

REGIONAL PLANNING PANEL

(Southern Region)

RPP No	2015STH014
DA Number	RA15/1000
Local Government Area	Shoalhaven City Council
Proposed Development (as amended)	Multi-level public car park (5 levels) providing for 467 car and 18 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	First round of Notification: 24 and 2 petitions (signed by 132 people and 18 people) Second round of Notification: 18 submissions
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 all documents submitted with this report for the panel's consideration	Attachment A – Draft Determination; Attachment B – Amended Application Plans; Attachment C – Original Application Plans; Attachment D – Land Zoning & Site Location Plans; and Attachment E – Assessment against Chapter N8 of the Shoalhaven DCP 2014.
Recommendation	Approval with conditions contained in Attachment 'A'
Report by	Nicholas Cavallo, Senior Development Planner
Report date	14 November 2018

SUPPLEMENTARY ASSESSMENT REPORT

1. Introduction

A development application was lodged with Council on 12 June 2015 seeking development consent for *'the provision of a multi-level public car park (five levels) containing 646 car and motorcycle parking spaces'*.

Owing to the capital investment value of the development, and that it is a Council related development, Council's consent functions are to be exercised by the Regional Planning Panel (formerly the Southern Joint Regional Planning Panel, hereafter referred to as 'the Panel') as required by the then Schedule 4A of the *Environmental Planning & Assessment Act 1979*.

At its meeting on 22 November 2016 the Panel deferred consideration of RA15/1000 subject to the applicant addressing the following matters:

- A. *The panel recommends to defer the determination of the matter until the submission of Amended Plans provided by applicant] that achieves the following:*
 - 1. *Setback of the proposed building from Worrigea Street and Lawrence Avenue to protect and retain existing trees on the two (2) street boundaries. Setbacks are to be generally consistent with those proposed in the Draft DCP currently on exhibition. No reduction in the setback to Berry Court to occur.*
 - 2. *Reduction in building height to twelve (12) metres in the south eastern corner of the building consistent with the Planning Proposal currently on exhibition.*
 - 3. *An elevation treatment to the southern elevation that incorporates a more appropriate architectural solution.*
 - 4. *Amended Landscape Plan that provides details of proposed vegetation along the southern setback between the site and Berry Court and is to make provision of suitable native vegetation.*
- B. *An Arborist Report be submitted confirming that the amendments will ensure the long term retention and protection of the trees, including recommended construction methodologies.*
- C. *A further report be prepared and submitted to the Joint Regional Planning Panel (JRPP) that assesses the merits of the amended proposal, including consistency with the draft controls under consideration and include recommended conditions.*
- D. *That the JRPP consider the matter electronically.*

To address the reasons for deferral, Council (the applicant) has elected to amend the application under Clause 55 of the *Environmental Planning and Assessment Regulation 2000*. Consistent with the reasons for deferral this report has been prepared to provide a review of the development as amended, its form is supplementary in nature and will address those planning matters relevant to the amended design. The report should be read in conjunction with the original planning report dated 7 November 2016.

2. Amended Proposal

The following is a list of the main amendments to the application as depicted within the suite of amended plans:

- As a result of the modified design the car park will now provide the following:
 - A total of five (5) levels;
 - 467 car parking spaces, including 8 accessible spaces; and
 - 18 motorcycle spaces

The original car park design made provision for a total of 625 car and 21 motorcycle parking spaces. The amended proposal therefore involves a reduction of 158 car parking spaces and 3 motor cycle parking spaces from the original proposal.

- The footprint of the proposal has been amended by increasing setbacks to street frontages as follows:
 - 6 metres to the Worrigee Street frontage;
 - 4 metres to the Lawrence Avenue Street frontage; and
 - 3 metres to the Berry Street frontage.

These setbacks now comply with the adopted Chapter N8: Nowra CBD Urban Design Development Controls of the Shoalhaven Development Control Plan 2014.

- The amended proposal has removed the built form from the south-eastern corner of the site excepting the driveway which provides access to Lawrence Ave. The removal of built form from the south-eastern corner of the site ensures compliance with the recently amended building height provisions of the Shoalhaven LEP 2014.
- The amended development application includes a detailed Landscape Plan which proposes:
 - The retention of six (6) existing trees (*Eleocharpus eumundii*) along the southern boundary of the site;
 - The retention of seven (7) trees, and the removal of two (2) trees along the Lawrence Avenue frontage;
 - The retention of four (4) trees and removal of three (3) trees along the Worrigee Street frontage; and
 - The removal of a tree from the Berry Street frontage.

The trees along the Worrigee Street and Lawrence Avenue frontage that are proposed to be removed have been identified as “high risk” by the revised Arborist Report and require removal regardless of whether the proposed car park is constructed.

- Further articulation of the main facade elements using folded perforated metal panels.

Refer to **Attachment ‘B’** for a copy of the amended DA plans.



Figure 1 – Elevations (North & East)

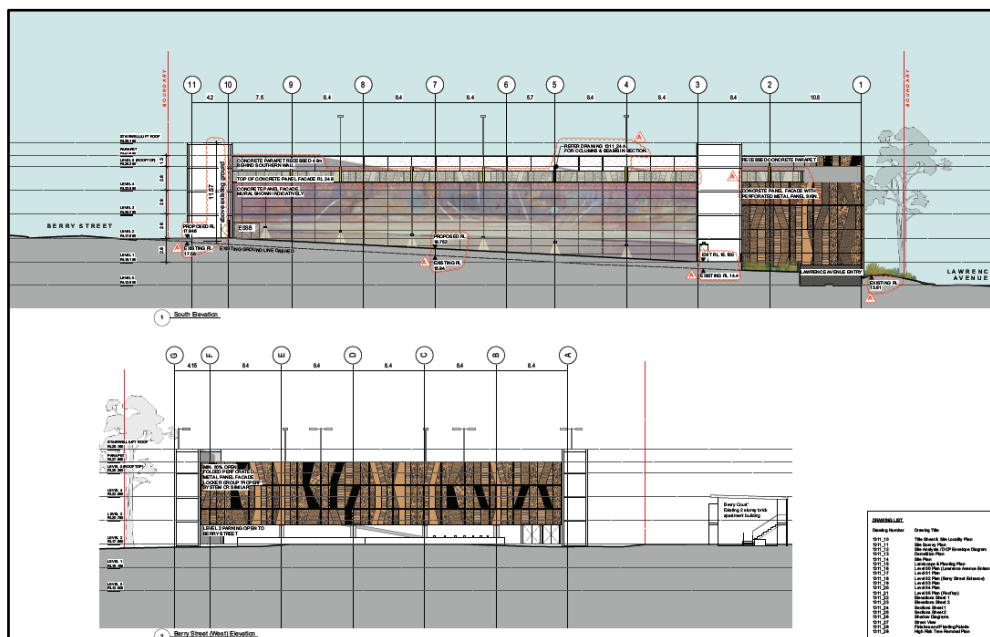


Figure 2 - Elevations (South & West)

3. Reasons for Deferral

At its meeting on 22 November 2016 the Panel deferred consideration of RA15/1000 subject to the applicant addressing certain matters. The following are the reasons for deferral and commentary on how each matter has been addressed by the amended design:

- A. *The panel recommends to defer the determination of the matter until the submission of Amended Plans provided by applicant] that achieves the following:*

1. *Setback of the proposed building from Worrigea Street and Lawrence Avenue to protect and retain existing trees on the two (2) street boundaries. Setbacks are to be generally consistent with those proposed in the Draft DCP currently on exhibition. No reduction in the setback to Berry Court to occur.*

Comment: The development has been amended and is now wholly compliant with the required setbacks under Chapter N8: Nowra CBD Urban Design Development Controls. As per the amended Arborist Report sufficient setbacks are now proposed to allow for the protection and retention of existing street trees. Some trees are to be removed as they are considered to be a 'high risk' or at the least require significant remediation. There has been no reduction in the setback of the development to Berry Court.

2. *Reduction in building height to twelve (12) metres in the south eastern corner of the building consistent with the Planning Proposal currently on exhibition.*

Comment: The development has been amended to remove the built form from the south eastern allotment, all that remains is the access point to Lawrence Ave. Accordingly, the development is wholly compliant with the maximum permitted building heights under clause 4.3 of the Shoalhaven LEP 2014.

3. *An elevation treatment to the southern elevation that incorporates a more appropriate architectural solution.*

Comment: The development has been amended to include a proposed mural along the southern façade to be developed in consultation with the residents of Berry Court. The remainder of the southern façade includes stairwells / lifts and a continuation of the folded perforated panels that are to be affixed to the western, northern and eastern elevation.

4. *Amended Landscape Plan that provides details of proposed vegetation along the southern setback between the site and Berry Court and is to make provision of suitable native vegetation.*

Comment: A mix of native and exotic species are proposed along the northern and eastern elevations to complement the existing substantial Yellow Bloodwoods and Mugga Ironbarks. Additional street tree plantings are proposed along Berry St, comprising five (5) *Pyrus calleryana* (Chanticleer Callery Pear), known for their attractive foliage and are a hardy deciduous tree. The trees along the southern boundary are to be retained.

- B. An Arborist Report be submitted confirming that the amendments will ensure the long term retention and protection of the trees, including recommended construction methodologies.*

Comment: The applicant has submitted an amended Arborist report prepared by David Potts, dated July 2018. It bridges the nearly three years since the initial report by the same author and includes a review of the revised plans, a further site inspection and consideration of a review of the trees by Council's Tree Officer.

The report has considered the revised plans, which include increased setbacks along both Worrigea St and Lawrence Ave. The structural root zone offsets proposed in the revised plans are considered to be satisfactory (5.8m in Worrigea St and 4.2m in Lawrence Ave) with limited above-ground branch pruning required. Tree Protection Zone measures for those trees that are to be retained are to be installed prior to the commencement of works in accordance with the recommendations of the report.

C. A further report be prepared and submitted to the Joint Regional Planning Panel (JRPP) that assesses the merits of the amended proposal, including consistency with the draft controls under consideration and include recommended conditions.

Comment: This is a supplementary report as requested by the Panel which assesses the merits of the amended proposal, including the consistency with the planning controls made subsequent to the lodgement of the application. Conditions of consent have been recommended and can be found in **Attachment 'A'**.

D. That the JRPP consider the matter electronically.

Comment: The Panel have since required that the matter be considered at a meeting of the Panel rather than electronically.

4. Community Consultation

The application was originally exhibited in accordance with Council's *Community Consultation Policy for Development Applications (including subdivision) and the Formulation of Development Guidelines and Policies – Amendment 7*.

Twenty four (24) submissions were received by Council as well as 2 petitions signed by 132 people and 18 people.

Due to the extent of the amendments to the application and the level of public interest in the application it was considered necessary and consistent with Council's Policy to renotify the application for a further 14 days. The application was renotified by letter to those people and bodies that made a submission to Council regarding the original application.

Eighteen (18) submissions were received by Council during the second round of notification.

5. Statutory Considerations

The following provides an assessment of the application as amended 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) *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).

Given the application has been amended the matter was re-referred to RMS for comment consistent with clause 55 (3) of the EP&A Regulation 2000. In a letter response dated 9 October 2018 the RMS raised no concerns with the proposal as amended as it is unlikely to have a major impact on the state road network.

In accordance with the requirements of sub-clause 4, Council will provide a copy of the determination to RMS when it has been made.

ii) 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 amended application 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)*: At the time the Panel considered this application there was a blanket maximum permitted building height of 11m across the development site as set by clause 4.3 (2A). Since that time building heights across the Nowra CBD have been the subject of a detailed strategic planning review, the building heights that now apply to the development site were changed following Planning Proposal LP 410.

Under the amended building height map that now applies to the development site, a maximum permitted building height of 15m applies with the exception of the south-eastern allotment which has a 12m building height limit (see figure 3 below).

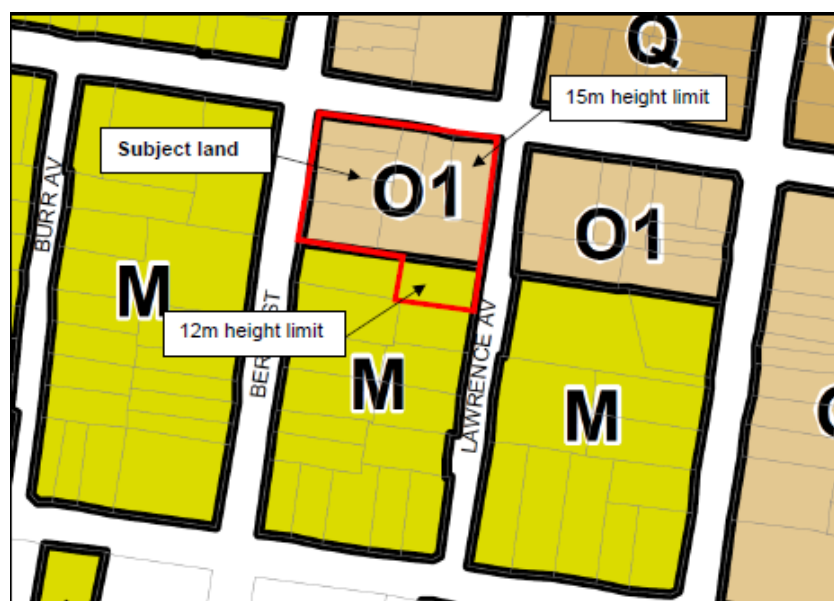


Figure 3 - Extract from Supplementary Statement (Cowman Stoddart)

However, the amended application includes the removal of the built form from the south-eastern allotment to ensure compliance with Council's controls. The amended application has been designed to wholly comply with the maximum permitted building height and is consistent with the objectives of the clause.

The application as originally conceived sought a clause 4.6 variation from a development standard within the LEP. The application as amended is no longer seeking a clause 4.6 variation as it is compliant with the development standards contained therein.

- c) *Clause 5.9 (Preservation of trees or vegetation)*: The submitted application seeks consent to remove 6 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 Chapter G4 of the Shoalhaven DCP 2014.



Figure 4 - Existing Trees – Worrigee St



Figure 5 -Existing Trees - Lawrence Ave



Figure 6 - Existing Trees - Along Southern Boundary (adjoining Berry Court)

iii) Shoalhaven Development Control Plan 2014 (SDCP 2014): Matters of relevance to the application as amended are discussed below:

a) *Chapter G3: Landscape Design Guidelines*: The applicant has submitted a revised landscape plan and supporting documentation which identifies existing trees to be

removed, trees to be retained and proposed new plantings. New plantings include street trees *Pyrus calleryana* 'Chanticleer' along Berry St with well-established 400l pot size and substantial low-lying plantings along Lawrence Ave and Worrigee St. This will improve the interface with the streetscape and ensure the primacy of the existing street trees along both Worrigee St and Lawrence Ave. Existing trees along the southern boundary are to be retained with an improved green space with the planting of grassed areas.

- b) *Chapter G4: Removal and Amenity of Trees:* An amended Arborist report has been prepared by David Potts, dated July 2018. It bridges the nearly three years since the initial report by the same author and includes a review of the revised plans, a further site inspection and consideration of a review of the trees by Council's Tree Officer. The following is a list of the trees that are proposed to be removed and the reasons for their removal.

