

JOINT REGIONAL PLANNING PANEL (Southern)

JRPP No	2014 – STH014
DA Number	DA No. 205 / 2014
Local Government Area	Shellharbour
Proposed Development	Construction of a new “civic hub” comprising Council chamber, administrative offices, meeting rooms, auditorium, library, local history museum, café and small retail premises; basement parking and loading facilities; civic square; associated site works and landscape treatment.
Street Address	Lot 2 DP 1091265 Cygnet Avenue, Shellharbour City Centre
Applicant/Owner	Shellharbour City Council
Number of Submissions	88 individual submissions – 84 objections; 4 in support Also received a petition comprising approx. 11,500 signatures objecting to the proposed development.
Regional Development Criteria (Schedule 4A of the Act)	Proposed development has a capital investment value in excess of \$5 million (CIV \$49.8 million). Council is applicant and landowner.
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No. 55 – Remediation of Land • Shellharbour Local Environmental Plan 2013 • Shellharbour Development Control Plan 2013 • Shellharbour Section 94 Contributions Plan
List all documents submitted with this report for the panel's consideration	Architectural drawings
Recommendation	Approval, subject to conditions
Report by	Helen Mulcahy Director, Helen Mulcahy Urban Planning Pty Ltd

Assessment Report and Recommendation

1. PURPOSE OF REPORT

This report is presented to the Joint Regional Planning Panel (JRPP) for determination of a development application (DA) for construction of a new “civic hub” comprising Council chamber, administrative offices, meeting rooms, auditorium, library, local history museum, café / small retail premises, basement parking and loading facilities, a Civic Square, associated site works and landscape treatment.

The JRPP is the determining authority for this application as the development has a Capital Investment Value of \$49.8 million. Council has an interest in the application, as the landowner and developer.

The engagement of a consultant to prepare the report to the Panel is to ensure that the DA is assessed independently and transparently.

2. RECOMMENDATION

It is recommended that the JRPP grant approval to the application, subject to the schedule of draft consent conditions included at the end of this report.

3. BACKGROUND

3.1 Planning Background and Context

The site of the Shellharbour City Centre, which covers an area of approximately 70ha was identified in the 1970s. The current Shellharbour Local Environmental Plan 2013 (SLEP 2013) and Shellharbour Development Control Plan 2013 (DCP 2013) have consolidated and refined the land use and development controls applicable in the City Centre, including the subject site. These plans were made after extensive public consultation and were adopted by Council as strategic plans to guide future development. Embedded in those plans are the controls and guidelines for a new Civic Centre.

The Shellharbour City Master Plan is a strategic planning document designed to provide guidance and direction for the future development of the City Centre and identified the subject site for future civic development. The Master Plan was adopted on 15 December 1998 and revised and amended in 2002 and again in 2008. It should be noted that the Master Plan provisions and objectives have been incorporated in DCP 2013.

Council's Section 94 Contributions Plan 2013 (7th Review) identifies a number of facilities proposed to be included in the City Hub project, including the City library (which includes the Museum), civic auditorium and administration offices.

This suite of documents provides the planning and policy framework for development in the Shellharbour City Centre.

3.2 Development Application Chronology

- Pre-lodgement meetings with the applicant were held on 10 December 2013 (prior to the engagement of HMUP) and 15 April 2014
- Development Application lodged 3 June 2014
- DA advertising / notification period 12 June – 2 July 2014 (21 days)
- Applicant submitted amended Plans 15 July 2014

- Applicant submitted further amended Plans 21 July 2014
- JRPP Site Inspection and preliminary briefing 24 July 2014
- Community Meeting convened by JRPP 28 August 2014
- Applicant provided response to submissions and request for clarification on 24 September 2014 and on 3 October 2014
- Applicant provided response to request for further information regarding Precinct Development Strategy 2 October 2014

4. THE SITE

The site is located in the southern part of Shellharbour City Centre at the corner of College and Cygnet Avenues. Precinct E is designated as the Civil and Cultural Precinct in the Shellharbour City Centre Master Plan.

Precinct E comprises a single parcel, legally described as Lot 2 in DP 1091265 (**Figure 1**).



Figure 1: Subject Site

The Precinct has frontage to Cygnet Avenue of approximately 260 metres and approximately 130 metres to College Avenue with a total area of 2.901ha. This application represents the first stage of development in the Precinct and is confined to the eastern half of the site. The land to which this application applies has frontage to Cygnet Avenue of 120 metres.

Cygnet Avenue is a local road and College Avenue is a local collector road. Both roads include central medians of varying width.

The land is currently vacant and falls by approximately 7 degrees from the north eastern corner towards the west and south west, with an overall difference in level estimated to be in the order of 22 metres from the highest part of the site to the lowest. Existing vegetation on the site comprises grass with scattered trees.

A drainage line roughly follows the southern boundary of the allotment.

5. SURROUNDING LAND AND SITE CONTEXT

The site is located on the southern edge of the Shellharbour City Centre. Existing development in the immediate vicinity comprises:

- low density residential development to the south and south west and a mixture of low to medium density development to the south east;
- development to the north of the site (block bounded by Memorial Drive, Cygnet, College and Minga Avenues) includes vacant land (development sites) and three multi-storey mixed use developments with a large at-grade public car park located centrally within the street block;
- Stockland Shopping Centre located to the north east of the site;
- a large area of public open space (Harrison Park) is located to the north west of the site; and
- a large at grade public car park to the east of the site on the opposite side of College Avenue (future development site).

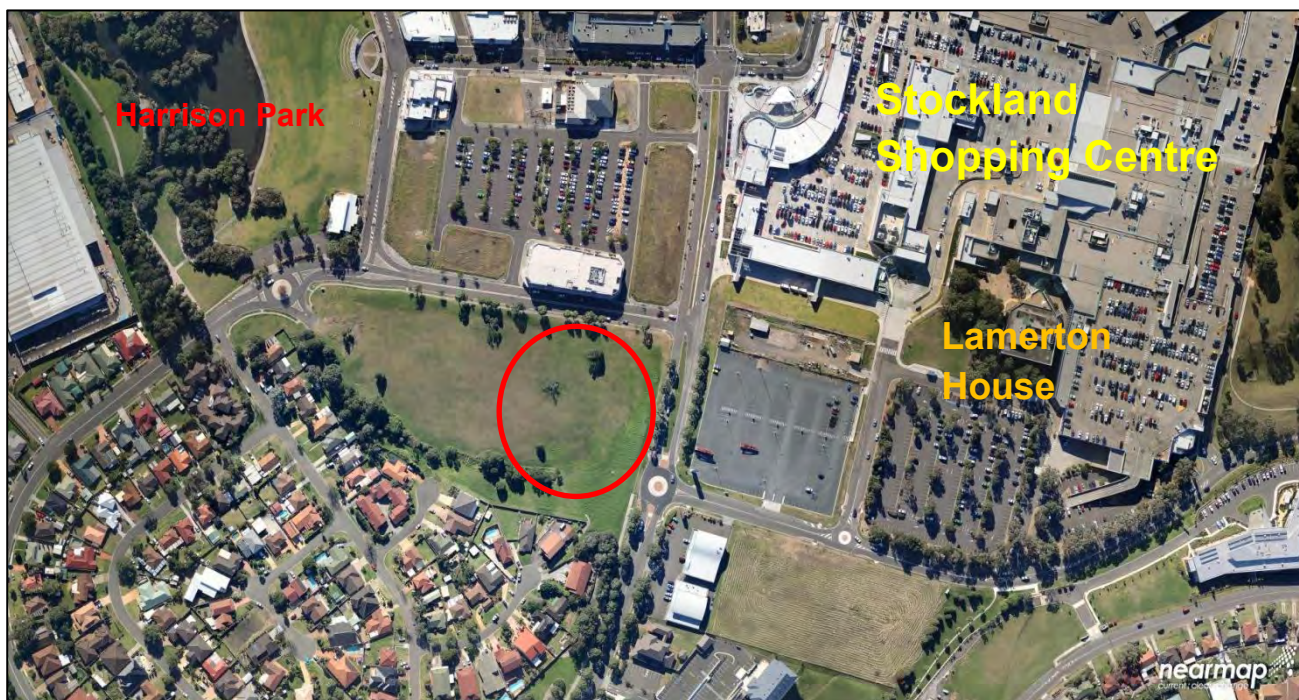


Figure 2: Site Context

5.1 Existing Road Network

As indicated above, College Avenue is a local collector road which runs north-south through the City Centre which has a priority controlled intersection with Cygnet Avenue. Traffic signals at the intersection of College Avenue and New Lake Entrance Road accommodate all turning movements.

There is no existing footpath on either side of College Avenue, south of the intersection with Cygnet Avenue.

Cygnet Avenue is a local road that provides a loop on the western side of College Avenue and provides access to residential areas and the City Centre. A 1200mm wide footpath is provided for the full length of the site frontage.

Minga Avenue is a local road which also runs north-south, between Cygnet Avenue and New Lake Entrance Road. Turning from Minga Avenue into New Lake Entrance Road is restricted to left only, while all movements are permitted from New Lake Entrance Road into Minga Avenue.

No right turn is currently available from Cygnet Avenue to Minga Avenue, so vehicles wishing to use Minga Avenue must proceed to the roundabout further to the west in Cygnet Avenue and make a U-turn to return to Minga Avenue.

6. THE PROPOSED DEVELOPMENT

The application seeks development consent for the construction of a civic and community development known as the Shellharbour City Hub. The proposal includes the following land uses:

- City Library
- Museum
- Council Chambers
- Civic Auditorium and meeting rooms
- Facilities for sessional services
- Council Administration Offices
- Café associated with the Library
- Civic Square
- Car Parking

The range of works associated with the City Hub for which consent is sought includes excavation and bulk earthworks, utility services connections, tree removal, public domain works and landscape treatment. It is also noted that the architectural drawings which accompany the application identify a series of potential locations for building identification signage however any signage on the building will be the subject of a future development application.

The overall gross floor area (GFA) of the building is 8,135m².

The applicant has submitted amended plans which document a number of minor changes to the development. These are discussed in further detail in Section 6.9 of this report.

A copy of the architectural drawings is provided at the end of this report (**Attachment 1**).

6.1 Siting

The proposed development:

- defines and addresses Cygnet Avenue and College Avenue, creates Civic Square which provides a “front door” to the development and the green space to the south;
- provides direct access to the Library, Auditorium, Council’s Customer Service and a new community lobby directly from the Civic Square;
- provides the primary exposure for the library to College Avenue and the Civic Square;
- facilitates expansive views to the escarpment from the Library;
- provides a new administration building that reinforces the existing building pattern and scale of Cygnet Avenue and provides the most energy efficient orientation.

The Civic Square is located at the most prominent part of the site, at the corner of College and Cygnet Avenues, consistent with the location specified in the Shellharbour City Centre Master Plan and DCP 2013.

The proposed development seeks to embellish and enhance the gully which runs roughly parallel to the southern property boundary as a Green Corridor. This will provide a transition / landscaped buffer to the residential area to the south. The building footprint is concentrated in the north eastern corner of the site to optimise the area of this Green Corridor.

The Council administration building is the largest component of the development and is designed over 4 levels. Its footprint broadly corresponds to the existing mixed use development directly opposite on the northern side of Cygnet Avenue (as illustrated in **Figure 3**).

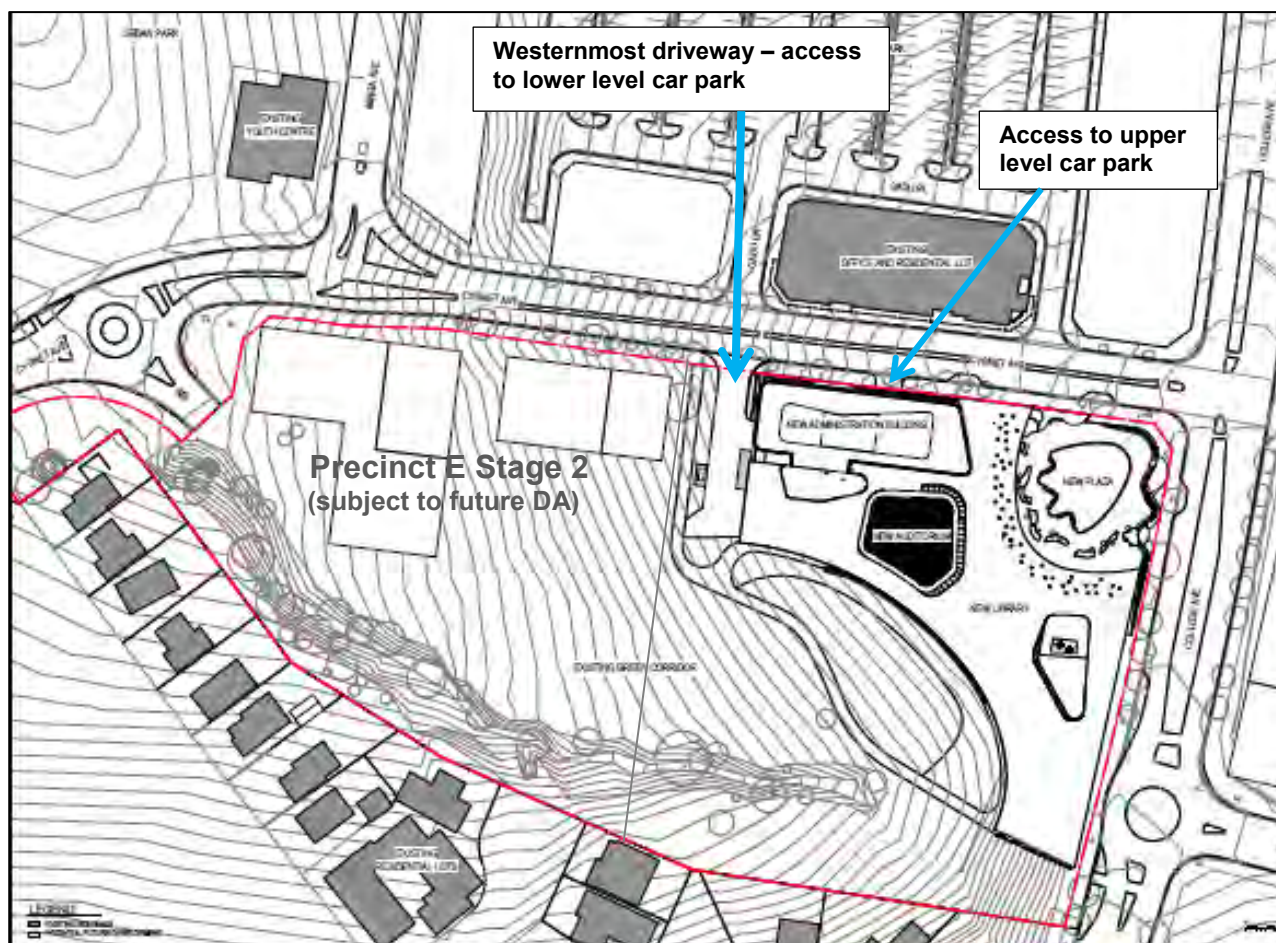


Figure 3: Siting of proposed development

6.2 Built Form

The building addresses the two primary street frontages and the new Civic Square provides the “front door” to the Hub. The building form responds to the sloping topography of the site and a requirement to minimise excavation of the site to provide basement car parking.

The building has been designed as a “building in the round” with equal importance given to all facades.

The form of the single storey civic element of the building (Library, Council Chamber, Museum, Auditorium / meeting rooms and Council’s Customer Service centre) is an asymmetrical arc connecting College and Cygnet Avenues with the area on the corner of the two streets “scooped out” to accommodate the Civic Square (**Figure 3**). The roof varies in height presenting a “wave” form to College Avenue with two ‘pop up’ elements above the Library administration pod and the Auditorium.

The Council Administration building addresses Cygnet Avenue and sits above the “wave”. This element has a more traditional, rectangular form with a separate vertical access and service core located on the southern side of the floor plate.

The rooftop plant associated with the administration building is proposed to be clad using powder coated metal louvres which will screen to the plant and equipment, whilst providing a visually distinctive architectural feature.

The slope of the land results in a built form that ranges in height from a single level along the College Avenue frontage to six (6) storeys at the western end of the site on the Cygnet Avenue frontage (**Figure 4**).

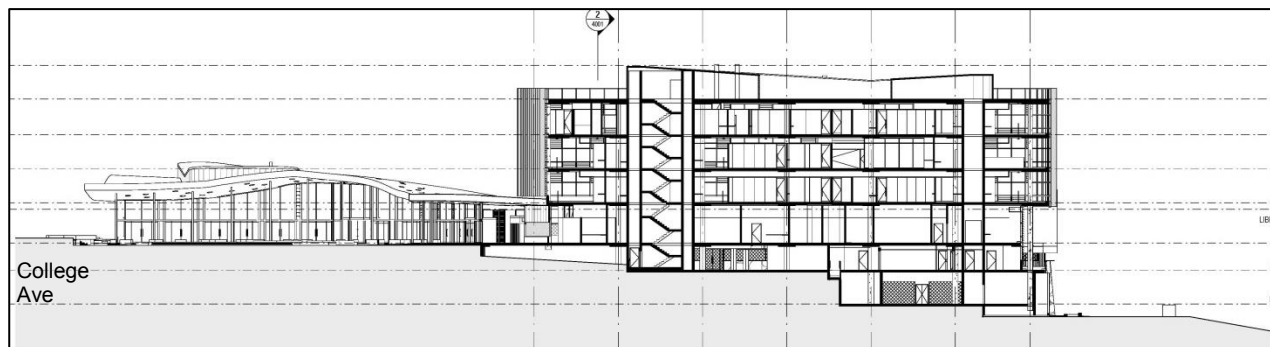


Figure 4 Building section east-west

6.3 Parking & Access

Two levels of on-site parking are proposed – the lower car park level comprises 70 spaces which are intended for the sole use of Council staff. The upper car park level provides 100 parking spaces which will be available to the public. It is noted that the parking is provided as two discrete functional elements and there is no circulation between the levels.

The proposal also includes the following:

- three (3) motorcycle spaces on the upper level and three (3) on the lower level;
- three (3) accessible parking spaces on upper level and two (2) accessible parking spaces on lower level;
- 16 secure bicycle parking spaces on the lower car park level for use by staff; and
- 4 visitor bicycle spaces on the upper car park level.

Separate vehicle entry / exit points, corresponding to each of the parking levels are provided on the Cygnet Avenue frontage. These will only permit left-in / left-out traffic movements.

The westernmost driveway services the lower level car park and provides access to the loading dock which has been designed to accommodate one medium rigid truck (common service vehicles with dimensions of 8.8m x 2.5m, typically having a single rear axle and dual tyres). This access driveway is a cul-de-sac and is designed to facilitate manoeuvring associated with the loading dock.

No vehicular access is proposed on the College Avenue frontage.

6.4 Civil Works

Stormwater from the proposed development is proposed to be directed into the existing drainage line which is located parallel to the southern property boundary. The drainage line flows generally to the west and discharges water from the site into an existing detention basin for the Precinct located approximately 200 metres to the north west of the site, in Harrison Park.

Other elements of the proposed stormwater management include:

- a stormwater treatment unit will be installed on the site to treat the water prior to disposal into the existing drainage line;
- modifications to the existing headwall on the site;
- modifications to the existing underground drainage infrastructure on the site, and new drainage works where required;
- modifications to existing drainage infrastructure located near Benson and College Avenues;

- incorporation of Water Sensitive Urban Design (WSUD) elements into the site stormwater management plan, including:
 - capture of roof water to proposed rainwater tanks located on the upper car park level; and
 - use of permeable paving as indicated on the landscape plan which accompanies the DA.

6.4.1 Bulk Earth Works/Excavation

Modifications to existing site levels are required to create the necessary building platforms for the development. Excavation is also required to facilitate the construction of the car park levels.

The geotechnical report which accompanies the DA indicates that excavation and filling will be required to depths of up to 5 metres and 2 metres respectively in order to achieve the design levels.

6.5 Tree Removal

It is proposed to remove a total of 11 trees - 8 within the site boundaries and 3 street trees in Cygnet Avenue. The street tree species have been identified as Brush Box, Tallowwood and Tuckeroo, while the trees on the site comprise locally indigenous species which are primarily located in the southern part of the site and a small stand of 4 trees (acacias) in the north eastern corner of the site.

6.6 Landscape Treatment

The proposed landscape elements include, but are not limited to:

- the Civic Square which provides a public gathering space and a “front door” to the Hub;
- landscaping and embellishment works in the Green Corridor to the south of the building, designed to provide an attractive and inviting area for public enjoyment as well as maintaining the amenity / privacy to the residential properties to the south;
- retention of street trees and the inclusion of new plantings in the street verge;
- seating areas throughout landscaped areas; and
- new pedestrian paths to improve accessibility and encourage use of these areas.

6.7 Waste Management

Garbage storage areas are provided throughout the building for the collection of day-to-day waste. Waste storage is located adjacent to the loading dock.

A Waste Management Plan prepared by Hyder Consulting Pty Ltd accompanies the DA which details the waste minimisation and management practices to be implemented for both the construction and operational phases of the proposed development.

6.8 Environmentally Sensitive Design (ESD) Initiatives

The building has been designed to 5 Star, Green Star standard and incorporates a range of sustainable design initiatives.

The facade is dominated by glazing, which maximises daylight access, natural ventilation and optimises views into and out of the building. External sun shading systems are provided where appropriate to minimise solar heat gain particularly on the northern and western façades.

The materials used in the office component is off-form concrete with floor to ceiling glazing and applied external sun shading devices. The facade is designed to be operable to support opportunities for mixed mode ventilation during the day and night purging of warm air at night.

The roof pods associated with the Library administration and Auditorium are also designed to allow for natural ventilation.

As indicated previously in this report stormwater will be collected from all non-trafficable roof areas to an 80kL capacity rainwater harvesting tank located in the upper level car park. This water will then be treated and re-used throughout the development for sanitary flushing and irrigation purposes.

6.9 Materials and Finishes

The building siting responds to the character of the area and materials selection has been inspired by the 'escarpment' which is dominant topographic element in the region and which exhibits three distinct layers of landscape: the cliff face, bush and sky, all of which are identified and translated in the architecture and materiality of the building, as follows:

- the 2 lower levels, below the Civic Square are expressing the cliff with dark colours and a gabion wall using rock excavated from the site;
- the ground floor relates to the 'bush' and features a palette of greens and browns, timber wall cladding and sun shading; and
- the upper floors express the 'sky'. The colour palette used in the roof elements is light and bright.

6.10 Utility Services

The applicant has provided evidence of consultation with the relevant service authorities in relation to the project, as detailed below.

Endeavour Energy has advised that there is an existing High Voltage cable in Cygnet Ave and there appears to be sufficient 11kV feeder capacity to supply the load however Ausgrid planners will need to confirm the connection arrangement. A substation will need to be established on site.

Telstra has confirmed that it will provide incoming fibre to the building and will provide incoming copper lines to the building.

Incoming potable water, fire hydrant supply and sprinkler supply will be supplied from the 150mm Sydney Water main located to the southern side of Cygnet Avenue subject to authority requirements.

The site will be supplied with natural gas via the existing 210kPa Jemena gas main located in Cygnet Avenue subject to application, approval and authority requirements.

Sanitary waste discharges from the site including trade waste and sanitary drainage will be connected to the existing 225mm Sydney Water sewer main located to the northern side of Cygnet Avenue.

6.11 Amended Plans

Amended plans were submitted on 15 July 2014, which included a number of changes, as follows:

- adjustment to the arrangement of external polycarbonate cladding to the Library pod to increase the gap between the panels and the building structure to allow for improved access for maintenance purposes. This results in a minor increase in the circumference of the pod but does not alter the floor space, nor will it result in any discernible difference to the appearance of this element;
- length of timber sunshade louvres on the southern elevation has been increased. The result of this is that less of the fascia and the concrete upper basement slab is visible, thereby refining the detailing of the building finishes;

- profile of the “wave” roof form has been subtly altered to improve drainage and water collection. This has not resulted in any substantive change to the overall bulk or area of the wave roof form;
- change in fascia material from cement topping to painted steel finish; and
- introduction of a mail box and postal delivery chute adjacent to the staff entry on Cygnet Avenue. The result of this change is that the hydrant booster room and the staff entry doors have been moved closer to the street frontage. This amendment will not change the appearance of the building from the street.

The applicant submitted further amended plans on 21 July 2014 which detailed a minor increase in the size and configuration of rooftop plant (an additional 48m²) associated with the administration building. The increase occurs within the perimeter screened area and therefore there will be no discernible change to the external appearance of the building.

The amendments are minor and do not alter the height, scale or nature of the development, nor would they result in any change to the environmental impacts of the development. It was on this basis that the decision was taken not to re-notify / re-advertise the application.

7. PLANNING ASSESSMENT

This application has been assessed in accordance with the provisions of section 79C of the *Environmental Planning and Assessment Act 1979* (EP&A Act), as detailed in the following sections of this report.

Other sections of the EP&A Act which are relevant to this assessment include:

- **Section 5A** requires consideration to be given to a range of matters where there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats.

It is proposed to remove a total of 11 trees (8 within the site boundaries and 3 street trees). The street trees have been identified as Brush Box, Tallowwood and Tuckeroo, while the trees on the site comprise locally indigenous species.

An Arboricultural Impact Assessment accompanies the DA which documents the trees proposed for removal. It is noted that no individual threatened tree species were identified as part of these investigations.

The report notes that the ecological significance and habitat value of the subject trees was not assessed. However having regard to both the relative sparseness of the vegetation and the urban context (modified environment) of the site it is anticipated that any fauna that is present in the vicinity would have adapted to the prevailing conditions and is unlikely to be adversely impacted by the proposed development.

Further, in view of the urban context of the site and the fact that the proposal includes substantial landscape treatment within the curtilage of the proposed development, including supplementary tree planting, the removal of the aforementioned trees is considered to be acceptable and will not have any substantive impact on threatened species, populations or ecological communities or their habitats.

- **Section 91** defines integrated development as matters which require consent from Council and one or more approvals under related legislation. As indicated previously in this report, a drainage line roughly follows the southern boundary of the allotment. The NSW Office of Water has advised that the drainage line is not considered to be “waterfront land” for the purposes of the *Water Management Act 2000*.

The proposed development is not classified as integrated development.

7.1 The provisions of any Environmental Planning Instrument (s79C(1)(a)(i))

7.1.1 State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (the Infrastructure SEPP) contains specific planning provisions and development controls for a wide range of infrastructure and it enables certain classes of development undertaken for or on behalf of public authorities, without the need to obtain development consent under Part 4 of the EP&A Act.

Public Administration Buildings

Division 14 relates to administration buildings and buildings of the Crown, defined as follows:

public administration building means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

Clause 76 provides that:

- (1) *Development for the purpose of public administration buildings may be carried out by or on behalf of a public authority with consent on land in a prescribed zone.*

Whilst B4 Mixed Use is identified in clause 74 of the ISEPP as a prescribed zone, this component of the proposed City Hub project is also permitted with consent under the provisions of SLEP 2013.

Traffic Generating Development

Division 17, subdivision 2 relates to development in or adjacent to road corridors and road reservations. Clause 104 and Schedule 3 prescribes development that is classified as traffic-generating development. The proposed development does not satisfy any of the thresholds set out in Schedule 3 and therefore is not traffic-generating development for the purposes of the ISEPP. As a consequence, the DA is not required to be referred to the Roads and Maritime Services (RMS) for review and comment.

7.1.2 State Environmental Planning Policy No. 55 – Remediation of Land

Under the provisions of SEPP 55 the consent authority must not consent to the carrying out of any development on land unless it has considered whether that land is contaminated and if so, whether it is suitable for a proposed development or requires remediation.

Council has confirmed that the site is not affected by section 59(2) of the *Contaminated Land Management Act 1997*, being land which is:

- declared to be an investigation area or remediation site under Part 3 of that Act.
- subject to an investigation order or a remediation order within the meaning of that Act.
- the subject of a voluntary investigation (or voluntary remediation) proposal the subject of the Environment Protection Authority's agreement under sections 19 or 26 of that Act.
- the subject of a site audit statement within the meaning of Part 4 of that Act.

