



SECTION 79C REPORT

Proposed Nowra Hotel (DA08/1467)

March 2009



CARDNO FORBES RIGBY PTY LTD

**Section 79C Report
Proposed Nowra Hotel, Bridge Road, Nowra
DA08/1467**

Report 001 Rev 2

March 2009

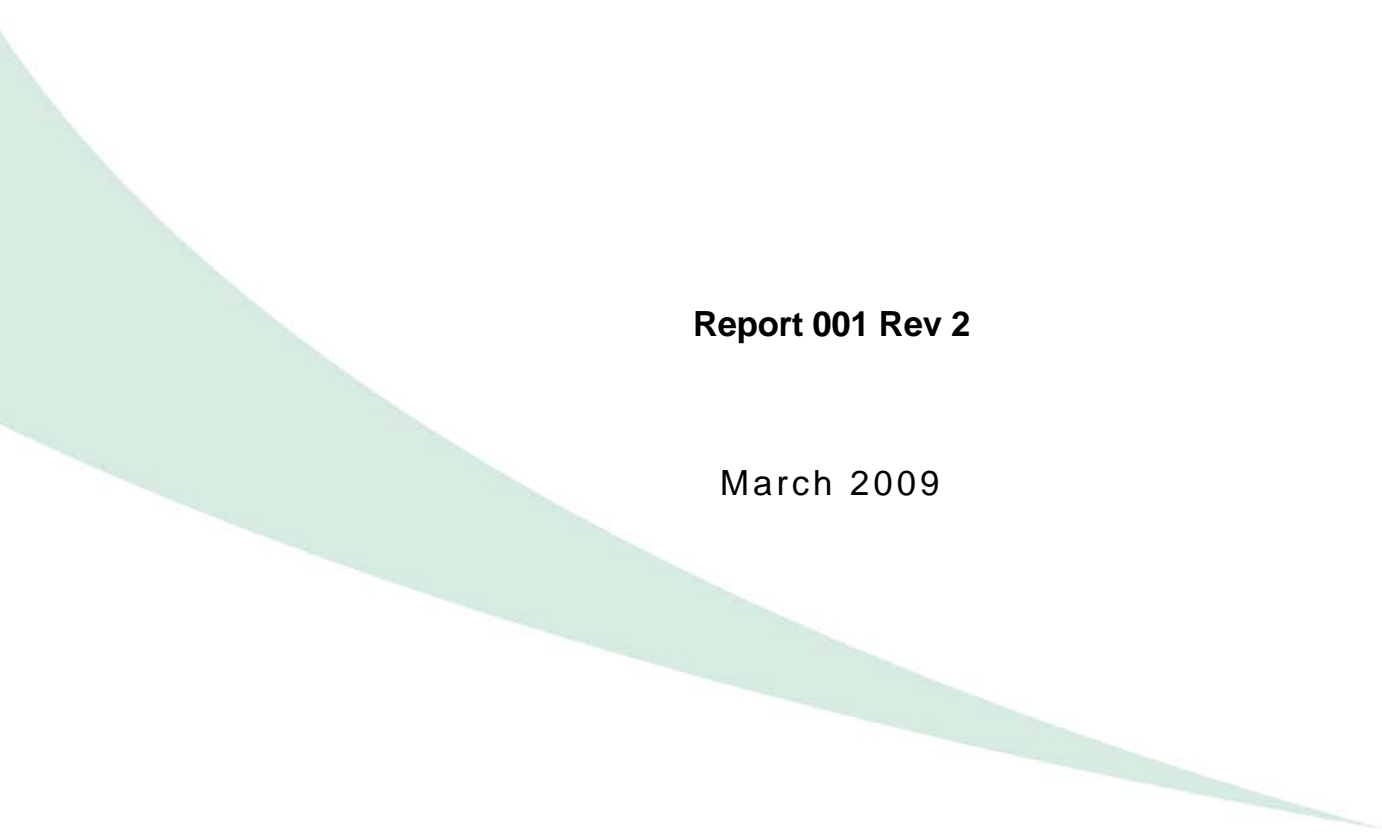


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1. PROPOSAL

The development application as submitted (DA08/1467) is for the construction and operation of a four (4) storey hotel development and associated works on land located at the corner of Bridge Road and the Princes Highway, Nowra. The proposed hotel development consists of:

- 92 studio hotel rooms and 6 x 1 bedroom hotel suites (**Levels 1-3**)
- 1 restaurant with a total floor area of 335m² (**Ground floor**)
- 1 lounge/bar with a floor area of 215m² (**Ground floor**)
- 5 retail shops (4 shops have with frontages to Bridge Road), with a total floor area of 383m² (**Ground floor**)
- 1 café with a total floor area of 65.4m² fronting Bridge Road (**Ground floor**)
- Function rooms, Conference facilities and office spaces (**Ground floor and Level 1**)
- Basement parking with 96 car parking spaces (**Basement**)
- 9 indented parallel parking spaces along Bridge Road (**On street level**)
- Access for car parking and patron bus and car set down via internal access road off Bridge Road
- Service/garbage vehicle access via southern Council car park to basement loading dock for two vehicles

The applicant has not applied for a Construction Certificate through Council and has not nominated Council as the Principal Certifying Authority.

2. SUBJECT SITE

The subject site is located immediately to the north of the Shoalhaven City Council Civic and Administration Centre site, at the intersection of the Princes Highway and Bridge Street, Nowra. The site is located in a visually prominent position, which defines the entrance to the Nowra CBD. The town centre of Nowra is located to the south of the subject site where existing commercial and retail activities are available.

The site fronts both the Princes Highway and Bridge Road and vehicular access is from an internal access road within the Civic Centre site off Bridge Street.

The site is generally triangular in shape with the longest boundary being to the Princes Highway (approximately 300m) and has an area of approximately 3.61ha. The land is predominantly cleared of vegetation. Part of the site contains the existing Council building. **Figure 1** shows the site and its context.



Figure 1 – Site Analysis

The subject site consists of the following lots:

- Lot 1 DP 194884
- Lot 5 DP 1112482
- Lot A DP 158942
- Lot B DP 158942
- Lot 4 DP 1112482
- Lot 3 DP 552527
- Lot 2 DP 552527 (for access)
- Part Lot 5 DP 975062 (for access)
- Part Lot 6 DP 975062 (for access)
- Part Lot 8 DP 600782 (for access)
- Part Lot 9 DP 605984 (for access)
- Part Lot 10 DP 607132 (for access)
- Part Lot 11 DP 606121 (for access)
- Part Lot 51 DP 209295 (for access)
- Part Lot 52 DP 209295 (for access)

A site plan of the subject site is shown in **Figure 2**.

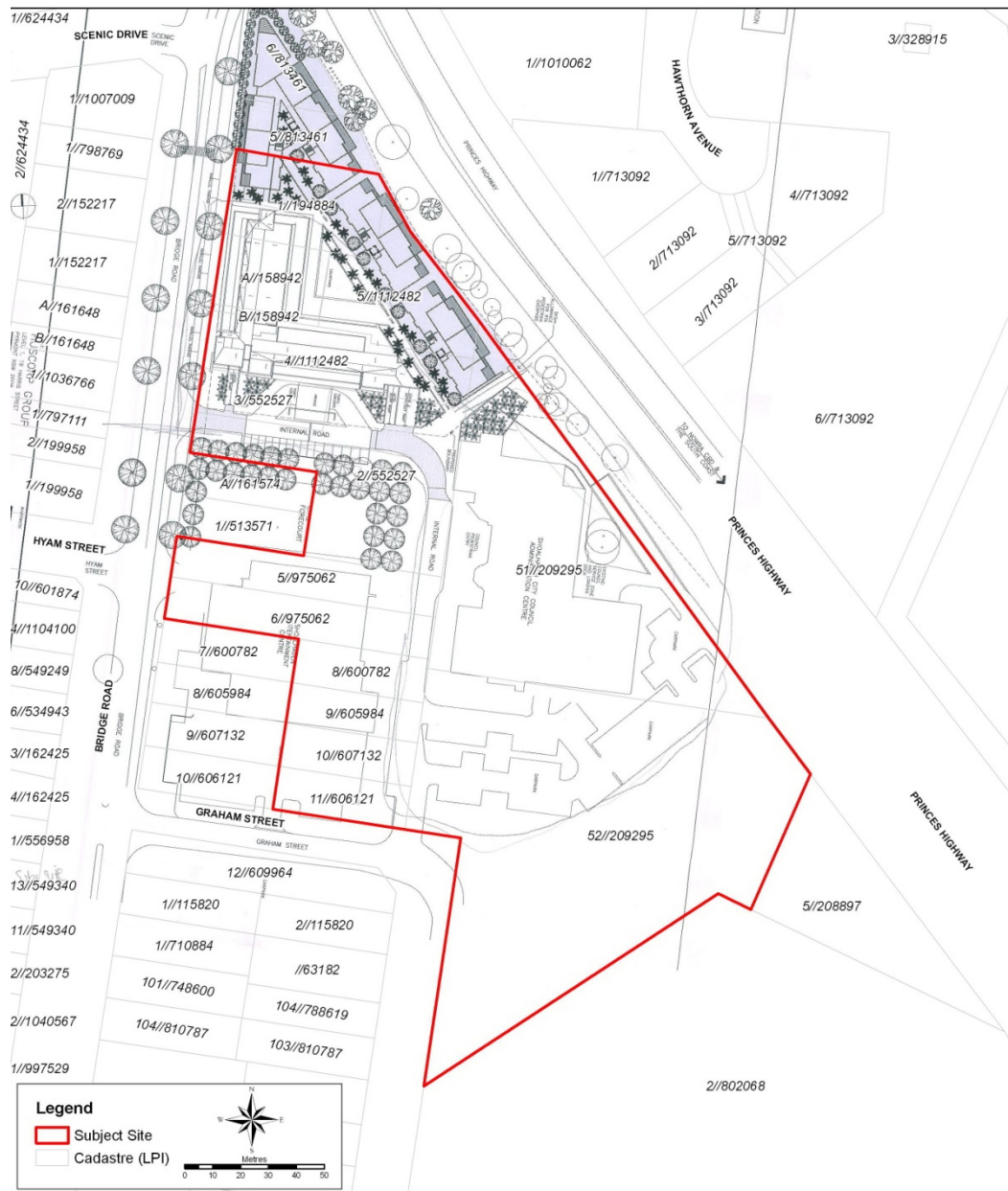


Figure 2 – Site Plan

3. BACKGROUND

The proposed development forms Stage 1 of an overall development scheme. It should be noted that Stage 2 of the development scheme includes residential and serviced apartments, located on the adjoining section of the site. Stage 2 is not part of this application.

A separate subdivision application has been lodged for the consolidation of the existing lots, boundary adjustments and creation of rights of way for vehicular access. The subdivision application is being assessed as a separate report.

Shoalhaven City Council owns the subject site. In 2006, Council resolved to sell part of the administration building site, to be developed as a mixed use hotel development, consisting of restaurants, retail uses and service apartments.

To facilitate the proposed development, Council prepared an amendment to the Shoalhaven Local Environmental Plan 1985 to rezone the subject site from the previous special use zones to the current business zone.

Amendment No. 220 to Shoalhaven Local Environmental Plan (LEP) 1985 was gazetted on 24 November 2006. The aims of the LEP amendment were to:

- *rezone the subject lots from part Special Uses 5(a), part Special Uses 5(c) (Reservation) and part Special Uses 5(d) (Proposed Arterial Roads Reservation and Widening of Existing Arterial Roads Reservation) to Business 3(d) (Commercial Zone) and partly Business 3(g) (Development Area); and,*
- *ensure that a DCP is prepared in relation to certain land north of Graham Street and between*
- *the Princes Highway and Bridge Road, Nowra, before development of the land is carried out.*

Clause 40K was introduced into Shoalhaven LEP as part of Amendment No. 220, as follows:

40K *Development of certain land in Nowra*

- 1) *This clause applies to land shown edged heavy black on Sheet 2 of the map marked "Shoalhaven Local Environmental Plan 1985 (Amendment No 220)".*
- 2) *Before any development of the land to which this clause applies is carried out, a development control plan that applies to the land, and that complies with this clause, must be prepared.*
- 3) *A development control plan complies with this clause if it contains or deals with all of the following:*
 - (a) *urban design principles to apply to the development in relation to the built form, character and siting of buildings, building envelopes (including heights and setbacks), landscaping, the interface between buildings and the existing and proposed public domain, views, privacy, solar access and security, and other design elements, with an explanation of how they relate to an analysis of the land to which this clause applies and its context,*
 - (b) *proposals for the distribution of the major land uses, including public and private access and open space,*
 - (c) *proposals relating to the mitigation of environmental impacts, including noise attenuation, flood mitigation, water and soil management, remediation of contaminated land, solar access, energy efficiency and environmental sustainability,*

- (d) *proposals for access, including public transport, pedestrian, cycle and road access and circulation networks, as well as local traffic and parking management,*
 - (e) *proposals for the enhancement of, and integration with, the existing and proposed public domain,*
 - (f) *proposed patterns of amalgamation of lots and subdivision,*
 - (g) *proposals for landscaping (including any tree retention or removal),*
 - (h) *concept plans showing the indicative layout, form and scale of proposed buildings,*
 - (i) *proposals regarding heritage conservation,*
 - (j) *any other matter required in writing by the Council.*
- 4) *This clause does not prevent development being carried out before a development control plan is prepared if, in the opinion of the Council, the development is of a minor nature.*
- 5) *Any development application lodged with respect to any of the land to which this clause applies, but not finally determined before the commencement of Shoalhaven Local Environmental Plan 1985 (Amendment No 220), is to be assessed and determined as if that plan had not been made.*

To comply with Clause 40K(2) of the LEP, the applicant submitted a Development Control Plan (DCP) in August 2007 to provide design controls on the proposed hotel development. The DCP was submitted by Kann Finch Pty Ltd on behalf of the proponents.

The DCP is known as DCP119 – Nowra Hotel Site and Civic Precinct – Nowra Bridge Road.

Council considered the DCP at its meetings dated 28 August 2007 and 20 November 2007. Council's staff reports identified a range of issues associated with the DCP and considered that the DCP does not comply with Clause 40K of the LEP as follows:

- The submitted DCP did not include an appropriate proposals for access, including public transport, pedestrian, cycle and road access and circulation networks, as well as local traffic and parking management (Clause 40K(3)(d) of the LEP).
- The submitted DCP did not include adequate and acceptable urban design principles in relation to the built form, character and siting of the building envelopes with an explanation of how they relate to an analysis of the land and its context (Clause 40K(3)(a) of the LEP)

Council, at its meeting dated 28 August 2007, resolved to publicly exhibit the DCP as it was submitted by the applicant, despite the apparent inconsistency with the LEP as Council was satisfied that the requirements of Clause 40K of the Shoalhaven LEP had been complied with.

At its meeting dated 20 November 2007, Council considered a further report on the outcomes of the public exhibition of the DCP. Council's staff report recommended that Council add the following additional details to the DCP:

- *Ensure consistency with clause 40K of Shoalhaven LEP 1985*
- *Include urban design controls (eg. bulk and scale, street setbacks, landscaping, overshadowing, traffic noise, landscaping etc) that provide soundly based, broad desired development outcomes/principles, rather than focussing on a specific development proposal.*

To achieve this the development could be pulled back from the tip of the Princes Highway/Bridge Road corner and provide a high quality design that provides an enhanced

gateway statement, rather than a 7-9 storey walled effect which is more consistent in a central CBD location.

An appropriate level of detailed investigation and consideration is given to traffic and transport impacts – this will involve deleting the northern access point as requested in the RTA submission and show areas where access will not be permitted.

At the 20 November 2007 meeting, Council adopted the DCP as exhibited despite the above concerns.

Subsequent to the above meetings the new Council, at its meeting dated 21 October 2008, resolved to review/amend DCP 119 to comply with Clause 40K of the LEP. It is noted that the DCP is still under review by Council.

A summary of the relevant Council resolutions in relation to the subject site and DCP 119 include:

- 20 November 2007: Shoalhaven City Council adopted Development Control Plan (DCP) 119 which specifically covers the subject site.
- 7 October 2008: Shoalhaven City Council resolved to give notice of its intention to repeal DCP 119 with a further report being submitted to Council on height controls, setbacks etc for incorporation into the new DCP.
- 21 October 2008: Shoalhaven City Council resolved to review/amend DCP 119 to comply with Clause 40K of Shoalhaven LEP 1985, to establish appropriate urban design controls, and controls for traffic and transport impacts and have a Councillor Briefing session.
- 2 December 2008: Shoalhaven City Council resolved to establish a DCP 119 Community Liaison/Reference Group
- 16/17 December 2008: Shoalhaven City Council resolve to appoint the members of the Community Liaison/Reference Group.

Copies of the specific Council resolutions referred to above are contained in Council's file.

The Development Application was lodged on 8 April 2008 by the Huscorp Group Pty Ltd.

As Shoalhaven City Council is the owner of the land, Council has commissioned Cardno Forbes Rigby to undertake an independent assessment of the application under Section 79C of the Environmental Planning and Assessment Act, to prepare and present this report and to recommend possible draft conditions of approval, in the event the application is recommended for approval, or reasons for refusal, in the event the application is recommended for refusal.

Cardno Forbes Rigby Pty Ltd have had no association with the applicant and have not been involved in any prior aspects of the development of the subject land.

4. STATUTORY CONSIDERATION

The following State & Regional Environment Planning Policies (SEPPs & REPPs), Environmental Planning Instruments (LEPs), Development Control Plans (DCPs), Council Codes / Policies are relevant to this development application:

1. State Environmental Planning Policy No. 55 (Remediation of Land);
2. State Environmental Planning Policy 64 – Signage
3. State Environmental Planning Policy No.71 – Coastal Protection;
4. State Environmental Planning Policy – Infrastructure;
5. Illawarra Regional Environmental Plan No.1;
6. Shoalhaven Local Environmental Plan 1985 (as amended);
7. Development Control Plan No.18 – Car Parking Code;
8. Development Control Plan No. 80 – Streetscape Guidelines for Paving and Tree Planting in Nowra CBD
9. Development Control Plan 82 - A Signage Strategy;
10. Development Control Plan No. 93 – Waste Minimisation and Management;
11. Development Control Plan No. 119 – Nowra Hotel Site and Civic Precinct, Bridge Road, Nowra
12. Shoalhaven City Council Contribution Plan 1993 (as amended).

Additional information on the proposal's compliance with the above documents is detailed in Section 7 (Statement of Compliance/Assessment) of this report.

5. PUBLIC PARTICIPATION

In accordance Council's "Community Consultation Policy" the following notification of the application has occurred.

- Adjoining/adjacent land owners were notified of the proposal (250m buffer around the subject site resulting letters being sent to 165 landowners),
- Advertisements were placed in local papers (South Coast Register 23/4/08 and 7/5/08, and Shoalhaven Independent 1/5/08).
- Chamber of Commerce; and
- Ward Councillors.

