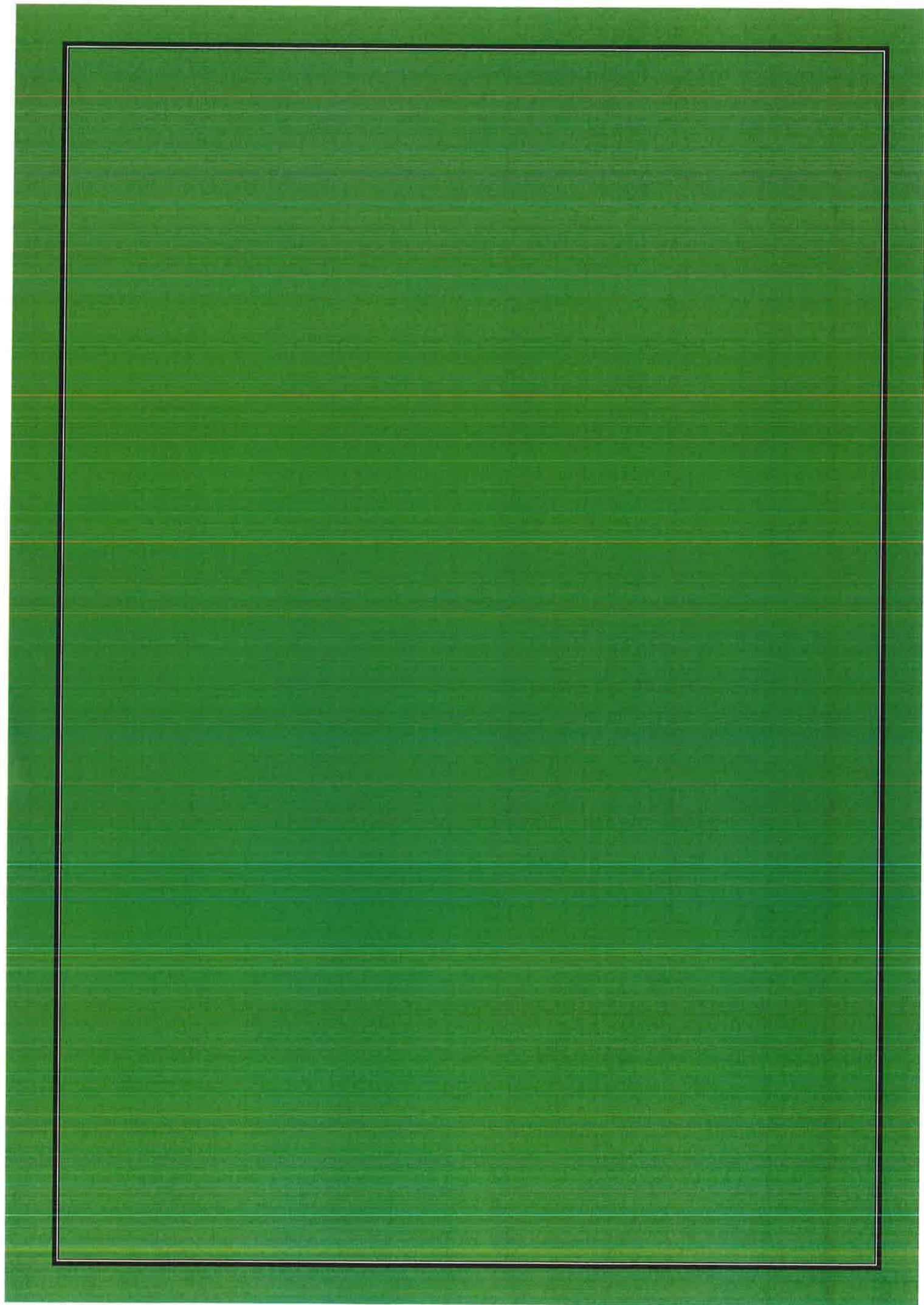


Council Assessment Report

2015STH007 (DA205/2014)

Modification to City Hub Administration Building
Lot 2 Cygnet Avenue, Shellharbour City Centre



JOINT REGIONAL PLANNING PANEL (Southern)

JRPP No	2015 – STH007
DA Number	DA No. 205 / 2014
Local Government Area	Shellharbour
Proposed Development	Section 96(2) application for various amendments to the deferred commencement development consent granted by the JRPP at its meeting of 20 October 2014, specifically: A. Deferred Matter B11. Culvert Upgrade E15. On-site Parking and Access Signage G4. Hours of Operation
Street Address	Lot 2 DP 1091265 Cygnet Avenue, Shellharbour City Centre
Applicant/Owner	Shellharbour City Council
Number of Submissions	13 individual submissions – all objecting to the proposal.
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"> • Shellharbour Local Environmental Plan 2013 • Shellharbour Development Control Plan 2013
List all documents submitted with this report for the panel's consideration	Area Comparison and Resultant Parking Definitions Comparison of exclusions from definitions GFA Reconciliation – plans Anticipated Use Matrix for Events in the Auditorium
Recommendation	Approval, subject to modified conditions
Report by	Helen Mulcahy Director, Helen Mulcahy Urban Planning Pty Ltd

Assessment Report and Recommendation Cover Sheet

1. PURPOSE OF REPORT

This report is presented to the Joint Regional Planning Panel (JRPP) for determination of an application made pursuant to section 96(2) of the *Environmental Planning and Assessment Act 1979* for various amendments to the deferred commencement consent granted by the JRPP at its meeting of 20 October 2014.

The applicant seeks approval for a number of amendments to the development consent, specifically in relation to the following:

A. Deferred Matter	Car Parking
Condition B11.	Culvert Upgrade
Condition E16.	On-site Parking and Access Signage
Condition G4.	Hours of Operation

The purpose of this report is provide an assessment of a request to modify the deferred commencement consent issued in respect of DA 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, basement parking and loading facilities, a Civic Square, associated site works and landscape treatment.

The engagement of a consultant (Helen Mulcahy Urban Planning Pty Ltd) to prepare the report to the Panel is to provide an independent and transparent assessment of the S96(2) application. Specialist technical support in relation to civil engineering and traffic and parking has been provided by Taylor Civil and Structural and TRS Transport and Road Safety respectively.

2. RECOMMENDATION

It is recommended that the Panel approve the modifications to DA 205/2014 for the Shellharbour City Hub development at Lot 2 DP 1091265, corner of Cygnet and College Avenues in Shellharbour, subject to the modified conditions.

3. BACKGROUND

3.1 Site Description and Context

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. The configuration of the land and its relationship to adjoining development are illustrated in **Figure 1**.

3.2 The Approved Development

On 20 October 2014, the JRPP granted deferred commencement development consent to DA 205 / 2014 which allowed for the construction of the Shellharbour City Hub which included the following:

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

- Car Parking

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

The deferred matter requires the provision of an additional 24 parking spaces within the approved building envelope, bringing the total on-site parking provision to 194 spaces.



Figure 1: Subject Site (Source: Applicant's S96(2) submission)

3.3 Chronology

The S96(2) application was lodged with Shellharbour City Council on 3 March 2015.

The application was notified for a period of 21 days in accordance with Section 2.2 of Shellharbour DCP 2103 from 12 March – 2 April 2015, inclusive. A total of thirteen (13) written submissions were received, all of which object to the proposed modifications. The content of the submissions is discussed at Section 5 of this report.

Based on a review of the information submitted in support of the application, correspondence dated 15 April 2015 was issued to the applicant seeking further information / clarification in relation to various aspects of the proposed modifications. That correspondence also provided a summary of issues arising from the notification / community consultation and invited the applicant to provide a response.

Following a number of requests from the applicant for extensions of time to provide a response (28 April, 12 May and 26 May), a package of additional information was provided on 5 June 2015.

That information was reviewed and further concerns about the information provided in relation to stormwater management and certain aspects of the floor space of the development were identified.

Stormwater

A meeting was held with the applicant on 22 June 2015 at Council's offices (and included a site visit) to discuss and seek clarification on the issues of concern. The outcome from that meeting was an undertaking from the applicant to provide:

- i. modelling output information, including on-site detention volumes and calculations;
- ii. flood mapping and site topography;
- iii. site survey results; and
- iv. historical information about the drainage system.

The abovementioned information pertaining to the stormwater was duly provided on 1 July 2015. Further detail in response to requests for certain specific details was provided on:

- 22 July - updated calculations for selected catchments, revised DRAINS models, and updated output information; and
- 27 July - revised DRAINS output and results together with updated time of concentration calculations.

Floor Space

The package of additional information received on 5 June 2015 raised further questions in relation to certain aspects of the floor space of the development, in particular:

- the characterisation of some of the floor space, particularly in relation to the interface between the Library and the common lobby / foyer area which services the City Hub;
- further clarification in relation to GFA as approved, the S96(2) application and the additional information provided on 5 June; and
- further clarification around the definitions of leasable floor area, net leasable area and gross leasable area.

In email correspondence dated 19 June 2015, the applicant was requested to address these issues. The issues were also discussed at the Panel Briefing on 23 June 2015 and the Panel's comments precipitated a request for further clarification / investigations about the floor space (which relates to the calculation of on-site parking provision). On 24 June 2015 the applicant was requested to undertake further research to ascertain whether any other local government areas apply a similar methodology (ie. based on leasable floor area) to the calculation of on-site parking and to provide evidence of same.

An initial response to the requests for clarification around the floor space was provided on 25 June 2015, followed by further information on 1 July 2015 and 10 July 2015.

The applicant has provided responses to all requests for clarification and further information which has been used as the basis for the assessment of the S96(2) application for modification of the consent.

4. PROPOSED MODIFICATIONS

This section of the report provides a description of each of the proposed amendments and a detailed assessment of the relative merits.

4.1 Deferred Matter – Car Parking

4.1.1 Background

Shellharbour DCP 2013 (the DCP) states that parking provision in the Shellharbour City Centre (Table 11 – Car Parking Standards applicable to the City Centre) is calculated on the basis of “leasable floor area”, rather than the more widely used gross floor area (GFA) – see **Figure 2**.

1. Table 11 below specifies the car parking standards applicable to the City Centre.

Table 11: Car Parking Standards within the City Centre

<i>Landuse</i>	<i>Car spaces per m2 of leasable floor area</i>
Retail	1/35
Commercial	1/40
Bulky goods/showrooms	1/50
Hotel	1/4.5 + 1 for each 3 employees
Motel	1 per unit + 1 for each 2 employees
Residential	1 per dwelling unit
Library	1/50
Community/civic facilities	1/40

Figure 2 Extract from Shellharbour DCP 2013, Chapter 14, page 184

However, the traffic and parking report which accompanied the original DA used GFA as the basis for the parking calculation for each of the component land uses within the City Hub development. The assessment of the on-site parking provision presented to the JRPP on 20 October 2014 was similarly based on GFA, as set out in the following table:

Land Use	DCP Parking Rate	GFA (m ²)	Parking Required
Library	1 space / 50m ²	1,841	36.8 spaces
Community/Civic Facilities (Council Chambers Auditorium)	1 space / 40m ²	1,320	33.0 spaces
Commercial (Administrative Offices)	1 space / 40m ²	4,491	112.3 spaces
Retail	1 space / 35m ²	52	1.5 spaces
Museum	1 space / 40m ²	431	10.8 spaces
Total Parking Required		8,135	194.4 spaces

The original DA proposed 170 on-site parking spaces over two levels - 70 spaces for the exclusive use of Council staff in the lower level and 100 spaces in the upper level for public parking associated with the Library, Museum, retail, Auditorium and Council Chambers.

The effect of using GFA as the basis for the calculation, instead of leasable floor area, meant a greater number of on-site parking spaces is required to overcome a parking shortfall of 24 spaces. This in turn, resulted in the JRPP imposing the deferred commencement condition as follows:

1. *The proposed development is to provide car parking in accordance with Shellharbour Development Control Plan 2013. This requires an additional 24 car parking spaces. These spaces shall be provided within the existing building envelope through additional excavation and / or reduction in floor area of the administration building. Amended plans shall be submitted within a 12 month period (from the date of this approval).*

On 13 November 2014 the applicant sought clarification in relation to:

- (a) the definition of "leasable floor area";
- (b) whether the area calculation for on-site parking should be based on GFA or "leasable floor area";
- (c) how the area is calculated under Council's DCP and LEP requirements; and
- (d) confirmation of any inclusions / exclusions from the calculations.

Council and Helen Mulcahy Urban Planning Pty Ltd confirmed that car parking for the project should be calculated in accordance with the provisions of Shellharbour DCP 2013, namely on the basis of "leasable floor area". It was noted that neither Shellharbour LEP 2013 nor the DCP provides a definition in this regard.

In the absence of a definition of "leasable floor area" in either the LEP or DCP, the applicant was asked to investigate appropriate construction / development industry standards for that term and present them for consideration as part of any S96 application.

4.1.2 Proposed Modification

Since determination of the original DA, the applicant has reviewed the area schedules and has re-calculated the on-site parking provision in the context of "leasable floor area" and now requests that the Deferred Matter be deleted on the basis that the provision of 170 on-site parking spaces complies with the requirements of Shellharbour DCP 2013.

4.1.3 Applicant's Justification for the Modification

As advised by Council and the independent planning consultant, the applicant has investigated a number of alternative definitions to calculate "leasable floor area", as summarised below:

- the Property Council of Australia's (PCA) Method of Measurement 2008 for "Net Lettable Area". This definition is commonly used throughout the Australian property and development industry to calculate floor space within a building;
- "gross leasable floor area" as defined in the Roads and Maritime (RMS) 'Guide to Traffic Generating Development';
- "Leasable Floor Area" as defined by the Australian Institute of Quantity Surveyors (AIQS) in its *Cost Management Manual*;
- "Gross Leasable Area" as defined by the Institute of Transport Engineers (ITE). It is noted that this methodology was discounted as it is understood that this is not a recognised national standard within the industry; and
- "Gross Leasable Area" as defined in Waverley DCP 2012.

Each of the abovementioned definitions (with the exception of AIQS) were applied to the City Hub and the DCP parking rates applied accordingly, with the following results:

Net Lettable Area (PCA)	165 spaces
Gross Leasable Floor Area (RMS)	155 spaces
Gross Leasable Area (Waverley Council)	154 spaces
Gross Leasable Area (ITE)	169 spaces

A copy of the Area Comparison is included at **Attachment 1**. In this regard it should also be noted that Linker Surveying was engaged by the applicant to review the area calculation plans prepared by

the architects and has confirmed that each of the definitions have been correctly interpreted and the plans accurately represent each definition.

As detailed above, application of the RMS or PCA definitions for calculating floor space result in an on-site parking provision of less than the 170 spaces proposed.

At the JRRP Briefing on 23 June 2015, the Panel requested that the applicant undertake further research in relation to the use of "leasable floor area" to ascertain whether any other local government areas apply a similar methodology to the calculation of on-site parking and to provide evidence of same.

In response, the applicant researched a sample of DCPs and LEPs in NSW. The broad sample did not identify any other DCPs that adopt the term "leasable floor area", however several were found to use "gross leasable floor area" (GLFA) as the basis for calculating parking in various circumstances. Those councils include Fairfield, Port Stephens, Warringah, Shoalhaven, Coffs Harbour, Eurobodalla, Strathfield and Ballina and a copy of the definitions adopted by each are included at **Attachment 2**.

The applicant considers that "gross leasable floor area" is the most relevant comparison in the NSW context. Limited research of councils outside NSW using GLFA (or similar) for calculating car parking requirements also revealed that "leasable floor area" is defined in the Victorian planning system.

The applicant reviewed the various definitions and has provided a comparison against the four (4) definitions previously provided (refer **Attachment 3**). That analysis indicates that there is broad similarity between the floor area inclusions and exclusions across all of the definitions. Whilst a comparison of the various definitions to the numerical calculation of floor area was not undertaken, given the similarities in the definitions (and the extent of exclusions) the applicant has concluded that it is likely to result in a similar car parking requirement as previously demonstrated through the comparison of the original four definitions.

The applicant asserts that under any of the multiple precedents that provide a definition of NLA, LFA or GLFA, the proposed development satisfies the parking requirements of the DCP. Moreover, the condition requiring the provision of 24 additional parking spaces would result in a parking supply considerably in excess of that required under the DCP, regardless of what definition for leasable floor area / GLA / GLFA / NLA is applied.

The applicant notes that whilst definitions from other local government areas have been provided, these have no statutory relevance to the assessment of this application. They do however demonstrate the rigour applied to the search for an appropriate definition of leasable floor area to apply to the City Hub to satisfy the intent of the DCP.

Having regard to the National application of the Property Council's definition for "Net Lettable Area" (NLA) and the similarities with definitions of GLA and GLFA used by other councils in terms of the extent of exclusions (refer **Attachment 3**), the applicant has identified this as the most suitable to be used in the calculation of parking for the Shellharbour City Hub in the absence of a definition of "leasable floor area".

The applicant contends that on the basis of the information supplied it is therefore reasonable to conclude that under the S96(2) application, the provision of 170 on-site parking spaces to serve the City Hub satisfies the numerical requirement of Shellharbour DCP 2013.

4.1.4 Assessment

4.1.4.1 Background

The basis of this request is essentially that the methodology for the calculation of the on-site parking requirement during the assessment of the original DA was not in accordance with Shellharbour DCP 2013.