The DA is accompanied by a Preliminary Environmental Assessment which was prepared by Douglas Partners in June 2008 as part of Council's due diligence site investigations for the early phases City Hub development. The methodology for the Assessment included:

- a site history study, including a review of land titles and historical aerial photographs;
- intrusive investigations of the subsurface - twenty (20) test pits were placed across the entire site (ie. Lot 2 DP 1091265) – refer **Figure 5**;

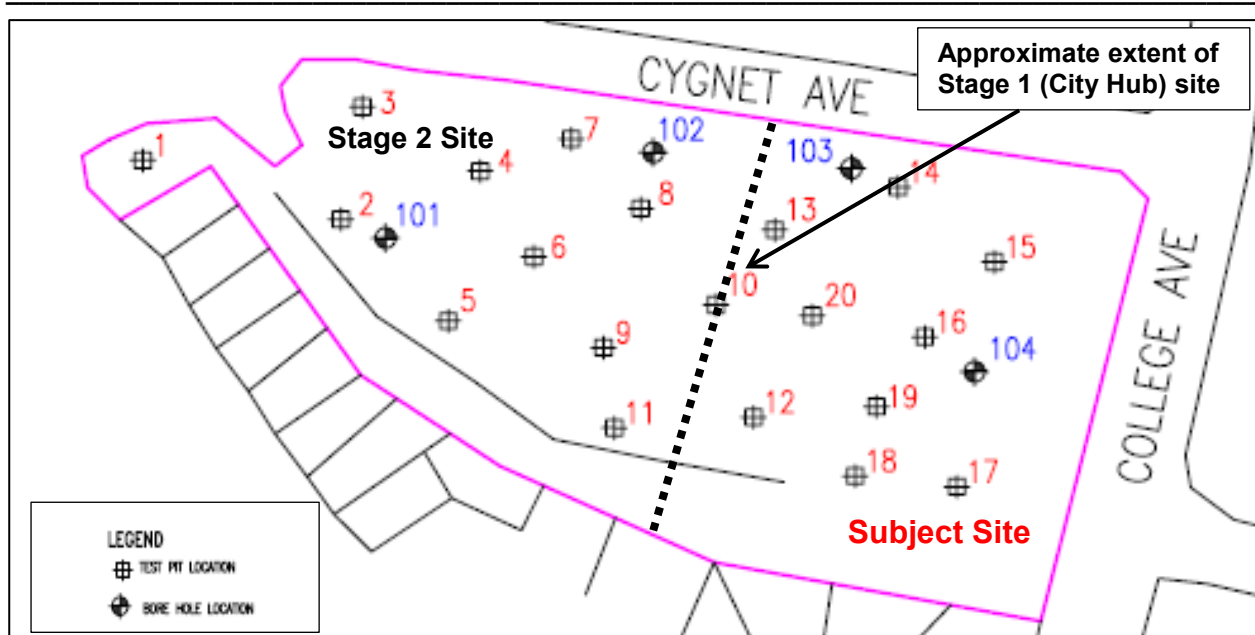


Figure 5 Test borehole locations

- laboratory testing of selected samples for potential organic and inorganic contaminants including heavy metals, polycyclic aromatic hydrocarbons, total recoverable hydrocarbons, benzene, toluene, ethyl benzene, xylene, organochlorine and organophosphorous pesticides, polychlorinated biphenyls and asbestos.

The findings of the report indicate that:

- Based on the review of title deeds and aerial photographs, no significant development has taken place within the site boundaries. To date development in the surrounding areas is primarily residential in character. Potential for contamination ingress associated with residential developments is considered to be low.
- Areas of fill were observed in test pit numbers 1 and 17 to a depth of 2 metres below ground level, and in test pit numbers 11, 12, 18 and 19 to a depth of 0.7 metres below ground level. These test pits are all located close to the drainage line, indicating that further areas of fill may exist in this area. No signs of concern were noted in the filling and no exceedances were detected in samples collected from the abovementioned test pits.
- All analytes returned results within the relevant guideline criteria, indicating no presence of contamination in the site.

The preliminary contamination assessment concludes that:

Based on the site history review and the generally consistent analytical results obtained from all samples, it is considered that the subject site is suitable for the proposed civic complex development from a contamination perspective.

The report notes that isolated pockets of fill or fly tipped material could be present elsewhere on the site. However the impacts associated with these are likely to be localised and do not materially affect the suitability of the site for the proposed development. The report indicates that such material could easily be removed to render the site suitable for the proposed development. In this regard, localised areas of filling, if any, encountered during development works can be assessed and managed appropriately.

It is also noted that Council's contamination mapping does not identify this site as being contaminated. As a consequence it is considered that the presence of contamination is unlikely.

In view of the above, it is considered that the applicant has adequately demonstrated that the subject site can be made suitable to accommodate the proposed development pursuant to the provisions of SEPP No. 55. Notwithstanding, it is considered appropriate to include a condition on any consent issued in respect of this application which requires the applicant to develop an “unexpected finds” protocol as part of a Construction Management Plan for the project.

7.1.3 Shellharbour Local Environmental Plan 2013 (SLEP 2013)

This section of the report addresses the relevant provisions of SLEP 2013.

Land Use Table

The subject site is zoned B4 Mixed Use under the provisions of SLEP 2013. The objectives of the B4 Zone are as follows:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To minimise conflict between land uses on land in the zone and land uses on land in adjoining zones.*

The proposed development is considered to be consistent with the objectives of the zone, particularly having regard to the fact that the site has historically been identified by Council in a series of strategic planning documents (including the City Centre Master Plan 1998, 2001 and 2008), as a key site for providing future civic, cultural and social land uses.

The proposal is considered to be characterised as a Public Administration Building but contains a number of related and ancillary uses, capable of separate characterisation. All uses are permissible in the B4 Mixed Use zone, as demonstrated in the following table.

Component	Definition
Council chamber, administrative offices, meeting rooms and auditorium	Public Administration Building means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station. Permitted with consent (by virtue of the fact it is not specified in item 2 or 4 in the land use table). It is noted that it is also permissible with consent under the provisions of the Infrastructure SEPP.
Library and local history museum	Information and education facilities means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like. Permissible with consent.
Café / small retail premises	Commercial premises means any of the following: (a) business premises, (b) office premises, (c) retail premises. Cafes are “food and drink premises” which are a type of “retail premises” and are permissible with consent.
Basement parking and loading facilities; Civic Square; site works and landscape treatment	Are integral and ancillary to the development and are permissible with consent.

Clause 4.3 Height of Buildings

SLEP 2013 permits buildings of up to 15m across the majority of the site with two (2) small areas permitting additional heights of up to 18m and 25m, as illustrated in **Figure 6**.



Figure 6 Extract from Height of Building Map SLEP 2013

The arrangement of heights across the site was based on the Shellharbour City Centre Master Plan which contemplated a specific built form outcome comprising 3 separate buildings on the eastern part of the site. It is understood the floor plates and indicative heights were developed during the Master Plan process in order to establish what the likely impacts of future built form might be (eg. overshadowing). Refinements to the concept design, together with stakeholder and community consultation in 2012 - 2013 resulted in Council's decision to progress a DA for a single integrated building accommodating a range of civic and cultural uses.

Whilst it is noted that the majority of the proposed development complies with the statutory height controls there is an area of non-compliance.

The height control in this part of the site is 15m and the proposed development achieves a maximum height of 24.5 metres (exceedance beyond the standard is 9.5m). It is noted that no part of the proposed development (including the rooftop plant) achieves the maximum permissible 25 metre height limit and indeed, a significant proportion of the building is well below the maximum permitted.

The non-compliance with the height controls relates to a redistribution of building massing, specifically shifting the anticipated tallest element (administration building) further to the west along Cygnet Ave as illustrated in **Figures 7, 8 and 9**.

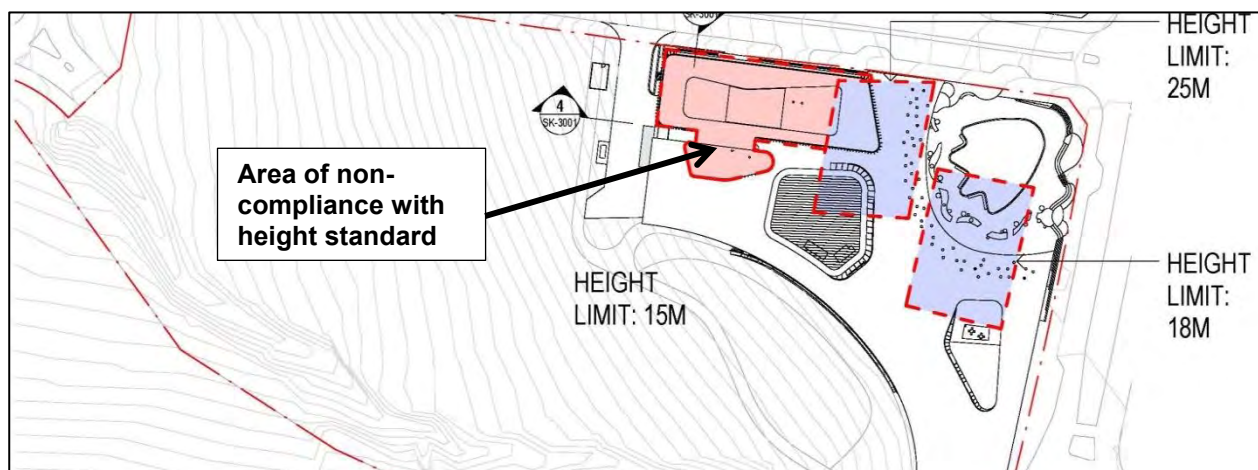


Figure 7 Height controls – plan view

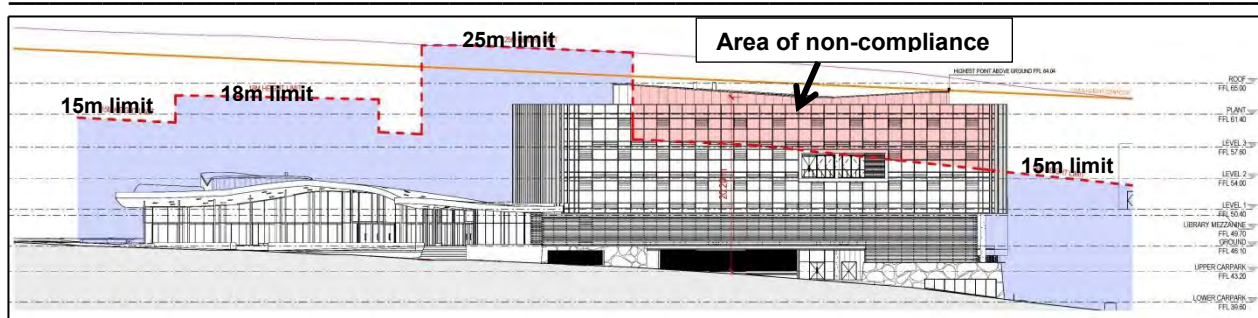


Figure 8 Height controls across the site viewed from Cygnet Avenue

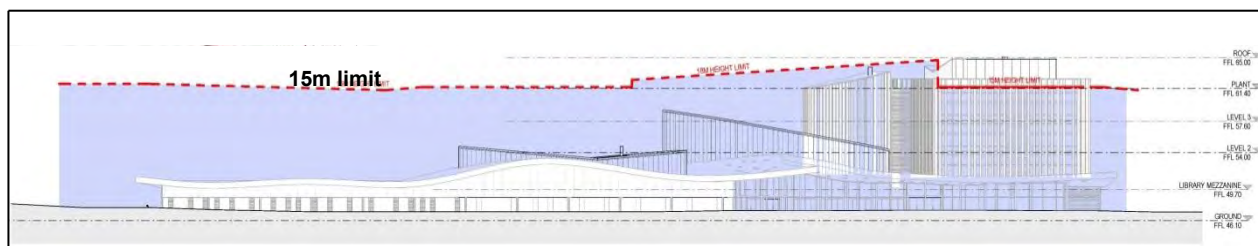


Figure 9 Height controls across the site viewed from College Avenue

A request for an exception to the height standard accompanies the application and is discussed in further detail below.

Clause 4.6 Exceptions to Development Standards

The objectives of Clause 4.6 are:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Consistent with those objectives Clause 4.6(2) enables consent to be granted to a project that contravenes a development standard imposed by the Plan.

Subclause (3) provides that consent must not be granted to a project which contravenes a development standard unless a written request which justifies the circumstance has been considered. The request must demonstrate:

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

Subclause (4) further provides that consent must not be granted unless:

- (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the Director-General has been obtained.*

Subclause (5) provides that in deciding whether to grant concurrence, the Director-General must consider:

- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) *the public benefit of maintaining the development standard, and*
- (c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*

The DA documentation includes a submission made pursuant to clause 4.6 of SLEP 2013. The applicant's rationale in seeking an Exception to the Height standard is based on the accepted "5 part test" established by the NSW Land and Environment Court in *Wehbe v Pittwater Council [2007] NSWLEC 82* and the principles outlined in *Winten Developments Pty Ltd v North Sydney Council [2001] NSWLEC 46*.

The following paragraphs make an assessment of the applicant's justification for the Exception to the Height standard against the aforementioned "5 part test" and Land and Environment Court principles.

(i) *the objectives of the standard are achieved notwithstanding non-compliance with the standard;*

The applicant's justification contends that consistency with those objectives together with the absence of any environmental impacts would demonstrate that strict compliance with the height standard would be both unreasonable and unnecessary in this instance.

The justification has been assessed against the stated objectives of the height standard as follows:

(a) *to ensure the height of buildings complements the streetscape, rural or natural scenic character of the area in which the buildings are located,*

SLEP 2013 permits buildings of up to 15m across the majority of the site with two (2) small areas allowing heights of up to 18m and 25m. It is understood that the LEP height controls were prepared around a specific built form outcome derived from the 2008 Shellharbour City Master Plan which contemplated three (3) separate buildings in the location of the proposed development.

Refinements to the concept design, together with stakeholder and community consultation resulted in Council's decision to progress a DA for a single integrated building accommodating a range of civic and cultural uses. This has resulted in a single building which is arguably more efficient and functional than the 3 separate building forms envisaged by the Master Plan. The intent of the height standards applied to the site is to:

- maintain a 15m height across the majority of the site;
- provide opportunities for some isolated taller elements towards the north east corner of the site to define a civic space and assist with identifying the City Hub (landmark / gateway element) within the City Centre; and
- avoid overshadowing and otherwise dominating the more sensitive land uses to the south and south-east.

It is considered that the building height as proposed, whilst departing from the specific height footprints over a relatively small part of the site, achieves the intention of the height standard in that:

- the majority of the building achieves heights of less than 15m;
- the location of the taller elements of the development has been adjusted further to the west along the Cygnet Avenue frontage to create a larger Civic Square at the intersection of Cygnet and College Avenues which provides a gathering space and "front door" to the Hub. It is considered that the "wave" roof design and the general composition of the building achieves the desired "landmark" effect; and

- the siting of the proposed development and the arrangement of height across the site responds to the physical constraints imposed by the topography and does not result in any substantive overshadowing of residential properties in the vicinity.

The impact of the development on the streetscape is generally assessed in the context of existing development. However, this part of the City Centre is largely undeveloped and therefore it is appropriate to examine the likely future built form in the immediate vicinity of the site.

The sites to the north in the block bounded by Memorial Drive, Cygnet, College and Minga Avenues are zoned B3 Commercial Centre and permit a wide range of retail, business and entertainment uses. A height limit of 15m applies to the majority of this street block, with taller elements (18m height limit) permitted at the corners and also along the College Avenue frontage.

The existing 3 / 4 storey building directly opposite the site is typical of the application of the 15 metre height control applicable to that site. Other development in that City block for which Council has recently granted approval includes:

- 9 Minga Ave, Shellharbour City Centre (DA 452/2011 approved by Council on 17 July 2012) which comprises a part 4 / part 5 storey tourist facility containing 67 sole occupancy units and ground floor retail premises. The building achieves a maximum height of 17.077m.
- 3 Memorial Drive, Shellharbour City Centre (DA 164/2014 approved on 1 August 2014) under delegated authority. The approval allows for alterations and additions to the existing Central Hotel to include two function rooms, retail space at ground (street) level and signage.

The sites on the eastern side of College Avenue are similarly zoned B3 Commercial Centre. A 15 metre height limit also applies, punctuated with areas where 18 metre heights are permitted to emphasise corners / intersections. It is reasonable to expect that it will be developed at some time in the future for retail / commercial or other purposes that are permissible under the zoning controls and which expand the range of facilities and services in the City Centre.

The perspective drawings prepared by Design Inc (**Figure 10**) illustrate the various aspects of the proposed building in the context of surrounding development. In this regard it is considered that the building responds appropriately to the prevailing site conditions, with particular regard to streetscape presentation.



Civic Square from cnr. College & Cygnet Aves



View east along Cygnet Ave



View looking west from Benson Ave



View from the south west across the Green Corridor

Figure 10 Perspective views

Having regard to the preceding discussion and the context of the proposed development it is considered that it provides a building which reflects the intended design outcome for the Precinct and surrounding streetscape that is responsive to the functionality of the site conditions, community and Council's expectations, and proposed use of the land. As such, it is considered that strict compliance with the height standard over a relatively small part of the site is unnecessary and unreasonable in this instance.

- (b) to ensure the height of buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy and views.

Visual Bulk

The proposed development responds to the physical characteristics and prevailing conditions of the site. The visual bulk of the development is minimised by "stepping" the building form down the slope.

Furthermore it is considered that the visual bulk of the proposed development is consistent with Council's intentions / expectations for Precinct E as articulated in the Master Plan, as well as the built form as set by the LEP – namely low height across the majority of the site, particularly in the south / south-west part of the site, with a taller built form to the maximum height of 25m towards the north eastern corner.

The development is considered to be an appropriate bulk and scale, having regard to the size of the land and the intended use of the site. The areas of non-compliance do not result in any adverse impacts as a result of the built form. Furthermore, a building that complies with the relevant standards will have a similar bulk and scale to that which is proposed. The development is not overbearing, and will not cause adverse impacts when viewed from the surrounding area.

Furthermore the taller elements of the proposed development have been sited to achieve the greatest possible physical separation from the low density residential development to the south. The southern end of the Library is 22 metres (at the closest point) from the nearest residential boundary, while the Council administration building is in excess of 100 metres from the common boundary with the residential area to the south.

The siting of the taller elements on Cygnet Avenue is considered to be acceptable given the relative proximity to the "urban core" of the city centre which typically includes higher order uses and greater height and density of development.

Having regard to the above it is considered that the visual bulk of the proposed development is acceptable in this context and the redistribution of height which results in the non-compliance with the height standard does not result in any substantive adverse impact on adjoining properties.

Access to Sunlight

Shadow diagrams accompany the DA. These demonstrate that there is no substantive overshadowing impact to the residential properties to the south of the site. The shadows cast by the proposed development primarily fall within the property boundaries, with the exception of a small section of the rear yard (private open space) of the residential property located at No. 13 Petrel Place being impacted by shadow at 9.00am on 21 June (see **Figure 11** below).

It is noted that the early morning shadow has receded by 10.00am and that there is no further shadow impact on private properties at other times during the day. In this regard it is noted that the tallest elements of the building do not contribute to any overshadowing of adjoining residential properties.

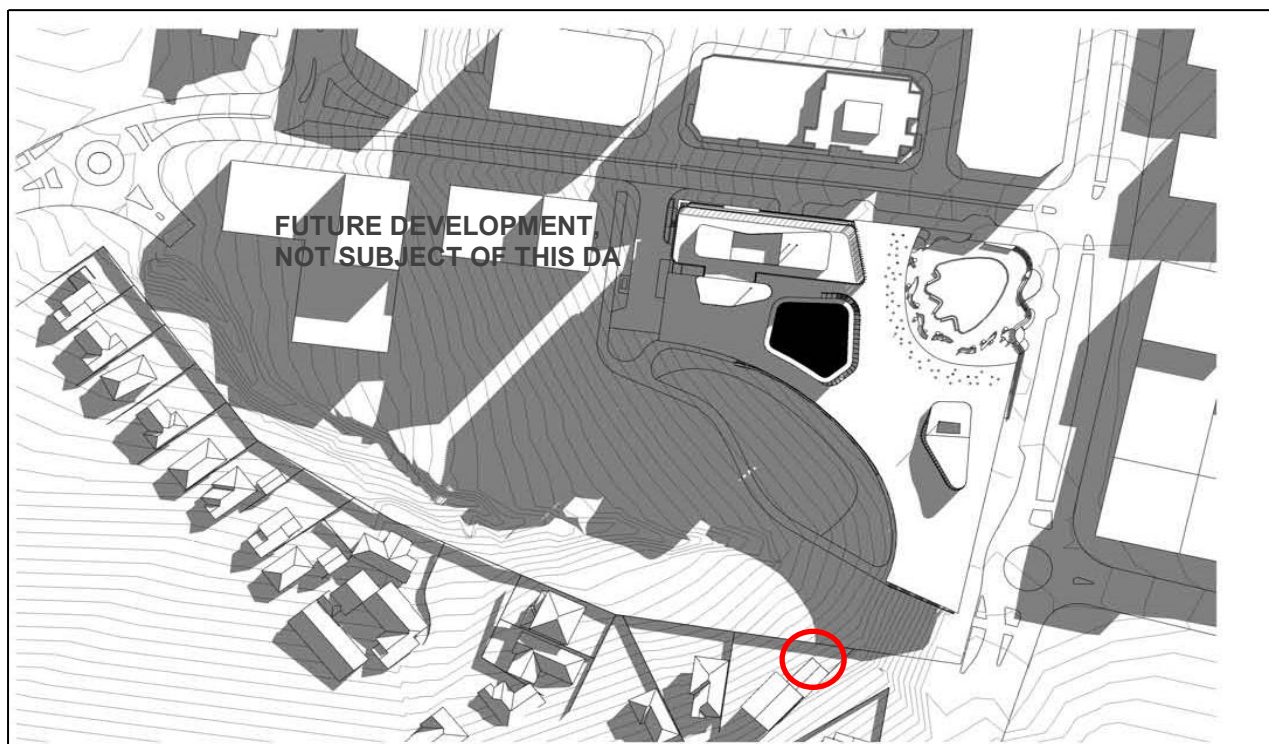


Figure 11 Shadows 9.00am on June 21 showing minor impact to rear yard of No. 13 Petrel Place

The College Avenue western footpath, together with approximately one third of the proposed Civic Square will be impacted by shadow cast by the proposed development at 3.00pm (**Figure 12**).



Figure 12 Shadows cast by the proposed development at 1200noon and 300pm on June 21

Having regard to the above it is evident that the non-compliance with the height standard does not manifest itself in any adverse shadow impact and as a consequence, the standard is unnecessary and unreasonable in this regard.

Privacy

The siting of the proposed development in the north eastern corner of the site, together with the design and form of the building has resulted in generous physical separation between the development and the adjoining residential properties, as illustrated in **Figure 13**.

The southern end of the Library is located 22 metres (at the closest point) from the nearest residential boundary at No. 13 Petrel Place. This part of the Library accommodates a series of 3 meeting rooms and no windows are proposed in the southern elevation which precludes any overlooking from this vantage point.

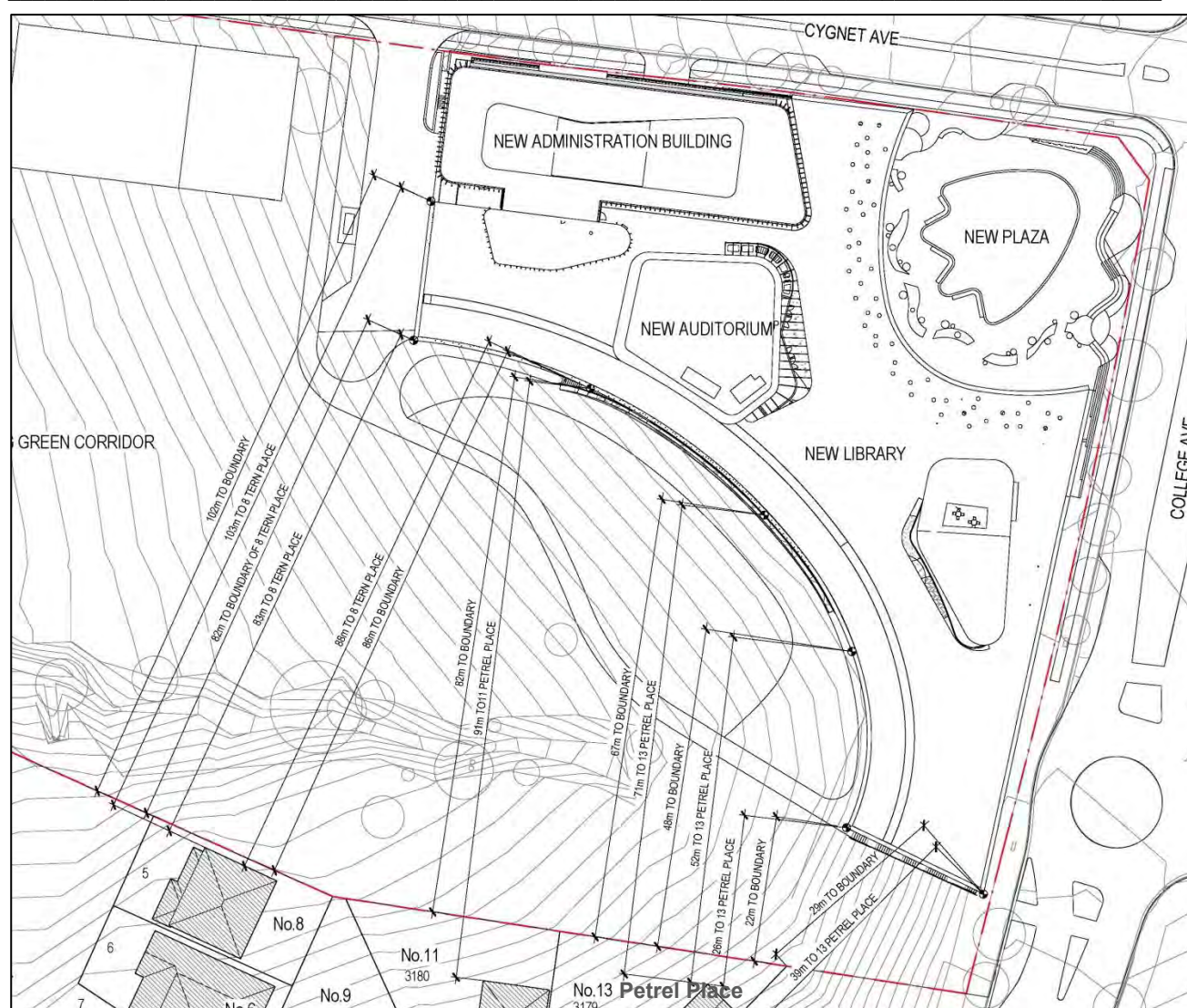


Figure 13 Physical separation between the proposed development and adjoining residential properties

The Library balcony provides another potential vantage point for overlooking of the adjoining residential area. However the arc of the balcony is oriented to the west and south west and will primarily overlook the Green Corridor, which will be the subject of extensive landscape works and part of this and future stages of development in Precinct E.

Views to the south towards the residential area to the south may be available from parts of the upper levels of the Council administration building however any overlooking will be mitigated by:

- the physical separation (in excess of 100 metres to the common boundaries);
- various elements of the building (Auditorium “pop up” and the service core) will obscure views from much of the administration building; and
- the sun screening measures proposed to be fixed to the external building façade.

It is also noted that there is an existing residential component on the upper levels of the mixed use building directly opposite the site in Cygnet Avenue. In this case the physical separation is in the order of 20 metres. Street tree planting and the aforementioned sun shading devices fixed to the northern elevation of the building will serve to maintain levels of privacy appropriate in this City Centre context, where development by its very nature is more proximitous.

Having regard to the above, it is considered that the siting of the City Hub, the proposed landscape treatment within the Green Corridor and the physical separation between the Hub and the adjoining

residential development is sufficient to ensure that an acceptable level of privacy of the residential properties to the south is maintained.

The proposed use and scale of the development is consistent with the future desired character and built form that is envisaged for the area. In this regard, the areas of non-compliance do not result in any loss of privacy to the surrounding area.

Views

The site is currently vacant and is largely devoid of vegetation. The proposed development will be visible to properties in the immediate area. As previously described in this report the design of the building reflects a bulk and scale consistent with the desired future character of the precinct as envisaged by the Master Plan and DCP 2013 and the development standards in SLEP 2013.

