

JOINT REGIONAL PLANNING PANEL (Southern Region)

JRPP No	2015STH014
DA Number	RA15/1000
Local Government Area	Shoalhaven City Council
Proposed Development	Multi-level public car park (5 levels) providing for 625 car and 21 motorcycle parking spaces
Street Address	Lot 1 DP 738675 (No.56) Berry Street, Lot 1 DP 738687 (No.58) Berry Street, Lot 2 DP 738687 (No.60) Berry Street, Lot 5 DP 537780 (No.62) Berry Street, Lot 4 DP 537780 (No.1) Lawrence Avenue, Lot 3 DP 530250 (No.3) Lawrence Avenue, Lot 12 DP 738683 (No.76) Worrigee Street, Lot 13 DP 738683 (No.78) Worrigee Street and Lot 1 DP 738686 (No.80) Worrigee Street, Nowra
Applicant/Owner	Shoalhaven City Council
Number of Submissions	24 and 2 petitions (signed by 132 people and 18 people)
Regional Development Criteria (Schedule 4A of the Act)	Satisfies the criteria of Clause 4 (Council related development over \$5 million) (b) of Schedule 4A of the Environmental Planning and Assessment Act (EPA Act) as it is for a development to be carried out by Council on land that is owned by Council and that has a capital investment value (CIV) over \$5 million dollars.
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> i. Environmental Planning and Assessment Act 1979 ii. State Environmental Planning Policy (State and Regional Development) 2011; iii. State Environmental Planning Policy (Infrastructure) 2007; iv. State Environmental Planning Policy 55 – Remediation of Land; v. State Environmental Planning Policy No.71 – Coastal Protection; vi. Shoalhaven Local Environmental Plan 2014; vii. Shoalhaven Development Control Plan 2014; and viii. Shoalhaven Contribution Plan 2010.
List all documents submitted with this report for the panel's consideration	<p>Attachment A – Draft Determination;</p> <p>Attachment B – Development Application Plans; and</p> <p>Attachment C – Land Zoning & Site Location Plans</p>
Recommendation	Approval with conditions contained in Attachment 'A'
Report by	Nicholas Cavallo, Senior Planner
Report date	7 November 2016

ASSESSMENT REPORT

1. Proposal

The development application (DA) proposes the construction of a multi-level car park comprising the following (summary only):

1. Five (5) levels with the building having a maximum height of 15.5m;
2. Car parking for 646 vehicles (625 car parking and 21 motorcycle parking); and
3. Associated works including drainage and landscaping.

Refer to **Attachment 'B'** for a copy of the DA plans.



Figure 1 - South East Perspective

2. Subject Site and Surrounds

The development site:

- Comprises nine parcels of land legally identified as Lot 1 DP 738675 (No.56) Berry Street, Lot 1 DP 738687 (No.58) Berry Street, Lot 2 DP 738687 (No.60) Berry Street, Lot 5 DP 537780 (No.62) Berry Street, Lot 4 DP 537780 (No.1) Lawrence Avenue, Lot 3 DP 530250 (No.3) Lawrence Avenue, Lot 12 DP 738683 (No.76) Worrigee Street, Lot 13 DP 738683 (No.78) Worrigee Street and Lot 1 DP 738686 (No.80) Worrigee Street, Nowra that are owned by Shoalhaven City Council;
- Has an area of approximately 5,945m²;
- Is adjoined to the north by Worrigee Street, east by Lawrence Avenue, west by Berry Street and to the south by a residential development ("Berry Court" containing 8 units – See Photo 1) and a single storey community facility (Nowra Community Health Centre);
- Currently contains an at grade car park containing 193 car spaces that has vehicular access from Worrigee Street, Berry Street and Lawrence Avenue;
- Is zoned B3 – Commercial Core under the Shoalhaven Local Environmental Plan 2014 (SLEP 2014);

- Slopes from the south western corner to the north eastern corner with an overall fall of approximately 3.5m;
- Is serviced by electrical, water and sewer infrastructure;
- Is impacted upon by a sewer easement; and
- Is owned by Shoalhaven City Council and is classified under the Local Government Act as operational land.

Refer to **Attachment 'C'** - site location plan.



Photo 1 – Berry Court Units (Northern Elevation)



Photo 2 – Berry Court Units (Eastern Elevation)

3. Background

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

- a) Proposal History: The need for a multi-level car park is underpinned by a number of parking studies that have been undertaken for the Nowra CBD. A study carried out by Cardno Eppell Olsen Consultants in 2003 projected that 1,000 additional parking spaces would be required for the Nowra CBD by 2016. A further study by Monaro Consultants in 2007 reviewed the earlier study projecting that 1,182 additional spaces would be required by 2016.

In June 2011, Council established a Nowra CBD Car Parking Development Committee to advise Council on car parking issues in the Nowra CBD. The Committee included Councillors, Council staff and local business and community representatives. The aim of this Committee was to review all options for new parking areas and provide advice to Council. Council resolved 16 August 2011 (Minute 11.824) that:

Council staff work with the community representatives of the Nowra CBD Car Parking Development Committee, separate from the committee meetings, to determine the long term car parking options for the Nowra CBD...

Subsequently, Council staff and designated representatives developed an options matrix, based on agreed locations and agreed criteria/weightings. The outcome was reported to Council through the Nowra CBD Car Parking Development Committee. Council resolved 26 June 2012 (Minute 12.741) that:

The Nowra CBD Car Parking Committee continue with the stated position of Council that the preferred location for a multi storey car park in Nowra be Berry/Worrigee Streets.

In May 2013 Council received a petition signed by 2000 people stating that there is an urgent need for additional car parking spaces in Nowra CBD area. The petition requested that Council undertake action to build a multi-level car park at the Worrigee Street car park.

In June 2013 Council resolved that a further:

report on options for the location and design of a multi-level car park in Nowra'; and to 'have a councillor briefing on this matter that also involved members of the former Nowra CBD Car Parking Committee'.

At a subsequent meeting on 20 August 2013 Council re-affirmed that the preferred location for a multi-level car park was the Worrigee / Berry Street site. At its meeting of 3 September 2013, Council resolved:

That in reviewing the options for satisfying the shortfall in all day car parking within the CBD and in assessing the alternatives, in particular Stewart Place and Worrigee/Berry St car parks, that Council sets a minimum requirement of providing an additional 400 all day car parking spaces over all existing spaces.

A Planning Proposal (LP 410) and draft Development Control Plan (DCP) Chapter for the Nowra CBD Building Heights and Urban Design Development Controls is on public exhibition until 16 December 2016. Gateway determination occurred in September 2016.

This seeks to introduce new maximum building heights for the Nowra CBD that were identified in the Nowra CBD Urban Design Development Controls Report. An approximate timeframe for finalisation and notification of the plan is May 2017 (see further commentary later in this report).

If this amendment were to be adopted this would result in a maximum allowable building height of 15m for the majority of the subject site and 12m for the southernmost property as detailed within figure 1 below:

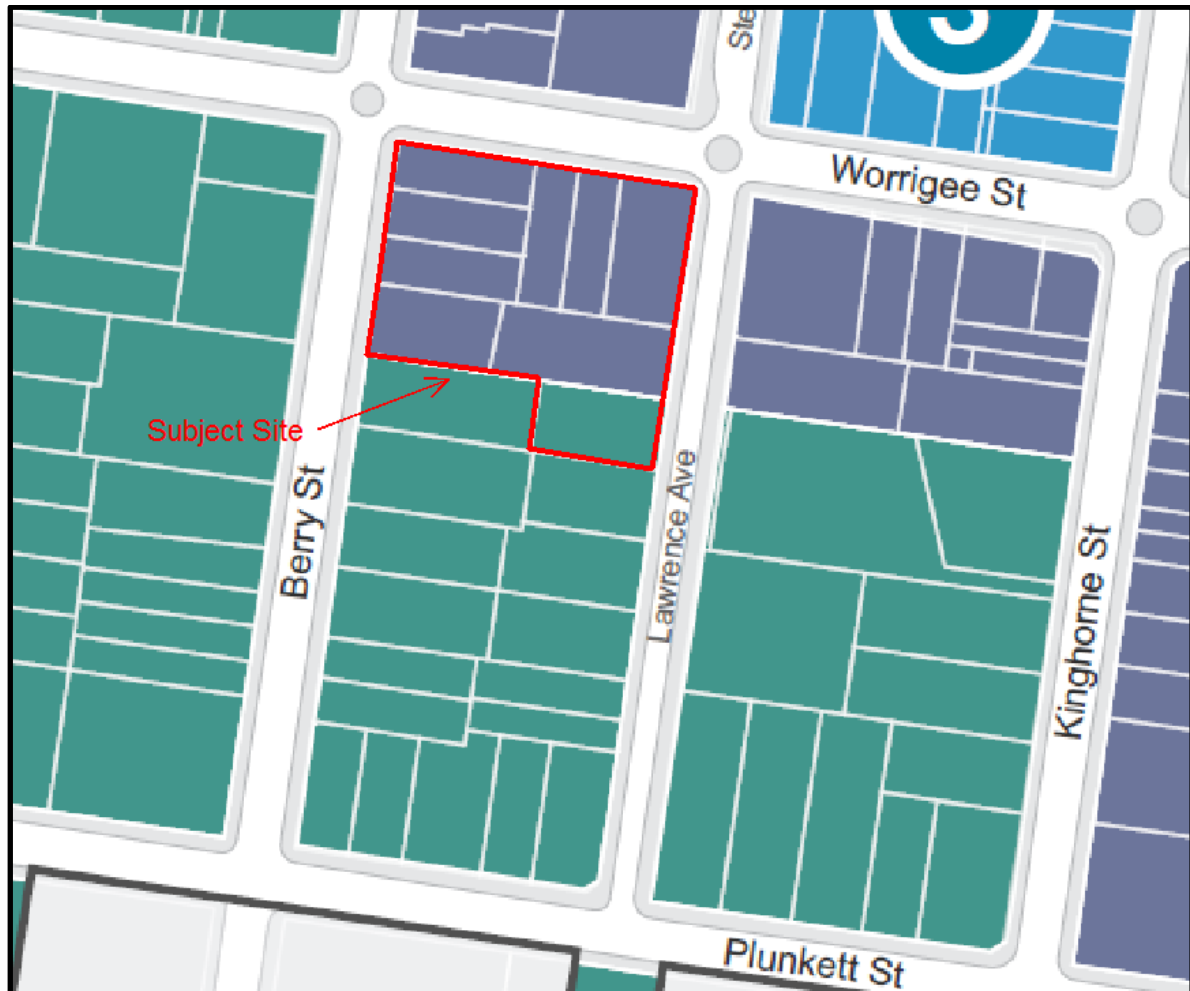
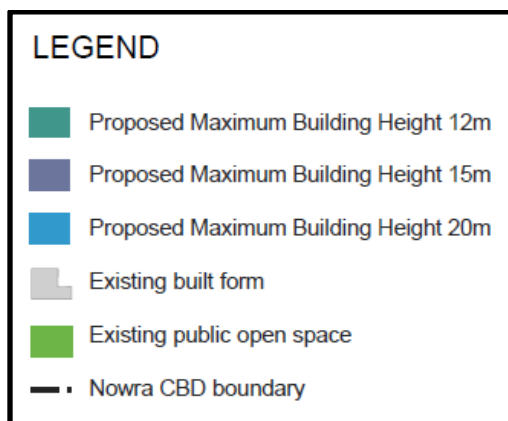


Figure 2 – Planning Proposal Maximum Building Height & Legend



- b) Pre Lodgement: A formal pre-lodgement discussion (i.e. Development Advisory Unit (DAU) meeting) was held with Council staff on 30 October 2013.

c) Post Lodgement: The current application was lodged on 12 June 2015. Council staff, during the assessment of the application, requested additional information from the applicant on several occasions (i.e. correspondence dated 15 June 2015, 4 August 2015, 14 August 2015, 18 September 2015, 27 October 2015, 20 April 2016 and 16 June 2016). Issues raised included:

- Copyright issues with external artwork/panel treatment;
- Plans showing external treatments;
- Building Code of Australia (BCA);
- Stormwater design;
- Internal manoeuvring and general design requirements;
- External road works and streetscape works; and
- Tree removal.

Additional information was received from the applicant on

- 5 August 2015: Letter granting copyright;
- 24 September 2015: Updated external elevation plans;
- 25 September 2015: Updated plans;
- 13 October 2015: Stormwater and streetscape works details;
- 16 October 2015: Arborist report;
- 26 October: Confirmation of the number of car spaces;
- 27 October 2015: BCA information and details to address manoeuvring and general design concerns;
- 4 December 2015: BCA information;
- 31 May 2016: BCA information and additional details on external screening;
- 1 June 2016: Updated BCA information; and
- 12 August 2016: Updated plans to address Development and Traffic Engineering concerns.

The applicant has now submitted suitable development plans and supporting information to enable a comprehensive assessment of the application to be undertaken pursuant to 79C of the Environmental planning and Assessment Act, 1979 (EPA Act).

d) Site History: A review of Council's records has indicated that there are no previous applications lodged on the subject land that have relevance to the current DA.

4. Community Consultation

This DA has been exhibited in accordance with Council's *Community Consultation Policy for Development Applications (including subdivision) and the Formulation of Development Guidelines and Policies – Amendment 7*. As such, the DA has been notified as follows:

- Individual property owners within a 200 metre radius of the site were notified of the proposal as well notification to the Shoalhaven Business Chamber (398 letters sent). The notification period was from 2 September 2015 to 5 October 2015 (33 days);
- The proposal was advertised in the local press on one occasion (South Coast Register on 2 September 2015);
- Two notices/signs were placed on the land to which the application relates (one sign placed adjacent to the Berry Street frontage and one sign placed adjacent to the Worrigee

Street frontage of the development site); and

- The application and supporting documentation were on display on Council's website.

Twenty four (24) submissions were received by Council as well as 2 petitions signed by 132 people and 18 people. These are discussed in greater detail in Section 6 (Statement of Compliance/Assessment).

5. Statutory Considerations

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

- i. *Environmental Planning and Assessment Act 1979;*
- ii. *State Environmental Planning Policy (State and Regional Development) 2011;*
- iii. *State Environmental Planning Policy (Infrastructure) 2007;*
- iv. *State Environmental Planning Policy 55 – Remediation of Land;*
- v. *State Environmental Planning Policy 71- Coastal Protection;*
- vi. *Shoalhaven Local Environmental Plan 2014;*
- vii. *Shoalhaven Development Control Plan 2014; and*
- viii. *Shoalhaven Contribution Plan 2010.*

Additional information on the proposal's compliance with the above documents is detailed in the following sections of this report.

6. Statement of Compliance /Assessment

The following provides an assessment of the submitted application against the matters for consideration under 79C of the EPA Act.

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

- i) *Environmental Planning and Assessment Act 1979 (EPA Act):* Relevant matters, apart from Section 79C, are overviewed below:
 - a) *Part 2A, Division 3, Section 23G:* Subclause 2(a) confers Council's functions as consent authority on a regional panel if the development is of a class or description set out in Schedule 4A of the EPA Act (refer to discussion below). As the type of development proposed is identified in Schedule 4A, the functions of Council as the consent authority have been conferred on a regional panel (i.e. Southern Joint Regional Planning Panel - JRPP).
 - b) *Schedule 4A (Development for which regional panels may be authorised to exercise consent authority functions of councils):* The development, based on the applicant's submission has a capital investment value of approximately \$15,000,000.00. As such, it meets the criteria of Clause 4 under this schedule (i.e. council related development that has a CIV of more than \$5 million dollars). It therefore constitutes 'regional development' for which the JRPP is the determining authority.

In summary, the proposed development does not conflict with the applicable provisions of the *EP & A Act 1979*.

ii) State Environmental Planning Policy (State and Regional Development) 2011 (SEPP Development): Relevant matters are overviewed below:

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

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

iii) State Environmental Planning Policy (Infrastructure) 2007 (SEPP 2007): Relevant matters are overviewed below:

- a) *Clause 104 (Traffic-generating development)*: As per the requirements of sub-clause 3 and Schedule 3, the DA when received was referred to NSW Roads and Maritime Services (RMS) for comment (i.e. site with access to any road that has parking for 200 or more vehicles as noted in Column 1 and 2 of Schedule 3). The RMS subsequently advised Council on 25 August 2015 that they do not object to the DA in principle as it is unlikely to have a major impact on the state road network. Council has taken into consideration the submission from RMS in its assessment. In accordance with the requirements of sub-clause 4, Council will provide a copy of the determination to RMS when it has been made.

