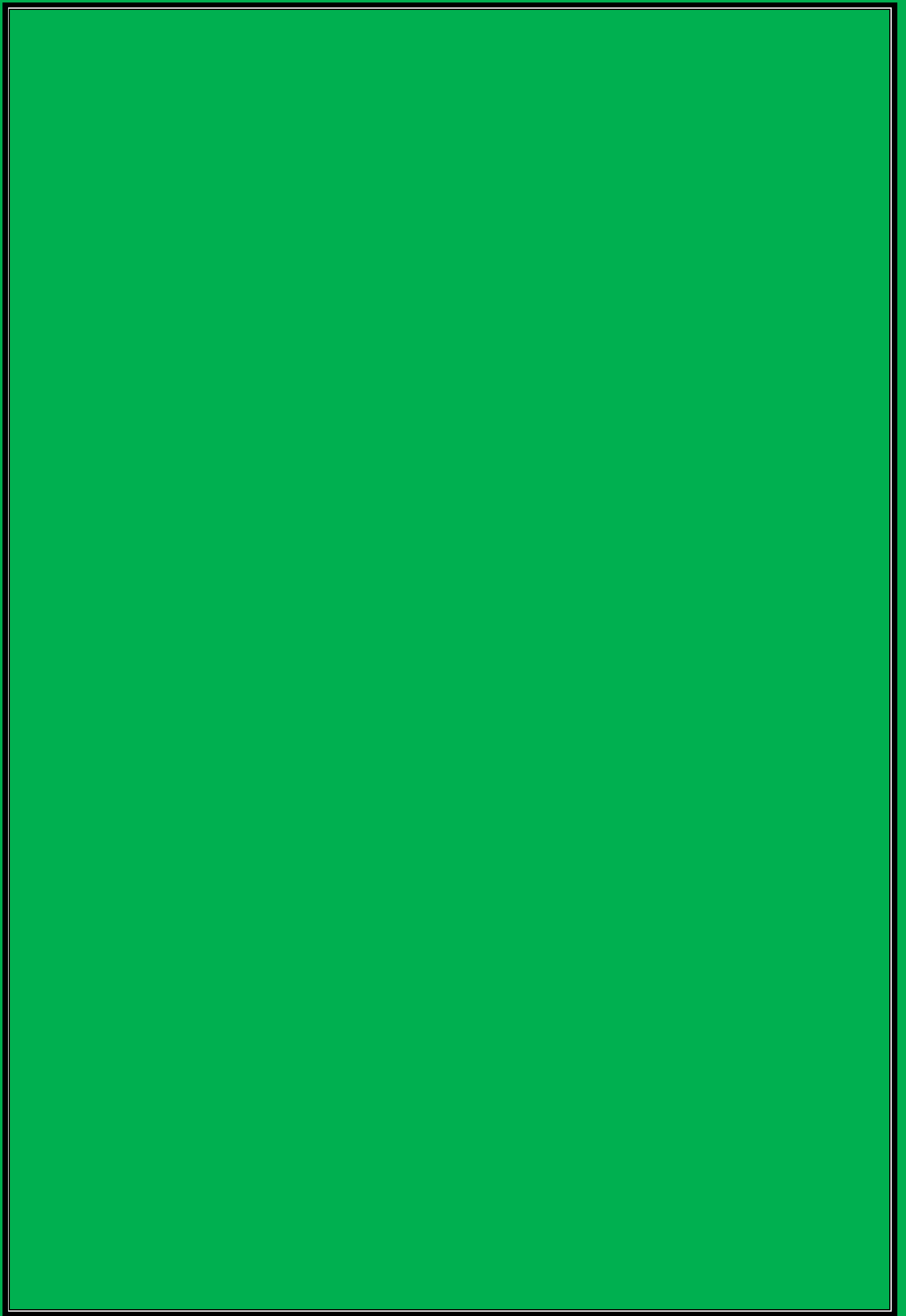


Agency Submissions

2014STH025 (RA14/1004)

Eco Tourist Resort

Kangaroo Valley Road, Bellawongarah



To: Building Surveyor
From: Andrew Lissenden
Date: 31st October, 2014
Council Reference: RA14/1004
Council issuing Construction Certificate: NO
Council is PCA: NO

Proposal: Construction of an Eco Tourist Resort comprising: 42 accommodation units, 100 car spaces, function centre, restaurant, onsite sewage treatment plant, pool/gym facilities building, wildlife centre, day spa, bushfire refuge building, manager's residence, associated infrastructure (landscaping, creek crossings, etc) and a new dwelling house.

Application Number: RA14/1004
Property: 801 Kangaroo Valley Rd, BELLAWONGARAH - Lot 13 - DP 707955

TRIM DOC. NO/S.:

Please refer to documents located on RA14/1004 parts 1 & 2

PLEASE LOOK AT THIS REFERRAL IMMEDIATELY UPON RECEIPT TO INITIALLY IDENTIFY ADEQUACY OF INFORMATION. IF ADDITIONAL INFORMATION IS REQUIRED PLEASE NOTE ON REFERRAL AND RETURN WITHIN SEVEN (7) DAYS TO ENABLE THE APPLICANT TO BE NOTIFIED ACCORDINGLY.

REASON FOR REFERRAL IS: **Please provide comments and/or conditions in relation to:**

- 1. BCA compliance and associated issues (refer to Appendix G and Section 4.20 and 4.21 of SEE);**
- 2. Section 68 requirements;**
- 3. Any other issues and/or concerns.**

REFERRAL RESPONSES: Access relevant DA in Trim. Select 'Edit' on Referral for your Group. Complete the 'Comments Section' of the Referral Sheet, as well as 'Officer Name and Date'. Close the document and 'Save' changes. Select 'Workflow' and then 'Complete Current Action', the referral will then automatically return to the DESG nominated officer's due tray.

In regard to the abovementioned application, would you please peruse the documentation and plans in TRIM and advise the Development & Environmental Services Group of any requirements you wish to be taken into consideration. **We would appreciate your comments within fourteen (14) days.**

PLEASE LOOK AT THIS REFERRAL IMMEDIATELY UPON RECEIPT TO INITIALLY IDENTIFY ADEQUACY OF INFORMATION

In the interest of public transparency, please note that your referral comments in its entirety will be made available on Council's Internet site through Council's Development Application Tracking process. Accordingly, your referral may be viewed by any person or body accessing Council's Website in DA Tracking.

Development & Environmental Services Group – Internal Referral

Is any further information required?	Yes / No (if <u>Yes</u> state what info is required below in your General Comments)
Please indicate NO if your Group has no comments on this proposal.	

General Comments

According to the SEE the proposal involves the construction of an eco-tourism resort and function facility comprising:

- The construction of an eco-tourist resort comprising:
 - 42 accommodation units;
 - A central facilities building accommodating restaurant and function facilities;
 - A wildlife centre;
 - A gym and pool facilities building;
 - A day-spa facility;
 - A farm shed and managers studio room; and
 - A gallery and bushfire refuge building.
- Car parking facilities for 100 cars;
- Construction of a new single dwelling house;
- Landscaping works including the creation of a central dam and general footpath and access path works;
- Three new creek crossings and a driveway extension to Tourist Road;
- On-site Sewerage Treatment Plant; and
- Extension and augmentation of infrastructure and services as required.

The site is Bushfire Prone Land and therefore recommendations within the Bushfire Hazard Assessment Report and the NSW RFS should be adopted for the purposes of construction of the development.

The BASIX Commitments for the proposed dwelling shall be shown on the plans.

Part J assessment required for remainder of the development.

The plans of the existing farm shed (manager's residence) do not show the location of existing window and door openings.

The existing farm building and existing dwelling may have to be upgraded to comply with AS3959-2009 requirements. It appears that no BAL construction level has been imposed for the existing farm building.

**PLEASE LOOK AT THIS REFERRAL IMMEDIATELY UPON RECEIPT TO
INITIALLY IDENTIFY ADEQUACY OF INFORMATION**

The plans should demonstrate how the development will comply with Planning for Bushfire Protection requirements (in accordance with the EP&A Act).

It is noted that Council has not been requested to provide a CC; therefore no BCA assessment has been done in relation to any of the proposed buildings (**Note:** BCA classification should not be indicated on the consent)

OFFICER_____ **DATE:**_____

**PLEASE LOOK AT THIS REFERRAL IMMEDIATELY UPON RECEIPT TO
INITIALLY IDENTIFY ADEQUACY OF INFORMATION**

To: Development Engineer
From: Andrew Lissenden
Date: 31st October, 2014
Council Reference: RA14/1004
Council issuing Construction Certificate: NO
Council is PCA: NO

Proposal: Construction of an Eco Tourist Resort comprising: 42 accommodation units, 100 car spaces, function centre, restaurant, onsite sewage treatment plant, pool/gym facilities building, wildlife centre, day spa, bushfire refuge building, manager's residence, associated infrastructure (landscaping, creek crossings, etc) and a new dwelling house.
Application Number: RA14/1004
Property: 801 Kangaroo Valley Rd, BELLAWONGARAH - Lot 13 - DP 707955

TRIM DOC. NO/S.: Please refer to documents located on RA14/1004 parts 1 & 2

PLEASE LOOK AT THIS REFERRAL IMMEDIATELY UPON RECEIPT TO INITIALLY IDENTIFY ADEQUACY OF INFORMATION. IF ADDITIONAL INFORMATION IS REQUIRED PLEASE NOTE ON REFERRAL AND RETURN WITHIN SEVEN (7) DAYS TO ENABLE THE APPLICANT TO BE NOTIFIED ACCORDINGLY.