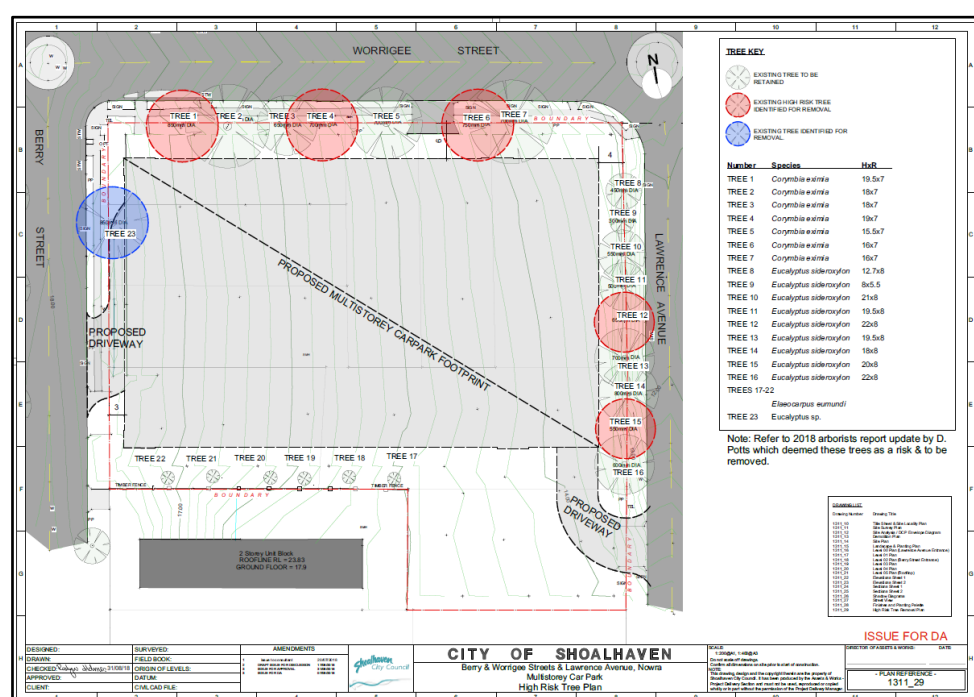


Figure 7 - Plan Showing Trees to be Removed

- Tree No.1 (Yellow Bloodwood): SULE rating of 3d(4c) lesion with longstanding decay 'ex stub' (west trunk) "bracket" also large decay brackets south side, unsafe. Recommended that the entire west trunk be removed or whole tree.
- Tree No.4 (Yellow Bloodwood): SULE rating modified from 2d to 3d(4c). Presents with mature fungal decay fruiting bodies (brackets). Indicates systemic trunk infection and flags systemic internal trunk infection, possibly heart rot.
- Tree No.6 (Yellow Bloodwood): SULE rating modified from 2d to 3d. The very narrow forks are at the least a serious technical fault.
- Tree No.12 (Mugga Ironbark): SULE rating modified from 2d to 3d (possibly 4c). Long vertical fissure has developed, some kino fluxing and associated dead stubs which probably contain internal fungal infection. Remediation is difficult.
- Tree No.15 (Mugga Ironbark): SULE rating modified from 2d to 3d. Callus increase indicated an insect or fungal disorder.
- Tree No.23 (Tallow Wood): SULE rating of 3d. Trunk and branching structure

normal and healthy except for a distinct fissure in the primary trunk fork about half way up the tree.

The revised report defines Category 3d(4c) (i.e. Tree 1, 4 and 12) as follows:

Demise of the tree not necessarily imminent but has significant inbuilt fault or pathology. Schedule for pre-emptive removal is recommended, especially for trees in high risk location and where remediation is not possible.

Whereas Category 3d (i.e. Tree 6, 15 and 23) is defined as follows:

Trees that require substantial remedial care and are only suitable for retention in the short term

Two of the Yellow Bloodwoods to be removed are suffering from Bracket Fungus, which attacks the living tissue of trees and is a disease of the trees heartwood. Described in the supplementary statement by Cowman Stoddart as follows:

Bracket Fungus attacks the living tissue of trees and is a disease of the trees' heartwood. The fungus attacks the heartwood of the tree and therefore the structural integrity of the tree and causes white or brown rot. If rot occurs in a branch, it will weaken and eventually drop. If the disease attacks the trunk, the tree can fall. Unfortunately, there is no treatment for the removal of Bracket Fungus. The decay caused leaves the tree structurally weakened and at risk of limb or whole trunk failure. Affected trees eventually have to be removed for safety in high use areas.

The remaining Bloodwood and two Mugga Ironbarks are affected by serious structural defects (codominant trunks). This occurs where a trunk divides with a narrow fork, which tends to wedge apart over time. Codominant trunks can be substantially weaker in strength than normal tree forks and can become a hazard.

The revised Arborist Report prepared by David Potts has considered the revised plans which include increased setbacks along both Worrigee St and Lawrence Ave. The structural root zone offsets proposed in the revised plans are considered to be satisfactory (5.8m in Worrigee St and 4.2m in Lawrence Ave) with limited above-ground branch pruning required. Tree Protection Zone measures for those trees that are to be retained are to be installed prior to the commencement of works in accordance with the recommendations of the report.

c) Chapter N8: Nowra CBD Urban Design Development Controls:

At the time the application was deferred by the Panel, Chapter N8 was a draft document. Since that time the document was adopted by Council and commenced on 8 September 2017. It is the result of the Nowra CBD Urban Design Masterplan process undertaken by Council and assisted by urban design firm, Studio GL Pty Ltd.

The amended design is more closely aligned to the planning controls that apply to the development site. It is consistent with the objectives of the Chapter, performance criteria and generally satisfies the acceptable solutions. A full assessment against the

planning controls of the chapter can be found in **Attachment 'E'**.

However, the applicant has requested a variation from acceptable solutions A10.1 and A10.2 noting that the north-east corner of the amended design exceeds the maximum permitted wall height of 12 metres as detailed in Figure 16 of Section 16 of this Chapter.

As outlined in Section 11 of Chapter 1 of the DCP, Council is able to consider variations to acceptable solutions in certain circumstances provided that the underlying objectives and performance criteria are met and demonstrating that the development will not have any additional adverse impact as a result of the variation. The applicant has provided a written statement in the form required by the DCP for Council's consideration.

Variation – Street Wall Heights – Acceptable Solutions A10.1 and A10.2

Acceptable Solutions A10.1 and A10.2 of Section 5.4.2 of Chapter N8 states:

A10.1 New buildings have a maximum street wall height as outlined in Section 6 - Area Specific Controls.

A10.2 Any development above the street wall height applies the upper level setbacks (as a minimum) as outlined in Section 6 - Area Specific controls.

Figure 16 (see Figure 8 below) of Chapter N8 is a section that provides detail of the built form as it relates to the streetscape, including the requisite wall heights for Worrigee St, boundary setbacks and elements of the development that must be recessed. In the southern section of Worrigee St a maximum wall height of 12 metres is permitted, after which the floor level must be recessed by 4m:

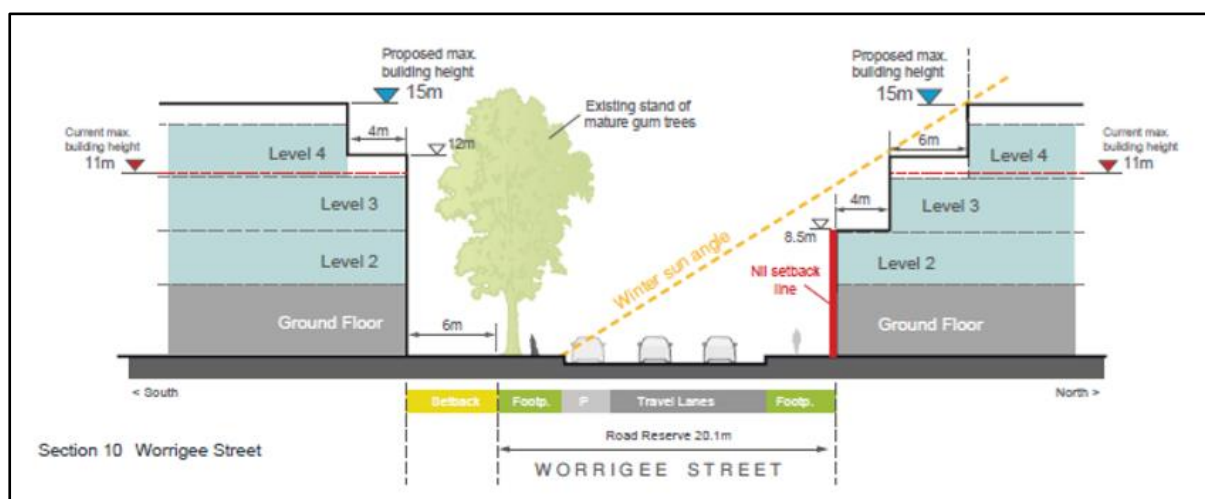


Figure 8 - Excerpt from Chapter N8 - Figure 16: Desired Streetscape Character

There is a portion of the amended design that does not comply with the acceptable solutions. The north eastern corner comprising one stairwell / lift shaft and a portion of the parapet wall will exceed the 12 metre height limit that applies. The applicant has displayed the extent of the non-compliance in the submitted 3D Visualisation – Height and setbacks Controls Diagram and within the supplementary statement prepared by

Cowman Stoddart dated 27 September 2018 (see figures 9, 10 and 11 below).

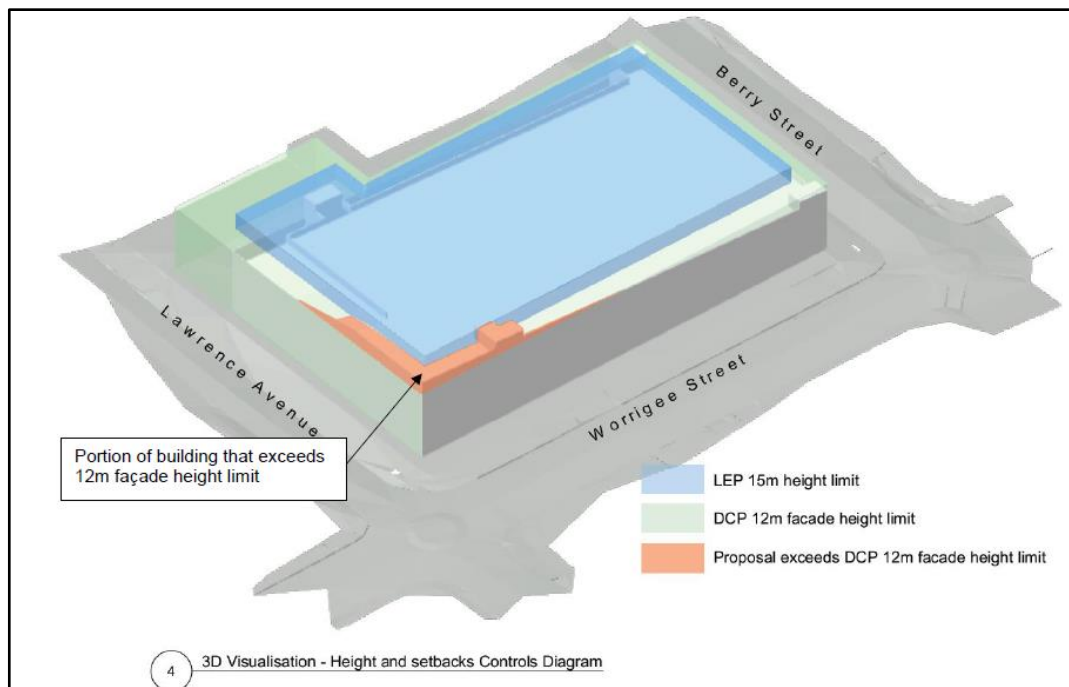


Figure 9 -3D Visualisation – Height and setbacks Controls Diagram

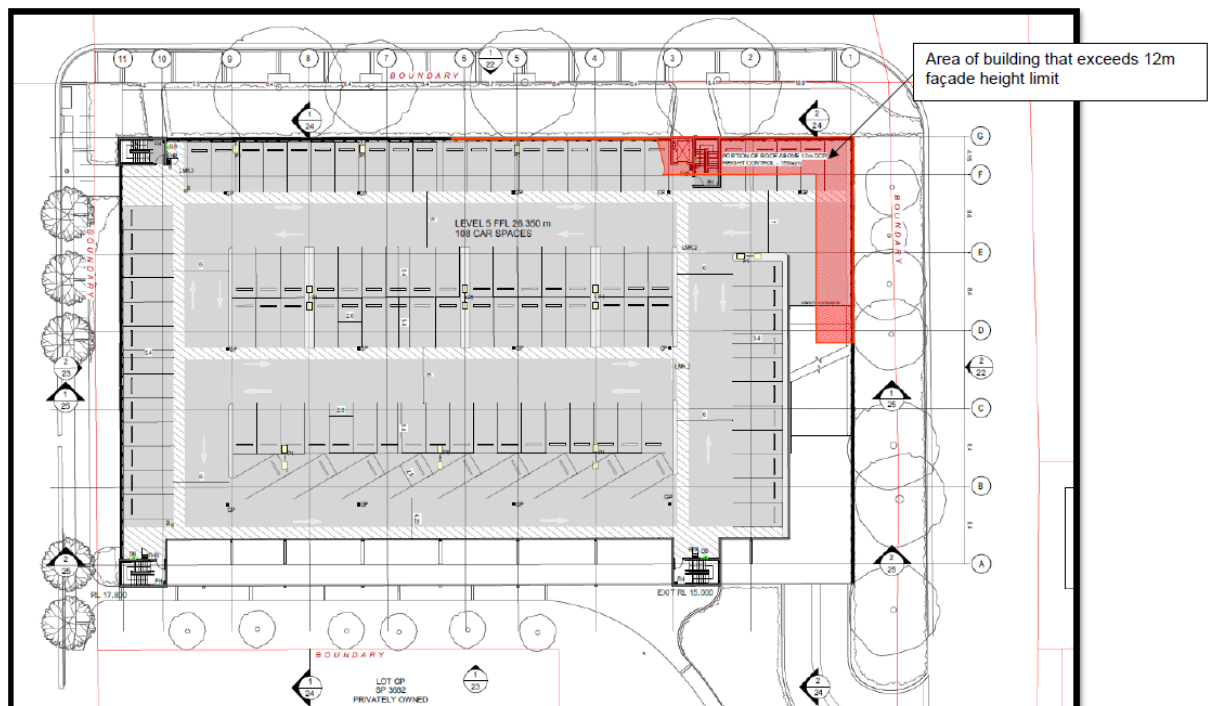


Figure 10 - Floor Plan 05 - Extent of Non-compliance (Cowman Stoddart Supplementary Report)

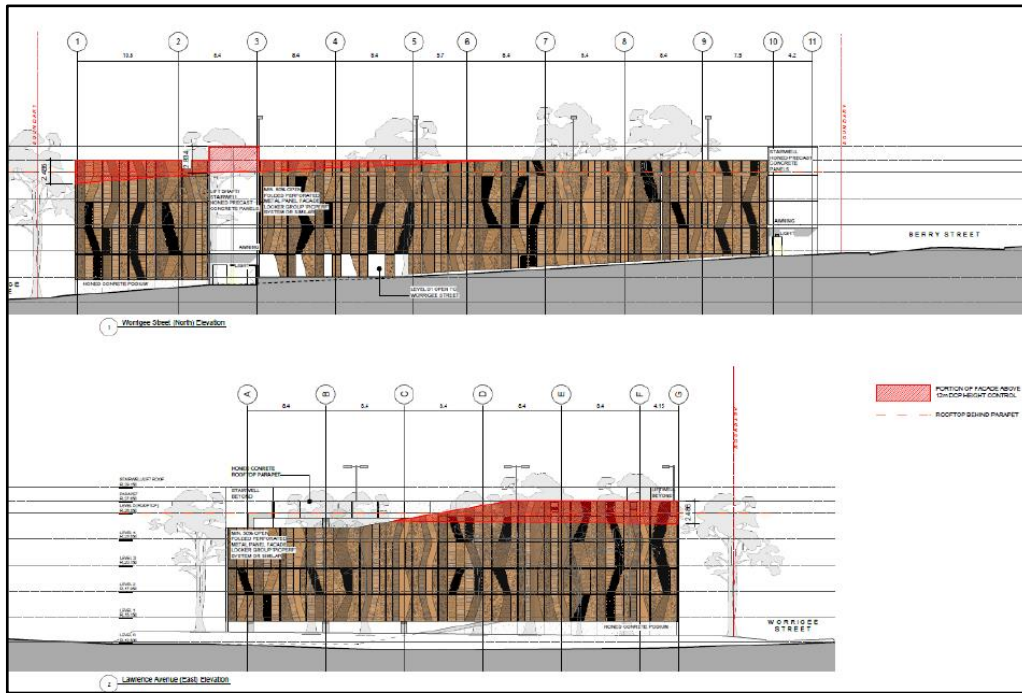


Figure 11 - Elevations - Extent of Non-compliance (Cowman Stoddart Supplementary Report)

The encroachment begins approximately half way along the façade as viewed from Worrigea St with the encroachment increasing to its maximum extent at the intersection of Worrigea St and Lawrence Ave. It is evident from the plans submitted that the encroachment is exacerbated by the topography of the site, sloping from west to east.

The extent of the encroachment has been described by Cowman Stoddart in their supplementary statement as follows:

- The north eastern corner of the parapet of the upper level of the amended proposal will have a height above ground level of 14.486 m, an encroachments of the 12 m limit by 2.486 m.
- The stairwell / lift shaft situated along the Worrigea Street elevation with proximity of the north-eastern corner of the site will have a maximum height above ground level of 14.834 m, and encroachment of 2.834.

Consideration against relevant objectives and performance criteria

The objectives relevant to the acceptable solutions being varied can be found with Section 5.4:

- To facilitate a gradual manifestation of consistent building scales and coherence along streetscapes.
- To articulate building massing and help mitigate the pedestrian's perception of building height and bulk.
- To manage shadow impacts on streets, public places and nearby sites.