The notification period was from 23 April 2008 to 14 May 2008 (21 days).

Six submissions were received by Council during this period. The submissions received both supported and objected to the proposed development.

Additional information on these submissions are provided in Section 7 (Statement of Compliance/Assessment).

6. APPLICANT'S SUBMISSION

Shoalhaven City Council has issued two letters requesting additional information (letters on file dated 17/4/08, 29/4/08).

Subsequent to Council's request, Cardno has issued two additional letters to the applicant seeking additional information (letters on file dated 9 July 2008 and 11 November 2008)

The applicant has responded to the first three letters and submitted further documentation to support the proposed development.

In addition to the above, we have had a number of telephone conversations clarifying our request and seeking updates on the applicant's submissions.

We have also requested the applicant meet with us and Council to discuss some of issues identified in the letters. However, the applicant did not indicate his/her intention to meet. The applicant was granted a final extension of time to respond to the outstanding matters in January 2009. No response has been received following the granting of the final extension of time.

The following is a summary of the letters sent and the responses received [responses nature shown brackets]:

Council/Assessment Letter of 17 April 2008.

- Safer by Design Evaluation – [no response received]
- Social and Economic Impact Assessment – [no response received]
- Height of the development at various points above natural ground level – [no response received]

Council/Assessment Letter of 29 April 2008.

- Waste Minimisation Plan – an adequate response was received on 11 July 2008.

Cardno/Assessment Letter of 9 July 2008.

- Details of right of way access – [supplied 15 August 2008]
- Access for Service Vehicles, Garbage Disposal and Loading Dock – [supplied 15 August 2008]
- Car Parking – operational plan – [supplied 15 August 2008].
- Pedestrian Safety Impact Plan – [supplied 15 August 2008].
- Revise traffic counts and analysis – [supplied 15 August 2008].
- Revise traffic counts and analysis for construction vehicles – [supplied 15 August 2008].
- Hotel operational plan – [responded 15 August but full details not supplied].
- Details of signs – [responded 15 August but indicates details to be supplied as a separate DA].
- Waste Management – [supplied on 11 July].

- Visual Impact Assessment – [responded on 15 August but indicates that it is not necessary to produce views from the foreshore or photomontages].
- Heritage Impact Assessment – [responded on 15 August but suggests that heritage assessment report is not warranted]
- Request to retain existing footpath in Bridge Road – [responded 15 August]
- Accessibility Report – [responded 15 August but not supplied]
- Request for review of floor areas for Section 64 calculations – [responded 15 August]
- Request for revised Landscape Plan – [responded 15 August indicating information to be supplied at future stage]

Cardno/Assessment Letter dated 11 November 2008.

- Further request for Visual Impact Assessment – [no response received]
- Further request for Heritage Impact Assessment – [no response received]
- Further request for Landscape Concept – [no response received]
- Traffic, car parking, access, loading/unloading, servicing, pedestrian access and Bridge Street treatment – Applicant requested to respond issues raised – [no response received].

7. STATEMENT OF COMPLIANCE/ASSESSMENT

The following is an assessment of the application having regard to the Matters for Consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979.

(I) ANY PLANNING INSTRUMENT, DRAFT INSTRUMENT, DCP'S AND REGULATIONS THAT APPLY TO THE LAND

- **State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)**

The previous Preliminary Site Investigation (PSI) prepared as part of the development of the Masterplan for Nowra Hotel and Cultural Centre Precinct concluded that the site is unlikely to be contaminated.

It is considered that further site investigation is not required as part of the proposed development. The proposal complies with the requirements SEPP 55.

- **State Environmental Planning Policy 64 – Signage (SEPP 64)**

The development application has not included any signs. The applicant indicated that erection of signs will be subject to a separate development application. In this regard an assessment against SEPP 64 cannot be made in this DA.

A condition to require further approval for signs will be included in any consent.

- **State Environmental Planning Policy No.71 – Coastal Protection (SEPP 71)**

The subject site is located within the “Coastal Zone” as defined under SEPP 71. The applicant has assessed the proposal against the relevant clauses of the SEPP. It is considered that the proposed development generally complies with the objectives of the SEPP.

Clause 8 of the SEPP states the Matters for Consideration for development within the Coastal Zone. Table 7.1 below provides an assessment against the relevant clauses of SEPP 71. The assessment concludes that there are a number of outstanding issues which should be addressed either via conditions of development consent or through further information being provided by the applicant.

- The proposed development can promote pedestrian access within and through site to the foreshore areas. However, Council's traffic unit has raised issues on the safety of pedestrian access around the site. This is further discussed in the following sections.
- Within the site context, the proposed development will not significantly affect the views towards the Shoalhaven River.
- The proposed development is not located directly on the coastline. However, with the scale of the proposal, it could be viewed from the coastline. The applicant has not submitted a visual impact assessment as part of the development application.
- The proposed development will be serviced by reticulated sewerage system and will not have a negative impact on the water quality.
- The submitted information does not contain enough information on the proposed drainage system.

Table 7.1 – SEPP 71 Assessment

Clause 8, SEPP 71	Assessment	Compliance
<p>(a) the aims of this Policy set out in clause 2</p> <p>Clause 2 provides that:</p> <ol style="list-style-type: none"> 1) This Policy aims: <ol style="list-style-type: none"> (a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, (b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and (c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and (d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and (e) to ensure that the visual amenity of the coast is protected, and (f) to protect and preserve beach environments and beach amenity, and (g) to protect and preserve native coastal vegetation, and (h) to protect and preserve the marine environment of New South Wales, and (i) to protect and preserve rock platforms, and (j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991), and (k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and (l) to encourage a strategic approach to coastal management. 	<p>The proposal is consistent with the following aims under Clause 2 of the SEPP:</p> <ul style="list-style-type: none"> • It does not affect the natural and recreational attributes of the NSW coast • It does not affect the existing public access to the coastal foreshores. A pedestrian crossing is proposed across Bridge Road, which has the potential to improve access towards the River. • The tourism nature of the proposed development can further attract tourist to the area, promoting opportunities for tourists to visit the coastal environmental. • The subject site does not contain items with Aboriginal cultural heritage. • The subject site is not located close to the beach. • The proposed development will not affect the native coastal vegetation, marine environment of NSW and any rock platforms. <p>The proposal is inconsistent with the following aims under Clause 2 of the SEPP:</p> <ul style="list-style-type: none"> • It can potentially affect the characters of the heritage items located in the vicinity of the subject site. The applicant has not submitted a heritage impact assessment for the proposed development and our preliminary assessment on the potential impacts on the adjoining heritage items on the site indicates that the design of proposed development has given limited regard on the character of these items. • The proposed development can affect the visual amenity of the coast. A more detailed visual impact assessment is provided in Section 8.3 below. • The proposed development has not demonstrated compliance with the principles of ecologically sustainable development. • Whilst the type, bulk, scale and size of the proposed development comply with the LEP and DCP applicable to the subject site, the applicant has not provide photomontages or any relevant information to demonstrate that the design of the proposed development will not affect the natural scenic quality of the surrounding area. 	<p>Partly</p>

Clause 8, SEPP 71	Assessment	Compliance
(b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved	<ul style="list-style-type: none"> The proposed pedestrian crossing will need to be designed to cater for people with a disability. 	Yes
(c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability	<ul style="list-style-type: none"> The proposed development can promote pedestrian access within and through site to the foreshore areas. The proposal includes a pedestrian crossing across Bridge Road, enhancing existing access to the foreshore. This is included in Stage 2 and will be subject to a future development application. There are issues raised by Council's traffic unit on the safety of pedestrian access around the site. This is further discussed in the following sections. 	Yes
(d) the suitability of development given its type, location and design and its relationship with the surrounding area	<ul style="list-style-type: none"> The types of the proposed development is compatible with the surrounding land uses, which is characterised by a mix of commercial and residential land uses. The proposal is located in a prominent location and the proposed tourism use of the subject site can take advantage to its proximity to the coastal environment, promoting public access to the coast. The design of the proposed development has not fully addressed the potential visual, heritage, access, car parking, pedestrian safety, services requirements. There is not sufficiently information to determine if the design of the proposal is suitable for the proposed use. The character of the proposed development is consistent with the model design of the Shoalhaven Entertainment Centre. A number heritage items are located in the vicinity of the subject site. The applicant has not submitted a heritage impact assessment to assess potential impacts on these heritage items. Preliminary assessment indicates that there can be negative impacts as a result of the proposal. 	Partly
(e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore	<ul style="list-style-type: none"> The proposed development is unlikely to result in any overshadowing impacts on the coastal foreshore. The proposed development is unlikely to affect the existing views towards the coast line. 	Yes
(f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities	<ul style="list-style-type: none"> The scale of the proposed development can be visible from the coast. The applicant has not submitted a visual impact assessment to consider the visual impact on coastline. 	No
(g) measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats	<ul style="list-style-type: none"> The subject site does not contain any threatened species, plants and their habitats. 	Yes

Clause 8, SEPP 71	Assessment	Compliance
(h) measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats	<ul style="list-style-type: none"> The subject site is not located on the immediate coastline. The proposed development is unlikely to affect fish, marine vegetation and their habitats 	Yes
(i) existing wildlife corridors and the impact of development on these corridors	<ul style="list-style-type: none"> The subject site does not contain any wildlife corridors 	Yes
(j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards	<ul style="list-style-type: none"> The subject site is not located on the immediate coastline. It is unlikely to affect the coastal process and coastal hazards. 	Yes
(k) measures to reduce the potential for conflict between land-based and water-based coastal activities	<ul style="list-style-type: none"> The subject site is not located on the immediate coastline. It is unlikely to reduce in conflict between land and water based coastal activities. 	Yes
(l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals	<ul style="list-style-type: none"> The subject site is highly modified. The proposed development is unlikely to affect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals. 	Yes
(m) likely impacts of development on the water quality of coastal waterbodies	<ul style="list-style-type: none"> The proposed development will be connected to existing stormwater system. However, there is insufficient information from the applicant in relation to the water quality of the discharge, the capacity of the existing system and the potential need to augment the system to accommodate the proposed development. 	No
(n) the conservation and preservation of items of heritage, archaeological or historic significance	<ul style="list-style-type: none"> The subject site does not contain any heritage items. The subject site is located in the vicinity of existing heritage items. However, there is no assessment on the potential impact on these adjoining items. 	No
(o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities	<ul style="list-style-type: none"> The proposed development complies with the general strategic planning objectives to consolidate developments within the existing Nowra centre. 	Yes
(p) only in cases in which a development application in relation to proposed development is determined:	<ul style="list-style-type: none"> The tourism oriented nature of the proposed development may attract visitors to the locality, further promoting public access to the coast, and may attract further investment into the region. 	Partly
(i) the cumulative impacts of the proposed development on the environment, and	<ul style="list-style-type: none"> The cumulative impact on the environment can be significant as the current scale and height of the proposal, if approved, can create precedence for future developments in the locality. This may have a significant impact on the existing visual character of and traffic movements within the area. 	
(ii) measures to ensure that water and energy usage by the proposed development is efficient.	<ul style="list-style-type: none"> The proposed development does not contain any water and energy reduction initiatives. 	

- **State Environmental Planning Policy – Infrastructure**

The Infrastructure SEPP repeals the old SEPP 11 – Traffic Generating Developments. The SEPP requires any developments that meet the requirements under Schedule 3 of the SEPP be referred to the Road and Traffic Authority (RTA) for comments. For tourist facilities, the following developments require a referral to RTA:

- Development with access to any road, and has a capacity for more than 200 vehicles; or
- Development with direct site access to a classified road or to a road within 90m connection of a classified road, and has a capacity for more than 50 vehicles

The subject development (stage 1) does not meet the requirements of both criteria. However, the entire development (both Stages 1 and 2) will have the capacity for more than 200 vehicles, hence meet the criteria under Schedule 3. As such, the submitted proposal, in accordance with Clause 104 (Traffic Generating Development), was referred to the Roads and Traffic Authority (RTA) for consideration and was subsequently referred to the Southern Regional Development Committee (SRDC) for comment. The SRDC considered the proposal on 15 May 2008. A copy of the minutes from this meeting are on the DA file.

In summary, the Committee recommended that:

- A revised traffic report should be submitted addressing the matters raised in Council's letter, and should be supplemented with electronic copies of all modelling undertaken for the subject proposal.
- The traffic report should examine the impact of the full development potential of the site.
- Additional information should be forwarded to Council for consideration.

A request for additional information was forwarded to the applicant. Detailed assessment on the traffic impact of the proposal is provided in Section 8.

Based on the existing information submitted by the applicant, the proposed development has not received satisfactory response from the SRDC. It does not therefore comply with the requirements of the SEPP.

- **Illawarra Regional Environmental Plan No.1 (IREP)**

The proposed development is within the area to which the IREP applies. An assessment against the requirements of the IREP has indicated that the subject land is not identified to have the following attributes:

- land of prime crop and pasture potential
- land supporting rainforest vegetation species
- a wildlife corridor
- land containing extractive materials
- land containing coal resources
- land potentially suitable for urban use

- land within an airport buffer area
- committed industrial land
- a subregional commercial centre
- land within a service corridor
- land within an escarpment area

The land is identified as land with landscape and environmental attributes. The IREP does not contain specific clauses on developments on land with landscape and environmental attributes.

Having regard to the IREP, the following specific clauses are relevant to this application:

Part 8 – Provisions relating to Commercial Centres

74 Objectives

The objectives relating to commercial centres are:

- (a) to ensure that commercial service centres are developed to suit the convenience of consumers and to optimise private and public investment, and*
- (b) to promote shopping and pedestrian amenity in all commercial centres.*

The specific development controls under this Part have been repealed.

Development Assessment

The subject site is not located within the Nowra CBD. It is located in the fringe of the CBD where the LEP has shown a potential for growth.

It is considered that the proposed development complies with the objectives of the IREP and the zoning objectives under the LEP.

Part 17 Provisions relating to high rise buildings

138 Objectives relating to high rise buildings

The objectives relating to high rise buildings are:

- (a) to enhance the amenity and design quality of the Wollongong urban centre and of buildings within that centre, and*
- (b) to preserve the landscape quality of coastal and foreshore land by encouraging the erection of buildings which are designed in harmony with that landscape.*

139 Development applications — high rise buildings

- 1) In this clause, unless the context or subject-matter otherwise indicates or requires: ground level means natural ground level, height, in relation to a building which has ceilings, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point.*
- (1A) This clause applies to all land in the Wollongong Plain subregion and the Shoalhaven subregion, other than land to which Wollongong City Centre Local Environmental Plan 2007 applies.*
- 2) The consent authority must not consent to a development application to erect a building or to alter an existing building by increasing its height, where the building after erection or*

alteration will have a height of more than 11 metres, without the concurrence of the Director.

- 3) *In deciding whether to grant concurrence to a development application in respect of development referred to in subclause (2), the Director shall take into consideration:*
- i. the height, scale, bulk and density of the proposed building,*
 - ii. the external appearance and materials used on the exterior of the proposed building,*
 - iii. the relationship of the proposed building to the streetscape or landscape,*
 - iv. the effect of the proposed building on public amenity, including pedestrian amenity,*
 - v. the effect of the proposed building on wind patterns and wind velocity in public places,*
 - vi. the effect of the proposed building on overshadowing of public places,*
 - vii. the effect of the proposed building on views from public places,*
 - viii. the effect of the proposed building on any item of the environmental heritage in the vicinity, and*
 - ix. the effect of reflections from the exterior of the proposed building on roads, public places and buildings in the vicinity.*

Development Assessment

The proposed development has a height of up to 13m. Under Clause 139(2) of the IREP, the development requires concurrence of the Director. It is understood that the Director of the Council's Development and Environmental Service Department has delegated authority to issue concurrence to this application.

An assessment against Clause 139(3) is provided as follows:

- The height, scale, bulk and density of the proposed development comply with the zoning objectives under the LEP and the controls under the DCP.
- The external appearance of the building is considered to be consistent with the style of the SEC, which adjoins the subject site.
- The relationship with the streetscape is not considered acceptable due to the several unresolved issues in relation to the retail activities along Bridge Road, pedestrian connection and safety, inconsistent street trees and general access treatment along Bridge Road.
- The proposed development can have significant impacts on pedestrian amenity, in particular along the access and the proposed on-street parking along Bridge Road. This issue has not been resolved.
- The proposed development includes landscaping within the Civic Forecourt, between the SEC and the subject hotel. The proposed landscaping is inconsistent with the existing landscape treatment approved under the DA for the SEC. This treatment will need to be revised to reflect the approved plans.
- The proposed external materials are not considered to result in reflections onto the public area.
- There are several heritage items along Bridge Road that require further consideration and the applicant has failed to submit a heritage impact assessment to consider the potential impact on adjoining heritage items.
- A preliminary visual impact assessment has been carried out as part of this proposed development (**Section 8.4**). It is considered that the visual impacts on the public area can be significant and further assessment is required to be undertaken to address any potential adverse impact.

Based on the existing information submitted, it is considered that the proposal does not comply with all provisions under the Clause 139(3) of the IREP, including streetscape, landscaping, heritage and visual impact. It is recommended that concurrence should not be granted to the proposed development under this clause.

- **Shoalhaven Local Environmental Plan 1985 (SELP 1985)**

The subject site is zoned 3 (g) (Business “G” (Development Area) Zone). The current zoning was implemented under Amendment No. 220 to the LEP, which was gazetted in 2006.

Table 7.2 assesses the relevant clauses under the SELP 1985.

In summary, the development application complies with the zoning objectives under the LEP. However, the application does not comply with the following LEP clauses:

- Clause 20G which requires a heritage impact assessment for developments located in the vicinity of heritage items.
- Clause 40K which requires the preparation of a DCP that complies with the criteria prior to determining a development application on the site. As discussed in Section 3 above and Table 7.2 below, the DCP does not fully comply with the requirements under the LEP.

(II) ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT THAT IS OR HAS BEEN PLACED ON PUBLIC EXHIBITION AND DETAILS OF WHICH HAVE BEEN NOTIFIED TO THE CONSENT AUTHORITY (UNLESS THE DIRECTOR-GENERAL HAS NOTIFIED THE CONSENT AUTHORITY THAT THE MAKING OF THE DRAFT INSTRUMENT HAS BEEN DEFERRED INDEFINITELY OR HAS NOT BEEN APPROVED), AND

There are no draft EPIs applying to the subject site.

(III) ANY DEVELOPMENT CONTROL PLAN, AND

- **DEVELOPMENT CONTROL PLAN NO. 119 – NOWRA HOTEL SITE AND CIVIC PRECINCT –BRIDGE ROAD, NOWRA (DCP 119)**

DCP 119 was prepared as a site specific DCP for the subject site. An assessment against the DCP is provided in the **Table 7.3**.