The area of non-compliance is a result of the functionality of the building and proposed use of the land. In this regard, the tallest / bulkiest element of the building has been moved further to the west along Cygnet Avenue and down the slope from what was anticipated in the Master Plan, DCP 2013 and SLEP 2013.

Existing views from the residential properties to the south (see **Figures 14 - 17**) have a view of the grassy slope and the existing 3 / 4 storey building on the northern side of Cygnet Avenue. The street trees in both Cygnet and College Avenues are clearly visible on the horizon from the residential properties on the northern side of the lower part of Chillawong Circuit and Tern and Petrel Places.



Figure 14 View looking north from the end of Tern Place



Figure 15 View looking north from Brolga Close



Figure 16 View looking north from Chillawong Circuit (east)



Figure 17 View from Chillawong Circuit

The existing views are localised, although wider district views are expected to be available to properties further up the hill. None of the views are considered to be iconic and any development on the site will be visible from these areas.

The proposed redistribution of height associated with the proposed development will not result in any additional view impacts beyond those which could reasonably be expected from a fully compliant scheme. Compliance with the height standard is unnecessary and unreasonable in this instance.

(c) to protect areas of scenic or visual importance

The most significant views available in this locality are the view of the escarpment to the west and Lake Illawarra to the north of the City Centre. As discussed above, the proposed development will have comparable impacts on views to and from the surrounding area to that arising from a development which is strictly compliant in terms of height.

The areas of non-compliance do not create any additional view impacts rather the location of the impact is marginally different as a result of the redistribution of massing / height. Indeed, the proposed development will maintain important views of the escarpment from College Avenue as a

result of the significantly lower building height along this frontage and the concentration of the taller elements in the north western part of the site (**Figure 18**).



Figure 18 View looking west from Benson Avenue, note escarpment is visible above the roofline

On this basis it is considered that the development as proposed is satisfactory and compliance with the height standard is unnecessary and unreasonable in this instance.

(ii) the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;

The underlying objective or purpose of the height standard is relevant to the proposed development. As discussed under point (i) above, it is considered that the objectives of the standard are achieved, notwithstanding the proposed non-compliance.

(iii) the underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

The underlying objective or purpose of the height standard is relevant to the development (refer discussion under point (i) above).

(iv) the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and

The integrity of the development standard has generally been maintained in the Shellharbour City Centre and the request for exemption from the height standard does not rely on this reason.

(v) the zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

The zoning of the subject site is appropriate and the request for exemption from the height standard does not rely on this reason.

Summary and Conclusion

The arrangement of the height controls across the site is very restrictive and as previously discussed in this report, was modelled on a specific design concept which is considered to be premature and potentially limiting in terms of future design.

Having regard to the preceding assessment, the Clause 4.6 exception to the height standard is considered to be well founded as:

- notwithstanding the non-compliance, the proposal is demonstrably consistent with the objectives of the height standard and it does not result in any unreasonable environmental impacts in terms of overshadowing, privacy or view loss.
- the proposed development is a well-mannered design form that fits well into the existing and anticipated future streetscapes in College Avenue and Cygnet Avenue;
- the proposed development is consistent with Council's strategic planning intentions for the site as articulated in the Master Plan for the Shellharbour City Centre;
- the proposal represents a high quality development which exhibits a high standard of architecture. The design adopts strong urban design principles that ensure the proposal is consistent in scale and form with anticipated future development in the City Centre. It will also provide a significant public benefit in terms of the Civic Square and public domain works within the Green Corridor in the southern part of the site.

Accordingly, it is considered that the development standard relating to the maximum building height for the site as set out in clause 4.3 of SLEP 2013, should be varied in the circumstances to allow the development to achieve a redistribution of height across the site.

Clause 5.6 Architectural Roof Features

This clause seeks to encourage variety in roof form and ensure that roof features complement the design of the building.

Subclause (2) provides that architectural roof features that exceed or causes a building to exceed the height controls can be carried out with consent. In this regard the consent authority must be satisfied that the architectural roof feature:

- (i) comprises a decorative element on the uppermost portion of a building, and
- (ii) is not an advertising structure, and
- (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
- (iv) will cause minimal overshadowing.

Furthermore, any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

The roof form proposed for the City Hub varies in height. The roof to the single storey elements of the development (Library, Museum and community lobby) presents as a "wave" to College Avenue. Two "pop up" roof elements associated with the library administration pod and the auditorium provide daylight to these areas in the building.

The Council office component addresses Cygnet Avenue and sits above the wave form. The rooftop plant which services the administration building is located centrally on the roof and set back from the parapet. The rooftop plant is proposed to be screened using steel powder coated louvres which will create an architectural feature on this part of the roof.

Having regard to the above, it is considered that the proposed roof forms to the City Hub satisfy the aforementioned criteria in that:

- they represent decorative elements integral to the overall architectural design;
- they do not constitute an advertising structure, although it is noted that the library and auditorium "pods" and the rooftop plant above the Council administration building have been identified as potential locations for either building identification signage or public art (projection

art). Any proposal for building identification signage and / or public art projects will require the submission of a separate development application;

- the library administration “pod” is a defined element and is not capable of providing additional floor area beyond the approx. 320m² as proposed; and
- the shadow analysis diagrams which accompany the application demonstrate that the roof features do not result in any shadow impact beyond the site boundaries (refer **Figures 9** and **10**).

Clause 5.9 Preservation of Trees or Vegetation

As described previously in this report, the proposal involves the removal of eleven (11) trees to accommodate the proposed building. The Arboricultural Impact Assessment which accompanies the DA indicates that 4 of the trees have moderate significance, and the remaining four trees have low significance. It is noted that the report does not recommend the retention of these trees.

As the identified trees are not of high significance their removal is considered appropriate in the context of the proposed development. It is also noted that the landscape treatment associated with the City Hub includes supplementary tree planting in both the Civic Square and the green space on the southern side of the development which can reasonably be expected to increase the vegetative cover and enhance the overall amenity of the site.

Clause 6.2 Earthworks

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The proposed development requires excavation to allow for two levels of car parking and to accommodate the proposed building within the site boundaries. The DA is accompanied by a Geotechnical Investigation report which indicates that there are no signs of deep seated instability on the site and adjacent areas and concludes that:

“... it is considered that most of the site is classified as low risk of damage to property occurring as a result of slope instability. The area of steeper relief in the eastern section of the site is classified as moderate risk. Notwithstanding the various risk categories nominated, development of the site for the proposed Civic complex is considered feasible, with erosion control measures and construction / design appropriate for hillside development required to maintain or reduce the risk of slope instability to acceptable levels in the steeper area of the site”.

An Erosion and Sedimentation Control Plan accompanies the development application. Conditions have been included which require the Plan to be included in the Construction Management Plan prepared for the development and the recommendations implemented throughout the construction phase of the project. Similarly, conditions have been included which require protection measures to be implemented where excavation for which the zone of influence extends beyond the lot boundary and into adjoining land.

Clause 6.4 Stormwater management

The objective of this clause is to minimise the impacts of urban stormwater on the land to which the development applies, adjoining properties, native bushland and receiving waters. Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) *is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and*

- (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and
- (c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.

The proposed development incorporates a range of measures to manage stormwater, including use of permeable surfaces, rainwater collection and reuse as well as use of existing overland drainage path that directs stormwater to an existing detention basin located approximately 200 metres to the north west of the site in Harrison Park.

The Stormwater Management Plan prepared by Enstruct which accompanies the DA identifies two areas that experience temporary flooding during both minor (1 in 20 year) and major (1 in 100 year) events in the vicinity of the Benson Ave / College Ave roundabout and at the Cygnet Ave roundabout.

Generally, flooding was identified to be caused by short duration, high intensity storms (flash flood) and standing water will be present on the road surfaces for up to 1 hour. The maximum depth of floodwater is estimated to be 400mm on Benson Avenue and 150mm on Cygnet Avenue during both the minor and major events after which water overtops nearby kerbs and flows away.

Further discussion regarding the proposed stormwater management is included at Section 7.7.4 of this report.

Clause 6.7 Airspace Operations

The subject site is located between the RL 52 and RL 70 contours as shown on the *Airport Height Limitation Plan* (**Figure 19**). The highest point of the proposed development achieves a height of RL 64.04m AHD which is equivalent to 24.5 metres.



Figure 19 *Airport Height Limitation Plan*

The DA was referred to Air Services Australia for review and comment. No objection was raised. Further details in this regard are included at Section 9.1 of this report.

7.2 Development Control Plans (S79C(1)(a)(iii))

Shellharbour DCP 2013 came into effect on 26 June 2013. An assessment of the proposed development against the relevant DCP controls is set out in the table below.

DCP Provisions	Proposal	Compliance
Section 7 – Shellharbour City Centre Commercial Development		
7.1 – Façade Treatments Buildings should generally be of masonry appearance with generous shop windows to the street.	The development has a variety of façade treatments and architectural design elements. Vertical and horizontal articulation assists in “breaking up” the building. Further articulation of the facades is provided by the Civic Square located at the corner of Cygnet and College Avenues, which provides a focal point. Upper levels of the building include architectural elements (louvres, sun shading devices etc) which serve to further articulate the building façade. Facades are broken up as a result of the sloping land, vehicle entry points, pedestrian entry points, and appropriately located windows. The varying height of the building and pitch of the roof also provides visual interest.	Satisfactory. The proposed façade treatments and materials selection vary throughout the building, and also contribute to a building that is of contemporary design that adds to the existing and desired character of the area. Large areas of glazing to the Library, museum and community lobby create visual permeability and serve to activate the street / Civic Square frontages.
7.2 – Service Access Vehicle access is only permitted from a new service lane via the existing roundabout west of Minga Avenue.	Vehicle access is proposed direct from Cygnet Ave contrary to both DCP and Master Plan. Does not preclude construction of service lanes for subsequent development on the western portion of the Precinct.	Satisfactory. It is considered new access provides an opportunity for onsite car parking with direct access to Cygnet Avenue which provides a good solution given the site constraints. Conditions re recommended to improve accessibility and maximise the safety for pedestrians, cyclists and vehicles. The westernmost access driveway provides access to the lower level car park and for service vehicles to the loading dock. The dock has been designed to accommodate 1 medium rigid truck. Further discussion regarding vehicle access and servicing is provided at Section 7.2.2.
7.3 – Roofs and Roofscape Objective is to create a roofscape that is read from near and far and that present an interesting yet integrated component in the city centre.	Various roof forms proposed. “Wave” element is dominant at lower level. Two (2) “pop up” elements penetrate the wave form provide daylight access to the library administration pod and the auditorium. The four (4) storey office element on Cygnet Ave incorporates rooftop plant which is located centrally on the roof and set back from the parapet. The rooftop plant is proposed to be screened using steel powder coated louvres which will create an architectural feature on this part of the roof.	Satisfactory. “Wave” roof form maintains views of the escarpment on the horizon from the high points along College Avenue. The roof form and composition is appropriate having regard to the “landmark” nature of the City Hub development.
7.4 – Building Materials Objective is to visually integrate the city centre by regulating type, nature and colour of materials.	The building is not predominantly masonry – the proposed materials palette seeks to respond to the character of the area and inspired by the escarpment, as follows: <ul style="list-style-type: none"> the 2 lower levels express the “cliff” using 	Satisfactory. The proposed materials palette is considered to be appropriate for a significant public building. Furthermore the variety in type and colour of material generates visual

DCP Provisions	Proposal	Compliance
For "Icon" buildings – painted and rendered masonry, lightweight and tilt-up panels. No large curtain walled glazing areas. Roofs – grey metal deck, grey colourbond or similar. Windows – aluminium or steel. DCP notes that other materials and colours may be acceptable and alternatives will be considered.	<p>dark colours and a gabion wall (using rock excavated from the site);</p> <ul style="list-style-type: none"> ground level relates to "bushland / vegetative cover" and employs a palette of greens and browns using timber cladding; and the upper levels designed to express the sky using a light, bright colour palette. <p>Use of polycarbonate panel walls, timber panel openings and shading devices and aluminium louvres to Levels 1-3 of the administration offices, powder coated metal louvres to services areas and various other elements. Curtain walls are broken up by louvres and do not present as large curtain wall of glazing.</p>	interest and is a direct response to the physical characteristics of the locality.
7.5 – Solar Access Minimise overshadowing on public open space; residential private open space and adjacent residential dwellings.	<p>No overshadowing of adjoining residential dwellings.</p> <p>Minor overshadowing of private open space of the adjoining residential property at 13 Petrel Place between 9.00am and 10.00am on 21 June.</p> <p>The Civic Square will be impacted by shadow cast by the proposed development from about 3.00pm on 21 June.</p> <p>The Green Corridor to the south of the proposed City Hub building will be affected by shadow in the mornings in mid-winter. However by midday and for most the afternoon this area is largely unaffected by shadow.</p>	Satisfactory. The extent of overshadowing associated with the proposed development does not unreasonably impact on the amenity or usability of adjoining public and private public open spaces.
7.6 – Building Height	The proposed development does not strictly comply with the distribution of height illustrated in Figure 3 – part of the 6 storey element (25m) extends beyond the footprint shown on the Height Control Map.	No. A Clause 4.6 Exemption has been submitted and has been assessed as being well-founded. Strict compliance with the building height control is unreasonable & unnecessary.
7.7 - Public Domain Implementation	Civic Square forms part of the proposal as well as embellishment and landscape works to green space on the southern side of the development. DA documentation acknowledges the need for supplementary street tree planting.	Satisfactory.
Precinct E: future civic and cultural precinct		
<i>Provide for civic, cultural and community development on the perimeter of the City Centre particularly on Cygnet and College Ave</i>	Civic, cultural and community development to be used as Council chambers, museum, library and Civic Square and other ancillary development; located at the corner of Cygnet and College Avenues.	Yes
<i>Provide extensive street planting to enhance the public domain.</i>	Existing street tree plantings along both Cygnet and College Avenues will be retained, with the exception of 3 street trees in Cygnet Ave which coincide with vehicle access points.	Yes. Extensive plantings in the Civic Square and across the remainder of the site will compensate for loss of 3 street trees in Cygnet Ave.
<i>Provide on-site parking for civic, cultural and administration purposes.</i>	2 levels of parking for 170 vehicles for staff parking and visitors to the facility.	No. Parking numbers do not comply with Council's numerical requirements. Traffic Impact Assessment makes a case for reduced parking provision on the basis of complementary use. Refer further discussion at Section 7.2.3.
<i>Create a community hub for community development, information, education, recreation and Council business</i>	Proposed development creates a community hub and includes Council chambers, museum, library and Council administrative offices.	Yes

DCP Provisions	Proposal	Compliance
<i>Construct new Council chamber and civic auditorium up to 6 storeys (from College/Cygnet Ave)</i>	Building does not exceed 6 storeys. Services, plant and equipment located on roof fitted with screening elements to create a more attractive roofscape.	Yes
<i>Create a small Civic Square at the corner of Cygnet and College Aves.</i>	Civic Square provided – area of approx. 2005m ² .	Yes
<i>Address buildings to Cygnet and College Aves.</i>	Building addresses both street frontages.	Yes
<i>Create, a vital civic/cultural precinct with galleries, museums, theatre, auditoria, Council chambers, Council admin and a city space providing library, museum, customer and sessional services.</i>	Proposed development creates a civic / cultural precinct and includes Council chambers, auditorium, sessional meeting rooms available to the community, museum, library and Council administrative offices.	Yes
<i>Provide porte cochere in vicinity of Cygnet / College corner.</i>	No porte cochere is proposed – applicant contends that it is not compatible with high pedestrian environment associated with the proposed Civic Square (corner of Cygnet and College Aves). Proposal makes provision for an indented bus bay on College Ave.	No , however considered to be satisfactory in the circumstances – refer discussion at Section 7.2.2.
<i>Prepare Precinct Development Strategy (PDS) to explore fully future site opportunities.</i>	PDS submitted concurrently with DA.	Satisfactory – refer discussion at Section 7.2.1.
<i>Minimise permanent vehicular access points to Precinct. Other access should be temporary to facilitate staged development of Precinct.</i>	2 points of vehicular access proposed off Cygnet Ave.	Satisfactory – refer discussion at Section 7.2.2.
<i>Explore vehicular access options in PDS i.e. existing roundabout at west of site on Cygnet Ave, Gadu Lane extension.</i>	Vehicular access is discussed in the PDS which accompanies the DA.	Satisfactory - refer discussion at Section 7.2.1.
<i>No vehicular access to College Avenue.</i>	No access to / from College Ave is proposed.	Yes
<i>Landscaping between Precinct E development & properties to south</i>	Landscape treatment comprises mixture of hard (paving, water feature, public art, street furniture etc) and soft landscaping to Civic Square and predominantly soft landscape treatment to the area to the south of the City Hub serving as a buffer to the residential properties.	Satisfactory. Landscape proposal is generally well considered and complements the new building hub and its topographical setting. The selection of materials and planting is consistent with the DCP.
<i>Lighting of Precinct E must not encourage use of Precinct E after hours.</i>	Lighting will be required to comply with the relevant Australian Standards.	Satisfactory – DA documentation confirms compliance with the relevant Australian Standards.
<i>Encourage passive surveillance between car park & buildings during opening hours.</i>	CPTED report accompanies DA. Car park is located within the building (as opposed to Master Plan / DCP which contemplates external parking area) which largely addresses safety concerns associated with the car park.	Satisfactory. Refer further discussion at Section 7.7.6.
<i>Consider re-alignment and re-prioritisation of intersection of Minga & Cygnet Ave to enable right turns from east to north.</i>	Traffic Impact Assessment accompanies DA.	Noted. Refer discussion at Section 7.2.2.

DCP Provisions	Proposal	Compliance
<i>Ensure that shadowing is no greater than that indicated on the Figure 49 titled, Winter Solstice Precinct E Shadow.</i>	The shadows cast by the proposed development primarily fall within the property boundaries, with the exception of a small section of the rear yard of the residential property located at No. 13 Petrel Place being impacted by shadow at 9.00am on 21 June (see Figure 9).	Satisfactory. Overshadowing of the small area of private open space at 13 Petrel Place has receded by 10.00am and there is no further shadow impact from the proposed development on residential properties at other times. In terms of public spaces, the western footpath of College Avenue, together with approximately one third of the proposed Civic Square will be impacted by shadow cast by the proposed development at 3.00pm.
Chapter 14 Shellharbour City Centre Vehicular Access, Parking and Servicing		
14.2 – Car Parking Application of DCP parking rates requires provision of 195 on-site spaces	Traffic and Parking Assessment submitted with the DA makes a case to vary parking provision on the basis of functional parking demand and complementary / dual use of parking. Provision of 170 spaces represents a shortfall of 25 spaces.	No. Parking numbers do not comply with Council's numerical requirements. Traffic Impact Assessment makes a case for reduced parking provision on the basis of complementary use. Refer further discussion at Section 7.2.3.
Chapter 15 Waste Minimisation and Management		
15.1 – Provision of waste facilities	Waste and recycling storage area provided at ground level adjacent to the loading bay. Waste will be collected from this location. Service vehicle access to be via the access to the lower car park off Cygnet Ave. Traffic & Parking Assessment examines design of the access and loading bay and compliance with relevant standards.	Satisfactory – a Waste Management Plan accompanies the DA which details waste minimisation and management practices to be implemented for both the construction and operational phases of the proposed development.
Chapter 16 Access for People with a Disability		
<i>Guiding principles of Premises Standards / objects of the Disability Discrimination Act 1992</i>	Accessibility review accompanies the DA	Satisfactory – refer discussion at Section 7.7.5.
Chapter 17 CPTED		
<i>Range of elements to be considered – lighting, building materials fencing / walls, landscaping, communal public areas, car parking, building entrances, blind corners, maintenance/ownership etc</i>	A Crime Risk Assessment report accompanies the DA	Satisfactory – refer discussion at Section 7.7.6.
Chapter 18 Public Art		
<i>Encourage and facilitate the creation of art works of different sizes, types and scales, in public places and spaces</i>	Space provided for public art	Satisfactory – siting and detail of public art will be the subject of future DAs.
Chapter 19 Reflectivity		
<i>To avoid discomfort or hazard from excessive glare and/or heat.</i>	A palette of materials and finishes accompanies the DA.	Satisfactory – based on the information which accompanies the DA it is not anticipated that the materials and finishes will have any adverse impacts in terms of reflectivity.

DCP Provisions	Proposal	Compliance
Chapter 20 Landscaping		
<p><i>Maintain existing landscaping, significant trees and natural site features in landscape design.</i></p> <p><i>Provide a high standard of landscape design that complements the design of the development, enhances architectural features and integrates with the streetscape.</i></p> <p><i>Retain views where applicable and design landscaping to create a frame around views of interest.</i></p> <p><i>Provide established landscaping that is at a scale relative to the proposed development & aim to relieve the bulk associated with industrial or commercial buildings.</i></p> <p><i>Promote street tree planting that enhances the streetscape.</i></p> <p><i>Provide perimeter landscaping beds with adequate space to sustain optimum growth of mature vegetation that will create privacy to adjoining properties.</i></p> <p><i>Design landscaping that will provide privacy, aid in temperature control and noise attenuation.</i></p> <p><i>Reduce the dominance of hard surface areas with use of permeable surfaces where appropriate.</i></p> <p><i>Minimise inappropriate overshadowing to private open space areas and adjoining properties.</i></p> <p><i>Take into account the location of services and utilities.</i></p> <p><i>Take into account the impact on root systems and branches on buildings, paved area, surrounding and neighbouring structures.</i></p> <p><i>Achieve crime prevention through environmental design.</i></p>	<p>The proposed development involves the removal of 11 existing trees. An Aboricultural Assessment accompanies the DA.</p> <p>In addition a Landscape Plan and a detailed Landscape Design Statement is included in the DA documentation.</p>	<p>Satisfactory. Refer discussion at Section 7.7.8.</p>
Chapter 22 Contamination Remediation		
<p><i>Address potential for contamination on the site.</i></p>	<p>A preliminary Environmental Site Assessment accompanies the DA.</p>	<p>Satisfactory subject to condition requiring unexpected finds protocol.</p>

DCP Provisions	Proposal	Compliance
Chapter 23 Cut, Fill and Retaining Walls		
<p><i>Ensure design of development has regard to site conditions so as to minimise excavation or filling of land.</i></p> <p><i>Minimise the visual impact of excavation and filling of land and associated stabilising works on the streetscape and amenity of adjoining properties through appropriate design and location of retaining walls on the site.</i></p> <p><i>Ensure excavation or filling of land does not create any adverse impacts from surface &/or stormwater flows.</i></p> <p><i>Ensure that retaining walls are structurally sound and are located and/or designed to minimise impact on infrastructure and utilities and adjoining development.</i></p> <p><i>Ensure cut/fill activities and retaining walls are contained wholly within the subject lot.</i></p>	<p>Development designed in cognisance of topography, to minimise quantum of cut and fill. Geotech report accompanies DA.</p>	<p>Satisfactory subject to conditions.</p>
Chapter 25 Stormwater Management		
<p><i>Incorporate measures to achieve ecologically sustainable development, methods to improve water quality of receiving waters and ways to minimise adverse impacts on existing public infrastructure.</i></p>	<p>Rainwater collection & re-use; use of existing overland path to direct stormwater to existing detention basin in Harrison Park.</p>	<p>Satisfactory – subject to conditions. Refer discussion in Section 7.7.4.</p>
Chapter 29 Social Impact Assessment		
<p><i>Social impact assessment is required for any proposal that has the potential to create significant impacts or will significantly alter demand, or create additional demand for social infrastructure.</i></p>	<p>A Social Impact Assessment accompanies the DA.</p>	<p>Satisfactory. Refer discussion at Section 7.7.10.</p>

7.2.1 Precinct Development Strategy

DCP 2013 requires the preparation of a Precinct Development Strategy (PDS) for precincts or sites over 5,000m² located in the Shellharbour City Centre. The DCP acknowledges that each Precinct has its own development pattern and function within the Master Plan area and requires the preparation of a PDS prior to consideration of any DA in a precinct.

Notwithstanding the above, Appendix 5 of DCP 2013 makes provision for DAs that have not been preceded by a precinct or block development strategy. The applicant has prepared a PDS for Precinct E which has been submitted as part of the DA documentation for the City Hub proposal and it is therefore appropriate that it be considered as part of the assessment of the DA.

The PDS for Precinct E largely mirrors the information documented in the DA. Following an initial assessment of the PDS as submitted, the applicant was requested to provide further analysis of the relationship / interface between Hub and future stages of development. In this regard, the Stage 2 site will retain the general configuration as contemplated in the Master Plan and DCP 2013, except where adjustments are required to accommodate the known City Hub development. The PDS contains a range of conceptual provisions and principles, some of which include:

- retention of two (2) separate building footprints in the western (Stage 2) part of the site;
- vehicle access to the Stage 2 site via Cygnet Avenue roundabout with construction of a rear service lane provision of central car parking;
- buildings must be set back from the southern side boundary to allow for adequate separation between the site and adjacent residential development, thereby enabling the retention and enhancement of the landscape buffer / Green Corridor;
- land uses as contemplated in the Master Plan and permitted under the B4 Mixed Use zone under SLEP 2013;
- siting of building(s) should maintain the view corridor along Gadu Lane;
- building heights and general arrangement as shown in **Figure 20** to minimise overshadowing impact to adjoining residential properties;
- development should encourage and facilitate pedestrian movement throughout the Precinct;
- pedestrian safety and security in the public domain should be optimised;
- connections to and facilitate use of public transport and public spaces;
- employ ESD principles in landscape and building design.



Figure 20 Building Footprint and Height Plan – Precinct E Shellharbour City Centre

The PDS also provides a commentary in relation to the departure from the height standard for the Stage 1 (City Hub) development, as follows:

The proposed (Stage 1, City Hub) building has been designed in consideration of the desired future character of the site and surrounding area as established within the SLEP, SCCMP, and DCP. The surrounding area is in a period of transition, and currently does not reflect the future desired built form as established within the SCCMP. However, the proposal is consistent with the future built form outcome as intended by Council's controls and strategic studies. The attached Figure 7 – Building Plan Height (Figure 20) demonstrates the indicative height of buildings (in storeys) of the surrounding locality as envisaged by the SCCMP.

The bulk, scale and height of the building is consistent with the envisaged built form for this site, and the impacts associated with this built form was considered to be appropriate to Council by adopting these controls. As the site is relatively large, and is currently not developed there will always be an impact / change to views to and from the surrounding area. However, the views impacted are not significant as such the impacts are considered appropriate. Accordingly... the proposal is compatible with the existing and future desired character of the area, and is in harmony with the streetscape.

The SLEP 2013 height map has been prepared around a specific built form outcome derived from the Shellharbour City Centre Master Plan. Such an approach to height standards always has the potential to be overtaken by optimal changes to design that evolve through more detailed and considered designed developments. In this regard, the proposed height of the building does not exceed the overall maximum height standard for the site (being 25m).

The building only exceeds the height standard as a result of the actual functionality of the building with the site, and relocating the “pop up” element envisaged by the SCCMP to a different area on the site. The proposed breach of the height standard is considered to be appropriate as discussed in the previously submitted documentation, and does not result in any adverse impacts as a result of this.

The PDS also flags that future development applications should consider the re-alignment and re-prioritisation of the intersection of Minga and Cygnet Avenues to enable right turns from east to north.

It is concluded that the PDS satisfies the requirements of DCP 2013 and responds to Council's adopted strategies and the development outcome for the Precinct anticipated by the Master Plan and provided for by the provisions of both SLEP 2013 and DCP 2013.

7.2.2 Access and Traffic

Transport and Road Safety Consulting has reviewed the DA documentation and has provided an assessment of the traffic, access and parking aspects of the proposed development, as discussed in the following paragraphs.

Traffic & Intersection Performance

A Traffic Impact Assessment prepared by TRAFFIX accompanies the DA. The report states that the development will generate peak traffic movements for the various uses at varying times. That is, the Council chambers and Auditorium would be expected to generate its peak traffic in the evenings when traffic associated with the administrative office is expected to be reduced. Similarly, large events within the Auditorium and / or public square are expected to occur infrequently and therefore not necessary constitute a relevant ‘design scenario’.