The underlying Performance Criteria (P10) stipulates:

P10 New development defines and spatially encloses the street, is appropriately

scaled and responds to adjacent development.

With regard to the non-compliance in the context of the objectives and performance criteria above the following is noted:

- The development is largely compliant with the maximum permitted wall height along Worrigee St and Berry St. Owing to the topography of the site the building increases in height at the intersection of Worrigee St and Lawrence Ave resulting in a more significant encroachment. The section utilised as an example in the chapter depicts a flat site and does not consider the challenges presented for a development across an entire street block. This is particularly so for a multi storey car park with significant floor plates.
- Under Chapter N8 of the DCP the street blocks to the west and east of the development site have lesser setback requirements in relation to Worrigee St. The block to the west requires a setback of 4m and the block to the east requires a nil setback. The more generous setback required for the development site of 6m is largely for the retention and protection of the significant Yellow Bloodwoods located along Worrigee St.
- The most significant numerical encroachment is the stairwell / lift in the north-eastern corner of the site, with a maximum height of 14.834m and an encroachment of 2.834m. It has been located strategically in an accessible location with direct access from Worrigee St, being the most trafficked by pedestrians with the CBD core located to the north. The stairwell / lift shaft provides access to every level of the development, including level 01, and to recess the shaft further into the building would be problematic as far as access is concerned. Furthermore, the lift / stairwell by its very nature is a point encroachment in what is a significant building façade along Worrigee St and represents a small percentage of the built form, serving to provide some vertical relief in what is essentially a horizontally oriented development.
- The parapet in the north-eastern corner results in an exceedance of 2.486m with the more significant exceedance occurring along the Lawrence Ave façade. This is mitigated by locating the ramp in the south-eastern corner of the building, reducing the wall height in that section. The DCP does not list this intersection as a 'Prominent Corner' such as the intersection of Berry St and Worrigee St, which does comply with the maximum wall height.
- "Folded" perforated panels that will give a sense of texture and shape to the building than an otherwise flat surface. This, along with the retention of substantial Yellow Bloodwoods and Mugga Ironbarks along Worrigee St and Lawrence Ave, will aid in creating an interesting built form.
- The minor height encroachment will not result in significant overshadowing of the adjacent streets, public places or adjoining properties. Compliant solar access is achieved to habitable rooms and open space for those residences of Berry Court to the south.
- The amended design will define the street. It presents a strong built form that adheres to the required setbacks, responds to existing development and allows for appropriate future development. Significant trees will be retained (except those 'high risk' trees) on the periphery of the site giving it a strong sense of identity and definition as a CBD block.

The applicant provides the following commentary regarding the potential impacts associated with the variation from the acceptable solutions:

- *As is evident from the shadow diagrams that support the amended proposal the amended proposal, notwithstanding the slight encroachment of the façade building height limit, will not result in adverse overshadowing of neighbouring properties.*
- *For the reasons detailed above, the amended proposal will also not result in an adverse visual impact in this locality. The amended proposal will assist in defining the edge of this section of Worrigee Street and provide a sense of enclosure. In doing so the development will also retain existing trees situated along the Worrigee Street and Lawrence Avenue frontages (where appropriate to do so). Furthermore, the amended proposal incorporates design elements that will assist in providing a visually interesting building while also ensuring the apparent bulk and scale of the development responds to existing and potential future development within the vicinity of the site.*

The applicant has displayed that the development, despite the non-compliances with acceptable solutions, meets the underlying objectives and performance criteria. It is not considered reasonable or necessary to require strict compliance with the controls through the reduction in the wall height or recessing of the upper most level as it is not expected to result in a preferred or improved planning outcome.

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

- i) Noise: An Environmental Noise Impact Assessment was conducted by Day Design Pty Ltd, Report No.5251-1.1R, issued 17/92/2015, as part of the initial submission. 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.

The amended design results in an increased setback from the southern boundaries with the complete removal of the built form from the south-eastern allotment. This results in a rectangular built form with a solid wall forming the entirety of the southern façade. The conclusions and recommendations of the Environmental Noise Impact Assessment remain relevant and do not require further reconsideration. Conditions of consent as originally recommended pertaining to the installation of an electricity substation and the construction phase of the development, as it pertains to noise mitigation measures, form part of the recommended conditions within **Attachment 'A'** of this report.

- ii) Air Quality: An Air Quality Impact Assessment was conducted by Benbow Environmental, Report No.137048_Rep_Rev3, dated 27/3/2015, to consider 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.

The report concluded 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.

The amended design has retained key design considerations such as the requirement for 50% permeable screens along the western, northern and eastern facades. The southern façade remains of a solid concrete construction and is further setback from sensitive receivers with all built form removed from the south-eastern portion of the development site. The amended design remains consistent with the parameters of the original report.

- iii) Context and Setting: The development is located within the periphery of the Nowra CBD. It has been designed with consideration of the locality, particularly adjoining properties that would be impacted by the development. Its location within a CBD environment, albeit on the periphery, is consistent with the current and future desired character and will provide much needed all day parking. The proposal is wholly compliant with the recently amended building height controls and, despite variations sought to acceptable solutions, meets the objectives and performance criteria relevant to the development.
- iv) Overshadowing: Consistent with the reasons for deferral there has been no reduction in the setbacks to the southern boundary as the development relates to the adjoining residential flat building known as 'Berry Court'. A significant portion of the built form has been removed from the south-eastern allotment resulting in a rectangular building. The finished floor levels are similar to the original application.

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 solar access to adjoining residential developments as follows:

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 (Plan Ref:1311_26) displays that compliance will be achieved with Council policy. Between the hours of 10am and 2pm (and more likely between 9:30 am to 2:00 pm) shadows cast by the development during the winter solstice (June 21) will still allow for complaint solar access to the habitable windows and balconies of Berry Court to the south.

- v) Visual Impact: Despite the height of the building, varying from 10 m (wall height – top of parapet) at the Berry / Worrigee St intersection to 14.486 metres at the Worrigee St / Lawrence Avenue frontage, and the span across a street block, a serious attempt has been made by the applicant to mitigate the visual impact of the development.

Folded perforated panels are proposed along the Berry St, Worrigee St and Lawrence Ave façade (and a minor portion of the southern façade) to provide texture and shape to the building, aiming to reflect the significant vegetation that is to be retained. Whilst

utilitarian in nature the stairwell / lift located along the Worrigee St frontage will provide some vertical punctuation to contrast with the largely horizontal building.

Along the southern façade it is proposed that a professional artist paint a mural over the concrete wall to mitigate the impact of a large expanse of wall upon the adjoining properties to the south. The upper most level as viewed from the south has been recessed by a further 4.9m which provides greater visual relief for the residents of Berry Court. It is noted that the amended design has removed the entire built form from the south-eastern lot, providing greater visual relief still for the adjoining residents.

Substantial trees along the southern boundary, Yellow Bloodwoods along Worrigee St and Mugga Ironbarks along Lawrence Ave are to be retained where reasonable. Those trees will provide definition around the perimeter of the site and soften the visual impact as seen from adjoining properties and from the streetscape.

Despite the development being a largely horizontal development that spans the length of a street block the visual impacts are not inconsistent with the future desired urbanised character of the Nowra CBD.

The suitability of the site for the development

The site is suitable for the multi storey car park as amended 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 development is not inconsistent with the planning controls.
- The site already contains and is used for a car park, albeit at grade.

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 amended DA was re-notified for a period of 14 days. A further 18 submissions have been received objecting to the development. A summary of the issues raised in the submissions and associated comments from Council are provided below:

Issues Raised	Council Comment
Inappropriate building for the site in CBD South (as per Chapter N8 of the Shoalhaven DCP 2014) and not consistent with the future desired character which is 'expected to attract residential, fringe commercial and retail uses'.	The proposed development is consistent with the future desired character for the CBD South precinct and generally aligns with the recently adopted planning controls for the Nowra CBD. It is permitted within the zone with development consent and retains the existing use of the land

	<p>being for a car park, albeit with multiple stories. It is in close proximity to the Nowra CBD and is well positioned to service the parking needs of the community, consistent with the broader objectives of the zone.</p>
<p>Amended proposal does not comply with objectives i-iii within section 5.1.1 of Chapter N8.</p> <p><i>i. To ensure development responds to the desired future scale and character of the area.</i></p> <p><i>iii. To enable buildings that are flexible and adaptable over time.</i></p> <p>It may meet the 'scale' or height limits defined in DCP 2014, but the MSCP does not align with the 'future desired character' of CBD South - C3.</p> <p>The proposed MSCP as a single building of 4.248 sq ms, 12 metres high, is not 'flexible and adaptable over time'. Once an MSCP, always an MSCP. It would be impossible to repurpose the MSCP into another usage, as the floor level heights would be too low.</p>	<p>Car parks are a very specific use that serve a particular purpose and have particular requirements with respect to configuration. The block is not identified as 'required active frontage' rather it is identified as 'desired active frontage'.</p> <p>The amended design has attempted to engage the streetscape through the location of service doors, plant items and access points off Berry St & Lawrence Ave rather than Worrigee St being the primary frontage. Level 1 is partially open to Worrigee St with a pedestrian footpath along its entirety and two pedestrian access points.</p> <p>The existing use of the site is as an at grade car park. This is a large site that does not benefit from existing commercial development within which to provide infill development. By its very nature it is a large building, to further engage pedestrians at the street level an interesting design is proposed utilising folded perforated panels the intent of which is to mimic existing significant vegetation. Having regard to the use, type of building, scale and height, the proposal is considered acceptable in context.</p> <p>The development is considered to be consistent with the desired future character of the locality.</p>
<p>Corners of Berry and Worrigee St, and of Berry and Plunkett St are identified as 'prominent corners' under chapter N8 of the DCP. The Berry / Worrigee St presents as an almost 12m edifice of a staircase / lift tower. Repeated along Berry St. It does not</p>	<p>Compliant setbacks, and in the case of Berry St a generous setback, is proposed at the intersection. The built form at this corner is least imposing owing to the topography of the site. The design however responds to the important</p>

<p>edify the cultural tone or entry to the CBD.</p>	<p>elements of the site, particularly the Yellow Bloodwoods along Worrigee St. Whilst the stairwell / lift shaft forms the corner of the building, the other design elements including the folded perforated panels still form an integral element of this prominent corner.</p> <p>It is noted that Council has engaged a number of professional artists to paint murals throughout the Nowra CBD. The stairwell / lift shaft provides such an opportunity for interpretation at this prominent corner.</p>
<p>The development is bulky and oversized and out of context with the surrounding character of each of the streets and surrounding buildings (reference to chapter N8 5.6 Building and Scale (p15)).</p> <p>N8 5.6 Building and Scale (p15) defines ways to minimise the perceived visual impact of bulk and scale by: articulating a base, middle and top; breaking up facades; vertical articulation where frontages are greater than 20 metres; and ensuring upper-most levels are set back. The Amended Proposal argues that it has met this, but it clearly has not complied in reducing the visual impact of bulk and scale.</p>	<p>Each floor plate is clearly legible from the street and articulates to the viewer a uniform development. Given the nature of the development it is difficult to achieve an articulated base, middle and top as outlined within the DCP.</p> <p>Instead, other visual elements have been utilised to reduce the visual impact of the bulk and scale of the development including the use of folded perforated panels in alternating patterns giving a sense of texture and depth.</p> <p>Stairwells, whilst utilitarian in nature, will provide some vertical elements.</p> <p>It is noted that the development is wholly compliant with the DCP with regard to setbacks from street frontages. A variation has been requested with regard to wall heights within the north-eastern portion of the site (intersection of Worrigee St and Lawrence Ave). The development otherwise complies with wall heights along the entirety of Berry St and for over half of the façade along Worrigee St.</p> <p>The requirement for maximum building widths of 20m does not apply to the site.</p>
<p>Cultural and heritage impacts, inconsistent with objectives 4i. (p4) 'Encourage new development that protects and enhances Nowra's existing built heritage and cultural</p>	<p>The development site does not contain a listed heritage item, is not in close proximity to a listed heritage item and is not within a heritage conservation area.</p>

and landscape character.'	The proposal will not have any adverse impacts upon the significance of heritage items within Berry St. Significant Yellow Bloodwoods within Worrigee St are to be retained (except those that are considered high risk).
Visual impacts associated with a solid concrete wall adjoining Berry Court (12m high and 78.6m long).	<p>Existing landscaping along the southern boundary will aid in the transition between the residential flat building and the multi storey car park. The applicant has indicated that a professional artist will be engaged to paint a mural on the southern façade in consultation with the residents of Berry Court. It is noted that the unbroken wall height ranges from approximately 6.8m-9.6m with the upper most level on the southern elevation further recessed by a depth of 4.9m.</p> <p>The above measures when combined with a building separation of approximately 15.66m for the first three levels increasing to approximately 19.7m for the final level appropriately will assist in mitigating the visual impact of the development as seen from the adjoining (Berry Court) residential development to the south.</p>
Inappropriate to build a large multi storey car park adjacent to a residential block, further impacting residents with pollution, noise, lighting and security risks.	<p>The proposed development has responded appropriately and reasonably to the residential development to the south through building separation and the use of a solid concrete wall. Expert reports were submitted in support of the application addressing the potential impacts on air quality and noise. Those reports found the development to be within allowable tolerances as detailed earlier within this report.</p> <p>The amended design better addresses the principles of CPTED through the removal of the built form from the south – east portion of the site. This provides greater opportunity for surveillance along the pedestrian path. With regard to</p>

	<p>security, the installation of appropriate down lighting, fewer opportunities for concealment will assist with safety.</p>
<p>Protest the loss of views of the Cambewarra Mountain Range from the apartment balconies.</p>	<p>As detailed within this report there will be a loss of partial distant views currently enjoyed towards the Cambewarra escarpment from the residential flat building to the south (Berry Court). Having regard to the planning principle embedded in <i>Tenacity Consulting v Warringah [2004] NSWLEC 140</i> it was found that the loss of views that are currently enjoyed across a side boundary and within a CBD environment will occur however with regard to context be reasonable in this particular instance.</p>
<p>Protests the loss of any of the mature trees bordering the three streets, in particular the Yellow Bloodwoods and Mugga Ironbarks.</p>	<p>The design has been amended to accommodate for compliant setbacks under the DCP allowing appropriate offsets for the structural root zone and tree protection zone ensuring the long-term health of those trees that are to be retained. The applicant has indicated that of those 16 trees along Worrigee St and Lawrence Ave 5 are to be removed noting that 2 of the Yellow Bloodwoods to be removed are suffering from Bracket Fungus, which attacks the living tissue of trees and is a disease of the trees heartwood.</p> <p>The remaining Bloodwood and 2 Mugga Ironbarks are affected by serious structural defects (codominant trunks). This occurs where a trunk divides with a narrow fork, which tends to wedge apart over time. Codominant trunks can be substantially weaker in strength than normal tree forks and can become a hazard. Their removal is not inconsistent with the recommendations of the revised Arborist Report.</p> <p>The applicant has indicated that those trees are to be removed irrespective of the development given the risk they pose.</p>

<p>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.</p>	<p>A number of studies underpin the need for a multi-level car park and the proposed location. The 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 long term parking. That off street parking should be located on the periphery of the CBD, where traffic impacts are lower.</p>
<p>The car park would possibly be 50% + vacant at any time and therefore grossly underutilised – car park is grossly oversized</p>	<p>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 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>Overall building height has an unacceptable impact on the solar aspect for residents of Berry Court. Currently residents enjoy 100% sunlight.</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 revised shadow diagrams shows that compliance is achieved in excess of the minimum requirement.</p> <p>Overshadowing upon adjoining development within a CBD environment is likely to some extent. The assessment criteria seeks to achieve a reasonable solution and control impacts upon existing development. In this instance it is noted that the development has been designed with a generous building separation and a greater setback of the upper most level to</p>

	address the concerns raised regarding the loss of solar access.
Increase the incidence of vandalism and anti-social behaviour (more secluded consumption of alcohol and graffiti attacks).	<p>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 after hours acting to deter inappropriate behaviour.</p> <p>The amended design addresses the CPTED principles more closely with the removal of the built form from the south-eastern lot. This has improved the quality of surveillance and reduced the opportunities for concealment.</p> <p>Further to the above, a security management plan is to be prepared, in conjunction with the NSW Police, prior to the issue of an Occupation Certificate.</p>
No longer a demonstrated need for the multi storey car park. An updated car parking study is required to inform decisions. New shopping centres with supermarkets have opened at Vincentia and Ulludulla and will soon be completed at Bomaderry and Worrigee.	<p>Despite the application having been under assessment for some time, since mid-2015, the timeframe is not so significant that it requires an updated car parking study. In fact, the amended application has reduced the amount of parking by 158 spaces.</p> <p>Note also Council's resolution (Min18.879) that "<i>Council adopt the policy of waiving any contribution, or requirement for additional car parking spaces where a change of use is proposed in an application within the area of any of our shopping centres and the policy apply from the date of this resolution.</i>" (Minutes of Ord. Council 30 October 2018)</p>

Provide a Traffic Management Plan taking into account current street parking and existing.	The amended design significantly reduces the amount of parking on site when compared against the original design. A further traffic impact assessment is not warranted.
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 submitted with the application and were primary considerations in the design of the development. Both were considered to be within allowable tolerances, the amended design does not alter the recommendations and outcomes of those reports.
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.
Construction noise and dust.	It is recommended that 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 (if approval is granted). Dust screens are able to be implemented prior to the commencement of construction works to mitigate the impacts upon adjoining properties.