Based on the existing information submitted as part of the DA, it is considered that the proposed development does not comply with the following DCP requirements:

- Built form
- Landscaping
- Noise Attenuation
- Waste management
- Public transport
- Cyclist access
- Access, traffic management and parking

Table 7.2 – Compliance with Shoalhaven LEP 1985

Relevant Clause	Assessment	Compliance
Clause 9 Zoning Objectives and Development Control Table	The proposed development provides a mix of high and medium density residential, commercial and tourist uses, consistent with the objectives of the zone.	Yes
Clause 20G Development in the vicinity of a heritage item	<p>The subject site is located in the vicinity of the following heritage items:</p> <ul style="list-style-type: none"> • “Kilsyth” Federation Weatherboard Residence, 33 Bridge Road • “Uuna” – Late Victorian Weatherboard Cottage and garden, 35 Bridge Road • Victorian Brick Residence, 45 Bridge Road • Late Victorian Weatherboard Cottage, 49 Bridge Road • Graham Lodge, 10 Pleasant Way • Former Numbaa Red Cedar Flood Boat and Captain Cook Bicentennial Memorial, Bridge Road • Sandstone Landscape Monument (Batt’s Folly), Intersection of Bridge Road and Princes Highway <p>Section 8 of this report assesses the heritage impact of the proposed development.</p>	See Section 8
Clause 26 Soil, water and effluent management	<p>The proposed development will be connected to the reticulated sewer and water systems.</p> <p>A sediment control plan will be required prior to the issue of construction certificate and this requirement will form part of any development consent.</p>	Yes, subject to appropriate condition of consent
Clause 33 Height of buildings	The building is higher than 2 stories and a DA has been submitted. It complies with this clause.	Yes
Clause 37A Notification of certain development	The submitted application was notified in accordance with Council’s Community Consultation Policy.	Yes
Clause 40K Development of certain land in Nowra	<p>This clause requires the preparation of a Development Control Plan for the subject site to guide future development. It is noted that in the meetings dated 28 August 2007 and 20 November 2007, Council considered two reports on the DCP that was submitted by the applicant. Council staff prepared the report and raised a number of issues in relation to the validity of DCP 119. The reports concluded that the DCP did not comply with the requirements under Clause 40K of the LEP. The issues raised in the reports were summarised in Section 3 of this report. Nevertheless, Council adopted the DCP as it was submitted and exhibited to the public, as it took the position that the DCP complies with the LEP requirements.</p> <p>In our view, there is an unresolved issue on whether the DCP is a valid document.</p>	No

Relevant Clause	Assessment	Compliance
	We have reviewed the adopted DCP 119 against Clause 40K and our assessment is summarised as follows:	
	Clause 40K	Compliance
	<ul style="list-style-type: none"> • Subclause (1) Noted 	Yes
	<ul style="list-style-type: none"> • Subclause (2) See comments below. There are apparent inconsistencies between the LEP requirements and the content of the DCP. It is unclear whether the development can occur on the subject site given that this clause has not been fully complied with. 	Unclear
	<ul style="list-style-type: none"> • Subclause (3)(a) There are concerns relating to the proposed building envelopes, height, landscaping, building siting, and the associated amenity impacts on adjoining users. This clause requires explanation of how the proposed urban design controls relate to an analysis of the land and its context. The DCP has not included such analysis. Our review of the DCP shows that the controls provide limited considerations on the existing site context. It also does not include controls on security as required under this clause. 	No
	<ul style="list-style-type: none"> • Subclause (3)(b) The DCP includes proposals as required under this clause. However, the proposals are not developed based on valid access and transport assessment and there are concerns on the potential impacts on pedestrian safety and traffic. 	Yes
	<ul style="list-style-type: none"> • Subclause (3)(c) The DCP contains proposals to mitigate the potential environmental impacts as required under this clause. 	Yes
	<ul style="list-style-type: none"> • Subclause (3)(d) The DCP contains proposal for access as required under this clause. However, our assessment on the DCP show that the proposal in the DCP does not adequately 'deal with' the access, parking and traffic issues as required under Clause 40K(3). 	No
	<ul style="list-style-type: none"> • Subclause (3)(e) The DCP contains proposals in relation to the public domain. 	Yes

Relevant Clause	Assessment	Compliance
	<ul style="list-style-type: none"> Subclause (3)(f) The DCP does not contain patterns for amalgamation of lots and subdivision. Subclause (3)(g) The DCP has not identified tree retention or removal Subclause (3)(h) A concept plan is included in the DCP. Subclause (3)(i) The DCP does not contain proposals on heritage conservation. Subclause (3)(j) There are no other matters required in writing by Council. Subclause (4) The DA was lodged after the DCP was adopted by Council. However, as discussed above, there are questions on whether the adopted DCP complies with the LEP requirement. Subclause (5) Noted 	<p>No</p> <p>No</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>Unclear</p> <p>Na</p>
<p>Clause 40K(2) requires that any development cannot be carried out until a DCP is prepared, and the DCP has to comply with the requirements in this clause. Both Council's reports and our assessment indicate that there are apparently inconsistency between the DCP and the LEP. This application does not comply with Clause 40K of the LEP.</p>		

Table 7.3 – DCP 119 – Nowra Hotel Site & Civic Precinct

DCP Controls	Assessment	Compliance
2.1 Built Form and Height <ul style="list-style-type: none"> The built form of new development is to create a 'gateway' development for the Nowra Town Centre. New development is to integrate with the existing Council Administrative Building, the new Performing Arts Centre and future Cultural Precinct. New buildings and uses are to create an attractive environment that is equally useable by visitors and locals and set a new benchmark for the Nowra Town Centre in terms of tourist accommodation and residential living. 	<p>The scale of the proposed development creates an iconic structure at the gateway location of Nowra. We have requested the applicant to submit a visual impact assessment to consider the impact on the intersection of Bridge Road and Princes Highway. The applicant failed to provide such assessment.</p>	<p>Unable to determine</p>
2.2 Character, Siting, Setbacks and Building Separation <ul style="list-style-type: none"> New buildings are to appropriately respond to the surrounding urban context including residential areas, street networks, open space and landscape in order to minimise negative environmental impacts and take full advantage of positive site attributes. Buildings are to be sited in such a way that potential visual and acoustic amenity issues are minimised. The potential for unacceptable overshadowing is to be minimised. 	<p>The proposed development complies with the scale and proportions of the existing Council administration building and the Shoalhaven Entertainment Centre.</p> <p>The proposed development is unlikely to result in overshadowing of the adjoining areas. However, it is likely that Stage 2 of the proposed development could lead to overshadowing of current proposal (Stage 1). It is recommended that careful consideration is placed on the Stage 2 to minimise overshadowing on the proposed development.</p>	<p>Yes</p>
2.3 Landscape <ul style="list-style-type: none"> Landscaping is to enhance the appearance and amenity of development through the implementation of excellent landscape design. Proposals are to include sufficient landscaping to ensure quality areas of open space are provided as part of new development proposals. Landscaping is to integrate with that landscaping existing in the current public domain. 	<p>Council's landscape architect has reviewed the proposed development and the comments have been forwarded to the applicant. The applicant stated that further information relating to landscaping will be supplied at a later stage.</p>	<p>No</p>

DCP Controls	Assessment	Compliance
2.4 Interface between Buildings and the Existing and Proposed Public Domain <ul style="list-style-type: none"> New development proposals are to integrate in a positive manner to the existing and proposed public domain. Areas of public and private space are to be clearly defined. Potential for adverse overshadowing of civic spaces is to be minimised. Development proposals are to provide opportunities for the casual surveillance of public places. Development proposals are to enable opportunities for the provision of suitable and effective pedestrian connectivity. 	<p>The impact of overshadowing as a result of the proposed development is considered acceptable. It will not affect the Civic Forecourt Space.</p> <p>The siting of the proposed development creates a visual axis between the hotel entry, the Civic Forecourt and the Entertainment Centre. This design complies with the DCP requirement.</p> <p>The landscape plan submitted with the DA shows an acceptable integration between the proposed development and the adjoining buildings (Civic Forecourt and Council's building).</p>	Yes
2.5 Views <ul style="list-style-type: none"> New development is to be designed such that opportunities available for obtaining views from the site are maximised. 	<p>The rooms of proposed hotel development have been designed to orient towards Shoalhaven River where possible.</p>	Yes
2.6 Privacy <ul style="list-style-type: none"> New development, particularly residential development, is to be designed in such a manner that reasonable levels of visual and acoustic privacy can be ensured. New development is to provide reasonable opportunities for views from living areas without affecting visual privacy. New development is to be designed such that a reasonable level of amenity with respect to noise for residential apartments is afforded to inhabitants. 	<p>All rooms within the hotel have been located and designed to overlook the courtyard and the civic forecourt between the proposed development and the Shoalhaven Entertainment Centre.</p> <p>The design of the proposed development is considered consistent with the controls under the DCP.</p>	Yes
2.7 Solar Access and Energy Efficiency <ul style="list-style-type: none"> New buildings are to be designed and oriented so as to achieve appropriate levels of solar access and energy efficiency 	<p>Shadow diagrams have been submitted with the DA. The diagrams show that the development will mainly overshadow the public areas and will have limited impacts on the existing Council administration centre and the Entertainment Centre.</p> <p>The proposed development is considered as a commercial development. Hence, a BASIX certificate is not required.</p>	Yes

DCP Controls	Assessment	Compliance
<p>3.1 Noise Attenuation</p> <ul style="list-style-type: none"> Development proposals are to reasonably ensure that noise from the Princes Highway does not adversely impact upon amenity. 	<p>No noise assessment has been provided. The applicant has justified this by stating that the proposed development will be buffered by the future Stage 2 and hence, impact on the proposed development is not significant.</p> <p>This is not considered acceptable as Stage 1 should be assessed as an independent development regardless of Stage 2.</p> <p>We accept that argument that Stage 1 is located away from Princes Highway. The distance between the traffic from Princes Highway to the proposed development can act as a potential buffer to the proposal. Noise attenuation on the proposed development can be achieved through using appropriate construction materials, incorporating double glazing windows and appropriately sealing all openings. This can be incorporated into the condition of consent, requiring the applicant to submit a noise assessment and implement all recommendations of the noise assessment into the development, prior to the issue of construction certificate.</p> <p>In Stage 2, however, it is considered that the buffer between Princes Highway and the proposal at Stage 2 is significantly less. A noise attenuation report should be required as part of the development application.</p>	<p>No Subject to condition of consent</p>
<p>3.2 Flooding</p> <ul style="list-style-type: none"> New development is to be provided with flood free access. New buildings must withstand the force of flowing water during flood events. New development is to ensure that a reasonable level of residential amenity during can be maintained during extended wet periods. 	<p>The application has been referred to Council's flood engineer, who advised that the site is entirely above the 1% AEP flood level of 6.3m AHD.</p> <p>The proposed flood evacuation is appropriate for the type of development.</p> <p>The underground car park and the loading dock are located below the 1% AEP flood level. Future construction should ensure that sealed construction methods are used up to the 1% AEP flood level plus 0.5m freeboard, which is 6.8m AHD. The applicant has not propose measures to address flooding in the basement car park and the loading dock.</p>	<p>Yes, subject to conditions of consent</p>

DCP Controls	Assessment	Compliance
3.3 Soil, Water and Site Management <ul style="list-style-type: none"> Development proposals are to incorporate measures that maintain the health of the environment – particularly streams and rivers. The production of waste generated during construction is to be minimised through the implementation of waste minimisation principles. 	<p>The application has been referred to Council's Environmental Health Officer, who has no objection to the proposed development, and has provided conditions on the need to submit a Soil and Water Management Plan prior to the issue of a construction certificate.</p>	Yes
3.4 Remediation of Contaminated Land <ul style="list-style-type: none"> Land nominated for development is to be free of known site contaminants. 	<p>A previous report prepared by Shoalhaven City Council, Cos Humphries Moss, GHD and Envirolinks Design (December 2005) concluded that the site is not subject to contamination.</p>	Yes
3.5 ESD <ul style="list-style-type: none"> Encourage the efficient use of natural resources. Encourage the use of renewable energy sources within the design of new buildings. Encourage the use of materials and products with recycled content, and recycling of construction waste. Encourage the selection of building materials and products based on their life-cycle and environmental impacts. 	<p>Waste management and recycling measures are assessed in Section 8 of this report.</p> <p>Management of construction waste can be addressed in the construction certificate stage. Appropriate conditions can be implemented in any development consent requesting a waste management plan prior to the issue of the construction certificate.</p> <p>The proposed development does not require a BASIX certificate as it is classified as a commercial development.</p>	See Section 8
4.1 Public Transport <ul style="list-style-type: none"> Development proposals are to cater for and encourage the use of public transport systems. Development proposals are to contribute to an overall citywide aim of a reduction in car dependency. 	<p>The proposed development has incorporated a pick up and drop off area for large rigid tourist coaches.</p> <p>The development plans have not shown a collection area for taxi passengers. However, it is noted that main hotel entry has sufficient space to allow one taxi to collect and set down passengers.</p>	No
4.2 Pedestrian/Cyclist Access <ul style="list-style-type: none"> New development proposals are to be safely accessible for pedestrians and cyclists including wheelchair and stroller users. 	<p>A Pedestrian Linkages Map has been submitted as part of the proposed development. However, the plan does not show cyclist linkages and there is no provision for bike racks. The proposed development does not comply with this requirement.</p>	No

DCP Controls	Assessment	Compliance
4.3 Access, Traffic Management and Parking <ul style="list-style-type: none"> New development is to be provisioned with access that is legible, co-ordinated and user friendly. New development is to have acceptable impact on existing traffic flows. New Development to accommodate all parking requirements within the subject. 	A Traffic and Parking Assessment was submitted as part of the application. Traffic is a major issue for this development. Section 8 assesses the traffic issue in more detail.	See Section 8
5. Public Domain Enhancement and Integration <ul style="list-style-type: none"> Development proposals are to demonstrate that new buildings and areas of open space integrate with and enhance the public domain. New development is to incorporate new pedestrian linkages with existing public spaces and associated infrastructure. New landscaping is to enhance the visual presentation and pedestrian environment associated with the site. 	<p>The landscape plan submitted as part of the application shows acceptable solution to incorporate the proposed development with the public domain.</p> <p>Section 8 of this report further assesses the landscaping issue.</p>	See Section 8

- DEVELOPMENT CONTROL PLAN NO.18 – CAR PARKING CODE (DCP 118)**

Car Parking Space

Table 7.4 lists the DCP parking rate requirements for Stage 1 of the proposed development.

Table 7.4 – Car Parking Space Assessment

Proposed Land Use	DCP 18 Car Parking Rate	Proposed Floor Space/ No. of Bed/ No. of Staff	Space Proposed	Space Required	Compliance with DCP
Hotel suites	One space per room plus one space per employee and/or manager	98 rooms plus 10 employees	59	108	No
Retail tenancies*	1 space per 24m ²	383m ²	12	16	No
Bar/ Lounge*	1 space per 6.5m ²	215m ²	7	43	No
Restaurant*	1 space per 6.5m ²	335m ²	10	52	No
Café*	1 space per 6.5m ²	65.4m ²	2	10	No
Conference facilities*	1 space per 6.5m ²	132.6m ²	4	20	No
Function Room*	1 space per 6.5m ²	264m ²	8	41	No
Total			102	290	

* Note – co-usage discount applied. See below for details

The application indicates that the proposal will require 102 spaces under DCP 18. The applicant states that 105 spaces have been allowed for in the proposed development, which exceeds the DCP requirements. These 105 spaces consist of 96 spaces in the basement and 9 spaces along Bridge Road.

Total car parking calculation under DCP 18:

- For hotel suites**, the required car parking is 108 spaces
- Uses other than hotel suites**, the total number of car parking space required under DCP 18 is 182 spaces. It is considered appropriate to allow a 25% discount to the car parking requirement in accordance with the DCP to recognise the opportunity for the facilities to share the parking. The required car parking for the components of the development other than the hotel is 137 spaces.
- In total for Stage 1, the required car parking is 245 spaces.** This requirement includes a 25% discount on the car parking other than the hotel suites, and is subject to the applicant providing further justifications on the number of employees in the hotel.

Assessment against DCP 18 shows that the applicant has not used the appropriate car parking rate to calculate the final car parking numbers for the individual uses. By using the correct rate, the total car parking requirement under DCP 18, and taking into account the 25% discount for non hotel suites use, is **245 spaces**.

The proposed parking provision is almost half of the requirement under the DCP.

Letters detailing the above calculation and requesting the applicant to review their car park layout were sent on 9 July and 11 November 2008. We have also requested the information during our numerous telephone conversations with the applicant. However, the applicant has not submitted a revised car park layout and there has been no review of the car parking or public transport strategy proposed in the application.

Based on the existing information submitted, it is considered that the proposed car parking does not comply with DCP 18.

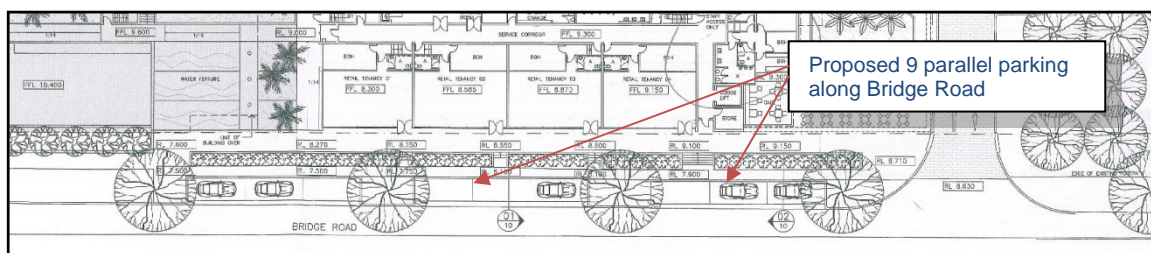
Parking Layout

The car park dimensions and manoeuvring shown in the submitted proposal are in accordance with the minimum Australian Standards.

However, Council's traffic unit raised concerns that the design is not in accordance with Council's DCP. It is not considered appropriate to apply the Australian Standards in this location (rural/regional areas) due to the higher frequency of larger vehicles in such areas. Larger spaces and aisle are required under DCP 18.

Bridge Road Parking

Nine parallel car parking spaces are proposed to be located along Bridge Road. We note that Bridge Road is a primary access for the Nowra CBD. Council has indicated that the proposed parking along Bridge Road is problematic due to the existing traffic condition on Bridge Road.



Proposed parallel parking along Bridge Road

An assessment of the results of the SIRDRA analysis shows that the existing peak hour traffic at the section of Bridge Road outside the subject site are 11,740 per day during the am peak hours, and 11,200 per day during the pm peak hours. At peak hours, the degree of saturation reaches up to 0.882 (where the rate of 0.9 is considered to be at capacity).

