

**Attachment 4 – Statement of Environmental Effects and SLEP 2013 clause 5.13 response**

**1. Statement of Environmental Effects**



**STATEMENT OF ENVIRONMENTAL EFFECTS**  
**DEVELOPMENT APPLICATION FOR THE DEMOLITION OF**  
**EXISTING DERELICT STRUCTURES AND THE CONSTRUCTION OF**  
**AN ECO-TOURIST RESORT**  
**71 FIG HILL LANE, DUNMORE**



**Report Prepared by Giovanni Cirillo**

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## Summary

This Statement of Environmental Effects (SEE) has been prepared in support of a Development Application made under Part 4 of the Environmental Planning and Assessment Act 1979 for the redevelopment of the site at 71 Fig Hill Lane, Dunmore ("the Site").

The proposed application seeks consent for the demolition of substantial portions of the existing dilapidated dwelling and its re-development as an eco-tourism resort comprising of a part two-storey, part three-storey principal building with 13 guest rooms, a gym and spa area, restaurant, lounge bar, panoramic terrace and pool, rooftop bar and three separated one storey pavilions containing 20 additional guest rooms.

The Site is zoned partly RU2 Rural Landscape, partly E2 Environmental Conservation, and partly E3 Environmental Management under the Shellharbour Local Environmental Plan 2013. The proposed tourist accommodation is fully situated on land zoned RU2 Rural Landscape.

The proposed development is detailed in the architectural package by Nordon Jago Architects. The application is also accompanied by the following:

- Architect's Statement - Nordon Jago Architects
- Landscape Plans – Sturt Noble
- Bushfire Protection Assessment – Australian Bushfire Protection Planners
- Biodiversity Development Assessment Report – Cumberland Ecology
- Site Investigation – EIAustralia
- Preliminary Geotechnical Assessment – Martens Consulting Engineers
- Preliminary Acid Sulphate Soil Assessment - Martens Consulting Engineers
- Concept Stormwater Management Plan – Martens Consulting Engineers
- Wastewater Management Plan - Martens Consulting Engineers
- Ecologically Sustainable Development Report – Wood & Grieve Engineers
- Traffic and Parking Impact Assessment – Barker Ryan Stewart
- BCA Compliance Assessment Report – AED Group
- Waste Management Plan – Nordon Jago Architects
- QS Report – RICQS Quantity Surveyors

These reference documents are to be read in full as the relevant primary source of advice for that specialist area of expertise, and in conjunction with this SEE.

This Statement has been prepared pursuant to section 78A of the Environmental Planning and Assessment Act 1979 and clause 50 of the Environmental Planning and Assessment Regulation 2000. The Statement provides an assessment of the development proposal having regard to the relevant legislative context, the social, economic and environmental impacts, potential amenity impacts of the development on the surrounding locality, and the measures proposed within the application to mitigate such impacts.

The Statement details the proposed development's compliance against applicable environmental planning instruments and development control plans including:

- Commonwealth Environment Protection and Biodiversity Conservation Act 1999
- Biodiversity Conservation Act 2016
- Coastal Management SEPP 2018
- State Environmental Planning Policy No.55 – Remediation of Land

- Shellharbour City Council Local Environmental Plan 2013
- Shellharbour City Council Development Control Plan 2013

Having regard to the applicable legislative framework, it is considered that the proposed development is consistent with the aims and objectives of the relevant environmental planning instruments and development control plan whilst facilitating a future tourist accommodation facility which will be compatible with the character of the locality and minimising any potential impacts on the amenity of the adjoining properties and heritage items.

## Site Location and Context

The subject property (Lot 3 DP 717776) is an irregular shaped allotment with an area of 39.44ha which is located at 71 Fig Hill Lane, Dunmore, a rural suburb within the City of Shellharbour. The property is a 25-minute drive from Wollongong and a 10-minute drive to the township of Kiama.

The property is situated at 1.5km from the coast on the eastern edge of undulating terrain overlooking lower-lying flat land forming the western banks of Minnamurra River. It is largely unoccupied and mostly vegetated with protected wetlands and dry rainforest.

The property is surrounded by:

- To the northeast, an existing dwelling on a managed rural residential property within Lot 1 of DP 219199;
- to the east and southeast, the Minnamurra River;
- to the north, Dunmore House (Heritage Item n. 1027) on managed rural land within Lot 501 in DP 1174897; and
- to the west and southwest, an existing dwelling, associated sheds and managed rural land within Lot 31 in DP 1012246.