As discussed earlier, the DCP requires that on-site parking for development in the City Centre for Precinct E be calculated from the “leasable floor area” of the development. In the absence of a definition in either the LEP or DCP for this term, an alternative definition must be determined which fulfils the requirements of the DCP.

At the JRRP Briefing on 23 June 2015, the Panel requested that Council provide evidence of where “leasable floor area” has been used as the basis for calculating car parking in the City Centre, particularly since the adoption of the current Shellharbour DCP 2013.

In response to the Panel’s request and in order to present a clear picture of the historic use of this term in Shellharbour, Council officers have undertaken the following:

- (i) a review of DAs received for development in the City Centre since the gazettal of Shellharbour LEP 2013 and the adoption of Shellharbour DCP 2013; and
- (ii) a broader historical investigation of the use of leasable floor area as the basis for on-site parking calculations in Shellharbour.

In relation to point (i) above, it was revealed that the City Hub is the first development application received since DCP 2013 was adopted that requires an assessment of parking on the basis of leasable floor area.

Investigations in relation to point (ii) reveal that the following development applications in the City centre have previously been assessed and determined on the basis of leasable floor area (prior to adoption of the current LEP and DCP):

- DA No. 7.2011.204.1 for a Veterinary Clinic at 15-17 College Avenue (opposite the City Hub site) approved 24 June 2011; and
- DA No. 524/2000 for the demolition of an existing gymnasium and the construction of an Aldi Supermarket and associated car parking.

Council adopted a Car Parking Policy on 6 July 1992 which required parking to be calculated on the basis of Gross Leasable Floor Area (GLFA) for a range of uses including:

- Retail Shops
- Service Stations
- Supermarkets / Regional Centres
- Offices and Commercial Premises

The 1992 Policy applied to all development within the Shellharbour local government area (LGA). No definition of GLFA was included in the Policy. Whilst an exhaustive search of DAs assessed under the 1992 Car Parking Policy was not undertaken, it is reasonable to assume that a significant proportion of development since the introduction of Council’s 1992 Car Parking Policy has been assessed and approved based on GLFA.

The Shellharbour City Centre DCP (originally adopted in 2001) required parking to be calculated on Leasable Floor Area (LFA) for a range of uses (in the City Centre) and has been carried through into DCP 2013 (Table 11) unchanged. It is noted that a clear distinction is drawn between the City Centre, with Chapter 13 setting out the parking requirements for development elsewhere in the LGA.

LFA is not defined in the 2001 version of the Shellharbour DCP.

The consolidated DCP 2013 changed the car parking calculation to be based on Gross Floor Area for all of those uses listed in the Car Parking Policy 1992, with the exception of development in the Shellharbour City Centre as per Table 11.

Having regard to the above, it is clear that on-site parking provision in the Shellharbour LGA has been calculated on the basis of leasable floor area (or a variation thereof), since at least 1992. The use of

such a methodology is now confined to the Shellharbour City Centre as the result of the adoption of DCP 2013.

4.1.4.2 Methodology

The methodology that has been applied in the assessment of the request for deletion of the deferred matter is as follows:

- (i) identify definitions of “leasable floor area”;
- (ii) compare the parking calculations using the various definitions and confirm their relevance in the context of the Shellharbour City Centre; and
- (iii) determine whether the proposed parking provision satisfies the relevant objectives of Shellharbour DCP 2013.

4.1.4.3 Alternate Definitions

The definition of “Gross floor area”, together with the various definitions of “leasable area” or “gross leasable area” which have been investigated as part of this assessment are included at **Attachment 2**. The primary difference between “gross floor area” and “leasable area / net lettable area / gross leasable area” is the extent of the excluded areas.

The applicant has researched a range of definitions for NLA, GLFA, GLA used by various professional associations and government agencies, all of which are broadly similar in the extent and type of exclusions from the floor space calculation (**Attachment 3**).

The most significant exclusion(s) in relation to the City Hub are those areas dedicated as public space or thoroughfares such as foyers, atria, and access ways. This means that the large common lobby which services the various elements of the City Hub development is excluded from the calculation of leasable floor area.

This is considered reasonable in this instance as the lobby in itself, does not generate a demand for parking.

It is noted that whilst the applicant has provided definitions from other local government areas (in response to a request from the Panel to more thoroughly investigate the use of similar methodologies), these have no statutory relevance to the assessment of this application.

Therefore in the absence of a definition of leasable floor area in either Shellharbour LEP or DCP and in light of its common usage in the Australian property and development industry, the PCA Method of Measurement for “net lettable area” is considered an appropriate alternative for “leasable floor area” in the context of the Shellharbour City Centre.

4.1.4.4 Comparison of Parking Requirements in Application of the Definitions

The applicant provided a comparison of four (4) definitions used by the following professional associations / government agencies which could be considered as potential alternatives to “leasable floor area”. A copy of the Area Comparison is included at **Attachment 1**, with the following results:

Net Lettable Area (PCA)	165 spaces
Gross Leasable Floor Area (RMS)	155 spaces
Gross Leasable Area (Waverley Council)	154 spaces
Gross Leasable Area (ITE)	169 spaces

In this regard it should also be noted that Linker Surveying was engaged by the applicant to review the area calculation plans prepared by the architects and has confirmed that each of the definitions have been correctly interpreted and the plans accurately represent each definition.

As detailed above, the application of any of the tested definitions for calculating NLA / GLFA / GLA result in an on-site parking provision of less than the 170 spaces proposed.

4.1.4.5 DCP Objectives

Chapter 14 of Shellharbour DCP sets out the requirements for vehicular access, parking and servicing within the Shellharbour City Centre. The following table provides an assessment of the proposed on-site parking provision against the objectives for car parking in the Shellharbour City Centre (Section 14.2 of Shellharbour DCP 2013):

Objective	Commentary / Assessment	Complies
1. To provide Council's requirements for the provision and construction of car parking facilities for development works within the City Centre.	The on-site parking has been calculated in accordance with the parking rates set out in Table 11 of Section 14.2 of the DCP.	Yes
2. To provide guidelines which will result in car parking areas being constructed which are safe, efficient and attractive and which provide reasonable access, circulation and manoeuvrability condition and adequate size parking bays;	The design of the car park was assessed as part of the original DA and was found to be satisfactory, subject to the inclusion of a turning bay being included at the "dead end" aisles and the installation of an electronic parking system indicating parking availability.	Yes
3. To ensure an adequate provision of off-street car parking for land uses within the City Centre;	The on-site parking has been calculated in accordance with the parking rates for each component of the City Hub as set out in Table 11 of Section 14.2 of the DCP.	Yes
4. To recognise dual use and/or complementary use of car parking when assessing the car parking requirements for a development;	The DCP specifically precludes complementary use of parking associated with commercial / office developments as all the parking spaces are required by employees. On-site parking for all elements of the use can be accommodated on site.	Noted
5. To achieve the development of centralised car parking areas, rather than small scattered car parking areas;	Noted, however this is pertinent to Council's provision of public parking to service the wider needs of the City Centre rather than on-site parking provided for a particular development.	N/A
6. To ensure that car parking areas are functional and operate efficiently;	The parking area has been previously assessed as part of the original DA as being satisfactory in terms of functionality, design and layout.	Yes
7. To ensure that car parking areas are safe in terms of crime, pedestrian/motorist amenity and visually attractive	An assessment of the City Hub, including the car park component, was made against the CPTED principles as part of the DA.	Yes
8. To promote a safe pedestrian network from car parking areas to uses within the City Centre;	Pedestrian and cyclist access to and within the site was assessed as part of the original DA and was found to be convenient, accessible and safe include its compliance with relevant Council specifications, Australian Standards AS1742, AS2890 and Disability Standards.	Noted
9. To encourage secondary retail or service trade uses to trade directly onto rear lanes/parking areas particularly where assisted by changes in level.	Noted, however this is not relevant to the consideration of the City Hub.	N/A

Having regard to the above assessment, the provision of 170 parking spaces satisfies the relevant objectives of the DCP.

4.1.5 Summary and Conclusion

It is considered that the applicant has satisfactorily demonstrated that the application of other definitions for variations of "leasable floor area" to the City Hub development, would result in a requirement to provide on-site parking in the range of 154 to 169 spaces. The adoption of the PCA definition of NLA results in a requirement for the provision of 165 spaces.

The information submitted in support of the application has also demonstrated that other councils in NSW use similar definitions for LFA or GLFA in the calculation of car parking. Therefore, given the extensive information provided to satisfy the queries and concerns throughout the assessment of this application, there should be no doubt that the deferred matter has been satisfied and can be deleted from the consent.

Having regard to the preceding assessment, it is clear that in calculating on-site parking in accordance with the provisions of Shellharbour DCP (ie. on the basis of leasable floor area / net lettable area) the provision of 170 on-site parking spaces for the City Hub development is satisfactory and indeed, marginally exceeds the minimum required.

Accordingly, the request for deletion of the Deferred Matter is considered to be reasonable in the circumstances and is supported.

4.2 Condition B11 Culvert Upgrade

4.2.1 Background

As the Panel is aware, the City Hub development (as approved) relies on disposal of its stormwater to an existing detention basin in Harrison Park (north west of the site). This is universally agreed as being an efficient use of existing infrastructure and the consent for the project was issued on this basis.

However at the time the DA was determined, neither the assessment team nor the Panel was satisfied that the stormwater from the Hub could discharge to the detention basin without resulting in increased nuisance, damage or hazard.

This resulted in the inclusion of Condition B11 as follows:

B11. 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.*

4.2.2 Proposed Modification

The applicant requests that Condition B11 be deleted on the basis that the culvert does not require upgrading as a result of the proposed development and therefore the condition is unnecessary and unreasonable.

4.2.3 Applicant's Justification

The stormwater investigations which accompany the S96(2) application assert that:

- the analysis of the differences between pre-development and post-development for the 1 in 100 year storm suggest there is no net increase in overland flood risk at the roundabout associated with the City Hub. Any excess water will over-top the Cygnet Avenue kerb and flow away from the roundabout in exactly the same manner both pre-development and post-development;
- the culvert flow capacity is not exceeded and the roundabout does not flood during a 1 in 5 year storm event (although minor flooding to a low depth and velocity will occur at 1 in 20 and 1 in 100 year Average Recurrence Interval (ARI) storm);
- the culvert is an existing minor drainage system and is designed for the 1 in 5 ARI event, which complies with Council's Subdivision Code Drainage Design Standard; and
- the velocity-depth product (an indicator of flood risk) for the 1 in 100 year ARI event does not exceed $0.4\text{m}^2/\text{s}$ for overland flow across the roundabout and is therefore in accordance with Council's standards.

On this basis, the applicant concludes that the effect of introducing the City Hub has no significant adverse impacts in relation to the capacity of the Cygnet Avenue culvert in managing stormwater flows. Therefore the development does not require the upgrade of Council's infrastructure and Condition B11 is not required.

4.2.4 Assessment

Condition B11 required the applicant to upgrade the existing culvert at Cygnet Avenue or provide on-site detention (OSD) for the City Hub Development so that the stormwater impacts from the site did not result in increased nuisance, damage or hazard.

The reason for the inclusion of condition B11 was because the reports provided at DA indicated that the depth and velocity of the overland flow at the Cygnet Avenue roundabout were unsafe and caused nuisance, damage or hazard.

The stormwater information submitted as part of the S96(2) application was considered to be misleading because the maximum water velocities occurred in a flow path unrelated to the proposed development – specifically a separate flow along Cygnet Avenue from the south-west. This flow path does not impact the critical flows arising from the development site, which in fact flow under and across Cygnet Avenue from the south-east.

An on-site meeting was held with the applicant where it was requested that additional information and calculations be provided, including clarification about the velocities used in the stormwater report which accompanied the original DA.

The applicant provided a DRAINS model that uses "time of concentration" to calculate how quickly the stormwater will reach the drainage system of a certain catchment. Independent assessment of the model by Taylor Civil and Structural found these times to be too conservative and therefore providing an unrealistic result. The applicant was advised to review these times and recalculate the model.

The applicant was also requested to include an additional pit in the model and adjust the overflow at the base of the model to more accurately reflect the existing car park located on the northern side of Cygnet Avenue (below the roundabout in the catchment).

The recalibrated DRAINS model, calculations and other requested changes were independently assessed and analysed with the following results / conclusions:

- (i) the velocity and depth product of the overland flow (which is an indicator of flood risk) at Cygnet Avenue roundabout is $0.07\text{m}^2/\text{s}$ which is below Council's standard of $0.4\text{m}^2/\text{s}$;
- (ii) the maximum overland flow depth from the model is 0.117m which is well below the maximum depth of 0.25m specified in Council's Subdivision Drainage Design Specification; and
- (iii) the overland flow volume improves from pre-developed site to post-developed site (see discussion below).

The reduction in the volume of overland flow at Cygnet Avenue is due to the increased impervious area associated with the development which reduces the amount of time it takes the stormwater from the developed City Hub site to flow into the drainage system. Effectively this means that the peak flow from the City Hub site is gone before the peak flow from the remainder of the catchment reaches Cygnet Avenue, thus helping reduce the overall overland flow.

In acknowledgement of the community's concerns about flooding at the Cygnet Avenue roundabout, Council has provided correspondence which confirms that it will undertake works to improve the overland flow by adjusting landscaping to the north of the roundabout. Such works will be completed concurrently with the construction of the City Hub, but are not a requirement resulting from that development and therefore are not recommended as works required as a condition of consent.

4.2.5 Summary and Conclusion

Having regard to the preceding discussion it is concluded that the stormwater associated with the Shellharbour City Hub development will not result in any increased nuisance, damage or hazard and on this basis, Condition B11 can be deleted from the Consent.

4.3 Condition E16 On-site Parking and Access Signage

4.3.1 Background

Condition E16 of the consent requires a range of documentation to be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate confirming that the following signage has been implemented. The section of the Condition pertaining to the Upper Level Car Park states (relevant clause shown **bold**):

- 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 $2.6\text{m} \times 5.4\text{m}$ 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.*

4.3.2 Request for Modification

The applicant has requested that Condition E16 be amended to the effect that only nine (9) parking spaces in the upper parking level will be required to be signposted for use by Council staff (as compared to the 18 spaces referred to in the Condition).

4.3.3 Applicant's Justification

On the basis that the calculation of parking requirements in accordance with "leasable floor area" is accepted and the Deferred Commencement Condition is deleted, a lesser parking allocation for Council staff on the upper parking level is appropriate.

4.3.4 Assessment

The on-site parking provision remains the same as was proposed in the original development application, namely, two (2) levels of on-site parking:

- the lower car park level comprises 70 spaces which are intended for the sole use of Council staff; and
- the upper car park level provides 100 parking spaces which will be available to the public.

The parking is provided as two discrete functional elements and there is no circulation between the levels.

Calculated on the basis of net leasable floor area, the parking requirement for the Council's administrative offices is 99 spaces, only 70 of which are provided in the lower parking level. Having regard to this shortfall, the applicant's request to reduce the number of spaces on the upper parking level allocated for use by Council staff cannot therefore be supported.

The parking required for the combined net leasable floor area of the Library, Council Chambers & Auditorium, Museum and Cafe is 66 spaces, all of which can be accommodated on the upper parking level. Applying the same approach as the original DA, it is considered that some of the residual 44 parking spaces on that level could therefore potentially be used by Council staff to eliminate the 29 space deficiency associated with Council's administrative offices, without compromising the public parking component.

This arrangement is considered to be acceptable on the basis that the demand for parking generated by the other uses within the City Hub can be satisfied on-site. In relation to the remaining 15 spaces on the upper car park level, it is considered that these should remain for public use.

This approach has been discussed with the applicant who is agreeable to the amendment of Condition E16 to increase in the number of spaces allocated to Council staff on the upper parking level.

4.3.5 Summary and Conclusion

It is recommended that Condition E16 be amended to require the applicant to identify twenty nine (29) spaces on the upper car park level for use by Council staff. This arrangement means that the numerical on-site parking requirements set out in the DCP for the administrative offices can be satisfied.

However it is also recommended that the condition be further amended to stipulate that the signage associated with those 29 spaces specify that staff usage is limited to Mondays – Fridays between 7.00am and 6.00pm. This additional restriction on the use of these spaces will ensure that the availability of public parking is optimised outside Council office hours.

4.4 Condition G4 Hours of Operation

4.4.1 Background

Condition G4 provides that (relevant section shown **bold**):

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	8.30am – 6.00pm	8.30am – 6.00pm
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	8.00am – 8.00pm	8.00am – 8.00pm
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	7.00am – 7.00pm	7.00am – 7.00pm

Notes: No approval is granted to uses after 8.00pm at night other than the Council Chambers. Any changes to the aforementioned hours require the prior written consent of Council.

It is noted that the restrictions on the hours of operation were imposed because insufficient information was provided with the original DA to enable a thorough assessment of noise, which was identified as the primary environmental impact, particularly at night.

The condition restricts hours of operation of the Auditorium to 8.30am – 6.00pm 7 days per week.

4.4.2 Proposed Modification

The application seeks a modification of Condition G4 in relation to the use of the Auditorium to extend the hours of operation, as follows:

Monday – Thursday 8.30am – 11.00pm (decant / close 12.00am)
Friday – Saturday 8.30am – 12.00am (decant / close 1.00am)
Sunday 8.30am – 11.00pm (decant / close 12.00am)

4.4.3 Applicant's Justification

The original development application was accompanied by a noise impact assessment which presented the results of an environmental noise survey to establish the existing noise levels at the nearest noise sensitive receivers (see **Figure 2**).



