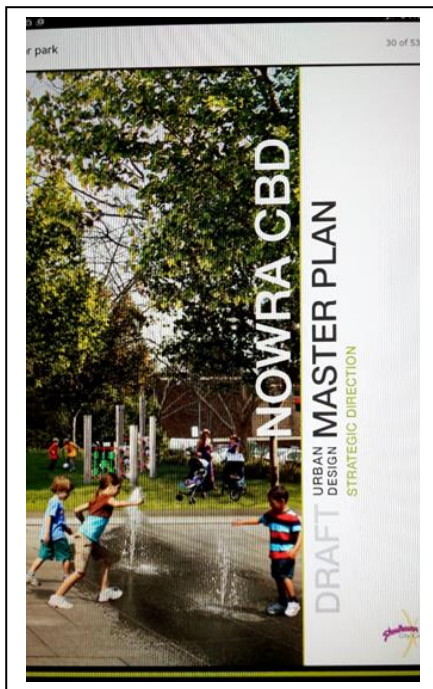


Southern Joint Regional Planning Panel – RA15/1000
Proposed Multi Storey Carpark -Berry, Lawrence & Worrigee Streets, Nowra
Determination Meeting – 22 November 2016

Thank you Madam Chair, for the opportunity to speak to the Joint Regional Planning Panel today in relation to Council's development application RA15/1000 (DA).

The Owners, Berry Court, value the good work Council and Council staff have done in recent times to build on the cultural and heritage features of Nowra to make it more liveable and economically viable for the future. We are keen to see this continue.

The Owners consider that the DA should be **REFUSED**. Having reviewed the Assessment Report (Report) and associated documents, we do not believe that the "strategic and site specific merits" of the DA pursuant to Section 79C of the EPA Act 1979 have been sufficiently demonstrated.



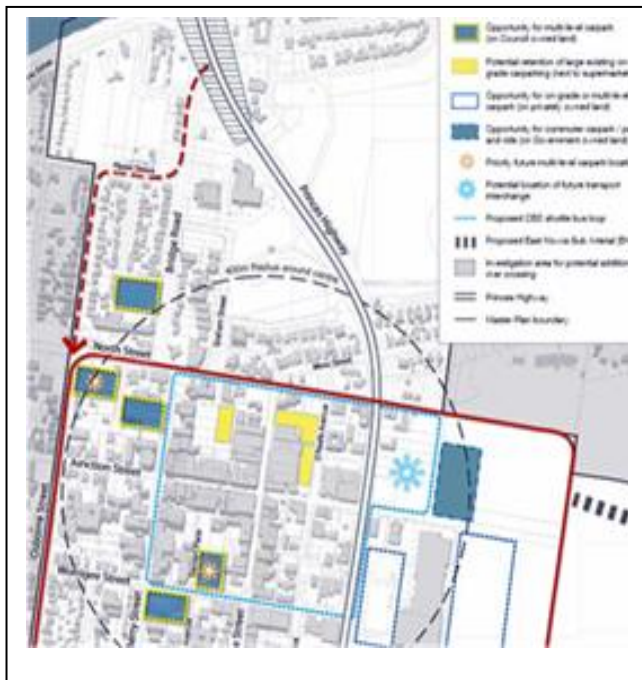
Inconsistent with Strategic Directions of the Master Plan:

The Report fails to strongly align the proposed MSCP site with the strategic directions and preferred multi-level carpark option - namely Stewart Place - proposed in the *Draft Nowra CBD Urban Design Master Plan (2011)*. (Final approved by Council, 26 June 2014). Arup Hill PDA, experts in urban plan design, were commissioned by Council to provide a comprehensive strategy to revitalise the CBD over the next 25 years. They are not referenced at all, even though the associated *Draft Development Control Plan Chapter for the Nowra CBD Building Heights and Urban Design Development Controls* documents are referred to. Proposed height changes are open to consultation, not likely to be finalised until May 2017.