Further to the above consideration has been given to the efficiency of movement of people and freight/service vehicles to and from the site, potential traffic safety, road congestion and parking implications. Council staff being of the opinion that while there will be an increase in the number of vehicle movements to and from the site due to the development resulting in a more intense use of the land, the increase in vehicle movements is capable of being handled by the adjoining road network.

iv) State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55): Relevant matters are overviewed below:

- a) *Clause 7 (Contamination and remediation to be considered in determining development application)*: Consideration has been given to whether the land on which the works are proposed is contaminated. In this regard, an evaluation of the subject site and available information has indicated the following:
 - o Council records do not identify the site as potentially contaminated land;
 - o Council is not aware of any previous investigations about contamination on the land;
 - o Council is not aware of a potentially contaminating activity previously being conducted on the land;
 - o Council is not aware of information concerning contamination impacts on land

- immediately adjacent to the subject land which could affect the land;
- There is no land use restriction relating to possible contamination affecting the land;
- There is no obvious visual evidence from a site inspection of any land contamination being present; and
- The current application does not propose a change of use of land as specified by the requirements of SEPP 55.

Having regard to the above, further assessment is not required as there is no reason to suspect contamination or reason to suspect a risk of contamination during the construction and operation of the development. Accordingly, the land is considered suitable (from a contamination perspective) for the proposed development/use. In summary, the proposed development does not conflict with the aims and applicable provisions of SEPP 55.

v) State Environmental Planning Policy No.71 – Coastal Protection (SEPP 71): Relevant matters are overviewed below:

a) *Part 2 (Matters for consideration) Clause 8 (Matters for consideration)*: An assessment of the proposal against the provisions of this clause has indicated that:

- It is not inconsistent with the aims of the SEPP (i.e. (a) to (l) in Clause 2);
- It does not impact or impinge on public access to or along the coastal foreshore as the site is located away from the foreshore. No existing access points are being blocked/ closed and no new access points are proposed;
- It is suitable development having regard for existing land uses, its location, and its relationship with the surrounding area. The proposed design and use is similar to and will compliment adjacent medical related developments;
- It will not lead to excessive overshadowing of foreshore areas or view loss from a public place. The proposed building having adequate setbacks from the adjoining property boundaries to minimise overshadowing impacts or loss of views from a public place;
- It will not diminish the scenic qualities of the area when viewed from public spaces given the zoning of the land;
- It will not have an adverse impact upon flora and fauna given the site has previously been heavily disturbed;
- It will not impact upon wildlife corridors as the site is not identified as one;
- It will not impact on fish or marine vegetation given the site's location away from the foreshore;
- It will not lead to a conflict between land based and water based coastal activities as the site is located a sufficient distance from a waterway and does not support water based activities;
- It will not impact upon items of heritage, archaeological or historical significance. There being sufficient separation between the proposed development and the closest heritage item located to the south at 76 Berry Street (approx. 92m separation) and the north at 41 Berry Street (approx. 64m separation);
- It will not have an impact upon the water quality of coastal water bodies. The proposed development has incorporated into its design on site reuse, on site detention and associated pollution control devices; and

- Council's mapping does not indicate the site, or a nearby site, as containing an item of Aboriginal heritage. Given the site is highly disturbed and its location within the Nowra CBD it is highly unlikely to contain an item of Aboriginal heritage.
 - b) *Part 4 (Development Control), Clause 13 (Flexible zoning provisions), Clauses 14 (Public access), Clause 15 (Effluent disposal) and Clause 16 (Stormwater)*: The above clauses have been considered. The development will not conflict with the requirements of these clauses. In summary, the proposed development does not conflict with the applicable provisions of SEPP 71.
- vi) Shoalhaven Local Environmental Plan 2014 (SLEP 2014): Relevant matters are overviewed below:

- a) *Clause 2.3 (Zone objectives and land use table)*: The land where the development is proposed is zoned B3 Commercial Core. The objectives of the zone are as follows:
- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
 - *To encourage appropriate employment opportunities in accessible locations.*
 - *To maximise public transport patronage and encourage walking and cycling.*

The development is not inconsistent with the listed objectives of the B3 zone. The proposal is for a multi-level car park in place of an existing 'at grade' car park that will continue to service the parking requirements of the Nowra CBD which services the broader community.

In terms of permissibility, the development is best characterised under SLEP 2014 as a 'car park' which is a form of development that is permissible within the zone with development consent.

- b) *Clause 4.3 (Height of buildings)*: The 'Height of Buildings Map' does not contain any height controls relating to the development site. As such, the maximum height of all proposed buildings must not exceed 11m as required by subclause 2A.

The proposed building at a maximum height of approximately 15.5m exceeds 11m, the current requirement. The development therefore does not comply with this development standard.

The applicant has sought a variation to this development standard pursuant to Clause 4.6. The variation was appended to the Statement of Environmental Effects, lodged with the DA. Refer to discussion below for additional details.

- c) *Clause 4.6 (Exceptions to development standards)*: Council is satisfied that Clause 4.3 contains a development standard relating to height which can be varied using Clause 4.6.

As required by subclause 3, the applicant has submitted a detailed written request for a variation to the required maximum 11m building height development standard. In

summary, the applicant's written request has sufficiently justified the departure from the 11m height limit against the specific requirements of sub clause 3.

Key points with respect to the variation are made below:

- Due to the sloping nature of the site, the height of the proposed car park above natural ground level will vary from 9.5 m (top of metal screen) at the Berry Street frontage to 14 metres at the Lawrence Avenue frontage of the site. There will also be four stairwell 'overruns' which will have heights ranging from about 11 metres to 15.5 metres above natural ground level. Accordingly the development is not entirely non-compliant with the development standard. Refer to **Attachment 'B'** at the end of this report, which contains an elevation and sections displaying the extent of the non-compliance.
- Parking studies undertaken on behalf of Council clearly identify a deficit of parking within the Nowra CBD. The Draft Nowra CBD Master Plan (2011) proposed that the *"Nowra town centre will be revitalised through greater transport access"*. This Master Plan identified the subject site as a potential location for a multi-level car park and that such development should be located on the periphery of the CBD to reduce land devoted to parking within the CBD.
- A shortage of adequate parking has been identified within the Nowra CBD. This development will address the recognised shortage and ensure the needs of the local and wider community are met. The underlying purpose of the carpark would be compromised if strict compliance was required as a reduced height would limit parking capacity.
- A Planning Proposal (LP 410) and draft Development Control Plan (DCP) Chapter for the Nowra CBD Building Heights and Urban Design Development Controls is on public exhibition until 16 December 2016. Gateway determination occurred in September 2016. This is seeking to introduce new maximum building heights for the Nowra CBD that were identified in the Nowra CBD Urban Design Development Controls Report. An approximate timeframe for finalisation and notification of the plan is May 2017.

If SLEP 2014 were to be amended according to the PP in its current format this would result in a maximum allowable building height of 15m for the majority of the subject site and 12m for the southernmost property as displayed in figure 2. This would render the development largely compliant with the development standard except that portion located within the southernmost property and potentially the northern stairwell 'overrun' which extends to an approximate height of 15.5m.

- It is proposed to affix perforated metal screens onto those facades addressing Berry St, Worrigee St, Lawrence Ave and a portion facing the southern boundary. A piece of artwork by Arthur Boyd is to be imbued into those perforated screens. This will assist in creating a building of visual interest linked to a local artist.
- Figure 8 (see pages 65 and 66) in the applicant's Statement of Environmental Effects (SEE), showed that it is evident that at least between the hours of 10am and 2pm that sunlight will not be reduced for a three hour period during these hours during the winter solstice. (That is, the worst day for sunlight access during the year).

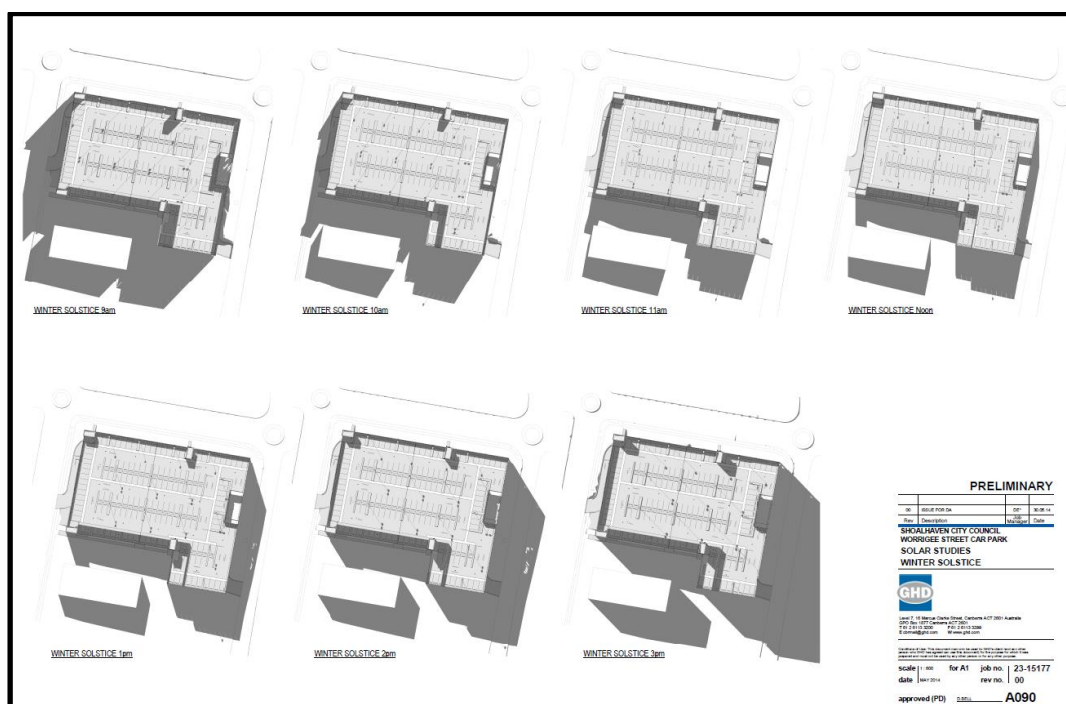


Figure 3 – Winter Solstice

- Presently, the building to the south enjoys total solar access. The building is highly visible and exposed from the street and the existing car park. There are no 'private' open spaces to the north of Berry Court. Open verandahs are located on the northern side of the building which face onto the 'at grade' car park (refer to photos 1 and 2). These verandahs are enjoyed by the residents and provide an important level of amenity. The verandahs are visible from the street and the existing public (at grade) car park.
- Numerical guidelines can leave open the question concerning how much windows, verandahs and living areas etc will retain sunlight. In the *Benevolent Society v Waverly Council [2009] NSW LEC 10848* Commissioner Moore makes comment at 137:

The ease with which sunlight access can be protected is inversely proportional to the density of development. At low densities, there is a reasonable expectation that a dwelling and some of its open space will retain its existing sunlight. (However, even at low densities, sunlight there are sites and buildings that are highly vulnerable to being overshadowed.) At higher densities sunlight is harder to protect and the claim to retain it is not as strong.

- With respect to the Berry Court flats, it is important to note the context of the building, which is a city centre location with a current height control of 11m (which is under review across the CBD). The current and proposed strategic context foreshadow a change in character and density.
- The flats will be impacted upon however the proportion of sunlight retained is considered adequate for solar amenity having regard specifically to the northern verandahs.
- The properties that are the subject of this application do not contain a heritage item under the SLEP 2014 nor are they located in close proximity to an item of

heritage significance. Accordingly the development will not directly impact on any heritage item.

- The development is primarily for long day parking for workers within the CBD. A range of transport types are catered for within the car park. This development will allow greater accessibility to the employment opportunities located within the Nowra CBD.
- This development is not intended to replace existing public transport services within the Nowra CBD, rather it will provide additional infrastructure for commuters, the requirement for which has been clearly demonstrated in previous studies commissioned by Council.

Council must also consider the environmental planning grounds relevant to the development standard being varied. Below are the justifications proffered by the applicant:

- *The proposal is not inconsistent with state and regional planning provisions applying to the land (refer Section 7.1.1.1 of the SEE).*
- *The proposal is consistent with the objectives and is permissible within the B3 zone that applies to the land (refer Section 7.1.1.3 of the SEE).*
- *Despite non-compliance with 11 metre height restriction, the proposal is consistent with the stated objectives of Clause 4.3 as they relate to the building height requirements as outlined above in Section 7.1.1 of this submission.*
- *The proposed development is representative of the prevailing character of the locality, ie development within a commercial zone, and is of a height generally consistent with the desired future character of the locality in which it is sited.*
- *The subject site is suitable for the development and, as such, has been earmarked in previous reports commissioned by Council as a preferred site.*

Comment

Assistance on the approach to justifying a contravention to a development standard is also to be taken from the applicable decisions of the NSW Land and Environment Court and the NSW Court of Appeal in:

- *Wehbe v Pittwater Council [2007] NSW LEC 827; and*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSW LEC 1009.*

In *Wehbe*, the Court identified 5 traditional ways to which a standard had been shown to be unreasonable or unnecessary. Whilst *Wehbe* related to objections under the then SEPP 1, the analysis can be of assistance to clause 4.6 given the similarities of clause 4.6(3)(a) to clause 6 of SEPP 1.

The objectives of clause 4.3 are:

- (a) *to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of a locality,*
- (b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*

(c) to ensure that the height of buildings on or in the vicinity of a heritage item or within a heritage conservation area respect heritage significance.

Importantly, and in conclusion:

- Objective a) of clause 4.3 which seeks to ensure appropriate buildings of height and scale with regard to future character is satisfied noting that it is in a town centre location, is consistent with the strategic planning framework envisaged for the CBD and that adjoining development has been considered with appropriate separation provided between the developments.
 - Objective b) of clause 4.3 which seeks to address views, privacy and solar access is not compromised in that there are no iconic views. There is an outlook into car parking areas in the CBD. This outlook or view will be affected, that is changed by the inclusion of a building which is not an unreasonable expectation in an urban environment. Oblique views to the streets (Berry and Lawrence) will be retained by the separation between the developments. It is not envisaged that privacy will be compromised and solar access is resolved by a suitable building separation.
 - Objective c) of clause 4.3 seeks to address heritage issues. The proposal does not impact on heritage items being some distance from any item. There are no precincts in the vicinity of the proposed car park building.
- d) *Clause 5.9 (Preservation of trees or vegetation):* The submitted application seeks consent to remove 16 existing trees that will be impacted on by the proposed works, they are prescribed for the purpose of the clause and therefore require development consent for their removal. Further consideration and assessment is provided within this report against the requirements of Chapter G9 of the Shoalhaven DCP 2014.



Photo 3 – Existing Trees – Worrigeer St (taken 6:30am)

- e) *Clause 7.2 (Earthworks):* The proposed development will require up to 4m of earthworks below natural ground level to achieve the planned finish floor levels and as

such, having regard for subclause 2, the requirements of this clause are applicable (e.g. not exempt, not ancillary to development that has been given consent). Having regard to the matters contained in subclause 3 the earthworks, given their location and the amount required, will not adversely impact upon drainage patterns and will not affect the redevelopment of the land.

Similarly, these works should not affect the amenity of adjoining properties as there appears to be adequate separation between works and these property boundaries. Any development consent, if issued, could be conditioned so as to require appropriate measures to avoid, minimise and mitigate potential impacts. There are also prescribed conditions to address shoring and adequacy of development to protect adjoining development with Council also typically requiring dilapidation reports to ensure the protection of public assets and infrastructure.

- f) *Clause 7.11 (Essential services):* The development requires the provision of water, electricity and sewerage systems. The availability of all services (subject to future augmentation) has been confirmed by the applicant and/or relevant authorities.
- g) *Clause 7.16 (Ground floor development on land in Zone B3):* the ground floor level provides vehicular access to both Berry St and Lawrence Ave. Pedestrian access is provided to Berry St and Worrigee St. Council is satisfied that sufficient activity will be generated at the ground level of the development with the presence and movement of people.

In summary, the proposed development, does not conflict with the aims and applicable provisions of SLEP 2014.

