisation and Management

23. 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 authorized/approved waste disposal facility (i.e. has development consent/approval from Council to accept the waste). 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.

Dust Management

24. Dust emissions shall be confined within the site boundary. The following dust control procedures may be employed to comply with this requirement.

- a) Erection of dust screens around the building area within the site;
- b) Securely covering all loads entering or exiting the site;
- c) Use of water sprays across the site to suppress dust;
- d) Covering of all stockpiles of soil remaining more than 24 hours; and
- e) Keeping excavation surfaces moist.

Department of Defence Requirements

- 25. Final design heights for all structures must comply with the D(AC)R approval that the Department of Defence may issue.
- 26. The approved development must incorporate measures as detailed in the National Airports Safeguarding Framework including guidance titled *Managing the Risk of Building Generated Windshear and Turbulence at Airports*.
- 27. All external surfaces (i.e. for both buildings) must be non-reflective so as not to affect visibility and provide a visual distraction to pilots during day time hours.

Internal Driveway, Car Park Design and Construction

- 28. The internal off street car parking area must:
 - a) Be constructed, line marked and signposted in accordance with AS2890.1:2004 and AS2890.6:2009. The general off-street car park layout shall be as shown on the plan with reference PSP STLS A-110 (MRO Carpark Plan), Revision A/14 March 2014 and PSP STLS A-210 (Logistics Carpark Plan), Revision A/14 March 2014;
 - b) Provide a minimum of 152 constructed car spaces (35 car spaces in Lot 1 DP 1069677/MRO Site and 117 car spaces in Lot 20 DP1194689/Logistics Site. This including 6 disabled car parking spaces;
 - c) Be designed and constructed:
 - to be a concrete pavement for a minimum traffic loading of 1 x 106 ESA's. or
 - to be an asphaltic concrete (AC) flexible pavement for a minimum traffic loading of 1 x 106 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 for approval;
 - d) Be bordered by concrete kerbing, except where surface run-off is concentrated, in which case concrete integral kerb and gutter shall be constructed. The work must comply with Council's Plan No. SC 263710 and SC 263709;
 - e) Have wheel stops provided to all parking spaces in accordance with AS2890.1;
 - f) Have heavy duty reinforced concrete vehicular gutter layback and footpath crossings (x4) constructed for all entrances to take the largest vehicle requiring access to the development. The construction must be in accordance with Council's Plan Nos. G202603 and G202605 and Council's Subdivision Manager or his nominee shall inspect and approve the kerb line, levels and formwork prior to pouring.

Gutter Layback Construction Detail

29. 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.

Stormwater Drainage Design

30. The stormwater drainage, including but not limited to rainwater harvesting, onsite detention, pollution control devices, must be constructed generally in accordance with the Stormwater Management Report by Brown Consulting, Reference S13110-RPT-SAS-2013-12-13-1.01, Issue B, and dated 16/12/13) and the associated engineering plans are to be lodged with Council upon certification. The method of connecting the various pipe and culvert sizes through the transitions needs to be designed and constructed to best engineering practice.
31. Runoff currently entering the site from uphill properties shall not be obstructed nor redirected from entering the site, other than by works in accordance with a plan approved by Council, to increase the quantity or concentration of surface runoff entering adjoining properties

Pedestrian Access/Works in the Road Reserve

32. A footpath shall be constructed for the developments pedestrian access generally in accordance with the Site Plan Drawing number PSP STLS A-010, Revision A14/14 March 2014. Details are to be shown on the engineering design plans and shall incorporate the following:
- a) Footpath levels shall comply with a 3% cross fall from the boundary to top of kerb;
 - b) Perambulator gutter crossing kerb ramps shall be provided at intersections in accordance with AS 1428.1-2009 Design for Access and Mobility section 10.7 Figure 23/24.
33. a) Detailed designs for all works within the road reserve must be submitted to Council for approval (i.e. Section 138 Approval under the Roads Act) and approval obtained prior to the commencement of works in the road reserve; and
- b) Details of any new regulatory signs/line markings within the road reserve (i.e. in the vicinity of the pedestrian access point in Wugun Street) must be provided to Shoalhaven City Council's Traffic Committee for comment and approval prior to their installation. Six (6) to eight (8) weeks should be allowed for this process, acceptance and approval.

Bushfire Requirements

34. The following works/requirements relating to bushfire measures must be complied with:

- a) An emergency/evacuation plan must be prepared for both buildings that is consistent with the NSW Rural Fire Service Document 'Guidelines for the Preparation of Emergency/Evacuation plan;
- b) The development must be implemented generally in accordance with the recommendations as provided in Section 4 of the Bushfire Risk Assessment (prepared by BPD-PA23829 (Level 3) certified consultant) SET Consultants, reference 103082, dated 26 November 2013;
- c) At the occupation of the buildings the entire properties (Lot 1 DP 1069677 and proposed Lot 20 and 23 in SF8477 as detailed in the approved Bushfire Risk Assessment) shall be managed as an inner protection area (IPA).
The IPA shall comply with Section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones';
- d) Any future electricity connection shall be underground where practical and comply with Section 4.1.3 of 'Planning for Bush Fire Protection 2006. Any future gas supply shall be installed and maintained in accordance with AS1596 and shall comply with Section 4.1.3 of 'Planning for Bush Fire Protection 2006;
- e) Internal roads shall be constructed in accordance with the following requirements:
 - A minimum carriageway width of four metres;
 - A minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches;
 - Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress;
 - The minimum distance between inner and outer curves is six metres.
 - Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads;
 - The cross fall of the pavement is not more than 10 degrees;
- f) The logistics warehouse building shall be designed and constructed to comply with Sections 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bushfire Protection'.
- g) Future landscaping shall be designed and maintained in accordance with the following practices:
 - Maintaining a clear area of low cut lawn or pavement adjacent to the buildings;
 - Utilising non-combustible fencing and retaining walls;
 - Breaking up the canopy of trees and shrubs with defined garden beds.

Colour Schedule/Exterior Materials

- 35. a) The approved building must be constructed in accordance with the approved schedule of colours and building materials and finishes or otherwise with the written approval of Council's Development Services Manager or nominee; and
- b) The light reflectivity from any building materials used on the facades of the building shall not exceed 20% and must be designed so as to not result in glare that causes any nuisance or interference to any person or place.

Lighting – Internal Driveway and Car Parking Areas

36. Lighting must be provided to the internal driveways and the formal visitor car parking areas in accordance with:

- a) AS/NZS 1158.3: 1999 Road Lighting - Pedestrian area (Category P) lighting - Performance and installation design requirements;
- b) AS4282: 1997 Control of the obtrusive effects of outdoor Lighting; and
- c) The standards in the Civil Aviation Safety Authority (CASA) Manual of Standards 139

Particular attention shall be given to all entry/exit points as well as the general interior lighting levels and all pedestrian areas.

Fencing

37. Fencing provided along the Wugan Street frontage and Garadi Street frontage of the development (both sites) shall be open form powder coated fencing (i.e. metal or picket fence, no chain wire fencing).

Section 68 Requirements

38. Detailed hydraulics drawings prepared by a properly qualified and practising hydraulics engineer are to be submitted to Council prior to the commencement of water, sewerage and stormwater drainage works. The designs are to be certified to comply with the provisions of the Plumbing Code of Australia and with AS/NZS 3500 –Plumbing and Drainage.

Storage of Materials

39. Details of the exact nature, quantity, location, method of storage and packing of any material covered by the Dangerous Goods Act, 1975, shall be submitted to WorkCover NSW in accordance with their requirements. These liquids must be stored in a manner which complies with the requirements of this Act, and depending on the quantity stored may require licensing by WorkCover Authority. If you have any questions about the storage of dangerous goods, phone WorkCover on 4472 5544.