Figure 2 Residential receiver locations (Source: Applicant's Acoustic Assessment S96(2) submission)

Noise sources in the vicinity of the site were observed to be primarily traffic on Cygnet and College Avenues and infrequent light aircraft. The results of the background noise survey are presented below:

Period	Average dB $L_{Aeq}(15min)$	Median dB $L_{A90}(5min)$
Day (0700 – 1800)	53	48
Evening (1800 – 2200)	52	46
Night (2200 – 0700)	43	40

The current S96(2) application is supported by a further Acoustic Assessment prepared by WSP Acoustics which specifically models the potential noise impact associated with the proposed extended hours of operation, using the base data obtained during the noise survey undertaken for the original DA.

The Acoustic Assessment includes:

- modelling based on vehicles leaving the car park over a 1 hour period, including a worst-case scenario or 100 vehicles departing the site in that period; and
- details of the likely nature, size and frequency of events in the Auditorium which range from community meetings to functions with amplified music.

The acoustic qualities of the auditorium construction have been assessed. In this regard, WSP Acoustics measured the noise level of various events to determine the average spectra within the Auditorium. The spectrum for the noisiest event was used for the assessment of noise emission from the façade of the Auditorium and the results indicate that predicted resultant noise levels at the most affected receiver locations are low and fall within the NSW Industrial Noise Policy limits for the night time period.

This means that the approved construction materials provide sufficient acoustic attenuation for a broad range of events from community meetings to functions with amplified music. Accordingly, the remaining sources of potential noise that are required to be considered in any variation of the hours of operation are pedestrian and vehicular traffic leaving the site.

Pedestrian Noise

An assessment of noise has been undertaken based on predicted pedestrian egress from the main entry/exit of against the night time criterion presented in **Figure 4** below.

The maximum capacity of events in the Auditorium is 350.

The departure of the attendees from the auditorium will occur over a period of time by various means. In order to assess the noise due to pedestrian egress from the main entry / exit WSP have made the following assumptions:

- 100 attendees will exit by the main entry/exit within any 15 minute period. This is considered an onerous assumption representative of the maximum capacity;
- The predominant noise source will be speech;
- 25% of pedestrians would be speaking simultaneously at any particular time; and
- Speech is assumed to be at a normal voice effort (sound power of 68 dBA).

The assessment has been conducted for the most critical time period (Night) and for the most affected receiver, R3 (as shown at **Figure 2**). The project specific criteria for noise sensitive residential receiver R3 during the Night (2200 – 0700) is 45dB $L_{Aeq}(15min)$.

Table 5-5 - Summary of noise prediction results

	Predicted noise level at most affected receiver dB $L_{Aeq}(15min)$	Project specific criteria (Night) dB $L_{Aeq}(15min)$	Complies?
Maximum capacity scenario: 100 attendees exiting building	33	45	Yes
Maximum + 20% scenario: 120 attendees exiting building	34	45	Yes

Figure 3 Extract from Acoustic Report

The results in the table at **Figure 3** above demonstrate that the noise at the most affected residential receiver due to pedestrians exiting the building via the main entry / exit is below the project specific night time criteria, even in the worst case scenario (when 120 patrons depart within a 15 minute period).

On this basis, the likely impacts associated with night time noise generated by pedestrians exiting the premises is considered to be acceptable.

Traffic / Road Noise

To assess the effect of the increase of traffic on the nearby residences, the NSW Road Noise Policy (Department of Environment Climate Change and Water) provides numeric criteria. The relevant criteria have been drawn out of the policy and are detailed below (**Figure 4**). Noise generated by additional traffic on the road due to the extended hours of Auditorium use are to be assessed against façade corrected noise levels when measured in front of a receiving building façade.

Table 4-2 - Extract from RNP Section 2.3.1 - Noise assessment criteria - residential land uses

Project type/land use	Assessment Criteria - dBA	
	Day (7am-10pm)	Night (10pm-7am)
Existing residences affected by additional traffic on existing local roads generated by land use developments	L_{Aeq} (1 hour) 55 (external)	L_{Aeq} (1 hour) 50 (external)

Figure 4 Extract from Acoustic report

The car park as approved, has a capacity of 100 spaces available to the public. All vehicular traffic is restricted to a left turn into Cygnet Avenue out of the car park.

The Noise Assessment assumes that 50% of vehicles will turn back at the Cygnet Ave roundabout to get to College Ave and that up to 60 cars will exit the car park in the period of one (1) hour. The worst-case scenario of 100 vehicles exiting the car park in one (1) hour was also modelled.

Accordingly the majority of traffic noise will be concentrated in Cygnet Avenue.

The Noise Assessment demonstrates that the use of the auditorium satisfies the Road Noise Acoustic Policy Criteria when the anticipated events occur with 60 vehicles or less leaving the site (exiting before 1.00am).

However, in the worst case scenario of 100 vehicles leaving the site (over the period of one (1) hour), the noise impacts will marginally exceed (i.e. by 3db) the acoustic criteria for events that finish later than 10.00pm.

The acoustic report suggests that 3db would be 'barely perceptible' to the human ear and on this basis, the likely impacts associated with night time noise generated by vehicles exiting the premises are considered to be within reasonable limits.

4.4.4 Assessment

The information presented in the acoustic report satisfactorily demonstrates that the approved construction materials provide sufficient acoustic attenuation to prevent any impact associated with noise escaping from the Auditorium.

Noise associated with pedestrians exiting the building via the main entry / exit is below the project specific night time criteria at the nearest residential receiver, even in the worst case scenario (when 120 patrons depart within a 15 minute period).

The worst-case scenario of 100 vehicles exiting the public (upper level) car park in one (1) hour was modelled and was found to marginally exceed (by 3db) the acoustic criteria for events that finish later than 10.00pm.

The anticipated use matrix for events in the Auditorium (**Attachment 5**) suggests that the number of events that will operate beyond 10.00pm (excluding Council meetings) will be less than 20. On this basis it is considered that the marginal exceedance of the noise criteria after 10.00 pm will be an infrequent impact and in the context of an emerging City Centre, is not unreasonable.

Notwithstanding, it should be noted that Condition G8 of the original consent requires the preparation of 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.

One of the issues raised in the submissions was concern that the Auditorium could be used as a function centre. In this regard it is noted that the consent has been granted on the basis of it being used as a community / civic space and the range of anticipated uses has been specified.

However in order to address this concern, it is recommended that a new condition be included in the consent (Condition G13) that requires a separate development application to be made for the use of the Auditorium outside the scope of the anticipated use matrix and further, including any proposed use of the premises as a function centre or entertainment facility. Any such application(s) would be required to address potential impacts associated with such activities, including noise, traffic and parking.

4.4.5 Summary and Conclusion

It is considered that there will be sufficient safeguards in place to ensure that any impacts associated with the marginal exceedance of the noise criteria (modelled on the worst case scenario) are adequately managed and mitigated.

On this basis, the request to amend Condition G4 to extend the hours of operation in the Auditorium is supported.

4.5 Other Matters

4.5.1 Gross Floor Area

The approved gross floor area (GFA) for the City Hub Development is 8,135m². Whilst the GFA in itself is not critical to the application in terms of compliance with a development standard (as floor space ratio is not a consideration in this instance), it is pertinent since leasable floor area is derived from GFA (which is the basis for the car parking calculation).

The S96(2) application received on 3 March 2015 states that:

Upon a revised calculation the architects have found a minor discrepancy in their calculations, and that the accurate GFA calculation should be 8,383m²; this equates to a difference of 248m² ... and is due to the original DA GFA being measured to the inside of window framing, rather than inside of the glass surface (refer to plans at Appendix 1).

The plans at Appendix 1 to that submission mark up the areas that were unintentionally excluded at DA stage to demonstrate the net increase in GFA of 248m².

The applicant's response to the request for additional information (received on 5 June 2015) included a tabulation of GFA prepared by the project architects which cited a GFA for the S96(2) application of 8,182m². This translates to a lesser increase in GFA from DA to S96(2) of 47m².

The response to the request for additional information included a report from Linker Surveyors that confirmed that the applicant has correctly interpreted the GFA and that the plans correctly represent the GFA of the proposed development at 8,182m².

In email correspondence dated 19 June 2015 the applicant was requested to explain the difference in GFA between the original S96(2) application (3/3/2015) and the response to the request for additional information (5/6/2015).

On 25 June 2015 the applicant provided the following response:

The original S96(2) Modification Application to DA 205/2014 dated 3 March 2015 erroneously calculated GFA as 8,383m² as a result of misinterpretation of differences in the means of calculating the floor space (ie. inclusions and exclusions). Subsequently, the following adjustments were made based on the Shellharbour City Council LEP 2013 definition of GFA to exclude:

- i. Lower basement common circulation;*
- ii. Basement (strong room) storage;*
- iii. Common lift loading areas on all 6 levels;*
- iv. Ground floor riser and fire hose cabinet next to Auditorium entrance;*
- v. Office Levels 1, 2, 3 fire hose cabinets and risers; and*
- vi. Ground floor mis-measure to the glass line.*

The table below provides a reconciliation of the discrepancies in area calculations between the approved GFA, the S96(2) application dated 3 March 2015 and the additional information submitted in respect of the Request for Additional Information dated 5 June 2015.

	Totals (m ²)		Description
GFA Approved	8,135		Original DA GFA
		-178	Minus basement storage
		-228	Minus vertical circulation
		-36	Minus services risers
		-16	Minus internal columns
		530	Add Internal Partition area
	248	176	External Facade area, measured to outside of walls
S96(2) GFA 3/3/15	8,383		Revised S96(2) DA GFA
		-20	Minus Lower basement common circulation
		-9	Minus upper basement strong room storage
		-109	Minus all common lift loading areas
		-4	Minus ground floor services riser next to auditorium
		-6	Minus office L1, 2, 3 fire hose cabinets and risers
		-98	Minus ground floor mis-measure to the glazing line
		29	Add Library mezzanine internal courtyard
	-201	16	Add internal columns
S96(2) GFA - Response to RFI dated 5/6/15	8,182		Revised S96(2) DA GFA
	47	47	Office Floors mismeasure to glazing line (8,182 – 8,135 = 47)

As part of its submission dated 10 July 2015 the applicant has also provided an annotated set of architectural plans which documents the changes. These plans are included at **Attachment 4**.

The GFA for the Shellharbour City Hub development is 8,182m² as detailed in the current S96(2) application and is the base figure from which the net leasable areas used for the parking calculations are derived.

5. NOTIFICATION AND SUBMISSIONS

As indicated previously in this report, Council notified the application for a period of 21 days in accordance with Section 2.2 of Shellharbour DCP between 12 March and 2 April 2015, inclusive.

The notification included:

- distribution of a total of 299 letters to local businesses and residents in the vicinity of the site;
- letters to all persons who made a submission in relation to the original development application;
- an advertisement placed in *The Lake Times* on 11 March 2015; and
- a Site Notice placed on the land for the duration of the notification period.

Council received a total of thirteen (13) written submissions, all from the public and all of which objected to the proposal. A summary of the issues raised in the submissions was made available to the applicant, providing an opportunity for the applicant to respond to the issues raised by the community.

The planning issues raised in the submissions are summarised and discussed in the following paragraphs.

5.1 Culvert Upgrade

- ***The unwillingness of Council to comply with its own controls in respect of the culvert upgrade and the fact that Cygnet Avenue roundabout floods in minor rain events.***

Comment: An initial review of the stormwater management information submitted with the application revealed some inconsistencies and incorrect assumptions. In response to further discussions and requests for clarification, the applicant has provided detailed modelling and revised stormwater calculations.

This information has been assessed and it is concluded that the stormwater associated with the Shellharbour City Hub development avoids any significant adverse impacts on adjoining properties and will not result in any increased nuisance, damage or hazard and therefore complies with the provisions of Shellharbour LEP 2013 and the objectives of Shellharbour DCP 2013.

It is noted that the flooding at Cygnet Avenue in minor rain events is anecdotal, and the applicant has advised that Council's records do not support the suggestion of episodic flooding at this location, nor has there been any direct observation of flooding by Council staff.

- ***The Hub will increase pressure placed on the drainage system and will exacerbate flooding.***

Comment: The applicant has provided stormwater modelling that demonstrates the proposed development will not adversely impact on the performance of the downstream stormwater system (including the culvert) nor will it increase the likelihood of flooding.

Notwithstanding, Council as the asset owner, retains responsibility for the stormwater system. In acknowledgement of the concerns raised by the public, Council has confirmed in writing that it will undertake works (independent of the City Hub development) to improve the overland flow in the vicinity of the Cygnet Avenue roundabout by adjusting the landscaped areas to the north (minor re-shaping the land to facilitate the overland flow to the detention basin in Harrison Park).

It should be noted that while these improvements do not form part of the City Hub development, Council has indicated the overland flow improvement works will be completed concurrently with the City Hub construction.

- ***Any other developer would be required to undertake the works and Council should be required to comply with the highest engineering standards.***

Comment: Taylor Civil and Structural has undertaken an independent assessment of the detailed stormwater modelling and revised calculations submitted by the applicant's engineering consultants (Enstruct Group Pty Ltd) in respect of this application, which has confirmed that the City Hub development avoids any significant adverse impacts on adjoining properties and will not result in any increased nuisance, damage or hazard, and therefore complies with the provisions of Shellharbour LEP 2013 and the objectives of Shellharbour DCP 2013.

5.2 Parking

- ***Proposal seeks a further reduction in limited parking to be provided – more not less parking should be provided.***

Comment: In granting approval to the original development application, the JRPP stipulated that parking is to be provided in accordance with Shellharbour Development Control Plan

2013. The applicant inadvertently applied a more onerous parking standard in the original development application and now seeks reconsideration of the on-site parking provision, calculated in accordance with the rates set out in Table 11 of the DCP – Car Parking Standards applicable to the City Centre, namely, on the basis of leasable floor area.

As discussed in Section 4.1 of this report, the provision of 170 spaces satisfies the DCP requirements.

- ***Means of calculating parking is inconsistent with that used almost universally by other councils (ie. GFA).***

Comment: Whilst it is acknowledged that GFA is generally accepted as the basis for calculating car parking, there are a number of councils in NSW including Waverley, Fairfield, Port Stephens, Warringah, Shoalhaven, Coffs Harbour, Eurobodalla, Strathfield and Ballina, where variations on “leasable area” or “gross leasable area” are used. Details of the definitions used by these councils are included at **Attachment 2**.

It is also noted that in Victoria, parking requirements are a state-wide provision in planning schemes and both “net floor area” and “Leasable Floor Area” are used in the calculation of parking for office and retail development respectively.

Having regard to the above, it is apparent that “leasable area” or “gross leasable area” is an accepted means of calculating on-site parking in a number of other local government areas in NSW.

- ***Council has not provided a definition of “leasable floor area” but the application does not explain how this differs from gross floor area.***

Comment: The definition of “Gross floor area”, together with the various definitions of “leasable area” or “gross leasable area” which have been investigated as part of this assessment are included at **Attachment 2**.

The primary difference between “gross floor area” and “leasable area / net lettable area / gross leasable area” is the extent of the excluded areas. Of particular relevance in this instance is that common circulation areas are specifically excluded from the calculation.

The exclusion of these areas is considered reasonable in the calculation of parking as they do not generate a demand for parking.

- ***The Council Administration building has been designed to accommodate 243 staff. Council currently employs 228 staff. The most common method of travelling to work is by car - 77% of travelling workers (ABS District snapshot for Shellharbour). The proposed provision for staff is inadequate compared to what is currently available in the at-grade parking area adjacent to Lamerton House.***

Comment: In accordance with Shellharbour DCP 2013, parking for the administration building is calculated on the basis of floor area rather than employee / staff numbers.

Section 79C(3A) of the *Environmental Planning and Assessment Act 1979* provides that if a development complies with the relevant DCP standards a consent authority cannot require more onerous standards with respect to that aspect of the development.

The parking required for the administration building is 99 spaces, all of which can be provided on-site subject to the amendment of Condition E16, thereby satisfying the DCP parking requirement.

- ***Application does not explain where the overflow parking from functions in the Auditorium will be accommodated (only 91 spaces will be available based on the proposed modification).***

Comment: The proposed development complies with the DCP parking requirements, which do not require the provision of “overflow” parking as part of the development.

Furthermore, subject to the recommended amendment of Condition E16, all 100 spaces on the upper level car park will be available for users of the Auditorium (and Library) outside Council's office hours.

Having regard to the existing parking available in the vicinity of the site (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 there is sufficient parking available elsewhere in the City Centre to accommodate any “overflow” associated with the Auditorium use. This arrangement for the sharing of car parking is consistent with the intention of the City Centre Master Plan and Shellharbour DCP 2013.

- ***By allowing under-provision of parking in the City Hub development, the JRPP imposes a reduced amenity and introduces traffic congestion to the Gadu Lane, Cygnet Ave, College Ave and surrounding areas for an indeterminate timeframe which is contrary to the objectives of DCP 2013.***

Comment: The provision of 170 on-site parking spaces for the City Hub development complies with both the objectives and requirements set out in Chapter 14 of Shellharbour DCP 2013.