REASON FOR REFERRAL IS: Please provide comments and/or conditions in relation to:

1. Access (including its suitability/need for upgrading, sight distances at entry, suitability of the adjoining public road infrastructure to service the development, etc);
2. Internal access/manoeuvring arrangements for both cars service vehicles;
3. Construction requirements;
4. Sediment and erosion control;
5. Stormwater and its management - Refer to Section 4.8 of SEE and Appendix E;
6. Comments on the submitted Traffic Impact Assessment. Is it adequate, are the conclusions valid - refer to Appendix L and Section 4.7 of SEE?
7. Comments/issues with secondary access road (off Tourist Road);
8. Construction Impacts (refer to Section 4.19).
7. Any other issues and/or concerns.

REFERRAL RESPONSES: Access relevant DA in Trim. Select 'Edit' on Referral for your Group. Complete the 'Comments Section' of the Referral Sheet, as well as 'Officer Name and Date'. Close the document and 'Save' changes. Select 'Workflow' and then 'Complete Current Action', the referral will then automatically return to the DESG nominated officer's due tray.

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In regard to the abovementioned application, would you please peruse the documentation and plans in TRIM and advise the Development & Environmental Services Group of any requirements you wish to be taken into consideration. **We would appreciate your comments within fourteen (14) days.**

In the interest of public transparency, please note that your referral comments in its entirety will be made available on Council's Internet site through Council's Development Application Tracking process. Accordingly, your referral may be viewed by any person or body accessing Council's Website in DA Tracking.

Development & Environmental Services Group – Internal Referral

Is any further information required?	Yes / No (if <u>Yes</u> state what info is required below in your General Comments)
Please indicate NO if your Group has no comments on this proposal.	YES

General Comments

I will need additional information and plans showing the following.

Plans of the access locations from off the development onto Kangaroo Valley Rd and Tourist Rd will need to be forwarded ensuring sight lines and turning movements are achievable for the largest vehicles and allow for two vehicles to pass at the entry.

Also additional details and dimensions will need to be shown on how the accommodation buildings will be serviced and accessed.

OFFICER Aaron Lloyd DATE: 18-11-14

**PLEASE LOOK AT THIS REFERRAL IMMEDIATELY UPON RECEIPT TO
INITIALLY IDENTIFY ADEQUACY OF INFORMATION**

10 November 2014

The General Manager
Shoalhaven City Council
PO Box 42
Nowra NSW 2541

Attention: Elisabeth Bailey

**Re: Regional Development – RA14/1004, 801 Kangaroo Valley Rd,
BELLAWONGARAH – Lot 13 – DP 707955**

Thank you for the opportunity to comment on your letter (reference number RA14/1004) dated 3 November 2014.

It is envisaged that the existing electricity distribution network in the vicinity of the subject land adjacent Kangaroo Valley and Tourist Roads can be augmented if required to provide for additional electrical load associated with the proposed Eco Tourist Resort development.

Any additional electrical load can be appropriately assessed when a proponent makes application for the connection of load by submitting an application to Endeavour Energy's Network Connections Branch.

Endeavour Energy is committed to making provisions for customers to connect to its network in a fair and equitable manner. This is in line with reasonable user pays principles and in a manner which will ensure an acceptable quality of supply for all existing and future customers.

Should you require further information please do not hesitate to contact myself on 02 9853 5003.

Yours faithfully



Jason Lu
Capacity Planning Manager
Endeavour Energy
In reply please quote file no.: 20140818/01



**Endeavour
Energy**

Shoalhaven City Council

Received

18 NOV 2014

File No. RA14/1004-03

Referred to: E. Bailey

To: Andrew Lissenden
From: Andrew Gibbes
Date: 3 November, 2014
Council Reference: RA14/1004
Council issuing Construction Certificate: NO
Council is PCA: NO

Proposal: Construction of an Eco Tourist Resort comprising: 42 accommodation units, 100 car spaces, function centre, restaurant, onsite sewage treatment plant, pool/gym facilities building, wildlife centre, day spa, bushfire refuge building, manager's residence, associated infrastructure (landscaping, creek crossings, etc) and a new dwelling house.

Application Number: RA14/1004
Property: 801 Kangaroo Valley Rd, BELLAWONGARAH - Lot 13 - DP 707955

TRIM DOC. NO/S.: Please refer to documents located on RA14/1004 parts 1 & 2

PLEASE LOOK AT THIS REFERRAL IMMEDIATELY UPON RECEIPT TO INITIALLY IDENTIFY ADEQUACY OF INFORMATION. IF ADDITIONAL INFORMATION IS REQUIRED PLEASE NOTE ON REFERRAL AND RETURN WITHIN SEVEN (7) DAYS TO ENABLE THE APPLICANT TO BE NOTIFIED ACCORDINGLY.

REASON FOR REFERRAL IS: Please provide comments and/or conditions in relation to:

1. Stormwater management (specifically the suitability of the GPT units, bio retention basins, etc) - refer to Appendix E and Section 4.8 of SEE;
2. Noise impacts and conclusion of noise assessment submitted - regard should be had for both construction on ongoing operation noise (including noise from on site effluent disposal system, etc) - refer to Appendix M;
3. Food and fitout requirements (i.e. restaurant)
4. Any other concerns and/or issues.

Note: The application has been separately referred the SMF Officer (A McVey) for comments on effluent disposal.

REFERRAL RESPONSES: Access relevant DA in Trim. Select 'Edit' on Referral for your Group. Complete the 'Comments Section' of the Referral Sheet, as well as 'Officer Name and Date'. Close the document and 'Save' changes. Select 'Workflow' and then 'Complete Current Action', the referral will then automatically return to the DESG nominated officer's due tray.

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In regard to the abovementioned application, would you please peruse the documentation and plans in TRIM and advise the Development & Environmental Services Group of any requirements you wish to be taken into consideration. **We would appreciate your comments within fourteen (14) days.**

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Development & Environmental Services Group – Internal Referral

Is any further information required?	No (if <u>Yes</u> state what info is required below in your General Comments)
Please indicate NO if your Group has no comments on this proposal.	

General Comments

Thank you for the opportunity to respond to this proposal.
From an environmental health perspective, it is imperative that the Sydney Catchment Authority gives concurrence in relation to any potential for stormwater pollution from the proposed development in their drinking water catchment.

The following suggested consent conditions are however recommended:

Non-Reticulated Drinking Water

To ensure that safe drinking water is provided for guests and for use within the kitchen for preparing meals for guests you will need to satisfy the requirements of the "Australian Drinking Water Guidelines – 2004" (National Health & Medical Research Council 2004). Please refer to Chapter 4 of these guidelines that relates to small water supplies. It will be necessary for you to read these guidelines to have a good understanding of how they apply to your operation.

In addition the operator of the premises must comply with the requirements of the NSW Public Health Act 2010 as amended.

Swimming Pool Water Quality

The swimming pool shall comply with the Public Health (Swimming Pools and Spa Pools) Regulation 2012 and the Guidelines for Disinfecting Public Swimming Pool and Spa Pools published by the NSW Ministry of Health.

Demolition Works

Should demolition works involve the removal of fibro products likely to contain asbestos, the following requirements are required to be met:

Council resolved at the meeting that the policy be amended as follows:

A clearance certificate from an independent competent person is to be obtained in accordance with the National Occupational Health and Safety Commission Code of Practice for the Safe Removal of Asbestos be limited to cases involving the removal of friable asbestos;

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Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Demolition Licence or a current WorkCover Class 2 (Restricted) Asbestos Licence.

The construction and operation of the food premises shall comply with all relevant legislation/ regulations and standards, including the Food Act 2003, Food Regulation 2004, Australia New Zealand Food Authority - Food Safety Standards 2001, and Shoalhaven City Council's Food Premises Policy (A copy is included).

Food Hygiene

1. Floors must be of a material that is impervious, non-slip and non-abrasive and capable of being easily cleaned. Coving must be provided at all wall/floor intersections. Painted concrete floors will not be permitted. The floor must be graded and drained to a central floor waste that incorporates a basket trap in accordance with Shoalhaven Water requirements.
2. Walls must be tiled to a height of 2 metres and where not tiled must be finished off to provide a smooth impervious finish that is capable of being easily cleaned. Open or painted brickwork is not permitted in any food preparation area.
3. Ceilings are to be rigid, smooth faced and made of non-absorbent material finished in a washable, light coloured surface. Panel ceiling systems are not permitted above food areas.
4. All fittings are to be 150mm above floor level or located on plinths, wheels or castors. Where plinths are used they must be of solid construction.
5. Equipment washing facilities must be provided that are sufficient for the intended use of the premises. A double bowl sink of a size large enough to accommodate the largest piece of equipment is a minimum requirement.
6. Hand wash basins must be provided in each area that food is handled and provided with warm water mixed from a continuous hot and cold water supply through a common spout. A continuous supply of soap and single use hand towels must be provided adjacent to all hand washing basins.
7. Hand wash basins must be located in a convenient position to enable easy unrestricted access by staff. The installation of hand basins behind doors, under benches or in other areas where access is not convenient is not permitted.
8. Mechanical ventilation must be provided above cooking equipment and is to be designed and installed in accordance with AS1668.2-2002 The use of ventilation and air conditioning in buildings - Ventilation design for indoor air contaminant control.
9. Provide a cleaner's sink with hot and cold water, in the food processing area to dispose of contaminated liquids and washing of cleansing equipment.
10. All waste water from the shop and the kitchen sink shall be directed through a commercial grease arrestor that is installed in accordance with Shoalhaven Water requirements.
11. A separate area that is not used for the handling or storage of food must be provided for the storage of personal items such as clothing and personal belongings.