Compliance with AS4144

40. The exhaust stacks from the paint booth must comply with AS4144 – “*Spray painting booths, designated spray painting areas and paint mixing rooms*” including associated approval from the Department of Defence

Aboriginal Cultural Heritage

41. If Aboriginal object are identified during the development of the subject land, works must stop and a suitably qualified archaeologist notified immediately to assess the finds. The finds must be reported to the NSW Office of Environment and Heritage (OEH) and further approvals, if required, obtained prior to the recommencement of works.

Excavations, retaining walls and drainage

42. 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/ground 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.

Ecological Sustainable Development

43. The approved development shall target the design ratings as detailed the LEED Overview for DA Submission (Project No: SYD1335200), Prepared by: WSP, dated 03/12/2013 (Revision 2).

Easements/Restrictions as to User – 88b

44. The applicant shall comply with the requirements of the easements and restrictions-as-to-user placed over the title at the time of subdivision and as amended. (i.e. relocation of the fencing on Lot 1 DP 1069677 clear of the restriction as to user that runs along the site's eastern boundary, retaining wall height within the area of the restriction as to user that runs along the sites eastern boundary complying with CASA requirements or being relocated clear of the area of the restriction).
45. A Section 88B restriction must be created/registered with the NSW Land and Property Information (LPI) for the purpose of car parking burdening land known as Lot 20 DP1194689 for the purpose of car parking benefiting Lot 1 DP 1069677. The 88B restriction must detail:
- That the party with the right to release or vary the restriction is Shoalhaven City Council and the owner of Lot 1 DP 1069677 acting jointly; and
 - The number of car spaces provided in Lot 20 DP 1194689 to benefit Lot 1 DP 1069677.

The applicant/developer must consult with Shoalhaven City Council (Planning and Development Group) to confirm the requirements of the Section 88B restriction prior to it being registered.

PART E

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

46. Prior to the issue of an Occupation Certificate for the approved development, the following must be complied with and completed:
- a) The requirements of conditions 14(b) (Landscaping), 19 (Design Standards) 25 (Department of Defence Requirements), 26 (Department of Defence Requirements), 27 (Department of Defence Requirements), 28 (Internal Driveway, Car park Design and Construction), 30 (Stormwater Drainage Design), 32 (Pedestrian Access/Works

in the Road Reserve), 33(b) (Pedestrian Access/Works in the Road Reserve), 34 (Bushfire Requirements), 35 (Colour Schedule/Exterior Materials), 36 (Lighting – Internal Driveway and Car Parking Area), 37 (Fencing) 38 (S68 Requirements) 39 (Storage of Materials), 40 (Compliance with AS4144), 43 (Ecological Sustainable Development) 44 (Easements/Restrictions as to User) and 45 (Easements/Restrictions as to User); and

- b) A Certificate of Compliance must be obtained from Shoalhaven Water;
- c) Final certification of all plumbing and drainage works is to be supplied by the design engineer or other suitably qualified hydraulics engineer;
- d) All mitigation measures as identified in the approved noise report reference in Condition 1 must be implemented and compliance certified by a suitably qualified acoustic consultant; and
- e) Written approval must be obtained from Shoalhaven Council advising that the road reserve area in the vicinity of the development has not been damaged as a result of the development works and is in a satisfactory condition.

Note: Any infrastructure within the road reserve, along the frontage of the subject site or within close proximity in the road reserve which has been damaged as a result of construction works associated with the approved development, is to be repaired by the applicant at their cost.

PART F

CONDITIONS THAT RELATE TO ONGOING MANAGEMENT OF THE PROPOSED DEVELOPMENT

Site Management and Maintenance

- 47. There must be no helicopter flight movements (i.e. take-off or landing) from within the development sites.
- 48. The proprietor/operator must 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 (i.e. in the designated loading areas);
 - b) goods or machinery must be stored, and all activities must occur, inside the building(s) and not in the car park 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) removal of all graffiti within a maximum of 14 days of being notified by Council;
 - e) The storage of the waste bins (i.e. ongoing waste and recycling waste) within the approved waste storage area so they are not visible from a public place;
 - f) All drainage systems including oil separators, grated drains, sumps, pits, traps etc. shall be regularly cleaned out and maintained to the satisfaction of Council
 - g) maintenance of:
 - All vehicular movement areas including driveways, carparking, manoeuvring areas and line marking to the standard specified in this consent;

- All stormwater drainage pipes and systems to ensure efficient discharge of stormwater in accordance with the approved stormwater drainage plans including, but not limited to, on-site detention and associated stormwater pollution control devices being maintained;
- All signs and lines; and
- All buildings, fencing to the standards outlined in the development application and/or specified in this consent and/or earlier development consent that are still applicable.

Annual Fire Safety Certificate

49. An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial interim/final Fire Safety Certificate is issued. This must ensure that essential services installed in the building for the purpose of fire safety have been inspected and, at the time of inspection, are capable of operating to the required minimum standard.

Bushfire Requirements

50. In perpetuity, the entire properties (Lot 1 DP 1069677 and proposed Lot 20 DP1194689 as detailed in the approved Bushfire Risk Assessment) shall be managed as an inner protection area (IPA). The IPA shall comply with Section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Waste Disposal

51. Waste materials generated from the approved development must be disposed of in accordance with the waste management measures as detailed in the approved Statement of Environmental Effects and supporting information.

Noise

52. a) The use of the approved development must not give rise to transmission of unacceptable vibration or an offensive noise to any place of different occupancy or the public in accordance with the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).
- b) The noise control recommendations identified in the Sikorsky-TLS Facility Development Application AS2021 Noise Assessment (Project No:ACG1310700), Prepared by: WSP, dated: 2013-11-29 must be implemented and maintained for the life of the development.

Odour

53. The use of the approved development must not result in 'offensive odour' being generated.

Neighbourhood Amenity

54. Suitable measures shall be taken to ensure that there is no adverse effect to occupants of adjoining buildings and the public. Furthermore, that no injury shall be caused to the amenity of the neighbourhood by the generation and emission of noise, smoke, smell, vibration, gases, vapour, odours, dust, particulate matter or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.

Signage

55. No signage other than what has been approved as part of this development consent or that is considered to be exempt from requiring development consent under a State Environmental Planning Policy or Development Control Plan is approved as part of this development application.

Storage

56. All chemicals including new and waste oils shall be stored and handled in accordance with:
- Australian Standard AS1940-2004. *The Storage and Handling of Flammable and Combustible Liquids*;
 - Environment Protection Authority's *Environment Protection Manual for Authorised Officers: Technical Section (Bunding and spill management)*. Bunding shall be provided to the building and include entry and exits;
 - Class 2 pressurised (non LPG) items are to be stored a minimum of 28 metres from the closest boundary (i.e. only in the northern half of the Logistics Building Hazmat Store)/must comply with the *Hazardous and Offensive Development Application Guidelines* (2011);
 - Materials stored within the buildings must not exceed the proposal quantities as detailed in Table 2 of the Statement of Environmental Effects (Proposed Aviation Support Facilities including Logistics Warehouse and Helicopter Maintenance Facility), prepared by Cowman Stoddart Pty Ltd, Ref: 13/93, dated December 2013; and
 - No solid or liquid waste material shall be disposed of via the stormwater drainage system.