- ***Approval of this variation to the parking requirement will set a precedent.***

Comment: The on-site parking provision for the City Hub development has been calculated in accordance with Council's DCP requirements and has been assessed as being compliant.

- ***The Auditorium is capable of being used as a Reception / Function Centre which has more stringent parking requirements which would generate a requirement for the provision of 110 parking spaces (based on floor area of 440m²) for this element of the development.***

Comment: Consent has been granted to the City Hub, including the Auditorium, on the basis of it being part of used as a community / civic space and the range of anticipated uses has been specified. It is not intended for use as a function centre. As such, the higher parking rate is not required to be applied to the predominant use of the Auditorium. In addition, the assessment report for the original DA also confirms that the appropriate car parking rate for the Auditorium is 1 space per 40m².

However, in order to address the concerns of the community in this regard, it is recommended that a new condition be included in the consent (Condition G13) that requires a separate development application to be made for the use of the Auditorium outside the scope of the anticipated use matrix, including any proposed use as a function centre or entertainment facility. This will enable any potential traffic or parking impacts associated with such activities to be further assessed.

5.3 Hours of Operation

- ***Traffic noise – disputes Event Noise Impact Assessment assertion that 50 vehicles / hour will leave the premises over a 2 hour period. Suggests that it will be much greater volume over a lesser period resulting in noise and traffic issues for residents in Cygnet***

Avenue (in both the apartments directly opposite the site, but also the residential areas to the south of the site).

Comment: In direct response to this issue, the applicant has submitted an amended Event Noise Impact Assessment which now includes:

- a) modelling based on vehicles leaving the car park over a one (1) hour period;
- b) additional details about the anticipated range events in the Auditorium, to give a clearer understanding of their nature and size;
- c) as a result of the additional details about the events, the Impact Assessment assumes that there is likely to be only 60 vehicles or less for the majority of the events; and
- d) modelling of the worst case scenario of 100 vehicles leaving the car park over a one (1) hour period.

The report demonstrates that the use of the auditorium satisfies the acoustic criteria when the anticipated events occur with 60 vehicles or less leaving the site over the course of an hour. However, in the worst case scenario of 100 vehicles leaving the site (over an hour), the noise impacts will marginally exceed (i.e. by 3db) the acoustic criteria for events that finish after 10.00pm. In this regard, it is demonstrated in WSP's Event Noise Impact Assessment, the majority of the events that extend past 10pm are limited, and are not likely to attract vehicles to the site that would require the maximum parking spaces. In terms of the noise impacts associated with vehicles leaving the site, WSP conclude the following:

"The noise due to cars exiting the car park, for the maximum number of available car spaces (100), is predicted to be below the NSW Road Noise Policy criteria when cars depart the premises over a one hour and 40 minute period. When considering a maximum scenario, the Road Noise Policy criterion for the night time is exceeded by 3dB. The NSW Road Noise Policy calls for 'reasonable and feasible' mitigation measures where an exceedance occurs. As a 3dB difference is considered 'barely perceptible' to the human ear, and the exceedance will occur no more 19 times in a year period it cannot be considered reasonable to put in place mitigation measures here".

As such, the exceedance of the noise criteria after 10.00 pm is an infrequent impact, and as indicated above would be 'barely perceptible' to the human ear.

Furthermore Condition G8 of the original consent requires the preparation of 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.

It is therefore considered that there will be sufficient safeguards in place to ensure that any impacts associated with the marginal exceedance of the noise criteria (modelled on the worst case scenario) are adequately managed and mitigated, in the context of an emerging City Centre where a commensurate level of residential amenity, consistent with a low density residential area is not a reasonable basis for consideration of noise impacts.

5.4 Other Issues

Many of the submissions reiterate concerns raised in relation to the original development application. Those issues include:

- Unwanted debt / excessive cost of the development
- Monies better spent on other areas – footpaths, drainage, roads etc
- No need for new development / prefer to see existing facilities upgraded
- Facilities are excessively lavish / extravagant

- Sale of Council assets
- Accessibility of the site for the elderly or disabled

Comment: As discussed in the assessment report prepared in respect of the original DA, these are not matters for consideration for the assessment as prescribed by section 79C of the EP&A Act.

6. ASSESSMENT

6.1 S96(2) of the Environmental Planning and Assessment Act, 1979

This modification is being proposed under Section 96(2) of the *Environmental Planning and Assessment Act, 1979* which enables a consent authority to modify a development consent upon application being sought by the applicant, or any other person entitled to the act on the consent, provided that the consent authority as part of the assessment process takes into consideration the following matters:

- a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all),***

Planning case law (*Schroders Australian Property Management Ltd v Shoalhaven City Council and Anor (1999) NSWLEC 251*) provides a definition of “substantially the same development” as “essentially or materially or having the same essence”.

Accordingly, it is a comparison of the substance of the S96(2) proposal relative to that of the development as originally approved. In order to satisfy this criterion, the development as modified, must essentially and materially have the same essence.

The proposed amendments to the consent will not result in any substantive change to the approved development in terms of the:

- nature or intensity of the use(s);
- scale or character;
- built form (other than the notional changes that would have been necessitated by inclusion of additional car parking required by the Deferred Matter);
- relationship to and impacts on adjoining properties; and
- streetscape.

The proposed modifications do not change the essential features of the approved development and as such, it is considered that the proposed modification results in substantially the same development as approved under DA 205/2014 on 20 October 2014.

- b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and***

The application concerns modifications to an approved development and does not require the concurrence of the relevant Minister, public authority or other approval body.

- c) it has notified the application in accordance with:***
- i. the regulations, if the regulations so require, or***

- ii. a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and**

As described in Section 5 of this report, Council placed the application on notification for a period of 21 days in accordance with Section 2.2 of Shellharbour DCP from 12 March – 2 April 2015, inclusive.

- d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.**

Section 5 of this report details the consideration of the issues raised in submissions.

6.2 S79C Assessment

Section 96(3) of the Act provides that:

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application.

6.2.1 Provisions of any environmental planning instrument

The following are relevant planning instruments that have been considered in the assessment of this application for modification of consent:

- Shellharbour Local Environmental Plan 2013
- Shellharbour Development Control Plan 2013

6.2.2 Likely impacts of the development

The following potential impacts have been considered:

6.2.2.1 Traffic and Parking

As discussed in Section 4.1 of this report, the modification requests reconsideration of the calculation of the parking in accordance with Shellharbour DCP 2013. The effect is to delete the deferred matter which required the provision of an additional 24 spaces in the building.

The development as amended, would provide a total of 170 on-site parking spaces which has been assessed as being compliant with the provisions of Shellharbour DCP 2013.

The approved scale, scope and nature of the development remains unchanged and as such the re-calculation of the on-site parking provision does not have any effect on the volume of traffic generated by the development, nor the associated impacts, which were found to be within reasonable limits.

6.2.2.2 Stormwater

As discussed in Section 4.2 of this report, it is proposed to remove the requirement to upgrade the existing culvert infrastructure near the Cygnet Avenue roundabout.

It is concluded that the development will not have any adverse impacts on the existing drainage network in the area, and the drainage at Cygnet Avenue satisfies Council's stormwater requirements.

6.2.2.3 Noise / Hours of Operation

As discussed in Section 4.4 of this report, it is proposed to modify the consent to allow for the operation of the Auditorium up to 12.00am, with all departures by 1.00am. An Event Noise Impact Statement

accompanies the S96(2) application which sets out the methodology and findings of the acoustic modelling.

It has been concluded that there will be sufficient safeguards in place to ensure that any impacts associated with the marginal exceedance of the noise criteria (modelled on the worst case scenario) are adequately managed and mitigated, having regard to the relative infrequency of exceedances in the noise criteria and the conditions recommended for inclusion in the Consent.

6.2.2.4 Summary and Conclusion

The proposed modification does not cause any adverse impacts to the environment (natural and built), or any social and economic impacts in the locality.

6.2.3 Suitability of the site

The suitability of the site to accommodate the City Hub development has been assessed as part of the original development application.

The modifications proposed as part of this application do not alter the essential characteristics of the development as approved, nor will they result in any additional impacts. As such, it is considered that the site will be suitable for the development (as modified).

6.2.4 The Public Interest

In granting consent to the original application, the JRPP concluded that the City Hub would make a positive contribution to the Shellharbour local government area and the provision of new civic, community and administrative facilities will contribute to the growth of and Council's strategic vision for the City Centre, which is for a *"liveable city that is connected through places and spaces"*.

The proposed modifications to the consent will not diminish the contribution of the City Hub to the locality.

8. SPECIALIST ADVICE

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

- Taylor Civil and Structural
- TRS Transport and Road Safety

To provide specialist advice in relation to civil and structural engineering and on-site parking provision respectively.

9. CONCLUSION

The application is referred to the Joint Regional Planning Panel Southern Region (JRPP) for determination as the consent authority pursuant to clause 23G(2) of the EP&A Act and clauses 20 and 21 of State Environmental Planning Policy (State and Regional Development) 2011 and in accordance with clause 4 of Schedule 4A of the EP&A Act.

The Section 96(2) Application presented to the Panel seeks to modify Development Consent No. 205/2014 to:

- delete the deferred matter (which requires the provision of an additional 24 parking spaces), based on a re-calculation of parking in accordance with the provisions of Shellharbour DCP 2013;

- delete the condition requiring upgrading works to the existing culvert under Cygnet Avenue;
- amend the number of spaces on the upper parking level allocated for Council staff parking during office hours; and
- modify the hours of operation of the Auditorium.

The proposed amendments have been assessed and it has been found that they do not contribute to any adverse impacts on nearby and adjoining residential development. The requested changes are therefore considered acceptable in this instance and are supported.

The application was the subject of thirteen (13) objections and the matters raised in those submissions have been addressed in the body of the report.

The proposed modifications have also been assessed in accordance with sections 96(2) and 79C of the *Environmental Planning and Assessment Act 1979*. The modifications are 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".

The City Hub is permissible in the B4 Mixed Use zone, is considered to satisfy all requirements and the relevant objectives of Shellharbour LEP 2013 and is considered to result in a development which is suitable in the context of the Shellharbour City Centre. It is therefore recommended that the Panel grant approval to the Section 96(2) application, subject to the schedule of modified conditions attached.

10. RECOMMENDATION

It is recommended that:

1. the Panel approve the modification request made pursuant to section 96(2) of the *Environmental Planning and Assessment Act 1979* in respect of Development Application No. 205 / 2014 subject to the recommended draft amended consent conditions set out below; and
2. all persons who made a submission be notified of the Panel's decision in this matter.

Conditions

The consent issued in respect of DA No. 205 / 2014 is modified as follows:

- (a) *The Deferred Matter relating to the provision of additional on-site parking within the approved building envelope is deleted, as follows:*

- ~~1. The proposed development is to provide car parking in accordance with Shellharbour Development Control Plan 2013. This requires an additional 24 car parking spaces. These spaces shall be provided within the existing building envelope through additional excavation and / or reduction in floor area of the administration building. Amended plans shall be submitted within a 12 month period (from the date of this approval).~~

- (b) Condition A3 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

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 **and where varied by the documentation submitted in respect of the S96(2) application dated 3 March 2015.**

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 <u>Total GFA – Lower Basement</u>	Design Inc. & Lacoste + Stevenson (architects in association)	SCH-AR-SD-2001 Rev R <u>SCH-AR-SD-2001-8 Rev 4</u>	22/05/2014 <u>10/07/15</u>
Upper Car Park Level <u>Total GFA – Upper Basement</u>	Design Inc. & Lacoste + Stevenson (architects in association)	SCH-AR-SD-2002 Rev V <u>SCH-AR-SD-2002-8 Rev 2</u>	11/07/2014 <u>07/07/15</u>
Ground Level Plan <u>Total GFA – Ground</u>	Design Inc. & Lacoste + Stevenson (architects in association)	SCH-AR-SD-2003 Rev S <u>SCH-AR-SD-2003-8 Rev 2</u>	22/05/2014 <u>07/07/15</u>
Level 1 Plan <u>Total GFA – Level 1</u>	Design Inc. & Lacoste + Stevenson (architects in association)	SCH-AR-SD-2004 Rev R <u>SCH-AR-SD-2004-8 Rev 2</u>	22/05/2014 <u>07/07/15</u>
Level 2 Plan <u>Total GFA – Level 2</u>	Design Inc. & Lacoste + Stevenson (architects in association)	SCH-AR-SD-2005 Rev S <u>SCH-AR-SD-2005-8 Rev 2</u>	22/05/2014 <u>07/07/15</u>
Level 3 Plan <u>Total GFA – Level 3</u>	Design Inc. & Lacoste + Stevenson (architects in association)	SCH-AR-SD-2006 Rev R <u>SCH-AR-SD-2006-8 Rev 2</u>	22/05/2014 <u>07/07/15</u>
Plant Level Plan <u>Total GFA – Plant</u>	Design Inc. & Lacoste + Stevenson (architects in association)	SCH-AR-SD-2007 Rev U <u>SCH-AR-SD-2007-8 Rev 2</u>	18/07/2014 <u>07/07/15</u>
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	20/05/2014

Development Application No. 205/2014 – Section 96(2) Application
 Shellharbour City Hub, cnr. Cygnet and College Avenues, Shellharbour City Centre

Name of Plan / Document	Prepared By	Drawing / Doc No. / Revision	Drawing / Document Date
<u>Shellharbour City Hub S96 Application – Condition B11, Cygnet Ave Culvert Upgrade</u>	<u>enstruct group pty ltd</u>		<u>03/03/2015</u>
<u>Shellharbour City Hub S96 Application – Condition B11, Cygnet Ave Culvert Upgrade</u>	<u>enstruct group pty ltd</u>		<u>03/06/2015</u>
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	29/05/2014
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
<u>Shellharbour City Hub Stage 1 – S96 Submission (DA205/2014)</u>	<u>TRAFFIX</u>	<u>13.424103v03</u>	<u>02/03/2015</u>
<u>Shellharbour City Hub Stage 1 – S96 Submission (DA205/2014)</u>	<u>TRAFFIX</u>	<u>13.424103v07</u>	<u>05/06/2015</u>
ESD Report and Section J	WSP Built Ecology	SYD1335000	05/05/2014
Noise Impact Assessment	WSP Acoustics	ACG1400200 Rev. 4	02/05/2014
<u>Section 96 – Event Noise Impact Assessment</u>	<u>WSP Acoustics</u>	<u>ACG1400200 Rev. 4</u>	<u>03/06/2015</u>
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
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

(b) Condition B11 relating to upgrading of the culvert is deleted, as follows:

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.~~

- ~~c. 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.~~
- ~~d. Option B: provide On Site Detention upstream of the culvert so that the culvert can meet the abovementioned criteria.~~
- ~~e. 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.~~

(c) Condition E16 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

E16 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)~~ **twenty nine (29)** car spaces (included in total number of spaces) on the upper car park level must be clearly signposted for use as staff parking **between 7.00am and 6.00pm Monday to Friday.**
- 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 "cane 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.
- (d) Condition G4 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

G4 Hours of Operation

- (a)** 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	8.30am – 6.00pm	8.30am – 6.00pm
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	8.00am – 8.00pm	8.00am – 8.00pm
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	7.00am – 7.00pm	7.00am – 7.00pm

- (b) The hours of operation of the Auditorium shall be limited as follows:**

<u>Monday – Thursday</u>	<u>8.30am – 11.00pm (decant / close 12.00am)</u>
<u>Friday – Saturday</u>	<u>8.30am – 12.00am (decant / close 1.00am)</u>
<u>Sunday</u>	<u>8.30am – 11.00pm (decant / close 12.00am)</u>

Notes: ~~No approval is granted to uses after 8.00pm at night other than the Council Chambers.~~
Any changes to the aforementioned hours require the prior written consent of Council.

(e) *New condition G13 inserted as follows:*

A separate development application shall be submitted to Council for any the use of the Auditorium outside the scope of the anticipated use matrix set out in Table 2-1 of the Shellharbour City Civic Hub Section 96 – Event Noise Impact Assessment prepared by WSP Acoustics and dated 27 May 2015. This condition does not authorise the use of the premises as a function centre or entertainment facility without separate development consent being obtained.

ATTACHMENT 1 - Area Comparison and Resultant Parking

Area Comparison

1/06/2015

GFA DA Approved	GFA S96(2)	Reason for discrepancy	Net Lettable Area (PCA)	Parking ratio 1:XX	Parking Spaces	Gross Leasable Floor Area (RMS)	Parking ratio 1:XX	Parking Spaces	Gross Leasable Area (WDCP)	Parking ratio 1:XX	Parking Spaces	Gross Leasable Area (ITE)	Parking ratio 1:XX	Parking Spaces		
Library	1841	1602	Note 1	1630	50	32.60	1552	50	31.04	1552	50	31.04	1771	50	35.42	
Council Chamber & Auditorium	1320	956	Note 1	862	40	21.55	791	40	19.78	791	40	19.78	901	40	22.53	
Administrative Offices	4491	4246	Note 2	3941	40	98.53	3719	40	92.98	3689	40	92.23	3941	40	98.53	
Retail	52	154	Note 3	145	35	4.14	133	35	3.80	133	35	3.80	153	35	4.37	
Museum	431	274	Note 1 and 3	289	40	7.23	274	40	6.85	274	40	6.85	289	40	7.225	
Totals	8135	7232		6867		164.04	6469		154.44	6439		153.69	7055		168.07	
Rounded Parking Totals																
			m2		m2		spaces		m2		spaces		m2		spaces	
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ATTACHMENT 2 - Definitions

ATTACHMENT 2 – DEFINITIONS

Gross floor area (GFA) is defined in Shellharbour Local Environmental Plan 2013 as follows:

“... the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and*
- (b) habitable rooms in a basement or an attic, and*
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,*

but excludes:

- (d) any area for common vertical circulation, such as lifts and stairs, and*
- (e) any basement:*
 - (i) storage, and*
 - (ii) vehicular access, loading areas, garbage and services, and*
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and*
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and*
- (h) any space used for the loading or unloading of goods (including access to it), and*
- (i) terraces and balconies with outer walls less than 1.4 metres high, and*
- (j) voids above a floor at the level of a storey or storey above.”*

Property Council Method Of Measure - Section 3. NET LETTABLE AREA

The whole floor net lettable area is calculated by taking measurements from the internal finished surfaces of the permanent internal walls and the internal finished surfaces of dominant portions of the permanent outer building walls.