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12. All walls around the kitchen must be of solid construction. Cavity timber walls will not be permitted. Examples of acceptable materials can be found in Council's Food Premises Policy or the Australian Standard AS4674-2004 Design Construction and Fit-out of Food Premises. In this regard the partition wall located next to the wash up sinks is to be of solid construction.

13. The applicant shall complete an application form to register the food premises with Council's Development & Environmental Services Division for regular inspection by Council's Environmental Health Officer.

Noise

The use of the premises shall not give rise to transmission of unacceptable vibration or noise to any place of different occupancy in accordance with the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).

Environmental Services concurs with the findings and recommendations of the Noise Impact assessment carried out by Acoustic Logic which accompanies the application. Your attention is specifically drawn to the following recommended conditions:

"1. Use of the function areas should be limited such that amplified noise is not conducted on the site after midnight. After midnight all amplified noise sources should be contained within a building envelope.

2. The buildings face should be constructed from a minimum of Rw 30 and include 6.38mm laminated glass windows and doors, masonry elements or cavity walls with insulation within the external wall voids."

Sediment / Erosion Controls

- All erosion sediment and pollution controls are to be in accordance with "Soils and Construction - Managing Urban Stormwater", 4th edition, Landcom, March 2004 (The Blue Book). Guidelines to be in place and maintained at all times.
- Sediment fence is to be installed on downstream side of any stockpiled soil or material. Topsoil shall generally be stockpiled on high sides of works to be re-spread on batters after formation.
- All stockpiles are to be protected from erosion. All disturbed areas shall be revegetated immediately following formation.
- For the duration of the construction period, all sediment devices shall be maintained and retained in a fully functional condition.
- Any disturbed bare areas where final stabilisation cannot commence immediately shall be temporarily stabilised or grass seeded within 15 days.

All fill imported on to the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

Light Pollution

Every effort should be made to avoid light pollution by way of low energy, downward facing ground lighting where appropriate.

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OFFICER _____ DATE: _____

**PLEASE LOOK AT THIS REFERRAL IMMEDIATELY UPON RECEIPT TO
INITIALLY IDENTIFY ADEQUACY OF INFORMATION**

To: Natural Resources & Floodplain

From: Andrew Lissenden

Date: 31st October, 2014

Council Reference: RA14/1004

Council issuing Construction Certificate: NO

Council is PCA: NO

Proposal: Construction of an Eco Tourist Resort comprising: 42 accommodation units, 100 car spaces, function centre, restaurant, onsite sewage treatment plant, pool/gym facilities building, wildlife centre, day spa, bushfire refuge building, manager's residence, associated infrastructure (landscaping, creek crossings, etc) and a new dwelling house.

Application Number: RA14/1004

Property: 801 Kangaroo Valley Rd, BELLAWONGARAH - Lot 13 - DP 707955

TRIM DOC. NO/S.: Please refer to documents located on RA14/1004 parts 1 & 2

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REASON FOR REFERRAL IS:

Please provide comments and/or conditions for the proposed development having regard for the submitted flood assessment (Refer to Appendix E and Section 4.8.1 of SEE as well as previous comments provided for RA14/1001).

REFERRAL RESPONSES: Access relevant DA in Trim. Select 'Edit' on Referral for your Group. Complete the 'Comments Section' of the Referral Sheet, as well as 'Officer Name and Date'. Close the document and 'Save' changes. Select 'Workflow' and then 'Complete Current Action', the referral will then automatically return to the DESG nominated officer's due tray.

In regard to the abovementioned application, would you please peruse the documentation and plans in TRIM and advise the Development & Environmental Services Group of any requirements you wish to be taken into consideration. **We would appreciate your comments within fourteen (14) days.**

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Development & Environmental Services Group – Internal Referral

Is any further information required?	No (if <u>Yes</u> state what info is required below in your General Comments)
Please indicate NO if your Group has no comments on this proposal.	NO

General Comments

OFFICER_Ailsa Schofield_____DATE: 25/11/2014_____

**PLEASE LOOK AT THIS REFERRAL IMMEDIATELY UPON RECEIPT TO
INITIALLY IDENTIFY ADEQUACY OF INFORMATION**



NSW Police Force
www.police.nsw.gov.au

RE: Comment for regional Development – RA 14/1004 801 Kangaroo Valley road, Bellawongarah.

Shoalhaven Police have been requested to conduct a review of the proposed construction of an Eco Tourist Resort at the stated location. Police have viewed drawings of the proposed developments. Police will have further input as the development progresses to ensure that suitable crime prevention strategies that might be implemented are considered to reduce the likelihood of criminal activity and the protection of those using the facility

Concerns identified:

Police have been advised there will be a significant increase in traffic along Kangaroo Valley Road with an expectation of 41 vehicles per hour or 417 vehicles per day.

Having personal knowledge of this area and road conditions from being stationed in the Berry Sector for a number of years where I have witnessed the manner of driving along this section of road and attended a number of traffic related incidents under the current traffic numbers and conditions on this section of road. It is my view that an increase of vehicular traffic of this number in this area with the current road conditions is not possible and will lead to an increase in traffic related incidents. Also considering the terrain, limited roadside barriers, the road edge proximity to extreme road side drops, wildlife, the road width, an increase in inexperienced drivers driving on this type of roadway, weight and vehicle restrictions, weather conditions it's is very likely with an increase in traffic of this number will contribute to an increase in serious motor vehicle accidents, road trauma not to mention the increase in demand for emergency services. Consideration has also to be given to impact on the community during road closures and diversions that will occur during a traffic incident and possible investigation.

The location is a high risk bush fire area. The movement and management of the number of people and vehicles in this area will have to be the subject of a considerable fire management plan to move or protect the considerable number of people and vehicles during a fire emergency. The roadway conditions will also

Shoalhaven Local Area Command

Nowra Police Station

Plunkett Street, Nowra

Telephone 02 44219699 Facsimile 02 44219637 ENet 84699 E Fax 84637 TTY 9211 3776 (Hearing/Speech impaired)

ABN 43 408 613 180

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play a significant role in the incident free movement of these people from the area.

As stated overall Police hold no objection to this development for it's nominated purpose. In order to protect other road users and those attending the complex significant road works along Kangaroo Valley Road in both directions possible including sections of Tourist Road and including the entrance to the development will be required to cater for the significant increase in traffic.



K. Henry
Sergeant
Crime Co-ordinator
Shoalhaven LAC
02 44219612

NSW POLICE FORCE RECRUITING NOW 1800 222 122

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Office of
Environment
& Heritage

Date: 25 November 2014
Your reference: RA14/1004
Our reference: DOC14/284330
Contact: Calvin Houlison
4224 4179

General Manager
Shoalhaven City Council
PO Box 42
Nowra NSW 2541
E-mail: baileye@shoalhaven.nsw.gov.au

Dear Mr Pigg

RE: Proposed Eco-Tourist Facility, 801 Kangaroo Valley Road, Bellawongarah (RA14/1004)

Thank you for your request seeking biodiversity and Aboriginal cultural heritage comments on the proposed eco-tourism facility at 801 Kangaroo Valley Road, Bellawongarah. Detailed comments are provided at Attachment 1 and summarised below. Please note that this response represents the views of both the National Parks & Wildlife section of the Office of Environment & Heritage (OEH) and the broader OEH.

The site exhibits a high degree of ecological sensitivity and is located predominantly within the RU1 Primary Production zone, although a portion of the site is within the E2 Environmental Conservation zone under Shoalhaven LEP 2014. We wish to ensure that biodiversity values within the E2 zone are retained and, where possible, enhanced in accordance with the zone objectives. Clause 5.13 Eco-tourist Facilities of LEP 2014, in particular subclause (3)(b), states that development consent should not be granted unless *'the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment'*. Council's assessment should ensure careful consideration of the objectives and provisions of this clause is undertaken prior to making its recommendation to the consent authority.

Biodiversity

The ecological issues have largely been resolved following on from previous comments from our department, and an updated assessment by Travers bushfire & ecology (2014). Overall, the proposal is unlikely to result in a significant impact upon any threatened species, endangered population or ecological community. Suitable width asset protection zones that meet the requirements of Planning for Bushfire Protection (PBP, 2006) are already in place and vegetation clearing and/or modification is limited to two small creek crossings. One of these will impact upon the Illawarra Subtropical Rainforest Threatened Ecological Community (TEC).

In order to ensure the ongoing survival and integrity of the indigenous vegetation located on the site, and to compensate for the loss of vegetation required for the construction of creek crossings, we recommend the preparation of a vegetation management plan (VMP) to manage the retained vegetation. This should be prepared and implemented by a suitably qualified and experienced bush regenerator and included as a condition of consent. The buffers for the wastewater irrigation area are broadly aligned so as not overlap with existing vegetation on-site, and these should be checked to ensure that areas of Illawarra Subtropical

Rainforest EEC are excluded. The recommendations contained in the Travers Flora & Fauna Assessment (Travers, 2014) and standard requirements for development adjoining National Parks estate (see Attachment A) should also be imposed on any consent.

We do not object in principle to a wildlife centre as part of this proposal. However, the suggestion to establish a Brush-Tailed Rock Wallaby (BTRW) enclosure on-site would be subject to a separate OEH licensing process requiring assessment under the Threatened Species Conservation Act 1995 (TSC Act). Negotiations between the proponent and OEH on this issue are at an early stage and no decision has been made as to the suitability of the site for keeping Brush-Tailed Rock Wallaby. This response therefore cannot prejudice the outcome of a TSC Act licensing application to keep this species on site. Should the consent authority be minded to approve the application, it is imperative that a condition be imposed stating that no consent is given to a Brush-Tailed Rock Wallaby enclosure.