- vii) *Shoalhaven Development Control Plan 2014 (SDCP 2014):* Relevant matters are overviewed below:

- a) *Chapter G1: Site Analysis, Sustainable Design and Building materials in Rural, Coastal and Environmental Areas:* This chapter applies to all development. The applicant has submitted a site analysis plan and survey plan which contains sufficient information (e.g. existing vegetation, adjoining development, etc). Information has also been provided in relation to building materials which includes a basic visual assessment to demonstrate visual impacts. It is considered that the site constraints and adjoining development have been adequately considered in the design of the development.
- b) *Chapter G2: Sustainable Stormwater Management and Erosion Sediment Control:* This chapter applies to all development. The applicant has submitted a conceptual stormwater design with the DA that proposes on site detention with captured runoff leaving the site. Council's development engineer has reviewed the submitted design and has raised no issue with the proposal subject to the imposition of conditions of consent. Accordingly, subject to the imposition of conditions, the development will be consistent with the objectives and applicable controls within the chapter.
- c) *Chapter G3: Landscape Design Guidelines:* This chapter applies to all development. The applicant has submitted a concept landscape plan and supporting documentation which identifies existing trees to be removed, trees to be retained and proposed new plantings. A condition of consent is recommended requiring the submission of a

revised landscape plan prior to the issue of a Construction Certificate. This is explained in greater detail below in an assessment against chapter G4.

- d) *Chapter G4: Removal and Amenity of Trees:* An Arborist report was submitted with the application to determine the impact of the development on the existing trees along Worrigee St, Lawrence Ave (Refer to **Attachment 'B'** - site plan) and along the southern boundary (which have since been removed) and the potential for mitigation and retention. In order to retain the health of those trees excavation for footings could not occur within 3.3m as measured from any trunk centre. The excavation required to facilitate the development as submitted does not achieve the required setbacks, rather excavation will occur approximately 2-2.5m as measured from the existing trees.

The report recommended two possible approaches with regard to the existing trees. The first being the retention of the existing trees and appropriate tree protection measures during construction with potential pruning. This would necessitate changes to the building footprint to enable the required offset. The second option would see the retention of the building footprint as submitted, removal of existing trees and replacement with site-tolerant trees or shrubs. Points to note:

- As detailed earlier within this report various studies were undertaken on behalf of Council clearly demonstrating the need for a multi-level car park within the Nowra CBD. As indicated by the applicant reducing the footprint of the car park to safely cater for the existing trees is likely to reduce the number of car parking spaces created or result in an additional level.
 - Either option is problematic with an additional level potentially increasing the impacts upon adjoining properties, particularly solar access, and compromising a design that considers and responds to adjoining properties. A reduction in car parking would undermine a wealth of studies that were undertaken in arriving at the current position of Council as well as impacting on adjoining properties.
 - Noting the positive visual impact of the trees within the streetscape compensatory plantings will be required of semi-mature trees (400litres) within Worrigee Street and Lawrence Avenue. Prior to the issue of a Construction Certificate a revised landscape plan should be submitted displaying the required trees and installation/maintenance schedule.
- e) *Chapter G7: Waste Minimisation and Management Controls:* A basic waste minimisation and management plan (WMMP) has been submitted with the DA. Each aspect is further discussed below:
- Construction Waste: a waste management plan has been submitted with the application addressing the waste generation during excavation, demolition and construction. Details of the amount of waste generated and where the waste is to be disposed of has been provided, this is considered sufficient and will form part of the approved documentation should an approval be granted.
 - On-going Waste: on-going waste management is not considered an issue for this type of development.
- f) *Chapter G21: Car Parking and Traffic:* The SEE is supported by a Traffic Impact

Assessment prepared by Bitzios Consulting. This assessment confirms that the car park layout, and driveway and ramp design generally complies with relevant requirements. Council's Development Engineer has reviewed the proposal with regard to compliance with the relevant Australian Standards (internal manoeuvrability, car park and aisle widths etc.) and raises no concerns subject to conditions of consent. With regard to the access points, sight distances and impacts on the local road network again Council's Traffic Unit have raised no concerns with the proposal subject to conditions of consent. Accordingly Council is satisfied that the proposal is consistent with the objectives and relevant requirements of the chapter.

- g) Draft Chapter: Nowra CBD Urban Design Development Controls: As detailed earlier in this report a draft chapter (the chapter) for inclusion within the SDCP 2014 is currently on exhibition. The development controls within the chapter will support the vision for the Nowra CBD identified in the Nowra CBD Urban Design Masterplan (2010) as follows:

The Nowra town centre will be revitalised through greater transport access, green development and incentives which support mixed uses and higher densities. The town centre will support and attract a range of residents, workers and visitors through the provision of civic facilities, amenities and public spaces which build upon the natural setting and physical strengths of the town.

The development is generally consistent with the objectives of the draft chapter, however it does not strictly comply with some of the relevant requirements including front setbacks. Were the draft chapter to be adopted a front setback of 6m would be required, whilst a setback of approximately 3.1m is proposed. The above matter aside, this is a draft chapter and as such there is limited consideration that can be given.

- viii) Shoalhaven Contribution Plan 2010: The provisions of Council's Section 94 Contribution Plan apply to the development site. In accordance with the requirements of Section 2.7 (Exemptions) of this plan, contributions do not apply to community infrastructure that is included in this plan, provide by or on behalf of Council.

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

- i) Threatened Species: Council's mapping does not display the site as containing any endangered ecological community, does not function as a wildlife corridor nor have there been sightings of a threatened species in or near the site. Native vegetation is to be removed to facilitate the development however this is not considered to form a significant habitat for fauna. Under these circumstances it is not envisaged that the proposal will adversely impact on threatened species or their habitats.
- ii) Noise: An Environmental Noise Impact Assessment was conducted by Day Design Pty Ltd, Report No.5251-1.1R, issued 17/92/2015, and submitted in support of the application. A thorough assessment of the development was undertaken against acceptable noise limits derived from NSW Industrial Noise Policy 2000 Intrusiveness criteria and Amenity Criteria as well as the EPA's Sleep Disturbance criterion. It was concluded that the level of noise emission arising from motor vehicles accessing and using the car park will meet the acceptable noise limits at the nearest residential receptor without the need for further

noise controls. Conditions of consent have been recommended pertaining to the installation of an electricity substation and the construction phase of the development and form part of the recommended conditions within Attachment A of this report.

Further to the above Council's Environmental Health Officer has reviewed the submitted report and raised no concern regarding potential noise impacts, subject to recommended conditions of consent.

- iii) *Air Quality*: An Air Quality Impact Assessment was conducted by Benbow Environmental, Report No.137048_Rep_Rev3, dated 27/3/2015, and submitted to address the potential impact of air emissions on residential and commercial receptors as a result of the operation of the development. The assessment was undertaken in accordance with the NSW EPA's *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* (NSW EPA, 2005). Significant air emission sources from the operation of the development were identified as:

- Exhaust from petrol fuelled motor vehicles, and
- Exhaust from diesel fuelled motor vehicles.

Air dispersion modelling was utilised to predict worst-case ground level concentrations of the individual pollutants likely to be emitted from the above sources against relevant guidelines and standards from the NSW EPA.

Benbow state that the air dispersion modelling showed that compliance is achieved for all assessable pollutants at all locations with the exception of oxides of nitrogen at receptor R1 (being 5 Lawrence Ave Nowra). The highest predicted concentration impacts were found at receptor R1 and at receptor R6 (2 Lawrence Avenue Nowra). The assessment found that one air contaminant – oxides of nitrogen – may, under the worst case scenario and adverse meteorological conditions, exceed the air quality criterion for this contaminant by 18% at the one receptor. This exceedance is for the worst case scenario for the worst hour of the year.

The report concludes that:

Predicted air emissions from the proposed car park were identified to be well below the criteria derived from the NSW EPA modelling guidelines, with the exception of oxides of nitrogen at Receptor R1 over a 1-hour averaging period. Due to the conservative assumptions used in this assessment, this result is unlikely to be replicated in reality. Therefore, no further actions or physical controls are considered warranted.

Council's Environmental Health Officer has review the submitted report and raised no concerns in this regard, subject to recommended conditions of consent.

- iv) *Context and Setting*: the development is located within the periphery of the Nowra CBD. It has been designed with consideration for the locality, particularly adjoining properties that would be most impacted by the development, despite the variation being sought to maximum building height. Its location within a CBD environment, albeit on the periphery, is considered to be consistent with the current and future desired character of the locality. This is reflected in the PP currently being considered by Council that seeks to increase the maximum allowable building height for the subject site.

- v) **Traffic and Access:** A traffic impact assessment was submitted. Consideration has been given to the efficiency of movement of people and freight/service vehicles to and from the site, potential traffic safety, road congestion and parking implications. Council staff being of the opinion that while there will be an increase in the number of vehicle movements to and from the site due to the development resulting in a more intense use of the land, the increase in vehicle movements is capable of being handled by the adjoining road network. Some amendments to the design are required to address vehicle turning however this is considered a matter which is capable of resolution via a condition of development consent.
- vi) **Overshadowing:** Section 5.3.6 of Chapter G12 of the Shoalhaven DCP 2014 provides the main criteria for the assessment of the impacts of development on access to sunlight to adjoining residential developments and states:

50% of the area of the windows or glazed doors of north facing living areas and principal open space of adjoining dwellings do not have their sunlight reduced to less than three hours of sun between the hours of 9am and 3pm on the 21st June.

The submission of shadow diagrams displays that compliance will be achieved with the above Council policy. Between the hours of 10am and 2pm (and more likely between 9:30 am to 2:30 pm) shadows cast by the development during the winter solstice (June 21) will not impact on the adjoining “Berry Court” residential development in accordance with Council Policy.

- vii) **Visual Impact:** despite the height of the building, varying from 9.5 m (top of metal screen) at the Berry Street frontage to 14 metres at the Lawrence Avenue frontage of the site, a serious attempt has been made at the design stage to minimise the visual impact of the development.

This includes: building to the topography of the site, an increased setback for the fourth level to reduce overshadowing and an artistic interpretation of an Arthur Boyd piece to be imbued into perforated metal sheeting along the façade of the building to ensure that it is a building of visual interest that recognises an artist of local and national significance.

Landscaping will also aid in softening the bulk of the development particularly as viewed from the street level.

Accordingly the visual impact is considered to be reasonable for a development of this type within a CBD location.

- viii) **Economic/Social Impacts:** Both issues are discussed separately below:

- Economic Impacts: short term economic benefits will be gained in the construction of the development. In the longer term the provision of safe and accessible parking for employees and shoppers within the CBD will aid in its revitalisation.
- Social Impacts: Prior to preparing the DA for this project however Council engaged the services of Judith Stubbs & Associates (JSA) to undertake a targeted community consultation process with the owners, residents and workers who may be directly effected by the proposal. Risk to community safety where the development is not appropriately managed was one issue that arose from the consultation process. It is considered that the development, which will assist in the revitalisation of the CBD, is a building of positive social impact in providing equitable access to the Nowra CBD. Anti-social behaviour may occur within the

facility by virtue of its location however this can be appropriately managed as discussed elsewhere in this report.

The suitability of the site for the development

It is considered that the site is suitable for the development for the following reasons:

- The development is consistent with the objectives of zone B3.
- There will not be significant overshadowing of adjoining development.
- The site is in a strategic position on the periphery of the CBD. Providing access for commuters and shoppers alike without significant traffic impacts.
- There appear to be no physical impediments to prevent the development.
- The site already contains and is used for a car park, albeit at grade. The impacts of the structure however are considered acceptable, for the reasons outlined in this report.

Any submissions made in accordance with the Act or the regulations

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

- a) **The Public:** In accordance with Council's Community Consultation Policy, the DA when received was notified as is outlined in Section 4 (Community Consultation) of this report. In total 24 submissions have been received and 2 petitions signed by 132 people and 18 people. 8 submissions were received objecting to the proposal and 16 were received in support of the proposal. The petitions that were received are in support of the proposal. A summary of the issues raised in the submissions and associated comments from Council are provided below:

Issues Raised	Comment
Other more suitable sites for such a facility. Shoppers and workers prefer a car park as close to the centre of the CBD. Stewart Place has been the preferred location.	A number of studies underpin the need for a multi-level car park and the proposed location. The Draft Nowra CBD Master Plan identifies the subject site as having the potential for a multi-level car park along with a number of other sites. It is noted within the document that short term parking needs to be located more conveniently than short term parking. That off street parking should be located on the periphery of the CBD, where traffic impacts are lower.
The car park would possibly be 50% + vacant at any time and therefore grossly underutilised – car park is grossly oversized	The development is underpinned by a number of parking studies that have been undertaken for the Nowra CBD. A study carried out by Cardno Eppell Olsen

	<p>Consultants in 2003 projected that 1,000 additional parking spaces would be required for the Nowra CBD by 2016. A further study by Monaro Consultants in 2007 reviewed the earlier study projecting that 1,182 additional spaces would be required by 2016. From the studies conducted on the behalf of Council it is clear that the multi-level car park is required to cater for increased car parking demand within the Nowra CBD.</p>
<p>Overshadowing particularly of ground floor units within the "Berry Court" development to the south remains a real issue. There should be no overshadowing of a residential property during winter months.</p>	<p>Section 5.3.6 of Chapter G12 of the Shoalhaven DCP 2014 provides the main criteria for the assessment of the impact of development on solar access of adjoining residential development. The submission of shadow diagrams shows that compliance with the criteria is achieved. In fact that between the hours of 10am and 2pm there will be no adverse overshadowing of the adjoining residential development to the south. (Winter solstice.) Overshadowing upon adjoining development within a CBD environment is likely to some extent, particularly in the event that development is proposed closer to boundaries. The assessment criteria seeks to achieve an acceptable and reasonable impact upon existing development.</p>
<p>The DA makes allowances for vehicles to leave the building throughout the night (i.e. open 24/7). This constitutes a green light for skateboarders and bike riders to have free access for noisy activities throughout any night of the week. Will Council ensure that such activities will not happen in the building to ensure that no trespassers gain admittance?</p>	<p>Operating times are between the hours of 7am and 8pm with vehicles able to exit the facility after these hours. The development has been designed utilising the principles of Crime Prevention Through Environmental Design (CPTED). The development is to be illuminated within the operating hours and security lighting in place after hours. Entrances are to be clearly lit and well defined. CCTV will be strategically installed throughout the facility. Local authorities (Police) will have access afterhours acting to deter inappropriate behaviour.</p> <p>Further to the above it is recommended</p>

	<p>that a security management plan is prepared, in conjunction with the NSW Police, prior to the issue of an Occupation Certificate.</p> <p>The Police have reviewed the application and have provided recommendations to Council. Those recommendations considered reasonable to ensure the safety and security of the facility for users and adjoining premises are proposed as conditions of consent.</p>
Nowra has a major drug problem and providing a venue of this sort would only exacerbate the issue – increased anti-social behaviour.	See comments above on the security measures proposed to ensure inappropriate behaviour is not undertaken within the development.
Facility is unusable for the disabled, frail, aged and elderly.	The development is required to comply with the requirements of the Building Code of Australia (BCA) and has been designed so that compliance can be achieved. Accessible parking spaces are to be installed along with a lift which will ensure equitable and dignified access throughout the facility.
Health concerns of “Berry Court” residents is an issue. Greater noise levels, interrupted sleep, carbon monoxide fumes, lack of sunlight and general loss of quality of life.	A detailed noise impact assessment and air quality impact assessment were undertaken and were primary considerations in the design of the development. Both were considered to be acceptable.
Double the motorcycle parking to that of disabled spaces.	Compliance with the BCA can be achieved by the development, it is noted that by the very nature of motorcycles it is easier to cater for them within a multi-level car park.
Visual impact of a pre-cast concrete panel.	Landscaping is to be planted along the southern boundary to mitigate the visual impact of the pre-cast concrete panel wall and appropriate colours utilised to minimise potential ‘glare’. It is noted that the unbroken wall height ranges from

	<p>approximately 6.7m-9.3m.</p> <p>The use of suitable paint finishes and landscaping combined with a building separation of approximately 15.66m for the first three levels with an increased building separation of approximately 19.7m achieved for the final level are considered measures to appropriately mitigate the visual impact of the development as seen from the adjoining (Berry Court) residential development to the south.</p>
Loss of habitat for bird species. Loss of native tree species.	16 trees are to be removed in accordance with the recommendations of the submitted Arborist Report. This is not considered to be significant habitat for bird life noting the location within a CBD. Notwithstanding the above compensatory planting of native species is recommended via a condition of consent.
Loss of property values.	This is not considered a planning matter for consideration under Section 79C of the <i>EP & A Act 1979</i> . Property valuation is a complex matter and is subject to many varying factors.
Relocate the substation to the north eastern side of the development where it will have less impact on nearby buildings.	Prior to the issue of a Construction Certificate, certification will be required displaying that the acceptable night time noise limit will not be exceeded. The submitted environmental noise impact assessment stated that they were confident that this could be achieved subject to a final assessment.
Construction noise will be horrendous and constitutes a huge impact for the surrounding area.	Prior to the commencement of works a Construction Noise and Vibration Management Plan must be prepared that addresses how the potential noise and vibration impacts during the construction phase are to be managed.
Traffic impacts. Huge impact of access at the south western corner on the residents	As detailed earlier within the report, Council staff are of the opinion that while

of "Berry Court". This should be moved to the north western end.	there will be an increase in the number of vehicle movements to and from the site, due to the development resulting in a more intense use of the land, the increase in vehicle movements is capable of being handled by the adjoining road network subject to additional works at the site accesses.
Heritage. Number of significant building in the area including "Berry Court" building.	There are no heritage items within close proximity to the development site, nor is "Berry Court" listed as a heritage item under the Shoalhaven LEP 2014.
Loss of privacy.	The wall facing the residential development to the south ("Berry Court") is of a solid construction. In addition landscaping is required which will provide an additional buffer between the developments. With consideration of the above and that there is an approximate 15.66m building separation it is considered that there will be no loss of privacy.