PART G**OTHER COUNCIL APPROVALS****Section 138 Roads Act****Approval Required for Work within the Road Reserve – Section 138 Roads Act**

1. Prior to undertaking any works within an existing road reserve, the contractor must obtain the consent of Council under Section 138 of the Roads Act, 1993. The following details must be submitted to Council to obtain the s.138 consent:

- a) Any pavement design required by this consent;
- b) Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the vehicular and pedestrian public. The TCP must comply with the current RMS'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, signed and certified by a person holding the appropriate RMS accreditation, a copy of which is to be submitted with the plan;
- c) Insurance details;
- d) Name and contact information of the person/company appointed to supervise the construction;
- e) Should the contractor want a single 138 approval to cover works additional to road, drainage and site regrading (e.g. water supply, sewerage, landscaping, etc.), details of such works should be forwarded to the designer of the Traffic Control Plan. Copies of the layout plans and work method statements of these additional works are to be submitted to the Subdivision Manager in conjunction with the 138 application for road and drainage works;
- f) Where the Traffic Control/Management Plan requires a reduction of the speed limit, a 'Direction to Restrict' shall be obtained from the RMS - Traffic Operations Unit for RMS roads or Council for other roads and submitted with the section 138 application.

Note:

*All works undertaken within or adjacent to a public road shall be provided with traffic control in accordance with the Traffic Control Plan as a minimum. As a result of changing conditions, additional traffic control measures may be required to comply with the WH&S Act and WorkCover requirements. Such control is to be in place and maintained to these requirements during the construction of the works. **NB: Traffic includes both vehicular and pedestrian.***

PART H

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 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.

Endeavour Energy

To ensure a secure supply of electricity to the approved development, an application needs to be submitted to Endeavour Energy. To avoid delays, you are encouraged to submit an application to Endeavour 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 Endeavour Energy on (02) 9853 6234.

Car Parking

If 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.

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.

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.

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.

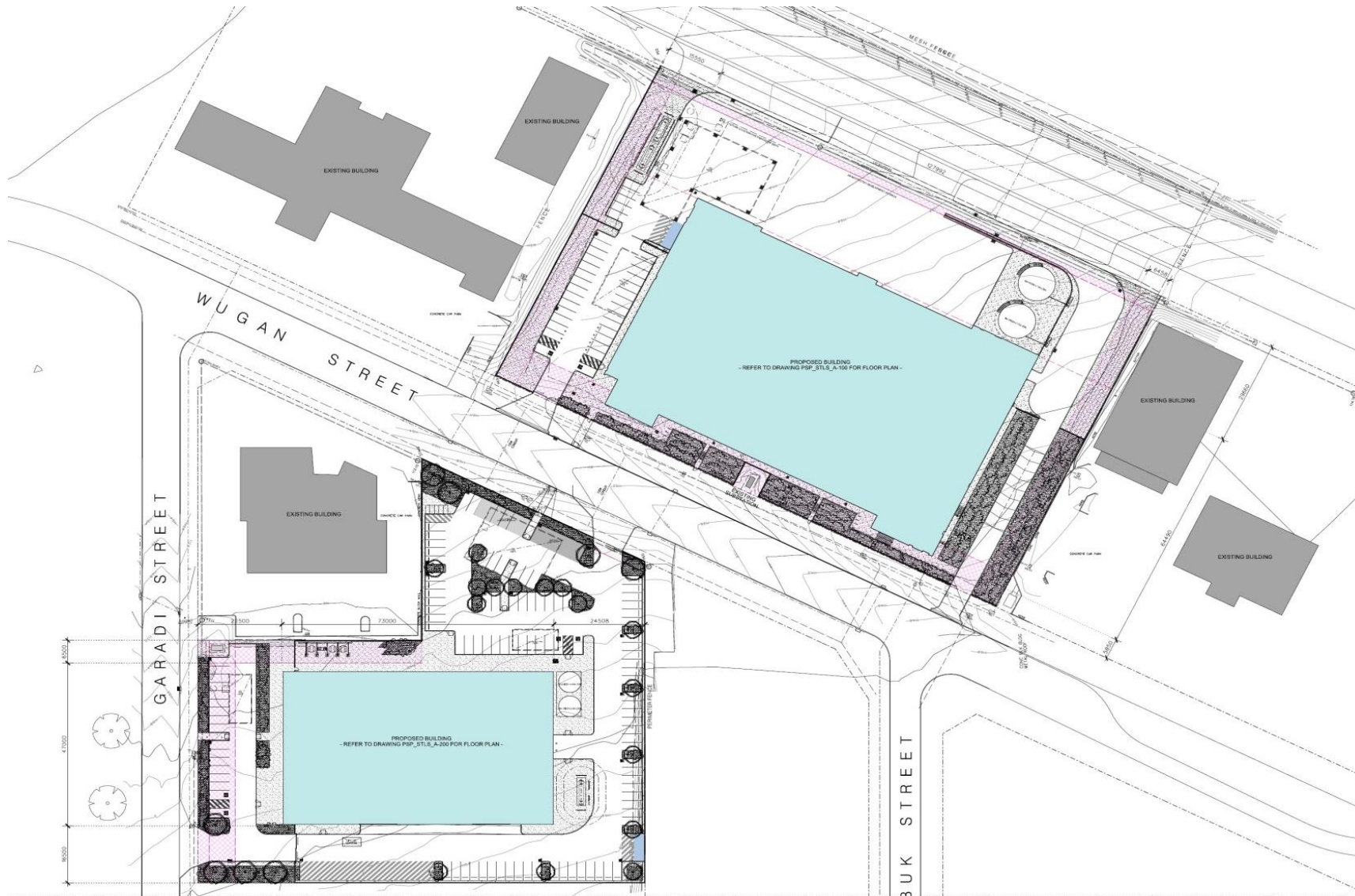
DBYD Enquiry - 'Dial Before You Dig'

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.