The majority of areas proposed within the Stage 1 development are most closely associated with a typical commercial office character which attracts a traffic generation rate of 2 trips / 100m² under

the RMS *Guide to Traffic Generating Developments*. Application of this rate to the total floor area of 8,135m² results in a traffic generation of 163 vehicles per hour during peak periods, as follows:

AM Peak 163 vehicles / hour 130-in, 33-out

PM Peak 163 vehicles / hour 33-in, 130-out

The report provides an analysis of intersection performance in the immediate vicinity of the site assuming full development of Precinct E (ie. the Hub as well as the future Stage 2 development). The traffic report prepared by GTA Consultants as part of Council's preliminary investigations into the Hub identified a traffic generation of 250 vehicles / hour for the entire Precinct.

Based on that information, the TRAFFIX report assumes that vehicular access to the balance of Precinct E (which is expected to yield approx. 4,365m² of commercial floor space) will be provided via the existing Cygnet Avenue roundabout, as originally envisaged for the Precinct. The proposed City Hub development (Stage 1) will generate 163 vehicles per hour during peak periods via the proposed left-in / left-out access to Cygnet Avenue. In this regard, the traffic volumes attributed to development in Stage 2 (87 vehicles / hour) will access the wider network via the existing roundabout to Cygnet Avenue.

Traffic counts were undertaken by TRAFFIX at the 3 key intersections in the vicinity of the site – Minga Avenue / Cygnet Avenue, College Avenue / Cygnet Avenue and Benson Avenue / College Avenue. The following table demonstrates the existing levels of service in the AM and PM peak periods and the additional traffic generated by full development of Precinct E (ie. City Hub and the future Stage 2 development).

Intersection	Control Type	Period	Degree of Saturation	Intersection Delay	Levels of Service
Existing Intersection Performance					
Minga Ave / Cygnet Ave	Priority	AM	0.130	8.6	A
		PM	0.112	8.9	A
College Ave / Cygnet Ave	Priority	AM	0.283	8.6	A
		PM	0.381	10.7	B
Benson Ave / Cygnet Ave	Roundabout	AM	0.350	9.8	A
		PM	0.430	9.8	A
Predicted Intersection Performance					
Minga Ave / Cygnet Ave	Priority	AM	0.211	9.4	A
		PM	0.185	11.9	B
College Ave / Cygnet Ave	Priority	AM	0.356	10.3	B
		PM	0.516	11.7	B
Benson Ave / Cygnet Ave	Roundabout	AM	0.359	9.8	A
		PM	0.445	10.1	B

Where: "A" represents Good Operation with less than 14 seconds average delay per vehicle.

"B" denotes Acceptable Delays and Spare Capacity (at Give Way and Stop Signs) and Good with Acceptable Delays and Spare Capacity (at traffic signals or roundabouts). The average delay per vehicle is 15 to 28 seconds.

The intersections were found to operate satisfactorily in terms of traffic efficiency and as demonstrated in the table above, the traffic modelling indicates a maximum increase of 3 seconds to the average vehicle delay (which occurs at Minga Avenue in the PM peak) of any one critical movement.

The modelling confirms that the proposed development will have negligible impacts on traffic congestion in the locality. The findings of the TRAFFIX report have been reviewed by Transport & Road Safety Consulting and have been found to be satisfactory.

Vehicle Access to / from the Precinct

It is noted that DCP 2013 provides for a future rear lane access via the existing roundabout in Cygnet Avenue. This would result in all traffic entering and exiting the site from the western end of the Precinct via a service lane constructed roughly parallel to the drainage line. The service lane would provide access to an at-grade parking area in the centre of the Precinct.

This arrangement has not been adopted as part of the development proposal. All vehicle access to / from the City Hub will access the site via two (2) driveways on Cygnet Avenue. The applicant has indicated that the access and rear lane was removed due to planning outcomes and to a lesser extent, cost implications.

The two access points as now proposed are left-in and left-out driveways. Whilst unrestricted driveways are generally preferred for accessibility, the driveways are located relatively close to each other (32 metres) and are directly opposite Gadu Lane. Transport and Road Safety Consulting has advised that under these conditions it is not suitable to allow unrestricted access however access can be safely managed by restricting traffic movements to left-in / left-out and maximising sight lines for vehicles entering and exiting the site. Conditions have been included to require the installation of "No Stopping" signage between the driveways on Cygnet Avenue to maximise sight distances as well as "Stop" controls at driveway exits.

The proposed vehicle access arrangements provide an opportunity for on-site car parking with direct access to Cygnet Avenue. This is considered to be an appropriate outcome given the site constraints and provides secure, covered parking which is integrated into the design of the development.

The implications of the left-in / left-out access are that all vehicles leaving the site will be required to:

- execute a U-turn at the Cygnet Avenue roundabout in order to access Minga Avenue (to access New Lake Entrance Road) or College Avenue; or
- continue along Cygnet Avenue through the residential area to the west to reconnect with College Avenue, approximately 500 metres further to the south.

The DCP 2013 objectives for the road network are to distribute traffic through the area and provide alternate routes to / from parking areas and improve connectivity between existing and proposed developments.

DCP 2013 includes an objective which indicates that *"the re-alignment and re-prioritisation of intersection of Minga and Cygnet Avenue to enable right turns from east to north. Under this arrangement the east to north movement becomes the major through movement and the western approach becomes the side street should be considered"*.

Transport and Road Safety Consulting has advised that the proposal could potentially achieve better access to / from road network through alterations to the intersection at Minga Avenue and Cygnet Avenue. A right-turn at Minga Avenue would provide westbound traffic on Cygnet Avenue with the opportunity to avoid the U-turn at the Cygnet Avenue roundabout. However this option is limited by the proximity of the intersection to the existing roundabout (approx. 55 metres).

The traffic volumes generated by the proposed development do not warrant the realignment of the intersection of Minga Avenue and Cygnet Avenue. However it is anticipated that as further development occurs both in Precinct E and elsewhere in the City Centre, Council will undertake further investigations in this regard.

Pedestrian Access and Safety

DCP 2013 indicates that a roundabout or traffic signals are proposed as a long term traffic control at the intersection of Cygnet and College Avenues. Council has confirmed that traffic signals will be installed by the time the City Hub development becomes operational. On the basis that signals will include a pedestrian phase for both Cygnet and College Avenues, it is considered that the safe movement of pedestrians can be achieved at this location.

Chapter 14 of the DCP includes an objective which requires the provision of "*safe, vehicular and pedestrian access to block parking courts*" and Chapters 6, 7 and 14 requires "*safe pedestrian entry from major street frontage*". In this regard it is noted that the proposed location of the access points to the development in Cygnet Avenue will result in the removal of an existing pedestrian facility (break in the central median). A condition has been included which requires the applicant to provide a relocated facility in close proximity to the existing crossing to maintain an alternate mid-block crossing point in Cygnet Avenue.

As the nature of any new pedestrian facilities would be subject to design, consideration of warrants and approval; the condition requires the applicant to consult Council's Traffic Engineer and prepare design options to be presented to the Local Traffic Committee.

Service vehicle access is achieved via the westernmost driveway with separate pedestrian access shown in which would comply with the DCP requirements. Notwithstanding, a condition has been included which requires that pedestrian access be adequately separated by a fence or similar to prevent conflict between pedestrian traffic and service vehicles.

In order to maximise pedestrian safety at the driveways in Cygnet Avenue a condition has been included which requires signs and specific design elements to be installed at the driveway access to indicate pedestrian priority at these locations. These include the requirement that all accesses to off-street car parks from frontage roads shall be formed in such a way as to be clearly recognised by road users as an access driveway not as an intersection.

Conditions have also been included to satisfy the DCP 2013 objective to ensure pedestrian and cyclist accesses to and within the site are designed to be convenient, accessible and safe include its compliance with relevant Council specifications, Australian Standards AS1742, AS2890 and Disability Standards.

Vehicle Access and Safety

DCP 2013 requires clear sight lines at entrances to developments. Cygnet Avenue forms a crest as it approaches College Avenue and there is existing kerbside parking along Cygnet Avenue which will potentially obstruct sight lines at the location of the proposed driveways.

As described above, a condition has been included which requires the installation of "No Stopping" signage adjacent to the vehicle access points to ensure clear sight lines are maintained. Access driveways will be required to comply with the sight distance requirements of AS2890.1 and AS2890.2 with consideration to the vertical alignment.

Kerb Blisters

The Traffic and Parking study prepared by TRAFFIX refers to the accident record at Cygnet Avenue and College Avenue. It notes that accidents are related to the use of the left lane by through traffic and that the left lane would be removed through the use of kerb blisters. There is a discrepancy with the landscape plans which shows that this lane is reintroduced at the intersection beyond the kerb blister.

A condition has been included in relation to works at the intersection and requires that any new work in the road reserve including kerb blisters and changes to parking signs requires separate approval

from the Local Traffic Committee and must be constructed in accordance with Council's Standards and Specifications.

Porte Cochere

DCP 2013 identifies the need to encourage and facilitate the use of public transport and park and walk facilities. In this regard the applicant has been required to examine opportunities to provide pick up / set down, bicycle, bus and pedestrian facilities.

The applicant has indicated that *"the inclusion of a porte cochere (a structure for occupants to alight from vehicles undercover) in the vicinity of Cygnet Avenue and College Avenue was not considered in the final design as it is not in accordance with the Civic Square design intent and landscape design. The design intent for the Civic Square is for it to be open and welcoming for community to congregate as it is the main frontage and entry to the facility"*.

The Civic Square represents a positive urban design outcome. The space has good access and visibility and has the potential to be a dynamic pedestrian space. Accordingly, it is considered that it would be undesirable to provide a pick-up / set-down facility in this location.

In order to address this issue, a condition has been included which requires that on-street set-down / pick-up facilities suitable for use by taxis are provided in College and / or Cygnet Avenue. Pick-up and drop-off spaces would meet the requirements of DCP 2013 (Chapter 14) for on-street set down / pick up spaces suitable for use by taxis at key locations in the Shellharbour City Centre.

The applicant has also indicated that bus pick-up and set-down would be catered for by *"the inclusion of an indented bus bay along College Avenue."* A condition has been included which requires the bus stop and bus layby be provided in the vicinity of the site at the applicant's expense and to the satisfaction of the Local Traffic Committee. The position of the bus stop must be decided in consultation with bus companies that service routes in College and Cygnet Avenue and located to minimise conflict with entering / exiting traffic. Accordingly, there may be some adjustment to the final design and location of the bus bay.

A condition has also been included which requires the relocation of the existing pedestrian facility in Cygnet Avenue (break in the central median) which is impacted by the location of the vehicular access to the Hub development. The relocated facility needs to be appropriately sited to maintain an alternate mid-block crossing point in Cygnet Avenue.

Summary and Conclusion

The proposed development is generally in accordance with DCP 2013 and its objectives / controls in terms of traffic and access. It is considered that the inclusion of the recommended conditions can address the identified issues and define the application of controls, standards and guidelines that are appropriate for detailed design.

7.2.3 Parking

The following table sets out the requirements for Car Parking in the City Centre (Chapter 14, DCP 2013):

Land Use	DCP Parking Rate	Floor Area	Parking Required
Library	1 space / 50m ²	1,841m ²	36.8 spaces
Community / Civic Facilities (Council Chambers and Auditorium)	1 space / 40m ²	1,320m ²	33.0 spaces
Commercial (Administrative Offices)	1 space / 40m ²	4,491m ²	112.3 spaces
Retail	1 space / 35m ²	52m ²	1.5 spaces

Land Use	DCP Parking Rate	Floor Area	Parking Required
Museum	1 space / 40m ²	431m ²	10.8 spaces
Total Parking Required			194.4 spaces

The development provides 170 on-site parking spaces over two levels. The lower car park level provides 70 spaces for the exclusive use of Council staff, while the upper level provides 100 spaces, identified in the DA documentation as public parking.

DCP 2013 permits a reduced number of on-site parking spaces where a traffic and parking study can demonstrate that the peak parking demands of individual components of the development do not coincide or where common usage reduces total demand. The Traffic and Parking Study prepared by TRAFFIX sets out a case for complementary / dual use parking which concludes that peak parking demand associated with the development can be satisfied based on the provision of 170 spaces as set out in the following table:

Land Use	DCP Nominal Requirement	Weekday (day)		Weekday (evening)	
		% Used	Parking Demand (spaces)	% Used	Parking Demand (spaces)
Library	36.8	100%	36.8	50%	18.4
Council Chambers & Auditorium	33.0	25%	8.3	100%	33
Administrative Offices	112.3	100%	112.3	0%	Nil
Café (retail)	1.5	100%	1.5	0%	Nil
Museum	10.8	100%	10.8	50%	5.4
TOTAL	195.0		169.7		56.8

The applicant's analysis suggests that the proposed development will result in a peak demand of 170 parking spaces during the day (Monday – Friday) with reduced parking demand of 57 spaces on weekday evenings. Peak weekday demands include staff parking associated with the administrative offices, plus a theoretical demand of up to 57 'public' car parking spaces. This may be regarded as the demand that derives from the intended application of the DCP 2013 to a development where shared parking is a fundamental feature.

In this regard the applicant has provided additional information as follows:

The administrative offices will generate a parking demand of 112 spaces during peak weekday periods, with say 90% (101 spaces) related to staff demands. A total of only 70 spaces are provided within the dedicated staff parking on the lower car park level. As such, there is an inherent demand for an additional staff demand of at least 31 spaces associated with the administrative offices that cannot be accommodated within the lower level staff car park.

During periods when this additional demand is likely to occur, the remaining uses combined will generate a parking demand of only 57 spaces. Add to this the 11 space administrative office visitor demand will result in a cumulative demand for 68 spaces within the 100 "public" space car park. As such, there is sufficient spare capacity (32 spaces) to accommodate the additional 31 staff spaces and this approach is recommended to maximise the efficient use of parking on-site. These spaces can be signposted as Staff Parking Only between 8.00am-6.00pm weekdays and then available for use by the general public in the evenings and on weekends. As such, the public car park would still effectively provide a public car parking

capacity of 100 spaces, just not during weekday business hours when the full provision is not warranted.

Alternatively, if a small reliance on the on-site public car parking by staff is not acceptable to Council, then this staff parking demand (31 spaces) would simply be redistributed to other off-site parking areas. As discussed in Section 5.1 of the traffic report there is sufficient spare capacity (minimum of 97 spaces) within the Gadu Lane car park to accommodate any additional staff demands that may occur.

Comment and Discussion

Whilst there is an overall shortfall of 24 spaces, it is noted that there is a shortfall of 42 spaces in the parking required for the Administrative Offices (112 required / 70 provided) which comprises the largest and arguably the most intensive use on the site.

On-site parking provision was raised at the pre-lodgement meetings on 10 December 2013 and 15 April 2014 as a key issue warranting detailed investigation.

The parking required for the combined floor area of the Library, Council Chambers & Auditorium, Museum and Cafe is 82 spaces, all of which can be accommodated in the upper level car park. The residual 18 parking spaces on that level could therefore potentially be used by Council staff to off-set the 42 space deficiency associated with Council's administrative offices.

This arrangement is considered to be acceptable on the basis that the parking requirements generated by the other uses within the City Hub can be satisfied on-site. A condition has therefore been included which requires the applicant to identify a maximum of eighteen (18) spaces on the upper car park level for use by Council staff.

There remains a shortfall of 24 parking spaces associated with the parking demand generated by the Administration building.

A number of options have been explored in this regard, as described in the following paragraphs:

Option 1 Temporary Car Park on Stage 2 Site

This option would entail the construction of 24 parking spaces in an at-grade car park on the Stage 2 site for the exclusive use of Council staff. Any future development of this part of the precinct would be required to incorporate these spaces and preserve them for use by Council staff into the future.

The most appropriate location for such a car park, because it is the most conveniently located to the staff entry on Cygnet Avenue, would be on the Cygnet Avenue frontage of the Stage 2 site, adjacent to and accessed from the westernmost driveway. An alternative location on the southern part of the Stage 2 site was initially identified however it was considered that it was unlikely to be utilised as it would be too far removed from the staff entry with no weather protection.

The applicant was requested to undertake preliminary investigations in this regard and advised that the topography of this part of the site would require a significant amount of excavation and the construction of substantial retaining walls which would render this option cost prohibitive. It is also noted that the inclusion of additional on-site parking would have reduce the green star energy rating of the proposed development.

Option 2 Section 94 Contribution for Parking

The Section 94 Contributions Plan levies contributions for parking on "commercial development", which is defined (section 2.4.1) as follows:

Commercial premises

Commercial premises include Business, Office and Retail premises. Including but not limited to banks, hairdressers, bulky goods, food and drink premises, hardware and building supplies, kiosks, shops, vehicle sales or hire premises.

Industrial

Industrial premises include that of general industry, heavy industry and light industry.

Tourist & Visitor Accommodation

Tourist and Visitor Accommodation include backpacker's accommodation, bed and breakfast accommodation, hotel or motel accommodation and serviced apartments.

Educational establishments

Educational establishments include private schools.

Health Service Facilities

Health Service Facilities include private hospitals, medical centres and health consulting rooms.

However, the City Hub is defined as a "public sector development" for the purposes of the S94 Plan and as a consequence, the car parking contribution provisions cannot be applied. Council's Group Manager City Strategy has been consulted in this regard and has confirmed that this is the case.

Option 3 Accept Short Term Shortfall

The applicant has suggested that the staff parking shortfall could be redistributed to other off-site parking areas such as the Gadu Lane centre block car park or the parking area on the eastern side of College Avenue. In relation to the latter, it is noted that the existing at-grade car park represents an interim (or temporary) use as the site will ultimately be redeveloped to realise its development potential, so there can be no expectation of its use for parking in the medium to long term.

DCP 2013 (Chapter 14.2) states that the centre block car park are intended to cater for users of the wider City Centre. In addition, the long term use of the Gadu Lane car park is for parking purposes (it is not a future development site) as identified in Council's Section 94 Contributions Plan. It is understood that as demand for parking in the City Centre increases (ie. as further development occurs), Council will utilise S94 Contributions to construct a multi-deck facility, thereby increasing the quantum of parking in this locality.

As such, reliance on this off-site parking resource to meet the shortfall in parking for Council's Administrative Offices, in circumstances where the reliance is not so excessive as to unduly impact the ability of other neighbouring uses to also share in its use, is considered to be consistent with DCP 2013.

Summary and Conclusion

It would appear that the locality is reasonably well-serviced by car parking and includes the Gadu Lane centre block car park (237 spaces), Stockland Shopping Centre (in excess of 3,000 spaces) as well as a temporary 350 space (approx.) car park directly opposite the Hub site on the eastern side of College Avenue.

It is considered that the City Centre is unlikely to be developed to capacity simultaneously to the Hub. Having regard to the existing parking available in the vicinity of the site and the on-site car parking provision and the manner in which the Hub will operate with dual and complementary use (for example the Auditorium will primarily be used outside of office hours), it is considered that the parking shortfall is unlikely to be an issue in the immediate future.

However as the sites in the City Centre are developed, car parking demand will increase and Council will need to formally consider and resolve to commit to the construction of a deck for the Gadu Lane centre block car park. It is recommended that Council give further consideration to future parking needs in the City Centre in the event that the City Hub is constructed.

Car Park Design

The minimum dimensions for a parking space under the provisions of DCP 2013 are 2.6m x 5.5m. Access aisles adjacent to car parking spaces must be 7.0 metres wide; however it is noted that Council may allow a reduction in aisle widths to a minimum of 5.8 metres subject to car parking spaces being increased in width by 0.1 metres for every 0.4m reduction in aisle width below 7.0 metres.

The proposed car park provides aisle widths of 5.8 metres, which according to DCP 2013 would require parking space dimensions of 2.9m x 5.5m. The parking space dimensions proposed are 2.6m x 5.4m.

The applicant argues that:

... the internal layout generally complies with the requirements of AS 2890.1 (2004) and on this basis is considered acceptable. Where possible, taking into consideration cost and other design considerations, the design also seeks to satisfy the car park design requirements of DCP 2013.

AS2890.1 is the principal standard required for compliance with the provisions of the Building Code of Australia (BCA). In this regard, compliance with AS2890.1 in relation to car parking design is the standard to which many other LGA's, including the nearby Wollongong City Council (and indeed the rest of Australia) prescribe in relation to parking space and aisle widths. As such, the amenity and function afforded by these design standards is characteristic of the current built environment, to which most users will be accustomed. Furthermore, the subject site lies within the City Centre area with inherent high development density and spatial constraints. As such, there is a general perception that a town centre may have more constrained parking conditions that may otherwise apply elsewhere within the LGA.

Reference should also be made to the following comments in relation to particular aspects of the design which are considered noteworthy and outline any additional car park management measures considered necessary.

- All public parking spaces (ie. those on the upper level car park) have been designed in accordance with AS2890.1 for a Class 3 user and are provided with a minimum space length of 5.4m, a minimum width of 2.6m and a corresponding aisle width of 5.8m. This aisle width is marginally less than the 7.0 metres nominally required under DCP 2013 however this is considered acceptable having regard for the discussion above. A swept path analysis demonstrating satisfactory access to typical parking space, by a B85 vehicle as required under AS2890.1, is included in Appendix D. Furthermore, the perception of driving on a narrow road can reduce the speed at which cars travel along roadways generally. As such, the reduced aisle width will help to restrain vehicle speeds within the car park which provides inherent safety benefits for the proposed design. It is noted that a B85 is representative of the vast majority of vehicles accessing the car parking level and any additional movements required for a B99 vehicle to access parking spaces is deemed acceptable by AS2890.1.*
- Both car park levels cater for two-way traffic and effectively form 'dead end aisles'. Notwithstanding, provision is made for vehicles to turn at the end of all public (non-allocated) parking aisles and therefore the design is considered to satisfy Clause 2.4.2(c) of AS2890.1 and is therefore acceptable, subject to the minor amendments shown in Appendix D.*

- *Sufficient on-site car parking is provided such that most (if not all) car park users will readily find parking before reaching the end of the aisle. As such, there is expected to be minimal demand for the use of these Turn Bay under normal conditions. Notwithstanding, all Turn Bay shall be line marked and signposted as No Stopping areas to prevent illegal standing by vehicles. This is a standard method of control and is not expected to require additional management / enforcement.*
- *Having regard for the provision of Turn Bays, vehicles will not be required to reverse from the site or across excessive distances, even in the unlikely event that the car park were to reach full occupancy.*
- *In the event that Council were to seek more surety in relation to this enforcement, then a low kerb could be provided across the front of the parking space such that it is clear that parking will not be permitted at any time within these Turn Bays.*
- *The majority of staff parking can be accommodated within the Lower Car Park level which is intended for the sole use of administrative staff. Due to the lack of an adequate Turn Bay on this level, it is recommended that all parking be allocated to specific staff to negate the need for a dedicated turning bay.*
- *A sign stating "Council Staff and Delivery Vehicles Only" or similar should be displayed at the westernmost access driveway to prevent unintended use by the general public.*
- *Parking aisles lengths are generally less than the 100 metres that would nominally require provision of additional traffic control devices such as speed humps. It is also noted that typical 'public' parking demands within the Upper Car park level will be in the order of only 57 spaces, as discussed in Section 5, which would be classified as a mix of User Class 2 and 3 parking. Clause 2.3.3 of AS2890.1 states that, accordingly to 'good practice', parking aisles should be limited to between 50-75 parking spaces for a User Class 2 -3 facility. The proposed design, which relies on the use of the parking aisle as a circulation roadway, is therefore generally consistent with this 'good practice'. Notwithstanding, any minor departure from best practice in relation to this aspect of the design would be considered acceptable having regard for the constraints of the development discussed above.*

Section 74BA of the EP&A Act sets out the principal purpose of a development control plan (DCP), which is to provide guidance for the carrying out of development. However the provisions of a DCP are not statutory requirements and as such, they can be varied subject to appropriate justification.

It is noted that the car park design controls set out in DCP 2013 are more onerous than the Australian Standards and that Council has accepted and agreed to the use of the Australian Standard elsewhere (eg. recent redevelopment of the Stockland shopping centre). In this instance conditions have been included which require the applicant to comply with DCP 2013 in terms of car space size and aisle width. However if the space size and aisle width specified in DCP 2013 cannot be achieved, then the condition stipulates compliance with the Australian Standard (AS2890.1). The applicant will also be required to demonstrate that manoeuvrability is suitable for the user class on each parking level.

Concern was also raised during the pre-lodgement process in relation to the potential circulation problems associated with the proposed blind aisle / dead end car park design. Following further assessment, the car park design is considered to be acceptable subject to the inclusion of conditions which require that a turning bay be provided on both car park levels at the "dead end" aisles and that swept paths be prepared to demonstrate a car can manoeuvre on both levels in an absolute maximum of three turns.

The applicant indicated a willingness at the pre-lodgement meeting to install a system of lights indicating car parking availability and in response to these concerns, has subsequently confirmed that an electronic parking system will be installed in the form of electronic signage at the car park entries indicating whether the car park is full or the number of vacant spaces.

This arrangement is considered to be satisfactory and a condition has been included which requires details of the electronic parking system to be provided as part of the Construction Certificate documentation.

Summary and Conclusion

The proposed car park design is generally in accordance with the objectives of DCP 2013 and will be required via condition to achieve compliance at a minimum, with the relevant Australian Standards.

7.3 Section 94 Contributions Plan 2013 (7th Review)

Council has been planning for the needs of the future population and various elements of the City Hub development have been included in Council's Section 94 Contributions Plan since its inception in 1993. The 7th review of the Section 94 Plan (which came into effect of 18 December 2013) was updated to reflect the City Hub Stage 1 Business Case.

The application seeks an exemption from the payment S94 Contributions on the basis that the proposed development includes facilities that are referred to in Council's S94 Contributions Plan, including the city library, council administration offices and civic auditorium.

Section 2.4.3 of the Contributions Plan sets out the circumstances under which exemptions from the payment of contributions may be considered and the applicant is seeking an exemption on the basis of the development being a public sector development. In this regard, the Contributions Plan provides that:

Developments that are provided by the public sector with an underlying philosophy of community service, and not run on a profit basis, such as a courthouse, public hospital, public educational establishment or a community centre, will not be levied a contribution under this Plan.

As discussed previously in this report the Section 94 Contributions Plan levies contributions for parking on commercial development which is specifically defined. However, the City Hub is defined as a "public sector development" for the purposes of in the S94 Plan and as a consequence, the car parking contribution provisions of the S94 Plan cannot be applied. Council's Group Manager City Strategy was consulted in this regard and confirmed that this was the case.

It is considered that the proposed City Hub satisfies the definition of a public sector development as Council provides a range of community services and operates on a not-for-profit basis. Accordingly it is recommended that the request for exemption from the payment of S94 Contributions be accepted.

7.4 Any planning agreement that has been entered into (S79C(1)(iia))

There are no agreements applicable to this site or development.

7.5 Environmental Planning and Assessment Regulation 2000 (S79C(1)(iv))

The Regulation does not specify any matters that are relevant to this development.

7.6 Any Coastal Zone Management Plan (S79C(1)(v))

None relevant to the proposal or the subject site.

7.7 Likely Impacts of the Development (S79C(1)(b))

The key impacts of the proposal are discussed below.

7.7.1 Context and Setting

The principal development standards under SLEP 2013, utilised to their full extent will allow a built form of considerable bulk and scale, in some contrast to the existing residential development to the south.

Notwithstanding, it is acknowledged that in preparing the SLEP 2013 and the subsequent adoption of these controls, Council is cognisant of the scale of development that is likely to be achieved on this site elsewhere in the City Centre. It is considered that these controls are commensurate with the aspiration of creating an attractive, vibrant and integrated City Centre which provides 24 hour access and amenities and facilities to serve the wider community.

Furthermore the controls and standards embodied in the Master Plan, DCP 2013 and SLEP 2013 make provision “Entry Gateway Features” located at the main access points to the City Centre and “Focal Point Buildings” located on important corners to give emphasis to special places. In this context, it is considered that the proposed development satisfies these aspirations.

Due to these controls, there is the potential for any development on the site to be dominant in scale and be highly visible from the residential area to the south. However, the resulting development is considered to represent an appropriate design solution in this urban (City Centre) context that will provide for a high standard of amenity, have minimal potential impacts on surrounding development and will make a positive contribution to the streetscape and amenity of the Shellharbour City Centre.

7.7.2 Building Form and Massing

The stated vision for the City Hub development is to become the heart of the Shellharbour City Centre and provide a dynamic centre for the community. The proposal responds to this objective by creating a well-defined civic space at the corner of Cygnet and College Avenues and embellishing the green space at the southern end of the site as a landscaped area of passive open space. Further, the building integrates all facilities within a unified space and the co-location of the City Library, museum and auditorium and Council administration will create an active civic focal point for the wider community.