The public interest

The development, as proposed, is unlikely to have a detrimental impact upon the public interest. The development, based on the information provided, is not expected to have any significant negative impacts on the environment, the amenity of the locality or public health/safety.

The development has been in the planning for some time and is intended to address a car parking shortfall. In this regard, there is a public interest in providing the new car park.

7. Other Issues:

- a) Building Code of Australia (BCA): As per the submitted reports the development is capable of compliance with the BCA. A condition of consent is recommended in this regard.
- b) Aboriginal Cultural Heritage: Council's mapping does not indicate the site, or a nearby site, as containing an item of Aboriginal heritage. Given the history of the site and its location within the Nowra CBD it is highly unlikely to contain an item of Aboriginal heritage.
- c) Lot Consolidation/Easements: Consolidation of the various Lots is required in order to facilitate the development. This should occur prior to the issue of an Occupation Certificate.

- d) Land Owner's Consent: The application as submitted has provided consent from the owner of the properties. This being from Shoalhaven City Councils Business and Property Manager. No concerns are therefore raised with land owner's consent.
- e) Local Government Act 1993 (LG Act): An approval is required for all sewerage and water supply works under Section 68 of the Act. A condition of consent has been recommended in this regard.
- f) Policy for the Assessment of Council's Own Development Applications POL12/306: The Provisions of the Act take precedence and deal with the more significant developments. The Policy is intended to ensure a transparent assessment of Council applications however in this instance the JRPP provides that function.
- g) Safety and Security: An assessment has been undertaken against the principles of Crime Prevention through Environmental Design (CPTED) by both the applicant and Shoalhaven Local Command of the NSW Police. No objection to the development was received from the NSW Police even though it will attract some undesirable behaviour and activities. This is able to be managed through ongoing security measures including security patrols, CCTV installation, lighting and regulatory processes. Conditions are recommended in this regard.
- h) Climate Change: No cumulative impacts are expected in regard to the proposed development that could further contribute to climate change. Furthermore, there are no risks relevant to the site that could potentially be exacerbated by climate change.

8. Referrals

Internal:

- i) Traffic Unit: no significant concerns were raised subject to the imposition of suitable conditions. Not all recommended conditions were imposed, it is considered that the installation of additional indented parking along Lawrence Ave is not reasonable given the primary intent of the development is to provide significant additional parking for the benefit of the public.
- j) Development Engineer: no significant concerns were raised subject to the imposition of suitable conditions. It is noted that a minor redesign is required of the exit/entry onto Berry St and can be achieved via the revision of a plan prior to the issue of a Construction Certificate.
- k) Landscape Architect: concerns raised with the level to detail provided within the submitted landscape plan. Consistent with the recommendations of the submitted arborist report all trees on the site are to be removed and replaced with new trees. A revised landscape plan will need to be submitted prior to the issue of a Construction Certificate, this can be achieved via a condition of consent.
- l) Building Surveyor: no significant concerns were raised subject to the imposition of suitable conditions. Compliance is required with the submitted Fire Engineering Report.
- m) Shoalhaven Water: No concerns raised with development. Shoalhaven Water Notice to be issued with consent, suitable conditions of consent to be imposed.
- n) Environmental Health Officer: Council's EHO reviewed the submitted acoustic report and air quality impact assessment. No concerns were raised regarding the content of the reports subject to the imposition of conditions.

External:

- a) Roads and Maritime Services (RMS): No concerns raised with the development as it is unlikely to have a major impact on the state road network.
- b) NSW Police: A crime risk assessment has been undertaken by the NSW Police. No objections were raised subject to recommendations including the installation of security lighting, CCTV facilities and ongoing security services. It was recommended that allowance be given for an additional use such as a car wash. It was not considered reasonable to provide for an additional use solely for the purpose of security. Further to the above it was considered that the installation of boundary fencing for the extent of the car park was not desirable and that the intent of the condition can be served through other security measures to be developed in conjunction with the NSW Police.

9. Options

The Joint Regional Planning Panel may:

- a) Resolve to approve the application subject to conditions (i.e. adopt the recommendations of this report including the draft conditions of consent provided or modify the provided conditions); or
- b) Resolve to refuse the application;
- c) Resolve to defer determination of the application; or
- d) Write to the applicant requesting them to amend/modify the proposal and subject to the matters being satisfactorily resolved, a further report be submitted to the Joint Regional Planning Panel (Southern Region) for its consideration.

10. Conclusion/Recommendation

This application has been assessed having regard to the Matters for Consideration under Section 79C of the Environmental Planning and Assessment Act 1979. Following a detailed assessment, it is considered that Development Application No. RA15/1000 should be approved subject to conditions, as detailed in the above report, being imposed on any issued development consent (Refer to **Attachment 'A'**)

Attachment 'A'

**NOTICE TO APPLICANT OF DETERMINATION OF DEVELOPMENT APPLICATION
BY THE SOUTHERN JOINT REGIONAL PLANNING PANEL**

DEVELOPMENT CONSENT

**In accordance with Part 4, Division 2A of the
Environmental Planning and Assessment Act, 1979
RA15/1000**

TO:

Shoalhaven City Council
PO Box 42
NOWRA NSW 2541

being the applicant(s) for RA15/1000 relating to:

1 Lawrence Ave, NOWRA - Lot 4 - DP 537780
3 Lawrence Ave, NOWRA - Lot 3 - DP 530250
76 Worrigee St, NOWRA - Lot 12 - DP 738683
78 Worrigee St, NOWRA - Lot 13 - DP 738683
80 Worrigee St, NOWRA - Lot 1 - DP 738686
62 Berry St, NOWRA - Lot 5 - DP 537780
56 Berry St, NOWRA - Lot 1 - DP 738675
58 Berry St, NOWRA - Lot 1 - DP 738687
60 Berry St, NOWRA - Lot 2 - DP 738687

APPROVED USE AND OR DEVELOPMENT:

Multi-level public Car park (5 levels) providing for 625 car and 21 motorcycle parking spaces

DETERMINATION DATE:

[#Determined#]

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

CONSENT TO OPERATE FROM:

[#ConsentFrom#]

CONSENT TO LAPSE ON:

[#LapseDate#]

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

DETAILS OF CONDITIONS

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

PART A

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

General

1. This consent relates to **Multi-level public Car park (5 levels) providing for 625 car and 21 motorcycle parking spaces** as illustrated on the plans (referenced in the table below), specifications and supporting documentation stamped with reference to this consent, as modified by the following conditions. The development must be carried out in accordance with this consent.

DOCUMENT	REF/SHEET NO.	PREPARED BY	DATED
Site Plan	Job No.23-15177, Rev No.01, A050	GHD	30/05/2014
Floor Plan Level -01	Job No.23-15177, Rev No.2, A100	GHD	11/5/2016
Floor Plan Level 00	Job No.23-15177, Rev No.2, A101	GHD	11/8/2016
Floor Plan Level 01	Job No.23-15177, Rev No.3, A102	GHD	11/8/2016
Floor Plan Level 02	Job No.23-15177, Rev No.3, A103	GHD	11/8/2016
Floor Plan Level 03	Job No.23-15177, Rev No.3, A104	GHD	11/8/2016
Floor Plan Level 04	Job No.23-15177, Rev No.3, A105	GHD	11/8/2016
Elevations Sheet 1	Job No.23-15177, Rev No.2, A401	GHD	22/09/2015
Elevations Coloured Screen Sheet 1 & 2	Job No.23-15177, Rev No.00, A404 & A405	GHD	22/09/2015
Sections – Sheet 1 & 2	Job No.23-15177, Rev No.01, A451 & A452	GHD	30/05/2014
Details – Sheet 1	Job No.23-15177, Rev No.01, A501	GHD	30/05/2014
Fire Engineering Report	106979-FER-r2	BCA Logic	31/5/2016
Waste Minimisation & Management Plan	Ref 13/80	Cowman Stoddart Pty Ltd	May 2015

Notes:

- Any alteration to the plans and/or documentation must be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under Section 96 of the Act, or a fresh development application. No works, **other than those approved under this consent**, must be carried out without the prior approval of Council.
 - Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions must prevail to the extent of that inconsistency.
2. The **Multi-level public Car park (5 levels) providing for 625 car and 21 motorcycle parking spaces** must not be occupied or the use must not commence until all relevant conditions of development consent have been met or unless other satisfactory arrangements have been made with council (i.e. a security).

Occupation Certificate

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

Demolition

4. Where demolition is proposed the following must be complied with:
 - a) precautions must be taken in accordance with the requirements of the Work Cover Authority of NSW in respect of protection of site workers and the public,
 - b) suitable measures must be taken to ensure that there is no adverse effect to occupants of adjoining buildings and the public by the generation of dust and/or noise during demolition,
 - c) protection must be afforded to users of any adjoining public places by the provision of suitable hoardings, and
 - d) demolition work must be carried out in accordance with Australian Standard AS2601-2001: The Demolition of Structures.

PART B

CONDITIONS THAT MUST BE COMPLIED WITH BEFORE WORK CAN COMMENCE

Principal Certifying Authority/Construction Certificate

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

Notice of Commencement

6. Notice must be given to Council at least two (2) days prior to the commencement of building work.
7. Prior to the commencement of works, Council must be advised in writing of the name and 24 hour contact number of the designated person/company nominated by the applicant to be responsible for construction of all engineering works including erosion and sediment control measures and their maintenance. The person/company nominated must be a suitably qualified, experienced and practicing engineer or surveyor. The supervisor will be required to verify the works have been completed in accordance with the design and specification.

Erosion and Sediment Control

8. Prior to the commencement of works a soil and water management plan (SWMP) and accompanying specifications for the construction phase of the works must be lodged for approval with the nominated accredited certifier for works within the subject property and Council for works within the road reserve. The Plan must be prepared by a suitably

qualified and experienced professional and based on the Landcom manual Soils and Construction, Managing Urban Stormwater, Vol 1, 4th Edition, March 2004.

The approved erosion and sediment measures must be implemented by the contractor and inspected and approved by the accredited certifier prior to the commencement of any works. The erosion and sediment measures must be maintained for the life of the construction period and until runoff catchments are stabilised.

Works within the Road Reserve

9. Prior to undertaking any works within an existing road reserve, the contractor must obtain the consent of Council under Section 138 of the *Roads Act 1993*. The following details must be submitted to Council to obtain the Section 138 consent:
 - a) Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the vehicular and pedestrian public. The TCP must comply with the current RMS's manual Traffic Control at Work Sites. Warning and protective devices must comply with the provisions of AS 1742.3 – 2002 Traffic Control Devices for Works on Roads. The plan must be prepared, signed and certified by a person holding the appropriate RMS accreditation, a copy of which is to be submitted with the plan.
 - b) Insurance details.
 - c) Name and contact information of the person/company appointed to supervise the construction.
 - d) Should the contractor want a single 138 approval to cover works additional to road, drainage and site regrading (e.g. water supply, sewerage, landscaping, etc), details of such works should be forwarded to the designer of the Traffic Control Plan. Copies of the layout plans and work method statements of these additional works are to be submitted to the Subdivision Manager in conjunction with the 138 application for road and drainage works.

Construction Management Plan (Traffic & Parking)

10. Prior to the commencement of works details of the proposed method of dealing with construction traffic are to be submitted to Council for approval. The details must include, however are not limited to the following:
 - a) stabilised site construction access location,
 - b) proposed haulage routes for delivery of materials to the site and spoil disposal from the site,
 - c) estimated timing of construction works in the form of a Gant chart or similar,
 - d) parking arrangements for construction employees and contractors, and
 - e) proposed maintenance of the haulage routes and the name of the person responsible for such maintenance. The approved haulage route may require upgrading and or maintenance prior to commencement of any work and maintenance during the construction period for public safety.

Builders' Toilet

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

A chemical toilet may be used on the site or alternatively the site may be provided with temporary closet accommodation connected to Council's sewer where sewer is available and operational. Under no circumstances will pit toilets or similar be accepted by Council.

Existing services/damage to public assets – Dilapidation report

12. Prior to the commencement of any work(s) associated with this development:

- a) the developer or their agent must check that the proposed works are not affected by any Council, electricity, telecommunications, gas or other services. All services, existing and proposed, above or below ground are to be shown accurately on the engineering plans including longitudinal sections with clearances to proposed infrastructure clearly labelled. Any required alterations to services as a consequence of undertaking works under this consent will be at the developer's expense. In addition any repair or damage to services will be at the developers expense, and
- b) the developer or their agent must undertake a site inspection and document any evidence of damage to the public assets prior to commencement of work. Any damage to the adjacent kerbs, gutters, footpaths (formed or unformed), walkways (formed or unformed), carriageway, reserves and the like, that occurs during development works must be repaired by the applicant. Failure to adequately identify existing damage will result in all damage detected by Council after completion of the building work being repaired at the applicant's expense. A copy of the inspection documentation is to be provided to Council prior to the commencement of works.

Sign – Supervisor Contact Details

13. A sign must be erected in a prominent position on any site where building work is being carried out:

- a) Showing the name, address and telephone number of the Principal Certifying Authority for the work.
- b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours.
- c) Stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work is being carried out.

Public Safety and Protection of Public Property

14. The building site/area where works are being undertaken is to be fenced (in accordance with Safework NSW (formerly WorkCover) requirements), prior to the commencement of works, suitable for keeping members of the public and unauthorised people out.

PART C

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

Shoalhaven Water

15. All conditions listed on the Shoalhaven Water Development Application Notice under the heading "Prior to the Issue of a Construction Certificate" must be complied with and accepted by Shoalhaven Water prior to the issue of a Construction Certificate. The authority issuing the Construction Certificate for the development must obtain written approval from Shoalhaven Water allowing a Construction Certificate to be issued.

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

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

Revised Plans

16. Prior to the issue of a Construction Certificate the car park exit/entry onto Berry St adjacent to motorcycle parking area will need to be redesigned to ensure that the 99th% vehicle can pass the 85th% vehicle without issue or conflict. Accordingly plan A102, prepared by GHD, rev 03 dated 11-08-2016 must be revised to demonstrate compliance with this condition of consent.
17. Prior to the issue of a Construction Certificate a revised landscape plan must be prepared by a qualified landscape architect or designer and submitted to the Principal Certifying Authority (PCA) for approval. In this regard the landscape plan must include, however not be limited to the following:
- a) location of all proposed plantings and trees to be removed,
 - b) a detailed planting schedule including species by botanical and common names, quantities, pot sizes and estimated size at maturity,
 - c) tree pit schedule utilising Citygreen StrataCell Structural Soil Modules (or equivalent), and
 - d) details of drainage and watering systems.

Tree species to be planted are as follows:

- a) Berry frontage (adjoining southern boundary): *Pyrus* species.
- b) Worrigee Street: *Acmena smithii* or *Magnolia grandiflora* 'Exmouth', and
- c) Lawrence Avenue: *Syzigium Leuhmanii*.

Those trees must be semi-mature with a minimum pot size of 400 litres, unless otherwise specified in writing by Council.

Colours and Materials

18. The development must be constructed in accordance with the approved plan. In this regard a detailed colour and material schedule must be provided with application for a Construction Certificate for approval by the Principal Certifying Authority. The schedule must also address the southern wall of the structure which must not be painted bright white or similar. A colour or design treatment must be selected to match the art work, minimize glare and reflectivity. In the event, that the wall is to be used for public art, the artwork must be endorsed by Council prior to it being installed.

Structural Design

19. Detailed structural design 'where required' of the carpark and all associated works must be certified by an NPER-III registered practising engineer and submitted for approval by Council's Engineering Coordinator or Delegate. The design will need to include, however not be limited to:
 - a) concrete slabs, columns, major drainage structures, including pre-cast concrete culverts, headwalls, wing walls and stormwater pits/structures that require steel reinforcement, and
 - b) retaining walls greater than 0.6 metre in height.