Privacy Notification

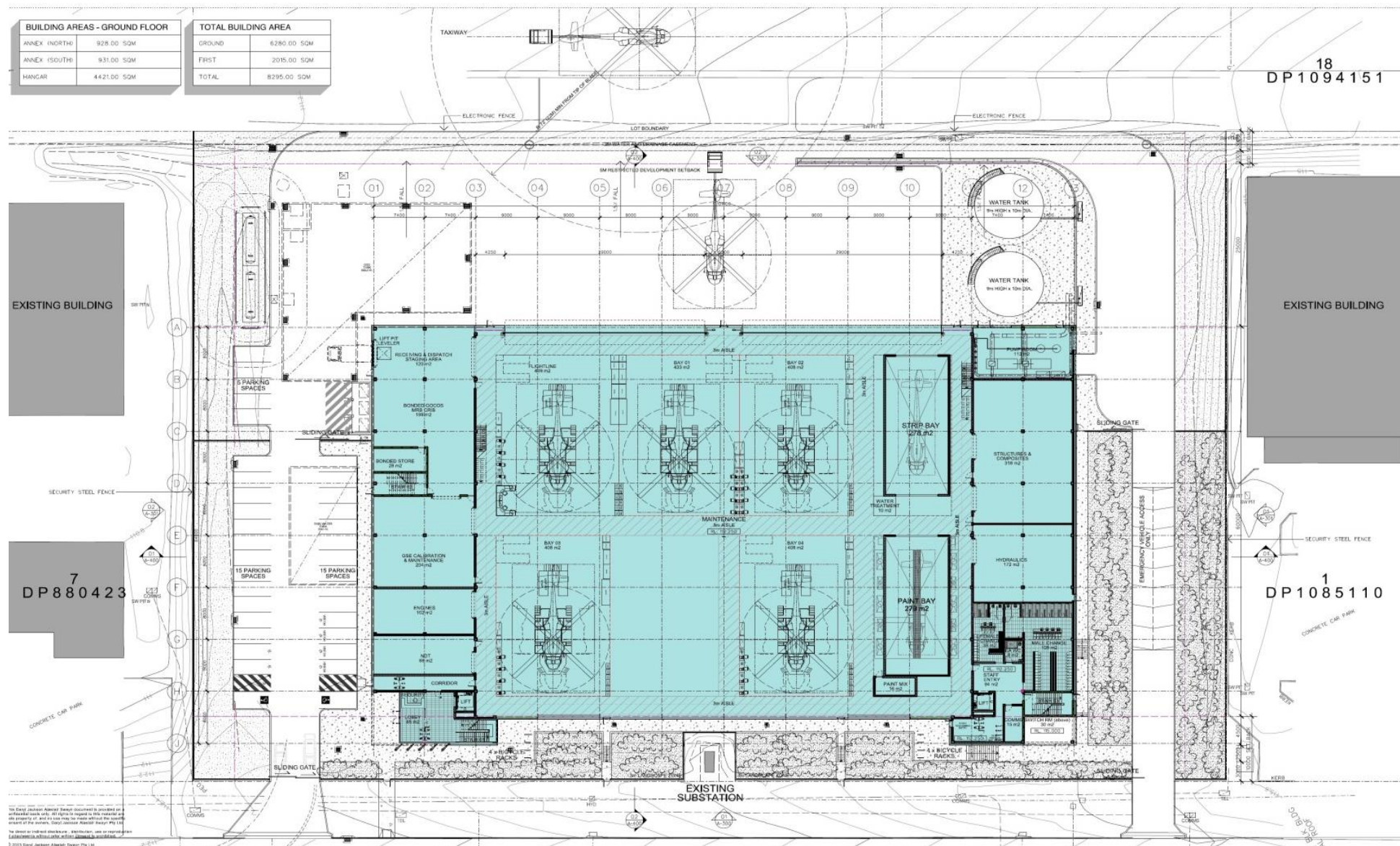
Personal information contained on this Development Consent and any associated documents will be published on Council's website as required by the Government Information (Public Access) (GIPA) Act 2009.

Attachment 'B'



Site Plan (Lot 1 and Lot 20)

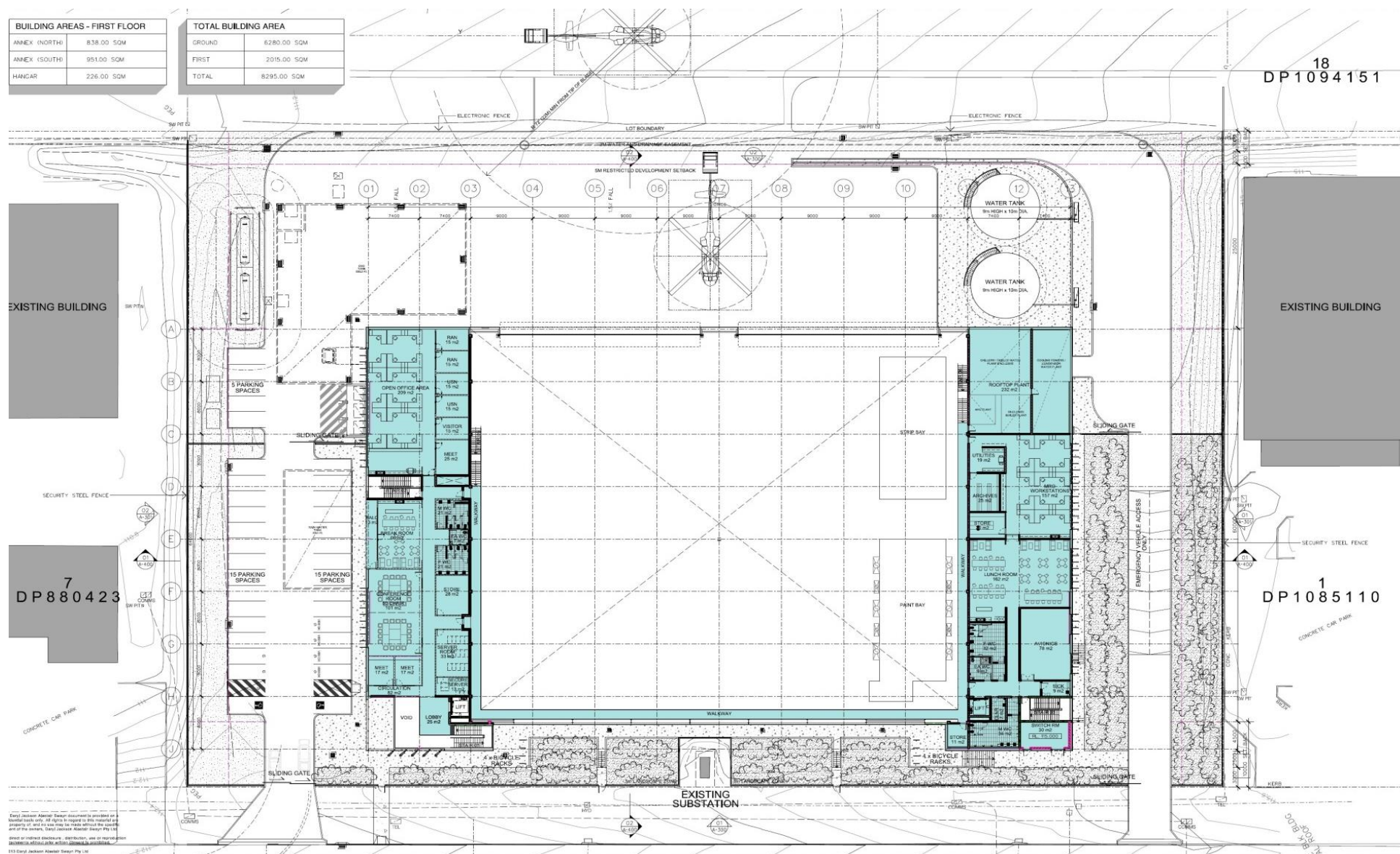
BUILDING AREAS - GROUND FLOOR	
ANNEX (NORTH)	928.00 SQM
ANNEX (SOUTH)	931.00 SQM
HANGAR	4421.00 SQM