Included in the lettable area calculations are:

- window mullions;
- window frames;
- structural columns;
- engaged perimeter columns or piers;
- fire hose reels attached to walls; and,
- additional facilities specially constructed for use by individual tenants that are not covered in exclusions listed below.

Excluded from the lettable area of each tenancy are:

- stairs;
- access ways;
- fire stairs;
- toilets;
- recessed doorways;
- cupboards;
- telecommunications cupboards;
- fire hose reel cupboards;

- lift shafts;
- escalators;
- smoke lobbies;
- plant/motor rooms; and;
- tea rooms and other service areas; (where all are provided as standard facilities in the building);
- lift lobbies where lifts face other lifts, blank walls or areas listed in section above;
- areas set aside for the provision of all services such as electrical, telephone, air conditioning ducts or risers to the floor, where such facilities are standard facilities;
- areas dedicated as public space or thoroughfares such as foyers, atria, and access ways in lift and building services areas;
- areas and accessways set aside for use by service vehicles and for delivery of goods, where such areas are not for the exclusive use of occupiers of the floor or building;
- areas and accessways set aside for car parking; and,
- areas where there is less than 1.5 metre height clearance above floor level – these spaces should be measured and recorded separately

Definition– DOMINANT PORTION is that portion of the internal or external (as relevant) finished surface of a vertical wall, which comprises in excess of 50% of the wall's surface area

Definition– STANDARD FACILITIES within a building include stairs, toilets, cleaners cupboards, lifts, lift shafts and motor rooms, escalators, smoke lobbies, tea rooms and other service areas that can be used by the occupier/tenant of the floor or building and that are not purpose built.

Definition– PURPOSE BUILT facilities provided specifically for an individual tenant such as stairs, toilets, ducts, tea rooms and the like are to be included as part of the lettable area.

RMS (RTA) Guide to Traffic Generating Developments - Section 10. Reference Material: Gross Leasable Floor Area

The sum of the area of each floor of a building where the area of each floor is taken to be the area within the internal faces of the walls,

- Excluding stairs,
- Excluding amenities,
- Excluding lift corridors and
- Excluding other public areas, but
- Including stock storage areas.

With this definition, it is also noted that the exclusions listed in RMS Gross Floor Area also apply, as follows:

- Columns, fin walls, sun control devices and any elements, projections, or works outside the general line of the outer face of the external wall.
- Lift towers, cooling towers, machinery and plant rooms, and ancillary storage space and vertical air conditioning ducts.
- Car parking specifications which meet requirements of council and internal access thereto.
- Space for the loading and unloading of goods.

Waverley Development Control Plan 2012: GROSS LEASABLE AREA:

The sum of the areas at each floor of a building, where the area of each floor is taken to be the area within the internal faces of the walls, excluding stairs, amenities, lifts, corridors and other public areas but including stock storage areas.

Institute of Transportation Engineers: GROSS LEASABLE AREA (GLA)[II]

The total floor area designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors, expressed in square feet and measured from the centreline of joint partitions and from outside wall faces. For purposes of trip generation and parking generation calculations, the floor area of any parking garages within the building should not be included within the GLA of the entire building.

GLA is the area for which tenants pay rent; it is the area that produces income. In the retail business, GLA lends itself readily to measurement and comparison; thus, it has been adopted by the shopping centre industry as its standard for statistical comparison. Accordingly, GLA is used in this report for shopping centers. For strip centers, discount stores and freestanding retail facilities, GLA usually equals GFA.

Warringah LEP 2000

GLFA means gross leasable floor area which is the sum of the area of each floor of a building where the area of each floor is taken to be the area within the internal faces of the walls, excluding stairs, amenities, lifts, corridors and other public areas but including stock storage area.

Shoalhaven DCP

Gross leasable floor area means the sum of the areas at each floor of a building where the area of each floor is taken to be the area within the internal faces of the walls, excluding stairs, amenities, lifts, corridors, parking areas and designated stock storage areas.

Coffs Harbour DCP 2013

GLFA = Gross Leasable Floor Area – the sum of the area of each floor of a building where the area of each floor is taken to be the area within the internal faces of the walls, excluding stairs, amenities, lifts, corridors and other public areas but including stock storage area.

Eurobodalla Parking Code

Gross Leasable Floor Area (GLFA) means the sum of the commercially leasable areas at each floor of a building where such area is taken to be the area within the internal faces of the walls, excluding stairs, amenities, lifts, corridors and parking areas but including stock storage areas.

Strathfield Council DCP 2005 Part I

Gross leasable floor area means the sum of the area at each floor of a building where the area of each floor is taken to be the area within the internal faces of the walls, excluding stairs, amenities, lifts, corridors and other public areas but including stock storage area.

Ballina DCP 2012

Gross leasable floor area (GLFA) means the sum of the areas at each floor of a building and includes the area within the internal faces of the walls and stock storage areas but excludes stairs, amenities, lifts, corridors and other public areas.

Fairfield Council DCP

Gross Leasable Area means the total floor area contained within the outer faces of the external walls of a building, excluding stairs, lifts, public arcades, public foyers, public toilets, plant rooms, loading areas and car parking.

ATTACHMENT 3 - Comparison of Exclusions

6/07/2015

EXCLUDED IN LEATTABLE AREA CALCULATION

C:\Users\ataha\Documents\Documents\Ari\01 - Shell Harbour\GLFA CALCULATION

ATTACHMENT 4 - GFA Reconciliation

Shellharbour Local Environmental Plan 2013 – Dictionary

GROSS FLOOR AREA (GFA):
Shellharbour Local Environmental Plan 2013 – Dictionary

The sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.40 meters above the floor, and includes:

GROSS FLOOR AREA (GFA):

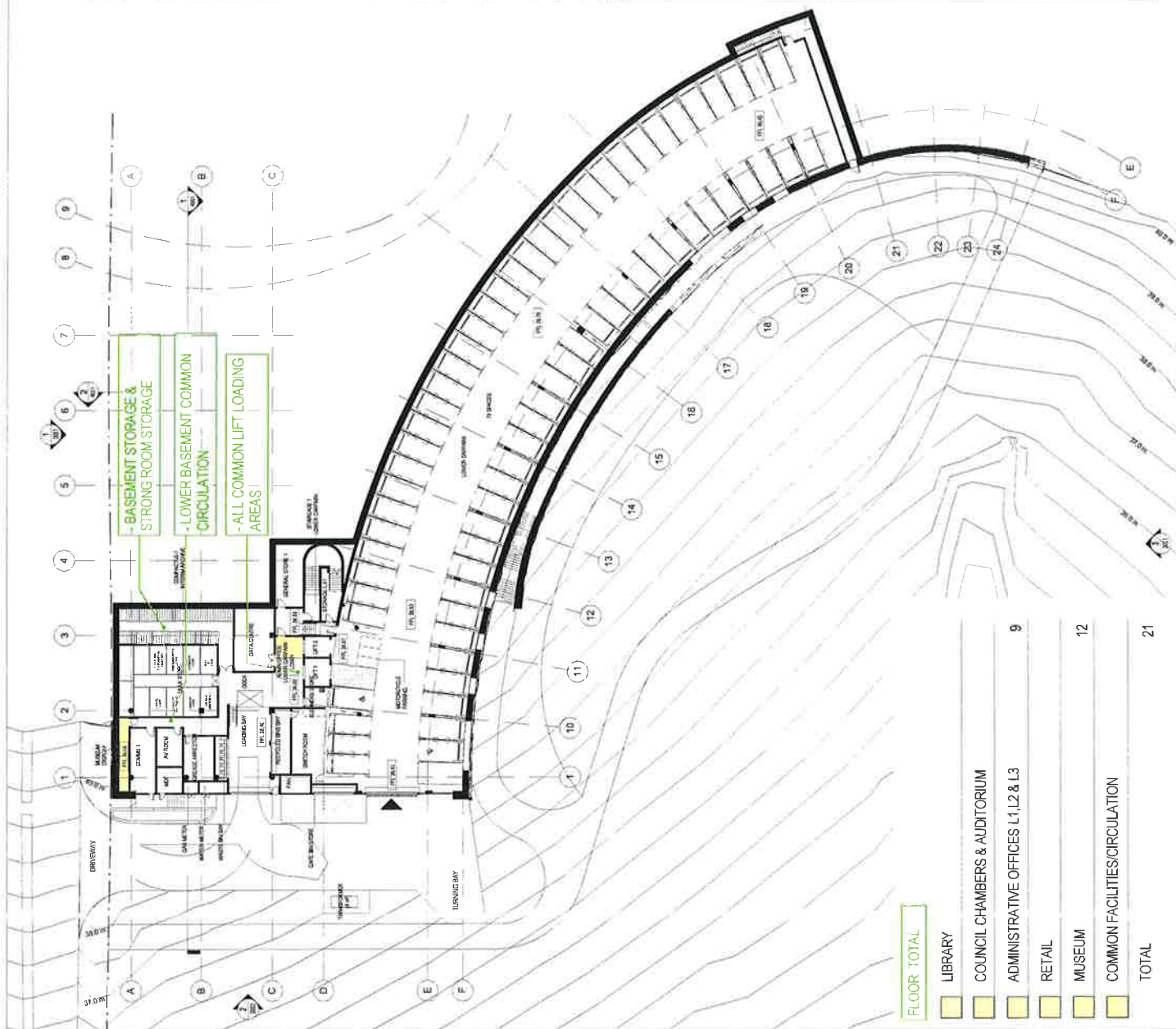
Shellharbour Local Environmental Plan 2013 – Dictionary

The sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 meters above the floor, and includes:

- (a) the area of a mezzanine, and
 - (b) habitable rooms in a basement or an attic, and
 - (c) any shop, auditorium, cinema, and the like, in a basement or attic,
- but excludes:
- (i) any area for common vertical circulation, such as lifts and stairs; and
 - (ii) any basement
 - (1) storage; and
 - (2) vehicular access, loading areas, garbage and services; and
 - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting; and
 - (g) car parking to meet any requirements of the consent authority (including access (carpet parking), and
 - (h) any space used for the loading or unloading of goods (including access to (i), and
 - (i) terraces and balconies with outer walls less than 1.4 metres high; and
 - (j) voids above a floor at the level of a storey or storey above.

REVISED SUMMARY	TOTAL	DESCRIPTION	
DA GFA	8135		
	-178	+ Basement storage	(Integrated within delivery)
	-228	+ Vertical Circulation	(Integrated within delivery)
	-36	+ Services risers	(Integrated within delivery)
	-16	+ Internal columns	(Integrated within delivery)
	-630	+ Internal partition area, previously measure as functional area vs gross	(RSC) Automatic feature to make all partitions functional area
	+175	+ External facade area, previously measured to inside of glazing line + walls of office floors	(Design team lines)
	-248	Total variance	
S56(2)	8383		
	-20	+ Lower basement common circulation	(Integrated within delivery)
	-9	+ Upper basement strong room storage	(Integrated within delivery)
	-109	+ All common lift loading areas	(Integrated within delivery)
	-4	+ Ground floor services riser next to auditorium	(Integrated within delivery)
	-6	+ Office L1, 2&3 fire hose cabinet and risers.	(Integrated within delivery)
	-98	+ Ground floor previously mismeasure to outside of facade.	(Design team lines)
	+29	+ Library mezzanine internal courtyard	(Integrated within delivery)
	+16	+ Internal columns	(Integrated within delivery)
	-201	Total variance	
Response to RFI	8182		

FLOOR TOTAL						
<input type="checkbox"/>	LIBRARY					
<input type="checkbox"/>	COUNCIL CHAMBERS & AUDITORIUM					
<input type="checkbox"/>	ADMINISTRATIVE OFFICES L1, L2 & L3	9				
<input type="checkbox"/>	RETAIL					
<input type="checkbox"/>	MUSEUM	12				
<input type="checkbox"/>	COMMON FACILITIES/CIRCULATION					
	TOTAL	21				





FLOOR TOTAL		
LIBRARY		
COUNCIL CHAMBERS & AUDITORIUM		
ADMINISTRATIVE OFFICES L1, L2 & L3		178
RETAIL		
MUSEUM		
COMMON FACILITIES/CIRCULATION		266
TOTAL		444

CLIENT	SHELL HARBOUR CITY COUNCIL
PROJECT	SHELL HARBOUR CITY HUB
LOCATION	CHRYSTAL AVE AND COLLEGE AVE, SHELL HARBOUR
FILE	Total GFA - LEVEL 1

ISSUED BY	DATE	REVISION
SCALES	1/22/15	
No RECORD @ A1		2
PROJECT NO.	S13042	DATE
DRAWING NO.	SCHAR-2004-J	REVIEWED BY
ISSUED IN THE	Check	DATE
<p>Signature of the person who made up the drawing and the date Signature of the person who checked the drawing and the date Signature of the person who approved the drawing and the date Signature of the person who issued the drawing and the date</p>		



FLOORS 01, 02 & 03 TOTAL		
<input type="checkbox"/>	LIBRARY	213
<input type="checkbox"/>	COUNCIL CHAMBERS & AUDITORIUM	
<input type="checkbox"/>	ADMINISTRATIVE OFFICES L1, L2 & L3	2973
<input type="checkbox"/>	RETAIL	
<input type="checkbox"/>	MUSEUM	
<input type="checkbox"/>	COMMON FACILITIES/CIRCULATION	
	TOTAL	3186





1. *Journal of the American Medical Association*, 2000; 283: 2689-2695.



PROJECT NO.	DRAWING NO.	DATE	REVISION
513042	SC-HAR-2007-B	2	
DATE	BY	DATE	BY
5/13/07	SC-HAR-2007-B	2	
DATE	BY	DATE	BY
5/13/07	SC-HAR-2007-B	2	

- | | |
|--------------------------|------------------------------------|
| <input type="checkbox"/> | LIBRARY |
| <input type="checkbox"/> | COUNCIL CHAMBERS & AUDITORIUM |
| <input type="checkbox"/> | ADMINISTRATIVE OFFICES L1, L2 & L3 |
| <input type="checkbox"/> | RETAIL |
| <input type="checkbox"/> | MUSEUM |
| <input type="checkbox"/> | COMMON FACILITIES/CIRCULATION |
| | TOTAL |

ATTACHMENT 5 - Anticipated Use Matrix for Events in the Auditorium

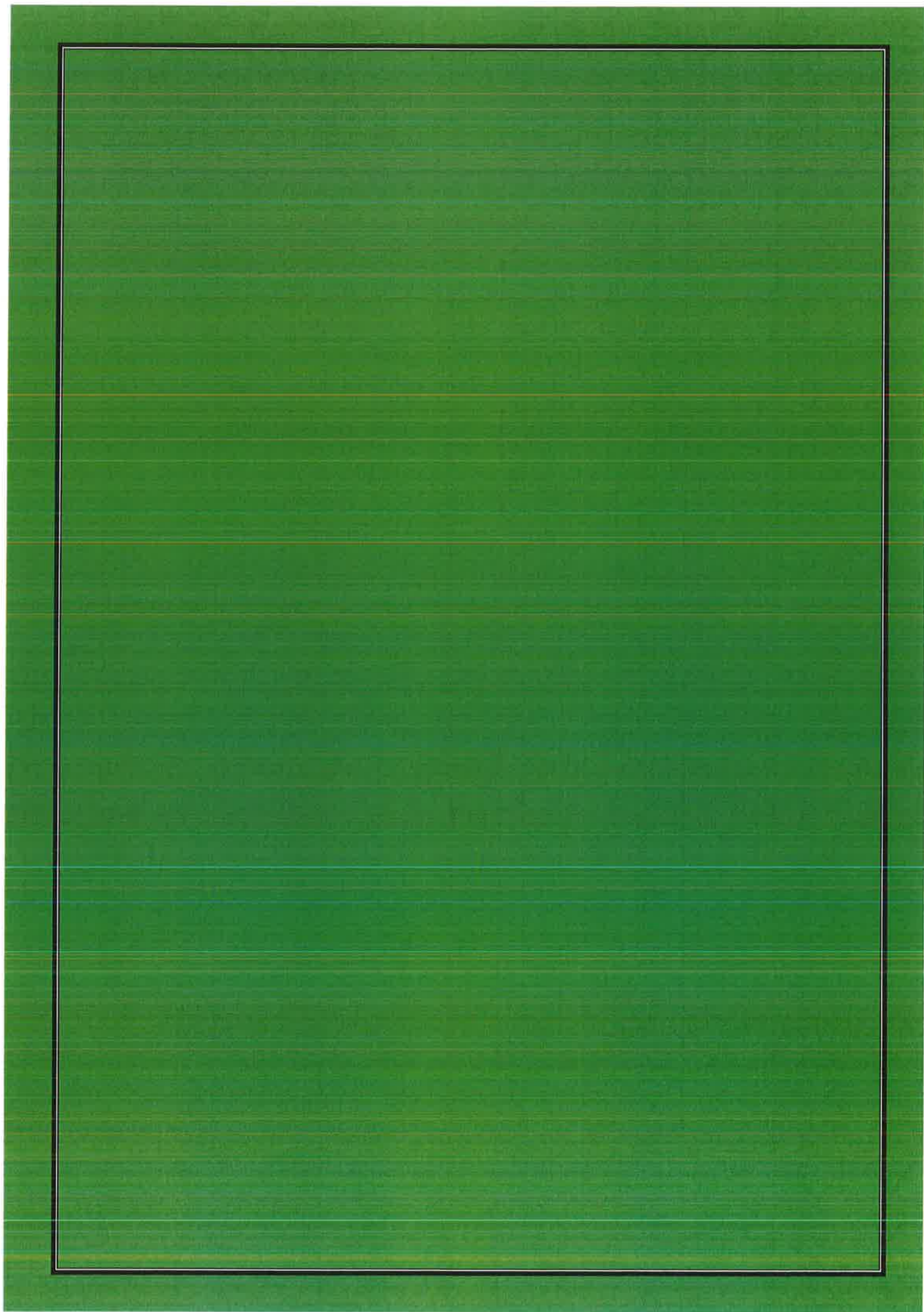
Table 2-1 - Anticipated use matrix for events in the Auditorium