Zone of Influence

20. To prevent differential settlement of the proposed/existing structures adjacent to an easement, pier and beam footings must be provided to at least the depth of the invert level of the pipe or solid rock. All other foundations must be located so that buildings are founded below the zone of influence of the drainage line within the easement. The drainage line must be able to be repaired or replaced at any time without affecting the stability of the building. It may also be necessary to concrete encase the drainage pipe.

On-Site Detention

21. On-site detention storage for stormwater runoff from the site must be provided such that the discharge from the site for design storm events up to and including the 100 year average recurrence interval does not exceed the pre-developed conditions. Details must be submitted to Council or an accredited certifier for approval prior to the issue a construction certificate. All flow discharging from on-site detention is to be via gravity flow to an approved discharge location. Automatic pump out systems from on-site detention will not be allowed.
 - a) The on-site detention structure must be designed to incorporate lockable access for maintenance and a suitably graded invert to prevent ponding.
 - b) The on-site detention structure must be designed to withstand a T44 load as defined in Austroad's Bridge Design Manual.

Electricity Substation

22. Prior to the issue of a Construction Certificate details must be submitted to the Principal Certifying Authority (PCA) certifying that the proposed electricity substation will not exceed an energy average (Leq) sound power level (Lw) of 62 dBA.

PART D

CONDITIONS RELATING TO THE APPROVED WORK AND SITE MANAGEMENT

Design Standards

23. Engineering design plans and specifications for the work referred to in this consent are to be submitted for approval as follows:

- (a) Details of internal civil works must be submitted to nominated accredited certifier (Private Certifier or Council) for approval.
- (b) Details of all proposed works in the road reserve must be submitted and approved by Council.

All civil works are to be in accordance with Council's Engineering Design Specifications and Development Construction Specifications current at the time of construction unless otherwise specified in this consent.

Stormwater Drainage Design

24. Major and minor drainage systems must be designed by a qualified practising engineer in accordance with Council's Engineering Design Specifications section D5 (Stormwater Drainage Design) and DCP 2014 – Chapter G2: Sustainable Stormwater Management and Erosion/Sediment Control. The minor and major systems must be designed for 10% Average Exceedance Probability (AEP) for commercial development and also have consideration for the 1% AEP rainfall events respectively.

Carpark Design

25. The car park must be designed in accordance with A.S. 2890 Parking Facilities and be generally in accordance with the approved plans.

Urban – Reinstatement of Kerb and Gutter

26. Redundant gutter crossings and pipe outlets and the like are to be removed and the area reinstated to the satisfaction of Council. Redundant laybacks are to be reinstated as follows:

- a) the road pavement is to be saw-cut parallel to the lip of the gutter,
- b) the existing layback and gutter is to be removed, and
- c) new cast in-situ kerb and gutter to match adjacent profile is to be poured and connected to the adjoining sections of kerb with suitable bitumen joining.

Road Design Standards

27. Concrete gutter layback and footpath crossings must generally in accordance with GHD General Arrangement Floor Plans job no 23-15177, plan A100 rev 02 Dated 11-5-16 and Plan A102 rev 03 dated 11-8-16 (as amended) and in accordance with Council's Standard Drawings Plan Nos. 5104-07, 2026-05 and Fig D1.20 (Engineering Design Specification).

Where kerb and gutter exists, the plans must be detailed to ensure road seal and pavement is to be removed to a sufficient width to permit placing of formwork and the laying and compacting of suitable pavement material (1m minimum offset to lip line).

Footpath

28. A 1.2 metre wide concrete footpath must be designed along the western side of Lawrence Avenue from the car park entry/exit connecting to existing footpaths within Lawrence Avenue and Worrigee Street. Details are to be shown on the engineering design plans and must incorporate the following:
- a) footpath levels must comply with a 3% cross fall from the top of kerb.
 - b) The level of the footpath must match existing footpath levels of adjoining property frontages and be a uniform grade over the length of the development site frontage. Where this cannot be achieved, a longitudinal section must be designed.
 - c) Details of any required retaining wall.

Signage and Line Marking Plan

29. A signage and line marking plan must be submitted to Council for referral to the Shoalhaven Traffic Committee and subsequent recommendation to Council. The plan is to include all regulatory and warning signs as well as all line marking proposed to be installed in conjunction with the proposed development. It is to include all internal and external signs and lines and all associated traffic facilities. Six to eight weeks should be allowed for this process.

Lawrence Avenue Traffic Direction

30. To provide more efficient traffic flow and road safety management in the vicinity as well as improved access to and from the approved development the current direction (southbound) of the one-way traffic flow in Lawrence Avenue is to be reversed to northbound. All associated signage and line marking changes are to be included in the signage and line marking plan required by the previous condition.

Fire Engineering Report

31. The approved development must comply with the Fire Engineering Report (Reference No.106979-FER-r2 and dated 31 May 2016) prepared by BCA Logic. The fire engineered alternative solutions identified in the Fire Engineering Report must be included in the Fire Safety Schedule for the building.

Lighting Design

32. Lighting is to be provided to the internal driveway and car parking areas in accordance with AS/NZS 1158 - Road Lighting Pedestrian Area, Category P Lighting, Performance and Installation Design Requirements. In this regard a lighting design plan is to be submitted to Council for approval.
33. The use of security lighting must comply with AS 4282(1997) – *The Control of the Obtrusive Effect of Outdoor Lighting*.

Closed Circuit Television Installation

34. Closed Circuit Television (CCTV) facilities that are resistant to vandalism and easily maintained must be installed throughout the approved development along with associated signage for the protection of car park users.

Local Government Act 1993 – Section 68 Approval

35. Prior to the commencement of works approval under Section 68 of the *Local Government Act 1993* is required. Plans prepared by a properly qualified and practising hydraulics engineer are to be submitted to Council for approval of all sewerage and water supply works.

Colours and Materials

36. The development must utilise the colours and materials as contained within the approved documentation and required by conditions of consent unless otherwise approved in writing by Council.

Landscaping

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

Building Code of Australia

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

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

Waste Minimisation and Management Plan

39. All waste must be contained within the site during construction and then be recycled in accordance with the approved Waste Minimisation and Management Plan (WMMP) or removed to an authorised waste disposal facility. No waste must be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site. Compliance with the WMMP must be demonstrated by the retention of relevant receipts. These must be submitted to Council, upon request.

Documentation for Imported Fill

40. Documentation from the supplier of any fill to be used on the development site that certifies that imported fill material is not contaminated based on analyses of the material must be provided to Council prior to placing fill on the site. Sampling and analysis of the imported fill material must be conducted in accordance with the EPA Sampling Design Guidelines.

Construction Hours

41. Excavation, demolition or construction work must only be permitted during the following hours:
- a) 7:00 am to 6.00 pm, Mondays to Fridays, inclusive,
 - b) 8:00 am to 3:00 pm, and
 - c) at no time on Sundays or public holidays.

In the case that a standing plant or special permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.

Construction Noise

42. Prior to the commencement of works a Noise and Vibration Management Plan is to be prepared by a suitably qualified professional addressing the likely noise and vibration resulting from demolition, excavation and construction of the development and submitted to the Principal Certifying Authority.

The Plan is to identify amelioration measures to ensure the noise and vibration levels will be compliant with the relevant Australian Standards. The Plan must address, however not be limited to, the following matters:

- a) identification of activities carried out and associated noise sources,
- b) identification of potentially affected sensitive receivers,
- c) determination of appropriate noise and vibration objectives for each identified sensitive receiver,
- d) assessment of potential noise and vibration from the demolition, excavation and construction activities, including noise from construction vehicles,
- e) description of specific mitigation treatments, management methods and procedures to be implemented to control noise and vibration during construction,
- f) construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency, and
- g) procedures for notifying residents of construction activities likely to affect their amenity through noise and vibration.

Dust

43. Where a dust nuisance is likely to occur, suitable screens and/or barricades must be erected during the excavation and building works. If necessary, water sprays must be used on the site to reduce the emission of dust. Screening must consist of minimum 2 metres height of shade cloth or similar material secured to a fence.

PART E

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

Prior to Issue of an Occupation Certificate

44. Prior to the issue of an Occupation Certificate for the approved development, the relevant conditions of consent listed in Parts A, B, C, D & E must be complied with and completed to the satisfaction of the Principal Certifying Authority.

Certificate of Compliance – Shoalhaven Water

45. A Certificate of Compliance (CC) under Section 307 of Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 must be obtained to verify that all necessary requirements for matters relating to water supply and sewerage (where applicable) for the development have been made with Shoalhaven Water. A Certificate of Compliance must be obtained from Shoalhaven Water after satisfactory compliance with all conditions as listed on the Development Application Notice and prior to the issue of an Occupation Certificate.

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

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

Verification of Works

46. Prior to the issue of an Occupation Certificate certification must be obtained from Council to verify that all works in the road reserve have been completed in accordance with the approved plans and construction specifications.
47. Where required, a certificate from a NPER-III registered practising structural engineer must be submitted to Council to certify all structural elements have been constructed in accordance with the approved plans.

Lot Consolidation

48. The subject land (Lot 5 in DP 537780, Lot 4 in DP 537780, Lot 3 in DP 530250, Lot 1 in DP 738675, Lot 12 in DP 738683, Lot 13 in DP 738683, Lot 1 in DP 738686, Lot 1 in DP 738687, Lot 2 in DP 738687) must be consolidated. In this regard, evidence of registration of the plan of consolidation with the Land and Property Information (LPI) must be submitted to Council prior to issue of an Occupation Certificate.

Security Management Plan

49. A Security Management Plan is to be prepared in conjunction with the NSW Police prior to the issue of an Occupation Certificate. The Security Management Plan is to detail how the approved development will be managed both within and outside of the approved operating hours to minimise the potential impact on nearby residents and effectively manage anti-social behaviour. The plan must specify security patrol, surveillance and other security response methods and security management within and surrounding the site.

Fire Safety Certificate

50. The owner is to supply Council with a Final Safety Certificate for the fire safety measures specified in the Fire Safety Schedule. The fire safety measures must be implemented or installed in the building prior to its occupation. The building must not be occupied without a final Fire Safety Certificate being issued and a Final or Interim Occupation Certificate being issued.

Damage to public assets

51. Any infrastructure within the road reserve along the frontage of the subject site or within close proximity, which has been damaged as a result of construction works, is to be repaired to the satisfaction of Council.

PART F

CONDITIONS THAT RELATE TO ONGOING MANAGEMENT OF THE APPROVED DEVELOPMENT

Annual Fire Safety Statement

52. At least once in every twelve month period an annual Fire Safety Statement is to be submitted to Council and to the Fire Commissioner of the NSW Fire and Rescue, Fire Safety Division in relation to the fire safety measures listed in the Fire Safety Schedule.

Hours of Operation

53. The use of the approved development is restricted to the hours of 7:00am to 8:00pm, 7 days per week. Exit gates are to remain open for vehicles parked beyond 8:00pm.

Security Management

54. The measures contained within the Security Management Plan must be implemented and adhered to for the life of the development.

Site Maintenance – Commercial/Industrial Development

55. The owner or operator must at all times be responsible for on-going site management and maintenance in accordance with the following:
- a) loading and unloading in relation to the use of the premises must occur in the designated loading areas,
 - b) maintenance and replacement (if necessary) of all landscaping in accordance with the approved landscape plan,
 - c) maintenance of vehicular movement areas including driveways, carparking, manoeuvring areas and line marking to the standard specified in this consent,
 - d) maintenance of stormwater drainage pipes and systems to ensure efficient discharge of stormwater in accordance with the approved stormwater drainage plan, and
 - e) maintenance of buildings, fencing, signage/markings to the standards specified in this consent.

PART G

REASONS FOR CONDITIONS

Conditions of consent have been imposed to:

1. Ensure the proposed development:
 - a) achieves the objects of the Environmental Planning and Assessment Act, 1979;
 - b) complies with the provisions of all relevant environmental planning instruments;
 - c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.

2. Ensure that the relevant public authorities and the water supply authority have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities.
3. Ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.
4. Minimise any potential adverse environmental, social or economic impacts of the proposed development.
5. Ensure that all traffic, carparking and access requirements arising from the development are addressed.
6. Ensure the development does not conflict with the public interest.

PART H

ADVICE ABOUT RIGHTS OF REVIEW AND APPEAL

Development Determination under Environmental Planning and Assessment Act, 1979

*Under section 82A of the Environmental Planning and Assessment Act, 1979 an applicant may request the council to review its determination except where it relates to a Complying Development Certificate, Designated Development or Integrated Development. The request must be made **within six (6) months** of the date of the receipt of the determination, with a prescribed fee of 50% of the original DA fee.*

*Section 97 of the Environmental Planning and Assessment Act, 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court which can be exercised **within six (6) months** after receipt of this notice.*

Approvals under Local Government Act, 1993

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

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

PART I

GENERAL ADVICE TO APPLICANT

Privacy Notification

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

Disability Discrimination Act 1992

This application has been assessed in accordance with the *Environmental Planning & Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS1428.1 - "Design for Access and Mobility". AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act currently available in Australia.

Disclaimer – s88B Restrictions on the Use of Land

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

Under Clause 1.9A of Shoalhaven Local Environmental Plan 2014 agreements, covenants or instruments that restrict the carrying out of the proposed development do not apply to the extent necessary to enable the carrying out of that development, other than where the interests of a public authority is involved.

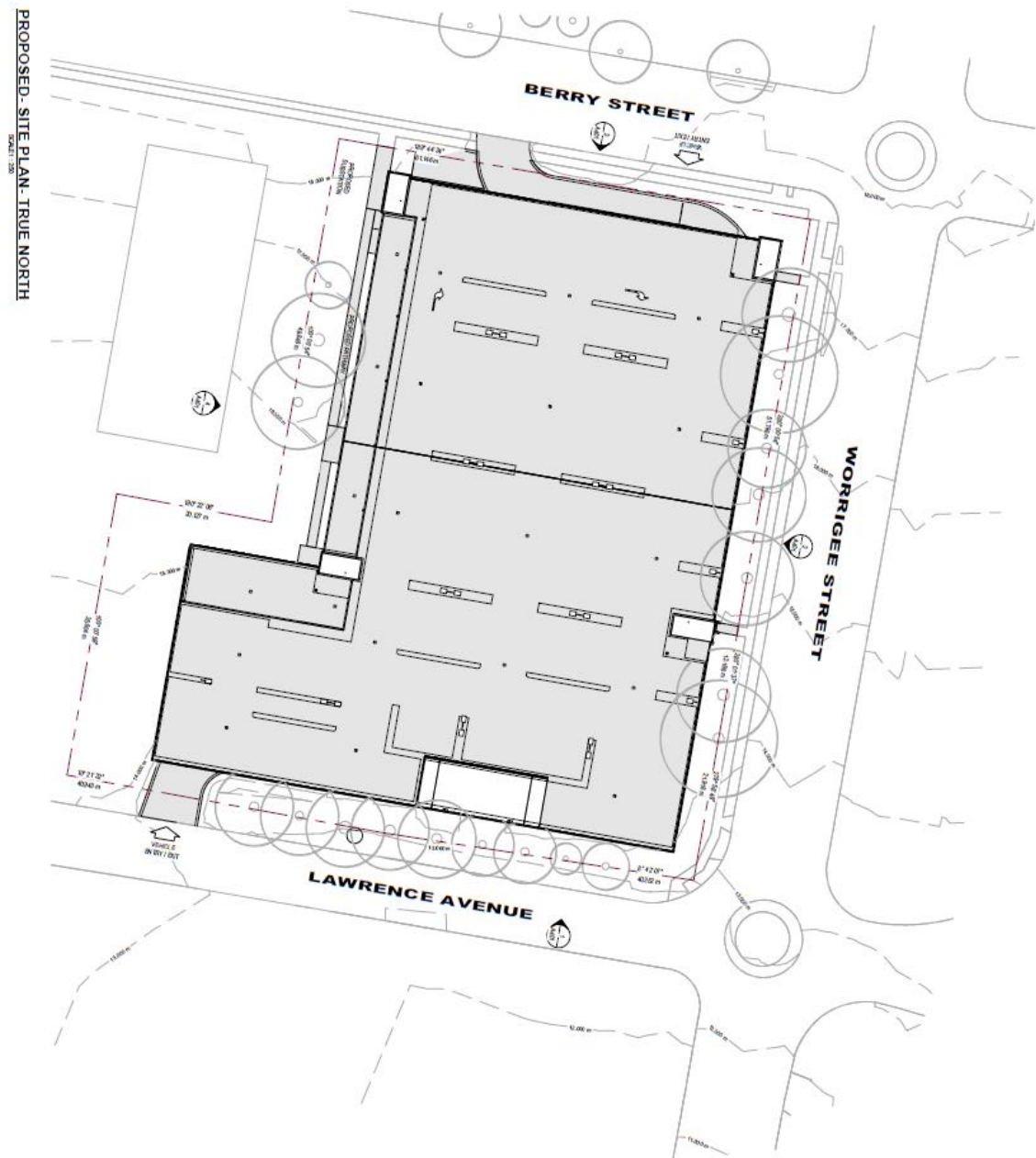
DBYD Enquiry - 'Dial Before You Dig'

In order to avoid risk to life and property it is advisable that an enquiry be made with "Dial Before You Dig" on 1100 or www.dialbeforeyoudig.com.au prior to any excavation works taking place to ascertain the location of underground services. You must also contact your Local Authority for locations of Water and Sewer Mains.