Aboriginal Cultural Heritage

Contrary to the findings of the submitted report, we believe that there is potential for subsurface Aboriginal objects to occur within the study area and recommend the following:

- Further investigation of this potential is required in accordance with OEH guidelines. An Aboriginal Cultural Heritage Assessment must be undertaken in accordance the OEH 2011 *Code of Practice for archaeological investigation in NSW* (the Code of Practice) and the *Aboriginal cultural heritage consultation requirements for proponents 2010*. This assessment is expected to include a programme of archaeological test excavation in accordance with the Code of Practice.
- If Aboriginal objects are uncovered as a result of this assessment and they cannot be avoided by the proposed works, application to OEH for an Aboriginal Heritage Impact Permit (AHIP) will be required prior to the proposed works commencing.

Flooding & Water Quality Management

We remain concerned that, given the amount of rainfall in the highlands area, there is potential for ground and surface water pollution when the facility is fully occupied. The proposal includes WSUD measures, including gross pollutant traps for parking areas, and an on-site sewerage treatment plant (STP) to deal with wastewater generated. Given the highly sensitive nature of the adjacent nature reserve and E2 zoned land, we support the proposed WSUD measures subject to appropriate conditions of consent.

As the proposed development is on flood prone land it should be considered by the consent authority in a manner consistent with the NSW Government's Flood Prone Land policy as set out in the Floodplain Development Manual (2005). The development assessment needs to consider flood behaviour and risk in a broad strategic context.

Please contact me on 4224 4179 or via email calvin.houlison@environment.nsw.gov.au should you require any further information.

Yours sincerely



CALVIN HOULISON
Conservation Planning Officer

**ATTACHMENT A: OEH DETAILED COMMENTS ON
801 KANGAROO VALLEY ROAD, BELLAWONGARAH (RA14/1004)**

1. Aboriginal Cultural Heritage

Comments on Report

We have reviewed the report prepared by OzArk Environmental & Heritage Management, provided at Appendix O of the SEE.

We disagree with the findings of the report and believes that the consultant has misinterpreted OEH guidelines and that the landscape assessment included in the report is wrong. In particular the following points are made:

- Historical use of the property for stock grazing following clearing is not considered sufficient disturbance to remove all Aboriginal objects from the land. Archaeological works in NSW have found large *in situ* subsurface Aboriginal occupation sites beneath cleared land used for stock grazing. The use of land for stock grazing is also not included in the description of disturbed land in the Due Diligence guidelines.
- The report asserts that there is only a thin topsoil deposit remaining across the study area. This assertion is based on examination of the few areas of ground surface exposure, with the majority of the study area covered by thick grass with nil ground exposure. The assertion is unsubstantiated; there is no way to determine the depth of the topsoil across the study area without a programme of archaeological test excavation. No evidence of the supposed erosion of soil following historical clearing is presented.
- The conclusion that the study area is not in a favourable topographical location and would not have been an ideal occupation site is unsubstantiated. Archaeology has shown that while major water courses are likely to have higher density deposits from more repeated visitation, any water course no matter how minor would have been utilised. Even a small permanent watercourse as described in the report would potentially have been repeatedly visited. There is no information in the report describing why the study area would have been unsuitable for occupation.
- The report states that there is a possibility of Aboriginal objects (Isolated Finds) being present within the study area. This statement means that there is potential for Aboriginal objects to be impacted by the proposed works. OEH guidelines require that this potential be investigated and if objects are present an Aboriginal Heritage Impact Permit (AHIP) will be required prior to any harm. The recommendation that topsoil be stockpiled and returned to the area in mitigation against harm to Aboriginal objects it may contain does not comply with the NPW Act 1974 or with OEH guidelines. The action as described constitutes harm to Aboriginal objects as defined in Section 5 of the NPW Act 1974. The penalty for harming Aboriginal objects without a valid AHIP can include a substantial fine and imprisonment. The advice contained in the unexpected finds protocol attached to the report is also incorrect. If Aboriginal objects are unexpectedly found all works must cease and an AHIP from OEH sought prior to works recommencing.

The report describes the landscape of the study area as a reasonably flat landform crossed by three minor but permanent water sources. Historical use of the land has been confined to stock grazing. At the time of the field inspection ground surface visibility was nil across the majority of the study area.

OEH Guidance material for the assessment of Aboriginal Heritage values

- *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011). This document provides guidance on the process for investigating and assessing Aboriginal cultural heritage in NSW and can be accessed at:
<http://www.environment.nsw.gov.au/resources/cultureheritage/20110263ACHguide.pdf>.
- *Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW, 2010). The process described in this Code should be followed and documented where the assessment of Aboriginal cultural heritage requires an archaeological investigation to be undertaken. A copy of the Code can be obtained at:
<http://www.environment.nsw.gov.au/licences/archinvestigations.htm>
- *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW, 2010). This document further explains the consultation requirements that are set out in clause 80C of the *National Parks and Wildlife Regulation 2009*. The process set out in this document must be followed and documented. A copy of the document can be obtained at:
<http://www.environment.nsw.gov.au/licences/consultation.htm>.
- *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (DECCW 2010). This document outlines a code of practice to assist individuals and organisations to exercise due diligence when carrying out activities that may harm Aboriginal objects and to determine whether they should apply for an Aboriginal Heritage Impact Permit (AHIP), and can be obtained at:
<http://www.environment.nsw.gov.au/resources/cultureheritage/ddcop/10798ddcop.pdf>

Note:

Under section 89A of the *National Parks and Wildlife Act 1974*, it is an offence for a person not to notify OEH of the location of any Aboriginal object the person becomes aware of, not already recorded on the Aboriginal Heritage Information Management System (AHIMS). An AHIMS Site Recording Form should be completed and submitted to the AHIMS Registrar for each Aboriginal site found during any investigations. The forms can be downloaded at:

<http://www.environment.nsw.gov.au/licences/DECCAHIMSSiteRecordingForm.htm>

2. Development Adjacent to Land within the National Parks Estate

The site is adjacent to the Cambewarra Range Nature Reserve at Bellawongarah and we are concerned regarding potential impacts of any proposed development of this scale adjacent to a public reserve of high conservation value. Specifically, there is some concern regarding the constrained nature access from the rear of the subject property to bench rainforest and heathlands on top of the Black Ash massif. In particular, there exists the potential for large numbers of guests to enter the fragile forest communities contained within the Nature Reserve and the resulting pressure for additional infrastructure, facilities and walking tracks within the reserve.

There also exists the potential for a development of this scale to significantly increase pest load on the adjoining Nature Reserve. The fauna and flora report does not adequately address indirect impacts which include modified runoff to downstream habitats and the adjacent Nature Reserve, and potential for increased access by people and feral animals to the reserve.

The potential amount of wastewater generated requiring treatment will be significant if the proposed facility reaches 100% capacity. The highlands can experience significant wet weather periods and we remain concerned that the proposed wastewater system may not cope with increased loads at full occupancy. During this time, there is potential for surface and groundwater pollution.

There exists the opportunity for planting of native species to form corridors from the Nature Reserve through into the area designated as No. 2 – Jasper Lake Garden and Cambewarra Villa and through to the area designated No 6 – Rainforest Spa and Escarpment Pool within the Landscape Masterplan Report accompanying the DA. The applicant should be encouraged to investigate these opportunities for native vegetation corridors.

Should Council recommend approval of the development application, we recommend that the following condition of development consent be imposed:

OEH Requirements for Development Adjoining National Parks Estate

Erosion & Sediment Control

- Erosion and sediment control should follow the guidance contained in 'Managing Urban Stormwater – Soils and Construction, Volume I (Landcom 2004) & 'Managing Urban Stormwater – Soils and Construction, Volume II' (DECC, 2008) to prevent sediment flowing from adjacent property onto the OEH estate. In addition, reference should be made to 'A Resource Guide for Local Councils: Erosion and Sediment Control' (Department of Environment and Conservation NSW, May 2006).

Stormwater Runoff

- Development proposals for areas adjacent to OEH land incorporate stormwater detention systems (with appropriately managed buffer areas) within the development area to minimise stormwater discharge rates and prevent localised erosion. The discharge of polluted stormwater to OEH lands must be avoided as a high priority. Infrastructure associated with stormwater treatment **must not be located on OEH land** and any stormwater outlets should disperse the flow to pre-development levels.

Asset Protection Zones

- Any Asset Protection Zone's (APZ's) and strategic fire zones should be provided within the development site and not extend into an OEH reserve, or rely on actions being undertaken by OEH.

Accordingly, appropriately designed fire protection zones and fire fighting access tracks should be located on the land where development is proposed

Boundary Encroachments

- Consent authorities should ensure that where a proposal shares a common boundary with OEH land, the subject boundary has been accurately surveyed to ensure there is no encroachment to OEH land as a result of the proposed development.
- OEH land is not to be used to access development sites, store materials, equipment, workers' vehicles, machinery etc, or for maintenance access post-development.
- Measures, such as temporary fencing of 'no-go' areas during construction, or installation of permanent, wildlife-compatible fencing could be considered, and would be subject to OEH approval if they are proposed to be located on OEH land.

Note: The document "Guidelines for developments adjacent to Department of Environment and Climate Change Land" can be accessed via the link below:

<http://www.environment.nsw.gov.au/resources/protectedareas/080290devadjoindecc.pdf>

3. Flooding & Water Quality Management

As the proposed development is on flood prone land, it should be considered by the consent authority in a manner consistent with the NSW Government's Flood Prone Land policy as set out in the Floodplain Development Manual (2005). Shoalhaven City Council have not completed or adopted any flood study or any floodplain risk management study or plan for the catchment containing the subject site.