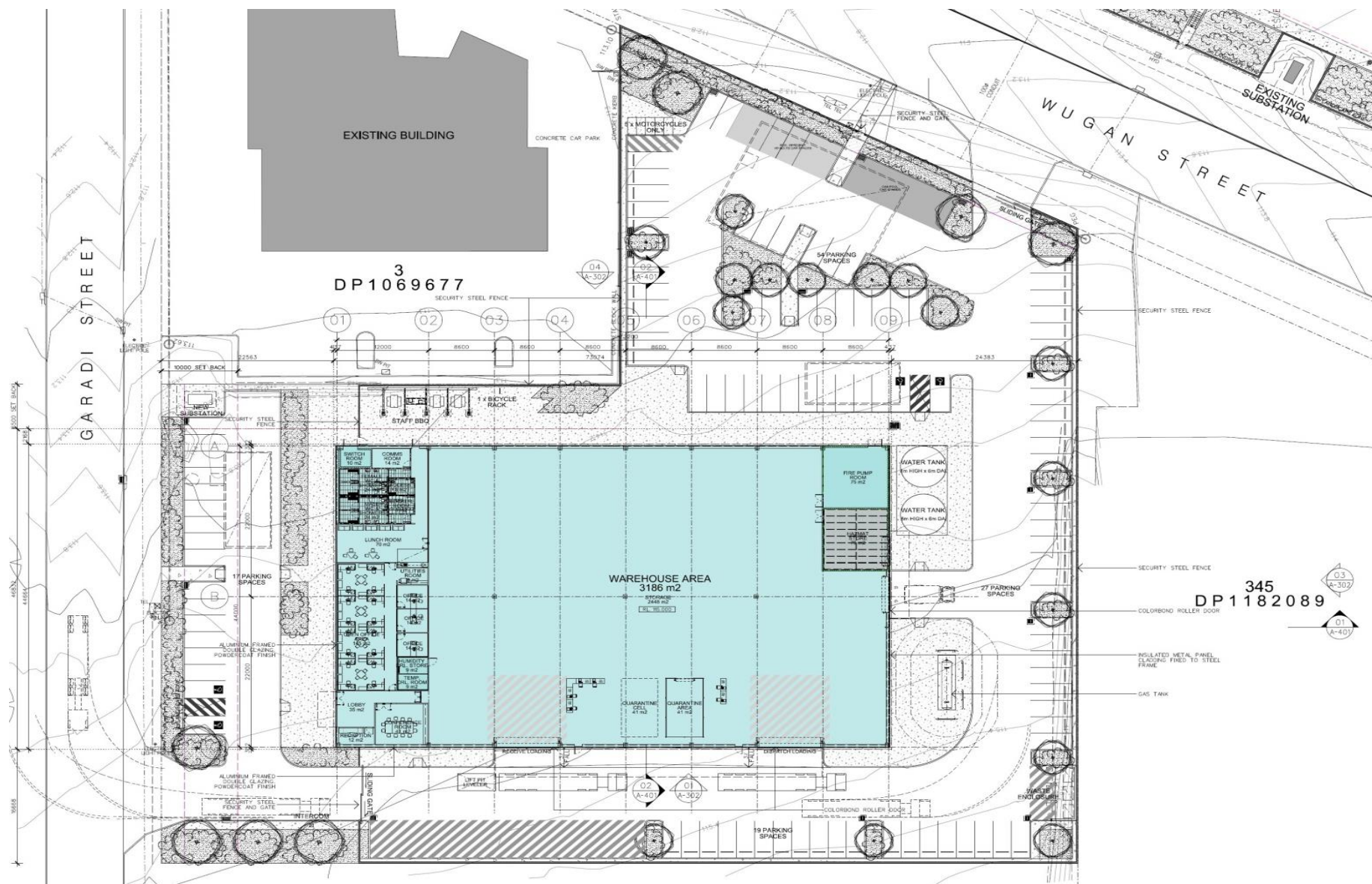
Helicopter Maintenance Building (Lot 1) - Ground Floor Plan

ANNEX (NORTH)	838.00 SQM
ANNEX (SOUTH)	951.00 SQM
HANGAR	226.00 SQM

GROUND	6280.00 SQM
FIRST	2015.00 SQM
TOTAL	8295.00 SQM

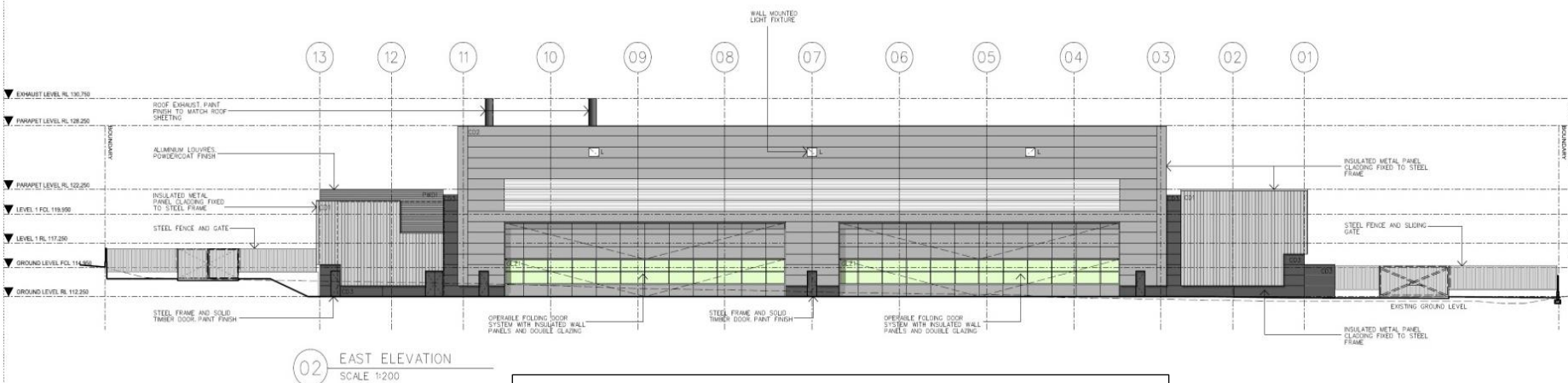
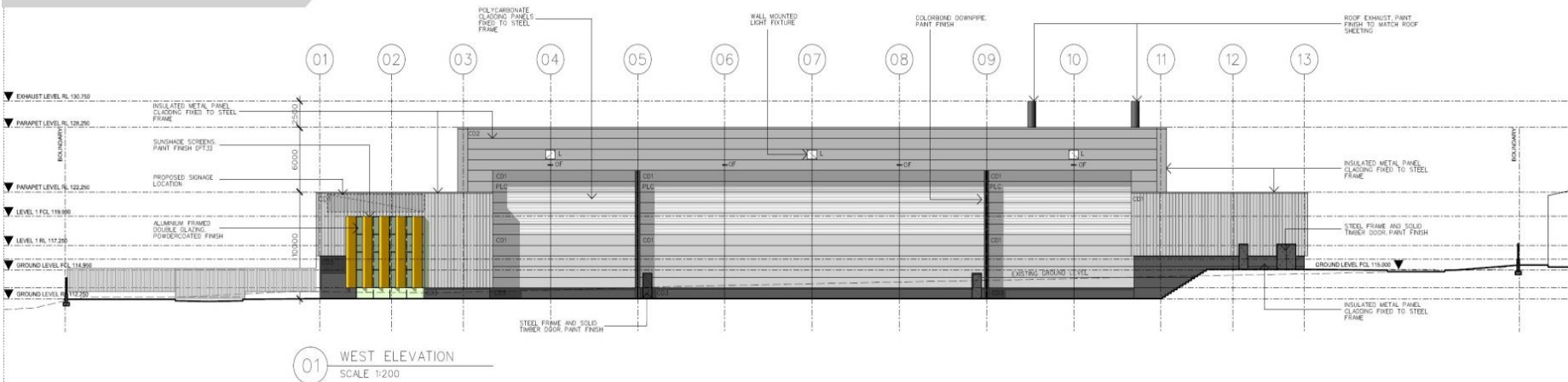


2014STH003 (Section 79C Assessment Report)



Logistics Building (Lot 20) – Ground Floor Plan

EXTERNAL FINISHES			
C01	WALL CLADDING - TYPE 1 "HIGSPAN" COLOUR - SILVER CITY"	PT3	PAINT FINISH - TYPE 3 "POLUX" COLOUR - SILVER CITY"
C02	WALL CLADDING - TYPE 2 "HIGSPAN" COLOUR - PORTICO GREY"	PLC	POLYCARBONATE WALL CLADDING "COMPLAN" COLOUR - OPAL"
C03	WALL CLADDING - TYPE 3 "HIGSPAN" COLOUR - CHARCOAL GREY"	GL2	GLAZING "POLYGLASS" COLOUR - EVERGREEN
PT1	PAINT FINISH - TYPE 1 "POLUX" COLOUR - CHARCOAL"	RF	ROOFING "COLORBOND" COLOUR - SHALE GREY"
PT2	PAINT FINISH - TYPE 2 "POLUX" COLOUR - CHARCOAL"	PWD1	POWDERCOAT "POLUX" COLOUR - OTTIFEARL"