Cc: RMS
PO Box 477
Wollongong NSW 2520

Attachment 'B'

Site Plan



Gross Floor Area (GFA)	
LEVEL 04	4153.98 m ²
LEVEL 03	4448.83 m ²
LEVEL 02	4448.83 m ²
LEVEL 01	4448.83 m ²
LEVEL 00	3905.05 m ²
LEVEL -01	2297.37 m ²
	29307.76 m ²

[illegible]

STANDARD 100	STANDARD CODE	STANDARD NAME	STANDARD UNIT	STANDARD PRICE	STANDARD QUANTITY	STANDARD COST
STANDARD 101	101	STANDARD 101	101	101	101	101
STANDARD 102	102	STANDARD 102	102	102	102	102
STANDARD 103	103	STANDARD 103	103	103	103	103
STANDARD 104	104	STANDARD 104	104	104	104	104
STANDARD 105	105	STANDARD 105	105	105	105	105
STANDARD 106	106	STANDARD 106	106	106	106	106
STANDARD 107	107	STANDARD 107	107	107	107	107
STANDARD 108	108	STANDARD 108	108	108	108	108
STANDARD 109	109	STANDARD 109	109	109	109	109
STANDARD 110	110	STANDARD 110	110	110	110	110
STANDARD 111	111	STANDARD 111	111	111	111	111
STANDARD 112	112	STANDARD 112	112	112	112	112
STANDARD 113	113	STANDARD 113	113	113	113	113
STANDARD 114	114	STANDARD 114	114	114	114	114
STANDARD 115	115	STANDARD 115	115	115	115	115
STANDARD 116	116	STANDARD 116	116	116	116	116
STANDARD 117	117	STANDARD 117	117	117	117	117
STANDARD 118	118	STANDARD 118	118	118	118	118
STANDARD 119	119	STANDARD 119	119	119	119	119
STANDARD 120	120	STANDARD 120	120	120	120	120
STANDARD 121	121	STANDARD 121	121	121	121	121
STANDARD 122	122	STANDARD 122	122	122	122	122
STANDARD 123	123	STANDARD 123	123	123	123	123
STANDARD 124	124	STANDARD 124	124	124	124	124
STANDARD 125	125	STANDARD 125	125	125	125	125
STANDARD 126	126	STANDARD 126	126	126	126	126
STANDARD 127	127	STANDARD 127	127	127	127	127
STANDARD 128	128	STANDARD 128	128	128	128	128
STANDARD 129	129	STANDARD 129	129	129	129	129
STANDARD 130	130	STANDARD 130	130	130	130	130
STANDARD 131	131	STANDARD 131	131	131	131	131
STANDARD 132	132	STANDARD 132	132	132	132	132
STANDARD 133	133	STANDARD 133	133	133	133	133
STANDARD 134	134	STANDARD 134	134	134	134	134
STANDARD 135	135	STANDARD 135	135	135	135	135
STANDARD 136	136	STANDARD 136	136	136	136	136
STANDARD 137	137	STANDARD 137	137	137	137	137
STANDARD 138	138	STANDARD 138	138	138	138	138
STANDARD 139	139	STANDARD 139	139	139	139	139
STANDARD 140	140	STANDARD 140	140	140	140	140
STANDARD 141	141	STANDARD 141	141	141	141	141
STANDARD 142	142	STANDARD 142	142	142	142	142
STANDARD 143	143	STANDARD 143	143	143	143	143
STANDARD 144	144	STANDARD 144	144	144	144	144
STANDARD 145	145	STANDARD 145	145	145	145	145
STANDARD 146	146	STANDARD 146	146	146	146	146
STANDARD 147	147	STANDARD 147	147	147	147	147
STANDARD 148	148	STANDARD 148	148	148	148	148
STANDARD 149	149	STANDARD 149	149	149	149	149
STANDARD 150	150	STANDARD 150	150	150	150	150
STANDARD 151	151	STANDARD 151	151	151	151	151
STANDARD 152	152	STANDARD 152	152	152	152	152
STANDARD 153	153	STANDARD 153	153	153	153	153
STANDARD 154	154	STANDARD 154	154	154	154	154
STANDARD 155	155	STANDARD 155	155	155	155	155
STANDARD 156	156	STANDARD 156	156	156	156	156
STANDARD 157	157	STANDARD 157	157	157	157	157
STANDARD 158	158	STANDARD 158	158	158	158	158
STANDARD 159	159	STANDARD 159	159	159	159	159
STANDARD 160	160	STANDARD 160	160	160	160	160
STANDARD 161	161	STANDARD 161	161	161	161	161
STANDARD 162	162	STANDARD 162	162	162	162	162
STANDARD 163	163	STANDARD 163	163	163	163	163
STANDARD 164	164	STANDARD 164	164	164	164	164
STANDARD 165	165	STANDARD 165	165	165	165	165
STANDARD 166	166	STANDARD 166	166	166	166	166
STANDARD 167	167	STANDARD 167	167	167	167	167
STANDARD 168	168	STANDARD 168	168	168	168	168
STANDARD 169	169	STANDARD 169	169	169	169	169
STANDARD 170	170	STANDARD 170	170	170	170	170
STANDARD 171	171	STANDARD 171	171	171	171	171
STANDARD 172	172	STANDARD 172	172	172	172	172
STANDARD 173	173	STANDARD 173	173	173	173	173
STANDARD 174	174	STANDARD 174	174	174	174	174
STANDARD 175	175	STANDARD 175	175	175	175	175
STANDARD 176	176	STANDARD 176	176	176	176	176
STANDARD 177	177	STANDARD 177	177	177	177	177
STANDARD 178	178	STANDARD 178	178	178	178	178
STANDARD 179	179	STANDARD 179	179	179	179	179
STANDARD 180	180	STANDARD 180	180	180	180	180
STANDARD 181	181	STANDARD 181	181	181	181	181
STANDARD 182	182	STANDARD 182	182	182	182	182
STANDARD 183	183	STANDARD 183	183	183	183	183
STANDARD 184	184	STANDARD 184	184	184	184	184
STANDARD 185	185	STANDARD 185	185	185	185	185
STANDARD 186	186	STANDARD 186	186	186	186	186
STANDARD 187	187	STANDARD 187	187	187	187	187
STANDARD 188	188	STANDARD 188	188	188	188	188
STANDARD 189	189	STANDARD 189	189	189	189	189
STANDARD 190	190	STANDARD 190	190	190	190	190
STANDARD 191	191	STANDARD 191	191	191	191	191
STANDARD 192	192	STANDARD 192	192	192	192	192
STANDARD 193	193	STANDARD 193	193	193	193	193
STANDARD 194	194	STANDARD 194	194	194	194	194
STANDARD 195	195	STANDARD 195	195	195	195	195
STANDARD 196	196	STANDARD 196	196	196	196	196
STANDARD 197	197	STANDARD 197	197	197	197	197
STANDARD 198	198	STANDARD 198	198	198	198	198
STANDARD 199	199	STANDARD 199	199	199	199	199
STANDARD 200	200	STANDARD 200	200	200	200	200
STANDARD 201	201	STANDARD 201	201	201	201	201
STANDARD 202	202	STANDARD 202	202	202	202	202
STANDARD 203	203	STANDARD 203	203	203	203	203
STANDARD 204	204	STANDARD 204	204	204	204	204
STANDARD 205	205	STANDARD 205	205	205	205	205
STANDARD 206	206	STANDARD 206	206	206	206	206
STANDARD 207	207	STANDARD 207	207	207	207	207
STANDARD 208	208	STANDARD 208	208	208	208	208
STANDARD 209	209	STANDARD 209	209	209	209	209
STANDARD 210	210	STANDARD 210	210	210	210	210
STANDARD 211	211	STANDARD 211	211	211	211	211
STANDARD 212	212	STANDARD 212	212	212	212	212
STANDARD 213	213	STANDARD 213	213	213	213	213
STANDARD 214	214	STANDARD 214	214	214	214	214
STANDARD 215	215	STANDARD 215	215	215	215	215
STANDARD 216	216	STANDARD 216	216	216	216	216
STANDARD 217	217	STANDARD 217	217	217	217	217
STANDARD 218	218	STANDARD 218	218	218	218	218
STANDARD 219	219	STANDARD 219	219	219	219	219
STANDARD 220	220	STANDARD 220	220	220	220	220
STANDARD 221	221	STANDARD 221	221	221	221	221
STANDARD 222	222	STANDARD 222	222	222	222	222
STANDARD 223	223	STANDARD 223	223	223	223	223
STANDARD 224	224	STANDARD 224	224	224	224	224
STANDARD 225	225	STANDARD 225	225	225	225	225
STANDARD 226	226	STANDARD 226	226	226	226	226
STANDARD 227	227	STANDARD 227	227	227	227	227
STANDARD 228	228	STANDARD 228	228	228	228	228
STANDARD 229	229	STANDARD 229	229	229	229	229
STANDARD 230	230	STANDARD 230	230	230	230	230
STANDARD 231	231	STANDARD 231	231	231	231	231
STANDARD 232	232	STANDARD 232	232	232	232	232
STANDARD 233	233	STANDARD 233	233	233	233	233
STANDARD 234	234	STANDARD 234	234	234	234	234
STANDARD 235	235	STANDARD 235	235	235	235	235
STANDARD 236	236	STANDARD 236	236	236	236	236
STANDARD 237	237	STANDARD 237	237	237	237	237
STANDARD 238	238	STANDARD 238	238	238	238	238
STANDARD 239	239	STANDARD 239	239	239	239	239
STANDARD 240	240	STANDARD 240	240	240	240	240
STANDARD 241	241	STANDARD 241	241	241	241	241
STANDARD 242	242	STANDARD 242	242	242	242	242
STANDARD 243	243	STANDARD 243	243	243	243	243
STANDARD 244	244	STANDARD 244	244	244	244	244
STANDARD 245	245	STANDARD 245	245	245	245	245
STANDARD 246	246	STANDARD 246	246	246	246	246
STANDARD 247	247	STANDARD 247	247	247	247	247
STANDARD 248	248	STANDARD 248	248	248	248	248
STANDARD 249	249	STANDARD 249	249	249	249	249
STANDARD 250	250	STANDARD 250	250	250	250	250
STANDARD 251	251	STANDARD 251	251	251	251	251
STANDARD 252	252	STANDARD 252	252	252	252	252
STANDARD 253	253	STANDARD 253	253	253	253	253
STANDARD 254	254	STANDARD 254	254	254	254	254
STANDARD 255	255	STANDARD 255	255	255	255	255
STANDARD 256	256	STANDARD 256	256	256	256	256
STANDARD 257	257	STANDARD 257	257	257	257	257
STANDARD 258	258	STANDARD 258	258	258	258	258
STANDARD 259	259	STANDARD 259	259	259	259	259
STANDARD 260	260	STANDARD 260	260	260	260	260
STANDARD 261	261	STANDARD 261	261	261	261	261
STANDARD 262	262	STANDARD 262	262	262	262	262
STANDARD 263	263	STANDARD 263	263	263	263	263
STANDARD 264	264	STANDARD 264	264	264	264	264
STANDARD 265	265	STANDARD 265	265	265	265	265
STANDARD 266	266	STANDARD 266	266	266	266	266
STANDARD 267	267	STANDARD 267	267	267	267	267
STANDARD 268	268	STANDARD 268	268	268	268	268
STANDARD 269	269	STANDARD 269	269	269	269	269
STANDARD 270	270	STANDARD 270	270	270	270	270
STANDARD 271	271	STANDARD 271	271	271	271	271
STANDARD 272	272	STANDARD 272	272	272	272	272
STANDARD 273	273	STANDARD 273	273	273	273	273
STANDARD 274	274	STANDARD 274	274	274	274	274
STANDARD 275	275	STANDARD 275	275	275	275	275
STANDARD 276	276	STANDARD 276	276	276	276	276
STANDARD 277	277	STANDARD 277	277	277	277	277
STANDARD 278	278	STANDARD 278	278	278	278	278
STANDARD 279	279	STANDARD 279	279	279	279	279
STANDARD 280	280	STANDARD 280	280	280	280	280
STANDARD 281	281	STANDARD 281	281	281	281	281
STANDARD 282	282	STANDARD 282	282	282	282	282
STANDARD 283	283	STANDARD 283	283	283	283	283
STANDARD 284	284	STANDARD 284	284	284	284	284
STANDARD 285	285	STANDARD 285	285	285	285	285
STANDARD 286	286	STANDARD 286	286	286	286	286
STANDARD 287	287	STANDARD 287	287			



Item	Description	Job Manager	Date
01	LEFT ACCORD	DF	03.11.14
02	REPAIR FOR PA	DF	20.02.14

SITE PLAN

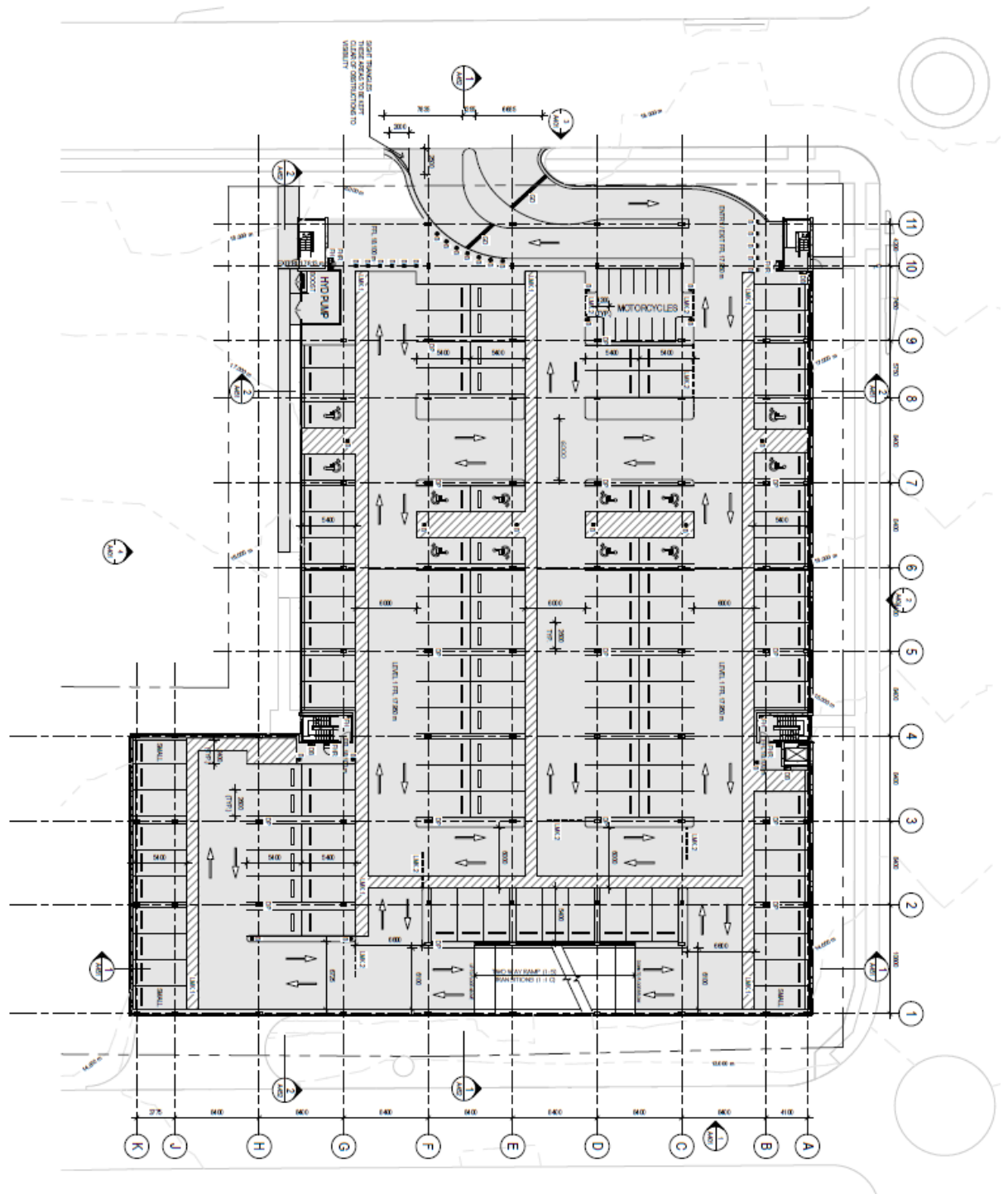


Level 2, 16 Marra Clark Street, Canberra ACT 2601 Australia
GPO Box 1077 Canberra ACT 2601
T 61 2 615 2200 F 61 2 615 2296
E corrad@gnf.com W www.gnf.com