Event	Maximum number of attendees	Frequency (events per year)	Frequency of events that will go beyond 6pm	Frequency of events that will go beyond 10pm
External Functions	200	8	8	8
Local government seminar	50	1	1	0
Youth week activities	50	1	1	0
Law week seminar	50	1	0	0
Floodplain committee meeting	50	2	0	0
Family history day	60	1	0	0
TAFE Student visit event	60	1	1	0
Citizenship ceremony	60	6	0	0
Forum meeting	80	1	0	0
Seniors week trivia festival	100	1	1	0
Usa Group meeting	100	2	0	0
Public meeting - Floodplain	100	4	4	0
Community engagement - projects	100	1	1	0
Council meetings overflow	120	6	6	6
Summer reading club	150	1	0	0
Seniors week opening	150	1	0	0
Youth week art exhibition	200	1	1	0
Event with schools and community	200	5	5	5
Heritage week presentation	200	1	0	0
Childrens book week	200	1	0	0
Clubgrants presentation	200	1	0	0
Community flood consultation	200	2	2	0
Community services expo	350	1	0	0
NAIDOC Dinner	300	1 every 3-4 years		
Maximum capacity	350			
Typical maximum attendance	200			

Determination & Statement of Reasons (Deferred Commencement)

2015STH007 (DA205/2014)

Modification to City Hub Administration Building
Lot 2 Cygnet Avenue, Shellharbour City Centre



SOUTHERN JOINT REGIONAL PLANNING PANEL

Meeting held at 3:00 pm on Monday 20 October 2014 at Shellharbour Club, Shellharbour

Panel Members: Pam Allan (Chair), Alison McCabe, Allen Grimwood and Graham Rollinson

Apologies: None Declarations of Interest: Graham Rollinson - Council employee from 1975 – 1998.

Determination and Statement of Reasons

2014STH014 – Shellharbour City Council – DA 205/2014 [at cnr College and Cygnet Aves, Shellharbour City Centre] as described in Schedule 1.

Date of determination: 20 October 2014

Decision:

The panel determined to approve the development application as described in Schedule A pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*, as a deferred commencement consent.

Panel consideration:

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for the panel decision:

- The development has been designed with a view to providing an iconic administrative building with architectural excellence.
- The proposal is in the public interest providing for positive cultural and economic impacts inclusive of employment opportunities.
- The proposal is consistent with the strategic framework for the locality which envisages a public/civic administration building.
- The development will accommodate the future needs for local government administration in the Shellharbour Local Government Area.

Conditions: The development application was approved subject to the conditions in Appendix A of the Council Assessment Report as amended at the meeting as follows:

1. That consent be a deferred commencement consent with the addition of the following condition as a deferred commencement condition, and additional and amended conditions as follows:

DEFERRED MATTER

A. The proposed development is to provide car parking in accordance with *Shellharbour Development Control Plan 2013*. This requires an additional 24 car parking spaces. These spaces shall be provided within the existing building envelope through additional excavation and/or reduction in floor area of the administration building. Amended plans shall be submitted within a 12 month period (from the date of this approval).

B. Amended and Additional Conditions:

a. Condition B11 being amended as follows: delete paragraph c.

b. Condition G4 being amended as follows:

i. delete all references to hours and notes in brackets

ii. the hours of operation for the café being amended to permit trading until 7.00pm on Saturday and Sunday

iii. No approval is granted to uses after 8.00pm at night other than the Council Chambers.

c. An additional condition be included before condition E14 as follows:

SOUTHERN JOINT REGIONAL PLANNING PANEL

Prior to occupation of the development, the intersection of Cygnet Avenue and College Avenue is to be signalised to achieve appropriate pedestrian management at this location.

- d. An additional condition be included (before condition B30 as follows):

The intersection of Cygnet Avenue and Minga Avenue shall be realigned to allow right turn movements from Cygnet Avenue to Minga Avenue. Full details of this reconfiguration shall be submitted with the Construction Certificate application.

- e. Condition E10 Footpath be amended as follows:




The area between the building line and the kerb and gutter along both street frontages 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.

- f. Condition B34 a. Construction Access be amended as follows:

A single construction access is permitted to service the site for construction from the existing roundabout in Cygnet Avenue. 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.

2. The Panel has only supported the variation to height of the building development standard as it involves a redistribution of height and that the building demonstrates architectural design excellence.
3. The Panel notes that Council's Section 94 Contributions Plan does not apply as the proposed development falls within the definition of a Public Administration Building.
4. That the Precinct Development Strategy (PDS) be provided as a consolidated document incorporating the additional information referenced in the report and adopted as a guideline for future development of the precinct.

Panel members:

 Pam Allan (Chair)	 Allen Grimwood
 Alison McCabe	 Graham Rollinson

SOUTHERN JOINT REGIONAL PLANNING PANEL

SCHEDULE 1

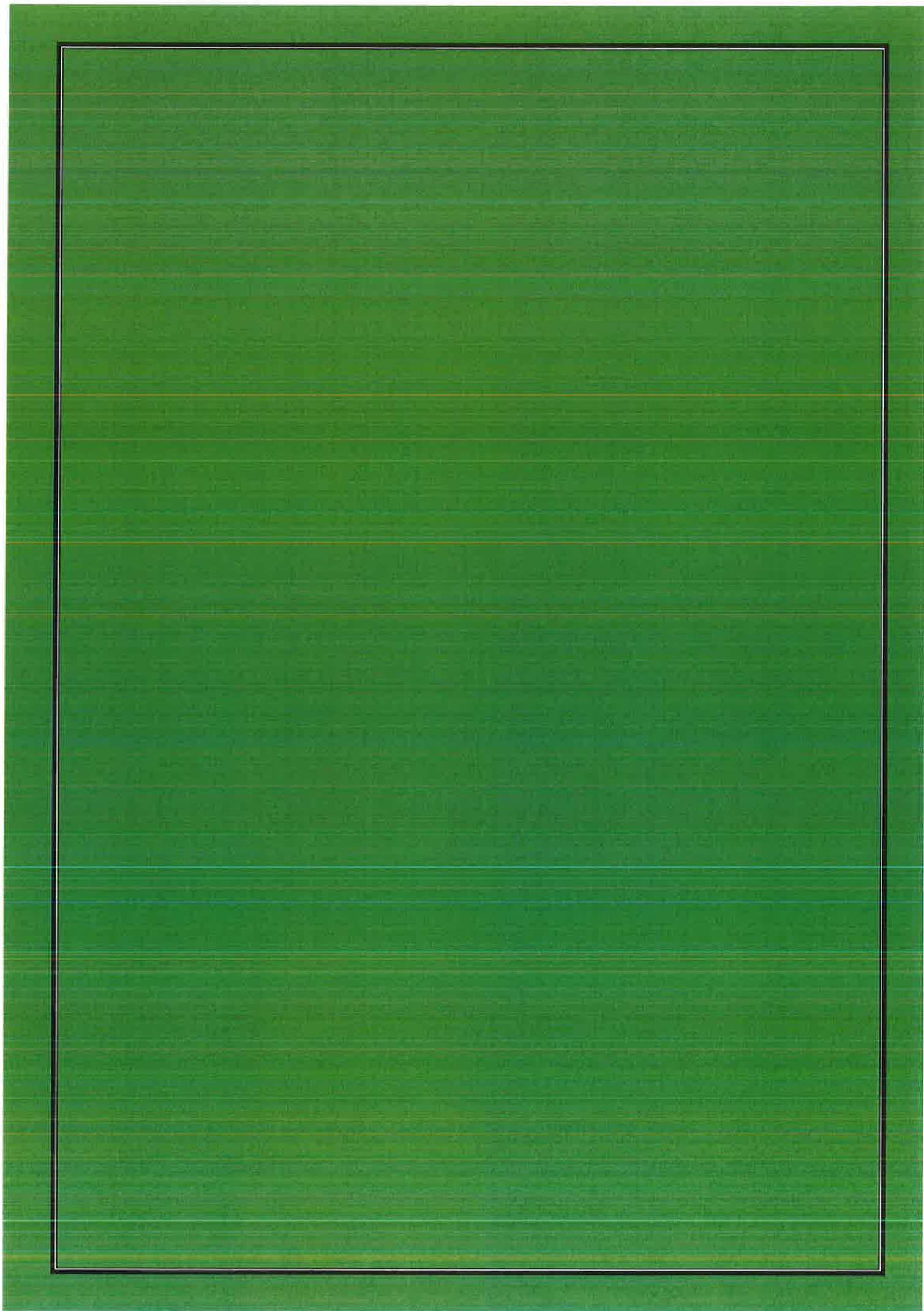
1	JRPP Reference – LGA- Council Reference: 2014STH014 – Shellharbour City Council – DA 205/2014
2	Proposed development: Construction of a new “civic hub” comprising Council chamber, administrative offices, meeting rooms, auditorium, library, local history museum, café and small retail premises; basement parking and loading facilities; civic square; associated site works and landscape treatment.
3	Street address: Lot 2 DP 1091265 Cygnet Avenue, Shellharbour City Centre
4	Applicant/Owner: Shellharbour City Council
5	Type of Regional development: Capital investment value over \$5m where Council is the applicant and landowner
6	Relevant mandatory considerations <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 • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. • The suitability of the site for the development. • Any submissions made in accordance with the EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: Council Assessment Report Dated 7 October 2014 Written submissions during public exhibition: 88 submissions and petition with 11,500 signatures Verbal submissions at the public briefing meeting: Support: Marianne Saliba and John Murray; against: Diane Quinlin, Paul Hockey, Kenneth Stratton, Max Clay, Nigel Holmes, Peter Moran, Donald Briggs, Dennis Chalker, Kellie Marsh, Nathan Marsh, Kristy Rowlands, Harry Gooden, Stuart Greenaway, Ray Clay, Russell Hannah, Lyndall Kirchmayer, Robert Connell, Adam Thomson, John Hartcher, Sonya McKay, Mairi Petersen, Barry Milliken, Steve Doyle, Mark Jones and Rod Aleckson. Verbal submissions at the panel meeting 20 October 2014: Support - Nil; Against- 11; On behalf of the applicant- Nil
8	Meetings and site inspections by the panel: Site visit on 25 July 2014; Public briefing meeting on 28 August 2014; Public Meeting on 20 October 2014.
9	Council recommendation: Approval
10	Draft conditions: as attached to assessment report

Briefing Note

23 June 2015

2015STH007 (DA205/2014)

Modification to City Hub Administration Building
Lot 2 Cygnet Avenue, Shellharbour City Centre





Panel Briefing Meeting Southern Region

Time & Date: 3.00pm, Tuesday 23 June 2014

Meeting Location: Shellharbour City Council
1 Lamerton Crescent, Shellharbour City Centre

Project & DA No: 2015STH007 – DA 205/2014 S96(2)

Section 96(2) application for various amendments to the deferred commencement development consent granted by the JRPP at its meeting of 20 October 2014, specifically:

- A. Deferred Matter
- B11. Culvert Upgrade
- E15. On-site Parking and Access Signage
- G4. Hours of Operation

Panel Members: Pam Allan – Chair
Alison McCabe
Allen Grimwood
Graham Rollinson

Helen Mulcahy (Director – Helen Mulcahy Urban Planning Pty Ltd)
Council Contact(s) – Grant Meredith; Anthony Randall

Declarations of interest: Council is the registered proprietor of the land

1. Chronology:

Application submitted on 4 March 2015.

The application was notified for a period of 21 days in accordance with Section 2.2 of Shellharbour DCP from 12 March – 2 April 2015, inclusive.

Based on a review of the information submitted in support of the application, correspondence dated 15 April 2015 was issued to the applicant seeking further information / clarification in relation to various aspects. This correspondence also provided a summary of issues arising from the notification / community consultation and invited the applicant to provide a response.

Following a number of requests from the applicant for extensions of time (28 April, 12 May and 26 May) to provide a response, the additional information was provided on 5 June 2015.

That information has been reviewed and further concerns about the information provided in relation to stormwater management have been identified. In this regard, a meeting was held with the applicant on Monday 22 June 2015 at Council's offices (and included a site visit) to discuss and seek clarification of these matters.

Further clarification has also been sought in relation to certain aspects of the floor space of the development, in particular:

- the characterisation of some of the floor space, particularly in relation to the interface between the Library and the common lobby / foyer area which services the City Hub; and
- apparent discrepancies in GFA between the original S96(2) application and the additional information provided on 5 June.

The assessment team is currently awaiting a response from the applicant in relation to these matters. It is understood from discussions with the applicant, that the information outlined above will be provided by 26 June 2015.



Figure 1 Aerial photo showing the proposed development in its local context.

2. Proposed Modifications

A. Deferred Matter – Car Parking:

Council's DCP 2013 states that parking provision in the Shellharbour City Centre (Table 11 – Car Parking Standards applicable to the City Centre) is calculated on the basis of "leasable floor area", rather than the generally accepted gross floor area (GFA).

The traffic and parking report which accompanied the DA used GFA as the basis for the parking calculation for each of the component land uses within the City Hub development and the assessment of the on-site parking provision presented to the JRPP on 20 October 2014 was similarly based on GFA.

The effect of using GFA as the basis for the calculation was a greater requirement of off-street parking and the conclusion being drawn that there was a parking shortfall of 24 spaces. This in turn, resulted in the JRPP imposing the deferred commencement condition as follows:

1. *The proposed development is to provide car parking in accordance with Shellharbour Development Control Plan 2013. This requires an additional 24 car parking spaces. These spaces shall be provided within the existing building envelope through additional excavation and / or reduction in floor area of the administration building. Amended plans shall be submitted within a 12 month period (from the date of this approval).*

Since determination of the DA, the applicant has reviewed the area schedules and has re-examined the parking provision in the context of leasable floor area.

In the absence of a definition of "leasable floor area" in the DCP, the applicant was advised to investigate appropriate construction / development industry standards. Those which have been presented in the S96(2) application are:

- a) Net Lettable Area – Property Council of Australia (PCA)
- b) Gross Leasable Floor Area – Roads and Maritime Services (RMS)
- c) Gross Leasable Area – Institute of Transport Engineers (ITE)
- d) Gross Leasable Area – Waverley Council (WC)
- e) Leasable Floor Area – Australian Institute of Quantity Surveyors (AIQS)

Definition (e) was discounted because the AIQS method of measurement is based on GFA.

The definitions / methods of measurement are not dissimilar in terms of the inclusions and exclusions and the applicant has provided a comparison of Council's parking rates against the resultant floor areas using those definitions which results in a range of between 154 and 169 spaces, as follows:

Net Lettable Area (PCA)	165 spaces
Gross Leasable Floor Area (RMS)	155 spaces
Gross Leasable Area (ITE)	154 spaces
Gross Leasable Area (WC)	169 spaces

It is noted that the applicant does not propose to alter the parking provision detailed in the original application, namely 170 spaces provided over 2 levels (70 spaces in the lower parking level and 100 spaces in the upper level).

Comment:

In assessing this proposal, it is considered that the application of any definition or parking rate should be in keeping with the objectives of Council's DCP. In this instance:

To ensure an adequate provision of off-street car parking for land uses within the City Centre.

Council's intent is to provide a minimum number of spaces to cater for the needs of the development. It is therefore considered that it would be appropriate to adopt a more conservative approach and require the higher number of spaces as a minimum parking requirement.

On this basis the proposed 170 parking spaces would not be unreasonable.

Condition B11 Culvert Upgrade:

As the Panel is aware, the City Hub development (as approved) relies on disposal of its stormwater to an existing detention basin in Harrison Park (north west of the site). This is universally agreed as being an efficient use of existing infrastructure and the consent for the project was issued on this basis.