Conybeare Morrison International has provided an assessment of the architectural and urban design merits of the proposal and has advised in the following terms:

- the architecture creates an integrated facility defined by a continuous roof form. Within the overall structure each element has a presence marked by higher forms containing the Library office, the Auditorium and Council offices;
- the roof form defines the scale of the City Hub development and is appropriate for the size of the site and the program requirements for each element;
- the articulation of the built form creates a well-defined civic space at the corner of Cygnet and College Avenues and an embellished green space at the southern end of the site;
- the proposal provides for enclosed parking and loading area accessed from Cygnet Avenue. This arrangement enables the lower, southern portion of the site to be landscaped rather than used for surface car parking as contemplated in the Master Plan and DCP 2013;
- the general location of the building footprint and the Civic Square are consistent with the DCP 2013 with the exception that the southern edge of the footprint extends further to the south. This part of the building is single storey and the façade is composed of opaque panels, thereby eliminating any loss of amenity associated with overshadowing or overlooking. On this basis, the variation to the footprint is considered acceptable;

- the Council administration offices on the Cygnet Avenue frontage of the site is articulated which serves to break down the scale of this element; and
- the Shellharbour City Centre Master Plan calls for prominent gateway elements. The articulation of each facility above the unifying roof form is an appropriate response and effectively creates the “landmark” element.

Having regard to the above, the building form and massing is considered to be an appropriate development of the intention described in Council’s City Centre Master Plan and DCP 2013.

7.7.3 Height of Buildings

As discussed previously in this report, the building height along Cygnet Avenue does not comply with the height standard set out in SLEP 2013 however no part of the proposed building (including the rooftop plant) exceeds the 25 metre height limit. Indeed, a significant portion of the proposed development is considerably less than the allowable height controls.

The variation in the height profile represents a redistribution of building mass, with the taller portion of the building being located on the Cygnet Avenue frontage of the site, furthest from the low density residential development to the south. This arrangement ensures that there is no significant overshadowing of adjoining properties and on this basis is considered to be acceptable.

The tallest element of the proposed development (Council’s administration offices) is located on the northern property boundary and could reasonably be expected to overlook the residential properties to the south. However any potential loss of privacy will be mitigated by:

- the physical separation to the residential properties (in excess of 100 metres);
- the proposed landscape treatment within the Green Corridor which will include shrub and tree planting; and
- the sunshade louvres which are part of the façade treatment.

The Clause 4.6 Exception prepared in respect of the height standard has been assessed and has been found to be acceptable and it is considered that the development standard relating to the maximum building height for the site as set out in clause 4.3 of SLEP 2013, should be varied in the circumstances to allow the development to achieve a redistribution in height across the site.

7.7.4 Flooding / Stormwater Management

Taylor Civil and Structural has provided an assessment of the civil engineering aspects of the proposed development and has reviewed the Stormwater Management Plan prepared by Enstruct. The Enstruct report indicates that flooding occurs at the roundabout intersection between Benson Avenue and College Avenue and also at the roundabout on Cygnet Avenue which represents risks to traffic flow and the safety of motorists as well as the degradation of the road surfaces.

Both of these locations are trapped low points which means that surface water can only drain away via the in-ground pipe network. Consequently, when drains are inundated during significant rainfall events, these areas are susceptible to localised flooding.

It is noted that the report indicates that stormwater runoff from the proposed development will discharge into the drainage line along the southern boundary at a faster rate than under existing site conditions (ie. grassland) and in turn, will potentially exacerbate flooding at the roundabout on Cygnet Ave. This, coupled with the anticipated additional traffic generated by the proposed development that is required to use the roundabout for turning, increases the potential impacts of flooding.

The DA proposes the implementation of drainage improvements at the Benson Ave roundabout which involves upgrading of existing kerb inlet pits and drainage pipes surrounding the roundabout

and redirection of on-site drainage around the proposed building footprint. Taylor Civil and Structural has raised no objection in relation to this aspect of the works.

On-Site Detention (OSD)

Enstruct has recommended that OSD not be provided as part of the proposed development on the basis that the existing detention basin located approximately 200 metres to the north west of the site in Harrison Park has sufficient capacity to accommodate the stormwater generated by the proposed development.

It is noted that this is contrary to the requirements of DCP 2013 which requires the provision of OSD on a lot by lot basis. It is understood that Council engineers confirmed that the Harrison Park detention basin was designed to receive water from the subject site.

In principle, this appears to be a reasonable proposition as it eliminates the “doubling up” of storage and attenuation of stormwater flows. However this is dependent upon whether the water can be safely conveyed to the detention basin in Harrison Park.

The assessment undertaken by Enstruct states that the existing undersized stormwater drainage does not permit direct stormwater discharge from the development site to the basin in Harrison Park without significant flooding. Even if on-site detention is provided as part of the City Hub development to reduce off-site flows to equivalent greenfield rates, the assessment undertaken by Enstruct demonstrates the existing infrastructure is not fit for purpose and that flooding at the Cygnet Ave roundabout will still occur. This situation will be exacerbated by future development beyond completion of the City Hub.

To address this, the best technical solution would be to provide a new separate drain linking the development site and College Avenue drainage systems directly to the Harrison's Park basin. This would solve the issue of connectivity between the Hub and the basin eliminating the need for dedicated OSD and reduce the amount of water flowing through the Cygnet Ave system. In turn this would reduce the likelihood of flooding at the roundabout. The new dedicated drain can be designed with sufficient capacity to facilitate the ongoing future development of the site. The Enstruct report indicates that it would ordinarily be highly unusual to undertake upgrade works to enhance existing off-site council drainage as part of the development works. However, in the case of the City Hub development, where Shellharbour Council is the developer, approval authority and assumes responsible for street drainage it is appropriate to propose combining construction activities wherever possible.

There is also a strong argument for upgrading the stormwater infrastructure at this point in time as:

- the implications of disruptive works in the future will be more onerous once the City Hub is complete and traffic generated by the development relies on the roundabout on Cygnet Ave to make U- turns; and
- the works would replace ageing drainage infrastructure that would require maintenance and / or replacement as it approaches the end of its design life.

As an alternative to the upgrading works, Enstruct has recommended that OSD be provided for the City Hub development to match the pre-developed conditions. Whilst it is noted that this would not address the flooding issues, it would nevertheless satisfy the requirements of DCP 2013 for stormwater drainage.

The deficiencies with the existing drainage network would then need to be addressed at a later stage of the site development.

Council's Team Leader, Water Engineering & Design, has provided the following comment in this regard:

The City Centre Basin was design and constructed by Landcom to service the proposed development upstream. The City Hub site forms part of this upstream catchment and therefore, On Site stormwater detention will not be required for the City Hub site. It is evident from the report and the modelling carried out that there is only a very minor flooding issue downstream of the site at the Cygnet Avenue Roundabout and the issue only occurs in very rare events (20-100yr ARI). It only affects the road and no private properties are affected. As the issues identified in the Enstruct report have not been observed in reality during recent storm events that were in the order of a 20-100yr ARI, and even if the issues were to occur they would only be minor, I would advise against upgrading the drainage infrastructure as part of the City Hub works at this location.

Taylor Civil and Structural has made an assessment of this issue in cognisance of the Council officer's comments and the recommendations in the Enstruct report and has provided the following comments:

- The flood study provided shows that the existing system at Cygnet Avenue is flooding at the 5yr ARI, and the stability value for the depth x velocity flow is exceeded for storms equal to and greater than the 20yr ARI. It also states that the proposed development will exacerbate the flooding.

Therefore it is recommended that the design of the stormwater system be amended to allow for one of the following options:

Option 1 – upgrade the Cygnet Avenue culvert and utilise the available capacity of the existing detention basin in Harrison Park to accommodate the stormwater generated by the proposed development; or

Option 2 – provide OSD upstream of the culvert (ie. within the site boundaries); or

Option 3 – provide certification from a qualified engineer that the culvert is adequate and meets the requirements of Council's specifications and Australian Rainfall and Runoff.

- The stormwater design shall comply strictly with Council's design specification, namely that the culvert shall have the capacity to accommodate storms up to and including 1:20 year ARI, and the stability value of depth x velocity shall not be exceeded for storm up to and including 1:100 year ARI.

A condition to this effect has been included in the draft schedule of conditions.

Whilst it is acknowledged that if the work was being undertaken by a private developer stormwater discharge would normally only be required to match the existing stormwater discharge, as this is a Council project and Council is also responsible for the infrastructure it is considered that compliance with the relevant Council specifications should be achieved.

7.7.5 Accessibility

The Access requirements of DCP 2013 have been considered in the assessment of the application. An Access Review prepared by Morris Goding Accessibility Consultants accompanies the DA, which makes an assessment of the design documentation against the relevant statutory requirements and provides a series of recommendations for the next stage of documentation for the project.

The report advises that the City Hub provides continuous paths of travel to and within the ground floor, basements and upper levels. Further, there are clear and continuous path of travel from the main entrance doors of the building to the new passenger lifts, toilet amenities, including accessible toilets, office areas, library, auditorium and exhibition areas in line with the DDA Premises Standards.

There are accessible paths of travel from entrance doors to passenger lifts that provides continuous accessible paths of travel to all upper floors, in line with the DDA Premises Standards and AS1428.1.

The Access Review indicates that in general, major paths of travel have circulation areas that will allow wheelchair users to turn 180 degrees and wheelchair users to pass each other in accordance with DDA Premises Standards.

A condition has been included which requires the preparation of a detailed Access Report to be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate. The purpose of the report is to confirm that satisfactory access and facilities for people with disabilities are provided.

Accessibility in the Public Domain

There are appropriate accessible paths of travel from College Ave and Cygnet Ave through Civic Square to the main entrance doors of the building. The Access Consultant has advised that this satisfies the BCA and DDA Premises Standards.

The report notes that Green Corridor at the rear of the building is set on a steep section of the site. The consultant has reviewed the landscape plan and has advised that:

“... an accessible path of travel provided in accordance with AS1428.1 will be achieved from Cygnet Ave throughout the upper areas of the Green Corridor.

The accessible paths of travel will be at its steepest with 1:20 gradients for a length of walkway that will comply with AS1428.1. The 1:20 pathway sections will incorporate suitable landings in accordance with AS1428.1. The accessible pathway leads to what appears to be a lookout landing area, which has suitable circulation areas in accordance with AS1428.1.

It is advised that these pathways have 1800mm width (which is achievable). It is further advised that the stair that connect with College Avenue and the stair on the other side of the lookout have handrails on both sides in accordance with AS1428.1 and TGSI in accordance with AS1428.4.1.”

Having regard to the above, it is considered that the proposed development satisfies the requirements of DCP 2013. A condition has been included which requires a report prepared by a suitably qualified Access Consultant to be submitted to the Principal Certifying Authority which certifies that compliant access is provided.

7.7.6 Safety and Security

A Crime Risk Assessment prepared by City Plan Strategy Development accompanies the development application which evaluates the potential for crime in the area and evaluates the proposed development against the Crime Prevention through Environmental Design (CPTED) strategies.

It is anticipated that the size of the development and the range / type of uses will generate a high level of activity. In particular, pedestrian activity to and from the site is expected to be high given its location in the City Centre.

Levels of activity will continue outside of traditional business hours as the Library will remain open until 8.00pm Monday to Friday, and the Auditorium will also be available after hours for a range of events including ceremonies, banquets, conferences, meetings and Council receptions.

The nature of the uses within the City Hub development will combine to create a well-used place. Typically, such places reduce opportunities for crime by creating a sense of safety and community ownership through the passive surveillance achieved by people going about their daily routines.

The following sections of this report address the building and the external areas of the proposed development.

City Hub Building

It is considered that the position and arrangement of the floor plates of the development allow for users within most parts of the building to overlook the adjacent public domain – footpaths in Cygnet and College Avenues, the Civic Square and the Green Corridor to the south.

The western driveway, loading dock entry and the lower level car park entry enjoy passive surveillance from the administration offices above and also from Cygnet Avenue. Clear lines of sight are available through the staff only parking area and the service areas (loading dock) has been designed to avoid isolated or obscured spaces.

The CPTED report does not make any specific recommendations for design amendments in relation to the upper levels of the City Hub or the lower level car park, other than the provision of lighting in accordance with the relevant Australian Standards at entry points and in all public areas.

In relation to the upper level car park, which is accessible to the general public, the report notes that the vehicle entry directly off Cygnet Avenue is clearly identifiable in that elevation to visitors. There is no landscaping to obstruct sight lines or provide opportunities for concealment adjacent to the car park entry.

The report makes a number of design-related recommendations in relation to the upper level car park, the most significant of which relates to the design of the external pedestrian entry in the southern elevation which comprises a set of stairs and associated ramp that provides a direct pedestrian connection from the Green Corridor to the upper level car park and subsequently on to the ground floor lobby.

The CPTED report suggests that because of the lack of other development in the southern and western parts of the site this point of access is likely to be less frequently used, perhaps other than to provide staff access to the open space. As the western part of the Precinct (Stage 2) develops, it is anticipated that this point of access may be more frequently used to access the Hub. However until such time as there is a greater level of activity elsewhere on the site, this point of entry is somewhat isolated in terms of after-hours surveillance.

Such circumstances could potentially allow it to become a place for loitering and/or anti-social behaviour. Accordingly the report recommends the following design measures to address this situation:

- increasing the width of the stairs. This would open up views of the stairs from areas to the south and west, improving surveillance, and reinforcing that these steps are a public entry, and not 'back of house' or 'staff only'. This might be achieved by widening the base of the steps which could then, if necessary, narrow where they meet the entry landing; and
- the steps and ramp should be provided with measures to prevent use for skateboarding.

Conditions have been included which require the design-related recommendations of the CPTED report to be addressed in the Construction Certificate documentation.

Other recommendations which have implications for the development such as lighting, consideration given to installation of surveillance cameras, as well as a range of procedural matters including secure access and maintenance are most appropriately addressed in an Operational Management Plan. A condition has also been included in this regard.

Green Corridor

The report notes that this area will be landscaped and embellished, including:

- A pedestrian pathway extending from College Avenue, adjacent to the southern edge of the building, across Precinct E to connect with Cygnet Avenue adjacent to the westernmost driveway;
- The pathway and its associated retaining wall provides a visual demarcation between the curtilage of the City Hub and the balance of the Precinct E lands which will remain in its current condition until further development proceeds; and
- Landscaping works to integrate the embankment, below the retaining wall, with the balance of the Precinct E lands.

The City Hub complex will generate activity within this landscaped area at the rear of the building during the day, and the design of the building assures a strong sense of passive surveillance. This will be less so of an evening, notwithstanding that the City Hub will cater for a range of after-hours and weekend uses. Dwellings in the adjacent residential subdivision (e.g. Tern Place and Petrel Place) will continue to provide passive surveillance to this parkland interface area. After hours, pedestrians moving through the City Centre will most likely use the Cygnet and College Avenues due to the superior surveillance and general street level activity, rather than using the Precinct E land as a shortcut. The report assumes that this is presently the case due to the lack of lighting and pathways across the grassed area.

The report makes a number of recommendations for this area relating to:

- Lighting - which should meet relevant Australian Standards and the selection of fixtures should be as 'vandal proof' as possible.
- If feasible, consider the installation of surveillance cameras covering the pathway, including associated warning signage, linked to recording facilities.
- Ensure tree plantings adjacent to the southern edge of the building are spaced to preserve sight lines, as the trees mature, from the City Hub complex out and over the adjacent open space.
- Ensure tree plantings adjacent to the southern edge of the building are spaced to preserve sight lines of the entry stairs, ramp and entry to the car park.

A condition of consent has been included which requires these matters to be addressed as part of the detailed landscape design for the Green Corridor, which is required to be completed as part of Construction Certificate documentation.

7.7.7 During Construction

Construction Management Plan

A condition has been included which requires the preparation of a Construction Management Plan (CMP) prior to the issue of a Construction Certificate. The CMP will be required to address a range of matters, including (but not limited to):

- Hours of work;
- Contact details of the site manager and all principal contractors;
- A Construction Site Management Plan which will detail:
 - ingress and egress of vehicles to the site;
 - number and frequency of vehicles accessing the site;
 - the times vehicles are likely to be accessing the site;
 - management of loading and unloading of materials;
 - changes to on-street parking restrictions on local roads;

- management of construction traffic and car parking demand;
- management of existing vehicular and pedestrian movements / routes around the site (if applicable);
- A Construction Noise and Vibration Management Plan identifying specific activities that will be carried out and associated noise sources, identify all potentially affected sensitive receivers, noise and vibration monitoring reporting and response procedures, description of specific mitigation treatments management measures and procedures to be implemented, and address any other relevant provisions of Australian Standard 2436-2010 *Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites*;
- An Erosion and Sediment Control Plan detailing all sedimentation controls and management measures to be implemented including measures to be implemented to prevent the movement of airborne particles from the site throughout the construction process, and the tracking of material from the site by trucks and other vehicles. This is to include the appropriate use of physically barriers and the dampening of exposed excavated surfaces. The storage and stockpiling areas for material is also to be detailed and covered as required; and
- Construction Waste Management Plan, identifying options for minimising waste; reuse and recycling of materials; the storage, control and removal of construction waste.

The site management measures will be required to be implemented prior to the commencement of any site works and be maintained throughout the works.

Construction Waste

As the site is vacant, no demolition works are required. Waste generation will therefore be limited to the excavation and site preparation phase of works and construction.

The Waste Management Plan which accompanies the DA indicates that detailed specifications of materials to be used in the construction have not yet been confirmed. Similarly, quantitative estimates of construction materials have not been provided at this stage and therefore waste quantities are unknown.

The plan identifies typical construction waste materials and outlines a plan of management. The target recycling and reuse rate for construction waste is a minimum of 80% recycling and reuse, to comply with the award of two points under the Green Star Man-7 Waste Management credit. Re-use of material should have priority over recycling wherever feasible.

A condition has been included which requires compliance with the recommendations of the Waste Management Plan.

Noise & Vibration

Excavation to prepare design levels will necessitate cuts of up to 5 m to achieve floor levels in the range RL 38 – 45. Within these depths of excavation, a wide range of material will be encountered ranging from filling and residual clays into high to very high strength latite and sandstone bedrock.

The Geotechnical Report which accompanies the DA indicates that down to depths of 0.8 – 2.7 m, it would be expected that excavation would be readily carried out using conventional earthmoving equipment. Below these depths it is expected that the high to very high strength rock would be “unrippable” and will require heavy rock breaking, rock sawing or rock grinding equipment. Percussion method would be required for detailed excavation work such as footings.

Vibration and noise associated with rock excavation, particularly the use of rock hammers, may be unacceptable to neighbouring properties and it is anticipated that operating restrictions will be required to preserve the amenity of these properties. A condition has been included that requires dilapidation surveys to be carried out on adjoining structures (or other nearby structures that potentially may be susceptible to vibration damage) prior to commencement of works – refer **Figure**

21). A further inspection will be required to be carried out and report prepared at the conclusion of works.

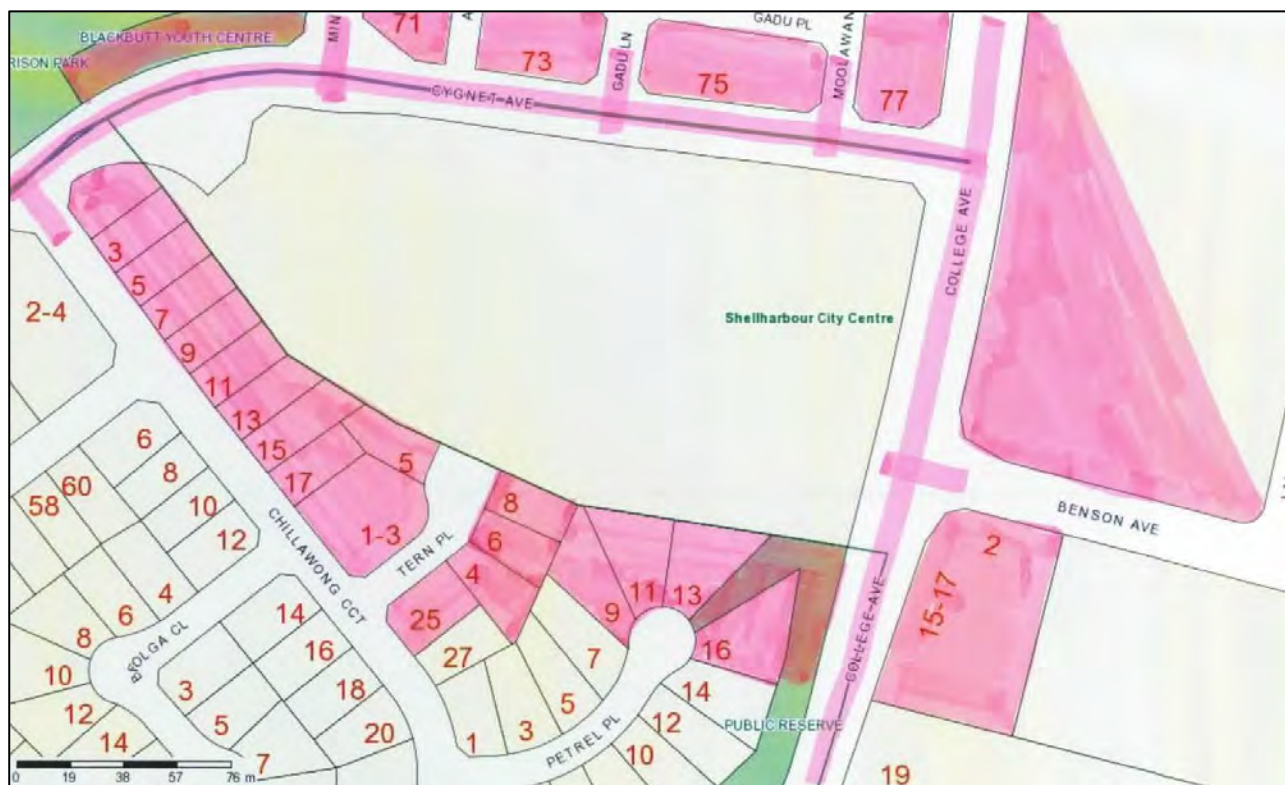


Figure 21 Properties/structures to be included in dilapidation surveys

A Construction Management Plan will be required as a condition of consent which will include measures to control noise and vibration during the excavation and construction phases.

Construction Vehicle Access

As indicated previously in this report, Cygnet Avenue forms a loop on the western side of College Avenue and provides access for the residential properties in Blackbutt to / from the City Centre. In order to minimise the impacts of construction vehicles on residential streets, a condition has been included which prohibits heavy vehicles associated with the construction of the City Hub to use the residential section of Cygnet Avenue beyond the existing roundabout.

In order to preserve the amenity within the City Centre and minimise the volume of heavy vehicle traffic, no heavy vehicles will be permitted to use Memorial Avenue to access the site.

Furthermore, access for heavy vehicles will not be permitted to / from the College Avenue frontage of the site.

These restrictions will effectively limit construction access to / from the site to Cygnet Avenue. It is noted at all construction routes (including any changes thereto) will require the endorsement of the Local Traffic Committee.

7.7.8 Landscape Treatment

As discussed previously in this report, the proposal requires the removal of a total of eleven (11) existing trees including 3 street trees. Having regard to the urban context of the site and the fact that the proposal includes substantial landscape treatment within the curtilage of the proposed development, including supplementary tree planting, the removal of the aforementioned trees is considered to be acceptable.

Context Landscape Design has reviewed the landscape concept plan and design report prepared by Turf Design which accompanies the DA and has advised in the following terms.

The landscape proposal is generally well considered and complements the Civic Hub and its topographical setting. The selection of materials and planting is consistent with DCP 2013.

The landscape design for the Civic Square is welcoming and informal, incorporating lawn areas, a meandering water feature, seating and spaces for a variety of activities and events which could include markets and small outdoor concerts. It is anticipated that the design will respond well to careful detailing during the design development and documentation phases and the application of quality finishes in the construction of the key elements eg. the water feature, paving, furnishings and seating edges surrounding the raised turf lawn.

It is noted that the configuration of the westernmost car park entry and service road on the Landscape Concept Plan is inconsistent with the architectural plans and should be amended to incorporate a vehicle turning head, as recommended in the traffic report by TRAFFIX. A condition requiring the preparation of a detailed landscape plan prior to issue of the Construction Certificate has been included and incorporates a note which requires the configuration of the turning head to be amended to reflect the architectural drawings.

The Green Corridor interface comprises a large lawn area and a series of planted embankments defined by pathways and gabion retaining walls. The large extent of the planted embankments could be a challenge to establish and maintain. Although the cross sections imply some adjustment to the existing levels, the proposed contours are not indicated in either the architectural or landscape plans. This information will be required to be included in the aforementioned detailed Landscape Plan.

The assessment concludes that the landscape concept responds positively to the site, providing a welcoming civic frontage at Cygnet Street and generous sized, informal terraced landscaped open space to the south.

The landscape proposal is supported subject to the conditions outlined above.

7.7.9 Operational Impacts

Hours of Operation

The proposed building includes a range of uses that have varying hours of operation. The applicant has provided a schedule of the indicative hours of operation as detailed in the following table and a condition of consent has been included which reflects this information:

Building Use	Monday – Friday	Saturday	Sunday
Library	9.30am – 8.00pm	9.00am – 4.00pm	10.00am – 4.00pm
Museum	9.30am – 8.00pm	9.00am – 4.00pm	10.00am – 4.00pm
Auditorium	8.30am – 6.00pm (Approved functions to 1.00am)	8.30am – 6.00pm (Approved functions to 1.00am)	8.30am – 6.00pm (Approved functions to 1.00am)
Council Chambers	8.30am – 10.30pm	-	-
Loading Dock	8.00am – 3.00pm	Swipe card after hours	Swipe card after hours
Administration Office	8.30am – 4.30pm Swipe card after hours	Swipe card after hours	Swipe card after hours

Building Use	Monday – Friday	Saturday	Sunday
Public Car Park	8.00am – 8.00pm (Approved functions open until 1.00am; Entry to be closed at 11.30pm)	8.00am – 8.00pm (Approved functions open until 1.00am; Entry to be closed at 11.30pm)	8.00am – 8.00pm (Approved functions open until 1.00am; Entry to be closed at 11.30pm)
Staff Car Park	7.00am – 6.00pm Swipe card after hours	Swipe card after hours	Swipe card after hours
Sessional Meeting Rooms	8.30am – 8.00pm	8.30am – 8.00pm	8.30am – 8.00pm
Cafe	7.00am – 8.00pm (Approved functions to 11.30pm)	7.00am – 4.00pm (Approved functions to 11.30pm)	7.00am – 4.00pm (Approved functions to 11.30pm)

It is noted that the City Hub could also host a number of annual and seasonal major events and it is possible that there may be additional uses (eg. community markets) that are complementary to and in keeping with the civic nature of the City Hub but that are not covered, nor able to benefit from any consent which may be issued in respect of this DA. In this regard DAs may be required for future events or atypical proposals of this nature, which would be required to address any potential impact associated with such activities, including noise, traffic and parking impacts etc.

Operational Noise Issues

The proposed development is supported by a Noise Impact Assessment prepared by WSP Acoustics. The report examines the following:

- Local and state noise criteria;
- Noise ingress to the development;
- Noise egress from the development including:
 - Noise from increased traffic; and
 - Noise from mechanical equipment located on site.

In order to establish the existing noise levels at the nearest noise sensitive receptors, an environmental noise survey was undertaken at the site for approximately 3 days from 12:30pm on 28/01/2014 until 12:45pm on 31/01/2014. Measurements were logged every 5 minutes. The measurement period was selected in order to capture noise levels over a typical weekday and night. The weather during the survey was dry with predominantly still to light wind conditions.

Existing noise sources to the site and locality were observed to be primarily traffic on Cygnet and College Avenues and infrequent light aircraft.

Plant Noise

The proposed development will include significant roof-mounted mechanical plant. A new substation kiosk will be located at ground level, the location of which will be subject to liaison and co-ordination with the local energy authority. Noise emissions generated by plant will be required to meet criteria derived from the NSW EPA *Industrial Noise Policy 2000*. These criteria are designed to protect the acoustic amenity of the surrounding residential properties and community.

The proposed development incorporates a range of acoustic mitigation measures in the design which include:

- physical separation of the roof-mounted plant from sensitive receivers; and
- use of acoustic louvres and screening.

Appropriate conditions to this effect have been included which require compliance with the relevant statutory requirements.