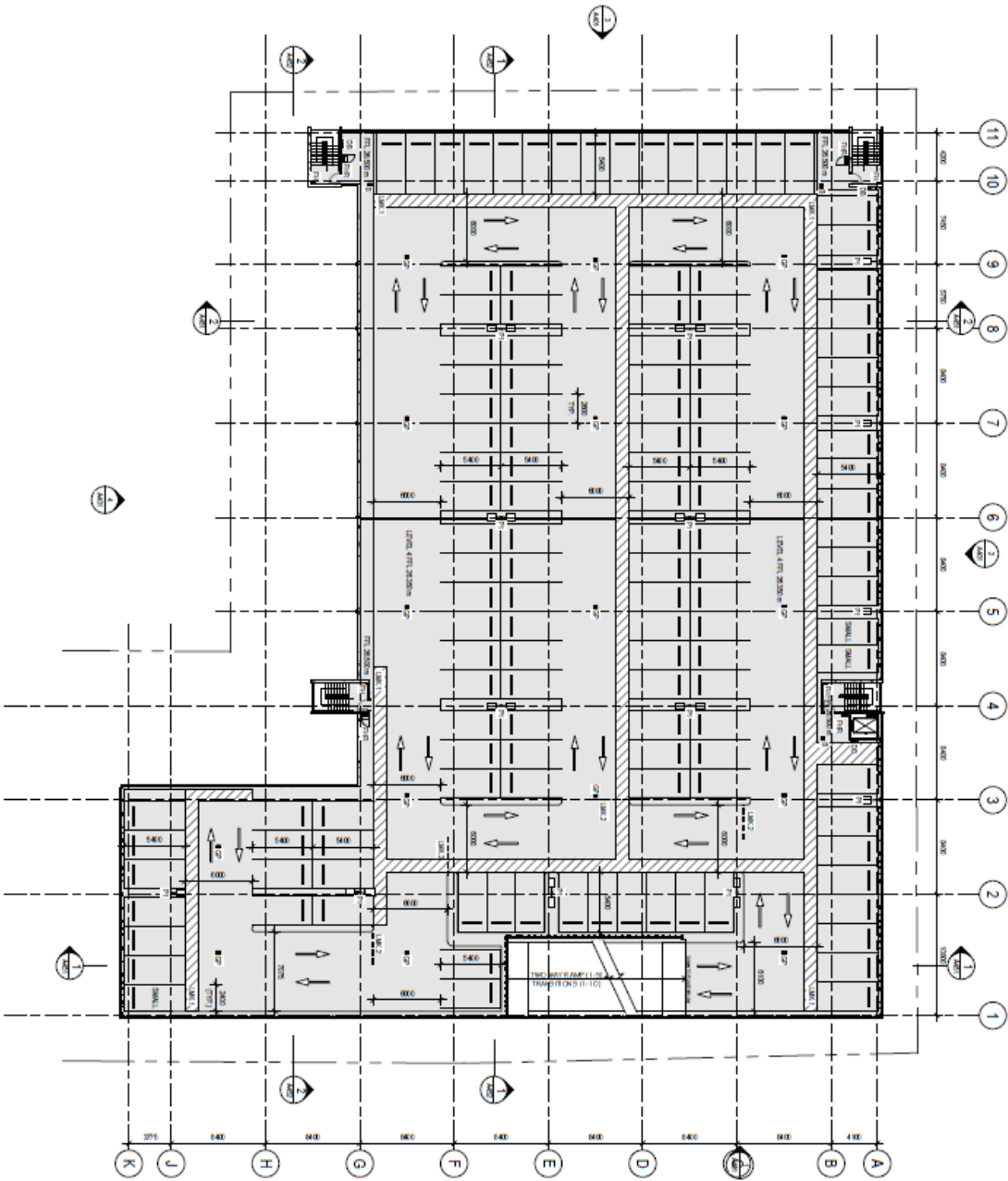
Continuation of Form 1042-E (see instructions) for 2014
 U.S. Income Tax Return for a Foreign Person
 This form must be filed by a U.S. person who is required to file a U.S. income tax return and who has income from a foreign person that is reportable on the return.
 See instructions for more details.

scale	1 : 250	for A1	job no.	23-15177
date	MAY 2014		rev no.	01

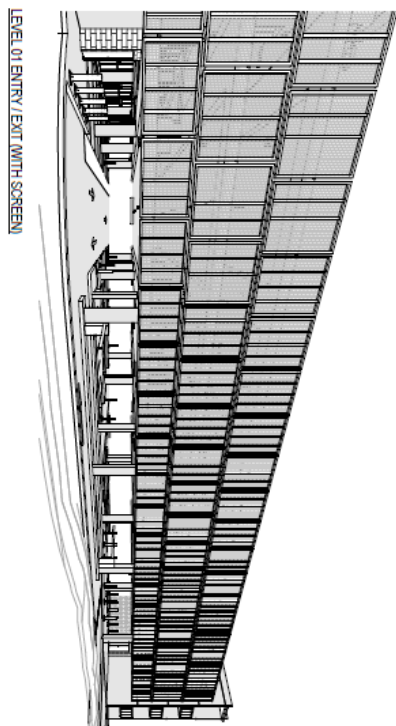
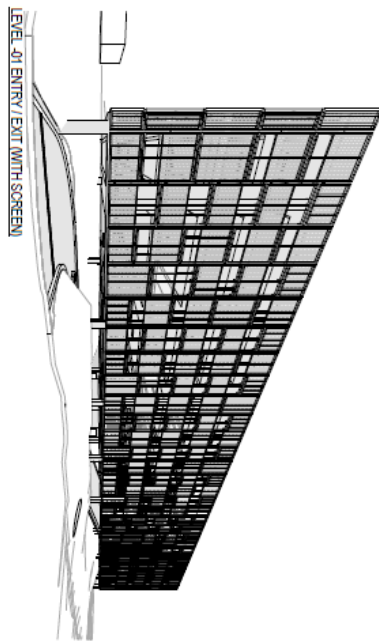
approved (PD) _____ O SETL _____ A050

Floor Plan – Level 00

Floor Plan – Level 04



Elevations



ABBREVIATIONS	
CLD	CONCRETE LIGHT OF SOUND ENERGY CLASS 2
CL-9A	CONCRETE INTERIOR OF WHITE ACID TONED
CL-10	CONCRETE INTERIOR OF WHITE POLISHED
CL-11	SPRINKLER CONCRETE COLUMN
CL-12	CONCRETE FOR BEAM 30mm x 30mm
CL-13	TRIMMER FOR POLYMER LAMINATE AT THE WALL

PRELIMINARY

Rev	Description	Job Manager	Date
02	ISSUE FOR QA	FE	22.06
01	LIFT ADDED	DE	03.11

WORRIGEE STREET CAR PARK

ELEVATIONS - SHEET 1



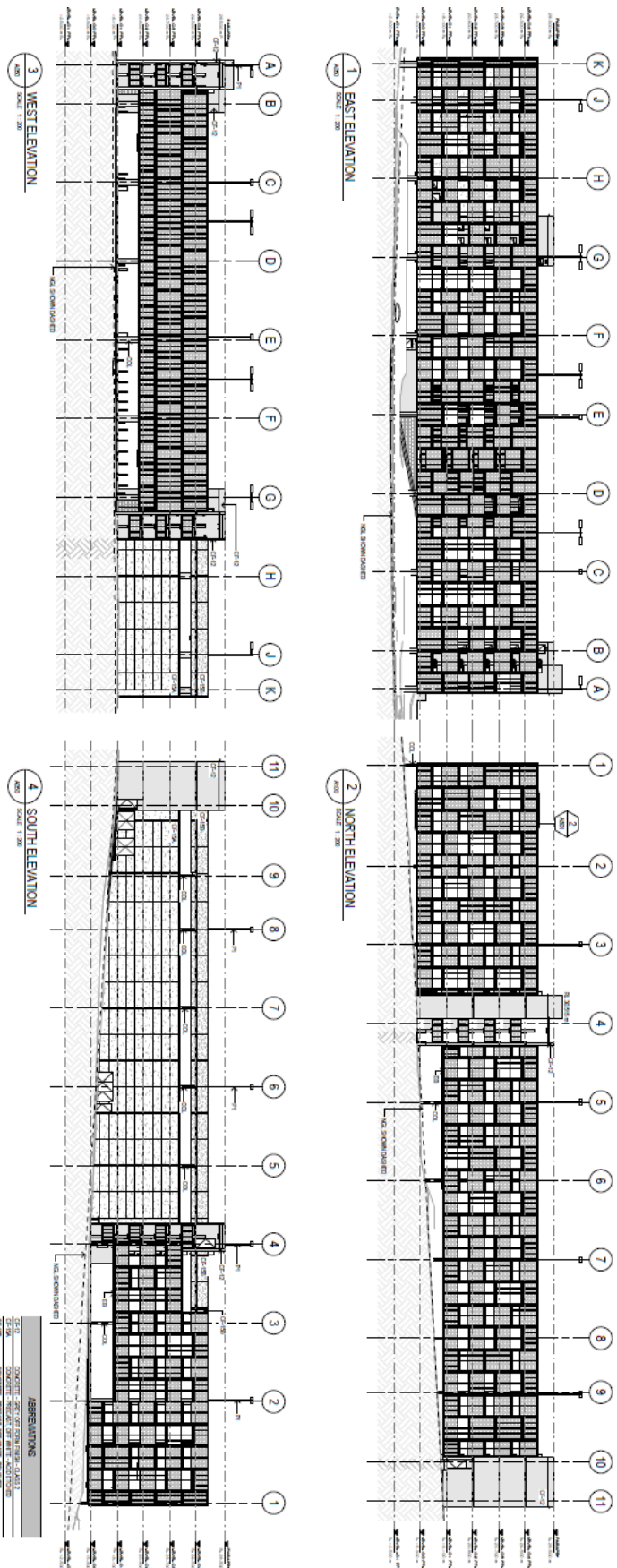
Level 7, 16 Marcus Clarke Street, Canberra ACT 2601 Australia
GPO Box 1877 Canberra ACT 2601
T 61 2 6113 3200 F 61 2 6113 3298
E damal@pdc.com W www.pdc.com

Confidential Use: This document may only be used by the CEN staff and any other persons who CEN has allowed access to. This document is for the persons for which it was prepared and must not be used by any other person or for any other purpose.

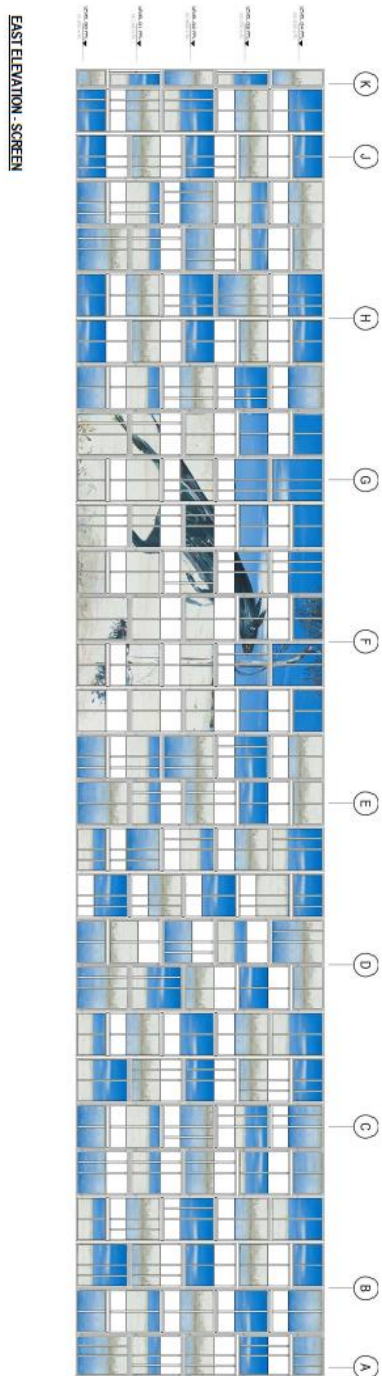
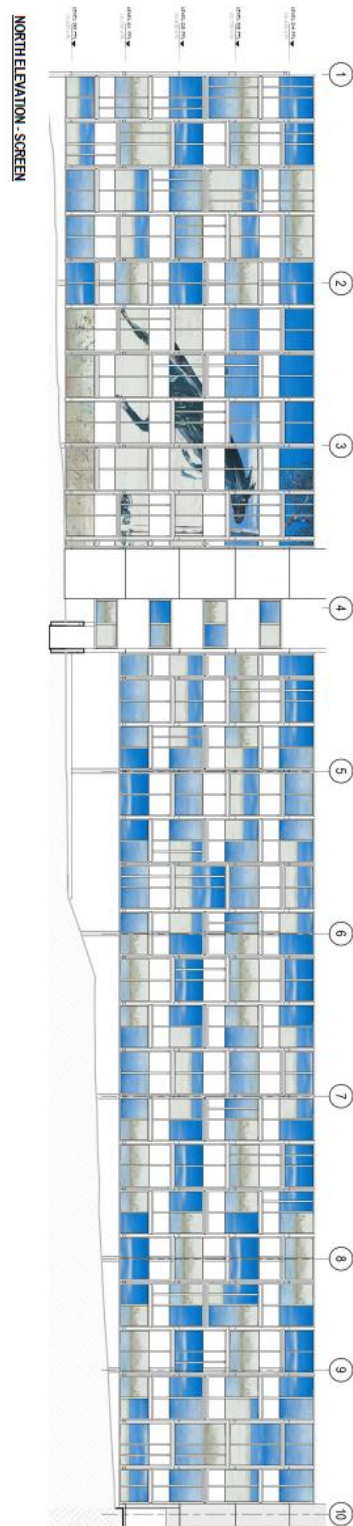
scale 1 = 200	for A1	job no.	23-15177
---------------	--------	---------	----------

date | 02/27/2015 rev no. | 02

approved (PD) 0.011 **A401**



Elevations – Coloured Screen



PRELIMINARY		
Row	Description	Date
00	ISSUE FOR PA	22.06.15
Row	Job Manager	

STREETSIVEN GUT COLOUR
WORRIGEE STREET CAR PARK
ELEVATIONS
COLOURED SCREEN - SHEET 1



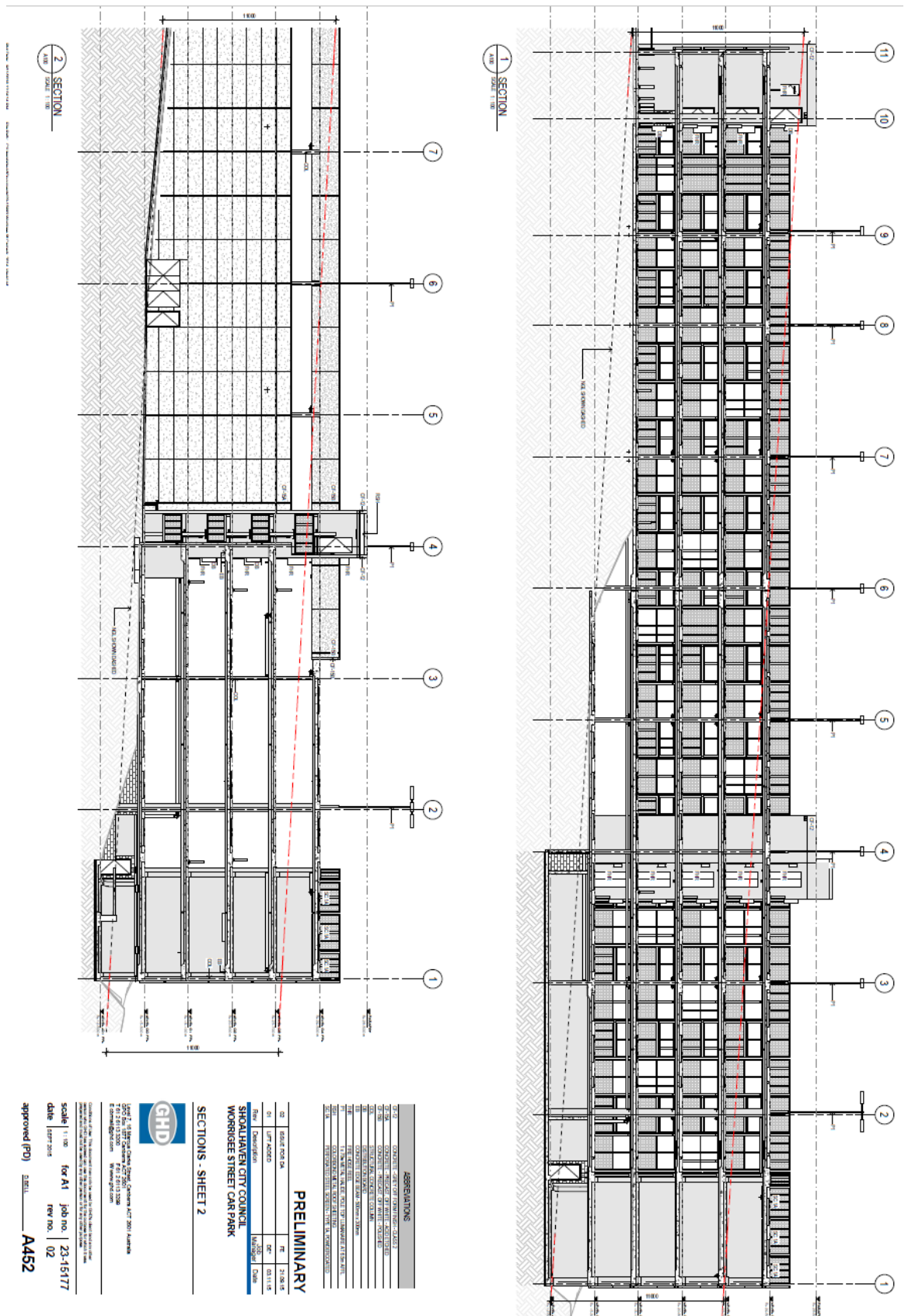
Level 7, 16 Marquias Circle Drive, Canberra ACT 2601 Australia
GPO Box 1877 Canberra ACT 2601
T 61 2 6113 3300 F 61 2 6113 3399
E: daniel@gnps.com W: www.gnps.com