The public interest

The proposed development as amended 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 adverse impacts on the environment, the amenity of the locality or public health/safety. It is in the public interest to address the shortfall of long term parking spaces within the Nowra CBD and support the primacy of the Nowra CBD as it relates to the retail hierarchy in the Shoalhaven LGA.

8. Referrals

Internal:

Development Engineer: Council's Development Engineer has reviewed the development as amended in the context of their last referral. They have raised no concerns with the amended development subject to the updating of the original recommended conditions of consent to address the latest plans.

Building Surveyor: Council's Building Surveyor has reviewed the development as amended in the context of their original referral. The Surveyor has raised no concerns with the amended development subject to the imposition of conditions of consent. The Surveyor has noted that if the proposal includes staff to manage and maintain the structure an accessible unisex WC will be required, it is understood that the public car park will not be staffed.

External:

Roads and Maritime Services (RMS): The application was rereferred to the RMS for comment with the following letter response received dated 9 October 2018:

RMS has completed an assessment of the development, based on the information provided and focusing on the impact to the state road network. For this development, the key state road is the Princes Highway.

RMS does not believe the development will have a significant impact on the state road network and on this basis, does not object to the development application.

9. Procedural Audit

Having regard to the fact that Council is the landowner and in addition to the determination being made independently to Council, Council engaged an external planning consultancy (Martin Morris & Jones Pty Ltd (MMJ Wollongong)) outside the local government area to undertake a procedural audit of the file.

Given that the application has already been considered by the Panel and a decision made to defer to enable several matters to be attended to, the audit of process and procedure was undertaken from that point in the assessment of the application. The external planning consultant has prepared a report, dated 12 November 2018, outlining the findings of their procedural audit, concluding that:

the process undertaken to date by Council in the consideration of this application following the deferral decision made by the JRPP on 22nd November 2016 is generally in accordance with the statutory procedures set down within The Act (as amended) and The Regulations. However, for completeness prior to the determination of this application, it is recommended that the application form be updated to correctly note the proposal as not being integrated development.

With regard to the comment by the consultant regarding the erroneous declaration on the original development application form that the development is integrated development under the then Section 91 of the EP&A Act 1979, an amended development application form is not considered necessary. It is common practice for elements of the application form to be clarified or amended by the applicant by way of email or letter to Council. It was clear in Council's

notification of the application and the planning report to the Panel that there was no separate approval required under separate legislation.

10. Options

The 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);
- 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 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 the imposition of appropriate conditions as recommended in **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 467 car and 18 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 467 car and 18 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
Demolition Plan	Plan Ref:1311_13	Shoalhaven City Council (J Simpson)	7/9/2018
Landscape Plan	Plan Ref:1311_15	Shoalhaven City Council (J Simpson)	7/9/2018
Level 00 Plan	Plan Ref:1311_16	Shoalhaven City Council (J Simpson)	7/9/2018
Level 01 Plan	Plan Ref:1311_17	Shoalhaven City Council (J Simpson)	7/9/2018
Level 02 Plan	Plan Ref:1311_18	Shoalhaven City Council (J Simpson)	7/9/2018
Level 03 Plan	Plan Ref:1311_19	Shoalhaven City Council (J Simpson)	7/9/2018
Level 04 Plan	Plan Ref:1311_20	Shoalhaven City Council (J Simpson)	7/9/2018
Level 05 Plan	Plan Ref:1311_21	Shoalhaven City Council (J Simpson)	7/9/2018
Elevations Sheet 1	Plan Ref:1311_22	Shoalhaven City Council (J Simpson)	7/9/2018
Elevations Sheet 2	Plan Ref:1311_23, Rev A	Shoalhaven City Council (J Simpson)	24/10/2018
Sections Sheet 1	Plan Ref:1311_24, Rev A	Shoalhaven City Council (J Simpson)	24/10/2018
Sections Sheet 2	Plan Ref:1311_25	Shoalhaven City Council (J Simpson)	7/9/2018
Finishes and Planting Palette	Plan Ref:1311_28	Shoalhaven City Council (J Simpson)	7/9/2018
High Risk Tree Plan	Plan Ref:1311_29	Shoalhaven City Council (J Simpson)	7/9/2018
Arborists Report	-	David Potts – Consultant Arborist	July 2018

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 467 car and 18 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. 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:
 - e) A Principal Certifying Authority (PCA) must be appointed; and
 - f) 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.
 - 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.'

Tree Protection Measures

15. Prior to the commencement of works and for the duration of the construction period, trees that are to be retained are to be protected in accordance with AS 4970-2009 *Protection of trees on development sites* and the approved Arborists Report prepared by David Potts and dated July 2018. In this regard, 1.8m high tree protection fencing must be installed just outside of the extent of excavation for the approved development.

Pruning of Trees

16. Any pruning of trees that is required to facilitate the approved development must be undertaken in accordance with AS4373-2007 *Pruning of amenity trees*. Pruning must be undertaken in such a manner so as to minimise cut diameter (lopping).

PART C

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

Design Standards

17. Prior to the issue of a Construction Certificate, 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, and
 - (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

18. 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.

Structural Design

19. Prior to the issue of a Construction Certificate, 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.

Carpark Design

22. 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

23. 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

24. 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).

Footpaths

25. Footpaths must be designed and located in accordance with the submitted landscape plan and Chapter G18 Streetscape Design for Town and Village Centres of the Shoalhaven DCP 2014. 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, and
 - c) Details of any required retaining wall.

Electricity Substation

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

Shoalhaven Water

27. 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

28. The car park exit/entry onto Berry St adjacent to motorcycle parking area must be redesigned to ensure that the 99th% vehicle can pass the 85th% vehicle without issue or conflict. Accordingly, amended plans that demonstrate compliance with this condition of consent must be submitted to the nominated accredited certifier prior to the issue of a Construction Certificate. Details must be shown on Construction Certificate drawings.

Colours and Materials – Southern Wall

29. Details of the final design treatment for the southern wall of the structure must be provided with application for a Construction Certificate for approval by the nominated accredited certifier. A design treatment must be selected compatible with the folded perforated panels proposed for the other frontages. The design treatment must be endorsed by Council in consultation with the owner’s corporation of the Berry Court (proprietors of SP 3682 – Lot CP).

Local Government Act 1993 – Section 68 Approval

30. Prior to the issue of a Construction Certificate, 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.

Waste Minimisation and Management

31. A Waste Minimisation and Management Plan (WMMP) must be prepared in accordance with Chapter G7, Shoalhaven Development Control Plan 2014. The WMMP must be approved by Council or an accredited certifier prior to the issue of a Construction Certificate.

Note: “Waste” has the same meaning as the definition of “Waste” in the *Protection of the Environment Operations Act 1997*.

PART D

CONDITIONS RELATING TO THE APPROVED WORK AND SITE MANAGEMENT

Signage and Line Marking Plan

32. 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

33. 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.

Lighting Design

34. 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.
35. The use of security lighting must comply with AS 4282(1997) – *The Control of the Obtrusive Effect of Outdoor Lighting*.

Closed Circuit Television Installation

36. 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.

Colours and Materials

37. 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.

Tree Protection Measures – During Works

38. A suitably qualified arborist must be engaged during the excavation for footings for the cutting and treatment of roots as / if encountered. Thick grade fabric filters membrane must be placed along the tree roots' side of the footings trench prior to the setting out of formwork and steel placement.
39. Should access be required to within the Tree Protection Zone during works, a suitably qualified arborist must be consulted with regard to construction methodology as it relates to the protection and long term health of the tree(s).
40. Trees to be cleared must be felled into the development area carefully so as not to damage trees to be retained in or beyond the development footprint.

Landscaping

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

Building Code of Australia

42. 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

43. 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

44. 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

45. 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

46. 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 and must be adhered to for the duration of the construction period. 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

47. 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

Certificate of Compliance – Shoalhaven Water

48. 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

49. 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.
50. Prior to the issue of an Occupation Certificate, where required, a certificate from a NPER-III registered practising structural engineer must be submitted to the Principal Certifying Authority to certify all structural elements have been constructed in accordance with the approved plans.

Lot Consolidation

51. 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 NSW Land Registry Services must be submitted to Council prior to issue of an Occupation Certificate.

Security Management Plan

52. 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

53. 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

54. 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

55. 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

56. 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

57. 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

58. 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.

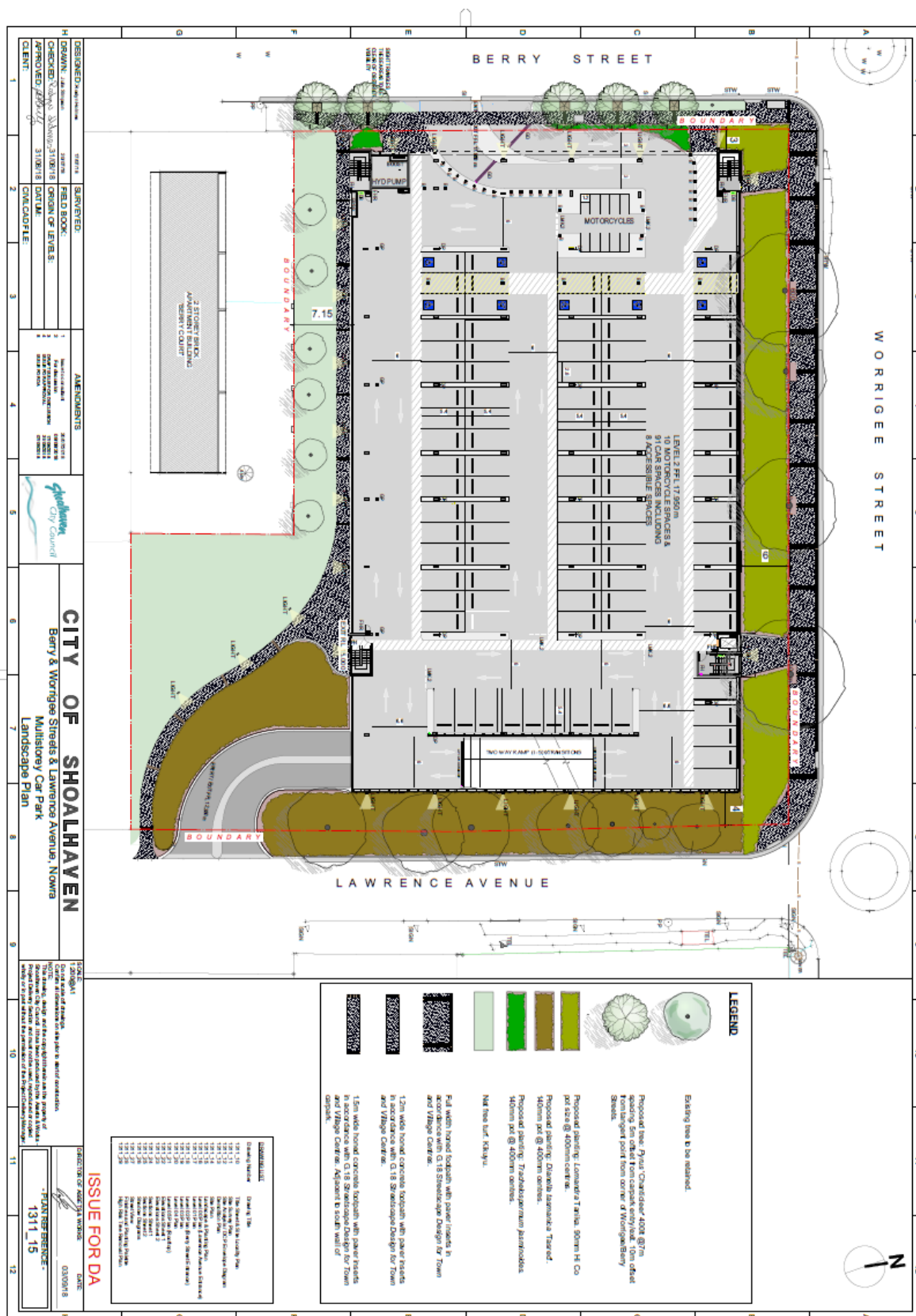
DBYD Enquiry - 'Dial Before You Dig'

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.

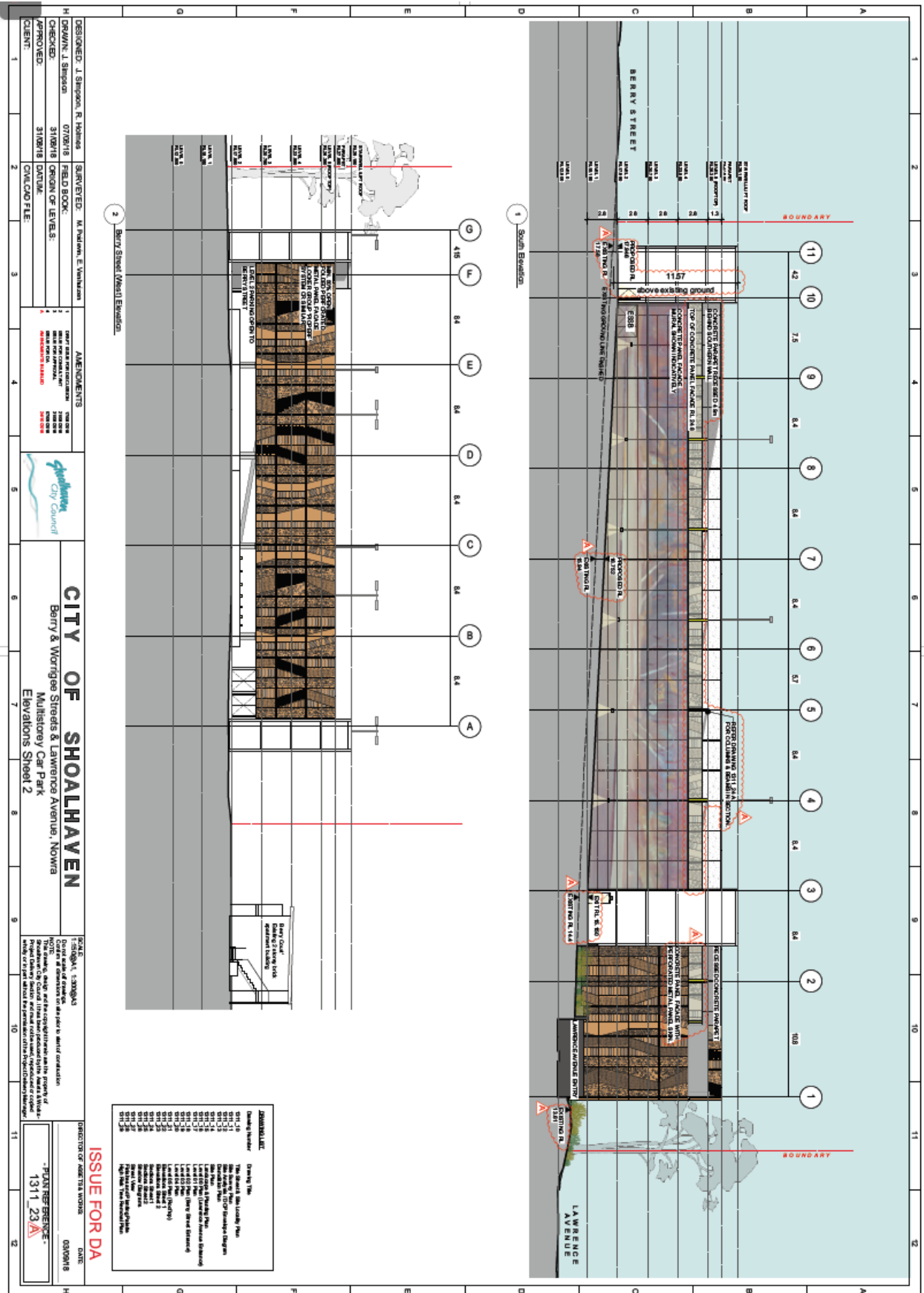
**Cc: RMS
PO Box 477
Wollongong NSW 2520**

