



17 November 2022

Shoalhaven City Council
Attention – Ms. Elizabeth Downing, Senior Development Planner

Via NSW Planning Portal

Dear Ms. Downing

Application for development consent – 75 Queen Street, Berry 2535

Council Reference – DS22/1239

PAN Number – PAN-234289

Application for modification under section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EPA Act)

This letter and the accompanying material comprise:

1. The applicant's further response to Council's letter of 7 October 2022 requiring additional information in relation to the applicant's modification application under section 4.55(2) of the EPA Act; and
2. The applicant's response to comments raised by Council's Environmental Health Officer, as advised to the applicant by letter of 14 November 2022 and made available in full on Council's DA tracking website.

The following material accompanies this letter:

- Revised Traffic and Parking Impact Assessment (McLaren, 10 November 2022)
- Civil Engineering Package (Northrop, 14 November 2022) comprising:
 - Cover Sheet
 - Concept Erosion and Sediment Control Plan
 - Concept Erosion and Sediment Control Details and Notes
 - Concept Stormwater and Levels Plan
- Concept Stormwater Management Plan (Northrop, 14 November 2022)
- Waste Management and Minimisation Plan (Talis Consultants, 16 November 2022)
- Landscape Plan (Oxygen, 15 November 2022)
- Applicant's Schedule of Proposed Changes to Conditions (Revised 17 November 2022)

1. Further response to Council's letter of 7 October 2022

(a) Swept paths and updated site plan

The revised Traffic and Parking Impact Assessment includes swept paths for the 19m. B-Double fuel tanker vehicle which will be used for fuel deliveries to the site and for movement of vehicles of all other classes which will access the site.

On further investigation, to accommodate the fuel tanker vehicle, minor revision to the Site Plan most recently submitted is required. The western crossover to Queen Street has been increased to 9.1 metres in width (at the property boundary), greater than the 8 metres shown in the site plan submitted on 21 October 2022 but still substantially less than the 9.6 metre width shown in the modification drawings originally submitted.

The eastern crossover remains at 11.7 metres (as it was in the site plan submitted on 21 October 2022), substantially less than the 16.6 metre width of this crossover shown in the modification drawings originally submitted.

(b) Revised Civil Engineering Package and Concept Stormwater Management Plan

The Civil Engineering Package demonstrates measures that are necessary and sufficient to manage off-site impacts during the construction period. It also shows finished floor level and spot heights at relevant points throughout the site, extents of pedestrian and vehicle paved areas, driveway crossovers, kerbs and kerb ramps and stormwater pits, pipes and detention measures.

The Concept Stormwater Management Plan demonstrates measures for stormwater management in respect of the approved development, as modified by the proposed modification, in accordance with applicable provisions of Council's Development Control Plan and relevant Australian Standards, including provision for run-off to be captured for on-site re-use and for pollutants to be filtered and detained on site to meet Council's qualitative and quantitative stormwater standards.

Modelling demonstrates that for the approved development, modified by the proposed modification, post-development flow rates are restricted to pre-development levels.

(c) Waste management plan

The Waste Management and Minimisation Plan (WMMP) prepared by Talis Consultants describes how waste generated will be stored and collected during construction and operational phases.

The WMMP finds that the proposed refuse enclosure is sufficiently sized for the estimated waste generation. A private contractor will service the approved development, overseen by the operator's on-site staff.

(d) Landscape Plan

A landscape plan prepared by Oxigen landscape architects has been prepared and accompanies this letter, based on the revised site layout and showing substantial vegetation to the site's street frontage and within the site to complement the built form on the site and soften its presentation to the public realm.

2. Response to EHO comments

Council's letter of 14 November 2022 refers to recommendations made by Council's Environmental Health Officer on referral of the modification application. The recommendations are:

- (a) That recommendations provided in the Noise Report submitted as part of the modification application request must be implemented for the development.

- (b) That the Underground Petroleum Storage System Storage (UPSS) Regulation and Guidelines require updating due to Regulations having been updated since 2019 and the ARA having changed from EP to Council for service stations.
- (c) That a detailed acoustic assessment must be made prior to the issue of a construction certificate to ensure compliance with specific noise criteria for mechanical plant.

Implementation of the recommendations of the Environmental Noise Assessment prepared by Day Design in respect of the proposed modification, and the requirement for a detailed acoustic assessment prior to issue of a construction certificate, is already dealt with by Conditions 18, 59 and 60(c) and (d) of the existing approval, as those conditions are proposed to be modified in the applicant's modification application.

Appropriate updates have been made to the applicant's schedule of proposed modifications, including:

- updating references to the modification drawings, the traffic report and the acoustic assessment report to refer to the most recent editions of these materials;
- substitution of the Environmental Health Officer's preferred wording in respect of detailed acoustic assessment prior to issue of a construction certificate (further proposed modification to Condition 18); and
- substitution of the Environmental Health Officer's preferred wording in respect the pre-occupation design, installation and assessment of the underground petroleum storage system (modification to Condition 50) and updating of reference to superseded regulation (proposed modification to Condition 32(a)).

A revised schedule of proposed modifications to the existing approval, including these updates, accompanies this letter.

I trust that the information provided will assist in the completion of Council's assessment of the proposed modification.

If you require any further information, please do not hesitate to contact me on 0412 550 034 or by email at a.caspar@peregrine.com.au.

Yours Sincerely



Andrew Caspar

General Manager Planning
Peregrine Corporation