Road Noise

Additional road traffic is inevitable as the proposed development is occurring on a green field site and it includes new car parking facilities.

The NSW Government Environment, Climate Change and Water – *NSW Road Noise Policy 2011* provides numeric criteria which establish acceptable noise levels for existing residences affected by additional traffic on existing local roads generated by development, as follows:

- Day (7.00am – 10pm) - $L_{Aeq(1 \text{ hour})}$ 55dBA
- Night (10.00pm – 7.00am) - $L_{Aeq(1 \text{ hour})}$ 50dBA

The noise survey revealed that current noise at the residential and commercial receivers in the vicinity of the site is 53dB $L_{Aeq(15min)}$ during the day period and 43dB $L_{Aeq(15min)}$ during the night. Therefore 2dBA represents an allowable noise increase during the day and 7bBA at night.

The acoustic consultants made an assessment of noise increase attributable to traffic, based on percentage traffic increases and the more onerous criterion presented in Section 4.2, 2dBA traffic noise increase during the day period. For the road traffic noise environment to increase by 2dBA due to traffic volume alone, the traffic volume would need to increase by nearly 60%.

The assessment is based on the traffic assessment prepared by TRAFFIX for the AM and PM peak hours. These sample hours fall within the day period and will be subject to the 2dBA (60% flow rate) increase.

The analysis of these sample hours indicated that the percentage traffic flow increase is in the region of 20-25%, which occurs in the morning peak. Traffic associated with the development results in a percentage increase of 19%.

Having regard to the above it is considered that the noise associated with the increase in traffic flow associated with the development is expected to not exceed the day or night criteria set out in the NSW Road Noise Policy 2011.

Late Night Activity

The majority of after-hours activity associated with people leaving the Hub building would be concentrated on the Cygnet Avenue frontage (all vehicles exit from here) and College Avenue for pedestrians via the Civic Square.

A condition has been included which requires the preparation of an Operational Management Plan to address a range of operational matters including the means of managing the manner in which patrons exit the site during sensitive periods (ie. late at night).

Summary and Conclusion

Having regard to the above it is considered that:

- (i) the proposed development will not result in any significant road noise impacts on either the existing surrounding properties or the occupants of the future development on the site; and
- (ii) other operational noise associated with mechanical plant and late night operations can be addressed by the inclusion of appropriate conditions, as outlined above.

7.7.10 Social & Economic Impact

As a community facility, the Shellharbour City Hub falls within the Level 2 Social Impact Assessment (SIA) classification, requiring a comprehensive assessment. The process requires analysis of actual and potential social impacts and demonstrated community engagement. Elton Consulting has prepared a SIA which accompanies the DA.

The SIA identifies a number of potentially adverse social impacts for some groups within the community, including:

- **Potential for direct impacts on residents and businesses** of nearby streets in Blackbutt and the Shellharbour City Centre, specifically visual impacts and construction impacts. These issues have been discussed in Section 7.1.3 and 7.7.7 of this report and a range of conditions have been included to mitigate any potential adverse visual impact or impacts associated with the construction of the proposed development.
- **Impacts on residents using services and facilities at Warilla and Albion Park** – it is reasonable to expect that some residents living near existing facilities at Warilla and Albion Park could experience difficulties in accessing services and facilities at the new City Hub, or require greater efforts or longer journey times to travel to Council offices or the museum in the Shellharbour City Centre. This could create difficulties for older or mobility impaired residents, those without cars or that are distant from public transport.

Whilst the Shellharbour City Centre is serviced by a number of bus routes it is acknowledged that in the short term these may not be wholly adequate to serve the needs of the community. However as the Centre continues to grow and develop and the population of the LGA continues to increase, the critical mass required for additional bus routes or frequency of service could reasonably be expected to be achieved and overall accessibility to the City Centre improved.

- **Financial impacts on ratepayers** – the cost of the project will not be borne by ratepayers. Funding for the project will be derived from asset sales, borrowings and S94 Contributions. This approach was analysed in Council's Full Business Case (Savills, September 2012). Furthermore, the borrowing limits were reviewed by NSW Treasury (October, 2012) and a review by the NSW Division of Local Government confirmed that Council has satisfactorily addressed its capital expenditure criteria.
- **Cultural impacts of re-locating the Freedom Wall and Peace Grove memorials** – Council has acknowledged the community concerns in relation to this issue and has identified the need for close consultation with key stakeholders about any future relocation of the memorials.

Economic Benefits

The project will create employment opportunities during the design and construction phases. The project will also generate income that can reasonably be expected to be spent within the local area and flow-on benefits to suppliers.

Summary and Conclusion

Residents of the Shellharbour local government area (LGA) visit the City Centre for a range of reasons including access to community services, use of regional facilities, participate in community events, dining, retail and other recreational activities. The location of the City Hub within the City Centre (served by public transport and parking facilities) will ensure that it is accessible to residents across the LGA.

The proposed development will provide a multi-purpose civic facility which is consistent with a regional centre of Shellharbour's size and future growth potential and can reasonably be expected to result in a number of positive social and economic outcomes.

7.8 Suitability of the Site (S79C(1)(c))

The preceding sections of this report have assessed the statutory considerations and the environmental impacts associated with the proposed development and it is concluded that subject to conditions, the site is suitable for the proposed development. Furthermore:

- the site is zoned to accommodate this type of development;
- the nature and form of the proposed development is generally consistent with the desired future character of the locality;
- the size and dimensions of the land can accommodate the scale of the proposed development;
- the site will have access to all utility services to accommodate the demand generated by the proposed development;
- the proposed development is unlikely to result in any adverse traffic impacts;
- the proposed development will not result in any unacceptable or material environmental impacts in relation to adjoining and surrounding properties, particularly in terms of overshadowing, views, privacy (aural and visual) or solar access; and
- there are no known major physical constraints, environmental impacts, natural hazards or exceptional circumstances that would hinder the suitability of the site for the proposed development.

7.9 Submissions (S79C(1)(d))

The development application was notified for a period of 21 days in accordance with Section 2.2 of Shellharbour DCP. The notification period commenced on 12 June 2014 and concluded on 3 July 2014 and included:

- distribution of a total of 299 letters of notification issued by Council to local business and residents in the vicinity of the site;
- an advertisement placed in *The Lake Times* on 11 June 2014; and
- a Site Notice placed on the land for the duration of the notification period.

In the newspaper notice Council advised that any written submission must indicate whether or not a reportable donation or gift has been made in the past 2 years to a councillor or Council employee. The same advice was provided in the letters to adjoining owners. The advice indicated that if donations were made, the submission must be accompanied by a disclosure statement.

No such statements were received in any of the submissions. Accordingly, it is taken that there have been no donations or gifts.

A total of 88 submissions were received in response to the notification – 84 objecting to the proposal and 4 in support.

In addition, a petition comprising approximately 11,500 signatories was submitted to Council in August 2014. It is understood that the petition has been forwarded to the NSW Legislative Assembly accompanied by a covering letter which requested that the Legislative Assembly stop the construction of the City Hub and the sale of community assets, in particular the previous Council Chambers and Administration Building, the Freedom Wall and Peace Grove War Memorial and the Warilla and Central Library at the Community Hub at Warilla to fund the City Hub construction.

The Clerk of the Legislative Assembly referred the matter to the Minister for Local Government who has provided a response which advises that the issues raised in the petition are matters for Council to deal with at the local level.

A Public Briefing Meeting was convened by the Southern Joint Regional Planning Panel on 28 August 2014. The meeting was held at the Shellharbour Club and commenced at 4.00pm and closed at 6.40pm.

The purpose of the meeting was to provide the Panel with the opportunity to understand the key issues and community concerns associated with the proposed development. A total of 27 people addressed the meeting – 25 against the proposal and 2 spoke in favour.

The planning issues raised during the notification period / community consultation are summarised and addressed in the following paragraphs.

7.9.1 *Non-compliance with Council's parking requirements*

Comment: The proposed development does not comply with the numeric parking requirements set out in DCP 2013. On-site parking requirements for the Library, Council Chamber & Auditorium, Museum and Café can be satisfied. However the parking associated with the Administration building has a shortfall of 24 spaces.

Following consideration of a number of options it is considered that there is sufficient capacity in existing parking areas in the immediate vicinity (and in particular the Gadu Lane centre block car park) to absorb the shortfall in the short term. However it is recommended that Council expedite further consideration of the City Centre parking needs to ensure that demand does not exceed supply in the medium term.

7.9.2 *Pedestrian access to / from Hub to the rest of the City Centre*

Comment: Concern was raised in a number of submissions about the ease of pedestrian access between the City Hub and the rest of the City Centre and the lack of weather protection. The proposed development is located approximately 160 metres from the main pedestrian entry to the Stockland shopping centre on Memorial Drive, which is one of the primary destinations in the City Centre.

It is reasonable to assume that as further development occurs within the City Centre, particularly in the city block to the north (Memorial Drive / Cygnet / College and Minga Avenues) and on the site to the east (opposite side of College Avenue), the Hub will enjoy greater proximity and convenience to the rest of the City Centre.

During the assessment, concern was also raised about the provision of safe pedestrian access between the Hub and other parts of the City Centre. In this regard the applicant has advised that the signalisation of the College and Cygnet Avenues intersection will be completed by the time the City Hub development becomes operational. On this basis that the signals will include a pedestrian phase it is considered that pedestrian safety has been addressed.

A condition has also been included which requires the relocation of the existing pedestrian facility in Cygnet Avenue (break in the central median) which is impacted by the location of the vehicular access to the Hub development. The relocated facility needs to be appropriately sited to maintain an alternate mid-block crossing point in Cygnet Avenue.

7.9.3 Public Transport

Comment: A number of bus routes (51, 53 & 72) operate services in close proximity to the site including a number of other services stopping at Stockland Shellharbour Bus Interchange. Route 53 travels along College Avenue while Route 72 travels along Cygnet Avenue. The closest bus stops are located in College Avenue south of Benson Avenue and Cygnet Avenue south of Chillawong Circuit.

It is noted that part of Council's overall strategy for the locality involves the provision of a new Bus Stop on College Avenue in the vicinity of the site. The drawings which accompany the DA indicate the provision of an indented Bus Bay on College Avenue, however no detailed design has been provided.

A condition has been included which requires the provision of a bus stop and associated bus layby in the vicinity of the site at the applicant's expense and to the satisfaction of the Local Traffic Committee. The position of the bus stop must be decided in consultation with bus companies that service routes in College and Cygnet Avenue and located to minimise conflict with entering / exiting traffic.

The provision of an additional bus stop in the immediate vicinity of the City Hub will ensure that it has access to the same level of public transport as other parts of the City Centre.

7.9.4 Sustainability – call for solar panels to be installed

Comment: The applicant has advised that whilst solar panels are not proposed at this stage, the roof of the administration building is structurally capable of accommodating a solar panel array.

7.9.5 Traffic, road capacity and safety

Comment: The traffic modelling which accompanies the DA has been reviewed and it is apparent that the traffic volumes generated by the proposed development will have negligible impacts on intersection performance in the vicinity of the site. The impacts on traffic congestion in the locality are therefore considered to be minimal.

The applicant indicates that Council has confirmed that traffic signals will be installed at the intersection of Cygnet and College Avenues by the time the City Hub development becomes operational. It is considered that the signals will facilitate the safe movement of traffic and pedestrians at this intersection and its approaches.

Service vehicle access is proposed to be achieved via the westernmost driveway. A condition has been included which requires all vehicles (including service vehicles) to enter and leave the site in a forward direction.

In order to maximise pedestrian safety at the driveways in Cygnet Avenue a condition has been included which requires signs and specific design elements to be installed at the driveway access to indicate pedestrian priority at these locations (eg. "Stop" signs).

"No Stopping" signage will also be required to be installed adjacent to the vehicle access points to ensure clear sight lines are maintained in Cygnet Avenue.

7.9.6 Operational noise

Comment: The majority of after-hours activity associated with people leaving the premises would be concentrated on the Cygnet Avenue frontage (all vehicles exit from here) and College Avenue for pedestrians via the Civic Square.

A condition has been included which requires the preparation of an Operational Management Plan to address a range of operational matters including the means of managing the manner in which patrons exit the site during sensitive periods (ie. late at night).

The mechanical plant is required to be acoustically treated to satisfy the EPA's *Industrial Noise Policy* which is designed to protect the acoustic amenity of surrounding residential properties and the community. Appropriate conditions have been included in this regard.

7.9.7 Construction impacts noise and traffic

Comment: The State Government's *Interim Construction Noise Guideline* is designed to manage noise from construction works. Any works on the site would be required to meet the construction noise limits set in that guideline.

As discussed in Section 7.7.7, a condition has been included which requires the preparation of a Construction Management Plan (CMP) prior to the issue of a Construction Certificate. The CMP will be required to address hours of work; traffic management and construction noise and vibration management.

The Plan will also be required to address other relevant provisions of Australian Standard 2436-2010 *Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites*.

7.9.8 Inappropriate use of Section 94 Funds

Comment: Under the NSW planning legislation Section 94 funds must be allocated in line with the manner in which they are collected. Council's Section 94 Contributions Plan 2013 is a public document and confirms that developer contributions have been collected towards the:

C2.06 City Library (includes Museum)
C2.08 Council Administration Offices
C2.09 Civic Auditorium

It is therefore reasonable and appropriate for these funds to be allocated to this project.

7.9.9 Localised flooding

Comment: The Stormwater Management Plan prepared by Enstruct indicates that flooding occurs at the roundabout intersection between Benson Avenue and College Avenue and also at the roundabout on Cygnet Avenue.

Appropriate conditions have been included to address this issue.

7.9.10 Non-compliance with height controls

Comment: A Clause 4.6 Exemption has been submitted and has been assessed as being well-founded. Strict compliance with the building height control is considered to be unreasonable and unnecessary in this instance (refer detailed discussion in Section 7.1.3 of this report).

7.9.11 Visual Impact

Comment: The building will be visually prominent from the residential areas to the south because of its location at the top of the hill (refer detailed discussion in Section 7.1.3 of this report).

However, it is considered that the design responds appropriately to the topography of the locality by concentrating the tallest elements closest to the commercial areas of the City Centre. At its closest point, the tallest element (Council's administration building) is more than 100 metres from the nearest residential property boundary.

The physical separation of the building from the residential properties to the south created by an area of passive open space ("Green Corridor") which will be landscaped and embellished with trees and shrubs thereby providing a physical buffer and assisting in the minimisation of the visual impact.

7.9.12 Other Issues

A range of other issues were raised during the consultation / notification period which are not matters for consideration for the assessment of the development application as prescribed by section 79C of the EP&A Act. Those issues include:

- ***Monies better spent / waste of public monies*** – unnecessary and disproportionate amount of resources being allocated to the Hub while other infrastructure is neglected.
- ***Unwanted debt / excessive cost*** – the majority of objections raise general concerns about the cost of the development and ongoing debt imposed on ratepayers. A smaller number of submissions raised specific concerns about the QS report being heavily biased.
- ***Questions the need for the Hub*** – would rather see existing facilities refurbished or upgraded which would leave monies to be used on infrastructure.
- ***Facility is excessively lavish / extravagant*** for Council requirements
- ***Concern regarding closure of other facilities***
- ***Sale of Council assets***
- ***Rate increase*** – various objections to the 42% rate rise required because Council does not have funds to execute basic duties, but is willing to expend ratepayers' money on a new Council building.
- ***More rigorous evaluation of financial business case is required*** – decision should be deferred until a team of financial experts can review the affordability of the project. Delay the project until residents have had the opportunity to vote on the project. City Hub Financial Business Case lacks financial rigour and does not consider feasible options / alternatives - reasons given that the base case is not a viable option are not substantive.
- ***Questions need for the Auditorium*** – asserts that responses to surveys of local groups reveal that they would barely use the auditorium because it is too small.
- ***Future of Freedom Wall and Peace Grove at Warilla***

Discussion & Comment:

The City Hub and asset renewal are two distinctly separate issues with separate funding arrangements. The renewal of Council's assets is funded from the Special Rate Variation (SRV) which can only be used for a specific purpose, which is renewing and improving community assets like repairing roads and footpaths, improving stormwater drains, and upgrading community buildings.

SRV funds will not be used for the City Hub project.

Funding for the Project will be derived from:

- The sale of some of Council's current properties;
- Allocated Section 94 contributions; and
- The residual of the costs will be met by loans.

It is further noted that in undertaking infrastructure projects councils are required to consider and have regard to the Capital Expenditure Guidelines issued by the NSW Office of Local Government. Under these guidelines, councils are required to provide justification for their projects, information about the capacity of the council, its priorities, project alternatives, financial implications and details of consultation with the community.

In response to the petition submitted to the NSW Legislative Assembly, the Minister for Local Government has confirmed that in relation to this project:

Shellharbour City Council submitted a capital expenditure review to the Office of Local Government on 14 June 2013. The Office responded to Council on 16 September 2013 advising that Council had satisfactorily addressed the capital expenditure criteria.

It is important to appreciate that the role of the Office in assessing a council's capital expenditure proposal is to ensure that the council has undertaken appropriate processes in deciding to embark on such a project.

Having regard to the above, it is considered that Council has satisfied the requirements of the Office of Local Government in relation to the financial aspects of the proposed development.

7.10 The Public Interest (S79C(1)(e))

It is considered that the City Hub will make a positive contribution to the Shellharbour local government area in terms of the following:

- the development will act as an important landmark for the entry into the evolving Shellharbour City Centre
- the siting of the City Hub facilitates the creation of a "Green Corridor" which interfaces with the adjoining residential lands to the south and which provides a physical and visual buffer to development in the City Centre;
- subject to compliance with the recommended conditions, it is expected that the proposed development will not create any significant or negative environmental impacts on the surrounding area.

Furthermore, the proposed City Hub is integral to the development of the Shellharbour City Centre, as envisaged in Council's strategic and statutory planning documents. The provision of new civic, community and administrative facilities will contribute to the growth of and the strategic vision for the City Centre, which is for a *"liveable city that is connected through places and spaces"*.

Having regard to the above, it is considered that the proposed development is in the wider public interest.

8. SPECIALIST ADVICE

As a result of Council's interest in the proposal (as landowner and applicant), the development application has been assessed by an independent planning consultant (Helen Mulcahy). This assessment draws on the expertise of a number of specialists including:

- Taylor Civil and Structural – civil and structural engineering assessment;
- Conybeare Morrison International – urban design and architecture;
- Context Landscape Design – landscape treatment;

- Blakett Maguire + Goldsmith – Building Code of Australia, fire engineering, accessibility and ESD;
- TRS Transport and Road Safety – traffic, access and parking.

These consultants have provided advice in relation to key issues which have been discussed throughout the report.

8.1 Referrals to External Agencies

Air Services Australia

The Obstacle Limitation Surface for the area is RL 52m AHD. The proposed development achieves a maximum height of RL 64.04m AHD.

Advice received from Air Services Australia on 21 August 2014 indicates that the height of the proposed development:

- (i) will not affect any sector or circling altitude, nor any instrument approach or departure procedure at Wollongong aerodrome; and
- (ii) it will not adversely impact the performance of any Airservices Precision/Non-Precision Nav Aids, HF/VHF Comms, A-SMGCS, Radar, PRM, ADS-B, WAM or Satellite/Links.

Notwithstanding the above, a condition has been included in the draft schedule of conditions which requires approval to be sought to operate construction equipment (ie. cranes) prior to any commitment to construct.

8.2 Process Audit – Cowman Stoddart Pty Ltd

In instances where Council has an interest in a development application, a procedural audit is undertaken via a consultancy service. The audit is designed to ensure that due process is observed with respect to matters such as acknowledgement letters, notification processes and payment of fees. It is not a statutory requirement and is not a planning assessment.

Cowman Stoddart was engaged by Council to review the processes undertaken by Council in the administration of the development application. The report dated 22 July 2014, concludes that:

- *The process undertaken to date by Council in the consideration of DA complies with the statutory procedures and obligations contained within the EP&A Act and EP&A Regulations, as amended;*
- *State Environmental Planning Policy (State and Regional Development) 2011 does not include any special advertising requirements that would affect the DA.*
- *The DA has been widely advertised in accordance with the Shellharbour DCP by:*
 - *direct notification (299 property owners/occupiers),*
 - *newspaper advertising, and*
 - *a sign being placed on the land*
- *The advertising material (letters, newspaper advertisement, signs) complies with the requirements of the Shellharbour DCP with the exception that the sign placed on the land did not state that the Joint Regional Planning Panel (Southern) is the consent authority for the DA.*

The Audit Report indicated that this is considered to be a minor administrative oversight that would not materially affect the making of public submissions with regard to the DA and the sign achieves the aims of the DCP by informing the community of the proposal.

Furthermore, the proposed development has been extensively advertised and has received considerable media coverage, including television exposure. On this basis it is considered that the community has been informed about the proposal.

Having regard to the findings of the report, it is considered that Council has followed due process and that the procedures associated with the administration of the DA are satisfactory.

9. CONCLUSION

The application for the Shellharbour City Hub has been assessed in accordance with the provisions of the *Environmental Planning and Assessment Act, 1979* as amended with all matters specified under Section 79C (1) Clauses (a) to (e) having been taken into consideration. The application involves the construction of a new “civic hub” comprising Council chamber, administrative offices, meeting rooms, auditorium, library, local history museum, café / small retail premises, basement parking and loading facilities, a Civic Square, associated site works and landscape treatment.

The proposal is generally consistent with Council’s strategic planning vision for the City Centre, as envisaged in Council’s strategic and statutory planning documents. The provision of contemporary civic, community and administrative facilities will contribute to the growth of and the realisation of Council’s strategic vision for the City Centre, which is for a *“liveable city that is connected through places and spaces”*.

Furthermore, the City Hub proposal provides a responsive design in terms of its relationship with adjoining development and establishes an appropriate human scale through the implementation of sound urban design principles, whilst ensuring that environmentally sustainable principles are incorporated.

As such, the proposed development is considered to be both reasonable and appropriate in the context of the site. The development will have positive social and economic benefits in terms of the centralisation of major community facilities and the landscaping and embellishment of a new area of open space adjacent to the City Centre that will benefit from the site’s location in proximity to services and facilities and which will in turn, support local businesses and services.

There are five (5) key issues associated with the proposed development

- non-compliance with the SLEP 2013 height development standard,
- a deficiency in on-site parking provision,
- non-compliance with DCP 2013 in terms of car park design,
- issues associated with the management of stormwater, and
- non-compliance with DCP 2013 in that no porte cochere is proposed to be provided for pick-up / drop-off.

Each of these matters has been discussed in the report.

Having regard to the merits of the proposal, it is considered that the City Hub development represents a well-conceived response to the all the relevant planning controls and the constraints and opportunities presented by the site and is worthy of approval, subject to conditions.

10. RECOMMENDATION

It is recommended that:

1. The Panel approve the variation to the height standard pursuant to the Clause 4.6 of the Shellharbour LEP 2013 and that this variation be reported in Council's quarterly return to the Department of Planning and Environment.
2. The Panel accept the request for exemption from the payment of S94 Contributions.
3. The Panel approve Development Application No. 205 / 2014 for the construction of a new "civic hub" comprising Council chamber, administrative offices, meeting rooms, auditorium, library, local history museum, café / small retail premises, two levels of parking, loading facilities, a Civic Square, associated site works and landscape treatment at Lot 2 DP 1091265 Cygnet Avenue, Shellharbour City Centre subject to the recommended draft development consent conditions set out below.

Conditions

PART A - ADMINISTRATIVE CONDITIONS

A1 Construction Certificate & Principle Certifying Authority (PCA) Notification *Environmental Planning & Assessment Act 1979 Section 81A*

Before any site works, building or use is commenced, the person having the benefit of the development consent must:

- a. obtain a Construction Certificate from an accredited certifier, and
- b. appoint a Principal Certifying Authority (PCA).

A2 Prescribed Conditions

This development consent is subject to the prescribed conditions made under the *Environmental Planning & Assessment Regulation 2000*. The prescribed conditions include compliance with the *Building Code of Australia (BCA)*.

A3 Development in Accordance with Plans and Documents

The development must be in accordance with the following except as modified by conditions of this consent.

Name of Plan / Document	Prepared By	Drawing / Doc No. / Revision	Drawing / Document Date
Site Plan	Design Inc. & Lacoste + Stevenson (architects in association)	SCH-AR-SD-1011 Rev F	22/05/2014
Lower Car Park Level	Design Inc. & Lacoste + Stevenson (architects in association)	SCH-AR-SD-2001 Rev R	22/05/2014
Upper Car Park Level	Design Inc. & Lacoste + Stevenson (architects in association)	SCH-AR-SD-2002 Rev V	11/07/2014
Ground Level Plan	Design Inc. & Lacoste + Stevenson (architects in association)	SCH-AR-SD-2003 Rev S	22/05/2014
Level 1 Plan	Design Inc. & Lacoste + Stevenson (architects in association)	SCH-AR-SD-2004 Rev R	22/05/2014
Level 2 Plan	Design Inc. & Lacoste + Stevenson (architects in association)	SCH-AR-SD-2005 Rev S	22/05/2014

Name of Plan / Document	Prepared By	Drawing / Doc No. / Revision	Drawing / Document Date
Level 3 Plan	Design Inc. & Lacoste + Stevenson (architects in association)	SCH-AR-SD-2006 Rev R	22/05/2014
Plant Level Plan	Design Inc. & Lacoste + Stevenson (architects in association)	SCH-AR-SD-2007 Rev U	18/07/2014
Roof Plan	Design Inc. & Lacoste + Stevenson (architects in association)	SCH-AR-SD-2011 Rev V	18/07/2014
Elevations	Design Inc. & Lacoste + Stevenson (architects in association)	SCH-AR-SD-3001 Rev S	18/07/2014
Elevations	Design Inc. & Lacoste + Stevenson (architects in association)	SCH-AR-SD-3002 Rev P	18/07/2014
Coloured Elevations	Design Inc. & Lacoste + Stevenson (architects in association)	SCH-AR-SD-3011 Rev E	13/05/2014
Coloured Elevations	Design Inc. & Lacoste + Stevenson (architects in association)	SCH-AR-SD-3012 Rev E	13/05/2014
Sections	Design Inc. & Lacoste + Stevenson (architects in association)	SCH-AR-SD-4001 Rev O	22/05/2014
Art Opportunities and Signage	Design Inc. & Lacoste + Stevenson (architects in association)	SCH-AR-SD-8211 Rev F	28/05/2014
Statement of Environmental Effects	City Plan Services	-	31/05/2014
Stormwater Management Report	Enstruct	Revision: 02	20/05/2104
Hydraulic Services Sketch Layout – Lower Carpark Stormwater Drainage	WSP Hydraulic Services	HSK-600 Rev. A	19/05/2014
Hydraulic Services Sketch Layout – Upper Carpark Stormwater Drainage	WSP Hydraulic Services	HSK-601 Rev. A	19/05/2014
Hydraulic Services Sketch Layout – Subsoil Drainage Section	WSP Hydraulic Services	HSK-602 Rev. A	19/05/2014
Concept Landscape Plan	Turf Design Studio	LA-GA-001 Rev. C	29/05/2104
Preliminary Contamination Assessment	Douglas Partners	Project 48513	June 2008
Geotechnical Investigation report	Douglas Partners	Project 48513.01 - 1	February 2014
Traffic Impact Assessment	TRAFFIX	13.424r02v03	30/05/2014
ESD Report and Section J	WSP Built Ecology	SYD1335000	05/05/2014
Noise Impact Assessment	WSP Acoustics	ACG1400200 Rev. 4	02/05/2014
Crime Risk Assessment	City Plan Strategy and Development	-	30/05/2014
Access Review	Morris Goding Accessibility Consulting	Final v4	27/05/2014
Arboricultural Impact Assessment	Tree IQ	SHE/HAR/AIA/B Rev C	26/05/2014

Name of Plan / Document	Prepared By	Drawing / Doc No. / Revision	Drawing / Document Date
Waste Management Plan	Hyder Consulting Pty Ltd	AA006873-R01-02	28/05/2014
Plan of Properties & Assets requiring Dilapidation Survey	Shellharbour City Council	-	02/10/2014

A4 Site Documentation

A full suite of approved documents including but not limited to the Development Consent and management plans required by the consent, Development Consent Plans, Construction Certificate documentation, Australian Standards (AS), and other relevant documentation are to be maintained and held on site for the duration of the project.