Attachment 'B'

2015STH018 (Section 79C Supplementary Assessment Report)



Elevations – South and West



2015STH018 (Section 79C Supplementary Assessment Report)



2015STH018 (Section 79C Supplementary Assessment Report)

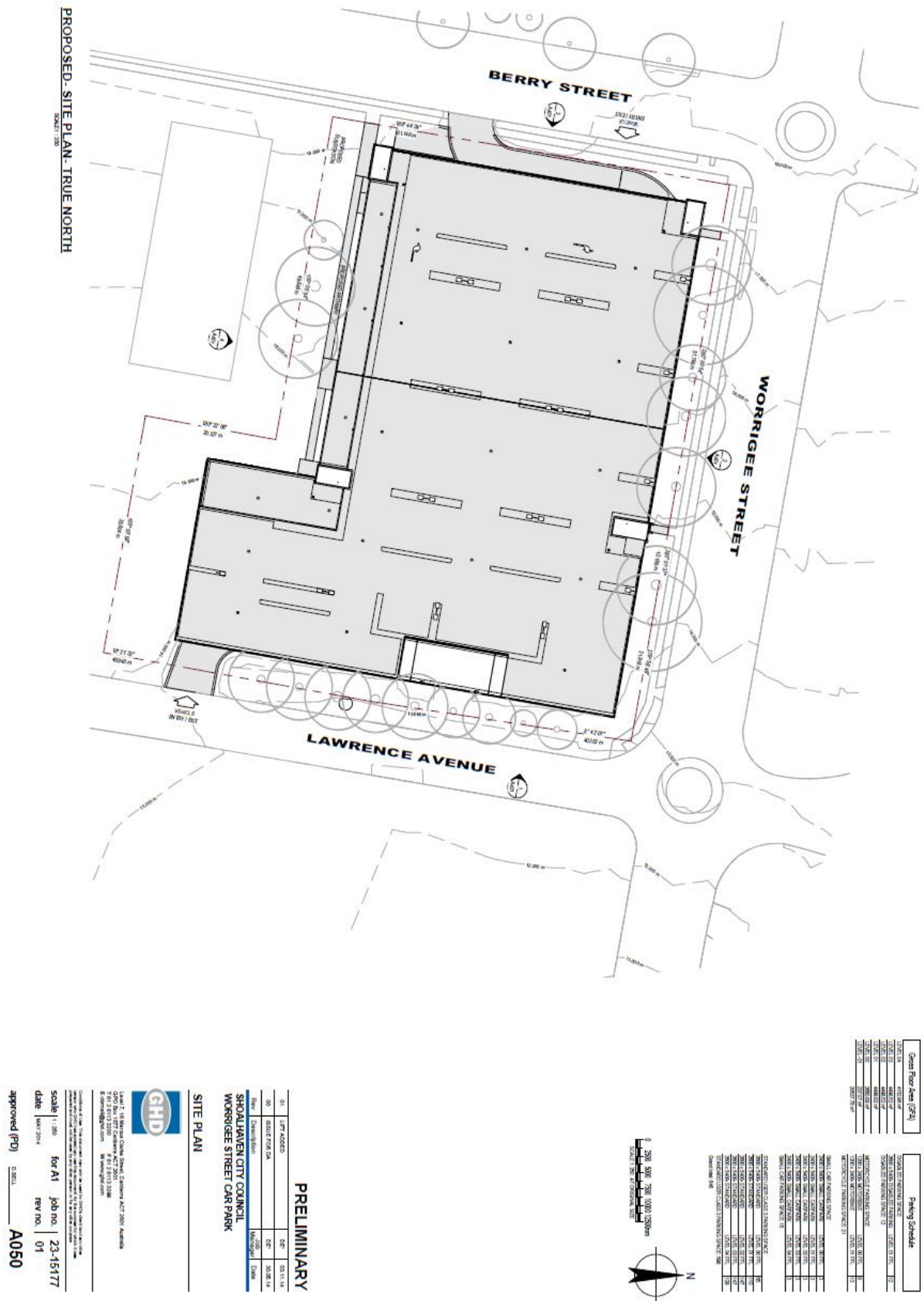


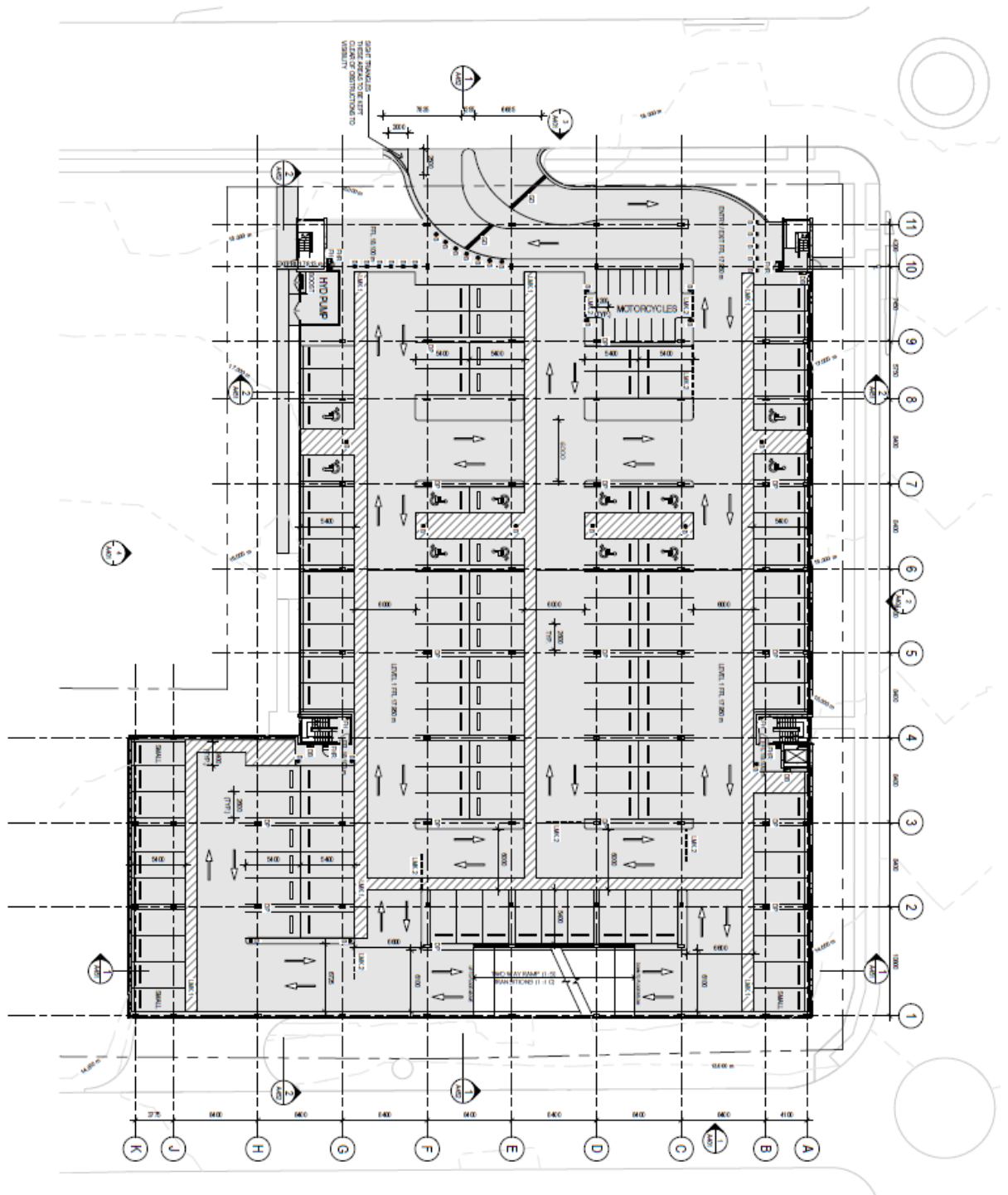
2015STH018 (Section 79C Supplementary Assessment Report)



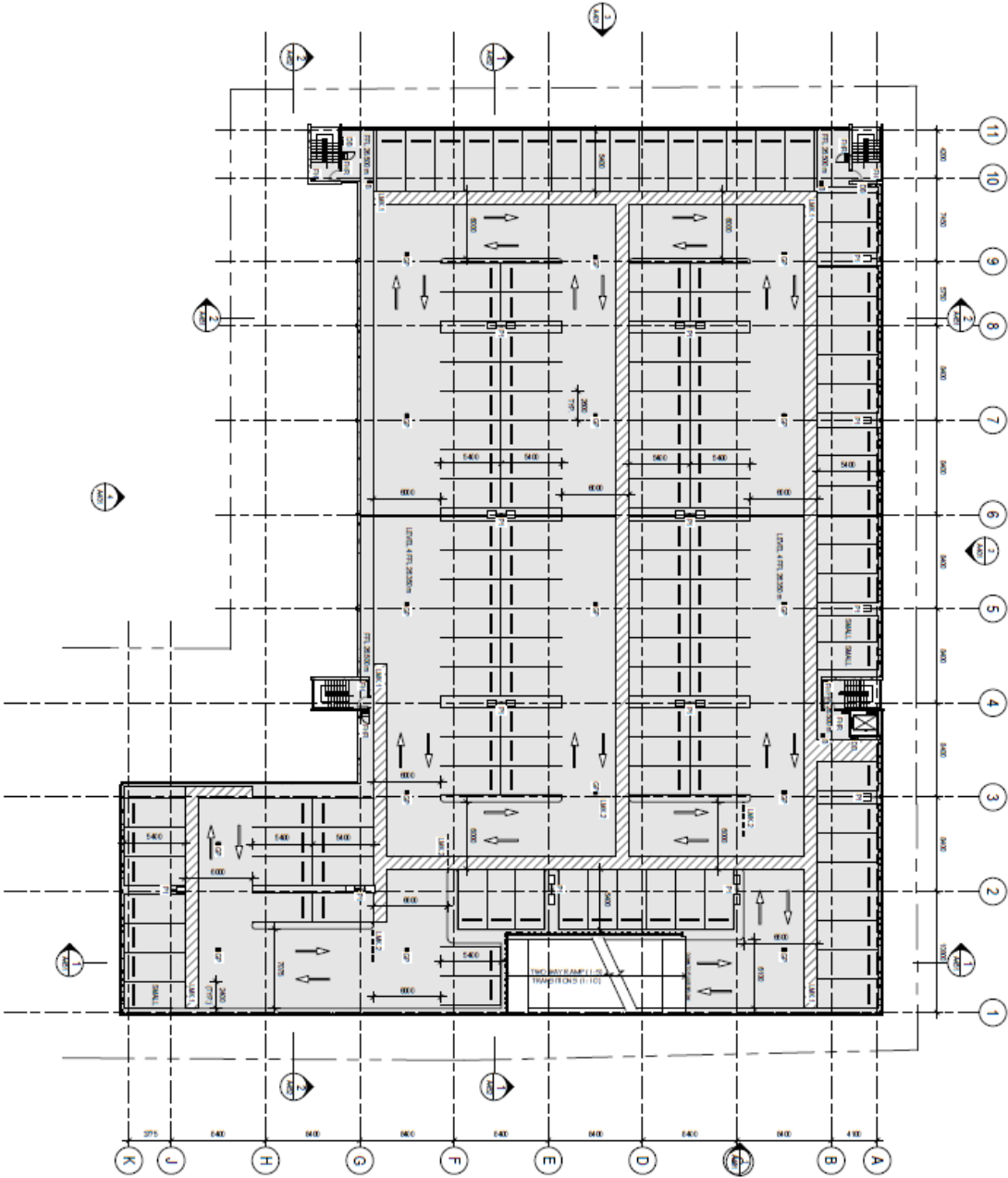
Attachment 'C'

Floor Plan – Level 00

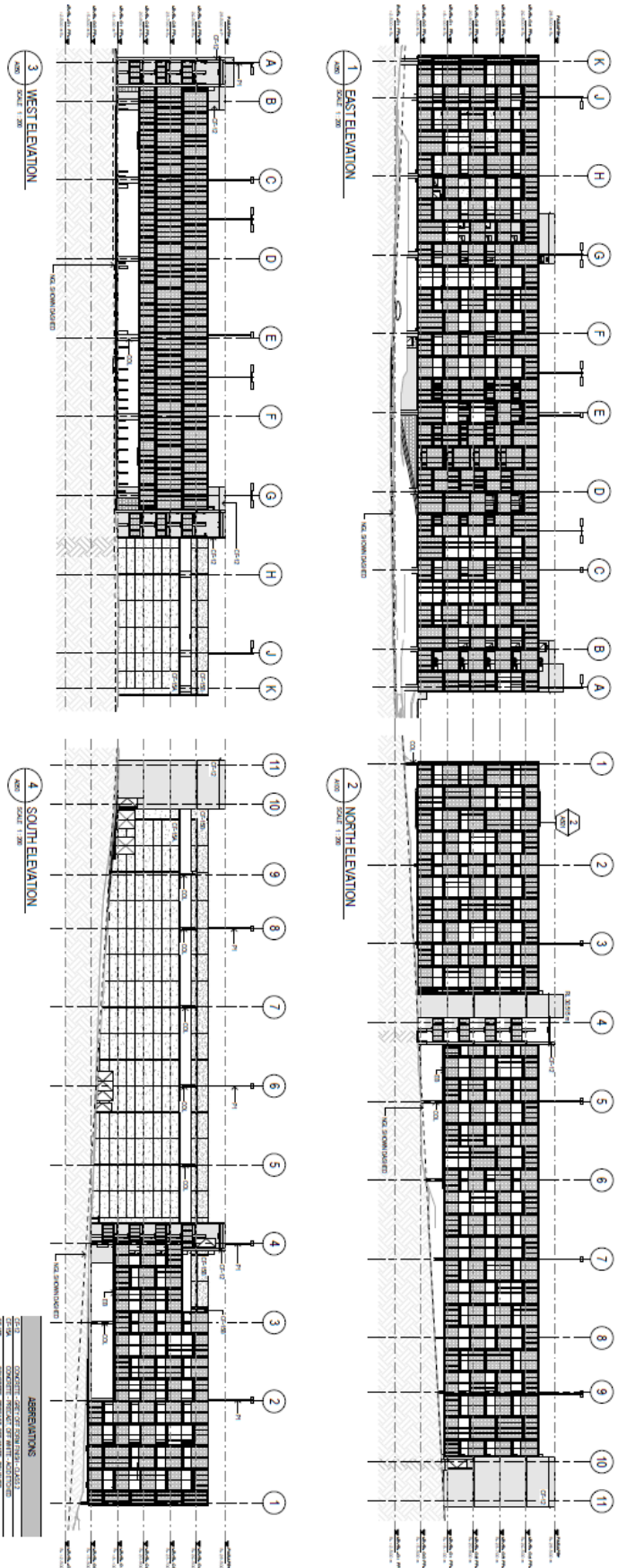
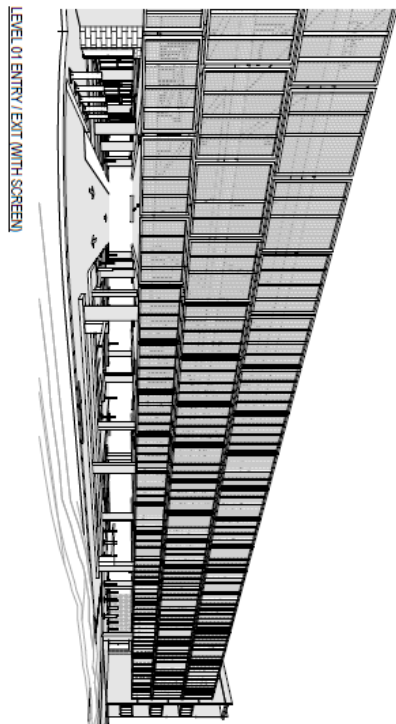




Floor Plan – Level 04



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ABBREVIATIONS	
GA-12	CONCRETE - PORT OF SPAIN (PA)-CLASS 2
GA-24	CONCRETE - PORT OF SPAIN (PA)-CLASS 2
GA-26	CONCRETE - PORT OF SPAIN (PA)-CLASS 2
GA-28	CONCRETE - PORT OF SPAIN (PA)-CLASS 2
GA-30	CONCRETE - PORT OF SPAIN (PA)-CLASS 2
GA-32	CONCRETE - PORT OF SPAIN (PA)-CLASS 2
GA-34	CONCRETE - PORT OF SPAIN (PA)-CLASS 2
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GA-96	CONCRETE - PORT OF SPAIN (PA)-CLASS 2
GA-98	CONCRETE - PORT OF SPAIN (PA)-CLASS 2
GA-100	CONCRETE - PORT OF SPAIN (PA)-CLASS 2