The referral documents include a Statement of Environmental Effects as well as a Stormwater Management Plan and Flood Assessment Report which identify flood prone land on the site. These documents however don't address the following range of matters:

- The full range of flood events, up to and including the probable maximum flood (PMF);
- The flood hazard in the broader area (including the hydraulic hazard, flood readiness, flood warning time, rate of rise of floodwater, flood duration and type of development);
- Floodways, Flood Storage Areas and Flood Planning Areas;
- The flood hazard of the flood access and evacuation routes both on and off site for evacuees and or emergency service personnel;
- The implications of climate change in estimating flood behaviour and planning levels;
- The impact of flooding (up to the PMF) on the proposed development;
- The impact of the development on flood behaviour (up to the PMF) including any management measures to mitigate adverse flood impacts, and;
- The safety of floodplain occupants.

The development assessment needs to assess flood behaviour and risk in a broader strategic context than the proposed development site alone by appropriately considering the above listed matters both on and beyond the site.

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Headquarters
Locked Mail Bag 17
GRANVILLE NSW 2142

Telephone: 1300 NSW RFS
e-mail: csc@rfs.nsw.gov.au

Facsimile: 8741 5433



The General Manager
Shoalhaven City Council
PO Box 42
NOWRA NSW 2541

Shoalhaven City Council

Received

Your Ref: DA RA14/1004

Our Ref: D14/0972

-1 DEC 2014

File No. RA14/1004
Referred to: E. Bailey

ATTENTION: Andrew Lissenden

25 November 2014

Dear Andrew

Integrated Development - Eco tourist resort and function centre comprising 42 accommodation units, 116 car parking spaces, associated facilities (restaurant, onsite sewage treatment plant, pool, wildlife centre, etc) and infrastructure (landscaping, creek crossings etc) and a new dwelling house – Lot 13 DP 707955, 801 Kangaroo Valley Road Bellawongarah 2535.

I refer to your letter and attached information dated 3 November 2014 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

GENERAL

1. The development proposal is to comply with the plan prepared by Project Tourism International Architecture (PTI), titled 'Proposed Site Plan'. Revision M, dated 30 May 2014, unless amended by conditions of this Bush Fire Safety Authority (BFSA).
2. Prior to any use of the development, the certifying authority shall certify that all requirements of this BFSA have been complied with, unless alternative arrangements have been made with the Rural Fire Service.

Asset Protection Zone

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

1. All existing 'managed grounds' occurring on the site (as indicated on the plan referenced in condition 1 of this BFSA) shall continue to be maintained as 'managed land' for the life of the development. A Fuel Management Plan shall be established to ensure the ongoing management of the existing 'managed land' within the subject property. This condition does not preclude the rehabilitation of Rainforest vegetation within the existing riparian/rainforest areas.
2. A minimum setback of 15 metres is to be established between all buildings providing accommodation and adjoining rainforest vegetation.
3. To allow for emergency service personnel and staff to undertake property protection activities, a defensible space that permits unobstructed pedestrian access is to be provided around all structures.
4. For any asset protection zones (APZ) on slopes greater than 18 degrees, the property shall be landscaped or managed (e.g. terracing) with suitable access being provided to the APZ to ensure the ongoing maintenance of the area.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

5. The refuge building shall be clearly signposted to identify the building as a 'bushfire refuge'.
6. The refuge building shall provide for the maximum capacity of the site (being the total number of all accommodation guests, day visitors, staff, event attendees etc). Alternatively, if the development consent contains a condition limiting the capacity of the site to a lesser number of people, than the refuge building may be constructed to comply with the maximum lawful capacity as limited by that development consent.
7. The refuge building shall comply with the occupancy levels permissible for a Class 9b Assembly Building ('Public Hall') and 'area per person' requirements (being 1sq metre per person) as specified under the Building Code of Australia.
8. In recognition of the condition of Kangaroo Valley Road and the large capacity of the proposal, prior to any use of the development, the Shoalhaven District Office of the Rural Fire Service shall be consulted with regard to the contents of the submitted 'Bushfire Evacuation Plan' prepared by: Building Code & Bushfire Hazard Solutions, Issue 1, Dated 7th March 2014. Any resulting changes shall be adopted into an amended version of the 'Bushfire Evacuation Plan' for use with the development. The Bushfire Evacuation Plan provided to Shoalhaven District RFS

Office shall include a plan demonstrating the location of all fire fighting water supplies (including provision of equipment housed onsite) and access through the site.

Water and Utilities

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

9. In recognition that no reticulated water supply exists, the total water supply for fire fighting purposes for the development shall at minimum provide for 10 000 litres for each occupied building on the site.
10. The following water supply sources shall be made available for fire fighting purposes:

- the existing dam in the north west of the site (600kL)
- the proposed dam in the east of the site (in the centre of the proposed loop road)
- a minimum 20,000 litre static water supply (i.e. water tank) to service the refuge building
- a static water supply in the general locality of the southernmost accommodation buildings
- a minimum 20,000 litre static water supply (i.e. water tank) to service the new dwelling house

, and shall comply with the following requirements of sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006':

- a) Provide suitable access and a hardened ground surface for truck access is to be supplied up to and within 4 metres of the water source.
- b) A 65mm metal Storz outlet with a gate or ball valve shall be provided.
- c) The water tank if located above ground shall be of a noncombustible material.
- d) Underground tanks shall have an access hole of 200mm to allow tankers to refill direct from the tank. A hardened ground surface for truck access is to be supplied within 4 metres of the access hole.
- e) Tanks on the hazard side of a building shall be provided with radiant heat shielding to protect the tank from bush fire impacts and maintain safe access to the water supply for fire fighters.
- f) Tanks and associated fittings on the hazard side of the building shall be provided with adequate shielding to mitigate the impact of flame contact and radiant heat and provide safe access for fire fighters.
- g) The gate or ball valve, pipes and tank penetration are adequate for full 50mm inner diameter water flow through the Storz fitting and are metal.
- h) All associated fittings to the tank shall be non-combustible.
- i) Pumps are to be shielded from the direct impacts of bush fire.

- j) A minimum 5hp or 3kW petrol or diesel powered pump shall be made available to the water supply. A 19mm (internal diameter) fire hose and reel shall be connected to the pump.
 - k) The water supplies shall be visible and readily accessible;
 - l) The water supplies must be accessible within 4m by fire fighting appliances;
 - m) Hose lengths should be available to reach the extremities of the buildings and structures.
11. Suitable fire suppression hoses and equipment shall be provided to structures for the purpose of responding to the ignition of structure fires within the site, to prevent spread of such fires to outside of the site.
12. Electricity and gas shall comply with section 4.1.3 and 4.2.7 of PBP 2006:

Access

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

13. The portion of access road from the Kangaroo Valley Road entrance – through to the southern end of the main car park, shall be constructed to comply with the following requirements of sections 4.2.7 and 4.1.3 (1) of 'Planning for Bush Fire Protection 2006':
- a) Roads are two wheel drive, sealed, all weather roads with a minimum width of 6.5m.
 - b) Traffic management devices are constructed to facilitate access by emergency services vehicles.
 - c) All curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress.
 - d) The minimum distance between inner and outer curves is six metres.
 - e) Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress.
 - f) Maximum grades do not exceed 15 degrees and average grades are not more than 10 degrees.
 - g) Crossfall of the road is not more than 10 degrees.
 - h) There is a minimum vertical clearance to a height of 4 metres above the road at all times.
 - i) The turning area located at the end of the portion of road servicing the Wildlife Centre provides a sealed maneuvering area able to facilitate suitable turning ability for a Category 1 Fire Tanker (medium rigid vehicle).
 - j) Roads are clearly signposted and bridges clearly indicate load ratings.
 - k) The internal road surfaces and bridges have a capacity to carry fully loaded fire fighting vehicles (15 tonnes).
 - l) Any creek crossings are constructed to provide suitable flood immunity, as determined by the Council.
14. The access road referred to as the 'loop road' in the centre of the site (and including the 'offshoot' roads from this which service the cabins) shall be constructed to

comply with the following requirements of sections 4.1.3 (2) of 'Planning for Bush Fire Protection 2006':

- a) A minimum carriageway width of 3.5 metres providing all weather 2 wheel drive access with a cleared verge of a minimum distance of 0.5m metre either side of the carriageway which is traversable by a medium rigid vehicle.
- b) A minimum vertical clearance of 4 metres to any overhanging obstruction, including tree branches.
- c) Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress.
- d) The minimum distance between the inner and outer curves is 6 metres.
- e) The crossfall is not to exceed 10 degrees.
- f) Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.
- g) All dead end 'offshoot' roads provide suitable turning areas for a Category 1 (medium rigid tanker) and are clearly signposted as dead-end roads.
- h) The road surfaces have a capacity to carry fully loaded fire fighting vehicles (15 tonnes).
- i) Any creek crossings are constructed to provide suitable flood immunity, as determined by the Council.

15. All other access roads not specifically referenced in condition 13 or 14 of this BFSA, and including:

- the portion of access road marked as the 'secondary access road for use during emergency' on the plan referenced in condition 1 of this BFSA (being that portion from the southern end of the main car park through to its point of egress onto Tourist Road)
- the access to the single cabin marked 'building type 5' located in the north west of the site
- the access to the new dwelling

, shall be constructed to comply with the following requirements of sections 4.1.3 (2) of 'Planning for Bush Fire Protection 2006':

- j) A minimum carriageway width of 4 metres providing all weather 2 wheel drive access.
- k) Any carriageway constriction along the property access road shall be no less than 3.5 metres in width and for a distance of no greater than 30m.
- l) A minimum vertical clearance of 4 metres to any overhanging obstruction, including tree branches.
- m) Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress.
- n) The minimum distance between the inner and outer curves is 6 metres.
- o) The crossfall is not to exceed 10 degrees.
- p) Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.
- q) The road surfaces and bridges have a capacity to carry fully loaded fire fighting vehicles (15 tonnes).