However at the time the DA was determined, neither the assessment team nor the Panel was satisfied that the stormwater from the Hub could discharge to the detention basin without exacerbating an existing flooding / ponding issue at the Cygnet Avenue roundabout.

This resulted in the inclusion of Condition B11 as follows:

B11. 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.*

It is understood that the existing drainage infrastructure was designed and constructed by Landcom in the late 1980's, with some upgrading works carried out in 2000.

The S96(2) application indicates that for events up to the 1 in 5 year ARI, no flooding due to pipe inundation and backwater effects was observed in the DRAINS model. It is the overland flow from the upstream Cygnet Avenue catchment (which flows along the Cygnet Avenue road corridor) that exceeds the inlet capacity of the existing kerb pits and which causes the short-term, shallow (less than 50mm) flooding/ponding at the roundabout.

For events exceeding the 1 in 5 year design storm, the applicant indicates that modelling shows that the existing pipe / culvert network will surcharge causing ponding. For the 1 in 20 and 1 in 100 year events, the maximum depth of ponding is 150mm, after which it overtops the kerb, floods across the car park and ultimately moves overland to the Harrison Park detention basin (**Figure 2**).



Figure 2 Extent of flooding in 1 in 20 year and 1 in 100 year storm event (also includes overland flow travelling along Cygnet Ave road corridor)

The S96(2) application asserts that:

- the differences between pre and post development for the 1 in 100 year storm suggest there is no net increase in overland flood risk at the roundabout associated with the Hub. Excess flood water will over-top the kerb and flow away from the roundabout in exactly the same manner both pre and post development of the City Hub;
- the culvert flow capacity is not exceeded and the roundabout does not flood during a 1 in 5 year storm event (although minor flooding to a low depth and velocity will occur at 1 in 20 and 1 in 100 year ARI storm);
- the culvert is an existing minor drainage system and is designed for the 1 in 5 ARI event, which complies with Council's Subdivision Code Drainage Design Standard (**Note:** but it does not comply with Council's DCP); and
- the velocity-depth product (an indicator of flood risk) for the 1 in 100 year ARI event does not exceed $0.4\text{m}^2/\text{s}$ for overland flow across the roundabout and is therefore in accordance with Council's standards.

Following discussions at the meeting held at Council's offices / on-site yesterday (22 June 2015), it would appear that there is an issue of interpretation of the applicable standards – DCP 2013 or Council's Subdivision Code.

To assist in finalising the assessment, the applicant has confirmed that it will provide the following information:

- DRAINS modelling calculations and assumptions;
- data regarding velocity;
- survey data showing levels at inlet pits and in the area immediately to the north of the car park (**Figure 2**);
- plans of the original system constructed by Landcom.

Comment:

The additional information will be assessed to confirm likely impacts / risks and give further consideration in relation to the request for the deletion of Condition B11.

Condition E15 On-site Parking and Access Signage:

On the basis that the calculation of parking requirements in accordance with "leasable floor area" is accepted and the Deferred Commencement Condition is deleted. The applicant has requested that Condition E15 be amended to the effect is that only nine (9) parking spaces in the upper basement level will be required to be signposted for use by Council staff (as compared to the 18 spaces referred to in the Condition).

Condition G4 Hours of Operation:

The condition restricts hours of operation of the Auditorium to 8.30am – 6.00pm 7 days per week. The application seeks a modification of the condition in relation to the use of the Auditorium to extend the hours of operation, as follows:

Monday – Thursday 8.30am – 11.00pm (decant / close 12.00am)

Friday – Saturday 8.30am – 12.00am (decant / close 1.00am)

Sunday 8.30am – 11.00pm (decant / close 12.00am)

The application is supported by an Acoustic Assessment which examines the potential noise impacts of the proposed extended hours of operation. Following concerns raised by the community in submissions, the applicant provided additional information which includes:

- modelling based on vehicles leaving the car park over a 1 hour period, including a worst-case scenario or 100 vehicles departing the site in that period; and
- further details of the likely nature, size and frequency of events in the Auditorium which range from community meetings to functions with amplified music.

Auditorium Construction

An assessment of the auditorium construction has been included in the Acoustic report and the results indicate that predicted resultant noise levels at the most affected receiver locations (ie. the apartments in the mixed use development immediately to the north of the site Cygnet Ave and dwellings to the

south – **Figure 3** illustrates receiver locations) are low and fall within the NSW Industrial Noise Policy limits for the night time period.



Figure 3 Residential receiver locations

Accordingly, the primary sources of potential noise are pedestrian and vehicular traffic leaving the site.

Pedestrian Noise

The project specific criteria for noise sensitive residential receiver R3 (see **Figure 3**) at Night (2200 – 0700) is 45dB $L_{Aeq(15min)}$.

The maximum capacity of the Auditorium which is in theatre-style seating, is 350. The departure of attendees from the Auditorium will occur over a period of time by various means, however in order to determine the level of impact, the worst case scenario was modelled, which is 120 pedestrians exiting the main entry / exit (20% more than the maximum capacity) within any 15 minute period. The predominant noise source would be speech and 25% of pedestrians could reasonably be assumed to be speaking simultaneously at any particular time.

Table 5-5 - Summary of noise prediction results

	Predicted noise level at most affected receiver dB $L_{Aeq(15min)}$	Project specific criteria (Night) dB $L_{Aeq(15min)}$	Complies?
Maximum capacity scenario: 100 attendees exiting building	33	45	Yes
Maximum + 20% scenario: 120 attendees exiting building	34	45	Yes

The results demonstrate that the noise at the most affected residential receiver due to pedestrians exiting the building via the main entry / exit is below the night time criteria, even in the worst case scenario (120 patrons in a 15 minute period).

On this basis, the likely impacts associated with night time noise generated by pedestrians exiting the premises is considered to be within reasonable limits.

Traffic/Road Noise

The car park as approved, has a capacity of 100 spaces available to the public. All vehicular traffic is restricted to a left turn into Cygnet Avenue out of the car park.

The Noise Assessment assumes that 50% of vehicles will turn back at the Cygnet Ave roundabout to get to College Ave and that 60 cars will exit the car park in an hour period. The worst-case scenario of 100 vehicles exiting the car park in an hour was also modelled.

Accordingly the majority of traffic noise will be concentrated in Cygnet Avenue.

The Noise Assessment demonstrates that the use of the auditorium satisfies the Road Noise Acoustic Policy Criteria when the anticipated events occur with 60 vehicles or less leaving the site (exiting before 1.00am).

However, in the worst case scenario of 100 vehicles leaving the site (over the period of an hour), the noise impacts will marginally exceed (i.e. by 3db) the acoustic criteria for events that finish later than 10.00pm.

Comment:

The information presented in the acoustic report suggests that 3db would be 'barely perceptible' to the human ear.

Condition G8 of the original consent requires the preparation of an Operational Management Plan which is required to "ensure that any events / functions / use of the City Hub can operate safely and without disturbance to the surrounding locality".

3. Community / Stakeholder Consultation

The notification included:

- distribution of a total of 299 letters of notification issued by Council to local businesses and residents in the vicinity of the site;
- all persons who made a submission in relation to the original development application;
- an advertisement placed in *The Lake Times* on 11 March 2015; and
- a Site Notice placed on the land for the duration of the notification period.

To date, a total of thirteen (13) submissions have been received, all of which object to the proposal. Many of the submissions reiterate concerns raised in relation to the original development application, including:

- Unwanted debt / excessive cost of the development
- Monies better spent on other areas – footpaths, drainage, roads etc

- No need for new development / prefer to see existing facilities upgraded
- Facilities are excessively lavish / extravagant
- Sale of Council assets
- Accessibility of the site for the elderly or disabled
- Project is not in the public interest

Other issues specific to the proposed modifications include:

Culvert Upgrade

- The unwillingness of Council to comply with its own controls in respect of the culvert upgrade and the (anecdotal) fact that Cygnet Avenue roundabout floods in minor rain events;
- The Hub will increase pressure placed on the drainage system and will exacerbate flooding;
- Any other developer would be required to undertake the works and Council should be required to comply with the highest engineering standards

Parking

- Proposal seeks a further reduction in limited parking to be provided – more not less parking should be provided.
- Parking calculation inconsistent with that used almost universally by other councils (ie. GFA).
- Council has not provided a definition of “leasable floor area” but the application does not explain how this differs from gross floor area.
- The Council Administration building has been designed to accommodate 243 staff. Council currently employs 228 staff. The most common method of travelling to work is by car - 77% of travelling workers (ABS District snapshot for Shellharbour). The proposed provision for staff is inadequate compared to what is currently available in the at-grade parking area adjacent to Lamerton House.
- Application does not explain where the overflow parking from functions in the Auditorium will be accommodated (only 91 spaces will be available based on the proposed modification).
- By allowing under-provision of parking in the City Hub development, the JRPP imposes a reduced amenity and introduces traffic congestion to the Gadu Lane, Cygnet Ave, College Ave and surrounding areas for an indeterminate timeframe which is contrary to the objectives of DCP 2013.
- Approval of this variation to the parking requirement will set a precedent.
- The Auditorium is capable of being used as a Reception / Function Centre which has more stringent parking requirements which would generate a requirement for the provision of 110 parking spaces (based on floor area of 440m²) for this element of the development.

Hours of Operation

- Traffic noise – disputes Event Noise Impact Assessment assertion that 50 vehicles / hour will leave the premises over a 2 hour period. Suggests that it will be much greater volume over a lesser period resulting in noise and traffic issues for residents in Cygnet Avenue (in both the apartments directly opposite the site, but also the residential areas to the south of the site).

Comment:

The issues raised in the submissions were summarised and forwarded to the applicant for review and responses have been included in the additional information submitted on 5 June 2015.

4. Summary and Next Steps

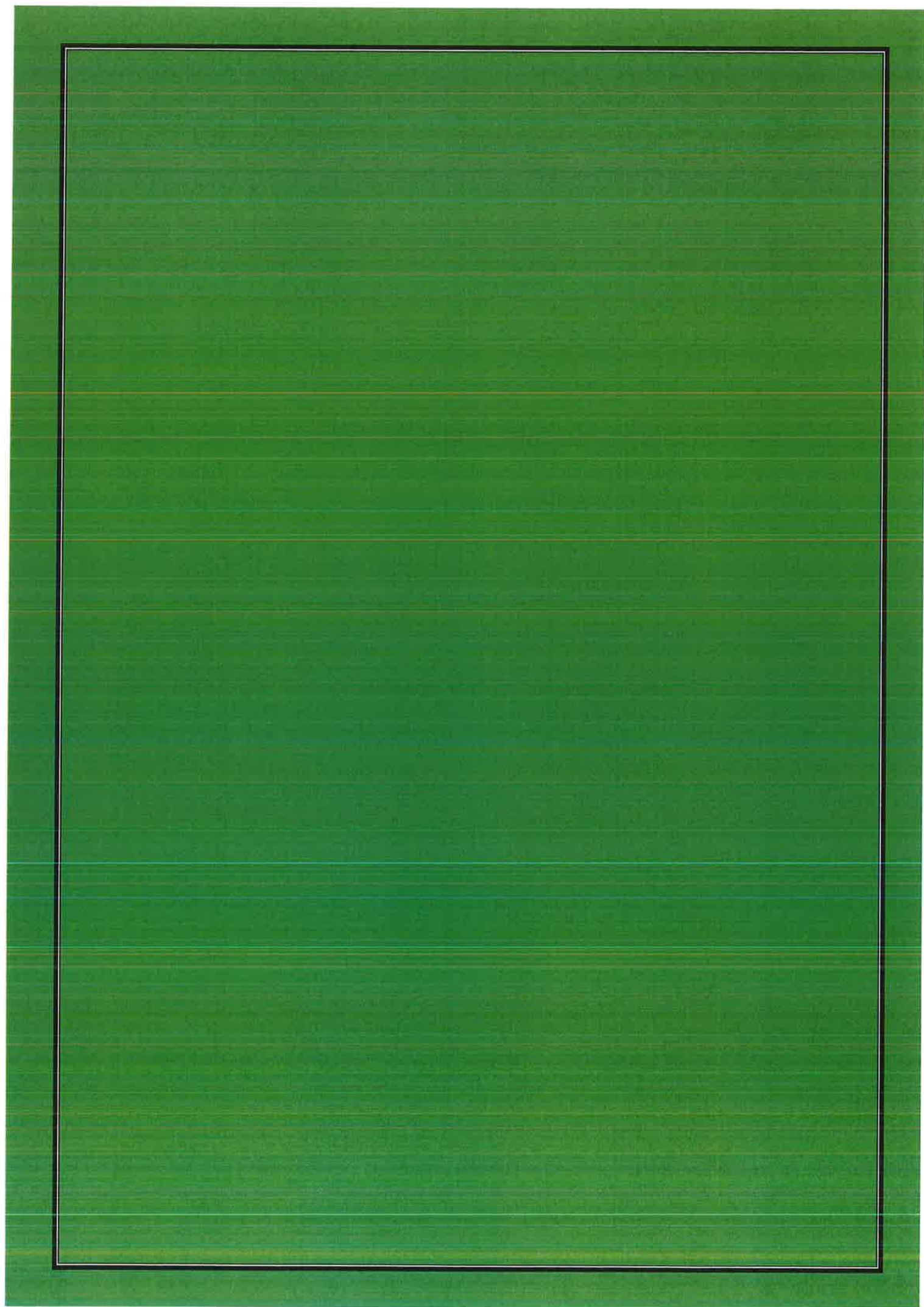
As indicated above, the assessment team is awaiting the submission of additional information / clarification in relation to the stormwater issue and floor space. The applicant has indicated that such information will be provided by 26 June 2015.

Assuming the information is submitted within this timeframe and it is complete, it is anticipated that the assessment report could be completed in the last week of July 2015 (week ending 31 July 2015).

Council Correspondence

2015STH007 (DA205/2014)

Modification to City Hub Administration Building
Lot 2 Cygnet Avenue, Shellharbour City Centre



15 April 2015

Thomas Woronowicz
Savills Project Management
L7, 50 Bridge Street
SYDNEY NSW 2000
Via email: tworonowicz@savills.com.au

Dear Thomas

Shellharbour City Hub S96(2) Application Request for Additional Information / Clarification

This correspondence has been prepared by Helen Mulcahy Urban Planning Pty Ltd, drawing on the professional expertise of Taylor Civil and Structural in relation to civil engineering aspects of the proposal and TRS Transport & Road Safety in relation to the parking issue.

It also provides a summary of the issues raised by the community following the conclusion of the notification / exhibition period (12 March – 2 April 2015).

Background

On 4 March 2015 Savills Project Management submitted an application made pursuant to S96(2) of the *Environmental Planning and Assessment Act 1979* which seeks various modifications to certain conditions of the development consent issued by the JRPP on 20 October 2014, as follows:

- A. Deferred Matter (car parking);
- B11. Culvert Upgrade
- E15. On-site Parking and Access Signage
- G4. Hours of Operation

The primary purpose of this correspondence is to seek further information / clarification from the applicant and are based on a review of the aforementioned documentation which comprises the following:

- completed application form;
- amended architectural drawings which provide colour coded legend to illustrate area calculations for each element of the City Hub development;
- Noise Impact Assessment prepared by WSP in respect of the amendment sought to the hours of operation of the Auditorium;
- Stormwater Assessment prepared by enstruct in relation to the request for amendment of Condition B11 pertaining to the upgrading of the culvert under Cygnet Avenue;
- Traffic Statement prepared by TRAFFIX in relation to the requested amendment to the on-site parking provision; and
- Planning Report prepared by City Plan Services which details the proposed modifications and examines the environmental effects against the relevant statutory considerations.

Deferred Matter - Car Parking

In the absence of a definition of "leasable floor area" in either Shellharbour LEP 2012 or the DCP, the application cites the Property Council of Australia's (PCA) definition as being the "most appropriate definition to adopt" for the purpose of calculating the on-site parking requirement, using its *Method of Measurement for Lettable Area*. Further information / clarification is requested in this regard, as detailed in the following points.

Leasable Floor Area

- (i) Details of all the alternate definitions/methodologies that were explored, together with an explanation of why they were discounted. In particular, an explanation about why the definition of "gross leasable floor area" contained in the *RMS Guide to Traffic Generating Development* was not applied to the development is required.
- (ii) Copy of the *PCA Method of Measurement for Lettable Area*;
- (iii) It is also noted that the PCA definition applies to "commercial type office buildings" which does not contemplate the other uses within the development. Further justification of its relevance / application to those elements of the City Hub is required and if the PCA definition has not been applied to these areas, confirmation of the methodology applied.

Floor Space Breakdown

The breakdown of floor area associated with each of the land uses which comprise the development (refer Table 2 in City Plan Services Report and Table 1 in the TRAFFIX Report which accompany the S96 application) should be directly comparable to the information presented in the original DA. Whilst it is appreciated that the information contained in the S96 application attempts to further break down the various elements, the introduction of additional line items makes direct comparison between what was originally approved and what is now proposed, difficult.

Accordingly it is suggested that the information be tabulated to provide a comparison of the following:

	GFA DA Approved	GFA S96(2)	Lettable Area (PCA Definition)	Gross Leasable Floor Area (RMS)	Other definition considered	Other definition considered
Library						
Council Chambers & Auditorium						
Administrative Offices						
Retail						
Museum						

A simple explanation of the key differences in the means of calculating the parking requirement ie. inclusions and exclusions.