A5 Future use of the Auditorium

A separate development application is required to be submitted to and approved by Council should the use of the Auditorium be operated as an 'entertainment venue'.

A6 Arborist Certification

Three (3) separate Arborist certificates must be submitted to the Principal Certifying Authority at the following stages of the development:

- before commencement of any construction work (refer to Part B of this Consent),
- during the construction phase of the development (refer to Part D of this Consent), and
- at the completion of the construction period and prior to issue of the Final Occupation Certificate (refer to Part E of this Consent).

A7 Utility Services

The developer must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The developer must make the necessary arrangements with the service authorities.

A8 Works within the Road Reserve

A Road/Asset Opening Permit must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the Road/Asset Opening Permit must be complied with.

See Part C of this Consent.

A9 Temporary Occupation of Road Reserve

Written applications together with any necessary fee must be made to Council for the temporary occupation of the road reserve. Approval must be obtained prior to any works commencing on site where it is proposed to:

- pump concrete from within a public road reserve;
- stand a mobile crane within the public road reserve;
- use part of Council's road/footpath area;

- d. pump stormwater from the site to Council's stormwater drains;
- e. store waste containers, skip bins and/or building materials on part of Council's footway or roadway.

A10 Easements on Title

Easements covering the following aspects of the development must be included in the 88B Instrument:

- on-Site Detention drainage system, and
- electricity substation.

Refer also to Part E of this consent.

PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1 Dilapidation Report

A dilapidation report prepared by a professional engineer, must be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate, for all properties adjoining the site and all public assets adjoining the subject land. Refer to map identified in Condition A3 as Part of the suite of approved documents.

The report (including photographs) are required to detail the current condition and status of the relevant building/s located upon the adjoining premises, and public assets which may be affected by the subject works. A copy of the dilapidation report is to be given to the owners of the premises encompassed in the report/s before commencing any works.

B2 Soil and Water Management Plan (SWMP) and Dust Control

Prior to the issue of the Construction Certificate, the developer must submit to and obtain the Certifying Authority approval of a Soil and Water Management Plan (SWMP). The SWMP must clearly identify site features, constraints and soil types together with the nature of the proposed land disturbing activities and also specifies the type and location of erosion and sediment control measures. In addition rehabilitation techniques that are necessary to deal with such activities should be referred to.

The SWMP must take into account the requirements of Landcom's publication *Managing Urban Stormwater - Soils and Construction (2004)* thus ensuring the following objectives are achieved, namely:

- a. minimise the area of soils exposed at any one time,
- b. conserve topsoil for reuse on site,
- c. identify and protect proposed stockpile locations,
- d. preserve and nominate existing vegetation and identify revegetation techniques and materials.
- e. control surface water flows through the development construction site on a manner that:
 - i. diverts clean run-off around disturbed areas.
 - ii. minimises slope gradient and flow distance within disturbed areas.
 - iii. ensures surface run-off occurs at non-erodible velocities.
 - iv. ensures disturbed areas are promptly rehabilitated.

- f. trap sediment on site to prevent off site damage. Hay bales are not to be used as sediment control devices. To ensure regular monitoring and maintenance of erosion and sediment control measures and rehabilitation works until the site is stabilized (includes landscaping).
- g. specifies measures to control dust generated as a result of construction activities on site.
- h. temporary sediment ponds must be fenced where the batter slope exceeds 1 vertical to 5 horizontal,
- i. design scour protection for the 10 year ARI event at all inlet and outlet structures.
- j. including measures to prevent the tracking of sediment off the site such as:
 - i. erection of a silt fence,
 - ii. limiting the removal or disturbance of vegetation and topsoil,
 - iii. diversion of uncontaminated run-off around cleared or disturbed areas,
 - iv. installation of sediment traps/socks around stormwater inlets and drainage lines,
 - v. stockpile topsoil, excavated material, construction and landscaping materials and debris within the site. These should be covered or seeded to prevent loss of these materials,
 - vi. provision of a single vehicle access to the site including measures to prevent the tracking of sediment off the site, and
 - vii. provision of adequate control measures to suppress dust.
- k. Dust control measures and practices may include:
 - i. provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing),
 - ii. covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting,
 - iii. Installation of water sprinkling system or provision hoses or the like,
 - iv. regular watering-down of all loose materials and stockpiles of sand, soil and excavated material,
 - v. minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds, and
 - vi. landscaping and revegetation of disturbed areas.

These measures must be in place prior to commencement of any excavation or construction works.

B3 Street Trees - Existing Condition

A report must be prepared by a qualified arborist in relation to the existing street trees that have been nominated for retention to ensure the trees' health status and SULE (Safe Useful Life Expectancy) Rating.

Note: The findings of this report may necessitate the removal of additional existing street trees.

B4 Bond - Existing Street Trees

A deposit of \$62,836.00 must be lodged with Council prior to the issue of the Construction Certificate to ensure that the existing street trees are maintained in the same condition as found before the start of any demolition/building work on the site. A bank guarantee can be lodged with Council where the bond is \$2,000 or more.

Note: Council's adopted Fees and Charges (p 72) requires \$2,732.00 per tree.

B5 Protection of Street Trees

The existing street trees that are to be retained must be enclosed with temporary protective fencing to prevent any activities, storage or the disposal of materials within the fenced area. Details of the design and location of the vegetation protective fencing must be shown on the building plans and must be approved by the accredited certifier prior to the issue of the Construction Certificate. The protective fence must:

- a. be located a minimum of 1.5m from the base of the tree. Where the surrounding area has insufficient space, the trunk of the tree should have a wrapped protection timber banding.
- b. have a minimum height of 1.5m.
- c. be clearly marked at all times with the use of high visibility plastic hazard tape.

Any street tree that is damaged or removed during works must be replaced as per Council's specifications.

B6 Bond - New Street Trees

A deposit of \$8,196.00 must be lodged with Council prior to the issue of the Construction Certificate to ensure that the three (3) new street trees are maintained for a six month period following the issue of the Occupation Certificate. A bank guarantee can be lodged with Council where the bond is \$2,000 or more.

Note: Council's adopted Fees and Charges (p 72) requires \$2,732.00 per tree.

B7 Street Tree Inspection Fee

The developer must lodge with Council an inspection fee of \$83.00 in accordance with Council's *Fees and Charges* for:

- street tree inspection prior to occupation of the development, and
- street tree inspection following completion of the maintenance period

prior to the issue of the Construction Certificate.

Note: Council's adopted Fees and Charges (p 20).

B8 Landscape Plan Required

Two (2) copies of a detailed landscape plan prepared by a registered landscape architect must be submitted for approval to the Accredited Certifier prior to the issue of the Construction Certificate.

The landscape plan must be prepared in accordance with the concept landscape plan (drawing No. LA-GA-001 Rev C – listed in the schedule contained in Condition A3) prepared by Turf Design Studio and dated 29/05/2014 and with *Shellharbour Development Control Plan*, Chapter 20 & Appendix 9, incorporating the following:

- a. the design and configuration of the service road and vehicle turning head shall be amended to reflect the architectural drawings and the recommendations of the TRAFFIX report,
- b. the detailed design of the water feature in the Civic Square is to integrate interpretive opportunities and water play for children, and meet sustainable design and safety standards,

- c. the detailed landscape design of the Green Corridor shall be developed having regard to the recommendations of the Crime Risk Assessment Report referred to the schedule at Condition A3;
- d. the 1:3 planted embankment located within the Green Corridor to the south of the building is to be stabilised and planted with indigenous native species to the satisfaction of Council's Landscape Officer,
- e. detailed methods for planting, stabilising, establishment and ongoing maintenance of the embankment shall be provided, and
- f. details of irrigation of the embankment and turf areas shall be provided to the satisfaction of Council's Landscape Officer.

Note: parts c-e above relate to the ongoing maintenance of the area noting the slope of the embankment.

B9 Detailed Drainage Design

A detailed drainage design of the site must be submitted and approved prior to the release of the Construction Certificate. The plan must:

- a. be generally in accordance with the Stormwater Management Plan prepared by Enstruct Group Pty Ltd,
- b. indicate the method of disposal of all stormwater and include existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines,
- c. indicate basement car park drainage including waterproofing, cavity drains, surface levels, pump out, overflow, etc.
- d. include reference to the 80kL rainwater tank located in the upper level car park, dimensions and point of discharge of overflow from the rainwater tank and details of any pump required to provide water to the toilets, and/or any other fixture identified.
- e. cater for the safe passage of overland flow for the 1 in 100yr ARI, and
- f. be to the satisfaction of the Certifying Authority.

B10 Drainage Design – Critical Flood Event

Stormwater drainage and interallotment drainage must, as a minimum, be designed for the critical flood event with an average recurrence interval of 1 in 20yr ARI with satisfactory provision for safe passage of runoff generated by the critical flood event with an average recurrence interval of 1 in 100 years. The conveyance and discharge of runoff generated by the critical flood event with an average recurrence interval of 1 in 100yr ARI must be over public land.

B11 Culvert Upgrade

Observing that the flood study provided with the Development Application shows that Cygnet Avenue is flooding at the 1 in 5yr ARI and the stability value for the depth x velocity flow is exceeded for storms equal to and greater than the 1 in 20yr ARI and to comply with Council's specifications one of the following options must be pursued to address this issue. Engineering details of the option selected must be provided to the Certifying Authority with the application for the Construction Certificate.

- a. Option A: the culvert must have the capacity for the 1 in 20yr ARI and the stability flow value must not be exceeded. Accordingly, the design of the stormwater system shall be amended to

comply with Council's design specification and be certified by a qualified engineer. This certification is to be provided to the Certifying authority prior to issue of the Construction Certificate.

- b. Option B: provide On-Site Detention upstream of the culvert so that the culvert can meet the abovementioned criteria.
- c. Option C: provide certification from a qualified engineer that the culvert is adequate and meets the requirements of Council's specifications and Australian Rainfall and Runoff.

B12 Stormwater Disposal

Overflow waters from the rainwater tank, all other roof waters not directed to the rainwater tank, and runoff from paved (impervious) surfaces must be discharged into the existing creek via the stormwater treatment unit and headwall. The point of discharge must:

- a. disperse water so as not to cause erosion,
- b. not direct waters onto adjoining properties,
- c. not drain to an area where it may damage footings or other buildings,
- d. not cause a nuisance,
- e. not cause scouring or damage the existing water course,

Details are to be submitted to the Certifying Authority prior to release of the Construction Certificate.

B13 Installation of Stormwater Pipes

All stormwater pipes within road reserves and within drainage easements intended to be dedicated to Council must be installed generally to the HS3 standard in accordance with the current edition of AS 3725 and the Concrete Pipe Association of Australia publication 'Concrete Pipe Selection and Installation'.

B14 Drainage Channel Works

The developer must submit detailed channel works plans and landscape plans together with the flood study for the approval of the Principal Certifying Authority. These plans must be submitted with the Construction Certificate Application and must indicate how the existing drainage channel will be treated to meet safety requirements and reduce the risk of scour and subsequent gully head erosion and bank undercutting. The channel works plan, landscape plan and flood study must take into account the ultimate development of the site and upstream areas and as a minimum must address the following:

- a. the flow velocities together with the extent of the area inundated by the 1 in 100yr ARI flood within the creek and associated riparian zone are to be checked to confirm that the creek will not be affected by erosion or scour. Alternatively, proposed measures to stabilise and prevent bank and bed scour in the existing drainage channel resulting from the development are to be provided;
- b. how the 1 in 100yr ARI flood can be safely passed through the site both in the short term and long term; and
- c. proposed measures to prevent litter from being washed into the watercourse from the proposed development.

B15 Shoring and Adequacy of Adjoining Property

Where the development involves an excavation for which the zone of influence extends beyond the lot boundary and into adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- a. protects and supports the adjoining land/premises/infrastructure from possible damage from the excavation
- b. where necessary, provides support to prevent any such damage.

The condition referred to above does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Details, where relevant, must be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

B16 Car Park and Service Vehicle Layout

Plans and certification demonstrating compliance with the following traffic and parking requirements shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate:

- a. all vehicles should enter and leave the site onto a public road in a forward direction,
- b. design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities including aisle widths, internal circulation, ramp widths and grades of the car park queuing areas, grades, turn paths, sight distance requirements and parking bays must be in accordance with AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking (or subsequent amendments), and
- c. car parking space design, layout, line marking, lighting and physical controls for people with disabilities must be provided in accordance with D3.5 and Table D3.5 of the *Building Code of Australia* and AS/NZS 2890.6 - 2009 Parking Facilities Part 6: Off Street parking for people with disabilities (or subsequent amendments).

B17 Car Park Spaces, Aisle Width & Turning Bays

- a. All car parking spaces must have minimum dimensions of 2.6m x 5.5m adjacent to a 7.0m wide access aisle. A lesser aisle width is permitted provided that for every 0.4m reduction in the aisle width below 7m there is a corresponding increase in the car space width of 0.1m.
- b. If the Shellharbour Development Control Plan aisle width and car park requirements cannot be fulfilled then the design must comply with AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking (or subsequent amendments) and the design is certified by a Qualified Engineer.
- c. The certification must show that manoeuvrability to/from car spaces and at the end of every blind aisle on each level is suitable through the preparation of swept path diagrams. An 85th percentile vehicle must be able to pass a 99th percentile car at all internal intersections and an 85th percentile vehicle must be able to enter and leave car spaces.
- d. A turning bay must be provided on both levels of the car park at each dead end aisle and an 85th percentile car must be able to manoeuvre onsite and at the end of aisles in an absolute maximum of three turns on all levels.

- e. The details, inclusive of vehicle turning paths, shall be submitted to and approved by the Accredited Certifier prior to the issue of the Construction Certificate.

B18 Accessible Car Parking Spaces

- a. Of the required spaces, provision for accessible parking for people with mobility impairment shall be in accordance with the rate specified in the *Building Code of Australia* (BCA) and calculated on the number of spaces on each level separately.
- b. These spaces must be clearly marked and appropriately located as accessible parking for people with mobility impairment and located near pedestrian access routes designed for disabled persons.
- c. The design and layout of accessible car parking for people with mobility impairment is to be provided in accordance with AS/NZS 2890.6 - 2009 Parking facilities Part 6: Off-street car parking for people with disabilities (or subsequent amendments).
- d. The details must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.

B19 Location of Accessible Car Parking Spaces

Where a car park is serviced by lifts an accessible space for people with mobility impairment are to be located close to each lift. Each lift must be serviced by at least one accessible parking space. This may require additional spaces over and above the rate required by the *Building Code of Australia* (BCA).

B20 Motorcycles

Provision for motorcycles shall be in accordance with the rate specified in the Shellharbour Development Control Plan and calculated on the number of spaces on each level separately. All motorcycle spaces must be marked and clearly signposted in accordance with AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking (or subsequent amendments). Details of motorcycle parking compliance shall be submitted prior to the issue of the Construction Certificate.

B21 Bicycle Parking & Facilities

Provision for bicycles shall be in accordance with the Shellharbour Development Control Plan.

- a. The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities (or subsequent amendments).
- b. The bicycle facilities must be designed as follows:
 - i. all bicycle parking for staff/employees of any land uses must be Class 2 bicycle facilities, and
 - ii. all bicycle parking for public and visitors of any land uses must be Class 3 bicycle rails.
- c. Any structures must be designed to complement the development. The location of the bicycle parking and associated storage facilities must not interfere with car parking and pedestrian access. Visitor bicycle parking should be accessible at all times.
- d. Details of bicycle facility compliance with AS/NZS 2890.3 - 1993 Parking facilities Part 3: Bicycle parking facilities (or subsequent amendments) shall be submitted prior to the issue of the Construction Certificate.

B22 Vehicular Crossings - From Kerb to Property Boundary

The following details shall be provided with application for a Construction Certificate. This may be in the form of plans or other documentation:

- a. Full-width, heavy-duty concrete vehicular crossing(s) shall be provided across the footpath at the entrance(s) and exit(s) to the site between the kerb and the property boundary.
- b. The driveway must maintain a perpendicular alignment from the kerb to the property boundary line and must be finished with a slip resistant coating.
- c. All accesses to off-street car parks from frontage roads shall be formed in such a way as to be clearly recognized by road users as an access driveway not as an intersection.
- d. For access driveways, kerbs (layback) and footpaths shall be continuous through the junction with the frontage road. The appearance and character of the driveway shall be such that it will be clear to vehicle drivers that pedestrians and frontage road traffic have priority of movement.
- e. Access driveways should be sufficient width to allow turning movements from the kerbside lane by a car without adversely affecting traffic flows in the frontage roadway. A minimum width of 6.0m shall be provided for each driveway.
- f. Vehicular access shall not interfere with the existing public utility infrastructure or existing street trees. The driveway must be 1.5m clear of all drainage structures, 3.0m from a street tree and a minimum of 6.0m from the kerb tangent point for corner allotments.
- g. The developer must obtain a copy of Council's Specification for Driveway Construction and lodge an application for vehicular crossing(s) or for the removal of any existing crossing and replacement of the footpath formation where any such crossings are no longer required. The developer must pay the appropriate fees and charges prior to the lodgement of the Construction Certificate.
- h. Driveway construction works must be carried out by Council, or a Council approved contractor, at the developer's expense, including all alterations of public infrastructure where necessary.
- i. Where there is conflict between the location of the proposed driveway and the assets of a service utility, such as Telstra pits/manholes, the relevant service provider must be contacted prior to any driveway works commencing. It is a criminal offence to modify or tamper with the assets of a service provider.

B23 Vehicular Crossings and Access Ramps

Vehicular crossings and access ramps shall comply with the provisions of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking (or subsequent amendments). Plans to be submitted with the Construction Certificate shall contain the following details:

- a. Longitudinal sections along the extreme wheel paths of each driveway/access ramp at a scale of 1:25 demonstrating compliance with the scraping provisions of AS/NZS 2890.1:2004 (or subsequent amendments) for the largest vehicle likely to use that entrance / exit. It shall include all levels and grades, including those levels stipulated as boundary levels, both existing and proposed. It shall extend from the centre-line of the roadway through to the parking area.
- b. Sections showing the clearance to the underside of any overhead structure (minimum headroom requirements 2200mm minimum for standard headroom clearance or 2500mm where disabled access provisions are to be provided) demonstrating compliance with the

provisions of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking (or subsequent amendments) and AS/NZS 2890.6 - 2009 Parking Facilities Part 6: Off Street parking for people with disabilities (or subsequent amendments).

- c. A longitudinal section along the gutter line showing how it is intended to transition the vehicular crossing into the existing kerb and gutter. Boundary levels shall generally run parallel with the kerb levels.
- d. Location of street trees, street furniture and service installations.
- e. A longitudinal section and certification must include the entrance and exit to the loading dock from the street for the largest vehicle using that access and extend to the manoeuvring areas for the loading dock.
- f. Certification that the longitudinal designs comply with AS / NZS 2890.1-2004 Parking Facilities Part 1: Off-street car parking, AS / NZS 2890.6-2009 Parking Facilities Part 6: Off Street parking for people with disabilities and AS/NZS 2890.2-2002 Parking Facilities Part 2: Commercial Vehicle Parking (or subsequent amendments) by a Qualified Engineer. The certification shall be submitted prior to the issue of a Construction Certificate (for the design).

Note: No part of the driveway must have grades exceeding Council's standards. As such, the long section shall be taken along the critical path, i.e. the side of the driveway that will have the steepest grades.

B24 Sight Lines

Any new walls or fences adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines as per AS2890.1. Details are to be submitted prior to the issue of a Construction Certificate showing compliance with this condition.

B25 Loading Bays

- a. A minimum of one (1) loading bay is to be provided for the development capable of accommodating an 8.8 metre Medium Rigid Truck based on AS2890.2.
- b. The design, layout, signage, line marking, lighting and physical controls for all service vehicles must comply with the minimum requirements of Australian Standard AS/NZS 2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities (or subsequent amendments). Details must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.
- c. The swept path of the longest vehicle (including garbage trucks) entering and exiting the site, as well as manoeuvrability through the site must be in accordance with AS/NZS 2890.2 - 2002 Parking Facilities Part 2: Commercial Vehicle Parking (or subsequent amendments).
- d. Trucks must be able to enter and leave the loading dock whilst another truck is standing in the waste removal standing area directly adjacent the external bin storage (marked as 'cafe bin storage' on the plans).
- e. Details are to be submitted prior to the issue of a Construction Certificate showing compliance with this condition.

B26 Waste

The following details must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.

- a. All waste refuse bins must be located in bays within the building fabric and no refuse bins are to be placed in the westernmost driveway access or car parking areas.
- b. A management system to be put in place to ensure waste collection is timetabled outside of working hours to minimise congestion in the access driveway.

B27 The “Westernmost” Access Driveway

The following details must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.

- a. The westernmost access driveway should be clearly marked as “No Stopping” and kept clear at all times with the exception of the waste removal standing area directly adjacent the external bin storage (marked as 'cafe bin storage') on the plans.
- b. A turning bay must be designed at the end of the westernmost access driveway suitable for a MRV waste vehicle. The use of a truck to undertake a U-turn must occur clear of the waste removal standing area.
- c. The design for the turning bay should not rely on the use of the lower ground car park access being used by vehicles to U-turn.
- d. A Qualified Engineer must certify that there are suitable sight lines between vehicles, trucks and pedestrians in the westernmost access road which provides for pedestrian access, vehicle access, waste removal standing area, loading dock manoeuvring area and turning bay.
- e. The pedestrian pathway shown on the western side of the driveway must be adequately separated by a fence or similar treatment to prevent conflict between pedestrian traffic and service vehicles.

B28 Barrier Controls

- a. Where a car park is accessed by a barrier control such as a boom gate, intercom, card reader, automatic security gate and the like, then that control must be located at least 6 metres within the site from the street front property boundary to Cygnet Avenue.
- b. Where a boom gate, barrier control or security gate is in place and controls access to spaces available to the public then it must be accessible to public by the location of an intercom (or card controller system) at the car park entry and at least 6m clear of the property boundary to Cygnet Avenue.
- c. The location and layout of any controls and associated devices in the staff car park must be designed in accordance with AS1428 and AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking (or subsequent amendments) and with regard to queuing and access to nearby car parking spaces.
- d. Details must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.

B29 Electronic Parking Systems

Full details of a dynamic or electronic parking system indicating the number of available spaces on each parking level must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued. Any signage indicating the availability of spaces must be external to the building and visible from Cygnet Avenue, sufficiently in advance of the driveway. The parking system must be designed in accordance with appropriate industry standards.

B30 Road Design and Costs

- a. Any kerb and gutter, stormwater drainage, full road width pavement, traffic facilities (roundabouts, median islands etc.) and paved footpaths to be constructed shall be designed in consultation with the relevant requirements of Shellharbour Council and the Roads and Maritime Services (RMS) and AS1742. Final road design plans shall be prepared by a qualified practising Civil Engineer and submitted to the Certifying Authority prior to the issue of a Construction Certificate.
- b. All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Development Specification for Civil Works Design and Construction".

B31 Pedestrian Facilities

- a. The existing pedestrian facility in Cygnet Avenue that would be lost due to the construction of the site access must be relocated. All costs associated with the design and construction of a replacement kerb ramps and gap in the median is the responsibility of the developer.
- b. The developer must provide concept design layouts showing the location and style of the relocated pedestrian facility in Cygnet Avenue. The design must consider the likely number of pedestrians, expected number of vehicles and safety of new facility in terms of sight lines, etc. and their relationship to the new access driveways and existing facilities. The designs must take into account the future plans for the intersection of Cygnet and College Avenues.
- c. Should a final concept design be approved then detailed design plans must be approved by Council and to the satisfaction of Council's Design Engineer and Traffic Engineer prior to the issue of a Construction Certificate and the facilities must be constructed at the developer's expense prior to the occupation certificate. Designs must comply with Council Specifications, RMS Guidelines and AS1742.

B32 Emergency Vehicles - Pavement Design

Internal access roads and driveways, which are required for access by service and/or emergency vehicles, shall be designed to withstand minimum laden weights suitable for emergency vehicles. Details shall be submitted to and approved by the Accredited Certifier prior to the issue of the Construction Certificate.

B33 Construction Management Plan

A Construction Management Plan (CMP) must be submitted to and approved by Council prior to the issue of any Construction Certificate. The CMP must include the following measures, as applicable to the type of development:

- a. A Construction Site Traffic Management Plan prepared by a suitably qualified Traffic Engineer with Roads and Maritime Services Traffic Control Certifications (Design & Inspect Traffic Control Plans - Orange Card) that clearly sets out the following:
 - i. construction vehicle routes;
 - ii. anticipated number and type of trucks;
 - iii. site access arrangements (refer to the following Condition);
 - iv. location of any works zones and loading / unloading areas;
 - v. indicative traffic control arrangements in accordance with RMS Traffic Control at Worksites and AS 1742.3;
 - vi. proposed traffic management measures to minimise impacts of construction vehicles;

- vii. actions and works that are proposed to ensure safe access to and from the site, and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like;
- viii. proposed method of loading and unloading excavation machines, building materials, formwork, and the erection of any part of the structure within the site;
- ix. proposed hours of construction-related activities and vehicular movements to and from the site; and
- x. current / proposed approvals from other Agencies and Authority (including RMS, Police etc).

Note: An amended Construction Site Traffic Management Plan must be submitted to and approved by Council prior to the implementation of any variations to the approved Plan prior to the issue of any staged Construction Certificate.

- b. A Soil and Water Management Plan detailing all sedimentation controls and management measures to be implemented, including all matters set out in Part B of this Consent.
- c. The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- d. The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve - the proposed method of support is to be designed by a Chartered Civil Engineer.
- e. A Waste Management Plan.
- f. A Construction Noise and Vibration Management Plan prepared by a suitably qualified person in accordance with the EPA Construction Noise Guidelines.

The site management measures must be implemented prior to the commencement of any site works and be maintained throughout the works, to the satisfaction of Council.

A copy of the CMP must be maintained on site throughout the construction phase and be made available to Council officers upon request.

B34 Construction Access

- a. A single construction access is permitted to service the site for construction. The construction access should be constructed as a full-width, heavy-duty concrete vehicular crossing across the footpath and subject to approval by Council's Engineer.
- b. No heavy vehicle access is permitted via the College Avenue frontage of the site. No heavy vehicles are permitted to use the residential section of Cygnet Avenue west of the existing roundabout. No heavy vehicles are permitted to use Memorial Avenue.
- c. The routes adopted for construction vehicles must be endorsed by the Local Traffic Committee. Any variation to these routes must also be endorsed by the Local Traffic Committee.
- d. The construction access must be controlled by a certified traffic controller throughout excavation and during its peak use.
- e. Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.
- f. In this regard the developer must obtain a copy of Council's Specification for Driveway Construction and lodge an application for vehicular crossing(s) (available from Council's

Customer Services Centre or downloaded from Council's internet website), and pay the appropriate fees and charges prior to the lodgement of the Construction Certificate.

- g. Details are required with the application for a Construction Certificate with all approvals in place prior to issue of the Construction Certificate.

B35 Hoarding Requirements

- a. If the work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or the work involves the closure of a public place, a hoarding or fence shall be erected. Hoardings shall be erected to comply with the requirements of WorkCover and the Accredited Certifier.
- b. The approved development requires either "A" Class or "B" Class or both type hoarding. The applicable hoarding requirements are as follows:
 - i. "A" Class Requirements - An engineer certified "A" Class hoarding shall be constructed on the footpath adjacent to the building site to protect pedestrians during excavation and construction.
 - ii. "B" Class Hoardings - An engineer certified overhead "B" Class hoarding, complying with the requirements of the Department of Industrial Relations & Technology, shall be constructed over Council's footpath to protect pedestrians during the erection of the new building.
- c. Any proposed hoarding, fence or awning proposed within the road reserve will require a specific approval under section 138 of the *Roads Act 1993*. A Hoarding Application for the erection of a class A (fence type) or class B (overhead type) hoarding along the street frontage(s) complying with WorkCover requirements must be obtained prior to the Construction Certificate being issued. An application fee will apply in accordance with Council's Fees and Charges.
- d. Construction work must not commence until the hoarding has been erected and then approved by Council and all applicable fees and charges paid.
- e. If a hoarding is not necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any hoarding, fence or awning must be removed when the work has been completed.
- f. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

B36 Waste Management – Excavated Material

Material excavated from the site must be taken to an approved land fill site. Details of this location must be submitted with the Construction Certificate application and be approved by the Principal Certifying Authority prior to the issue of the Construction Certificate. Fill may only be taken to another site with prior written approval of Council.