The proposed development will increase the traffic number to 12,240 per day during the am peak hours, and 11,840 per day during the pm peak hours. This will result in a saturation level of 0.891.

The RTA provides the following classifications for roads in their document "Functional Classification of Roads". This document classifies roads according to the role they fulfill and the appropriate volume of traffic that they should convey:

- **Arterial Road** - is typically a main road carry in excess of 15,000 vehicles per day and over 1,500 vehicles per hour in the peak period. They predominantly carry traffic from one region to another forming principal avenues of communication for metropolitan traffic movements.

- **Sub-Arterial Road** – is typically a secondary road carrying between 5,000 and 20,000 vehicles per day and over 500 and 2,000 vehicles per hour in the peak period. They predominantly carry traffic from one sub-region to another forming secondary inter-regional transport links.
- **Collector Road** – is typically a minor road carrying between 2,000 and 10,000 vehicles per day and over 250 and 1,000 vehicles per hour in the peak period. They provide a link between local areas and regional roads carrying low traffic volumes. At volumes greater than 5,000 vehicles per day, residential amenity begins to decline noticeably.
- **Local Road** – is typically a local street carrying less than 2,000 vehicles per day and 250 vehicles per hour in the peak period. They provide immediate access to individual houses and carry low traffic volumes.

Based on the function and the current and future traffic flow above, Bridge Road is classified as a Collector Road that is close to its capacity. It is not considered to be a sub-arterial road as it does not carry traffic from one sub-region to another that forms a secondary inter-regional transport link.

In order to reinstate Bridge Road to a Local Road, the applicant will need to propose broad measures to divert traffic away from Bridge Road to other sub-arterial or collector roads. This may include a broad traffic strategy for the whole CBD.

Without such justifications or proposed traffic management measures to reduce traffic volume along Bridge Road, the applicant's proposal to downgrade Bridge Road to a local road is not supported.

Council has carried out sight distance analysis to assess the opportunities for the section of Bridge Road outside the proposed development to support on street parking. The analysis shows that the sight distance in this section is poor and on-street parking is not supported.

The applicant was requested to review the plans to remove the car parking along Bridge Road. No amended proposal has been submitted.

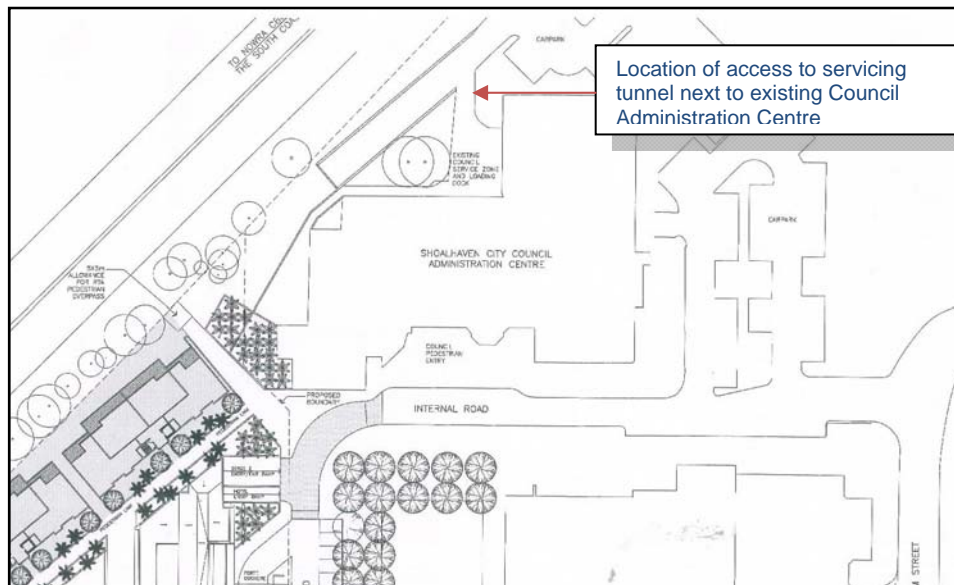
Based on the existing information submitted, it is considered that the proposed Bridge Road car parking arrangement is not acceptable.

Access

Council's traffic unit has carried out an assessment on the proposed access arrangement, and raised the following issues:

- The egress from the hotel to the proposed internal road is not accepted as it is too close to Bridge Road and there is inadequate sight distance for vehicles exiting the hotel car park to see traffic entering the internal road from Bridge Road.
- The proposed access through Council's car park to the loading dock is acceptable if it is only used as a service route. Upgrade to this access is required to accommodate increased and larger service vehicles being proposed in this DA. It is noted that the largest vehicle using this access route is an 8.8m waste service vehicle. The proposed development will be serviced by vehicles of up to 12.5m. Council's traffic unit has indicated the extent of upgrade works required to accommodate the proposed access arrangement.
- The proposed pedestrian overpass across Princes Highway as shown in the submitted plans does not conform to Council's plan.

- The proposed service corridor located at the basement is not acceptable as it is not conveniently located to service all uses within the development.

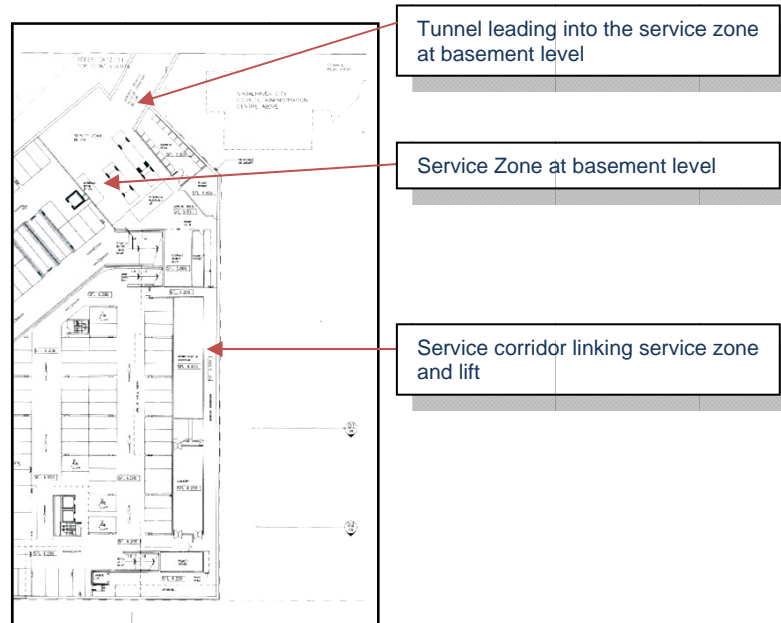


Location of access to servicing tunnel

Based on the existing information submitted, it is considered that the proposed access arrangement for services vehicles is not acceptable.

Manoeuvring/Service Areas

The proposed servicing area is located at the basement level, accessed through a service tunnel at the back of the existing Council administration building. At the basement level, a servicing tunnel is provided along the perimeter of the building to link the servicing area with the lift or storage area.



Servicing Area and Service Corridor

Council's traffic unit has raised the following issues in relation to the servicing area and loading dock:

- There is inadequate width of tunnel carriageway for large rigid vehicles. The proposed tunnel carriageway provides no allowance for working width offset.
- The tunnel is proposed to be located close to Council's administration building. Council's traffic unit has raised concerns on the potential visual and noise impacts on the existing administration building.
- The proposed size of the loading dock is insufficient to service both commercial and residential components of the development. Council's traffic unit has assessed the proposed loading dock against the RTA's Guide to Traffic Generating Development. The assessment concluded that to comply with RTAs guidelines, the loading dock will require 7 service bay spaces with 4 of these for trucks. The assessment also provides recommendations on the acceptable design of loading dock and service areas.

Based on the existing information submitted, it is considered that the proposed services area in the basement is not acceptable.

Landscape Design

With the proposed car parking area along Bridge Road, landscaping is proposed in limited areas between the car spaces. There is no other ground floor car parking area for this proposed development.

Based on the existing information submitted, the proposed landscaping in the car park is considered acceptable.

Drivers with Disability

4 disabled car parking spaces are shown in the submitted drawings. They are all located in the basement car park.

The DCP requires 1 space for every 50 car parking spaces or part thereof for Class 6 building. Based on the car parking calculation by Council's traffic unit, the required number of disabled parking space is 5.

Based on the existing information submitted, it is considered that the proposed number of disabled car parking spaces does not comply with the DCP.

Construction Requirements

No information has been provided as part of this application in relation to the construction requirements of the car parking and loading bay areas. Requirements in relation to this can be conditioned on any issued development consent.

Miscellaneous Requirements

No information has been provided as part of this application on signage, speed hump provision, lighting or bicycle parking facilities. Requirements in relation to these (i.e. compliance with the relevant standards) can be conditioned on any issued development consent.

- **DEVELOPMENT CONTROL PLAN 80 – STREETScape GUIDELINES FOR PAVING AND TREE PLANTING IN THE NOWRA CBD (DCP 80)**

A concept landscape plan was submitted as part of the development application. The landscape plan has been referred to Council's landscaping unit for comments. **Table 7.5** details the assessment against DCP 80.

Based on the existing information submitted, it is considered that the proposed development does not comply with the street trees requirements under the DCP. Further information is required on the funding and ownership arrangements for the proposed pedestrian crossing.

Table 7.5 – Landscaping Assessment against DCP 80

DCP Requirements	Proposed Landscape Treatment in Submitted Plans	Compliance
Paving Requirements (Clauses 3 & 4)		
1.5m wide footpath between kerb and property boundary along Bridge Road, grass either side of footpath	<p>The existing verge along Bridge Road is approximately 8m.</p> <p>The proposal includes indented parking along the existing footpath along Bridge Road. This will result in the removal of the existing street trees on Bridge Road. The footpath along Bridge Road is proposed to be split into two sections – a 2m wide pavement immediately next to the indented parking, and a 3m wide pavement outside the proposed retail shops. These 2 sections are split in 2 levels, separated by planter boxes and stairs.</p> <p>There is no proposal on the materials and colours of the pavement.</p> <p>No issues were raised in relation to the proposed indented parking and the pavement treatment from the landscaping point of view.</p> <p>The main issue relates to the proposed removal of the existing street tree. However, if the proposal is approved, it is likely that a section of Bridge Road will need to be widened to accommodate additional slip lanes near the entrance of the proposed development. Retention of the trees is unlikely.</p>	Yes
Street Trees (Clause 5 & 6)		
<u>Bridge Road</u> Jacarandas (purple form) for street trees and Cape Chesnuts to be used as infill planting	<p>Kaffir Plums planting is proposed along Bridge Road, and low shrub and groundcover planting are proposed between the lower and upper level pavement. There was concern that Kaffir Plums are not nominated in the DCP.</p> <p>Planting beds were proposed under the street tree planting along Bridge Road. Concerns were raised in relation to the ongoing maintenance and safety of maintenance teams for the required work within this road reserve.</p> <p>Planting palette for these beds are not included in the proposal. Concerns are raised in relation to the pedestrian vehicular sight lines which may be blocked by these planting beds. If sight line distances are acceptable, the planting should have low water requirement, yet provide year round vigour. Suggested species include Dwarf Phormium varieties, Dwarf Lomandra varieties, Nandina 'Gulf Stream', Dwarf Dianella varieties, Pieris japonica.</p>	No

DCP Requirements	Proposed Landscape Treatment in Submitted Plans	Compliance
Princes Highway Cape Chesnuts and Gordinia	The proposed informal tree planting along Princes Highway does not comply with the DCP requirement. Any development consent should be conditioned upon further changes to the landscaping plan to reflect the requirements of the DCP.	No
Other Considerations (not included in DCP)		
The existing 'Nowra' sign and garden beds at the intersection of Bridge Road and Princes Highway	<p>The submitted plan has not considered the existing 'Nowra' sign and the garden beds current located at the intersection to signal the entrance to Nowra. One suggestion was to incorporate the sign to the proposed building. This was raised to the applicant in the pre lodgement meeting.</p> <p>The proposed development will have no implication on the Nowra sign. An assessment on the intersection treatment can be assessed in any future Stage 2 DA.</p>	
Pot size	There is no mention of pot size in the submitted plans. Any development consent should be conditioned upon a minimum size of 100L pots.	
Landscape treatment at the Civic Forecourt	The proposed landscape treatment for the Civic Forecourt conflicts with the approved plans for the Shoalhaven Entertainment Centre. This should be addressed, together with the landscape treatment at the Porte-cochere prior to construction to ensure consistent treatment between the proposed development and the SEC.	
Pedestrian Crossing at Bridge Road	<p>Pedestrian crossings are encouraged at appropriate locations across Bridge Road to promote accessibility to the river.</p> <p>The submitted information contains a proposed location for the pedestrian crossing at approximately 30m from the intersection between Bridge Road and Scenic Drive. But there is no proposal on the funding and ownership arrangements of the crossing.</p>	

- **DEVELOPMENT CONTROL PLAN 82 - A SIGNAGE STRATEGY (DCP 82)**

No signs have been proposed. The applicant has indicated that the installation of signs will be subject to a subsequent development application, as part of the operation of the different components of the development.

Any development consent should contain requirement to obtain further approval for any proposed signage.

- **DEVELOPMENT CONTROL PLAN NO. 93 – WASTE MINIMISATION AND MANAGEMENT (DCP 93)**

A waste management statement has been submitted as part of this application.

In terms of **construction waste management**, the DCP requires that a waste management plan be prepared as part of the Construction Certificate. The application contains this commitment

In terms of **ongoing waste**, the applicant has submitted a Waste Minimisation Management Plan (WMMP) in accordance with the DCP. The WMMP includes the following waste generation calculation and management proposals:

- The hotel, lounge, dining, café and retail shops are estimated to generate up to 3430,8L of general waste and 455.75L of recycling waste per day. This is a total of 3,886.55L per day. This will require 4 x 1,100L bins.
- The proposed hotel garbage room has the capacity to store a minimum of 17,600L of recyclable and non-recyclable waste, which equates to 16 x 1,100L bins.
- Garbage from the hotel will be stored in the garbage room located in the lower basement level next to the loading dock.
- Garbage from the restaurant and bar will be stored in the kitchen garbage area and transported to the basement garbage room when the carts are full.
- Garbage from the retail tenancies and the café will be stored in the individual back of house areas. When the bins are full, the retail operators will transport the bins to the basement garbage room.
- Waste will be collected from the site every 2 days by private collection service provider or Council's current waste management service contractor (SITA). The applicant proposed the use of rear loading collection vehicle (8m long and 13 tonne collection) to service the site. The basement service area has been designed to accommodate vehicles of up to 11m long.
- In relation to Stage 2, 3 residential garbage rooms have been conceptually designed for Stage 2 of the development. Garbage collection for the residential development Stage 2 will rely on the services area in Stage 1.

Council's waste services section agreed with the proposed waste storage and collection mechanisms. No concerns have been expressed by Council's Waste Services Section in relation to the submitted waste management statement. Any development consent issued to be conditioned to ensure that a WMMP is submitted in accordance with DCP 93 prior to the release of the Construction Certificate.

• **SHOALHAVEN CITY COUNCIL SECTION 94 CONTRIBUTION PLAN (AS AMENDED):**

Having regard to the submitted proposal, the following Section 94 projects are currently applicable:

- 01 CFAC Community Centre Nowra
- CW FIRE001 Citywide Fire & Emergency services
- CW FIRE 002 Shoalhaven Fire Control Centre
- CWMGMT 2001: Section 94 Administration

An estimate of the total contribution (excluding car parking) to be levied is **\$52,190.42**. The calculation of section 94 contributions for this development is shown in **Appendix A**.

Appendix 1 of the Shoalhaven City Council Section 94 Contribution Plan states the mechanism to calculate car parking contribution within Nowra CBD. Within Zone 1, the Plan discourages on site car parking and Council would levy S94 fund to fund major public car parks. Within Zone 2, applicants are required to provide parking on site, except in special circumstances, Council may consider accepting a contribution for some or all of the parking requirements. The proposed development is located within Zone 2.

Given the significant number of deficiency in car parking spaces in the proposed development, we do not consider, in this circumstance, that a Section 94 contribution in lieu of on site car park is appropriate. Bridge Road only has limited on street parking spaces, insufficient to accommodate all future users of the proposed development. Once the car park of the hotel is full, it is likely that the visitors of the hotel will park in the Shoalhaven Entertainment Centre's or Council's car park. A new car park has recently been constructed at the Nowra Gasworks site. However it is located approximately 200m from the development site. Accepting a contribution for car parking and waiving on site parking will only shift the parking issue elsewhere without resolving the problem. We believe that the applicant needs to provide sufficient car parking on site, and accommodate all parking demands within the development.

(iiiia) ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 93F, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 93F, AND

No planning agreement has been proposed by the applicant.

(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH),

There are no specific clauses in the regulations that relate to this proposal.

The assessment of the proposed development satisfies the procedural requirements under the Regulations in relation to the assessment of a development application.

(b) THE LIKELY IMPACTS OF THAT DEVELOPMENT, INCLUDING ENVIRONMENTAL IMPACTS ON BOTH THE NATURAL AND BUILT ENVIRONMENTS, AND SOCIAL AND ECONOMIC IMPACTS IN THE LOCALITY,

Threatened species

A review of the *NSW Wildlife Atlas* (DECC, 2008) online database of records of threatened species listed on the *TSC Act* (1995) indicated that 10 endangered flora species and 25 endangered fauna species have been recorded within 10 km of the study site as detailed in **Appendix B**. No threatened species have previously been detected on the development site and the site contains limited vegetation or habitat for native species, with the bulk of the site having been previously disturbed. The most significant habitat in close proximity to the site is the landscaping Eucalypts on the road verge. The proposed development will not have significant impact on these Eucalypts.

After considering the potential effects of the proposed development it has been considered that the proposed development is unlikely to have significant effect on threatened species. This is mainly due to past disturbances at the site and the fact that there are no areas of substantial habitat or records of threatened species in the close proximity of the proposed development site. We believe that no further ecology assessment is required on this proposal.

Noise & odour

Noise is expected to be created during the construction period. Appropriate construction management will be required to be implemented to ensure that construction noise is limited. This can be implemented via conditions on any development consent.

Noise during the operation of the hotel can be significant. The applicant has justified this by stating that the noise impact on the proposed development will be buffered by the future Stage 2, and hence impact on the proposed development is not significant. It is however unclear when Stage 2 will proceed.

The site is surrounded by heavy traffic and low intensity commercial development. The immediate areas adjoining the site are zoned commercial or open space. There is sufficient separation between the development and the residential area. It is considered that a noise impact assessment is not necessary for the first stage of this proposal.

There are however particular concerns in relation to the potential noise impacts resulting from the proposed loading/unloading access ramp which immediately adjoins the existing Council's administration building. Any development consent should include a condition to include noise attenuation measures between the access point of the ramp and the administration building.