Helicopter Maintenance Building (Lot 1) - Elevations

EXTERNAL FINISHES	
C01	WALL CLADDING - TYPE 1 "HOSPAN" COLOUR - SILVER CITY"
C02	WALL CLADDING - TYPE 2 "HOSPAN" COLOUR - PORTICO GREY"
C03	WALL CLADDING - TYPE 3 "HOSPAN" COLOUR - CHARCOAL GREY"
PT1	PAINT FINISH - TYPE 1 "POLUX" COLOUR - CHARCOAL"
PT2	PAINT FINISH - TYPE 2 "POLUX" COLOUR - CHARCOAL"
PT3	PAINT FINISH - TYPE 3 "POLUX" COLOUR - SOFTSUN PRISM"
PLC	POLYCARBONATE WALL CLADDING "HOSPAN" COLOUR - OPAL"
GL21	GLAZING "HOSPAN" COLOUR - EVERGREEN"
IF	ROOFING "COLORBOND" COLOUR - SHALE GREY"
FW01	POWDERCOAT "POLUX" COLOUR - CITRIPEARL"



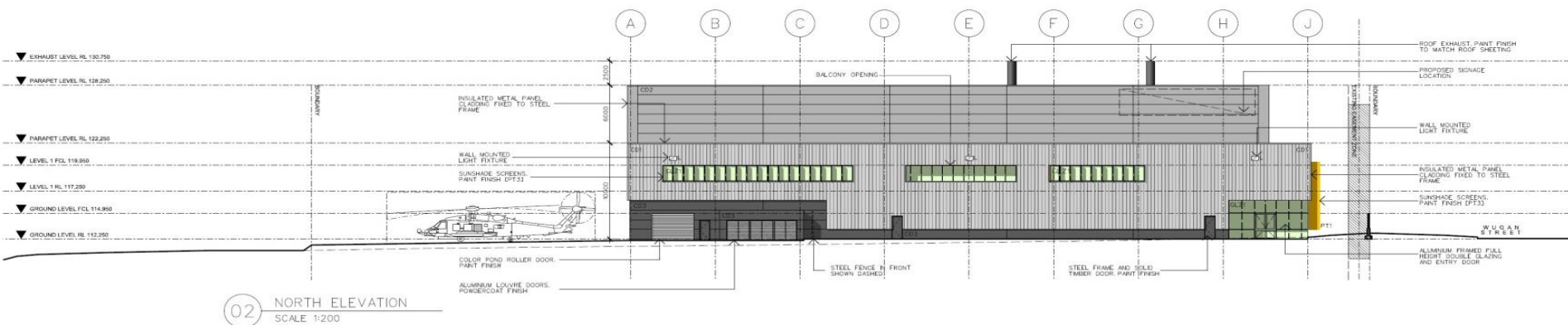
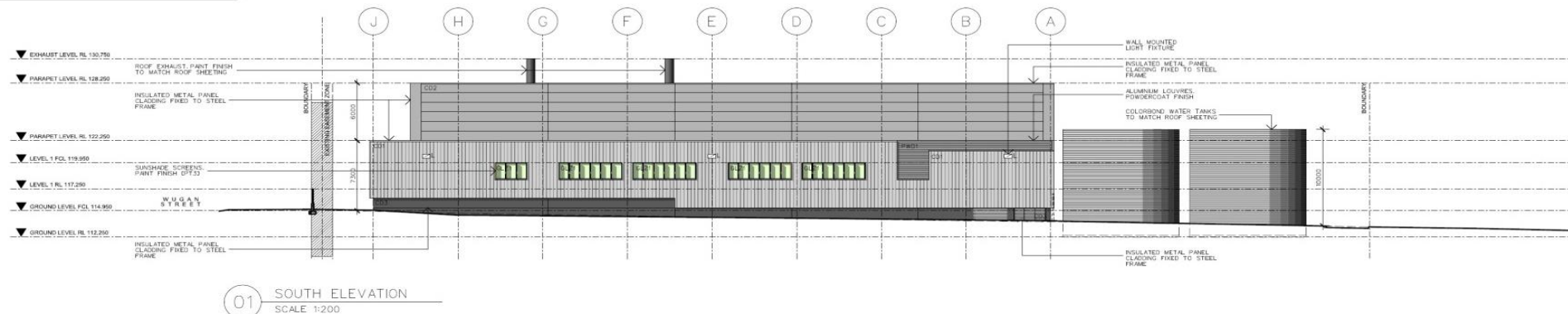
This design document is provided on a confidential basis only. All rights to the design and any other intellectual property contained herein are reserved. No part of this document may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage or retrieval system, without prior written permission from the design team.

The design and/or construction of any building or structure shown herein is subject to the approval of the relevant authorities. The design team is not responsible for the construction of any building or structure shown herein.

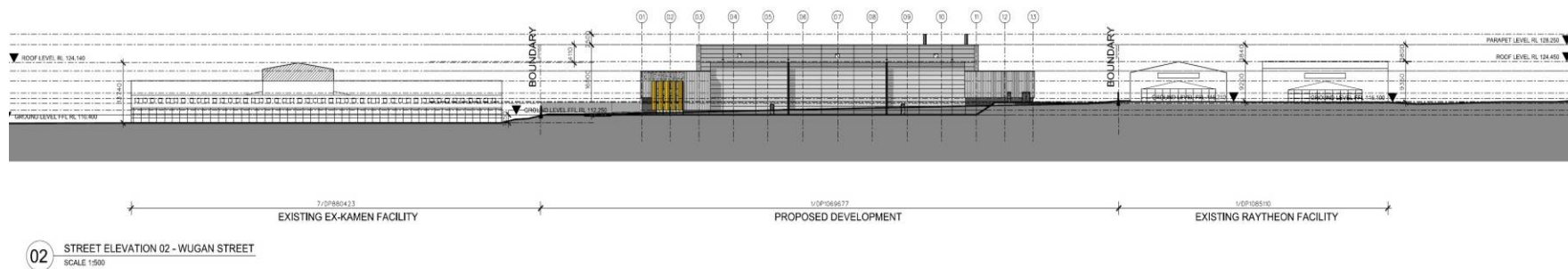
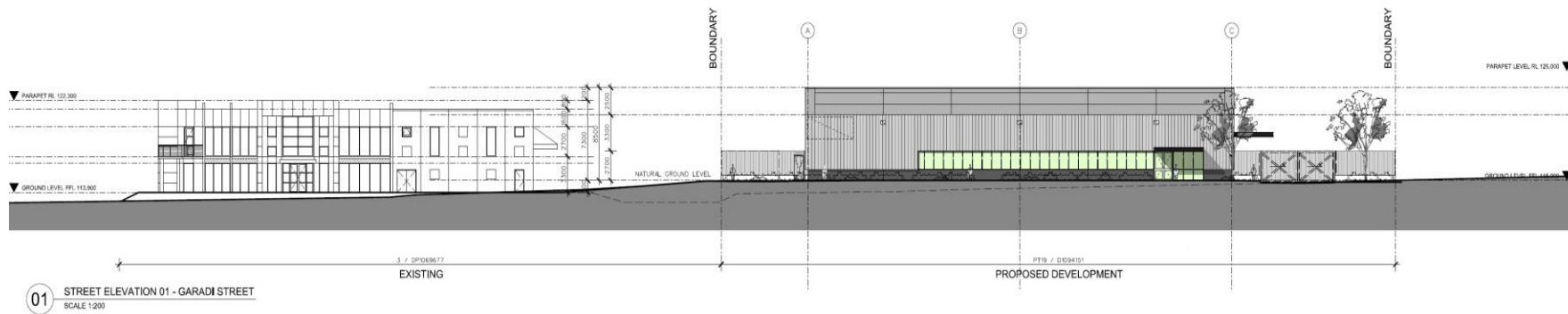
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Logistics Building (Lot 20) – Elevations