PRELIMINARY

Rev	Description	Job Manager	Date
02	ISSUE FOR DA	FE	22.09
01	LIFT ADDED	DC	03.11

SHOALHAVEN CITY COUNCIL
WORRIGEE STREET CAR PARK

ELEVATIONS - SHEET 1



Level 7, 10 Macquarie Centre Drive, Chesham ACT 2901 Australia
GPO Box 1877 Canberra ACT 2601
T 61 2 6113 3200 F 61 2 6113 3298
E daniel@gnl.com W www.gnl.com

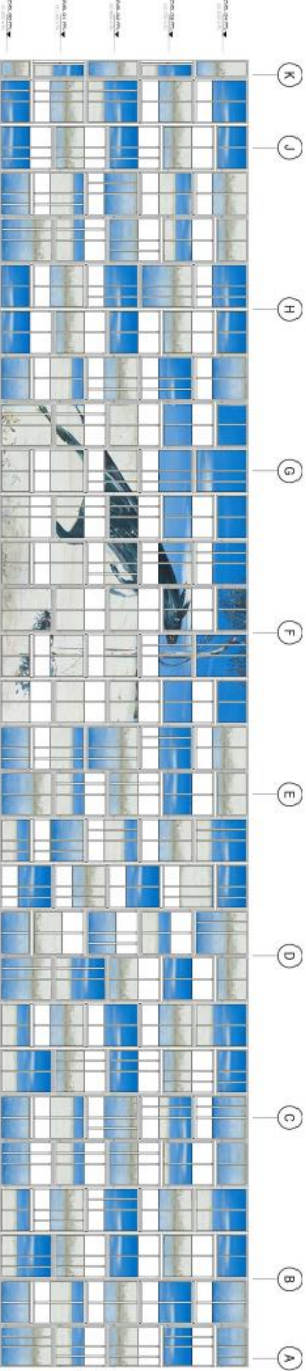
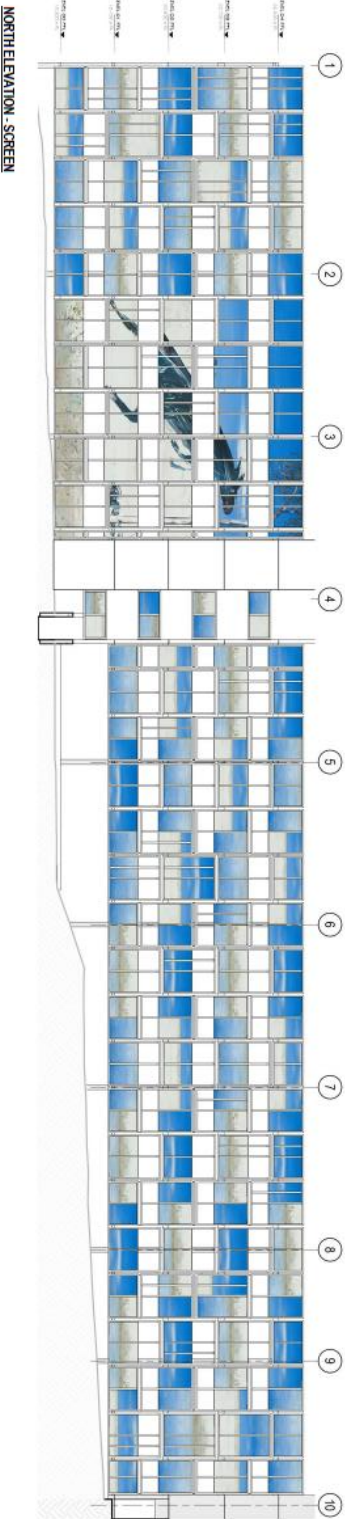
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scale 1 = 200	for A1	job no.	23-15177
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date | sept 2015 rev no. | 02

approved (PD) _____ **A407**

Elevations – Coloured Screen



PRELIMINARY

NO.	2015-10-14	DATE	2015-10-14
REV.	1	DATE	2015-10-14

SHOALHAVEN CITY COUNCIL
MORRIS STREET CAR PARK
ELEVATIONS
COLOURED SCREEN - SHEET 1

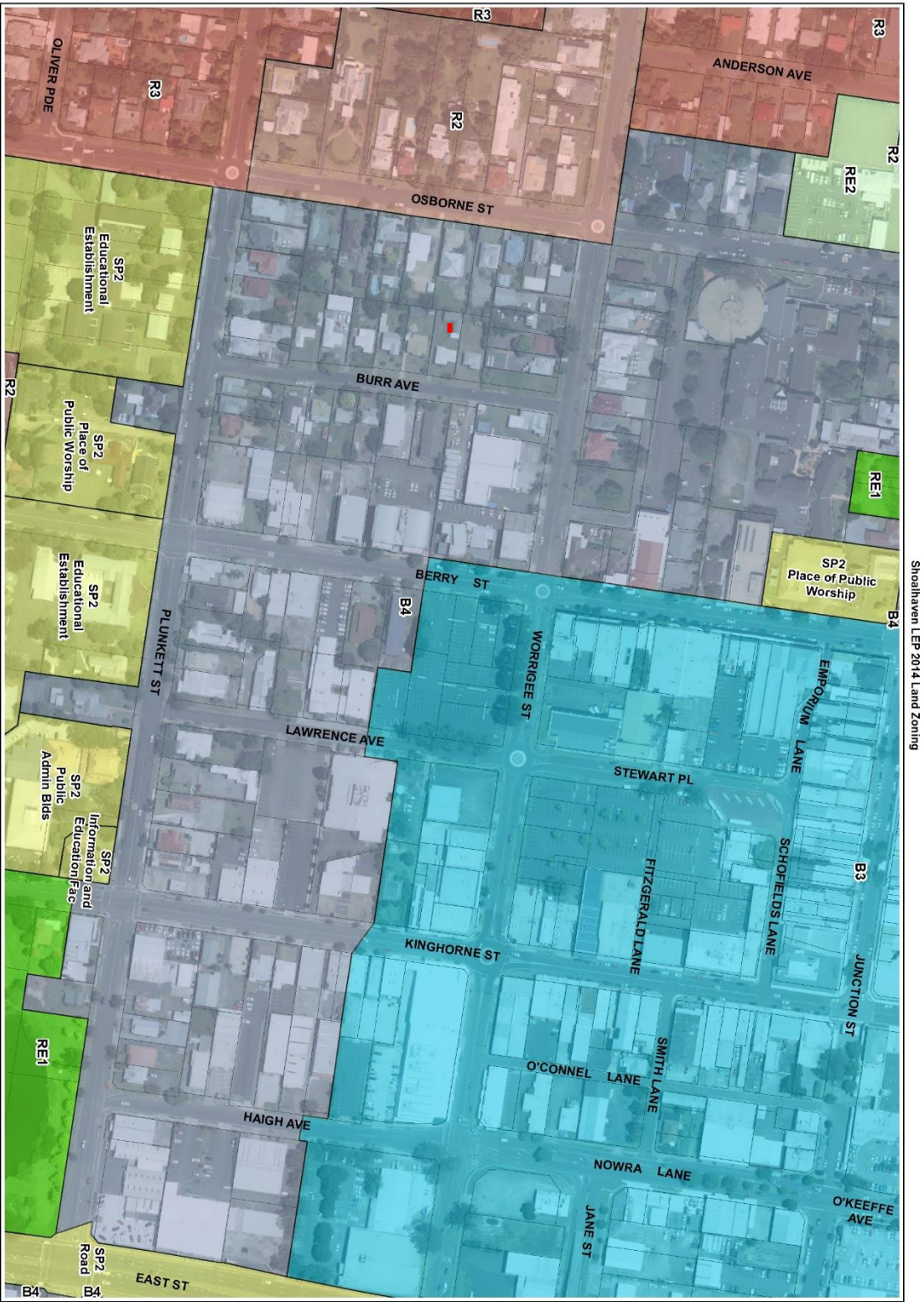
GHD

Level 7, 55 BROADWAY, SYDNEY, NSW 2009, AUSTRALIA
TEL: 02 9590 6600 FAX: 02 9590 6601
WWW.GHD.COM.AU

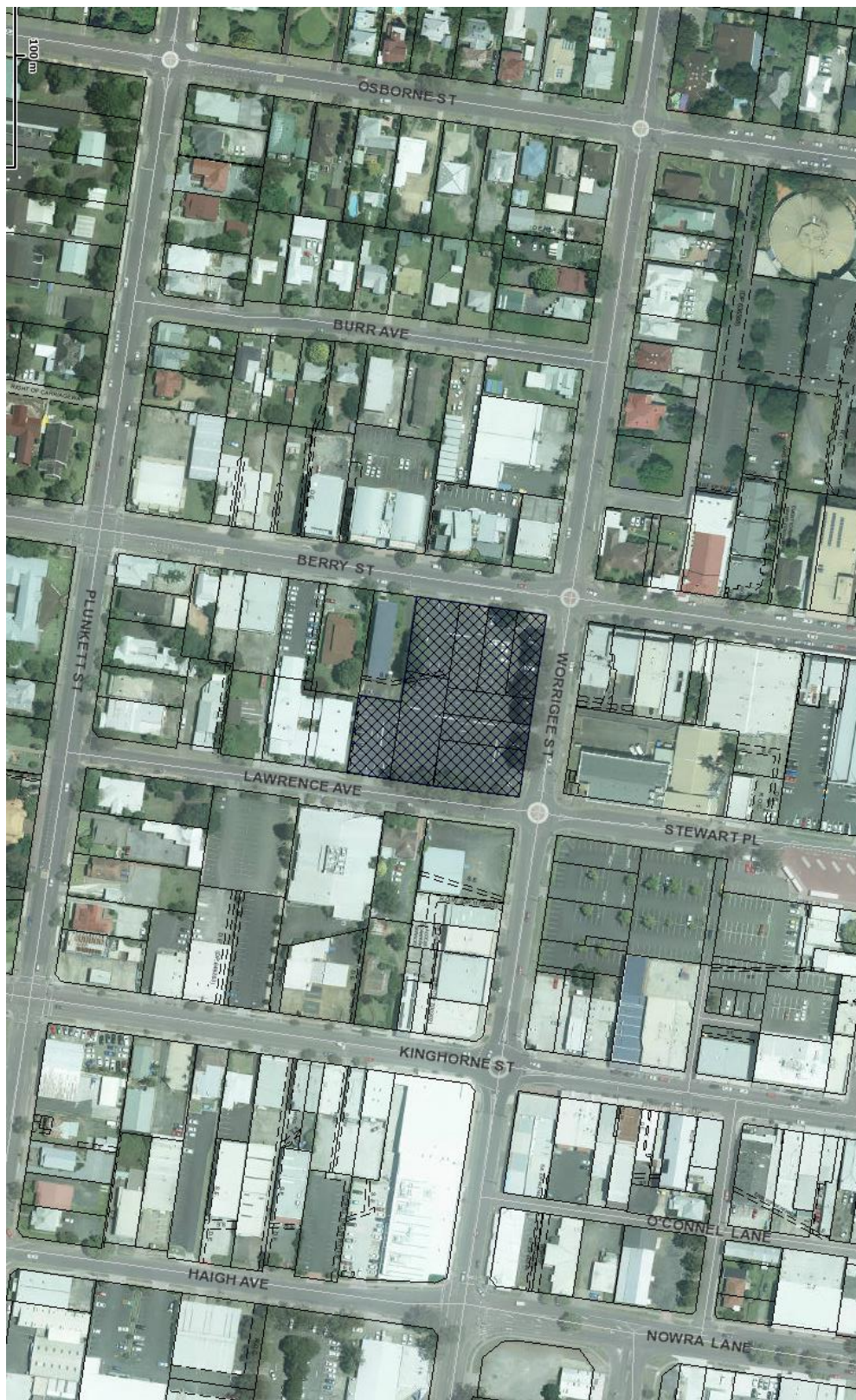
Scale: 1:100 for A1
date: 2015
rev no: 00
approved (PD) A404

Attachment 'D'

Land Zoning Plan



Site Location Plan



Attachment 'E'

5 General Development Controls																				
5.1 Building and floor heights																				
P1 Development is to be designed to minimise potential negative impacts such as overshadowing of streets and public open spaces	A1.1 Development is to conform to the maximum building heights as shown on the Shoalhaven Local Environmental Plan 2014 (Shoalhaven LEP 2014) Height of Buildings Map	Development conforms to the maximum building heights permitted under the LEP.																		
P2 Development responds sensitively to the context and supports the desired future character of the area.	A2.1 Development near heritage items may require lower street wall heights, lower heights and increased setbacks in order to respect and respond appropriately to the visual curtilage of nearby heritage buildings (refer to Section 5.10 Heritage and conservation).	Development site is not located in proximity to heritage items or conservation areas.																		
P3 Buildings are adaptable to a variety of uses over time.	<p>A3.1 The following minimum heights apply:</p> <table border="1"> <thead> <tr> <th>Use</th><th>Minimum floor to floor height (recommended)</th><th>Minimum floor to ceiling height (recommended)</th></tr> </thead> <tbody> <tr> <td>Retail</td><td>4.4m</td><td>4m</td></tr> <tr> <td>Commercial</td><td>3.7m</td><td>3.3m</td></tr> <tr> <td>Adaptable</td><td>3.7m</td><td>3.3m</td></tr> <tr> <td>Residential</td><td>3.1m</td><td>2.7m</td></tr> <tr> <td>Community</td><td>3.7m</td><td>3.3m</td></tr> </tbody> </table> <p>A3.2 Where active frontages are specified (refer to Section 5.9 Addressing the street and Section 5.10 Active Frontages), the minimum floor to floor height at the ground floor is to comply with the category of "Retail" in the above table.</p>	Use	Minimum floor to floor height (recommended)	Minimum floor to ceiling height (recommended)	Retail	4.4m	4m	Commercial	3.7m	3.3m	Adaptable	3.7m	3.3m	Residential	3.1m	2.7m	Community	3.7m	3.3m	<p>N / A - It is proposed to construct a car park which requires specific floor heights to achieve user requirements.</p> <p>The amended design has attempted to engage the streetscape through the location of service doors, plant items and access points not on Worrigee St. Level 1 is partially open to Worrigee St with pedestrian access along its entirety. Two pedestrian access points are provided off of Worrigee St. It is important to note that there is a hierarchy with the provision of active frontages, Figure 3 in Section 5.9 indicates that the development site has a 'desired active frontage' as opposed to a 'required active frontage'.</p>
Use	Minimum floor to floor height (recommended)	Minimum floor to ceiling height (recommended)																		
Retail	4.4m	4m																		
Commercial	3.7m	3.3m																		
Adaptable	3.7m	3.3m																		
Residential	3.1m	2.7m																		
Community	3.7m	3.3m																		

	A3.3 For all other parts of the CBD, the minimum floor to floor height at the ground floor is to comply with the category of "Adaptable" in the above table.	It is proposed to construct a car park which has a very specific long-term use, with floor to floor heights of 2.8m proposed. It is not considered necessary for the ground floor to be adaptable in this instance.
5.2 Street setbacks		
P4 New development supports the establishment of the desired spatial proportions of the street and defines the street edge.	<p>A4.1 The front street wall of buildings is built to the applicable setback line consistent with those shown on Figure 2.</p> <p>A4.2 Below-grade parking structures may not protrude into the public domain, but can extend as far as the front property line</p> <p>A4.3 Balconies, ground floor terraces or entrance structures can protrude up to 600mm beyond the front setback. No protrusion is allowed for development along required nil setback lines.</p>	<p>The following are the controls specific to the site:</p> <ul style="list-style-type: none"> - Primary setback to Worrigee St: 6m - Primary setback to Berry St: 2m - Primary setback to Lawrence Ave: 4m <p>The development complies with the required setbacks under the DCP noting that an increased setback of 3m is proposed on Berry St.</p> <p>Not applicable. This control is intended for development with an ancillary car park and not where it is the primary use of the land.</p> <p>Not applicable.</p>
P5 Development along built-to alignments creates a continuous building edge.	A5.1 Buildings have a minimum of 75% of their frontage built to the nil setback line. The remaining 25% may setback up to 3 metres to provide a deeper area for entrances, bike parking, outdoor seating or the like.	Not applicable for the development site, area specific controls apply with regard to setbacks.
P6 Where front setbacks are required, they are landscaped, facilitate casual surveillance of the street and add to the desired streetscape character.	<p>A6.1 All fences to the street frontage are a maximum height of 1.2m and at least 50% transparent.</p> <p>A6.2 Front setbacks are landscaped with a preference for native planting species and incorporation of WSUD measures (refer to Section 5.12 Landscape quality).</p>	<p>N / A - No fences proposed.</p> <p>Built form is setback from Worrigee St and Lawrence Ave sufficient for the purpose of retaining established trees.</p>
5.3 Side and rear setbacks		