Confidentiality: This document was only prepared for the City of Portland and is not to be distributed outside the City of Portland. This document is for the use of the City of Portland only and is not to be distributed outside the City of Portland. This document is for the use of the City of Portland only and is not to be distributed outside the City of Portland.

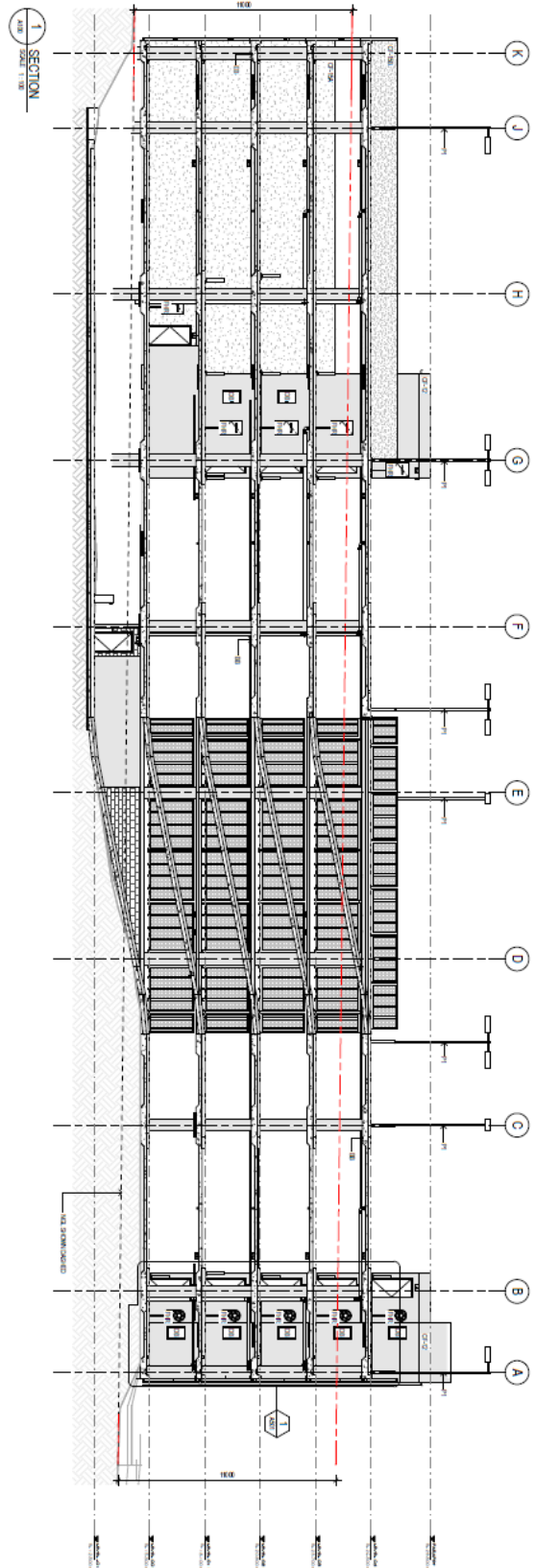
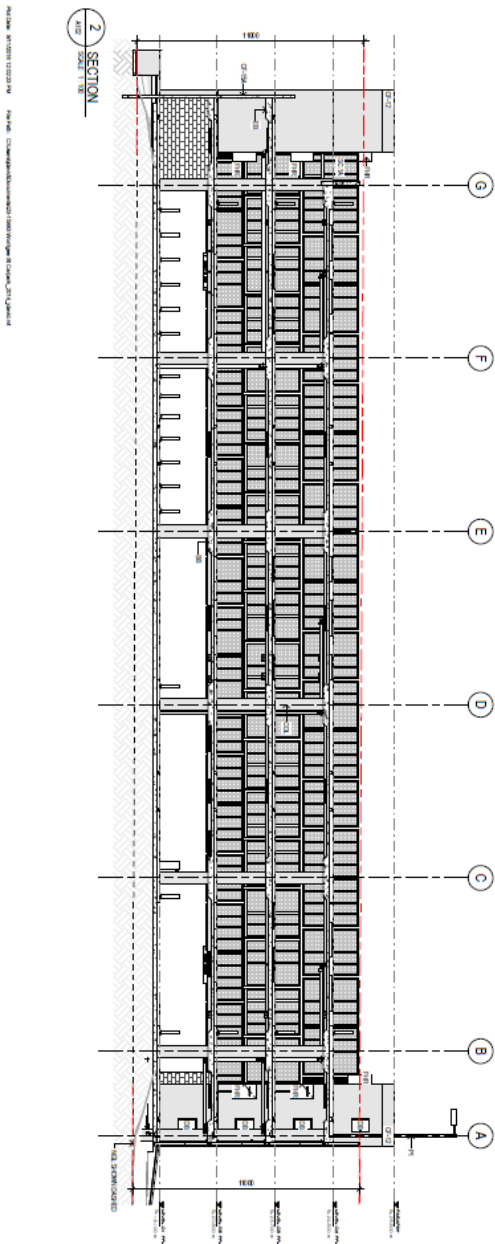
scale	WTS	for A1	job no.	23-15177
date	02/27/2015		rev no.	00

approved (PD) _____ **A404**

Section Sheet 2 – Extent of Clause 4.6 Variation



Section Sheet 1 – Extent of Clause 4.6 Variation



ABSEILATIONS	
10	CONCRETE AND RAIL JOINTS > 30mm
9	CONCRETE JOINTS > 10mm TO 30mm
8	CONCRETE JOINTS < 10mm
7	CONCRETE JOINTS < 10mm
6	CONCRETE JOINTS < 10mm
5	CONCRETE JOINTS < 10mm
4	CONCRETE JOINTS < 10mm
3	CONCRETE JOINTS < 10mm
2	CONCRETE JOINTS < 10mm
1	CONCRETE JOINTS < 10mm

PRELIMINARY

Row	Description	Job Manager	Date
02	ISSUE FOR CA	FE	21.06.15
01	LIFT ADDED	DE *	03.11.14

SECTIONS - SHEET 1

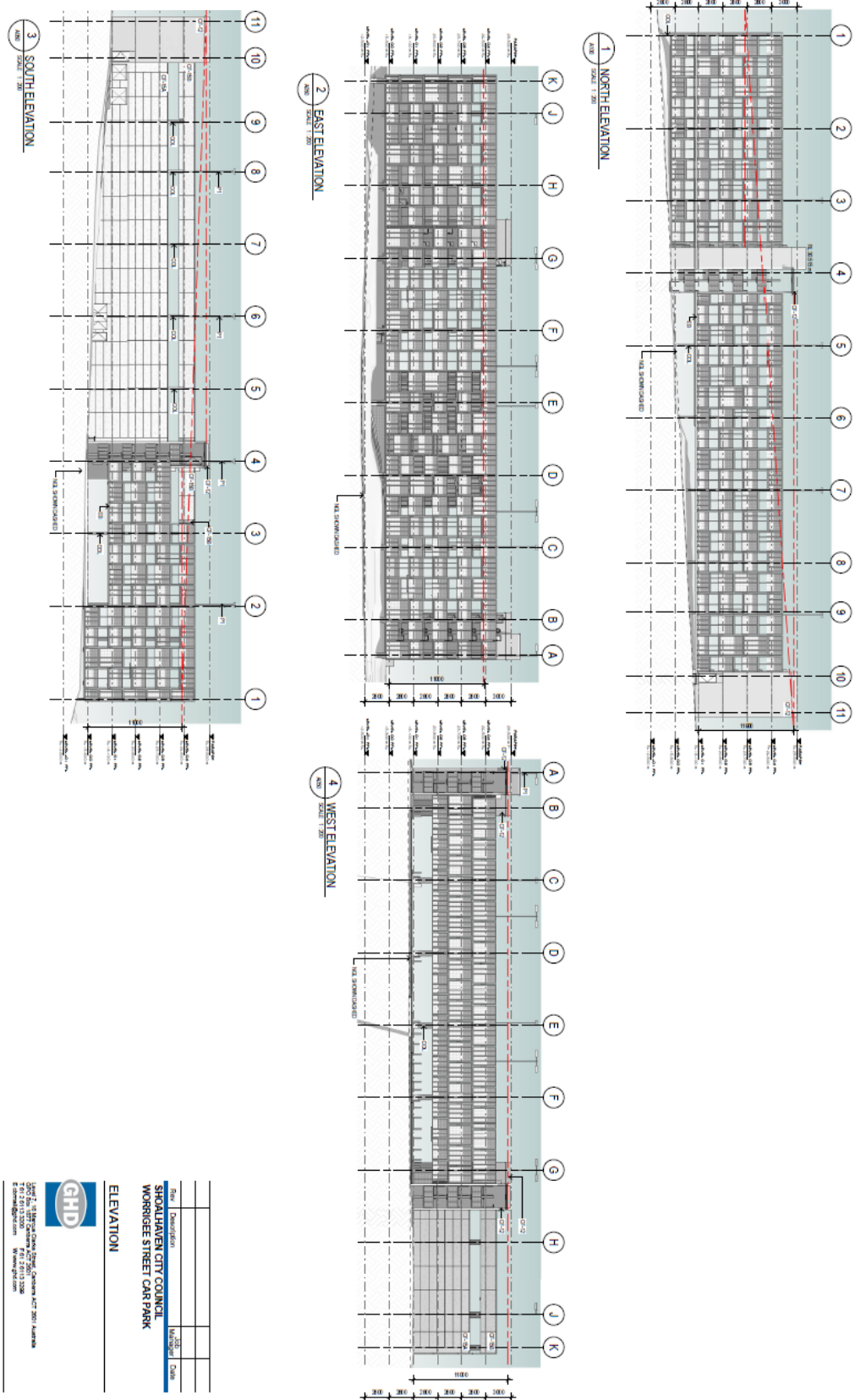


Level 7, 16 Marsia Clark Street, Canberra ACT 2601 Australia
GPO Box 1877 Canberra ACT 2601
T 61 2 6113 3200 F 61 2 6113 3299
E clifford@qld.com W www.qld.com

Conditions of Use: This document may only be used by the DoD's about and a no other person who DoD has issued the use this document for the purpose for which it was

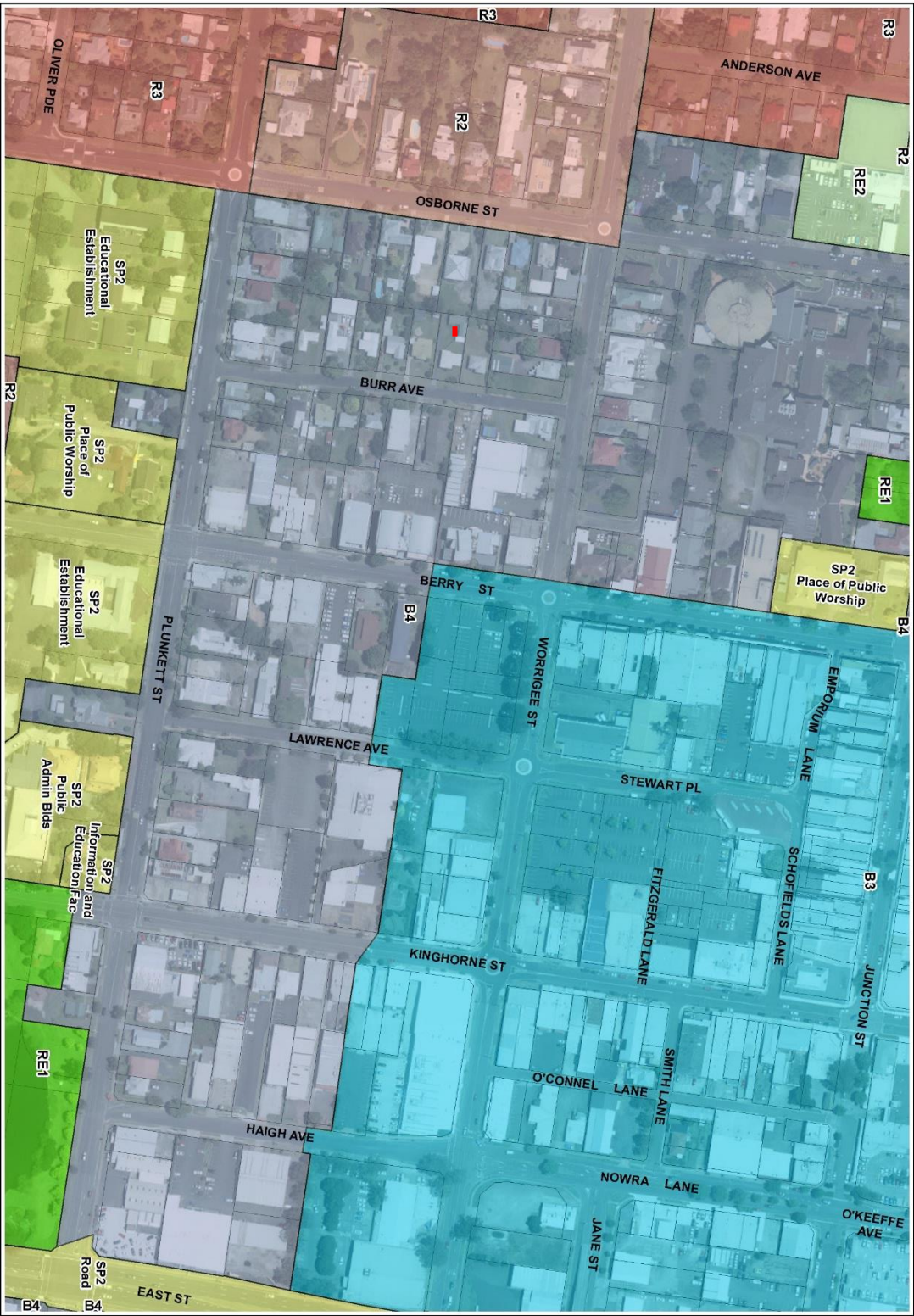
scale | 1:100 | for A1 | job no. | 23-15177
date | SEPT 2015 | | rev no. | 02
approved (PD) | D.BELL | A451

Elevations – Extent of Clause 4.6 Variation



Attachment 'C'

Land Zoning Plan



Site Location Plan