EXTERNAL FINISHES			
C01	WALL CLADDING - TYPE 1 "KINGSPIR" COLOUR - SILVER CITY"	PT3	PAINT FINISH - TYPE 3 "DOLUX" COLOUR - SILVER CITY"
C02	WALL CLADDING - TYPE 2 "KINGSPIR" COLOUR - PORTICO GREY"	PLC	POLYCARBONATE WALL CLADDING "CAMALON" COLOUR - OPAL"
C03	WALL CLADDING - TYPE 3 "KINGSPIR" COLOUR - CHARCOAL GREY"	GLZ1	GLAZING "KINGSTON" COLOUR - EVERGREEN
PT1	PAINT FINISH - TYPE 1 "DOLUX" COLOUR - CHARCOAL"	RF	ROOFING "COLORBOND" COLOUR - SHALE GREY"
PT2	PAINT FINISH - TYPE 2 "DOLUX" COLOUR - CHARCOAL"	PWD1	POWDERCOAT "DOLUX" COLOUR - CITY PEARL"

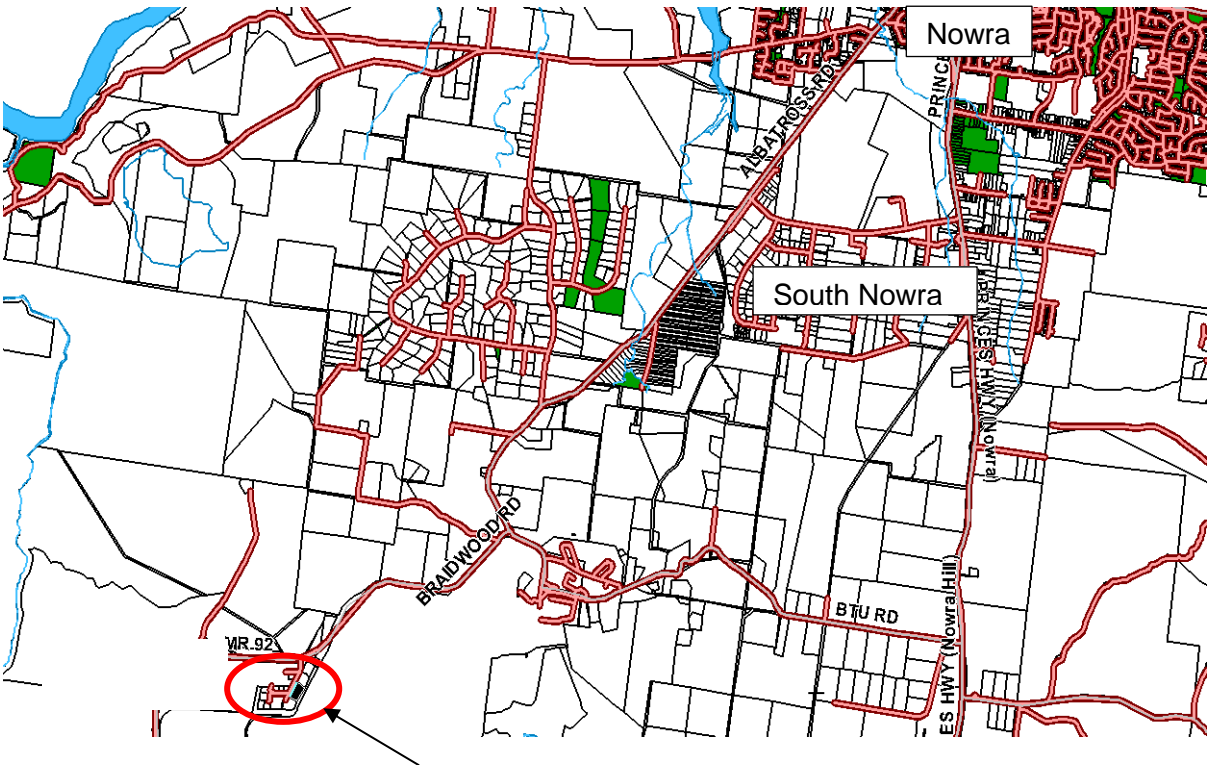


Helicopter Maintenance Building (Lot 1) - Elevations

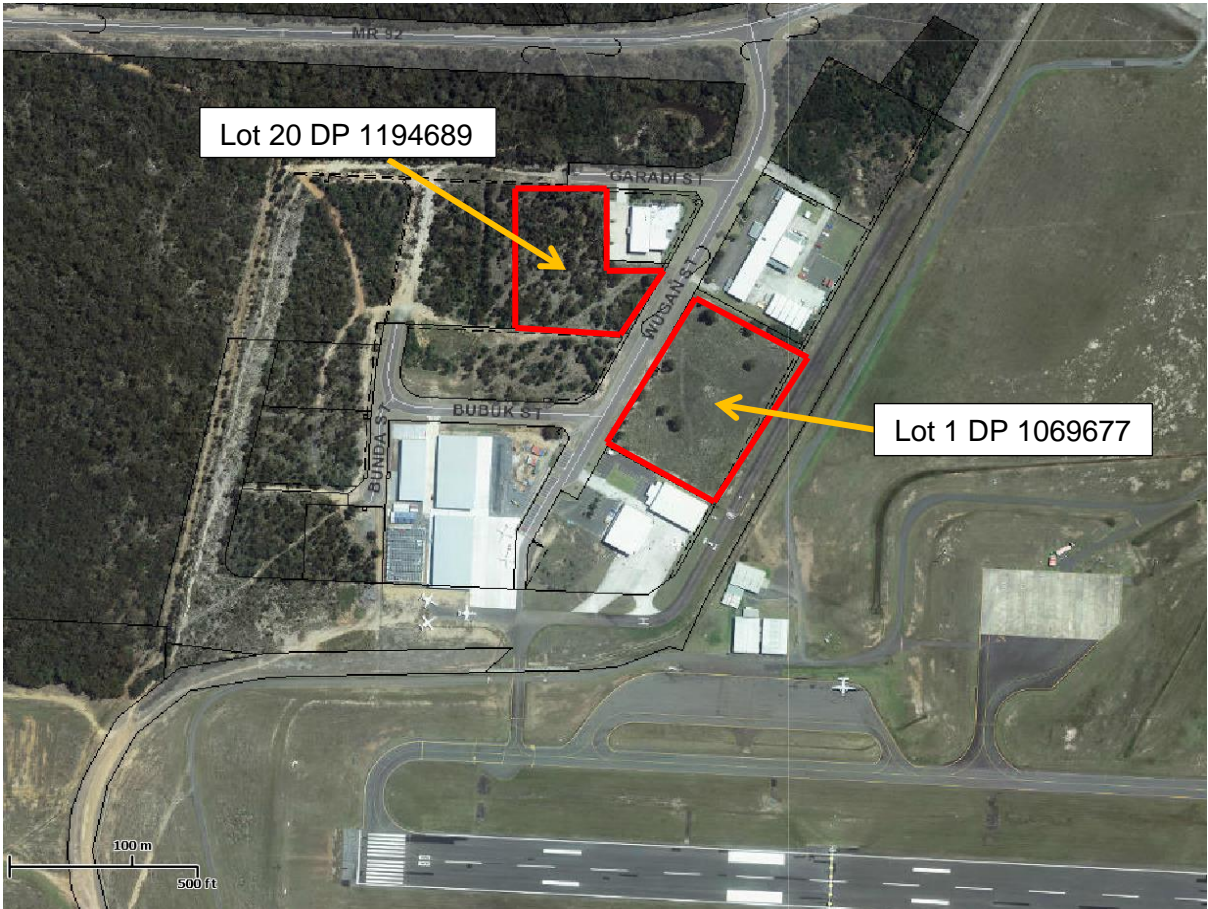


Street Elevations – Both Buildings

Attachment 'C'