P7 Development in the core of the CBD and along key streets supports a continuous street wall character.	A7.1 All development in Character Area C1 - Central Core is built to the side boundary.	N / A
	A7.2 Corner development along designated streets which require nil setback lines (refer to Section 5.2 Street Setbacks) is built to the lot side boundary.	N / A
	A7.3 Walls built to the side boundary have no windows or other openings overlooking adjoining properties.	N / A
P8 Separation between buildings allows for adequate daylight access, ventilation, view sharing and privacy	A8.1 Separation for residential components of development satisfies the requirements of SEPP 65 and the Apartment Design Guide.	N / A
	A8.2 New development is designed to ensure privacy, sunlight access and natural ventilation of adjacent buildings.	Complies. Development has been designed to ensure the amenity enjoyed by adjoining residential development is retained.
P9 Development allows for adequate amenity to neighbouring properties and future buildings and creates consolidated landscaped corridors.	A9.1 In areas with a designated maximum building height of 12m rear setbacks are defined by a 45 degree angular plane from the rear boundary. The minimum setback is 7m.	Minimum rear setback of 7.15m proposed.
	A9.2 Deep soil zones are located next to deep soil zones of adjoining properties to create consolidated landscaped corridors.	The land adjoining the southern boundary of the site will allow for deep soil zones consistent with the envisaged consolidated deep soil zone running through the centre of the block.
5.4 Street wall heights		
P10 New development defines and spatially encloses the street, is appropriately scaled and responds to adjacent development.	A10.1 New buildings have a maximum street wall height as outlined in Section 6 - Area Specific Controls.	Does not comply. See variation statement in the body of the report.
	A10.2 Any development above the street wall height applies the upper level setbacks (as a minimum) as outlined in Section 6 - Area Specific controls.	Does not comply. See variation statement in the body of the report.
	A10.3 Where development is adjacent to a heritage item, contributory building or within a conservation area, street wall heights of new development may be	N / A - development is not adjacent to a heritage item, contributory building or within a conservation area.

	required to align with this (refer to Section 5.10 Heritage and Conservation).																	
5.5 Site coverage																		
P11 New development maximises the opportunity for rainwater to soak into the ground on site and minimises run-off to adjoining areas.	A.11.1 The maximum site coverage for development does not exceed the following: <table><tr><th>Character area</th><th>Max. site coverage</th></tr><tr><td>Central Core (C1)</td><td>100%</td></tr><tr><td>CBD West (C2)</td><td>80%</td></tr><tr><td>CBD South (C3)</td><td>80%</td></tr><tr><td>Parkside (N1)</td><td>70%</td></tr><tr><td>Hospital Edge (N2)</td><td>60%</td></tr><tr><td>Eastern Retail (E1)</td><td>70%</td></tr><tr><td>Residential Interfaces (E2, E3)</td><td>70%</td></tr></table>	Character area	Max. site coverage	Central Core (C1)	100%	CBD West (C2)	80%	CBD South (C3)	80%	Parkside (N1)	70%	Hospital Edge (N2)	60%	Eastern Retail (E1)	70%	Residential Interfaces (E2, E3)	70%	Maximum site coverage of 71% is proposed which complies with the maximum 80% requirement in the CBD South (C3).
Character area	Max. site coverage																	
Central Core (C1)	100%																	
CBD West (C2)	80%																	
CBD South (C3)	80%																	
Parkside (N1)	70%																	
Hospital Edge (N2)	60%																	
Eastern Retail (E1)	70%																	
Residential Interfaces (E2, E3)	70%																	
P12 Development incorporates landscaped areas and maximises deep soil zones that can support mature trees and vegetation.	A12.1 The minimum landscaped area is the site area minus the calculated maximum site coverage applicable (see table above). A12.2 At least 50% of the landscaped area is deep soil, or 15m², whichever is greater	Complies. The minimum required landscaped area is 1189.15m² whereas 1697.75m² is proposed. All landscaping area is able to contribute towards the deep soil zone.																
5.6 Building bulk and scale																		
P13 Building bulk and scale relates to the desired future character of the area.	A13.1 Buildings do not exceed the following maximum building depth and floor plate sizes: <table><tr><th>Building typology and use</th><th>Max. building depth</th><th>Max. floor plate (GFA)</th></tr><tr><td>Commercial buildings</td><td>25m</td><td>2,500m²</td></tr><tr><td>Large format retail buildings</td><td>100m</td><td>15,000 m²</td></tr><tr><td>Large format retail buildings*</td><td>180m*</td><td>30,000 m²*</td></tr><tr><td>Residential apartments</td><td>18m</td><td>1,200m²</td></tr></table>	Building typology and use	Max. building depth	Max. floor plate (GFA)	Commercial buildings	25m	2,500m²	Large format retail buildings	100m	15,000 m²	Large format retail buildings*	180m*	30,000 m²*	Residential apartments	18m	1,200m²	Not applicable. Development is not one of those building typologies mentioned.	
Building typology and use	Max. building depth	Max. floor plate (GFA)																
Commercial buildings	25m	2,500m²																
Large format retail buildings	100m	15,000 m²																
Large format retail buildings*	180m*	30,000 m²*																
Residential apartments	18m	1,200m²																
P14 Development is designed to reduce the perceived visual impact of its bulk and scale.	A14.1 Buildings are to be designed so that they clearly articulate a base, middle and top.	Each floor plate is clearly legible from the street and articulates to the viewer a uniform development. Given the nature of the development it is difficult to achieve																

	<p>A14.2 Facades are articulated using techniques such as projections, recesses, eave overhangs and deep window reveals (refer to Section 5.7 Facades and exteriors).</p> <p>A14.3 Where frontages are more than 20 metres wide, building massing is vertically articulated.</p> <p>A14.4 The upper-most level is set back and is visually unobtrusive.</p>	<p>such definition. Other visual elements have been utilised to reduce the visual impact of the bulk and scale of the development including the use of folded perforated panels in alternating panels giving a sense of texture and depth. The panels, along with the proposed colour schedule, will mirror the native trees that are to be retained. Stairwells, whilst utilitarian in nature, will provide some vertical elements to contrast with the horizontality of the development.</p> <p>The upper-most level has not been further setback along the frontages to Berry St, Worrigee St or Lawrence Ave. Given the upper-most level is open in form it does not present to the streetscape as an imposing element. As such, it is not deemed necessary in this instance to further recess the upper-most element of the development. Generous setbacks are proposed for the entirety of the built form particularly along Worrigee St and Lawrence Ave to enable the retention of established street trees.</p> <p>The upper-most level adjoining residential development to the south has been further setback to reduce the visual impost upon the development to the south and ensure compliant solar access to habitable windows and balcony areas.</p>
5.7 Facades and exteriors		
P15 Building exteriors positively contribute to the desired future character of the area and streetscape.	<p>A15.1 The composition of facades balances solid and void elements and does not display large areas of a single material, including reflective glass.</p> <p>A15.2 External walls are constructed of high quality and durable materials and finishes with low maintenance attributes such as face brickwork, rendered brickwork, stone, concrete and/or glass.</p>	<p>A mural is proposed on the southern concrete wall and is to be developed in consultation with residents of Berry Court to the south.</p> <p>External walls are to be constructed from high quality and durable material that would reduce the maintenance burden for Council.</p>

	<p>A15.3 Sidewalls are designed as an architecturally finished surface that complements the main building facade.</p> <p>A15.4 Visually prominent elements such as balconies, overhangs, awnings, and roof tops are to be of high design quality.</p> <p>A15.5 Roof plant, lift overruns, utilities, vents and other service related elements are to be integrated into the built form design and complementary to the architecture of the building</p> <p>A15.6 Along designated active frontages (refer to Section 5.9 Addressing the street), permanent opaque coverings on windows and doors at ground level that prevent views into buildings are not permissible.</p>	<p>Appropriate architectural treatment is proposed along all façades of the development. Secondary frontages (Berry St & Lawrence Ave) will have a similar treatment to the primary frontage of Worrigee Ave with the use of folded perforated panels. The southern façade whilst solid in nature will have a mural painted by a professional artist in consultation with adjoining residents.</p> <p>N / A</p> <p>Complies. Provides vertical elements to contrast with the horizontality of the development. Punctuations above the walls have been kept to a minimum.</p> <p>Some openings provided into the primary frontage along Worrigee Ave.</p>
P16 Development responds to adjoining built form.	<p>A16.1 Facades reinforce the vertical proportions and support a vertical rhythm along the street. This is important in particular where development is located along traditional shopping streets within the CBD core (refer to Section 6.2 Central Core).</p> <p>A16.2 Adjoining buildings are considered in terms of setbacks, awnings, parapets, cornice lines, selection of materials and finishes, and façade proportions.</p>	<p>Folded perforated panels are proposed along the Berry St, Worrigee St and Lawrence Ave façade (and a minor portion of the southern façade) to provide texture and shape to the building, aiming to mimic the significant vegetation that is to be retained. Whilst utilitarian in nature the stairwell / lift located along the Worrigee St frontage will provide some vertical punctuation to contrast with the largely horizontal nature of the building. Development is not located along traditional shopping streets within the CBD core.</p> <p>Compliant setbacks are achieved for the development. As the development takes up the northern end of the entire block it is not necessary to consider all those built</p>

		elements. The control has greater application with say infill development in the CBD.
5.8 Solar access		
P17 Development maximises sunlight access to new and existing public spaces.	A17.1 Sunlight access is provided to 50% of the area of all significant public spaces for at least 2 hours during mid-winter between 9am and 3pm, demonstrated by shadow diagrams.	No significant public spaces are in proximity to the development site. As the development is north facing the road reserve (i.e. pedestrian pathways) will retain a high degree of solar access.
P18 New development adjacent to residential uses minimises overshadowing.	<p>A18.1 At least 50% of the principle area of private open space of adjoining residential properties receives sunlight for a minimum of 2 hours between 9am and 3pm at mid-winter (21 June).</p> <p>OR</p> <p>Where the adjoining private open space does not currently receive 2 hours of sunlight, the development does not reduce sunlight to that space by more than 30%.</p>	To the south of the development site is a residential flat building with balconies facing towards the north. Compliant solar access will be retained to these areas (see shadow diagram elevation – plan reference 1311_26).
5.9 Addressing the street		
P19 Buildings are designed to contribute to the streetscape by offering a pleasant address and opportunities for passive surveillance.	<p>A19.1 Building clearly defines the primary street frontage, street corners and public open spaces.</p> <p>A19.2 Development contributes to casual surveillance of streets, lanes and parks. Where development is setback, fences are a maximum of 1.2m high and 50% transparent. Windows and entries are clearly visible from the footpath.</p> <p>A19.3 Residential uses on ground floor are raised between a minimum of 0.5 metres to a maximum of 1.2 metres above the sidewalk level.</p>	<p>The development clearly defines the primary street frontages and corners.</p> <p>A portion of the ground floor as seen from Worrigee St is open in form. Furthermore, there are two pedestrian access points and a proposed pedestrian footpath along Worrigee St that will provide a high degree of casual surveillance.</p> <p>N / A</p>
P20 Along key streets of the centre, active frontages are provided that promote activity and interest at a pedestrian level.	<p>A20.1 Active frontages are provided as shown in Figure 3.</p> <p>A20.2 Active frontages are a minimum 70% of the length of the primary street frontage. Transparent</p>	The amended design has attempted to engage the streetscape through the location of service doors, plant items and access points not on Worrigee St. Level 1 is partially open to Worrigee St with pedestrian access along its entirety. Two pedestrian access points are provided off of Worrigee St. It is important to note that

	<p>glazing allows unobstructed views from the adjacent footpath to at least a depth of 4m within the building.</p> <p>A20.3 Ground floor uses are at least 10m deep and level with the footpath.</p> <p>A20.4 A continuous flat awning is provided at a minimum height of 3.2m. On corner buildings awnings are to wrap around onto the side street.</p> <p>A20.5 Vehicle access points are strictly not permitted along active street frontages (see Section 5.15 Parking and access).</p> <p>A20.6 Security grilles may be fitted internally behind the shopfront only when they are fully retractable and at least 50% transparent when closed.</p> <p>A20.7 Plant access hatches, grilles, vents or service doors are avoided along active frontages where possible.</p>	<p>there is a hierarchy with the provision of active frontages, Figure 3 in Section 5.9 indicates that the development site has a 'desired active frontage' as opposed to a 'required active frontage'.</p> <p>Awnings are proposal at both pedestrian access points. They are not able to continue for the length of the building due to the location of the existing street trees.</p> <p>Vehicle access points are proposed along the secondary frontages.</p> <p>N / A</p> <p>Complies</p>
5.10 Active Frontages		
P21 Active frontages promote activity and interest along the footpath at a pedestrian level.	<p>A21.1 Active frontages are provided as shown in Figure 3 and are a minimum of 70% of the length of the primary street frontage.</p> <p>A21.2 Ground floor uses are at least 10m deep and entries are level with the footpath.</p> <p>A21.3 Shopfronts display a high standard of finish and add to the variation and interest by balancing solid elements and glazing. The maximum amount of glazing is 70%.</p> <p>A21.4 The ground floor displays vertical articulation with identifiably separate doors and windows.</p>	<p>The amended design has attempted to engage the streetscape through the location of service doors, plant items and access points not on Worrigee St. Level 1 is partially open to Worrigee St with pedestrian access along its entirety. Two pedestrian access points are provided off of Worrigee St. It is important to note that there is a hierarchy with the provision of active frontages, Figure 3 in Section 5.9 indicates that the development site has a 'desired active frontage' as opposed to a 'required active frontage'.</p>

	<p>Tenancies and premises should be no more than 5-8m wide to create a vertical rhythm along the street.</p> <p>A21.5 A continuous flat awning is provided at a minimum height of 3.2m. On corner buildings awnings are to wrap around onto the side street.</p> <p>A21.6 Vehicle access points are not permitted along active frontages.</p> <p>A21.7 Plant access hatches, grilles, vents or service doors are avoided where possible.</p> <p>A21.8 Residential uses, with the exception of entry lobbies, are not permitted along designated active frontages.</p> <p>A21.9 Vacant shopfronts are required to have temporary window displays or uses (e.g. artworks, 'pop-up' shops) if vacant for more than 4 weeks.</p>	<p>Awnings are proposal at both pedestrian access points. They are not able to continue for the length of the building due to the location of the existing street trees.</p> <p>Vehicle access points are proposed along the secondary frontages.</p> <p>Complies</p> <p>N / A</p> <p>N / A</p>
P22 The design of active frontages supports the (perception of) safety and security after hours	<p>A22.1 After hours lighting is provided inside shopfronts to help illuminate the street and footpath. Where awnings are new or replaced, under awning lighting is to be provided.</p> <p>A22.2 If deemed necessary, security grilles may be fitted internally behind the shopfront these are to be fully retractable and at least 50% transparent when closed. Roller doors and shutters are not permitted.</p>	<p>No shop fronts proposed. Appropriate lighting is proposed throughout the development consistent with CPTED principles.</p> <p>N / A</p>
5.11 Heritage and conservation		
P23 Development of heritage items (adaptive reuse) protects the heritage fabric and enhances the item's cultural significance.	<p>A23.1 Alterations and additions respond appropriately to the heritage fabric but do not mimic or overwhelm the original building.</p> <p>A23.2 Designs are contemporary and identifiable from the existing building.</p>	<p>Site does not contain a listed heritage item nor is it in close proximity to a listed heritage item.</p> <p>N / A</p>