B37 Detailed Access Report

A detailed Access Report (regarding access for people with disabilities) prepared by a suitably qualified person must be submitted to and approved by Council or Principal Certifying Authority prior to the release of the Construction Certificate. The report must address the relevant parts of the *Building Code of Australia* and any standards referred to in the Code.

B38 Accessibility – Public Open Spaces

Access for persons with disabilities must be provided to and within the proposed public open spaces on site and to the proposed building in accordance with the relevant requirements of the Building Code of Australia, and relevant Australian Standards, to the satisfaction of the Certifying Authority.

In this regard, a report prepared by a suitably qualified Access Consultant is to be provided prior to the issue of the Construction Certificate, which certifies that compliant access is provided in accordance with this condition.

B39 Food Premises

The premises are to be designed, constructed and operated in accordance with the *Food Act 2003*, *Food Regulation 2010*, Australia & New Zealand Food Standards Code and Australian Standard AS 4674-2004. Design, construction and fit-out of food premises and details of compliance are to be included in the documentation for the Construction Certificate.

B40 Acoustic Requirements

Prior to issue of a Construction Certificate, an acoustic consultant must review and give written concurrence to the acoustic components of the design of the building, noting that entertainment is envisaged and that mixed use (including residences) exist and may be constructed within the City Centre, taking into account the recommendations made in the Noise Impact Assessment Report prepared by WSP and dated 02/05/2014.

Note: this condition is imposed to allow the acoustic design of the building, and all plant and equipment associated with the building to be assessed and confirmed.

B41 Sydney Water Requirements

All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

The approved plans must be submitted to a Sydney Water Quick Check agent, to determine whether the development will affect Sydney Water's waste water and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

If suitable, the plans will be appropriately stamped. For details please refer to the Sydney Water web site at www.sydneywater.com.au for:

- Quick Check agents details - see Building and Developing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building and Development then Building and Renovating, or telephone 13 20 92.

The Principal Certifying Authority must ensure that a Sydney Water Quick Check Agent has appropriately stamped the plans prior to issue of a Construction Certificate.

B42 Site Facilities – Australia Post

Location points for mail delivery must satisfy the requirements of Australia Post. Street numbers must be obtained from Council's GIS Department during normal office hours, prior to issue of the Construction Certificate. The allocated street numbers must be clearly shown the Construction Certificate drawings.

PART C - PRIOR TO COMMENCEMENT OF WORKS

C1 Section 138 of the *Roads Act 1993*

An application (copy attached to this consent) must be made to Council for the temporary occupation of the road reserve prior to works commencing. The application will require detailed engineering drawings of the proposed works in the road and footpath area, a Construction Traffic Management Plan, evidence of Public Risk Insurance and details of the timing and length of works.

C2 No Work Prior to a Construction Certificate

No work, including excavation or erection of fencing or hoardings must not commence until a Construction Certificate has been issued.

C3 Excavation and Construction Management

Prior to the commencement of excavation work the following details must be submitted to and be approved by the Principal Certifying Authority:

- a. The name and address of the transport excavation contractor.
- b. Proposed truck routes, in accordance with this development consent.
- c. Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
- d. Working hours, in accordance with this development consent.

C4 Structural Details

The following structural details must be provided to the Certifying Authority prior to commencing work:

- a. structural engineer's design for all reinforced concrete footings and slabs,
- b. structural engineers design for all structural steel beams, framing and connections,
- c. manufacturer's specifications for any patented construction systems, and
- d. any relevant specialist's report approved in this Consent.

C5 Protection Fencing

The vegetation/street tree protection fencing must be installed prior to works commencing.

C6 Construction Site Notice

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, PCA and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

- a. the notice is to be able to be read by the general public,
- b. the notice is to be durable and weatherproof and is to be displayed throughout the works period,

- c. the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice, and
- d. the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

C7 Public Liability

Prior to the commencement of works, the owner or contractor must provide evidence to Council of a Public Risk Insurance Policy with a minimum cover of \$20M in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works. The Policy is to note Council as an interested party.

C8 Height of Cranes

Prior to the commencement of works, the developer shall seek (and obtain) approval from Air Services Australia to operate construction equipment (ie. cranes).

Information required to accompany any such application is to include:

- a. the location of any temporary structure or equipment, i.e. construction cranes, planned to be used during construction relative to Mapping Grid of Australia 1994 (MGA94);
- b. the swing circle of any temporary structure/equipment used during construction;
- c. the maximum height, relative to Australian Height Datum (AHD), of any temporary structure or equipment i.e. construction cranes, intended to be used in the erection of the proposed structure/activity;
- d. the period of the proposed operation (i.e. construction cranes) and desired operating hours for any temporary structures.

PART D - DURING CONSTRUCTION WORKS

D1 Hours of Work During the Construction Phase

Noise generating activities, including excavation, construction and delivery of equipment and materials, must only be carried out in accordance with the following (or as may be determined by the recommendations of the Construction Noise and Vibration Management Plan referred to in Part B of this consent):

Activity	Permitted Working Hours
All excavation, building and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> Monday to Friday 7.00am – 5.00pm Saturday 8.00am – 1.00pm No work permitted on Sunday or Public Holidays
Excavating of rock, use of jack-hammers, pile-drivers or the like	<ul style="list-style-type: none"> Monday to Friday - 8.00am - 5.00pm Saturday - No work permitted Sunday or public holidays - No work permitted
Additional requirements for all development.	Saturdays and Sundays where the preceding Friday and / or the following Monday is a public holiday - No work permitted

Note: An application to vary the abovementioned hours may be submitted to Council's Group Manager – City Development or Delegate for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made in writing and include supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.

D2 Responsibility for Other Consents and Agreements

The developer is solely responsible for ensuring that all additional consents, approvals and agreements are obtained from other authorities, as relevant.

D3 Construction Management Plan

All development activities and traffic movements must be carried out in accordance with the approved Construction Management Plan referred to in Part B of this Consent.

All controls in the Plan must be maintained at all times. A copy of the Plan must be kept on site at all times and made available to the Accredited Certifier and Council on request.

If the controls outlined in the Construction Management Plan is varied then a copy must be made available to Council.

D4 Construction Vehicles

All haulage routes for trucks transporting soil, materials, equipment or machinery to and from the site must be selected to provide the shortest travel distance (or most appropriate) from the site to a state road and be endorsed by the Local Traffic Committee. All works shall ensure that all:

- a. soil, materials, equipment or machinery are delivered to or removed from the site shall be transported within the hours of operation specified in the development consent,
- b. loads entering or leaving the site are securely covered,
- c. vehicles exiting the site are securely covered,
- d. vehicles exiting the site do so in a forward direction. and
- e. vehicles exiting the site shall not track soil, mud or sediment onto the road.

D5 Traffic Disruption

During any construction works on the public road that is associated with this approval, the developer must provide appropriate signage and traffic control facilities as per the requirements of AS 1742.3 and the RTA (RMS) "Traffic Control at Works Sites" manual.

D6 Advertising and Graffiti

The following hoarding requirements shall be complied with:

- a. No third party advertising is permitted to be displayed on the subject hoarding/fencing without prior consent from Shellharbour Council and the Roads and Maritime Services (RMS) (if applicable).

- b. The construction site manager shall be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

D7 Public Access

Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction. No building materials, waste containers, temporary toilets or skips may be stored on the road reserve or footpath without prior separate approval from Council including payment of relevant fees. A Penalty Infringement Notice may be issued for any offence. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

D8 Loading and Unloading During Construction

- a. All loading and unloading associated with construction activity must be accommodated on site.
- b. If, during excavation or construction, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- c. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction.
- d. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- e. In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- f. The structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- g. Ensure safe access to and from the site including the road reserve and footpath area, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like;
- h. Ensure safe loading and unloading of excavation machines, building materials, formwork and the erection of the structures within the site.

D9 Street Signs

Any street signs adjacent to the works must be protected during construction works. In the event that the street sign needs to be relocated or replaced, the developer must arrange with Council or a Council approved contractor to relocate the street sign to an appropriate position or replace it. This work must be carried out at the developer's expense prior to issue of an Occupation Certificate.

D10 Noise & Vibration

Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents. The relevant provisions of the *Protection of the Environment Operations Act 1997* and the Environment Protection Authority Guidelines must be satisfied at all times.

D11 Maintenance of Erosion & Runoff Controls

The soil and water management controls must be maintained at all times and checked for adequacy daily. The controls must not be removed until the development is completed and the disturbed areas have been stabilised.

Maintenance must include but is not limited to ensuring:

- a. all sediment fences, sediment traps and socks are properly placed and are working effectively, and
- b. drains, gutters and roads must be maintained clear of sediment at all times.

It is an offence under the *Protection of the Environment Operations Act 1997* to allow soil or other pollutants to fall or be washed into any waters or be placed where it is likely to fall or be washed into any waters. Substantial penalties may be issued for any offence.

D12 Waste Management

The management of waste must comply with the approved Waste Management Plan. All receipts such as waste disposal dockets must be retained (refer Part E). Any variations to the Waste Management Plan must have prior written approval of Council.

D13 Storage of Materials

Building materials and equipment must not be stored on the road reserve/footpath area.

D14 Survey Certification

A report from a registered surveyor must be obtained at the following stage(s) of construction to demonstrate compliance with the approved setbacks, levels, layout and height of the building, measured to Australian Height Datum (AHD) and to the satisfaction of the Principal Certifying Authority:

- a. prior to construction (pouring of concrete) of footings for the building and boundary retaining structures,
- b. prior to construction (pouring of concrete) of new floor levels,
- c. upon completion of the building, prior to issue of an Occupation Certificate, and
- d. as otherwise may be required by the PCA.

The survey documentation must be forwarded to the Principal Certifying Authority for the development and a copy is to be forwarded to Council.

D15 Building Height - Survey Certification

The building must not exceed the height shown on the approved plans.

D16 Protection Fencing

The vegetation/street tree protection fencing must be maintained intact at all times throughout the period of building work on the site. Machinery, structures, storage/disposal of any building materials and the like, must not be located within the fenced area at any time.

D17 Approved External Materials & Colours

The external treatment/appearance of the development must be in accordance with the approved architectural drawings prepared by Design Inc and Lacoste Stevenson Architects referred to in Condition A3 of this consent.

D18 Unexpected Finds

Should any unexpected object or material be encountered in any areas within the construction site or any other areas affected by Project works, all construction work will cease immediately, temporary exclusion fencing will be erected at a distance from the object or place encountered to protect the area, object or material from damage and disturbance. Contact must be made with the relevant Government Agency and technical advice sought to deal with the issue. No works are to occur in the area until such time that suitable clearances and approvals, if necessary are obtained.

PART E - PRIOR TO OCCUPATION

E1 Occupation Certificate

All conditions in Parts A, B, C, D & E of this consent are preconditions for the purpose of section 109H of the *Environmental Planning & Assessment Act 1979*.

Compliance with all preconditions must be verified by the Principal Certifying Authority prior to issue of a final Occupation Certificate. Details of critical stage inspections carried out by the Principal Certifying Authority together with any certification relied upon must be provided. The building must not be used until the Principal Certifying Authority issues an Occupation Certificate.

E2 Sydney Water Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer www.sydneywater.com.au > *Building and Developing* > *Developing your Land* > *Water Servicing Coordinator* or telephone 13 2092 for assistance. Please make early application for the Certificate as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

E3 Electricity Substation

An area of land within the development site is to be dedicated to the relevant energy supply authority to enable an electricity substation to be installed.

The substation must be screened from all street frontages and public places through the use of appropriate enclosures and landscape treatment. Screening measures must not compromise the requirements of the energy supplier.

The size, location and treatment of the substation must be submitted for approval of Council and the energy supplier prior to a Construction Certificate being issued.

E4 Works As Executed - Stormwater Drainage

Prior to the issue of an Occupation Certificate, Works As Executed Plans must be submitted to the Certifying Authority by a registered surveyor certifying compliance of all drainage works with the

approved design plans. The Works As Executed dimensions and levels must be shown in red on a copy of the approved Construction Certificate plans. This plan must verify surface and invert levels on all pits, invert levels and sizes of all pipelines, and finished surface levels on all paved areas. All levels must relate to Australian Height Datum.

E5 Works As Executed Survey

A report from a registered surveyor must be provided to the Principal Certifying Authority upon completion of the building certifying that the height and location of the building is in accordance with the approved plans. All measurements to be shown must refer to Australian Height Datum (AHD).

E6 Redundant Vehicle Footway Crossing

All disused or redundant vehicle crossings and laybacks must be removed and footway and kerb reinstated in accordance with Council's standards, to suit the adjacent finished footway and edge treatment materials, levels and details, or as otherwise directed by Council officers. This includes any redundant vehicle crossings that were constructed to provide access during construction.

E7 Verification of Waste Management

Documentation verifying that all waste streams were managed in accordance with the Waste Management Plan must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate. All records, such as waste disposal dockets or photographic evidence, must be retained by the Principal Certifying Authority.

E8 Completion of Landscape Works

The unbuilt upon land, with the exception of the paving, must be landscaped in accordance with the approved landscape plan prior to the issue of an Occupation Certificate. Landscape or turf areas must not be reduced or replaced with hard impermeable surfaces. Any variations to the design or species used must be authorised by Council in writing before any changes are made.

A report from a suitably qualified person must be provided to the Principal Certifying Authority on completion of the landscape works certifying that the landscape is in accordance with the approved Landscape Plan.

E9 Street Trees

The following recommended clearances are to be taken into account prior to the installation of the new street trees:

- a. minimum 3m either side of a driveway or vehicular crossing,
- b. minimum 2m from services and signage,
- c. minimum 1.5m from a stormwater outlet/pit,
- d. minimum 3m from street light poles, and
- e. minimum 15m from pedestrian crossing or traffic signals.

E10 Footpath

The area between the building line and the kerb and gutter must be paved for the full width of the site. This work must be carried out by Council, or a Council approved contractor, at the developer's expense in accordance with Council's standards and specifications for the Shellharbour City Centre.

E11 Street Tree Pre-Occupation Inspection

The street tree/s must be inspected by a qualified arborist with a report submitted to Council prior to the occupation of the development.

E12 Landscape Maintenance Period

To ensure establishment of the landscape, the completed landscape works must be maintained for a six (6) month period following issue of the Final Occupation Certificate. It is the responsibility of the developer to ensure that any defective landscaping and / or plantings must be rectified/replaced at the conclusion of the maintenance period in accordance with the approved landscape plan.

E13 Repairs to Public Infrastructure

Any damage to public infrastructure, other than that previously noted in the Dilapidation Report (refer Part C), is the responsibility of the developer. All damage must be repaired and reinstated prior to the issue of the Occupation Certificate. This work must be carried out by Council, or Council approved contractor, at the developer's expense.

E14 Matters for Consideration by the Traffic Committee

The following matters are to be presented to the Local Traffic Committee for consideration and approval (as appropriate) prior to issue of the Occupation Certificate.

A Kerbside Parking Restrictions

- a. A separate submission must be made to the Traffic Committee seeking approval for any changes to kerbside parking arrangements. There is no guarantee kerbside parking will be changed or that any change will remain in place for the duration of the development use. This includes signage plans.
- b. The submission must include two plans. One showing the existing kerbside parking restriction signs and stems, the second showing the proposed kerbside parking restriction signs and stems. Both plans must include changes to all signs and stems from the kerb line of the nearest intersection. The plans must show:
 - i. A set down and pick up area in the vicinity of the site on street. The design and layout of the spaces and footpath (full width adjacent the set down/pick up positions) must comply with relevant guidelines and include provisions for disabled passengers to alight a vehicle.
 - ii. The removal of the on-street parking spaces affected by the proposed driveway access points. This must include a plan showing a "No Stopping" zone on Cygnet Avenue to the eastern side of each driveway to the satisfaction of the Local Traffic Committee and having regard to AS2890.1.
 - iii. Bus stop and associated bus layby must be provided in the vicinity of the site at the developer's expense and to the satisfaction of the Traffic Committee. The position of the bus stop must be decided in consultation with bus companies that service routes in College and Cygnet Avenue and located to minimise conflict with entering/exiting traffic. The design and layout of the spaces and footpath (full width adjacent the set down/pick up positions) must comply with relevant guidelines.
- c. On-street parking restrictions shall be designed in accordance with AS/NZS 2890.5 - 1993 Parking Facilities Part 5: On street parking.
- d. All costs associated with signposting for any kerbside parking restrictions, regulatory signs and traffic management measures associated with the development shall be borne by the developer.
- e. Any approved signs must be installed prior to issue of an Occupation Certificate.

B Kerb Blisters

Kerb blisters on the site frontage must not detrimentally affect intersection operation or negatively impact the safety for bicyclists or pedestrians. The design of the kerb blisters must be prepared to

the satisfaction of the Local Traffic Committee and Council's Design Engineer prior to the issue of the Occupation Certificate. Designs must comply with Council Specifications, Roads and Maritime Services Guidelines and AS1742.

C Bicycle Pathways

- a. Council's bicycle plan indicates that a bicycle route would be constructed linking Cygnet Avenue with College Avenue, Minga Avenue and Petrel Place. The developer must provide a suitable designed, signposted and line marked shared path and bicycle connections in accordance with NSW Bicycle Guidelines Version 1.2 (or subsequent amendments), Roads and Maritime Services (RMS) Traffic and Transport Technical Manual Documents, Council Specifications and AS1742.
- b. The path at the rear of the property and footpaths on the street frontage must provide access to the car park, buildings and public transport and be continuous linking to existing footpath facilities.
- c. The design plans must be prepared to the satisfaction of the Traffic Committee and Design Engineer and included in the Occupation Certificate documentation. Any paths and facilities must be constructed at the developer's expense.

E15 On-site Parking and Access Signage

Documentation shall be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate certifying that the following signage has been implemented:

Upper Level Car Park

- a. A minimum of twenty (20) car spaces (included in total number of spaces) on the upper car park level must be clearly signposted for short term car parking (2 hour time limit).
- b. A minimum of four (4) short stay spaces (included in total number of spaces) must be provided on the upper car park level in the immediate vicinity of a lift. The spaces must be clearly signposted for short term car parking (5 minute time limit) for use by visitors.
- c. A maximum of eighteen (18) car spaces (included in total number of spaces) on the upper car park level must be clearly signposted for use as staff parking.
- d. A minimum of one (1) courier/loading space (included in total number of spaces) with minimum dimensions 2.6m x 5.4m and a minimum head clearance of 2.5 metres shall be provided in the upper car park level in the immediate vicinity of a lift. The space must be clearly signposted for short term car parking (15 minute time limit) for use by couriers and loading/unloading.

Driveways

- a. A sign near the driveway entrances indicating where parking spaces are available to the public on the site.
- b. A sign indicating "Courier Vehicles" at the upper level driveway entrance indicating where couriers can park on the site.
- c. A sign stating "Council Staff and Delivery Vehicles Only" must be located at the westernmost driveway access to the site and at the lower level car park entry/exit.

- d. The westernmost access driveway should be clearly marked as “No Stopping” and kept clear at all times with the exception of the waste removal standing area directly adjacent the external bin storage (marked as “cafe bin storage”) on the plans.
- e. Signage indicating "Entry and Exit" shall be prominently displayed at the driveways to the development.
- f. Directional arrows shall be painted on the driveway pavement to indicate the required vehicular directional movement.
- g. A “Stop” sign shall be provided at the vehicle exits from the site, accompanied by the associated line marking.
- h. A sign compelling drivers to “Give Way to Pedestrians” before crossing the footway; or compelling drivers to “Give Way to Pedestrians and Bicycles” before crossing a footway on an existing or identified shared path route.
- i. Clear warning signs, concave mirrors and traffic sensors warning of vehicles and blind spots are to be incorporated where required.

Both Parking Levels

- a. Directional arrows shall be painted within the car parking areas.

E16 Loading and Unloading

Prior to Occupancy Certificate, the developer must provide a loading dock management strategy detailing the maximum size of truck, permitted hours of use of the dock and how deliveries to various land uses would be managed.

E17 Manoeuvring Area for Loading Dock and Turning Bay

The approved manoeuvring area for the loading dock, the westernmost access driveway and turning area must be maintained as a manoeuvring area and accessible for the life of the development. This area must be signposted as “No Stopping” and kept clear of vehicles, waste bins, structures, landscaping, and the like, with the exception of the waste removal standing area directly adjacent the external bin storage.

In this regard, a restrictive covenant must be registered on the 88B Instrument for the property prior to the issue of the Occupation Certificate.

E18 Parking on Common Property Areas

No part of the common property, apart from the vehicle spaces which are intended to be used only by visitors to the building, staff vehicle spaces intended to be used only by staff and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking, garbage bins or storage of vehicles.

E19 Pedestrian Facilities

Pedestrian facilities must be provided at the intersection of College Avenue and Cygnet Avenue and the intersection of College Avenue and Benson Avenue to improve conditions for pedestrians crossing the road to/from the site. Facilities should connect between proposed footpaths on the developer's site frontage and existing footpaths in College, Benson and Cygnet Avenue.

E20 External Works

All external works must be constructed prior to the issue of an Occupation Certificate.

E21 Works as Executed Fire Services Plans

Coloured works-as-executed fire services plans are to be submitted to the Council prior to issue of the Final Occupation Certificate, which shows the location of all the essential fire safety measures installed within the building premises.

E22 Final Dilapidation Survey

A final dilapidation survey report is to be provided upon the completion of building works and prior to the issue of the Final Occupation Certificate which certifies that the subject works have not caused any damage to the adjoining properties and public assets.

E23 Structural Certification

A Certificate must be obtained from a professional engineer, which certifies that the building works satisfy the relevant structural requirements of the Building Code of Australia and approved design documentation, to the satisfaction of the Principal Certifying Authority. A copy of which is to be provided to Council.

E24 Energy Efficiency Certificate

An Energy Efficiency Certificate prepared by an architect or other suitably qualified person must be submitted to the Principal Certifying Authority prior to issue of an Occupation Certificate. The Energy Efficiency Certificate must verify that the building has been constructed in accordance with the Energy Efficiency Report and complies with Part J (Energy Efficiency) of the *Building Code of Australia*.

E25 Notification

Before commencing operations, business details of the food business must be notified to the NSW Food Authority at www.foodnotify.nsw.gov.au. Notification must also be made to Shellharbour City Council, either by filling out the enclosed form or by visiting <http://www.shellharbour.nsw.gov.au/filedata/pdf/formFoodBusinessRegistration.pdf> (Food) <http://www.shellharbour.nsw.gov.au/filedata/pdf/formHealthPremisesRegistration.pdf> (Health). The Council form can be submitted electronically to records@shellharbour.nsw.gov.au, mailed to Council or hand delivered to Level 1 of Council's Administration Building.

PART F - PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Not applicable as subdivision is not proposed for the development.

PART G - AFTER ISSUE OF OCCUPATION CERTIFICATE/DURING OCCUPATION

G1 Street Tree Bond Refund

The street tree bond will be returned following the issue of the Occupation Certificate, provided the street tree/s remain in a satisfactory condition. In the event that any street tree/s are found to be damaged, dying or removed, Council will have the option to retain the whole or part of the bond. The developer / Principal Certifying Authority must notify Council for a reinspection of the street trees.

G2 Unobstructed Driveways and Parking Areas

All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

At all times the service vehicle docks, car parking spaces, turning bays and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

G3 Public Way to be Unobstructed

The public way must not be obstructed by any materials, signs, vehicles, refuse, skips or the like under any circumstances.

G4 Hours of Operation

The hours of operation of the various element of the City Hub development shall be limited as follows:

Building Use	Monday – Friday	Saturday	Sunday
Library	9.30am – 8.00pm	9.00am – 4.00pm	10.00am – 4.00pm
Museum	9.30am – 8.00pm	9.00am – 4.00pm	10.00am – 4.00pm
Auditorium	8.30am – 6.00pm (Approved functions to 1.00am)	8.30am – 6.00pm (Approved functions to 1.00am)	8.30am – 6.00pm (Approved functions to 1.00am)
Council Chambers	8.30am – 10.30pm	-	-
Loading Dock	8.00am – 3.00pm	Swipe card after hours	Swipe card after hours
Administration Office	8.30am – 4.30pm Swipe card after hours	Swipe card after hours	Swipe card after hours
Public Car Park	8.00am – 8.30pm (Approved functions open until 1.00am; Entry to be closed at 11.30pm)	8.00am – 8.00pm (Approved functions open until 1.00am; Entry to be closed at 11.30pm)	8.00am – 8.00pm (Approved functions open until 1.00am; Entry to be closed at 11.30pm)
Council Staff Car Park	7.00am – 6.00pm Swipe card after hours	Swipe card after hours	Swipe card after hours
Sessional Meeting Rooms	8.30am – 8.00pm	8.30am – 8.00pm	8.30am – 8.00pm
Cafe	7.00am – 8.00pm (Approved functions to 11.30pm)	7.00am – 4.00pm (Approved functions to 11.30pm)	7.00am – 4.00pm (Approved functions to 11.30pm)

Note: Any changes to the aforementioned hours require the prior written consent of Council.

G5 Car Park Allocation

Car spaces within the upper car park level must not at any time be allocated or leased to an individual owner/occupier/tenant and must be strictly retained as common property which is available for use by the public.

Car spaces within the upper car park level shall not be allocated as staff parking spaces or reserved for staff, tenants or service vehicles except as outlined in this consent. Access to parking spaces available to the public shall not be restricted.

Public spaces are intended to be used by persons visiting commercial/business/retail premises located within the development and must not be sold or leased to an individual of the public.

G6 Promotion of Public Transport Options

Copies of the relevant Bus Timetables servicing the local area in the vicinity of the premises shall be made available, free of charge, to patrons and shall be clearly displayed within the premises. The available public transport options to and from the site shall be included in any advertising material, web sites etc for the proposed use.

G7 Loading and Unloading

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties or the public way.

All loading and unloading of service vehicles in connection with the use of the premises shall be carried out in accordance with loading dock management strategy at all times.

G8 Operational Management Plan

The developer shall prepare an Operational Management Plan which addresses all operational and management procedures to be employed, to ensure that any events / functions / use of the City Hub development can operate safely and without disturbance to the surrounding locality. The Plan shall have regard to the findings and recommendations of the Crime Risk Assessment referred to in Condition A3 of this consent and must reflect the whole of the operations on the site.

Matters to be addressed include (but are not limited to):

- a. hours of operation of the various uses within the City Hub,
- b. noise emissions generated by mechanical plant to satisfy criteria set out in the EPA's *Industrial Noise Policy 2000*;
- c. management of deliveries,
- d. waste removal and management,
- e. staff and public parking demand, management and control,
- f. management measures to control vehicle activity,
- g. the emergency management of the movement of people within and surrounding the site,
- h. traffic management,
- i. maintenance regime – graffiti removal etc,
- j. security management – lighting, CCTV etc, and
- k. an integrated signage strategy to provide direction and guidance to employees and visitors to the City Hub.

G9 Waste and Recycling Collection

The collection of waste and recycling must only occur between 7.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends, to avoid noise disruption to the surrounding area.

G10 Short Stay Car Parking Spaces

A separate application must be made to Council if the occupant wishes to vary the short stay parking restrictions.

G11 Food Act

A certificate or statement must be obtained from a suitably qualified and experienced Food Safety Consultant, which confirms that the design and construction of the food business will satisfy the relevant requirements of the Food Act 2003, Food Standards Code and AS 4674 (2004) - Design, construction and fit-out of food premises, prior to the issue of the Construction Certificate for the “fit-out” of the food business, to the satisfaction of the Principal Certifying Authority.

G12 Legionella Control

Cooling towers, warm water systems and water cooling systems must be installed and operated in accordance with the provisions of the *Public Health Act 2010*, *Public Health Regulation 2012* and AS 3666 at all times.

Upon installation and prior to the issuing of any Occupation Certificate for the development, certification and details of compliance with the abovementioned requirements, prepared by a suitably qualified and experienced person, must be provided to Council.

REASONS FOR THE IMPOSITION OF CONDITIONS

1. To minimise any possible adverse environmental impacts of the proposed development.
2. To ensure that the amenity and character of the surrounding area is protected.
3. To ensure that the design and siting of the development complies with the provisions of Environmental Planning Instruments and Council’s Codes and Policies.
4. To ensure that the development does not conflict with the public interest.

ATTACHMENT: 1 – ARCHITECTURAL DRAWINGS