- r) Any creek crossings are constructed to provide suitable flood immunity, as determined by the Council.
- s) All dead end roads provide suitable turning areas for a Category 1 (medium rigid tanker) and are clearly signposted as a dead end.
- t) Provide a loop road around any dwelling, or incorporate a turning circle with a minimum 12m outer radius or provide suitable all weather maneuvering areas to provide a medium rigid vehicle the ability to turn around and leave in a forward direction within a three point turn.

16. Pedestrian paths from all cabins to the refuge building are to be clearly signposted.

Design and Construction

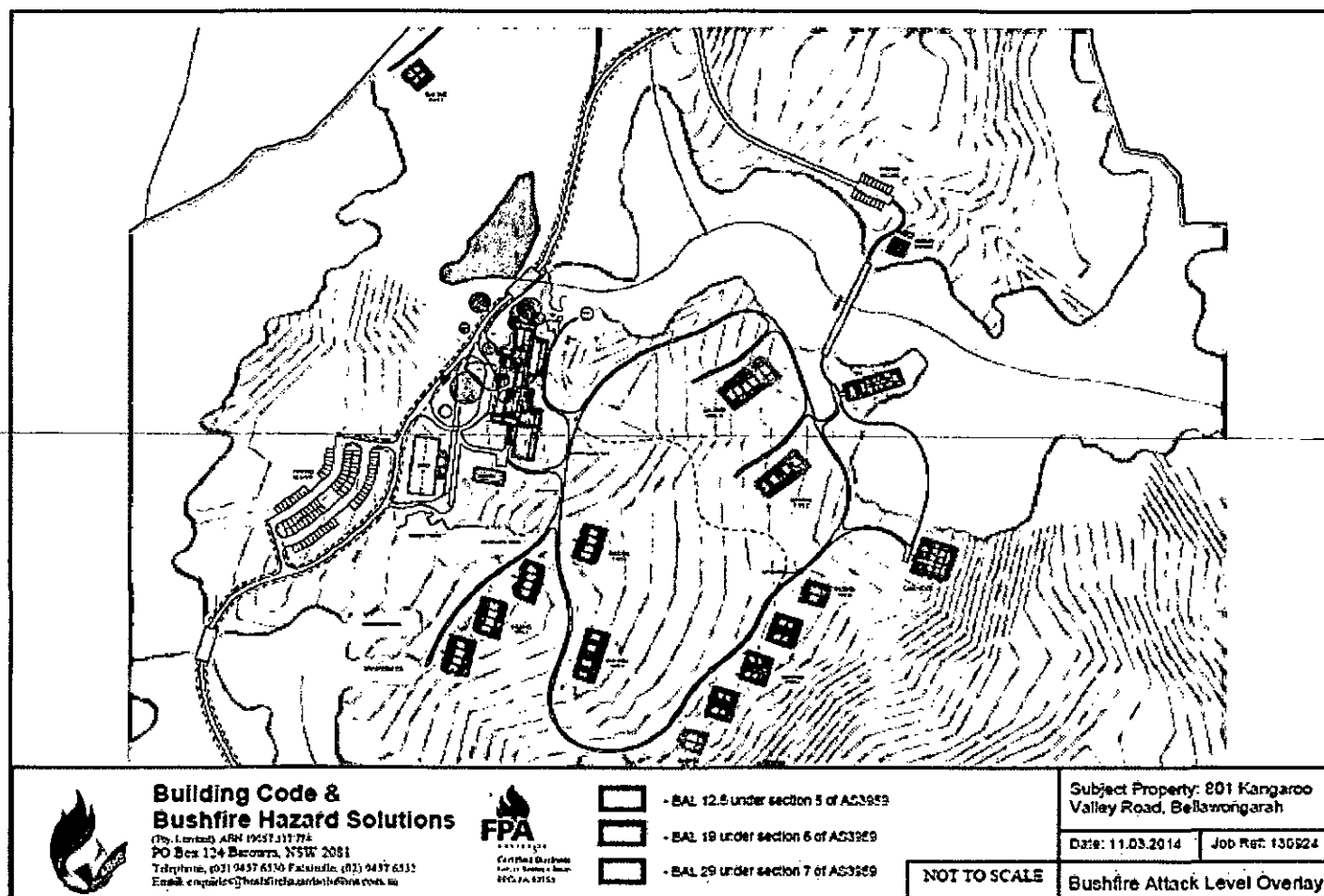
The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- 17. The bushfire refuge building shall be constructed to comply with section 5 (BAL 12.5) Australian Standard AS3959-2009 "Construction of buildings in bush fireprone areas" and section A3.7 Addendum Appendix 3 of "Planning for Bush Fire Protection".
- 18. New non-habitable structures (i.e. gym/pool, spa and conference / wedding/wildlife centre) shall be constructed to comply with section 5 (BAL 12.5) Australian Standard AS3959-2009 "Construction of buildings in bush fire-prone areas" and section A3.7 Addendum Appendix 3 of "Planning for Bush Fire Protection".
- 19. New accommodation cabins shall be constructed to comply with the Bushfire Attack Level under Australian Standard 3959 'Construction of buildings in bushfire-prone areas' 2009 and section A3.7 Addendum Appendix 3 of "Planning for Bush Fire Protection" as indicated on the Bushfire Attack Level overlay from the submitted Bushfire Hazard Assessment copied below:

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Headquarters
Locked Mail Bag 17
GRANVILLE NSW 2142



20. The existing building which is to be converted to the 'main building' (lounge, library, reception, restaurant etc) and the existing building housing the staff accommodation (the shed) shall be retrofitted to mitigate smoke and ember attack. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.
21. A minimum of 10 metres separation must occur between the refuge building and any building (or part thereof) which does not comply with the BAL applied to the refuge building (being BAL 12.5). Alternatively, any building located within 10 metres of the refuge building shall comply with BAL 12.5 as per AS3959-2009.

22. The new dwelling is to be setback a minimum of 14m to adjoining rainforest vegetation to the north and setback a minimum of 18m from adjoining rainforest vegetation to the south. The new dwelling is to be constructed at minimum to comply with section 7 (BAL 29) Australian Standard AS3959-2009 "Construction of buildings in bush fireprone areas" and section A3.7 Addendum Appendix 3 of "Planning for Bush Fire Protection".

Landscaping


23. Any new landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

NOTES

This Bush Fire Safety Authority supersedes our previous General Terms of Approval dated 30 July 2014.

For any queries regarding this correspondence please contact Martha Dotter on 1300 NSW RFS.

Yours sincerely,



Amanda Moylan

Team Leader Development Assessment & Planning

The RFS has made getting additional information easier. For general information on *Planning for Bush Fire Protection 2006*, visit the RFS web page at www.rfs.nsw.gov.au and search under *Planning for Bush Fire Protection 2006*.

Our Ref: STH14/0093/02
Contact: Hala Sattouf 4221 2769
Your Ref: RA14/1004



Transport
Roads & Maritime
Services

The General Manager
Shoalhaven City Council
PO Box 42
Nowra NSW 2541

Attention: Andrew Lissenden

DEVELOPMENT APPLICATION RA14/1004 – LOT 13 DP 707955, 801 KANGAROO VALLEY ROAD, BELLAWONGARAH – ECO TOURIST RESORT

Dear Sir/Madam

Roads and Maritime Services (RMS) refers to your letter dated 3rd November 2014 regarding the subject development application.

RMS notes the subject development application has been resubmitted and includes some modifications. RMS has reviewed the revised development application and does not object to the development application in principle given:

- The proposed development does not gain direct access from the classified road network.
- RMS is satisfied the relatively low traffic generation rate of 41 peak hour vehicle trips is unlikely to have a significant impact on a single classified road intersection as the traffic impacts are likely to be distributed over a number of intersections including the intersection of:
 - The Princes Highway and Kangaroo Valley Road
 - Moss Vale Road and Tourist Road, and
 - Moss Vale Road and Kangaroo Valley Road

If you have any questions please contact Hala Sattouf on 4221 2769.

Yours faithfully

21 NOV 2014

A handwritten signature in blue ink, appearing to read "Chris Millet".

Chris Millet
Manager Land Use
Southern Region
Roads & Maritime Services

To: Shoalhaven Water Group: SW Development Unit
From: Andrew Lissenden
Date: 31st October, 2014
Council Reference: RA14/1004

Proposal:	Construction of an Eco Tourist Resort comprising: 42 accommodation units, 100 car spaces, function centre, restaurant, onsite sewage treatment plant, pool/gym facilities building, wildlife centre, day spa, bushfire refuge building, manager's residence, associated infrastructure (landscaping, creek crossings, etc) and a new dwelling house.
------------------	--

Address:	801 Kangaroo Valley Rd, BELLAWONGARAH - Lot 13 DP 707955
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TRIM DOC. NO/S.:

Please refer to documents located on RA14/1004 parts 1 & 2

Reason:	Please provide comments and/or conditions in relation to: 1. Section 64 contributions; 2. Trade waste including need for grease arrestor; 3. Water requirements; 4. Strong's Road water supply. Is the development within its catchment and are there any concerns; 5. Any other issues and/or concerns.
----------------	---

- Shoalhaven Water Notice to be issued with Consent

☐

- YES

☐

- NO

- Condition/s to be placed into Consent

☐

- YES

☐

- Trade Waste

☐

- Backflow

☐

- Demolition

☐

- See 'Other' below

☐

- NO

- Nil Conditions

☒

- Referral Rejected/Returned :-

☐

Additional Information Required (by applicant):

1.