Stage 2 of the proposed development will consist of residential apartments, which can be prone to the noise generated as a result of this development. Stage 2 will need to be designed to ensure that there is sufficient noise attenuation measures to minimise noise impact on the future residents. This issue should be addressed in the later DA.

Traffic

The proposed development will increase the number of vehicles on the existing road network. The application includes a proposal to reinstate Bridge Road to a local road and to

accommodate additional on-street parking outside the proposed Hotel. The Traffic Impact Assessment prepared by Transport, Traffic and Design Consultants was submitted as part of the DA. The applicant's assessment concluded that *Bridge Road and the associated intersections are operating well within capacity, which is appropriate for its current function as a local road. It is reasonable to assume that any future growth in regional or Town Centre traffic will be accommodated by the Highway, which performs the function of a Town Centre bypass, as well as forming an important part of the Town Centre grid.*

Council's traffic unit has reassessed the traffic impact on the proposed development. It was noted that the assumption used in the applicant's SIDRA modelling were problematic, in terms of the date and time of model, the lack of recreational peak, lack of forecast, lane discipline, etc. Council's traffic unit has remodelled the development using SIDRA modelling. The outcomes of the model indicated that:

- An additional southbound lane is required in the future along Bridge Road, from Scenic Drive to Graham Street, to ensure two through lanes are available over this length in addition to a separate right turn lane into Hyam Street and separate left turn lane into Graham Street.
- The SIDRA model shows that during the AM peak, left turning traffic generated by the proposed development will impact upon the southbound through-moving traffic along the kerbside land of Bridge Road to unacceptable degree. In reality the impact can be further compounded by through vehicles in the central southbound lane seeking to divert around queued vehicles waiting to turn right into Hyam Street. This is likely to result in queues extended back and impacting the Princes Highway. This incidence of traffic weaving adjacent to the development and impacted by the developments traffic is also likely to increase likelihood of side swipe and rear end type crashes adjacent to the development.
- Based on the analysis, the proposed development will require a left turn slip lane for the left turn from Bridge Road into the internal access road servicing the development, commencing from Scenic Drive. The slip lane will ensure at least one through lane is available for through traffic on Bridge Road, not impacted by the developments traffic.
- The additional lane will affect the existing footpath level on the site. This will in turn affect the proposed split level footpath and the proposed on street parking on Bridge Road.
- The proposed development argued that the internal roads warrant a rural turn lane treatment, hence does not require a separate turning lane. However, due to the volume of traffic in the location and the close proximity to Princes Highway, Council's Traffic Unit consider that the subject location is of urban character and hence an additional left turning traffic lane is required.

The traffic unit has recommended significant modifications to the submitted plans to minimise impacts on the existing networks, to ensure safe ingress/egress and allow adequate car parking on site. These recommendations have been forwarded to the applicant. However, we have not received revised plans addressing these recommendations.

As the submitted plans currently stand, the traffic and the associated safety impacts of the proposed development are not acceptable.

Social/Economic Matters

The applicant was requested to submit a social/economic impact assessment for the proposed development. We have not received this information.

In 2002, Shoalhaven City Council commissioned an economic assessment on the tourism industry of the region.

For a Conference hotel, the assessment concluded that:

the market would not support up market Conference hotel in the region, particularly in the short-medium term. To be viable, a Conference hotel would need to service three key markets, corporate travel and conference markets mid week (Sunday to Thursday) and the short-breaks leisure market on weekends. There is not a location in the Shoalhaven where these markets all come together. Nowra has a strong corporate market, but no leisure market. Jervis Bay has the leisure market but not the corporate market, while Ulladulla-Mollymook have strong holiday markets. Both Nowra and Jervis Bay are just marginal in terms of travel time from Sydney for the conference and meetings market, while Ulladulla is located too far from both Sydney and Canberra to attract regular conference business from these markets.

In terms of upmarket market meeting and function facilities, the assessment concluded that:

There is demand in Nowra from the local corporate market for quality, purpose built meeting facilities' that would cater for small meetings, generally less than 30 delegates, as well as meetings up to 100 delegates.

For the Shoalhaven to attract the out-of-area conference and meetings market, it will need to provide a quality accommodation venue that has purpose built meeting facilities. The facilities will need to cater for conferences of up to 100 people and provide sufficient space to meet the breakout room and banqueting requirements for these groups.

For Corporate hotel, the assessment concluded that:

The strongest need in the City is for a Corporate hotel in Nowra that can meet the needs of the local business market and provide facilities for meetings, dining and local events.

The property envisaged for Nowra is a business style hotel of 4-4.5 star standard. The hotel should be contemporary in design. In terms of pricing, the rack rate (per double) would be in the order of \$150-\$170 per night, with \$170 being the maximum rate the market would be likely to bear.

Based on the above assessment, we believe that there is a market need for the proposed development in the locality. However, it is also important to establish the potential economic impacts of the proposed development, including:

- The potential impacts on the existing hotels within the locality, in particular the proposed hotel along the foreshore of Shoalhaven River, both short term and long term impacts
- The estimated direct job recreation as a result of the proposed development
- The need and potential impacts on locating retail activities along Bridge Road
- Potential tariffs of the hotel, main visitor types
- Potential implications on the tourism sector

In terms of the social impact as a result of the proposed development, there is insufficient information in the application to allow a thorough assessment of the potential social impacts on local residents. We believe that this will need to be further assessed before any development consent is issued.

Relationship with Adjoining Uses

Bridge Road contains a number of existing professional offices and other small scale commercial activities. A number of existing bed and breakfast or tourism accommodation uses are also located in the vicinity. The recently completed Shoalhaven Entertainment Centre (SEC) and the proposed hotel development along the foreshore have further established this location at the fringe of the CBD where a mixture of commercial and tourism uses is located.

The proposed development is located within this mix of land uses. The proposed use is compatible with adjoining land uses and the proposed development has the potential to service visitors of the adjoining SEC and become a tourist hub of Nowra.

Amenity Impacts on Adjoining Uses

The proposed development adjoins the existing Council's administration building. It is proposed to utilise the existing route for Council's services vehicles to access the proposed loading dock located at the basement of the proposal. The entry point of the loading dock is located next to the existing office. This may create noise impacts upon Council's staff when services vehicles are accessing the site.

Other than the potential noise impact, it is expected that amenity impacts on adjoining land users will be limited during the day as visitors to the hotel are out of the building.

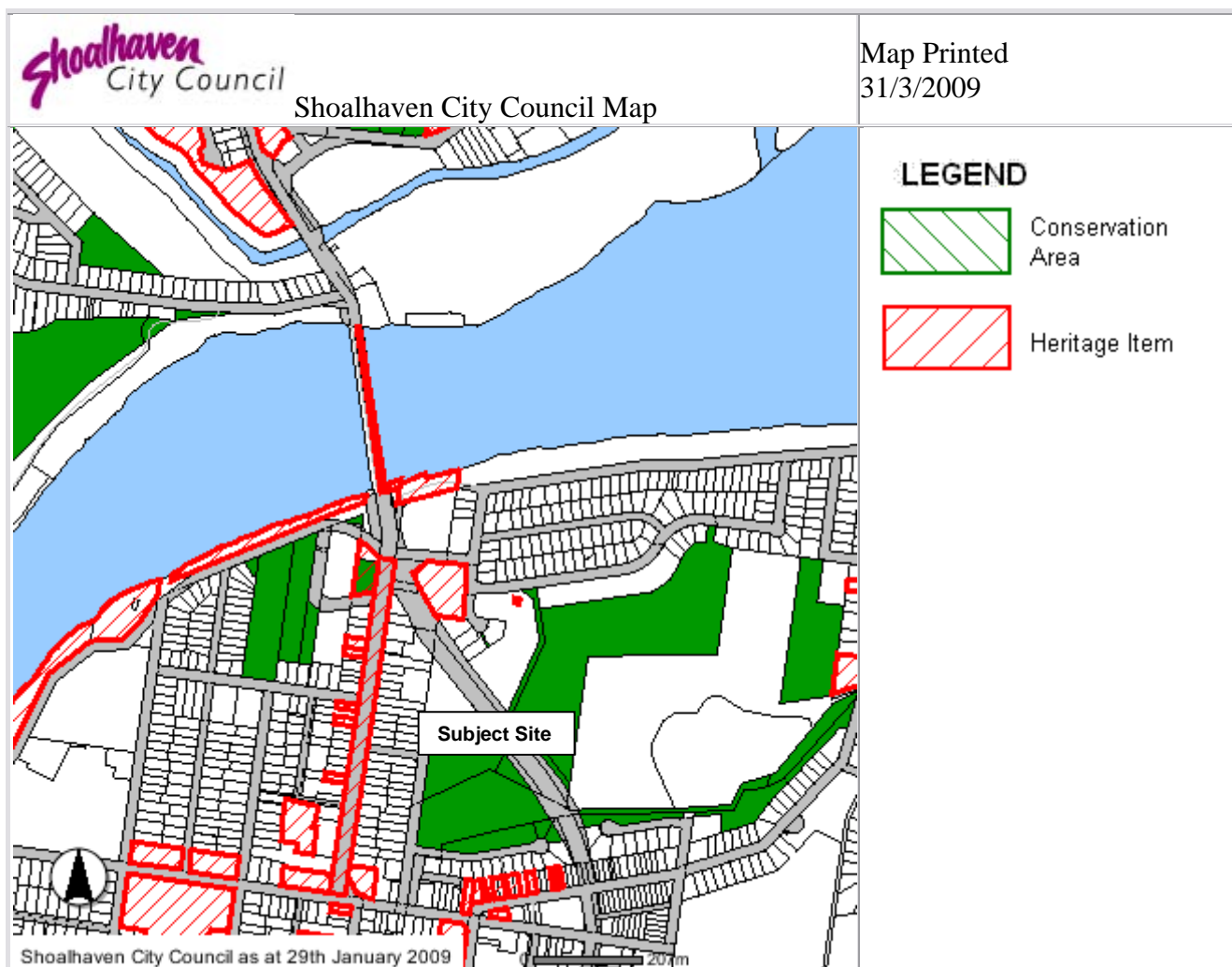
At night, the proposed hotel can generate noise or other amenity impacts when visitors are using the bar/lounge and restaurants. The impacts on adjoining users are not expected to be significant as most workers in the adjoining offices will have left the building, and the major residential area is located away from the hotel.

Crime may be an issue due to the drunken or anti social behaviour of bar/lounge users. The applicant was requested to prepare a report detailing the compliance against the Crime Prevention through Environmental Design (CPTED) principles. However, we have not received this information.

We have undertaken a preliminary assessment based on the CPTED principles. This assessment is presented in **Section 8.3**.

Impacts on Adjoining Heritage Items

The subject site adjoins a number of heritage items as identified under SLEP 1985 and shown in the following diagram.



Heritage Items in the vicinity of the Subject Site

In view of the scale and bulk of the proposal and the total development, impacts on these existing items can be significant. The applicant has failed to submit a heritage impact assessment to consider the relationship of the proposed development and these heritage items, and to establish design principles to inform the architectural design of the proposed development.

(c) THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT,

Location

The proposed hotel development has the capacity to capitalise upon its proximity to key tourist attractions, ie. the Shoalhaven River foreshore, the SEC (cultural centre) and the main commercial activities at Nowra CBD. The corner location of the site provides the potential of the site to support a gateway development that defines the character of Nowra.

Physical Constraints of the Site

In terms of the physical constraints, the site has the following characteristics:

- It has a favourable grade
- It can be serviced by augmenting the existing services
- Access can be obtained with safe ingress/egress points
- It is appropriately zoned to allow the proposed use
- It is free of major vegetation or conservation areas
- It is flood free and is not affected by geotechnical or contamination land issues
- It is not affected by any water courses or ecological constraints.

Proposed Use

The site is currently used as a temporary car park for visitors of the Council, the SEC and the local offices at Bridge Road.

The proposed development consists of the following uses:

- Hotel accommodation
- Bar/Lounge
- Retail shops
- Café
- Restaurant
- Conference facilities/Function Centre.

Due to the location, being in proximity to the SEC and the foreshore, we consider that the proposed tourist facility (ie, hotel accommodation, restaurant, cafe and conference/function centre) are suitable for the subject site.

The proposed bar/lounge is considered acceptable due to its ancillary nature to the hotel accommodation.

In relation to the ground floor retail shops, we assess its suitability based on the existing function of Bridge Road, safety for pedestrian, and the adjoining land uses.

Based on our assessment on the function and traffic volume along Bridge Road, we note that traffic along Bridge Road is relatively high. It is the main road leading into the foreshore area and the hospital. It is also an alternative access to the Nowra Town Centre. There are no existing retail shops along Bridge Road, which is mainly dominated by professional offices with limited pedestrian activities. Due to the amount of traffic along the road, pedestrian safety can be an issue.

The proposed shops are located at the fringe of the Nowra Town Centre, being closer to the Princes Highway/Bridge Road intersection, than to the Nowra Town Centre. At this stage, there is no continuation of pedestrian activities to convert Bridge Road to a more pedestrian oriented street. The proposed shops can result in safety issues for the pedestrians. On the other hand, we acknowledge the benefits of introducing pedestrian oriented activities in this location – to capitalise on its proximity to the River Foreshore, its pedestrian linkages between the River, the SEC and the subject site, and the potential increase in visitors to this location. However, noting that this section of Bridge Road can be widened if this proposed development is approved, we consider that the proposed retail activities in this location can impact on pedestrian safety and is not recommended.

An alternative solution to minimise safety impacts is to redirect the access to these shops from Bridge Road to the hotel lobby. Only shoppers within the hotel establishment can access to these shops, hence limiting pedestrian activities along Bridge Road and ensuring that these shops function as part of the hotel accommodation development. Side entries can be created to provide pedestrian connections from the proposed pedestrian access to the hotel lobby and these shops.

Based on our assessment, we consider that both the location and the physical characteristics of the subject site are suitable for the proposed development. The access to the proposed retail shops within the proposed development should be revised to limit pedestrian activities along Bridge Road. Other uses of the proposed development are considered acceptable for the subject site.

(d) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS,

Six public submissions were received during the exhibition period. **Table 7.6** summarises the issues raised during the exhibition and provides comments on the issues.

Table 7.6 – Summary of Public Submissions

From who	Issues	Comments
JPA Business Advisors - local accountants and financial planners	<ul style="list-style-type: none"> Whilst supporting the use of the proposal and the scale, the objector raised concerns on the design of the proposed development The location of the site forms the gateway to Nowra and would require high quality design. 	The proposed development complies with the scale of the building form, height and floor space of the DCP. It also complies with the design standard under the DCP.
Shoalhaven Business Chamber, which represents more than 200 businesses in the Shoalhaven region	<p>Whilst supporting the nature and concept of the proposed development, the Chamber raised concerns on the following issues:</p> <ul style="list-style-type: none"> The scale and height of the proposed development on a visually prominent location north of the site is not a good design feature. The height of the development will block the natural light to the Civic Forecourt in front of the Shoalhaven Entertainment Centre any time of the year. The development site represents the gateway to the Nowra town precinct. However, the presentation on the northern section of the development and the limited separation between the three 9 storey buildings are problematic. The access point at Bridge Road will create a bottleneck and result in significant traffic impacts along Bridge Road. Locating buildings around the Entertainment Centre and Council's Chambers will "close in" the whole precinct and result in over development on the site. Suggested to create open space around Council Chambers and the Entertainment Centre, and concentrate residential development on another site. 	<p>We have requested the applicant to submit a visual impact assessment to support the proposed bulk and scale of the building. However, this assessment is still outstanding.</p> <p>The scale of the proposed development complies with the adopted DCP requirements. There is no building separation requirement between Stages 1 and 2. It is noted that Council has passed a resolution to review the DCP, with particular emphasis on the scale and built form of Stage 2. Future development at Stage 2 will need to comply with the new design standards.</p> <p>The access point at Bridge Road has been assessed extensively by Council's Traffic Unit. This assessment is presented in the above section. The assessment recommended the construction of a left turn slip lane to avoid bottleneck and improve safety along Bridge Road.</p> <p>The suggestion to create open space around the Council Chamber is noted. This issue is a zoning matter, and is outside the scope of this DA. Under the current LEP, there is clear direction from Council to allow hotel development on the subject site.</p>

From who	Issues	Comments
	<ul style="list-style-type: none"> The suggestion not to assess this development as a Part 3A Major Project is misleading. Due to the location and the height of the proposal, the whole development (including the concept for Stage 2) should be assessed under Part 3A. The development is not a suitable development in terms of its type, location and design. Based on the Nowra/Bomaderry Structure Plan, the strength of the locality is its attractive landscape setting along Shoalhaven River. The proposed development takes no advantage of these attributes and will be detrimental in the long term. The preferred site for this development is the Riverhaven Motel site. Requested that Council refuse this DA and pursue an alternative location for the proposed development. 	<p>The proposed development does not fall within the criteria of a Part 3A development.</p> <p>The suitability of the location for this development is assessed in the above section. Our assessment concluded that the proposed retail uses are not suitable for this location.</p> <p>The proposed development complies with the zoning table under the LEP.</p> <p>The preferred location for this development is noted.</p> <p>The suggestion to refuse the DA is noted.</p>
Noel Southwell 98 Yurunga Drive, North Nowra	<ul style="list-style-type: none"> Concerns were raised in relation to the proposed internal vehicular movement, in particular for service vehicles. This can compromise the future use of the community facilities and Council's property. An alternative access arrangement is suggested. The tunnel for service vehicles will become the drainage outlet for the whole site during storm events. The hotel can be overshadowed by Stage 2. The scale of Stag 2 is an overdevelopment on the site 	<p>The access arrange for services vehicles has been assessed in the above sections. It is considered acceptable to use Council's existing servicing route for access for the proposed development.</p> <p>Flooding issue has been assessed by Council's development engineer, who concluded that there is insufficient information in the development to show that the proposal can satisfactorily address the flooding of the underground car park and loading dock.</p> <p>Stage 2 development is a separate DA and the scale and the associated amenity impact as a result of Stage 2 can be assessed in the future DA.</p>
Soilco Pty Ltd	<ul style="list-style-type: none"> The siting and location of the proposed development at the corner of Bridge Road and Princes Highway is not appropriate. 	<p>The proposed development complies with the zoning objectives and land use table under the LEP and the siting requirements under the DCP. The concern on the potential impact on the corner of Bridge</p>

From who	Issues	Comments
	<ul style="list-style-type: none"> The scale of the development (both Stages 1 and 2) will not be an 'iconic gateway' as envisaged by the residents. It will become an unacceptable presentation of Nowra to all visitors to the area. A more appropriate site for this type of development is the Riverhaven Motel Site at Shoalhaven River. Suggested that the DA be refused as it does not comply with the goals and principles under the Nowra/Bomaderry Structure Plan. 	<p>Road and Princes Highway is valid and we have requested the applicant to submit further assessment to address the visual impacts.</p> <p>Visual impact is an important issue. A visual impact assessment from the applicant is still outstanding.</p> <p>We have requested the applicant to submit an economic impact assessment to demonstrate the need for two proposed hotels located in proximity to each other. The assessment is outstanding.</p>
Gerardine Lee – address unknown	<ul style="list-style-type: none"> Request Council to refuse the application, as the proposed development will affect the landscape of Nowra. The proposal is an over development in the area. Concern about the potential health issues associated with the construction of the development and residents will need to be temporarily moved out. 	<p>The scale and built form of the proposed development comply with the adopted LEP and DCP standards.</p> <p>The health issues associated with construction can be managed by the implementation of an appropriate construction management plan. The adoption of such document will be a condition in any development consent.</p>
Simone Nominees Pty Ltd	<ul style="list-style-type: none"> The proposed development will upgrade Nowra and get the town moving. 	Comment is noted.