<p>P24 Development in the vicinity of a heritage item, within a heritage conservation zone, or a contributory zone, protects and enhances the cultural significance of nearby heritage items and streetscape character.</p>	<p>A24.1 Building and facade design responds to the scale, materials and massing of heritage items through:</p> <ul style="list-style-type: none"> <input type="checkbox"/> aligning elements such as eaves lines, cornices and parapets. <input type="checkbox"/> responding to scale, facade articulation, proportion and/or rhythm of existing elements. <input type="checkbox"/> using complementary colours, materials and finishes. <p>A24.2 A heritage impact statement is required for all development involving a heritage item or where located in a heritage conservation area</p>	<p>N / A</p> <p>N / A</p>
5.12 Streets, lanes and links		
<p>P25 Development retains existing pedestrian links and laneways and provides new connections along key pedestrian routes.</p>	<p>A25.1 New streets, laneways, through-site links and pedestrian connections are provided as shown in Figure 6 and designed to encourage active transport.</p> <p>A25.2 New laneways are to be a minimum of 8m wide and all pedestrian links a minimum of 3m wide as shown in diagram below.</p> <p>A25.3 New laneways and links are to be:</p> <ul style="list-style-type: none"> <input type="checkbox"/> consistent with Crime Prevention through Environmental Design (CPTED) principles (e.g. clear sight lines). <input type="checkbox"/> activated by retail, civic and/or commercial use at ground level for at least 20% of their length. <input type="checkbox"/> naturally lit and ventilated. <input type="checkbox"/> well-lit after hours. <input type="checkbox"/> publicly accessible between at least 6am and 8pm daily, however 24-hour public access is preferred. <p>A25.4 Mid-block arcades are a minimum width of 4m, maximise active uses each side, offer skylights for natural daylight access, allow public access during business hours and have clear visual connections to</p>	<p>N / A</p> <p>N / A</p> <p>N / A</p> <p>N / A</p>

	streets and lanes with a direct line of sight between entrances.	
P26 Access along pedestrian priority routes is designed to minimise vehicular traffic, loading and access to carparking with street level crossings to enable a direct line of travel for pedestrians	<p>A26.1 Pedestrian bridges are avoided, particularly along designated pedestrian priority routes.</p> <p>A26.2 Car parking, loading and servicing does not occur along pedestrian priority routes. Where this is unavoidable, it is designed to minimise alienation of the street level activity and pedestrian access is given physical and visual priority.</p>	<p>N / A</p> <p>N / A</p>
5.13 Landscape quality		
P27 Development protects mature trees and other significant vegetation.	A27.1 Where existing mature trees or other significant vegetation exists, development is to be designed to retain and protect these features and integrate them into the overall site and building design.	Amended development comprises setbacks that are consistent with the DCP, allowing for the retention of mature trees along the Worrigee St and Lawrence Ave frontages. Folded perforated panels have been selected to mimic the native trees to be retained.
P28 Development incorporates landscaped areas that soften the appearance of new development and interface appropriately with adjoining areas.	<p>A28.1 Development that is required to setback from the street frontage (refer to Section 5.2 Street setbacks) provides landscaped areas that relate to the scale of proposed buildings and complement the existing streetscape character.</p> <p>A28.2 Development provides planting alongside and rear boundaries where possible that effectively screens built form from neighbouring properties.</p> <p>A28.3 Development along designated 'landscape priority streets' provides the following:</p> <ul style="list-style-type: none"> <input type="checkbox"/> at least 50% of the front setback area is deep soil. <input type="checkbox"/> planting includes mature trees and native species. <input type="checkbox"/> fences are a maximum of 0.9m high and at least 50% transparent. <p>A28.4 A landscaped buffer zone is provided on both sides of Princes Highway (within the front setback area) with mature trees and native species. See Figure 7.</p>	<p>Amended development complies with the minimum required setbacks along all frontages.</p> <p>Existing trees along the southern boundary aids in the transition from the development to adjoining residential development to the south.</p> <p>Site is not along a designated 'landscape priority streets'.</p> <p>N / A</p>

P29 Planting improves the local micro-climate and considers prevailing weather conditions.	A29.1 Landscaped areas in front of north-east, north and north-west facing facades use deciduous vegetation to provide shade in summer and allow sun penetration during winter.	Existing trees are to be retained along the northern façade (except three trees to be removed owing to the risk they pose), this is considered to be sufficient to satisfy the control.
5.14 Views and vistas		
P30 New development protects views from streets, lanes and open spaces towards the mountain range to the north and pastoral landscape to the east.	<p>A30.1 New development protects the view corridors nominated in Figure 8.</p> <p>A30.2 For large scale development (over \$20M) a visual impact assessment is required.</p>	<p>View corridors will not be impacted by the development.</p> <p>N / A</p>
P31 Highly visible buildings respond to their prominent location and help define the character of the centre.	<p>A31.1 Particular focus is placed on the detailed design of facades of buildings that are located at the end of local terminating views as shown in Figure 8.</p> <p>A31.2 Particular focus is placed on the detailed design of buildings on important corners identified in Figure 8</p>	<p>N / A – site not located at the end of local terminating views.</p> <p>Corner of Worrigee St and Berry St is considered to be a ‘prominent corner’. Compliant setbacks, and in the case of Berry St an excessive setback, are proposed. The built form at this corner is at its least imposing owing to the topography of the site. The design is thoughtful and responds to the important elements of the site, being the Yellow Bloodwoods along Worrigee St.</p>
P32 Development provides equitable view sharing from adjacent buildings.	<p>A32.1 New development is aligned to maximise and frame view corridors between buildings, taking into account topography, vegetation and surrounding development.</p> <p>A32.2 Where there is potential impacts on views from another property, an assessment of the following principles is submitted with the development application:</p> <ul style="list-style-type: none"> <input type="checkbox"/> the views to be affected. <input type="checkbox"/> what part of the affected property the views are from. <input type="checkbox"/> the extent of the impact. <input type="checkbox"/> the reasonableness of the proposal that is causing the impact 	<p>N / A</p> <p>Berry Court to the south of the development experiences views across the existing car park, of the significant trees within Worrigee St and Lawrence Ave, the Nowra CBD and the distant Cambewarra escarpment. It is the main development that would be potentially impacted by the development. The concept of view sharing was explored in <i>Tenacity Consulting v Warringah [2004] NSWLEC 140</i> with a planning</p>

		<p>principle providing guidance when considering the potential for view loss.</p> <p>As indicated in the applicant's supplementary statement, for the purpose of considering view loss water views are valued more highly than land views. Further still whole views are valued more highly than partial views. In this instance the Berry Court enjoys whole views of the car park and trees and partial views of the Nowra CBD and Cambewarra escarpment. The Cambewarra escarpment is the more highly valued of the views enjoyed by the residents of which it is a partial view.</p> <p>Berry Court is an older style residential flat building over three storeys in height at the greatest extent, the ground floor comprising garages and the remaining 2 levels comprising units with habitable windows and minor balconies facing northwards. Views towards the Cambewarra escarpment are across a side boundary which are acknowledged as harder to protect than views from the front or rear boundary. It is envisaged that a range of views would be experienced from both levels and could be enjoyed from either a sitting or standing position from the balcony / living areas.</p> <p>The construction of the car park will remove those partial views that are currently enjoyed by the occupants. With regard to the loss of views the following is noted:</p> <ul style="list-style-type: none"> • The development is wholly compliant with the maximum permitted building height under the Shoalhaven LEP 2014 and the minimum required setbacks from all frontages. The development has been amended to more closely align with the LEP
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		<p>and the detailed planning controls contained within Chapter N8 of the Shoalhaven DCP 2014.</p> <ul style="list-style-type: none"> Views from the south CBD precinct have not been recognised or considered as key views for retention within chapter N8 of the DCP. The views currently enjoyed of the Cambewarra escarpment are partial views across a side boundary, which are acknowledged as difficult to preserve and not as highly valued as complete views. <p>For those reasons outlined above the impact the development will have on the views enjoyed by the Berry Court are considered to be reasonable. The development is located within the Nowra CBD which has recently been the subject of amendments to permitted building heights and has seen the implementation of detailed planning controls for future development as part of an Urban Design Masterplan process. To require the modification of the design to retain those existing views is not considered reasonable and would be inconsistent with the detailed strategic planning work undertaken in the area.</p>
5.15 Sustainable design		
P33 Development incorporates environmentally sustainable development (ESD) principles wherever possible.	<p>A33.1 Retention of rainwater on site:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Landscape and building design maximises soft landscaping and limits the extent of impervious paved areas. <input type="checkbox"/> Drought tolerant, low water use plants are used within landscaped areas. <p>A33.2 Reuse of rainwater on site:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Runoff is collected from roofs and balconies in water tanks and used for onsite irrigation. <p>A33.3 Passive solar design:</p>	<p>Compliant site coverage and landscaped areas proposed.</p> <p>Appropriate native species are proposed.</p> <p>On-site detention of water proposed in the order of 130m³.</p>

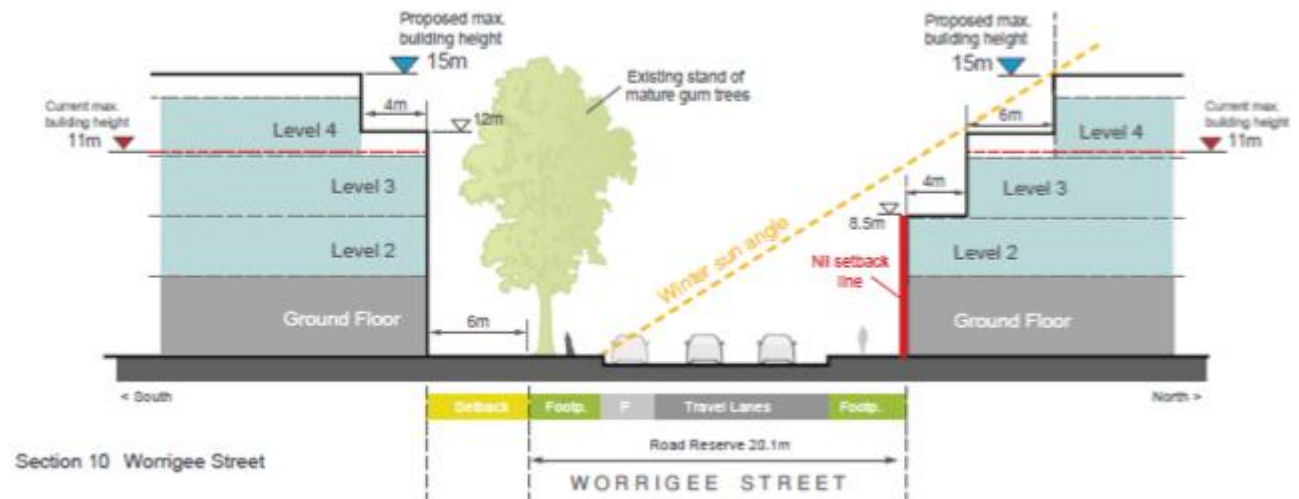
	<ul style="list-style-type: none"> <input type="checkbox"/> Buildings are located so that they benefit from passive solar heat gain during winter months. <input type="checkbox"/> Insulation is to be used in external walls and roofs to reduce heat escaping from a building in winter and to maintain a lower internal temperature in summer. <input type="checkbox"/> All windows and door openings are sealed. <input type="checkbox"/> Overhangs and shading devices such as awnings, blinds and screens protect from sunlight during summer months. <p>A33.4 Energy conservation/efficiency:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Materials are selected considering their thermal performance. <input type="checkbox"/> Solar hot water systems are encouraged. <input type="checkbox"/> For developments over \$50M, consolidated heating and cooling infrastructure is provided in a centralised location (e.g. the basement). <p>A33.5 Natural ventilation:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Natural cross ventilation is optimised. <input type="checkbox"/> At least 30% of all windows in a building are operable from the inside (by building users) 	<p>50% permeable façade treatment to the west north and east will allow for ample solar access.</p> <p>Appropriate materials are proposed for the proposed car park.</p> <p>50% permeable façade treatment to the west north and east will allow for ample natural ventilation.</p>
5.16 Parking and access		
P34 Development minimises the visual impact of car parking areas.	A34.1 All parking is provided within the building footprint either within a basement or well integrated into the design of the building. Where parking cannot be provided within the building footprint it is located to the side or rear of the building(s) and is not visible from the street.	Purpose design multi storey car park.
P35 Access points are designed to minimise visual intrusion and disruption of streetscape continuity.	<p>A35.1 Access to car parking is provided from side streets or the rear of the property wherever possible.</p> <p>A35.2 New vehicle access points are not permitted along streets with designated active frontages (refer to Section 5.9 Addressing the street). Acceptable alternatives in this situation include off-site parking</p>	<p>Access is proposed from secondary frontages being Berry St and Lawrence Ave.</p> <p>Site is not mapped as 'Required Active Frontage'.</p>

	<p>provision and/or a reduction of car parking requirements.</p> <p>A35.3 Vehicle access points are a single crossing and perpendicular to the kerb alignment.</p> <p>A35.4 Double height access points are not permissible along the primary street frontage.</p>	<p>Access points are appropriate for a car park of this scale.</p> <p>No access from Worrigee St.</p>
P36 Development accommodates alternative transport modes and encourages walking, cycling and use of public transport.	<p>A36.1 Safe, convenient and secure bicycle parking is provided and easily accessible from ground level.</p> <p>A36.2 Commercial development over \$20M provides:</p> <ul style="list-style-type: none"> <input type="checkbox"/> end of trip cycling infrastructure including secure bike parking, shower and change room facilities. <input type="checkbox"/> a site wide 'Green Travel Plan' that outlines initiatives for walking, cycling and the use of public transport. 	<p>N / A</p> <p>N / A</p>
6.4 CBD South (C3)		
6.4.1 Future desired character		
	<p>Figure 15 of the DCP contains area specific controls for development within the CBD South (C3) district of the Nowra CBD. The following are the controls specific to the site:</p> <ul style="list-style-type: none"> - 15m maximum building height (12m maximum wall height excepting the frontage addressing Lawrence Ave). - Primary setback to Worrigee St: 6m - Primary setback to Berry St: 2m - Primary setback to Lawrence Ave: 4m - upper level of development is to be recessed a further 4m. <p>A portion of the site, to the south east, has slightly different controls:</p> <ul style="list-style-type: none"> - 12m maximum building height (8.5m maximum wall height). - Primary front setback to Lawrence Ave: 2m - upper level of development is to be recessed a further 2m. - A portion of that site is mapped as being a part of a larger consolidated deep soil zone. 	

It is noted that the application as amended has removed all built form from that portion of the site. All that remains is the access to Lawrence Ave.



Below is an excerpt of Figure 16 from the chapter providing greater detail of how the setbacks will function along with the retention of existing mature vegetation.



6.4.2 Performance criteria and acceptable solutions

P47 Development is to support the desired streetscape character along key streets in this area.

A47.1 Worrige Street (see Figure 16):

- ☐ Development between Osborne Street and Berry Street is sympathetic to nearby heritage buildings.
- ☐ Development between Lawrence Avenue and Berry Street is to retain and protect the existing stand of mature trees. A minimum front setback of 6m applies.
- ☐ Development between Lawrence Avenue and Princes Highway is to be urban in character, built to the street edge and relates to the CBD core to the north.

Not applicable, development site is not located between Osborne St and Berry St. The development will not adversely affect the heritage significance of those buildings. It is noted that the development will retain those significant trees within Worrige St, which may be viewed from those heritage items.

The development achieves the minimum setback requirement of 6m from Worrige St to cater for the long-term health of the trees. The mature trees are to be retained except those that are required to be removed as they are considered to be 'high risk'. This is discussed in greater detail in the body of the report.

Not applicable.

<p>P48 Development on land within or adjoining the Plunkett Street Heritage Conservation area respects and enhances the area.</p>	<p>A48.1 The bulk, scale and height of new development sensitively transitions to adjacent heritage items.</p> <p>A48.2 New development is articulated so that large building forms are broken down into smaller elements that relate to the fine grain of the area.</p> <p>A48.3 Development is to incorporate the following:</p> <ul style="list-style-type: none"> <input type="checkbox"/> At least 50% of the front setback area is to be well landscaped in deep soil. Planting of trees and native species is preferred. <input type="checkbox"/> The maximum width of any new building fronting the street is 20m. <input type="checkbox"/> Front fences do not exceed 1.2m in height and are at least 50% transparent. <p>A48.4 Materials and colours of new development are to compliment the materials, finishes and colours of existing buildings in the heritage conservation area.</p> <p>A48.5 The development application is to be accompanied by a heritage impact statement by a suitably qualified professional.</p>	<p>The development site is far removed from the Plunkett Street Heritage Conservation area. There will be no impact on the significance of that area.</p>
<p>P49 Development must not be built on land affected by proposed road widening.</p>	<p>A49.1 Refer to Shoalhaven LEP 2014 Land Reservation Acquisition Map Sheet LRA_013E. Land identified for future road reserve widening includes:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The northern side of Plunkett Street between Haigh Avenue and Princes 	<p>The proposed development is not proposed within land identified for future road widening within Lawrence Ave. Land to be acquired is to the east and south of the development site.</p>

Highway. □ Land along the eastern side of Haigh Avenue.
□ Land on both sides of Lawrence Avenue.