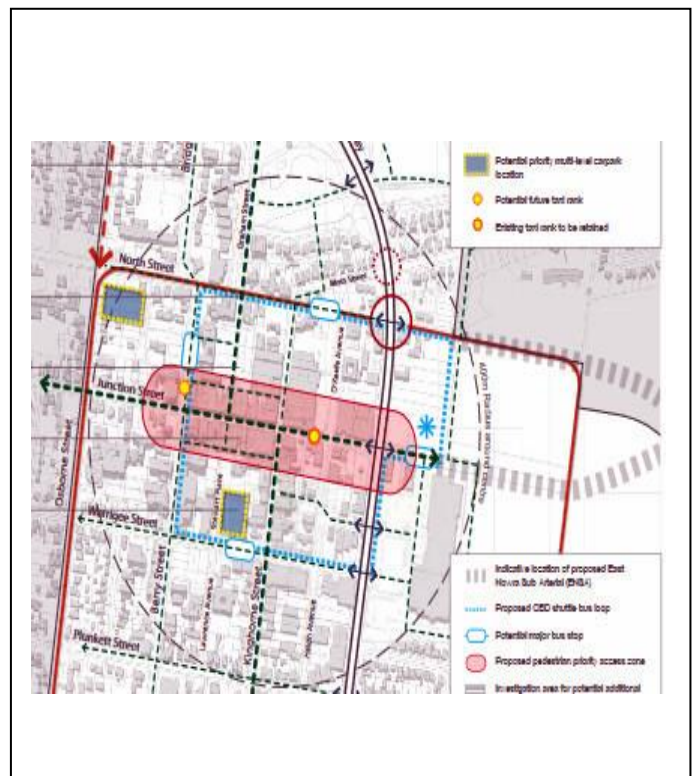
Arup Hill DA, Sydney

The proposed MSCP site was approved by Council in 2012, and hence the subsequent DA. Whilst acknowledging the detailed work Council staff have undertaken in order to address the criteria, particularly Criterion 1 – *planning controls for the site*, this does not change the fact that it IS the WRONG site for the MSCP.

The Master Plan identified Stewart Place, diagonally opposite Berry/Worrigee Sts, as the strategic site for an initial MSCP as a holistic solution for CBD revitalisation incorporating relocation of the bus interchange and creation of a loop shuttle bus service. The strategic focus was to shift the public towards increased use of public transport, walking and cycling, and relieve parking pressure on the CBD as it expanded. Thus the Report presents insufficient justification of the merits of the site to support Criteria 2: *environmental, social and economic impacts*; 3: *suitability of the site* and 5: *public interest* under the EPA Act 1979.



Master Plan – Fig 32 (p77): Priority MSCP location & Potential Transport Interchange



Master Plan – Fig 29 (p69) – Movement & access framework summary



Aerial view CBD: Centre – Stewart Pl. Carpark; Bus Interchange, near Junction St central businesses
Left - Berry/Worrigee Carpark



Fig 42 – Identified Sites with Strategic Significance in Master Plan

Changing Trends:

Since Council's decision in 2012 to approve the Berry/Worrigee site for a MSCP, changes have occurred which impact on the suitability of the DA and on whether the MSCP is in the public interest. The Report does not include up-to-date information about these changes and how they will impact the “strategic and site specific merits” of the DA.

1. For instance, there have been demographic changes in the Shoalhaven area leading to **decentralisation** of business activity away from Nowra's CBD to other places, such as Cambewarra, North Nowra, South Nowra, Vincentia and Bomaderry.

In addition, consumers are increasingly doing business such as banking and goods purchasing via the internet and therefore requiring shop-front services less. The corresponding reduction in business staff numbers sees fewer people travelling into Nowra's CBD and reducing demand for all-day parking.

Major employers such as banks, council, supermarkets and larger stores, are constantly developing more efficient practices and ways to reduce staff levels.

Furthermore, developers of new shops and businesses such as medical clinics are obliged to provide and pay for car parks for their employees and clients.

2. **Restricted parking hours** have been introduced and the number of **parking inspectors** increased. Consequently, this has taken pressure off parking availability as it is better regulated.

For the reasons above, the demand for parking spaces in the Nowra CBD is diminishing and reducing the need for the Berry/Worrigee Streets MSCP.

