

<b>DATE OF DETERMINATION</b>	Wednesday, 28 November 2018
<b>PANEL MEMBERS</b>	Pam Allan (Chair), Alison McCabe and Renata Brooks
<b>APOLOGIES</b>	Councillors Greg Watson & Mitchell Pakes
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Shoalhaven City Council on 28 November 2018, opened at 4.00pm and closed at 4.36pm.

#### **MATTER DETERMINED**

2015STH014 – Shoalhaven – RA15/1000 at Cnr Berry and Worrigee Streets, Nowra (as described in Schedule 1)

#### **PANEL CONSIDERATION AND DECISION**

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

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*, subject to the conditions in the report amended as follows.

##### **i) Addition of a New Condition**

- An amended landscape plan is to be submitted that provides for the additional advanced 100 litre container size planting in the south eastern corner of the site along the boundaries. The planting is to comprise a continuation of the existing planting along the southern boundary.

##### **ii) Amendment to Condition 29 to read**

- Details of the final design treatment for the southern wall of the structure (for approval by Council)

A design treatment must be either a continuation of the folded perforated panel proposed for the other street facades or other design treatment compatible with the other facades and may include a mural.

The design treatment must be endorsed by Council in consultation with the Owners Corporation of the Berry Court (proprietors of SP 3682).

#### **CONDITIONS**




The development application was approved subject to the conditions in the Council Assessment Report amended as outlined above.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

- The application was amended to comply with the Shoalhaven Local Environmental Plan 2014 height control and reflect Council's policy (Development Control Plan) controls.
- Improved architectural design.

- The applicant has recognised the streetscape contribution of the trees by retaining the majority and provided appropriate setbacks.

PANEL MEMBERS	
 Pam Allan (Chair)	 Alison McCabe
 Renata Brooks	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2015STH014 – Shoalhaven – RA15/1000
2	PROPOSED DEVELOPMENT	Multi-level car park (5 levels) providing for 467 car and 18 motorcycle parking spaces
3	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
4	APPLICANT/OWNER	Shoalhaven City Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (State and Regional Development) 2011</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy No 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy No 71 – Coastal Protection</li> <li>○ Shoalhaven Local Environmental Plan 2014</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Shoalhaven Development Control Plan 2014</li> <li>○ Shoalhaven Contribution Plan 2010</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>

7	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report: 7 November 2016</li> <li>• Written submissions during public exhibition: 24 and 2 petitions (signed by 132 people and 18 people) in the first notification period; 18 submissions in the second notification period</li> <li>• Verbal submissions at the public meeting on 22 November 2016: <ul style="list-style-type: none"> <li>○ Support – Paul Dean (on behalf of Nowra CBD Business Chamber)</li> <li>○ Object – Stephanie Gates</li> <li>○ On behalf of the applicant – Stephen Richardson, Cowman Stoddart P/L; Ben Stewart, Director – Asset &amp; Works, Shoalhaven City Council</li> </ul> </li> <li>• Supplementary Council assessment report: 14 November 2018</li> <li>• Verbal submissions at the public meeting on 22 November 2016: <ul style="list-style-type: none"> <li>○ Support – none</li> <li>○ Object – Bill Hancock, Stephanie Gates</li> <li>○ Council assessment officer – Nicholas Cavallo</li> <li>○ On behalf of the applicant – none</li> </ul> </li> </ul>
8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Site inspection on 27 August, 2015 and 28 November 2018</li> <li>• Final briefing to discuss council's recommendation, 22 November 2016, 1:30 pm. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Pam Allan (Chair), Alison McCabe, Peter Brennan and John Levett</li> <li>○ <u>Council assessment staff</u>: Nicholas Cavallo</li> </ul> </li> <li>• Final briefing to discuss council's recommendation, 28 November 2018, 3:00pm. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Pam Allan (Chair), Alison McCabe and Renata Brooks</li> <li>○ <u>Council assessment staff</u>: Nicholas Cavallo (Senior Development Planner), Gordon Clark (Acting Planning, Environmental &amp; Development Group Director), Cathy Bern (Section Manager – Development), James Bonner (Unit Manager- Development)</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report