(e) THE PUBLIC INTEREST

Refer to the above table that summarises the submissions received and council's comments.

Overall, three of the six submissions support the concept and the use of the proposed development, while the remaining submissions object to the development.

However, five out of the six submissions raised issues associated with the bulk/scale, visual and overshadowing impacts of the proposed development. Some submissions suggested that there should be only one hotel in the locality and the foreshore offers a more appropriate location for a hotel development.

8. OTHER ISSUES

8.1. LOT CONSOLIDATION AND SUBDIVISION

The proposed development and the associated access are located on 15 separate allotments. The applicant also lodged a separate subdivision application to consolidate the subject site. This subdivision application also seeks to consolidate the whole precinct (the subject hotel development, the Shoalhaven Entertainment Centre and the Council administration office) to provide clarity of ownership for the individual uses.

As the subdivision application is linked with the subject DA, the subdivision application should be considered and determined at the same time as the subject DA is determined.

8.2. SAFETY AND SECURITY

No details have been provided to address the issue of Crime Prevention through Environmental Design (CPTED) principles. A preliminary Safer by Design Crime Risk Assessment having regard to the Safer by Design Principles has been undertaken as follows:

- The rooms of the tourism accommodation are designed to orient towards the civic forecourt and the bar/lounge courtyards. This can provide surveillance on the activities in the public areas.
- The location of the proposed development does not allow natural surveillance towards the building. The subject site mostly adjoins commercial activities and there are limited pedestrian activities around the area to allow natural surveillance into the building.
- Lighting of the public places are not included in the DA. This can be incorporated as a condition in any development consent.
- The proposed landscaping design along the internal roads demonstrated clear definition of private and public spaces.
- The landscaping around the bar/lounge area can result in areas that are not visible from the streets and encourage opportunities for crime.
- The access point at Bridge Road is legible from the internal and external space.
- The footpath treatment at Bridge Road encourages pedestrian movements at the ground floor level.
- Access to the car park can be problematic as it is located in an area that does not allow surveillance and have limited after hours activities. Restricted access to the car park and security measures should be employed to discourage potential crime around this area. This can be incorporated as a condition of the development consent.
- The proposed development and the adjoining SEC are separated by a large civic forecourt area. The proposed development has been designed to integrate with this civic forecourt to encourage people gathering within this public space. This is a positive design to minimise potential crime.
- There is no proposal to incorporate CCTV around the public area.

Having regard to the findings of this assessment it is considered that the applicant will require an independent assessment, which the applicant has failed to submit.

8.3. VISUAL IMPACT

The subject site is located at the entrance of Nowra, with a strong visual and physical relationship with Shoalhaven River and Nowra CBD. Our preliminary assessment of the potential visual impact of the proposed development is as follows:

Visual character – the character of the subject site is characterised by the Shoalhaven River and the associated landscaping, set at the backdrop of the existing small scale single storey cottages which have been converted to office uses. The HMAS Albatross site located opposite the subject site at Princes Highway provides an iconic entrance to the Nowra CBD.

The latest SEC development adjoins the subject site and provides a modern character to this location.

The proposed development has a similar scale and height as the adjoining SEC building. The character of the proposed development is similar to that of the SEC building and its modern character. The character of the proposed development is compatible to the existing character of the locality.

Visual catchment – the topography around the subject site is relatively flat. The visual catchment is mainly defined by Shoalhaven River, the associated landscaping and open space at the foreground. Further south of the River and opposite the subject site, the helicopter at the HMAS Albatross and the surrounding landscaping provide a strong relationship with the River and the bridge.

The subject site is located at an iconic position directly opposite the HMAS helicopter. It is the first structure after the bridge across the River and defines the entrance to Nowra. The proposed development will significantly affect the character of this visual catchment.

The proposed development is set back from the intersection to allow for the construction of Stage 2, which is located at the intersection of Bridge Road and Princes Highway. In our view, the design of the proposed development does not reflect the visual prominence of this location. It has not demonstrated any corner treatment that addresses this intersection. The applicant anticipated that Stage 2 of the proposal will be located at the intersection and the design of Stage 2 will address the visual issue.

We believe that there is a need to design the corner of the development (eg. through landscaping) to ensure that the development properly address the corner without relying on Stage 2. We have previously requested photomontages to demonstrate the relationship between the proposed development and the intersection. The request and photomontage are still outstanding.

Visual sensitivity – the proposed development is located at a visually sensitive site for all south bound traffic. Princes Highway is the main arterial road connecting the Illawarra and South Coast regions. The proposed development is the first structure after the bridge. This relationship with the River and the bridge, and the existing topography of site define its visual prominence. The development should be designed to reflect this sensitivity by providing strong corner treatment in the landscaping and architectural design.

Having regard to the above issues, we consider that a full visual impact assessment, supported by photomontages, should be carried out to assess the potential visual impact as a result of this development. We have requested the applicant to submit such assessment, but this is still outstanding.

8.4. STAGE 2 DEVELOPMENT

Stage 2 of the proposed development will rely on some of the features of Stage 1:

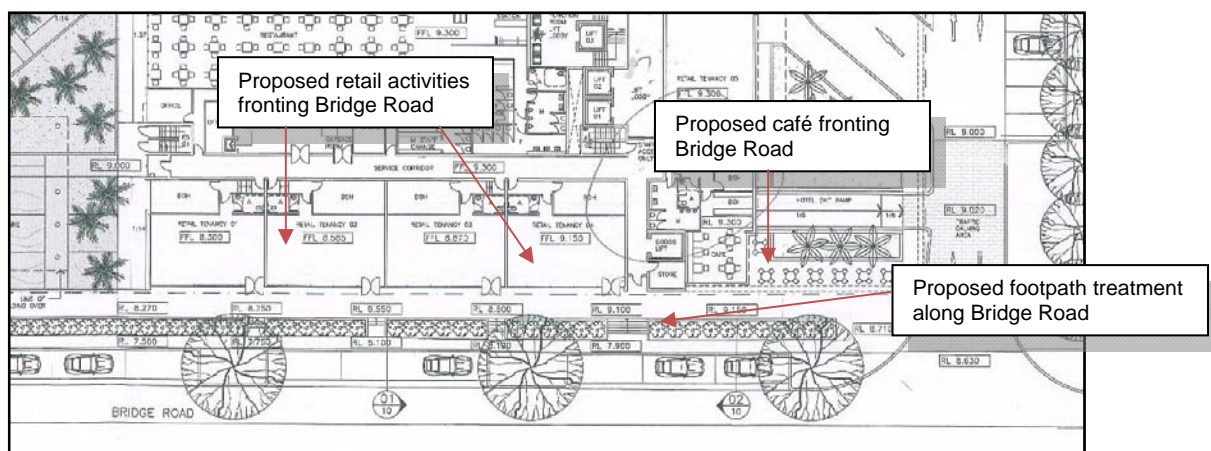
- Access tunnel for services zone
- Loading and unloading area

We have assessed the proposed loading area with respect of Stage 2 development, and have identified the inadequacy in terms of the space for loading vehicles. Due to the inter-relationship between Stages 1 and 2, we consider that this loading area should be redesigned ensure that it has sufficient space to accommodate both stages.

8.5. IMPACTS ON BRIDGE ROAD

Bridge Road currently functions as the access to Nowra CBD, the hospital, Shoalhaven Entertainment Centre and the Shoalhaven River foreshore. Bridge Road is predominantly occupied by a mixture of small scale professional offices. Traffic volume along Bridge Road can be significant, especially during peak hours and peak seasons.

The proposed retail activities that front Bridge Road and the proposed parallel parking for the proposed hotel development can significantly affect the existing and future traffic along Bridge Road.



Proposed Parking, Retail Activities and Footpath Treatment along Bridge Road

Bridge Road currently does not contain significant shopping areas or pedestrian activities. It is mainly a vehicular through road that links the Princes Highway to different parts of Nowra. We have already analysed the additional traffic volume on Bridge Road in relation to its road classification. Due to the potential additional pedestrian around this area as a result of this development and the adjoining SEC, the additional traffic can create conflict with the future pedestrians. On the other hand, downgrading the road to a local road will require significant changes to the overall road pattern to re-direct traffic to alternative roads and free up Bridge Road for only local traffic. At this stage, there is no submitted information to support this proposal and there is no Council strategy to revise the road network. We do not consider such treatment on Bridge Road is justified.

Council's traffic unit has suggested that the development will at least require an additional left slip in lane at the main access point of the proposed development to minimise potential traffic

impact. This will require the access, footpath treatment, car park, and Bridge Road frontage to be redesigned to permit the additional trafficable lane.

The proposed development has not shown a satisfactory solution to address the increased traffic, pedestrian and parking volume along Bridge Road.

8.6. EXTERNAL MATERIALS/COLOUR SCHEME

The external materials of the building will be constructed of a combination of pre cast concrete panels, prefinished metal panels, metallic frames and glass/glazing. The colour palette for the proposed development will be a combination of silver, white and grey. Coloured plans showing the proposed colour treatment and materials of the various faces were submitted as part of the application, however the specific details of the materials and colour palette have not been supplied and will be required as a condition on any issued development consent.

8.7. OPERATION

Use

The application does not seek approvals for the uses of the proposed restaurant, café, lounge/bar and the retail shops. Individual tenancies of these uses will require individual development consent to ensure that their operations are acceptable in terms of their amenity and impacts on adjoining users.

We accept that the proposed café and retail shops will be leased out to individual business operators. Any development consent will include conditions requiring that the retail/commercial tenancies be subject to further development consents prior to these business commence operations.

However, the restaurant and lounge/bar form part of the hotel development and details of their trading hours and character should be submitted as part of this DA.

Hours of Operation

The DA does not contain any information on the proposed hours of operation for the development, in particular the restaurants, retail shops and café within the proposed development. It is considered more appropriate to determine the hours of operation when the individual DAs for such developments are being assessed. Any development consent should be conditioned accordingly.

9. REFERRALS (INTERNAL)

The development application has been referred to the following internal Council staff:

- Building Surveyor
- Environmental Health Officer
- Development Engineer
- Strategic Planning Co-ordinator
- Flood Engineer
- Infrastructure Planning Manager
- Landscape Architect
- Waste Minimisation Officer
- Tourism Manager
- Shoalhaven Water

Their comments are summarised as follows:

Table 9.1 – Outcomes of Internal Referrals

Referral	Comments
Building Surveyor	Discussions with Council's Senior Building Surveyor has raised no concerns subject to standard conditions being imposed on any issued development consent relating to compliance with the Building Code of Australia classification of Class 3, 6, 71 and 9b.
Environmental Health Officer	Council's Environmental Health Office raised no concerns on the proposed development, subject to the standard conditions being imposed on any issued development consent.
Development Engineer	<ul style="list-style-type: none"> • Approximately 70% of the site is proposed to drain to a 118,000 litre detention sump located next to the basement carpark. • Discharge from the sump is to augmented drainage along Bridge Road connecting with the existing undersized, failing system. • The majority of the remaining drainage is to the Princes Highway but no information has been provided to indicate if the discharge is to the kerb and gutter or underground pipes. • No information has been provided to indicate the capacity of the Princes Highway system or the effect of the additional discharge. • No information has been provided to indicate acceptance of this discharge by the RTA. • The basement carpark, loading dock and access from Council's Administration Centre car park are all below the 1:100 flood level to varying depths up to a maximum of 1.5 metres. • No provision has been made to alleviate the flooding of the underground carpark and loading dock from inundation during a 1:100 flood event.
Strategic Planning Co-ordinator	Required justification on streetscape and access arrangement on Bridge Road.
Flood Engineer	There are no flooding issues affecting the site. No further comments are required.

Referral	Comments
Infrastructure Planning Manager	Extensive traffic, car parking and access analysis have been carried out by Council's infrastructure planning team. Outcomes of the assessment are summarised in this report.
Landscape Architect	<ul style="list-style-type: none"> • The proposed Kaffir Plum on Bridge Road does not comply with the existing and proposed trees as stated under the Bridge Road Tree Plan and the DCP. • The proposed tree plantings along Princes Highway should be augmented to reflect the existing tree plantings. • The proposed plants for the Civic Forecourt and their entrance to the hotel conflicts with the plans of the Shoalhaven Entertainment Centre. • The proposal is located at the entrance to Nowra and the treatment to the existing 'Nowra' sign can be incorporated in the structure of the building. This needs to be indicated in the landscape plan. • A minimum size of 100L pots is required.
Waste Minimisation Officer	A Waste Management Plan should address more details in relation to resource recovery and the system required to separate and transport waste around the site.
Tourism Manager	Indicated support to the proposed development. No further comments are required.
Traffic Section	<p>A number of issues were raised, including, among other things:</p> <ul style="list-style-type: none"> • The need for a thorough traffic impact study for the whole project • Adequacy of loading dock and access for service vehicles • Impacts on pedestrians as a result of the additional service vehicles through Council's car park. • Insufficient car parking provision and the arguments of the inadequate argument of the applicant to reduce the car parking rate • Indent parking on Bridge Road is problematic • Traffic modelling, including the dates, the annual average daily traffic volumes, turning movement counts, etc were problematic • Construction impacts and how will the traffic impacts associated with the construction of Stage 2 be managed.
Shoalhaven Water	Request a plan indicating the location of existing sewer and water infrastructure

We have requested the applicant to submit additional information to address the above issues.

10. REFERRALS (EXTERNAL)

- Roads and Traffic Authority (RTA)
- Integral Energy
- Actew AGL

Their comments are summarised below:

Table 10.1 – Outcomes of External Referrals

Referral	Comments
RTA	<p>The development proposal was referred to the Southern Regional Development Committee for comments, of which RTA is a member.</p> <p>The committee has raised a number of issues similar to those identified in the above sections. The Committee resolved to request the applicant to revise the Traffic Impact Assessment to address the issues on the full development site. The revised Traffic Impact Assessment should be referred back to the Committee for comments.</p> <p>The applicant has not submitted a revised Traffic Impact Assessment addressing all issues raised in our request.</p>
Integral Energy	<p>The development will require the installation of a padmount/indoor substation. Any development consent should contain condition to this effect.</p>
Actew AGL	<p>Natural gas is available to the subject site and once a more detailed plan is provided including gas load requirements, Actew AGL will review the current gas mains supply and make recommendations should any upgrades or mains extensions be required.</p>

11. OPTIONS FOR PROPOSED DEVELOPMENT

Having regard to the above assessment, we consider that the information submitted as part of the application fails to consider and resolve a number of outstanding matters. These include:

- Insufficient traffic data to demonstrate the potential traffic impact on the intersections and the required upgrade to the existing road network. This should be carried out via a revised traffic impact assessment.
- Insufficient servicing and loading/unloading area for the proposed development to provide sufficient space for service vehicles.
- The potential impacts on the existing administration building as a result of the proposed access ramp for services vehicles.
- Unacceptable design of the proposed service corridor
- Insufficient car parking space for Stage 1
- Inappropriate retail uses along Bridge Road
- Inappropriate parking along Bridge Road
- Lack of visual impact assessment on key vantage points, in particular the intersection of Princes Highway and Bridge Road
- Lack of heritage Impact assessment to consider the impacts on adjoining heritage items
- Inconsistency with the adopted Council's landscaping policy
- Lack of assessment on the potential noise impact and the need to incorporate noise attenuation measures around the servicing route
- Lack of social/economic impact assessment to consider the potential impacts on the existing tourism industry and hotel accommodation in the vicinity of the site
- Lack of assessment against the Crime Prevention Through Environmental Design principles
- Insufficient information on the proposed materials and colour palette

As such, we consider there are three options for the proposed development:

1. **Approval**, subject to conditions of consent which require submission of the above information and revised design prior to the issue of construction certificate
2. **Deferred Commencement**, subject to further approval on the above issues
3. **Refusal**

12. CONCLUSION

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, we analyse the above options of determination as follows:

1. Approval

We consider that the outstanding matters, in particular the issues relating to traffic impact, servicing and loading/unloading, insufficient car parking, possibility of incorporating a left slip lane, visual impact, impacts on adjoining heritage items, are critical issues that will require a revised design of the proposed development. This revised design may require a re-exhibition of the application. We consider that this information needs to be assessed before any approval can be issued. Some of these issues may render the proposed development impractical.

2. Deferred Commencement

Deferred commencement can be applied to some outstanding items such as materials, colour scheme, heritage impact assessment on adjoining items and visual impact assessment. However, traffic impact, servicing, loading/unloading and car parking are considered critical items that we consider need to resolve with the applicant now, prior to any consent being issued.

3. Refusal

In view of the number of letters and telephone conversation we have had with the applicant, and the nature of the information is still outstanding, we consider that it would be appropriate to issue a refusal of this proposal. As discussed, some of these outstanding items are critical issues that need to be resolved for the proposed development to be practical. The applicant has, so far, provided additional information to justify the non compliance but without, apparently, an intention to resolve the issues by reviewing the design of the development. We have requested meetings with the applicant to discuss these issues however, there has been no indication from the applicant that they will meet with us or with Council.