Development Sites Location



Development Site Boundaries

Attachment 'D'

**ASSUMED CONCURRENCE OF
THE DIRECTOR OF THE DEVELOPMENT AND ENVIRONMENT GROUP**

APPLICANT: Jones Lang LaSalle
PROPERTY: Lot 1 DP 1069677 Wugan Street, Yerriyong
DEVELOPMENT: Construction of an Aviation Support Facility.
DA NUMBER: RA13/1003

ASSESSMENT REPORT

1. Nature of Concurrence

The Illawarra Regional Environmental Plan No. 1 (IREP), Clause 139 requires the concurrence of the Director for the erection of a building greater than 11m in the Shoalhaven sub-region, in which the subject land is located. The submitted proposal has a maximum height of approximately 16 metres from the existing ground level to its highest point and as such this application requires the concurrence of the Director in accordance with the requirements of the IREP. The concurrence ability being delegated to Shoalhaven City Council's Director Development and Environmental Services Group.

2. Comments

The subject property is located approximately 11km southwest of the Nowra Central Business District (CBD) within land zones 5(a) (Special Uses "A" Zone) under the Shoalhaven Local Environmental Plan 1985. The land forming part of the Albatross Aviation Technology Park which is set aside for aviation related land uses. The immediate area is characterised by aviation related land uses (i.e. is adjoined to the north and south by existing buildings which are being used for aviation related industries and to the east by the Royal Naval Air Station (RNAS) known as HMAS Albatross).

This application proposes the construction of a helicopter maintenance building on Lot 1 DP 1069677 (Lot 1). This building having a gross floor area of approximately 8,231m², a height of 16m above the natural ground level and is 102 metres long by 64 metres wide. The ground floor (6,163m²) containing eight helicopter maintenance bays, related repair and maintenance facilities, storage areas, associated office space, entrance lobby/lounge area, toilet /shower/locker facilities, utility room and pump room. The first floor/mezzanine area (2,068m²) containing a lobby area, office space, conference room, training room, meeting rooms, toilet facilities, lunch room, store room, rooftop plant area, server room and utilities room. The proposed building having a maximum height of 16m which represents a 5m variation or 45% of the standard.

Council has undertaken an assessment of the proposal against the criteria/ considerations contained in Clause 139(3) and this has indicated the following:

- a) *The height, scale, bulk and density of the proposed building:* The building component of the development on Lot 1 is predominately setback 10m from the

1.

Wugan Street boundary of the site although at two points it is setback 5.5m. The two components with the 5.5m setback are articulated elements that have a height (i.e. 10 metres) which is less than the remainder of the building. The maximum height of the building of 16 metres which is 5m over the 11m height limit represents a variation 45%. Although this is a large variation, regard must be had for the intended buildings use which requires a building of the size proposed to accommodate the physical dimensions of the aircraft being maintained. The Wugan Street (western elevation) of the building uses a mix of materials that include metal panel cladding and polycarbonate cladding panels. The building also uses large vertical sunshade screens that provide another variation to the western façade. Overall, the height, scale and bulk of the building has regard for the buildings functional requirements/proposed use which results in the need for a larger building than what currently exists on the adjoining lots to the north and south. In terms of density the building footprint only occupies approximately 41% of the site area and therefore provides large setbacks to the other boundaries (i.e. approximately 25 metres to the north, 21 metres to the south and 29 metres to the east). 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 existing developed streetscape and is therefore considered satisfactory in this regard.

- b) *The external appearance and materials used on the exterior of the proposed building:* The building's design given its length to the Wugan Street frontage (i.e. 101.6m) has incorporated some variation/articulation through the provision of two elements at either end of the building which protrude forward of the 10m setback. This has been used to improve the external appearance of the western façade. In addition, the use of glass and sunshade screens at one end of the building 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 utilises a mix of building materials and colours (silver, portico grey, charcoal, softsun, opal, shale grey and citi pearl). In terms of its external appearance, the development as proposed is considered satisfactory in this location.
- c) *The relationship of the proposed building to the streetscape or landscape:* The proposed building incorporates a setback which is less than adjoining developments to the north and south. It is important to note that Council does not have any adopted requirements in relation to front setbacks within the AATP. The proposed building given its intended use is consistent with the existing built character in Wugan Street (i.e. buildings that provide aviation service industries). It is considered that the articulation which has been incorporated into the building's design at either end of the structure improves the building's relationship with the streetscape. The proposed development does incorporate space for landscaping along the Wugan Street frontage which is greater than what has been provided on adjoining lots as these areas have been used for car parking. It is considered that opportunities exist to provide additional tree plantings within the front landscaped area which 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.

- d) *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 within the road reserve area. 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. Council staff believe 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 development's frontage (i.e. within the road reserve area) which will improve public amenity in that it will make a positive contribution to the streetscape. In addition, as this application relates to a development on Lot 1 and Lot 19 which are on opposite sides of Wugan Street, the applicant is proposing to provide a pedestrian path/linkage with its development site on the western side which will improve pedestrian amenity/safety as these two sites will be operating together.
- e) *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. 10 metres) and separation from adjoining buildings to the north (i.e. 35 metre separation) and building to the south (i.e. 24 metre separation) which is sufficient space to allow the cross flow of wind with minimal impact.
- f) *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 some impact in terms of overshadowing of public places (i.e. the adjacent Wugan Street road reserve area). Given the use of this public place (i.e. a formed road reserve) no concerns are raised.
- g) *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 Nowra). 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.
- h) *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 as the development is located a sufficient distance from these items so as to have no physical impact.
- i) *The effect of reflections from the exterior of the proposed building on roads, public places, and buildings in the vicinity:* Based on finishes/colour schedule as noted on the submitted plans, it is considered that the proposed external materials will have no adverse impact on the adjoining roads, public places or buildings. In addition, it is believed that the colours selected will have no impact in terms of reflections from the exterior of the building. Conditions can be included on any development consent issued so as to require all external surfaces to be non- reflective so as not to affect

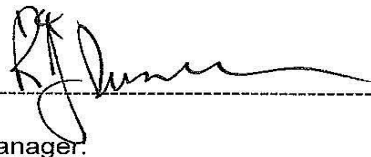
visibility and provide a visual distraction during day time hours.

In this instance, having regard for the above, it is considered that it 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.

3. RECOMMENDATION

It is recommended that the Director of the Development and Environment Group exercise the delegated authority to use the assumed concurrence powers to approve of the application to allow a variation to the 11m height requirement contained in Clause 139 of the Illawarra Regional Environmental Plan.

Development Planner

Date 23.4.14 

Development Manager.

ROBERT RUSSELL
(Development Manager)

Date 6.5.14

Assumed concurrence authorised by:



TIM FLETCHER
(Group Director, Planning and Development Services Group)

Date: 7.5.14