Insufficient relevant data:

The Report states that the purpose of the DA is to provide adequate parking for workers. However, no current 'time car park use' data has been included to confirm that there is insufficient longstay parking for workers, and therefore justify the need for a MSCP at the proposed site. Parking regulations were introduced to prevent longstay parking in the central CBD, and to force workers to park at the at-grade carparks on the CBD periphery. This appears to be working.



The Bitzios Consulting report, RMA studies and Traffic Policing report do not provide data evidencing the impact of the MSCP on traffic during peak periods such as public holidays when Berry Street is frequently gridlocked due to the narrow Princes Highway Bridge over the Shoalhaven River.

Berry St to Bridge Rd: **Gridlocked Easter 2016**

Currently, the at-grade site provides parking for 196 vehicles. It is full only 4.5 to 4.8 days of the week, ie Mon to Fri. It is virtually empty on weekends, as are all of the Council carparks, except for the Egans Lane carpark. There is simply no demand for a 5 storey, all-hours car park on this site. The "strategic and site specific merits" of the DA are not evidenced.



Sat 19 Nov 2016 – Berry/Worrigee/Lawrence at-grade carpark



Sun 21 Nov 2016 – Berry/Worrigee/Lawrence at-grade carpark



Stewart Pl. Sun 21 Nov 2016

Outdated Parking Needs Studies:

The DA relies on outdated parking studies – Cadno, Eppell Olsen Consultants (2003) and Monaro Consultants (2007). More up-to-date studies should have been sought.

Flawed Process:

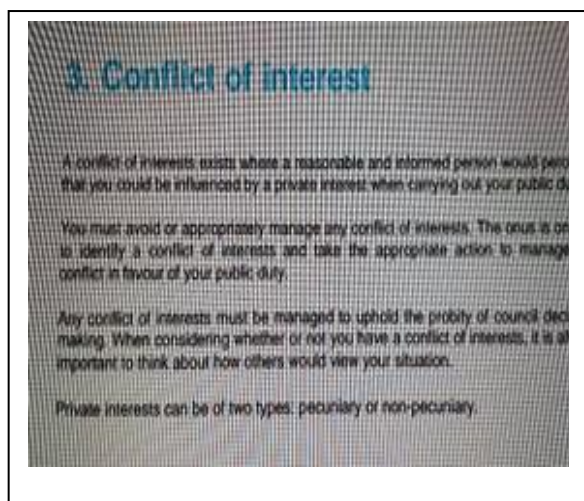
The strategic and site specific merits of the DA are weakened by significant flaws in Council's decision-making process.

1. Council has not ensured that the advice it has taken on the proposed MSCP is not subject to the influence of vested interests. The Report states that Council established a Nowra CBD Car Parking Development Committee in June 2011 to advise Council on car parking issues and to develop short, medium and long-term options (3a. Background). This process was not a proper course of action for providing Council with objective advice to enable it to make a decision about a multi-million dollar project.



The Owners believe this constitutes a breach of principles of the *Moral Code of Conduct for Local Councils in NSW*, under *Local Government Act 1993*. The Committee included Councillors, Council staff, local business and community representatives. It is reasonable to assume that local business and community representatives would have a vested interest in the MSCP's location and impact, and might seek to influence Council's decision accordingly. This is evidenced in "South Coast Register" newspaper article of 16 Oct 2015.

Just as the Owners have a vested interest, so also do businesses. The Report even states the DA will "compliment adjacent medical related developments" (p9), existing in Berry St. Some business owners believed that a lack of all-day parking meant 20-25% of financial gain was being lost to Nowra CBD, in spite of a lack of research evidence. Views of vested parties may well have influenced decisions made by Council.



While Committee members did declare pecuniary or non-pecuniary interests at meetings, Council, by their membership on the Committee, have left themselves open to the perception of a Conflict of Interest. It is not unreasonable for people to think that Council's ability to consider information fairly and without prejudice, may have been compromised regarding the proposed MSCP. Any perception of a Conflict of Interest may have been managed better if Council had appointed an independent expert consultant to advise it on developing a MSCP.