In addition, "Note 1" to the aforementioned Table references 182m² of sessional office floor area, but there is no indication which element of the development this relates to.

Characterisation of Floor Space

The sessional / professional service office spaces are described in the City Hub proposal as "rooms for the community to access services from visiting professionals such as counsellors, who don't have a permanent office or presence in the city".

It is therefore considered that the sessional rooms would be appropriately characterised as community facilities / commercial space, which attracts a rate of 1 space per 40m².

Retail Floor Area

The previous TRAFFIX report indicated a floor area of 52m² while the revised number is 154m². Some explanation of the rationale for increasing the quantum of retail floor space is requested.

Condition B11 – Culvert Upgrade

The information submitted in support of the S96(2) application in relation to the request to delete Condition B11 has been considered and concerns remain about this aspect of the proposal.

Shellharbour DCP 2013 requires the provision of OSD on a lot by lot basis and as a consequence, all works associated with the OSD are part of the development. However in assessing the original DA it was deemed to be an efficient use of existing infrastructure to allow the City Hub development to discharge stormwater to the OSD system in Harrison Park to the north west of the site (on the other side of Cygnet Avenue).

The culvert is the means by which stormwater will be conveyed from the City Hub development to the approved OSD, and as such the culvert needs to be able to accommodate the additional volume of water generated as a result of the Hub. Whilst it is noted that the culvert also conveys stormwater from other areas of the catchment which contribute to existing stormwater volumes, the development must demonstrate that it does not exacerbate the situation. Indeed, the stated objectives of the DCP include:

- 4. To ensure no increase (and where reasonable a reduction) in the frequency and adversity of flooding.
- 5. To ensure public health and safety is maintained.
- 8. To ensure all development is adequately drained and minimises adverse impacts from surface and/or stormwater flows.

In our opinion, the OSD and the stormwater system connecting it to the City Hub development is part of the City Hub development and is therefore subject to the provisions set out in Appendix 12 of Shellharbour DCP 2013.

The S96(2) application asserts that because the culvert is an existing Council-owned public drain serving a number of roads and private development it should be subject to the requirements of Council's *Subdivision Drainage Design Specification*. It also asserts that the culvert is a "minor system drainage of collector roads" and as such the provisions will differ from Shellharbour DCP 2013.

Based on our analysis of the information presented, we would disagree with the classification of the culvert as a minor drainage system. If this proposal is to be given further consideration, additional information is required to specifically address the relevant sections of Council's *Subdivision Drainage Design Specification*, as follows:

- (i) Section 5.1.2.1 of the Specification provides a definition for "major" and "minor" systems. It states a major system consists of natural watercourses (in this case, the existing creek). Therefore the culvert is required to comply with the provisions of Table 5.2.1 as it relates to a Major Collector drainage system;
- (ii) Section 5.2.2 of the Specification states "*the design analysis shall take into account the possibility of property damage or danger to life which might occur in specific situations*". Anecdotal evidence, supported by the information provided in the enstruct report which accompanied the DA, suggests that there is intermittent flooding at the Cygnet Avenue roundabout. In this regard the applicant is required to provide an assessment which determines the extent to which the overflow over Cygnet Avenue causes a danger to life or possible property damage;
- (iii) Section 5.3.1 (k) provides that "*Velocity x depth product shall not exceed 0.4m²/s for flows other than those in pipelines and designated floodways. Note that a public road is not a designated floodway*". Using the depth and velocity figures provided in the enstruct report which accompanied the original application the resultant depth x velocity product equals 0.54m²/s. The exceedance of the recommended maximum flow shall be addressed.

Condition G4 – Hours of Operation

It is noted that the Auditorium has a maximum seating capacity of 350 in a "theatre-style" seating format.

Further clarification is requested in relation to the anticipated seating capacity of the space for dinners or wedding receptions, parties and the like.

Issues Raised in Submissions

As you may be aware, the application was placed on public exhibition for a period of 21 days between 12 March and 2 April 2015 (inclusive). A total of thirteen (13) submissions have been received to date, all of which object to the proposal.

Many of the submissions reiterate concerns raised in relation to the original development application, including:

- Unwanted debt / excessive cost of the development
- Monies better spent on other areas – footpaths, drainage, roads etc
- No need for new development / prefer to see existing facilities upgraded
- Facilities are excessively lavish / extravagant
- Sale of Council assets
- Accessibility of the site for the elderly or disabled
- Project is not in the public interest

Other issues raised, specific to the proposed modifications include:

Culvert Upgrade

- The unwillingness of Council to comply with its own controls in respect of the culvert upgrade and the (anecdotal) fact that Cygnet Avenue roundabout floods in minor rain events;
- The Hub will increase pressure placed on the drainage system and will exacerbate flooding;
- The Hub is only Stage 1 of development of this site, therefore the culvert must be upgraded now;
- Any other developer would be required to undertake the works and Council should be required to comply with the highest engineering standards

Parking

- Further reduction in limited parking provided.
- More not less parking should be provided for this facility.
- Parking calculation methodology is inconsistent with that used almost universally by other councils (ie. gross floor area) and furthermore is inconsistent with Chapter 13 of Council's DCP.
- Council has not provided a definition of "leasable floor area" but the application does not explain how this differs from gross floor area. Furthermore, the DCP does not utilise the term "nett". Suggests that the brevity of Table 11 (Chapter 14) compared to the detail in Table 10 (Chapter 13) indicates that the latter is the foundation document and that leasable area equates with GFA and in so doing, the City has a consistent methodology for the calculation of on-site parking provision.
- DCP 2013 (page 184) states (in relation to Chapter 14) that: *It is not intended that this Chapter cover all likely situations. In this regard, where a situation is not covered, the designer may need to provide an innovative solution to meet required objectives, In addition, the designer may need to reference other guidelines and Australian Standard, in particular the Roads and Traffic Authority's "Guide to Traffic Generating Developments", AS 2890 Parts 1 – 5 Parking Facilities and AS 1428 Design for Access and Mobility.* It is also noted that the RTA Guide bases car parking calculations on GFA.
- The Council Administration building has been designed to accommodate 243 staff. Council currently employs 228 staff. The most common method of travelling to work is by car - 77% of travelling workers (ABS District snapshot for Shellharbour). The proposed provision of 79 parking spaces for staff is inadequate compared to the parking currently available to Council staff in the at-grade parking area adjacent to Lamerton House.
- The application does not explain where the overflow parking from functions in the Auditorium will be accommodated (only 91 spaces will be available based on the proposed modification).
- By under-providing parking in the City Hub development, the JRPP imposes a reduced amenity and introduces traffic congestion to the Gadu Lane, Cygnet Ave, College Ave and surrounding areas for an indeterminate timeframe which is contrary to the objectives of DCP 2013.
- Approval of this variation to the parking requirement sets a precedent as to what is acceptable for a development in the City Centre and that non-compliance with the objectives relating to parking provision is acceptable.

- The Auditorium is capable of being used as a Reception / Function Centre which has more stringent parking requirements which would generate a requirement for the provision of 110 parking spaces (based on floor area of 440m²) for this element of the development.

Hours of Operation

- Traffic noise – disputes Event Noise Impact Assessment assertion that 50 vehicles / hour will leave the premises over a 2 hour period. Suggests that it will be much greater volume over a lesser period resulting in noise and traffic issues for residents in Cygnet Avenue (in both the apartments directly opposite the site, but also the residential areas to the south of the site).

In order to facilitate further assessment of the application, you are invited to prepare a response to the issues raised by the community during the notification period.

It would be appreciated if you could provide a response within 14 days of the date of this correspondence. Should you require any clarification in this regard or wish to discuss any aspect of this correspondence please contact the undersigned on P: 9798 0935.

Yours faithfully



Helen Mulcahy
Director

Kim Holt

From: Helen Mulcahy <helen@hmup.com.au>
Sent: Monday, 1 June 2015 4:19 PM
To: Anthony Randall; 'Kim Holt'
Subject: RE: ENQUIRY RE JRPP No 2014 – STH014

Dear Anthony and Kim

The Nearmap image is dated 5 July 2013 and yes, there were a couple of subsequent images that I could have used in the report if that's what Mr Stratton is concerned about (27 June 2014 or 23 September 2014).

If this is the issue, my explanation for same is:

- The aerial was included to illustrate context (and there is no discernible difference between 5/7/13 and 23/9/14)
- The shot for 27 June had a lot of shadow and didn't reproduce as well in the report

I trust this information is of assistance, but if you require any further clarification, please don't hesitate to contact me.

FYI Anthony, Council has always acted as the go-between between me and the community. My contact details have never been made available.

Regards

Helen Mulcahy

Director

Helen Mulcahy Urban Planning Pty Ltd

P (02) 9798 0935 F (02) 9797 7696

E helen@hmup.com.au

From: Anthony Randall [mailto:Anthony.Randall@shellharbour.nsw.gov.au]

Sent: Monday, 1 June 2015 2:00 PM

To: Kim Holt

Cc: Helen Mulcahy <helen@hmup.com.au> (helen@hmup.com.au)

Subject: ENQUIRY RE JRPP No 2014 – STH014

Hi Kim,

I expect the preparation of the report by or on behalf of Council occurred well before my commencement on 20 April 2015 at Shellharbour City Council.

In relation to the assessment report for DA No. 2015/2014 JRPPSTH014, the image I can find in that report is:

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 medium density development to the south east;
- development to the north of the site (block bounded by Memorial Drive, Cygnet, and College Avenues) includes vacant land (development sites) and three multi-storey developments with a large at-grade public car park located centrally within the street;
- 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;
- a large at grade public car park to the east of the site on the opposite side of College Avenue (future development site).

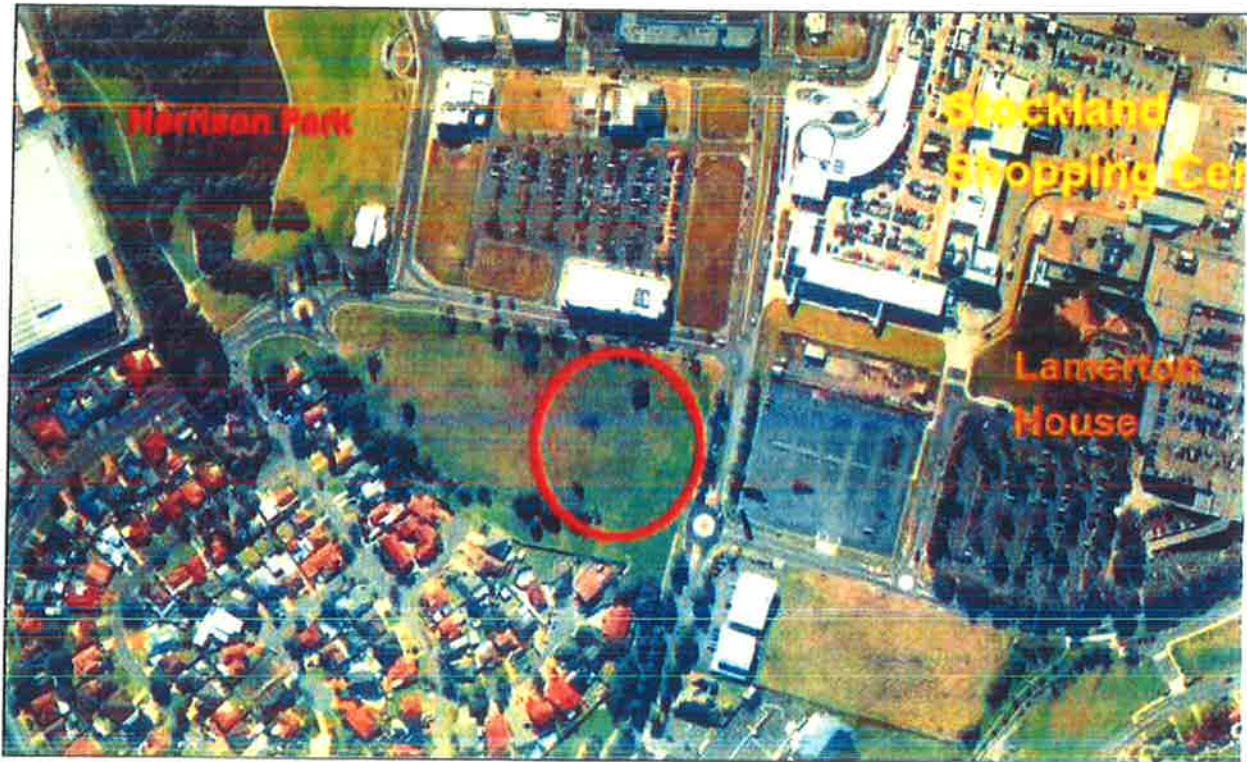


Figure 2: Site Context

The image referred to in Mt Stratton's email is different as it does not include the text and red circle depicted above as shown below:

Ken Stratton JP NSW202211

PO Box 133, Warilla NSW 2528 - Email: metfinancial@hotmail.com - Phone: 02 42977095
14 Reynolds Ridge, Shell Cove NSW 2529 - Mobile: 0402713504 - Fax: 02 4201 9016

30th May 2015

Ms. Pam Allan (Chair)
JOINT REGIONAL PLANNING PANEL (Southern)
jrppenquiry@jrpp.nsw.gov.au

Dear Ms. Allan,

Would you please advise me when the photograph shown in your document

JRPP No 2014 – STH014
DA Number DA No. 205 / 2014
Local Government Area
Shellharbour
Development Application No. 205/2014
Shellharbour City Hub, cnr. Cygnet and College Avenues, Shellharbour City Centre
Assessment Report and Recommendation

on Page 3 – Figure 2 (shown below) was taken by Nearmap?

Your advice on this would be much appreciated.

Yours sincerely,



Ken Stratton



The two different images above seem to have the same underlying satellite imagery with the same vehicles parked in the car park in the centre of the image.

So Mr Stratton must have obtained the satellite imagery himself from Nearmap and be quite able to source the date of its production for himself, as the image he has provided in his email is not a screen shot of the image in the report.

I am unable to provide the date the image was produced by Nearmap because I am not the author of the report in question. The report was prepared by a consultant planner Helen Mulcahy, Director, Helen Mulcahy Urban Planning Pty Ltd on behalf of Council.

The cover sheet of the report shows who the report was prepared by, and therefore Mr Stratton is misdirecting his inquiry the chair of the JRPP South Ms Pam Allen, rather than to Helen Mulcahy Urban Planning Pty Ltd as the actual author of the report.

I have Cc'ed Helen Mulcahy into this email accordingly, and she may be able to advise me of the date, but if not, Mr Stratton appears to have access to the underlying satellite imagery from Nearmap.

I'll get back to you shortly.

Regards



Anthony Randall | Team Leader, Planning

Lamerton House, Lamerton Crescent, Shellharbour City Centre
Locked Bag 155, Shellharbour City Centre, NSW 2529
p. (02) 42216134 f. (02) 4221 6016 m. 0421044188
www.shellharbour.nsw.gov.au



From: Kim Holt [<mailto:kim.holt@planning.nsw.gov.au>]
Sent: Monday, 1 June 2015 10:36 AM
To: Anthony Randall
Subject: FW: ENQUIRY RE JRPP No 2014 – STH014

Hi Anthony,

Please find attached a letter received by the JRPP enquiry in regards to the timeframe of when a photo was taken contained within your report. Could I please ask you to respond to this letter as we are not privy to the details of the photo.

I will respond to Ken advising him that his letter has been forwarded to yourself.

Regards

Kim

Kim Holt | Project Officer

Regional Panels Secretariat | 23 - 33 Bridge Street, Sydney NSW 2000
e: kim.holt@planning.nsw.gov.au p: 9228 2064 | f: 9228 2066 | www.jrpp.nsw.gov.au



**Joint Regional
Planning Panels**

No trees were killed to send this message, but a large number of electrons were terribly inconvenienced.

From: jrppenquiry
Sent: Monday, 1 June 2015 9:41 AM
To: Kim Holt
Subject: FW: ENQUIRY RE JRPP No 2014 – STH014

From: Ken Stratton [<mailto:metfinancial@hotmail.com>]
Sent: Saturday, 30 May 2015 1:30 PM
To: jrppenquiry
Cc: Dellpark
Subject: ENQUIRY RE JRPP No 2014 – STH014

Hello,

Would you please pass the attached letter to Ms Pam Allan or to the appropriate person.

Thanking you,

Ken Stratton

This message is intended for the addressee named and may contain confidential/privileged information. If you are not the intended recipient, please delete it and notify the sender.
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Kim Holt

From: Helen Mulcahy <helen@hmup.com.au>
Sent: Thursday, 28 May 2015 4:50 PM
To: tworonowicz@savills.com.au
Cc: Grant Meredith; Anthony Randall
Subject: Shellharbour City Hub S96(2) - Extension of time

Dear Thomas

I refer to our telephone conversation of 26 May 2015, followed by your written request (of the same date) for a further extension of time until 5 June 2015 to provide a response to the request for additional information.

I have consulted with Grant Meredith, Council's Group Manager, City Development and I can confirm that the assessment team has no objection to granting the further extension of time in this instance.

If you require any clarification in this regard, please don't hesitate to contact me.

Regards

Helen Mulcahy

Director

Helen Mulcahy Urban Planning Pty Ltd

P (02) 9798 0935 F (02) 9797 7696

E helen@hmup.com.au