13. RECOMMENDATIONS

Based on the information currently submitted with the application, it is recommended that Development Application No DA08/1467 be **refused** based on the following grounds:

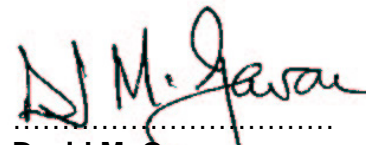
- The proposed development will result in significant traffic impact on the existing road network, in particular on Bridge Road and the entrance to the subject site. It fails to address potential traffic impact. (S.79C 1(b) of *Environmental Planning and Assessment Act 1979*)
- The proposed development does not comply with DCP 18 Car Parking Code in terms of number of car parking spaces, parking for service vehicles and access to loading area. (S.79C 1(a)(iii) of *Environmental Planning and Assessment Act 1979*)
- The proposed development will result in significant traffic conflict around the access point of the service tunnel. (S.79C 1(d) of *Environmental Planning and Assessment Act 1979*)
- The proposed development will result in significant visual impact on the adjoining land uses. (S.79C 1(b) of *Environmental Planning and Assessment Act 1979*)
- The proposed development does not comply with Clause 20G of the SLEP1985 with respect of the submission of a heritage impact assessment to consider the potential impacts on the adjoining heritage items. (S.79C 1(a)(i) of *Environmental Planning and Assessment Act 1979*)
- The proposed development has not adequately addressed the issue of access for servicing vehicles and has not provided an adequate solution for internal services for waste disposal. (S.79C 1(b) of *Environmental Planning and Assessment Act 1979*)
- The proposed development does not comply with DCP 80 with respect to landscaping on the site (S.79C 1(a)(iii) of *Environmental Planning and Assessment Act 1979*)
- The proposed development does not comply with the principles of Crime Prevention Through Environmental Design and will result in negative social impacts on the adjoining occupants (S.79C 1(b) of *Environmental Planning and Assessment Act 1979*)
- The proposed development does not comply with the requirements of Clause 40K of SLEP1985, which does not permit development on the subject site before the preparation of a DCP addressing all criteria under Clause 40K(3). (S.79C 1(a)(i) of *Environmental Planning and Assessment Act 1979*)
- The proposed development does not consider the potential social and economic impacts on the existing tourism industry and existing and proposed hotel accommodation in the area. It does not consider the cumulative economic impact on the locality (S.79C 1(b) of *Environmental Planning and Assessment Act 1979*)
- The proposed development has not sufficiently address flooding issue in the basement car park and loading dock in accordance DCP 119 (S.79C 1(a)(iii) of *Environmental Planning and Assessment Act 1979*)
- The proposed development does not comply with Clauses 8(a), (d), (m), (n) and (p) of SEPP 71. (S.79C 1(a)(i) of *Environmental Planning and Assessment Act 1979*)

Prepared by
for and on behalf of
CARDNO FORBES RIGBY PTY LTD

A handwritten signature in black ink, appearing to read "Connie Lau", written over a dotted line.

Connie Lau
(Town Planner)

Reviewed by

A handwritten signature in black ink, appearing to read "David McGowan", written over a dotted line.

David McGowan
(Senior Town Planner)

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**SECTION 94 CONTRIBUTION
CALCULATION (EX CAR
PARKING)**

A

Section 94 - New Calculation

Create

Existing

Payment Advice

Home

Application: DA08/1467

UTE: 36759

Fin Year: 2008/09

Address: 36 Bridge Rd, NOWRA

Location: Lot 2 DP 552527

UTE: 36759

Stage: 1

Calculate ET

Contribution Total:

\$51,190.42

Get Projects

Reset Calculation

Save Contributions

Delete Contributions

Create Payment Advice

Recipient:

SHOALHAVEN CITY COUNCIL

Address:

PO BOX 42 NOWRA
NSW 2541

Project	Description	Benefit Area	Contribution Amt	Qty	Contribution	ADD
01 AREC 0001	Tennis, Football, Cricket (Area 1)	1E Equivalent Tenement	\$2,295.84	0	\$0.00	
01 AREC 0002	Basketball & Netball (Areas 1 & 2)	1E Equivalent Tenement	\$460.46	0	\$0.00	
01 CARP 2001	Nowra	01 Parking Space	\$24,633.08	0	\$0.00	
01 CFAC 0003	Community Centre Nowra	01 Equivalent Tenement	\$289.99	0	\$0.00	
01 CFAC 0012	Nowra District Integrated Youth Services Centre	01 Equivalent Tenement	\$62.75	0	\$0.00	
CW AREC 0003	Hockey Facilities	1E Equivalent Tenement	\$296.80	0	\$0.00	
CW CFAC 0001	Stage 1: Shoalhaven City Library Extensions	01 Equivalent Tenement	\$275.27	0	\$0.00	
CW CFAC 0001	Stage 2: Shoalhaven City Arts Center	02 Equivalent Tenement	\$24.90	0	\$0.00	
CW CFAC 0001	Stage 3: Shoalhaven Mobile Childrens Services	03 Equivalent Tenement	\$8.16	0	\$0.00	
CW CFAC 0002	Shoalhaven Multi Purpose Cultural & Convention Centre	01 Equivalent Tenement	\$622.98	0	\$0.00	
CW FIRE 0001	Citywide Fire & Emergency services	01 Equivalent Tenement	\$152.54	116.5	\$17,770.91	
CW FIRE 0002	Shoalhaven Fire Control Center	01 Equivalent Tenement	\$199.71	116.5	\$23,266.22	
CW MGMT 2001	Section 94 Administration	01 Equivalent Tenement (Residential)	\$414.42	24.5	\$10,153.29	
CW MGMT 2001	Section 94 Administration	01 Square Metre (Industrial & Commercial)	\$2.07	0	\$0.00	
CW OREC 0001	Embellishment of Icon and District Parks and Walking Tracks	01 Equivalent Tenement	\$159.61	0	\$0.00	
MA CFAC 0001	Northern Shoalhaven Integrated Childrens Services	01 Equivalent Tenement	\$44.66	0	\$0.00	
MA CFAC 0002	Northern Shoalhaven Community Transport and Family Support Services	01 Equivalent Tenement	\$12.79	0	\$0.00	

H => Hotel Component
R => Retail Component

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**THREATENED FLORA &
FAUNA**

B

Threatened Flora recorded within 10 km of the Study Area and potential impacts from proposed development

Scientific Name	Common Name	TSC Act	EPBC Act	Notes	Affected by the proposal
Acacia pubescens	Downy Wattle	V	V		No. Species not detected on site and unlikely to occur due to past disturbances.
Eucalyptus langleyi	Albatross Mallee	V	V	Detected 1 km to the south of the study site in 1912 (NSW Wildlife Atlas, 2008)	No. Species not detected on site and unlikely to occur due to past disturbances.
Syzygium paniculatum	Magenta Lilly Pilly	V	V		No. Species not detected on site and unlikely to occur due to past disturbances.
Triplarina nowraensis	Nowra Heath Myrtle	E1	E	Detected 1 km to the south of the study site in 1990 (NSW Wildlife Atlas, 2008)	No. Species not detected on site and unlikely to occur due to past disturbances.
Cryptostylis hunteriana	Leafless Tongue Orchid	V	V		No. Species not detected on site and unlikely to occur due to past disturbances.
Genoplesium baueri	Bauer's Midge Orchid	V	—		No. Species not detected on site and unlikely to occur due to past disturbances.
Pterostylis gibbosa	Illawarra Greenhood	E1	E		No. Species not detected on site and unlikely to occur due to past disturbances.
Grevillea parviflora		V	V (subsp . Parviflora)		No. Species not detected on site and unlikely to occur due to past disturbances.
Zieria baeuerlenii	Bomaderry Zieria	E1	E		No. Species not detected on site and unlikely to occur due to past disturbances.
Solanum celatum		E1	—	Detected within 1 km to NE of the study site, on edge of river, 1942 (NSW Wildlife Atlas, 2008)	No. Species not detected on site and unlikely to occur due to past disturbances.

Source: NSW Wildlife Atlas, DECC 2008

Table B - Threatened Fauna recorded within 10 km of the Study Area and potential impacts from proposed development

Scientific Name	Common Name	TSC Act	EPBC Act	Comments	Species Habitat (From DEC profiles, 2005)	Affected by the proposal
Litoria aurea	Green and Golden Bell Frog	E1	V	Detected 1 km to the south of the study site in 1960's (NSW Wildlife Atlas, 2008)	Inhabits marshes, dams and stream-sides, particularly those containing bullrushes (Typha spp.) or spikerushes (Eleocharis spp.). Optimum habitat includes water-bodies that are unshaded, free of predatory fish such as Plague Minnow (Gambusia holbrooki), have a grassy area nearby and diurnal sheltering sites available. Some sites, particularly in the Greater Sydney region occur in highly disturbed areas.	No. Although historically located in the area there is no appropriate habitat on site.
Heleioporus australiacus	Giant Burrowing Frog	V	V		Found in heath, woodland and open forest with sandy soils. Generally lives in the heath or forest and will travel several hundred metres to creeks to breed.	No. None in close proximity and inappropriate habitat
Lophoictinia isura	Square-tailed Kite	V	—	Commonly and recently reported within 500 m of the study site (2007, 2008). May use mature eucalypts on road side	Found in a variety of timbered habitats including dry woodlands and open forests. Shows a particular preference for timbered watercourses.. Appears to occupy large hunting ranges of more than 100km ² . Breeds on the South Coast from September to February, with nest sites generally located along or near watercourses, in a fork or on large horizontal limbs.	No, with appropriate mitigation measures as below. Mature trees not to be removed as part of the current proposal, even if they were with a hunting range of more than 100 km ² it is unlikely that the removal of a few trees will have a significant effect on this species.

				Contractors should look for nests if removing trees in the breeding season.
<hr/>				
Stictonetta naevosa	Freckled Duck	V	—	Prefer permanent freshwater swamps and creeks with heavy growth of Cumbungi, Lignum or Tea-tree. During drier times they move from ephemeral breeding swamps to more permanent waters such as lakes, reservoirs, farm dams and sewage ponds. Generally rest in dense cover during the day, usually in deep water.
Botaurus poiciloptilus	Australasian Bittern	V	—	Favours permanent freshwater wetlands with tall, dense vegetation, particularly bullrushes (Typha spp.) and spikerushes (Eleocharis spp.).
Ixobrychus flavicollis	Black Bittern	V	—	Inhabits both terrestrial and estuarine wetlands, generally in areas of permanent water and dense vegetation. Where permanent water is present, the species may occur in flooded grassland, forest, woodland, rainforest and

				mangroves.		
Burhinus grallarius	Bush Stone- curlew	E1	—	Detected within 1 km to NE of the study site, on edge of river, in 2007 (NSW Wildlife Atlas, 2008)	Inhabits open forests and woodlands with a sparse grassy groundlayer and fallen timber.	No recent sightings and insufficient habitat on site.
Callocephalon fimbriatum	Gang-gang Cockatoo	V	—		Move to lower altitudes in winter, preferring more open eucalypt forests and woodlands, particularly in box-ironbark assemblages, or in dry forest in coastal areas. Favours old growth attributes for nesting and roosting.	No appropriate habitat on site.
Calyptrornis lathamii	Glossy Black- Cockatoo	V	E (SE Aust sub species)		Inhabits open forest and woodlands of the coast and the Great Dividing Range up to 1000 m in which stands of she-oak species, particularly Black She-oak (Allocasuarina littoralis), Forest She-oak (A. torulosa) or Drooping She-oak (A. verticillata) occur. Dependent on large hollow-bearing eucalypts for nest sites.	No appropriate habitat on site.
Thinornis rubricollis	Hooded Plover	E1	—		In south-eastern Australia Hooded Plovers prefer sandy ocean beaches, especially those that are broad and flat, with a wide wave-wash zone for feeding, much beachcast seaweed, and backed by sparsely	No appropriate habitat on site.

					vegetated sand-dunes for shelter and nesting. Occasionally Hooded Plovers are found on tidal bays and estuaries, rock platforms and rocky or sand-covered reefs near sandy beaches, and small beaches in lines of cliffs. They regularly use near-coastal saline and freshwater lakes and lagoons, often with saltmarsh.	
Xanthomyza phrygia	Regent Honeyeater	E1	E	Detected 1 km to the south of the study site in 1977 (NSW Wildlife Atlas, 2008)	The species inhabits dry open forest and woodland, particularly Box-Ironbark woodland, and riparian forests of River Sheoak. Regent Honeyeaters inhabit woodlands that support a significantly high abundance and species richness of bird species. These woodlands have significantly large numbers of mature trees, high canopy cover and abundance of mistletoes.	Not recently recorded and no appropriate habitat on site.
Ninox strenua	Powerful Owl	V	—		The Powerful Owl requires large tracts of forest or woodland habitat but can occur in fragmented landscapes as well. The species breeds and hunts in open or closed sclerophyll forest or woodlands and occasionally hunts in open habitats. It roosts by day in dense vegetation comprising species such as Turpentine Syncarpia	May utilise mature trees but habitat on site insufficient to support the species.

				glomulifera, Black She-oak Allocasuarina littoralis, Blackwood Acacia melanoxylon, Rough-barked Apple Angorophora floribunda, Cherry Ballart Exocarpus cupressiformis and a number of eucalypt species.	
Tyto novaehollandiae	Masked Owl	V	—	A forest owl, but often hunts along the edges of forests, including roadsides. Lives in dry eucalypt forests and woodlands from sea level to 1100 m.	May utilise mature trees but habitat on site insufficient to support the species.
Tyto tenebricosa	Sooty Owl	V	—	Occurs in rainforest, including dry rainforest, subtropical and warm temperate rainforest, as well as moist eucalypt forests.	No appropriate habitat on site.
Dasyurus maculatus	Spotted-tailed Quoll	V	E	Recorded across a range of habitat types, including rainforest, open forest, woodland, coastal heath and inland riparian forest, from the sub-alpine zone to the coastline.	No appropriate habitat on site.
Saccolaimus flaviventris	Yellow-bellied Sheath-tail-bat	V	—	The Yellow-bellied Sheath-tail-bat is a wide-ranging species found across northern and eastern Australia. Forages in most habitats across its very wide range, with and without trees; appears to defend an aerial territory.	Insufficient habitat on site to support the species.
Macropus parma	Parma Wallaby	V	—	Preferred habitat is moist eucalypt forest with thick, shrubby understorey, often with nearby grassy areas, rainforest margins and	No appropriate habitat on site.

					occasionally drier eucalypt forest. Typically feed at night on grasses and herbs in more open eucalypt forest and the edges of nearby grassy areas.	
Petrogale penicillata	Brush-tailed Rock-wallaby	E1	V		Occupy rocky escarpments, outcrops and cliffs with a preference for complex structures with fissures, caves and ledges facing north. Browse on vegetation in and adjacent to rocky areas eating grasses and forbs as well as the foliage and fruits of shrubs and trees.	No appropriate habitat on site.
Mormopterus norfolkensis	Eastern Freetail-bat	V	—		Occur in dry sclerophyll forest and woodland east of the Great Dividing Range. Roost mainly in tree hollows but will also roost under bark or in man-made structures.	No, assuming no hollow bearing trees removed.
Arctocephalus pusillus doriferus	Australian Fur-seal	V	—	Detected within 1 km to NE of the study site, on edge of river, in 1987 (NSW Wildlife Atlas, 2008)	Prefers rocky parts of islands with flat, open terrain. They occupy flatter areas than do New Zealand Fur-Seals where they occur together.	No appropriate habitat on site.
Petaurus australis	Yellow-bellied Glider	V	—		Den, often in family groups, in hollows of large trees. Occur in tall mature eucalypt forest generally in areas with high rainfall and nutrient rich soils.	No, assuming no hollow bearing trees removed.
Phascolarctos cinereus	Koala	V	—	Known from site 1 km to the south of the study site in 1980-2004 (NSW Wildlife	Inhabit eucalypt woodlands and forests.	Easy to detect species not known from the site. Will not be affected if mature trees not removed.

Atlas, 2008)

Pteropus poliocephalus	Grey-headed Flying-fox	V	V	Occur in subtropical and temperate rainforests, tall sclerophyll forests and woodlands, heaths and swamps as well as urban gardens and cultivated fruit crops.	No appropriate habitat on site.
Miniopterus schreibersii oceanensis	Eastern Bentwing-bat	V	—	Caves are the primary roosting habitat, but also use derelict mines, storm-water tunnels, buildings and other man-made structures.	No appropriate habitat on site.
Scoteanax rueppellii	Greater Broad-nosed Bat	V	—	Utilises a variety of habitats from woodland through to moist and dry eucalypt forest and rainforest, though it is most commonly found in tall wet forest. Although this species usually roosts in tree hollows, it has also been found in buildings.	No appropriate habitat on site.

Source: NSW Wildlife Atlas, DECC 2008



**Section 79C Report
Proposed Subdivision – Bridge Road, Nowra
(SF10022)**

March 2009



CARDNO FORBES RIGBY PTY LTD

**Section 79C Report
Proposed Subdivision, Bridge Road, Nowra
SF10022**

Report 002 Rev 3

Final Report
March 2009



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1. PROPOSAL

1.1. SUBDIVISION

The proposed development seeks to consolidate the lots to enable the development of the Nowra Hotel, which is proposed to be located within the subdivided allotment. The proposed subdivision seeks to create 4 lots as follows:

- **Lot 100** (9,517m²) to accommodate the proposed Nowra Hotel.
- **Lot 101** (2.527ha) to consolidate the existing lots and will contain the Council Administration Building and the Shoalhaven Entertainment Centre.
- **Lot 102** (1.219ha) to consolidate the residue lots and accommodate the Harry Sawkins Park (Town Park).
- **Lot 103** (25m²) to accommodate the proposed road widening identified by Council for the future pedestrian overpass.

The site is currently owned by Shoalhaven City Council. The proposed subdivision seeks to facilitate the sale of a portion of the land for hotel development. The applicant for the subdivision development has also lodged a separate development application (DA08/1467) to Council for the construction and operation of Nowra Hotel. The proposed Nowra Hotel is assessed via a separate report.

This application also seeks to consolidate the existing lots into 2 main lots for the Shoalhaven Entertainment Centre and the Council administration office. This can provide clarity of ownership for the individual uses.

1.2. RELATIONSHIP WITH NOWRA HOTEL DA

The proposed subdivision is purely to facilitate the sale of the land and to allow the development of the proposed Nowra Hotel. The two proposals have the following interrelated issues, which should be considered as part of the assessment:

- The intention of the proposed subdivision is to facilitate the sale of the land to accommodate the proposed Nowra Hotel development. The determination of the Nowra Hotel will fundamentally dictate the need for the proposed subdivision.
- The proposed access for service vehicles in the Nowra Hotel DA relies on areas beyond the lot boundary of the proposed Hotel (see **Figure 1**). This will require a right of way arrangement in favour of the proponent to allow for such access. To this end, a right of way proposal was lodged as part of this DA. This is shown in **Figure 1**.

Due to the interrelationship with the Nowra Hotel DA, the proposed right of way under this subdivision cannot be resolved until the access arrangement of the Nowra Hotel is determined. We therefore believe that this DA and the Nowra Hotel DA should be assessed concurrently.