- Other

☐

1.

In regard to the above application would you please peruse the plan/design and advise the Development & Environmental Services Group of any requirements you wish to be taken into consideration.

The demands on your time are appreciated but due to constraints on processing times we would appreciate your comments within fourteen (14) days. If this group has not received your comments within this time we will impose the standard condition "C4" ie. Certificate of Compliance.

Referral Responses: Access relevant DA in Trim. Select '**Edit**' on Referral for your Group. Complete the 'Comments Section' of the Referral Sheet. Complete **Officer Name and Date**. Close the document and '**Save**' changes. Select '**Workflow**' and then '**Complete Current Action**', the referral will then automatically return to the DESG nominated officer's due tray.

In the interest of public transparency, please note that your interim response comments in its entirety will be made available on Council's Internet site through Council's Development Application Tracking process. Accordingly, your referral may be viewed by any person or body accessing Council's Website in DA Tracking.

OFFICER: Shoalhaven Water

DATE: 14-11-2014

To: Environment Services - Sewage Management Facility Officer
From: Andrew Lissenden
Date: 31st October, 2014
Council Reference: RA14/1004
Council issuing Construction Certificate: NO
Council is PCA: NO

Proposal: Construction of an Eco Tourist Resort comprising: 42 accommodation units, 100 car spaces, function centre, restaurant, onsite sewage treatment plant, pool/gym facilities building, wildlife centre, day spa, bushfire refuge building, manager's residence, associated infrastructure (landscaping, creek crossings, etc) and a new dwelling house.

Application Number: RA14/1004
Property: 801 Kangaroo Valley Rd, BELLAWONGARAH - Lot 13 - DP 707955

TRIM DOC. NO/S.: Please refer to documents located on RA14/1004 parts 1 & 2

PLEASE LOOK AT THIS REFERRAL IMMEDIATELY UPON RECEIPT TO INITIALLY IDENTIFY ADEQUACY OF INFORMATION. IF ADDITIONAL INFORMATION IS REQUIRED PLEASE NOTE ON REFERRAL AND RETURN WITHIN SEVEN (7) DAYS TO ENABLE THE APPLICANT TO BE NOTIFIED ACCORDINGLY.

REASON FOR REFERRAL IS: Please provide comments and/or conditions in relation to:

1. The on-site effluent management system proposed, its suitability and total maximum number of people its been designed for - refer to Section 4.9 and Appendix F of SEE as well as comments previously provided under RA14/1001;
2. Any other concerns and/or issues

REFERRAL RESPONSES: Access relevant DA in Trim. Select 'Edit' on Referral for your Group. Complete the 'Comments Section' of the Referral Sheet, as well as 'Officer Name and Date'. Close the document and 'Save' changes. Select 'Workflow' and then 'Complete Current Action', the referral will then automatically return to the DESG nominated officer's due tray.

In regard to the abovementioned application, would you please peruse the documentation and plans in TRIM and advise the Development & Environmental Services Group of any requirements you wish to be taken into consideration. **We would appreciate your comments within fourteen (14) days.**

PLEASE LOOK AT THIS REFERRAL IMMEDIATELY UPON RECEIPT TO INITIALLY IDENTIFY ADEQUACY OF INFORMATION

In the interest of public transparency, please note that your referral comments in its entirety will be made available on Council's Internet site through Council's Development Application Tracking process. Accordingly, your referral may be viewed by any person or body accessing Council's Website in DA Tracking.

Development & Environmental Services Group – Internal Referral

Is any further information required?	Yes / No (if <u>Yes</u> state what info is required below in your General Comments)
Please indicate NO if your Group has no comments on this proposal.	

General Comments

Thank you for the opportunity to comment on this application. Please note that the assessment of the on-site management of effluent for this proposal has been outsourced to an external consultant.

OFFICER A.McVey DATE: 2/2/14

—

**PLEASE LOOK AT THIS REFERRAL IMMEDIATELY UPON RECEIPT TO
INITIALLY IDENTIFY ADEQUACY OF INFORMATION**

To: Threatened Species Officer
From: Andrew Lissenden
Date: 31st October, 2014
Council Reference: RA14/1004
Council issuing Construction Certificate: NO
Council is PCA: NO

Proposal: Construction of an Eco Tourist Resort comprising: 42 accommodation units, 100 car spaces, function centre, restaurant, onsite sewage treatment plant, pool/gym facilities building, wildlife centre, day spa, bushfire refuge building, manager's residence, associated infrastructure (landscaping, creek crossings, etc) and a new dwelling house.

Application Number: RA14/1004
Property: 801 Kangaroo Valley Rd, BELLAWONGARAH - Lot 13 - DP 707955

TRIM DOC. NO/S.: Please refer to documents located on RA14/1004 parts 1 & 2

PLEASE LOOK AT THIS REFERRAL IMMEDIATELY UPON RECEIPT TO INITIALLY IDENTIFY ADEQUACY OF INFORMATION. IF ADDITIONAL INFORMATION IS REQUIRED PLEASE NOTE ON REFERRAL AND RETURN WITHIN SEVEN (7) DAYS TO ENABLE THE APPLICANT TO BE NOTIFIED ACCORDINGLY.

REASON FOR REFERRAL IS:

Please provide comments on the submitted Flora and fauna Assessment (refer to Appendix K and Section 4.14 of SEE as well as comments previously provided for RA14/1001) having regard for the requirements of the separate bushfire assessment.

REFERRAL RESPONSES: Access relevant DA in Trim. Select 'Edit' on Referral for your Group. Complete the 'Comments Section' of the Referral Sheet, as well as 'Officer Name and Date'. Close the document and 'Save' changes. Select 'Workflow' and then 'Complete Current Action', the referral will then automatically return to the DESG nominated officer's due tray.

In regard to the abovementioned application, would you please peruse the documentation and plans in TRIM and advise the Development & Environmental Services Group of any requirements you wish to be taken into consideration. **We would appreciate your comments within fourteen (14) days.**

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Development & Environmental Services Group – Internal Referral

Is any further information required?	Yes / No (if <u>Yes</u> state what info is required below in your General Comments)
Please indicate NO if your Group has no comments on this proposal.	

General Comments

Background

The applicant previously submitted a proposal for an Eco-tourist Resort and Function Centre in May 2014 (RA14/1001). However, this application was withdrawn. Council's TSO assessed the Flora and Fauna Assessment and provided comments (D14/83718). Changes were made to the proposal, which was subsequently resubmitted under the current RA number. The Flora and Fauna Assessment originally submitted was altered to suit the new proposal and resubmitted with the new application (D14/270952).

The proposal

The subject property is approximately 70.58 ha and zoned part RU1 Primary Production and Part E2 Environmental Conservation (GIS layer - Shoalhaven Local Environment Plan, 2014).

The proposal is to construction an Eco Tourist Resort comprising: 42 accommodation units, 100 car spaces, function centre, restaurant, onsite sewage treatment plant, pool/gym facilities building, wildlife centre, day spa, bushfire refuge building, manager's residence, associated infrastructure (landscaping, creek crossings, etc) and a new dwelling house.

The applicant submitted a "Bushfire Hazard Assessment Report", prepared by Building Code and Bushfire Hazard Solutions Pty Limited, reference number 130924, dated 21st of August 2013. The Bushfire Hazard Assessment Report recommended the following APZs:

- North – 106 m
- East – N/A
- South – 110 m
- West – N/A

All recommended APZs are currently existing and no further clearing is required for the establishment of these APZs.

A referral has been sent to the NSW RFS (D14/284094) but no response has been received as yet.

Area of native vegetation to be cleared or modified

Majority of the proposal is located within existing cleared areas on the property; however some vegetation clearing is required for the upgrade of 3 creek crossings and the establishment of a car park. To upgrade the creek crossings and establish the car park, approximately 0.13 ha of vegetation will be removed. The vegetation to be removed is floristically consistent with Illawarra Subtropical Rainforest, an Endangered Ecological Community (EEC). The vegetation to be removed as a result of the proposed car park (0.07

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ha) is currently disturbed and partly managed. The vegetation removal will also involve the removal of one hollow bearing tree.

Review of provided Flora & Fauna Assessment

The applicant has submitted a "Flora and Fauna Assessment, Rockfield Park resort, 801 Kangaroo Valley Road, Bellawongarah" by Travers Bushfire and Ecology, reference number A131119, dated August 2014.

Travers undertook flora surveys on the 13 November 2013 for approximately 5 hours. Flora surveys consisted of constructing eight 20x20m quadrats with an internal/external 50 m transect. Additional flora surveys were conducted on the 5th of August 2014.

Travers conducted diurnal bird surveys at four reference points within the study area. Each point was surveyed for a minimum of 15 minutes. Nocturnal bird surveys were conducted using call playback techniques for threatened owl species. Diurnal amphibian surveys were conducted along transects at watercourses adjacent to development areas, whilst nocturnal spotlighting searches and call-playback. Target species were the Giant Burrowing Frog and the Stuttering Frog.

ANABAT recording were taken over two nights for 2 hours.

Majority of fauna surveys occurred during November. Weather conditions are provided and amphibian surveys were not conducted during rainfall events, or shortly following significant rain.

Travers recorded one threatened species on the site, the Greater Broad-nosed Bat.