2. Under SLEP 20144.3 (b) – [p.14]: Report information relating to 'privacy' is deliberately misleading. It is a gross breach of the *Moral Code of Conduct* to argue that the unit block has not enjoyed privacy as it looked onto the open, at-grade carpark. The Report uses Photos 1 & 2 (p3) South side of the carpark, to support their case. On 29 Sept 2016, Council removed 3 fully-grown mature trees that had provided the unit block filtered privacy from the at-grade car park. As a result, there is now no privacy provided by trees. The photos were taken AFTER 17 October, once we had erected a new fence along the South and East borders. Residents enjoyment of distant views of the Cambewarra Mtns and the 17 remaining mature-growth eucalypts around the car park will disappear with the construction of a MSCP here. (see pics below)



Unit Privacy, Trees and distant views



Unit Privacy –
MATURE TREES on
 Sth border of carpark;
Distant views
 Cambewarra Mtns



Loss of Unit Privacy
 when Council
 removed trees 29
 Sept 2016

Lack of evidence of longterm public interest benefit:

Despite the proposed project being estimated to cost taxpayers up to \$25 million, the Report does not include reference to whether parking in the MSCP would require fees to be paid by users. Apparently no studies have been undertaken to determine this critical cost detail. If fees are charged, to offset Council's ongoing operating costs, but potential users are unwilling to pay then the MSCP would receive limited patronage.



Figure 1 - South East Perspective

Proposed MSCP Lawrence Ave, runs parallel to Berry St. MSCP will remove any view and privacy previously enjoyed by Berry Court residents

There is no indication that the Berry/Worrigee MSCP is a high priority issue for the Nowra community, however it has been a controversial issue in the press. Councillor Gash and State Representative Gareth Ward have both stated publicly in the media that they do not believe the Berry/Worrigee site is the correct site for the MSCP.

Other councillors have also expressed critical concerns that the proposed MSCP could become a vastly expensive white elephant, and an ongoing financial drain on ratepayers.

South Coast Register newspaper article – 16 Oct 2015

Nowra CBD Car Parking Development Committee wants multi-storey car park financed and built

Robert Crawford
16 Oct 2015, 4:56 p.m.

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South Coast Register

16.10.15

EARMARKED: The site on the corner of Berry and Worrigee streets for which council has lodged a development application for a multi-storey car park.

THE Nowra CBD Car Parking Development Committee has called on Shoalhaven City Council to fund and construct the multi-storey car park in Nowra in the next three years.

Council lodged the development application for the \$12 million five level multi-storey car park on the corner of Berry and Worrigeer streets in Nowra on June 12.

The proposal for the 646 car and motorcycle parking spaces is currently before the Joint Regional Planning Panel for approval.

"We want to see the multi-storey car park built sooner rather than later," said committee member Lance Sewell.

"We know it is council's 10-year plan but that can easily disappear into the never never.

"Our aim is to have the project financed and car park built within three years."

He said council was willing to put up \$5 million of the approximate \$11-12 million price tag when the Illawarra Fund money was available and made a big point about it.

"So the money is there," he said.

"Do we have to be like Huskisson?

"If we make enough noise will council do something - they bought the land out there for \$3 million while saving they had no money.

"There is no point painting shops or putting down new footpaths if people will bypass the town because they can't get a car park.

"We still have businesses going to South Nowra because they can get cheaper rates."

The group has created the Nowra CBD Car Parking Development Committee Facebook page.

Mr Sewell said it would soon conduct a survey calling on residents to lodge their complaints about parking in the area.

"Parking in the Nowra CBD is limited. If you don't get into the all day car park before 8.15am you don't get a park," he said.

"Then you can't park anywhere in Nowra for more than three hours.

"Shoppers and workers have to move their cars every couple of hours to try and avoid being fined.

"If people can't park in the Nowra CBD they won't come here to shop."

While it is hard to prove, Mr Sewell estimates between 25-30 per cent of local money is escape spending to other areas.

"The natural reason is the parking," he said.