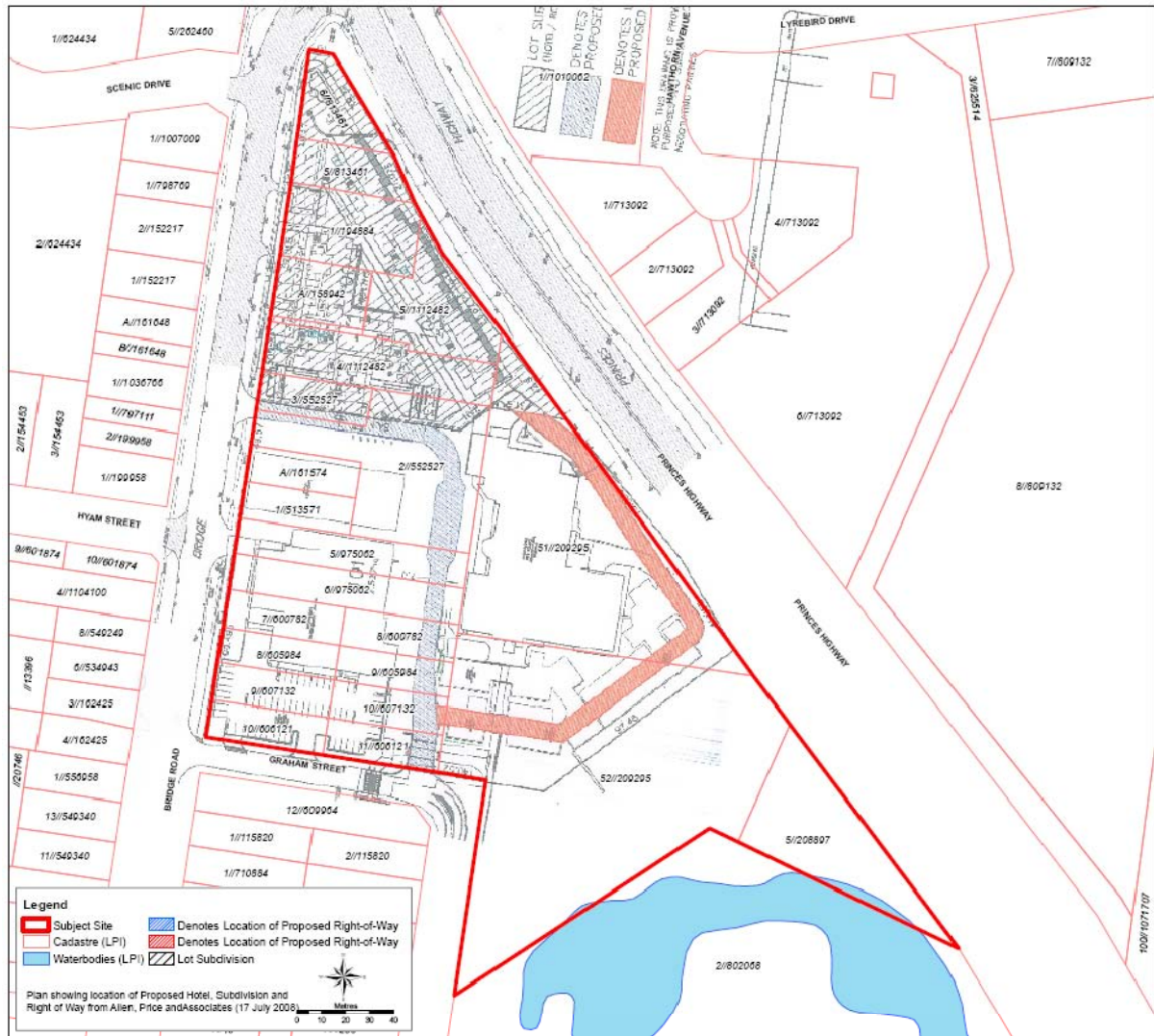


Figure 1 – Proposed Right of Way

2. SUBJECT SITE

The subject site is located immediately to the north of the Shoalhaven City Council Civic and Administration Centre site, at the intersection of the Princes Highway and Bridge Street, Nowra. The site is located in a visually prominent position, which defines the entrance to the Nowra CBD.

The proposed subdivision affects the properties identified as follows and illustrated in **Figure 2**.



Figure 2 – Site Plan

-
- | | |
|--------------------|--------------------|
| • Lot 6 DP 813461 | • Lot 6 DP 975062 |
| • Lot 5 DP 813461 | • Lot 7 DP 600782 |
| • Lot 1 DP 194884 | • Lot 8 DP 600782 |
| • Lot A DP 158942 | • Lot 8 DP 605984 |
| • Lot B DP 158942 | • Lot 9 DP 605984 |
| • Lot 5 DP 1112482 | • Lot 9 DP 607132 |
| • Lot 4 DP 1112482 | • Lot 10 DP 607132 |
| • Lot 3 DP 552527 | • Lot 10 DP 606121 |
| • Lot 2 DP 552527 | • Lot 11 DP 606121 |
| • Lot A DP 161574 | • Lot 51 DP 209295 |
| • Lot 1 DP 513571 | • Lot 52 DP 209295 |
| • Lot 5 DP 975062 | • Lot 5 DP 208897 |

The subject site is currently owned by Shoalhaven City Council.

3. BACKGROUND

This subdivision application was driven by the development application for the proposed Nowra Hotel on part of the Council owned site. The proposed subdivision seeks to facilitate the Nowra Hotel development and future disposal of the land. It is the intention of Council to sell the Nowra Hotel site when the DA is determined.

The site is subject to a previous rezoning application to permit the proposed business development on the land. Amendment No. 220 to Shoalhaven Local Environmental Plan (LEP) 1985 was gazetted on 24th November 2006 to:

- *rezone the subject lots from part Special Uses 5(a), part Special Uses 5(c) (Reservation) and part Special Uses 5(d) (Proposed Arterial Roads Reservation and Widening of Existing Arterial Roads Reservation) to Business 3(d) (Commercial Zone) and partly Business 3(g) (Development Area); and,*
- *ensure that a DCP is prepared in relation to certain land north of Graham Street and between the Princes Highway and Bridge Road, Nowra, before development of the land is carried out.*

The LEP is supported by a site specific Development Control Plan (DCP 119) which provides design controls for the Nowra Hotel. The DCP was prepared by Kann Finch Pty Ltd on behalf of the proponents. On 20 November 2007, Shoalhaven City Council adopted DCP 119.

The DA for Nowra Hotel was lodged on 8 April 2008 by the Huscorp Group Pty Ltd. This application is still under assessment.

As the land is owned by Shoalhaven City Council, Cardno Forbes Rigby were appointed to undertake an independent assessment of the application under Section 79C of the Environmental Planning and Assessment Act, to prepare and present this report and to recommend possible draft conditions of approval, in the event the application is recommended for approval.

Cardno Forbes Rigby Pty Ltd have no association with the applicant and have not been involved in any prior aspects of the development of the subject land.

4. STATUTORY CONSIDERATION

The following State & Regional Environment Planning Policies (SEPPs & REPPs), Environmental Planning Instruments (LEPs), Development Control Plans (DCPs), Council Codes / Policies are relevant to this development application:

1. State Environmental Planning Policy No.71 – Coastal Protection;
2. Illawarra Regional Environmental Plan No.1;
3. Shoalhaven Local Environmental Plan 1985 (as amended);
4. Development Control Plan No. 119 – Nowra Hotel
5. Shoalhaven City Council Section 94 Contribution Plan (as amended).

Additional information on the proposals compliance with the above documents is detailed in Section 7 (Statement of Compliance/Assessment) of this report.

5. PUBLIC PARTICIPATION

In accordance with Council's "Community Consultation Policy" the following notifications were undertaken:

- Adjoining/adjacent land owners were notified of the proposal (200m buffer – consistent with Nowra Hotel DA report)
- Advertisements were placed in local papers (South Coast Register and Nowra News on 21 April 2008). The notification period was from 21 April 2008 to 6 May 2008 (14 days).

No submission was received by Council during this period.

6. APPLICANT'S SUBMISSION

Council and Cardno have both issued letters to the applicant requesting additional information.

Council issued a letter on 7 April 2008, raising concerns on the boundary of the proposed subdivision (letter on file dated 7/4/08). Cardno issued a letter on 9 July 08, raising issues on the proposed right of way.

The applicant has responded to the requested and submitted further documentation to support the proposed development.

During the assessment process the applicant made amendments to the submitted documentation and provided additional information as a result of receiving comments from Council and Cardno. Amended plans and supporting information were submitted having regard for the above requests.

In addition to the above, we have had a number of telephone conversations with the applicant clarifying our requests. We also requested the applicant to meet with us and Council to discuss some of issues associated with the Nowra Hotel and this DA. However, the applicant did not indicate his/her intention to meet.

7. STATEMENT OF COMPLIANCE /ASSESSMENT

Following an assessment of the application having regard to the Matters for Consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979, the following matters are considered important to this application.

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

SEPP 71 – Coastal Protection

- (b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,*

The subdivision will not reduce opportunities for public access to the foreshore. Part of the site will be used for private development. The proposed Nowra Hotel development has incorporated pedestrian and disabled access. Assessment in the Nowra Hotel DA will ensure that foreshore access is not compromised.

- (c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,*

The proposed subdivision is not located directly on the foreshore. But the development has not compromise existing public access to the foreshore.

- (d) the suitability of development given its type, location and design and its relationship with the surrounding area,*

The proposed subdivision does not include development. The Nowra Hotel DA will consider the type, location and design of the proposed development.

- (e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,*

The proposed subdivision has no impact on the environmental amenity of the foreshore.

- (f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,*

The proposed subdivision does not involve development and will not affect the scenic quality of the coastline. The DA for the proposed Nowra Hotel will assess its impact on scenic quality of the coastal environment.

- (g) measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats,*

The proposed subdivision will not affect any Threatened Species and their habitats.

- (h) measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats*

The proposed subdivision will not affect the marine ecology..

(i) existing wildlife corridors and the impact of development on these corridors,

The proposed subdivision will not affect the existing wildlife corridors.

(j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,

The proposed subdivision will not cause any coastal hazards.

(k) measures to reduce the potential for conflict between land-based and water-based coastal activities,

The proposed subdivision will not cause conflict between land and water based coastal activities.

(l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,

The proposed subdivision will not affect cultural places, values, custom, beliefs and traditional knowledge of Aboriginals.

(m) likely impacts of development on the water quality of coastal waterbodies,

The proposed subdivision will not have an impact on the water quality of Shoalhaven River.

(n) the conservation and preservation of items of heritage, archaeological or historic significance,

The subject site does not contain any items of heritage, archaeological or historic significance.

(o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,

NA

(p) only in cases in which a development application in relation to proposed development is determined:

- (i) the cumulative impacts of the proposed development on the environment, and*
- (ii) measures to ensure that water and energy usage by the proposed development is efficient.*

NA

Illawarra Regional Environment Plan No. 1

The proposed development is within the area to which the IREP applies. An assessment against the requirements of the IREP has indicated that the subject land is not identified to have the following attributes:

- land of prime crop and pasture potential
- land supporting rainforest vegetation species
- a wildlife corridor

- land containing extractive materials
- land containing coal resources
- land potentially suitable for urban use
- land within an airport buffer area
- committed industrial land
- a subregional commercial centre
- land within a service corridor
- land within an escarpment area

The land is identified as land with landscape and environmental attributes. The IREP does not contain specific clauses on developments on land with landscape and environmental attributes.

Having regard to the IREP, the following specific clauses are relevant to this application:

Part 8 – Provisions relating to Commercial Centres

74 Objectives

The objectives relating to commercial centres are:

- (a) to ensure that commercial service centres are developed to suit the convenience of consumers and to optimise private and public investment, and*
- (b) to promote shopping and pedestrian amenity in all commercial centres.*

The specific development controls under this Part have been repealed.

Development Assessment

The subject site is not located within the Nowra CBD. It is located in the fringe of the CBD where the LEP has shown a potential for growth. The proposed development complies with the objectives of the IREP and the zoning objectives under the LEP.

Shoalhaven Local Environmental Plan 1985 (as amended)

The subject site is zoned 3 (g) (Business “G” (Development Area) Zone). The zoning was implemented via Amendment No. 22 to the LEP, which was gazetted in 2006, which sought to rezone the site.

Having regard to the IREP, the following specific clauses are relevant to this application:

Clause 9 Zoning Objectives and Development Control Table

Development Assessment

The proposed subdivision facilitates the development of the proposed Nowra Hotel (if approved). It permits the site to achieve the zoning objectives.

(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and

There are no draft EPIs applying to the subject site.

(iii) ny development control plan, and

DCP 119 applies to the subject site. The DCP does not contain specific clauses relevant to the proposed subdivision.

(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and

No planning agreement has been proposed by the applicant.

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

There are no specific clauses in the regulations relating to this proposal.

The assessment of the proposed development satisfies the procedural requirements under the Regulations in relation to the assessment of a development application.

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

The proposed subdivision does not involve any physical works on the site. The potential impact as a result of the proposed subdivision are not significant. However, it is acknowledged that the subdivision can facilitate the future development of the Nowra Hotel. The environmental impacts associated with the proposed Hotel development have been extensively assessed in a separate DA.

(c) the suitability of the site for the development

The propose subdivision does not involve any physical work on the site. The suitability of the site for a hotel development has been assessed in the Nowra Hotel DA.

(d) any submissions made in accordance with the Act or the regulations

No submission was received during the public exhibition period of this application.

(e) *the public interest*

No submission was received during the public exhibition period of this application.

8. OTHER ISSUES

8.1. LAND DISPOSAL

Shoalhaven City Council is the current owner of the subject site. Council on 19 November 2008 received advice from Department of Local Government (DLG) regarding the sale of land. The DLG was satisfied that the subject site is not Community Land. The Department concluded that the Council can sell the land.

8.2. RECOMMENDATIONS ON NOWRA HOTEL DA

The primary intention of the proposed subdivision is to facilitate the Nowra Hotel DA. It is therefore important to ensure that the determination of this DA is consistent with the Nowra Hotel proposal. The following elements of the Nowra Hotel DA are relevant to the proposed subdivision:

- The Nowra Hotel proposes an access arrangement for garbage and delivery vehicles that utilises Council's car park. A tunnel is proposed leading towards a service corridor at the basement level of the proposed hotel. A right of way is proposed in this subdivision application to facilitate such arrangement. Whilst the principle of this proposal is accepted by Council's traffic section, there are concerns that the location of the tunnel is too close to Council's Administration Office and could result in significant noise impact.
- There are a number unresolved issues related to the Nowra Hotel DA. There have been numerous telephone conversations and correspondences with the applicant for the Nowra Hotel DA to resolve these issues. However, the applicant did not indicate their intention to meet and discuss acceptable measures to address the issues.
- The recommendation in the Nowra Hotel DA report is to refuse the application on the following grounds:
 - The proposed development will result in significant traffic impact on the existing road network, in particular on Bridge Road and the entrance to the subject site. It fails to address potential traffic impact. (S.79C 1(b) of Environmental Planning and Assessment Act 1979)
 - The proposed development does not comply with DCP 18 Car Parking Code in terms of number of car parking spaces, parking for service vehicles and access to loading area. (S.79C 1(a)(iii) of Environmental Planning and Assessment Act 1979)
 - The proposed development will result in significant traffic conflict around the access point of the service tunnel. (S.79C 1(d) of Environmental Planning and Assessment Act 1979)
 - The proposed development will result in significant visual impact on the adjoining land uses. (S.79C 1(b) of Environmental Planning and Assessment Act 1979)
 - The proposed development does not comply with Clause 20G of the SLEP1985 with respect of the submission of a heritage impact assessment to consider the potential impacts on the adjoining heritage items. (S.79C 1(a)(i) of Environmental Planning and Assessment Act 1979)
 - The proposed development has not adequately addressed the issue of access for servicing vehicles and has not provided an adequate solution for internal services for waste disposal. (S.79C 1(b) of Environmental Planning and Assessment Act 1979)

- The proposed development does not comply with DCP 80 with respect to landscaping on the site (S.79C 1(a)(iii) of *Environmental Planning and Assessment Act 1979*)
- The proposed development does not comply with the principles of Crime Prevention Through Environmental Design and will result in negative social impacts on the adjoining occupants (S.79C 1(b) of *Environmental Planning and Assessment Act 1979*)
- The proposed development does not comply with the requirements of Clause 40K of SLEP1985, which does not permit development on the subject site before the preparation of a DCP addressing all criteria under Clause 40K(3). (S.79C 1(a)(i) of *Environmental Planning and Assessment Act 1979*)
- The proposed development does not consider the potential social and economic impacts on the existing tourism industry and existing and proposed hotel accommodation in the area. It does not consider the cumulative economic impact on the locality (S.79C 1(b) of *Environmental Planning and Assessment Act 1979*)
- The proposed development has not sufficiently address flooding issue in the basement car park and loading dock in accordance DCP 119 (S.79C 1(a)(iii) of *Environmental Planning and Assessment Act 1979*)
- The proposed development does not comply with Clauses 8(a), (d), (m), (n) and (p) of SEPP 71. (S.79C 1(a)(i) of *Environmental Planning and Assessment Act 1979*)

9. REFERRALS (INTERNAL)

The referral has been carried out as part of the Nowra Hotel DA. Comments relating to this and the Nowra Hotel DAs can be found in the Section 79C report for the Nowra Hotel.

10. REFERRALS (EXTERNAL)

The referral has been carried out as part of the Nowra Hotel DA. Comments relating to this and the Nowra Hotel DAs can be found in the Section 79C report for the Nowra Hotel.

11. OPTIONS FOR PROPOSED DEVELOPMENT

Having regard to the above issues associated with the proposed development, the compliance against relevant planning legislations and controls, and the information submitted by the applicant, we consider that there are a number of outstanding issues that have not been resolved in the current proposal. The main issue is the identified unacceptable treatments in the Nowra Hotel DA, leading to uncertainty in the actual hotel development on the site. Without an approval for Nowra Hotel, the proposed subdivision boundary cannot be confirmed and the proposed right of the way cannot be finalised.

We consider there are two options for the proposed subdivision. These include:

1. **Approval**, subject to conditions that request the lodgement of the above information and revised design prior to the issue of construction certificate
2. **Refusal**

12. CONCLUSION

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, we analyse the above options of determination as follows:

1. Approval

Approval of the proposed subdivision will entail the endorsement of the subdivision boundary and the proposed right of way. Because of the uncertainty in the Nowra Hotel DA, it is not considered appropriate to approve the subdivision and right of way at this time

2. Refusal

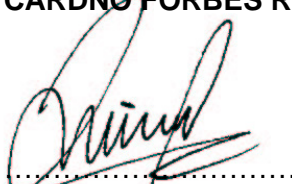
The proposed subdivision is fundamentally linked to the Nowra Hotel DA. In view of our recommendation that the Nowra Hotel be refused and interrelationship between the two applications we recommend that this application for subdivision should also be refused.

13. RECOMMENDATIONS

It is recommended that Subdivision Application No. SF10022 **refused** based on the following grounds:

- The potential refusal of the Nowra Hotel DA means that the boundary and right of way under subject subdivision application cannot be confirmed.

Prepared by
for and on behalf of
CARDNO FORBES RIGBY PTY LTD



Connie Lau
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