Travers concluded that the proposal is unlikely to have a significant effect on the threatened species known or likely to occur on the site.

Site inspection notes and NSW EP&A Act s5A "assessment of significance" / 7-part test

The site was inspected on the 28th of April 2014 following a review of the provided plans, Statement of Environmental Effects (including Flora & Fauna Assessment), and council's planning and environmental data.

The inspection took place from approximately 2:30pm and 4:00pm and involved an inspection of the proposed dwelling locations, access ways, Asset Protection Zones and property boundaries.

No specialised or nocturnal surveys were undertaken. The inspection involved a general search for general flora and fauna signs and components such as hollow-bearing trees. No nocturnal or specialised targeted surveys were undertaken. Photographs and GPS data of the proposed building site were taken.

TSO Notes

From the site inspection Council can concur that the vegetation to be removed is floristically consistent with Illawarra Subtropical Rainforest an Endangered Ecological Community (EEC). Council concurs with Travers that the removal of this small amount of EEC as a result of the proposal is unlikely to have a significant effect, provided the mitigation measures outlined are adhered to.

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Travers identified one hollow bearing tree to be removed as a result of the proposal. Travers did not undertake any spotlighting/stagwatching surveys on this hollow bearing tree in order to determine if any threatened hollow dependant fauna are residing in this tree.

As one threatened microbat species, the Greater Broad-nosed Bat, has been recorded on the site and the high potential for other threatened hollow dependant microbats (Large-eared Pied Bat, Eastern False Pipistrelle, Golden-tipped Bat, Large-footed Myotis and Eastern Free-tailed Bat) to occur on the site, this hollow bearing tree must be surveyed in order to determine whether this tree may be utilised as a roost site for any of the threatened microbats known or likely to occur on the subject site. These surveys must follow the *Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities* (DEC 2004). A seven-part test pursuant to Section 5A of the *EP&A Act 1979* must be undertaken for all threatened hollow dependant microbat species that occur or have potential to occur, on the site (i.e. Greater Broad-nosed Bat, Large-eared Pied Bat, Eastern False Pipistrelle, Golden-tipped Bat, Large-footed Myotis and Eastern Free-tailed Bat). These species may be grouped for the purposes for this seven part test as they all occupy similar habitats, but the potential impacts of their foraging habitat and roost habitat must be addressed.

No seven-part test was undertaken by Travers on threatened amphibian species, as it was determined that there was marginal habitat for these species. Additionally, surveys were not conducted during a rain event or immediately following a significant rain event. In order to protect potential habitat for threatened amphibians downstream, strict erosion and sedimentation and control methods must be in place pre, during and post construction of the upgrade of the creek crossings. Travers has suggested some mitigation measures in order to mitigate the downstream impacts to the creek during the construction period of the upgrade of the creek crossings. However, full details and methodology of the sediment and erosion controls to be used pre, during and post construction phases must be provided in order to ensure the protection of the creek during this time.

Conclusions

- Further survey is required of the hollow bearing tree to be removed in order to discount the presence of threatened hollow dependant fauna in this tree. Additionally, the location of this tree must be provided on the site plans in order to indicate which hollow bearing tree is to be removed. Surveys are to be conducted in accordance with the *Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities* (DEC 2004).
- Following survey of the hollow bearing tree to be removed, a revised 'seven-part test' pursuant to Section 5A of the *EP&A Act 1979* for the following hollow dependant microbats:
 - Greater Broad-nosed Bat
 - Large-eared Pied Bat
 - Eastern False Pipistrelle
 - Golden-tipped Bat
 - Large-footed Myotis
 - Eastern Free-tailed Bat
- An in-depth erosion and sedimentation plan is to be developed that includes all plans and methodologies to be adopted for the protection of the streams pre, during and post construction of the creek crossings.

OFFICER _____ DATE: _____

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**PLEASE LOOK AT THIS REFERRAL IMMEDIATELY UPON RECEIPT TO
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To: Tourism Manager
From: Andrew Lissenden
Date: 31st October, 2014
Council Reference: RA14/1004
Council issuing Construction Certificate: NO
Council is PCA: NO

Proposal: Construction of an Eco Tourist Resort comprising: 42 accommodation units, 100 car spaces, function centre, restaurant, onsite sewage treatment plant, pool/gym facilities building, wildlife centre, day spa, bushfire refuge building, manager's residence, associated infrastructure (landscaping, creek crossings, etc) and a new dwelling house.

Application Number: RA14/1004
Property: 801 Kangaroo Valley Rd, BELLAWONGARAH - Lot 13 - DP 707955

TRIM DOC. NO/S.: Please refer to documents located on RA14/1004 parts 1 & 2

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REASON FOR REFERRAL IS: **For your information & comment**

REFERRAL RESPONSES: Access relevant DA in Trim. Select 'Edit' on Referral for your Group. Complete the 'Comments Section' of the Referral Sheet, as well as 'Officer Name and Date'. Close the document and 'Save' changes. Select 'Workflow' and then 'Complete Current Action', the referral will then automatically return to the DESG nominated officer's due tray.

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Development & Environmental Services Group – Internal Referral

Is any further information required?	Yes / No (if <u>Yes</u> state what info is required below in your General Comments)
Please indicate NO if your Group has no comments on this proposal.	

General Comments

As identified in Appendix 3: Accommodation, Shoalhaven Tourism Master Plan 2012-2017, Shoalhaven has a limited supply of 'Eco' properties. Given the promotion of Shoalhaven as a place to 'Unwind' the nature of this accommodation offering fits well with the strategic positioning of Shoalhaven as a relaxing destination for visitors.

OFFICER__Steve
Lawson_____

DATE: __13/11/2014_____

**PLEASE LOOK AT THIS REFERRAL IMMEDIATELY UPON RECEIPT TO
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To: Traffic & Transport
From: Andrew Lissenden
Date: 31st October, 2014
Council Reference: RA14/1004-03
Council issuing Construction Certificate: NO
Council is PCA: NO

Proposal: Construction of an Eco Tourist Resort comprising: 42 accommodation units, 100 car spaces, function centre, restaurant, onsite sewage treatment plant, pool/gym facilities building, wildlife centre, day spa, bushfire refuge building, manager's residence, associated infrastructure (landscaping, creek crossings, etc) and a new dwelling house.

Application Number: RA14/1004
Property: 801 Kangaroo Valley Rd, BELLAWONGARAH - Lot 13 - DP 707955

TRIM DOC. NO/S.:

Please refer to documents located on RA14/1004 parts 1 & 2

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REASON FOR REFERRAL IS: Please provide comments on:

1. Vehicle generation rates;
2. Suitability of roads providing access to the site;
3. Comments on the submitted traffic impact assessment (i.e. is it adequate, are the conclusions valid) - Refer to Appendix L and section 4.7 of SEE as well as comments previously provided for RA14/1001.
4. Works that may be required external to the site due to the development (i.e. are there any and what are they); and
5. Any other issues and/or conditions.

Note: This application has been separately to referred to RMS

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Development & Environmental Services Group – Internal Referral

Is any further information required?	Yes / No (if <u>Yes</u> state what info is required below in your General Comments)
Please indicate NO if your Group has no comments on this proposal.	

General Comments

Thank you for the opportunity to comment on the abovementioned application. The following comments are made by Assets & Works Group (Traffic & Transport Unit) based on the 'reason for referral'.

As previously identified, the proposed development has the potential to generate an additional 31% traffic flow in the area. This is considered as a significant increase on what are essentially narrow, winding country roads.

The applicant should provide details on how this impact has been assessed. The writer disagrees with the notation in applicant's letter dated 14 August (Ref D14/270963) that the potential traffic generation of 41 vehicles per hour (or 417 vehicles per day) is minimal.

As previously noted, both Kangaroo Valley Road and Tourist Road are narrow winding roads with no centre line marking. Kangaroo Valley Road, in particular, has been designated for being unsuitable for vehicles over 7.5m in length due to the steep winding nature of the road.

The applicant also notes that if buses are to be used to transport guests to the site, those buses will be limited to a maximum length of 7.5m and large tourist coaches will not be permitted access. No details have been provided as to how this is to be regulated.

Similarly, it is noted that service vehicles will also be limited to 7.5m in length. Once again no detail has been provided as to how this is to be regulated. In this regard it should be noted that a standard garbage truck is approx. 9m in length.

It is reiterated that although the traffic & parking assessment report notes traffic generation information it does not address the impact that the additional traffic will have on what is considered as being a primarily local rural environment and in particular does not address the impact of service vehicles accessing the site. The numbers and type of service vehicles required or proposed to access the development and its impacts on both the road and residential environments needs to be addressed by the applicant.

As noted in previous comments provided (11/6/14) Kangaroo Valley Road has been identified as having a high traffic accident rate over its length. The applicant has not

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considered this accident history in the traffic assessment. Although Shoalhaven City Council is undertaking continued road safety improvement works, given the additional traffic that potentially will be generated by the development, further works may be required in this regard. Information regarding accident statistics etc can be obtained from either Council or Roads & Maritime Services

It is noted that vehicular access arrangements are to be designed to accommodate basic right (BAR) and rural basic left (BAL) treatment at both access points. As noted previously, this treatment is considered as being the absolute minimum that should be applied. Detailed designs of both junctions together with a proposed signs/lines plan are to be provided. The applicant should provide more detailed analysis of the proposed intersection treatments to ensure their adequacy (refer Austroads Guide to Road Design Part 4A: Unsignalised and Signalised intersections). Following receipt of the detailed analysis and designs further works at these intersections may be identified.

OFFICER: Marc Poulton

DATE: 19 November 2014

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