The development precinct is restricted to the north-western portion of the property on an area that is currently occupied by an unfinished dwelling and associated garage and stable structures.





Figure 1 – Locality Map showing the Development Precinct at 71 Fig Hill Lane, Dunmore outlined in red (Source: SIX Maps 2019)



Figure 2 – Aerial image showing the Development Precinct at 71 Fig Hill Lane, Dunmore outlined in red (Source: Google Maps 2019)

## Site History

The subject property is legally described as Lot 3 DP 717776. The property was originally part of a 111.5ha property legally described as Lot 2 DP 219199 (the “parent lot”) which was formed following approval by Shellharbour Council on 13th April 1964. The subject property was then created on 18th July 1985 as part of the subdivision of the parent lot. That subdivision also approved the creation of Lots 1 and 2, which at the time of the approval had areas of 36ha and 36.44ha, respectively.

### Existing development

The site includes a very large (approximately 4000sqm) and unfinished two-storey dwelling, a pool, a gazebo, a water tank, garden retaining walls, concrete driveway and paved footpaths and extensive site filling used for site levelling purposes. The dwelling, known as Minnamurra Mansion is in a derelict state, is a highly inappropriate and intrusive building on the Illawarra Escarpment.



Figure 3 – Aerial view looking north across the development site (Source: Google Images 2019)



Figure 4 – Aerial view looking north-east across the development site (Source: Google Images 2019)



Figure 5 – Aerial view looking south across the development site (Source: Google Images)

Figure 6 – View of the principle frontage of the existing dwelling (Source: Google Images)

### Relevant recent development history

In November 2002 development Application 7.2002.912.1 was first approved for:

*“Rural dwelling with garages and swimming pool”*

The approved dwelling was then modified by 7.2002.912.2 in September 2005 and 7.2002.912.3 in February 2006 to include a plant room for the approved swimming pool, a new Spa Area and an elevator.

A number of development applications (i.e. 7.2003.440.1, 7.2003.785.1, 7.2006.189.1, 7.2008.398.1) to broaden the scope of the approved development and re-model it into an equestrian centre were either withdrawn by the applicant or refused by Shellharbour Council.

### Proposal Summary

The subject development proposal seeks approval for demolition of most of the existing unfinished building and the construction of an eco-tourism resort facility comprised of a principal building that occupies the footprint of the existing dwelling and three arc-shaped cliff-top pavilions that are unobtrusively fitted into the topography and connected to each other and the public areas with a series of open landscaped access pathways.

The principal building is a part two, part three-storey structure: at basement level contains a gymnasium and beauty therapy centre; a restaurant, lounge bar, terrace, swimming pool and back-of-house are located at the ground floor level and ten (10) units and a reception at the first floor level; three additional guests' units and a rooftop bar are located at the rooftop level.

The three cliff-top pavilions provide twenty (20) guest's units in total distributed between Clifftop Lodge A which contains nine (9) units, Clifftop Lodge B seven (7) units and Clifftop Lodge C four (4) units.

Access to the development site is via a driveway off Fig Hill Lane. It is also proposed to provide a 47 on-site parking spaces and a separate unloading dock/waste collection area.

The project design response has utilised sustainable design principles and borrows elements from industry recognised sustainability standards with the intent to deliver an elevated environmental



performance and reduce the ecological impact of the development on the surrounding area in both construction and operations.

Ecologically sustainable measures include on-site collection and storage of rainwater, water efficiency measures, passive thermal design and sustainable building materials and components, efficient lighting, a photovoltaic energy system with a maximum peak of 99kw peak, high efficiency air-cooled centralised conditioning system. Further details of all the adopted sustainable design framework are included in the provided Ecologically Sustainable Development Report prepared by Wood & Grieve Engineers.

The proposed structures are built on a portion of the site which has already undergone substantial disturbance such that only the removal of a small area of significant vegetation will be required to accommodate the required Asset Protection Zones.

Effluent from the resort will be managed as described in the Wastewater Management Plan prepared by Martens Consulting Engineers and which has recommended that affluent be treated by a sub-surface drip irrigation system over a total area of not less than 2170sqm.

Landscaping is proposed in the form of the planting of native trees, shrubs and grasses in and around the proposed buildings as shown on the landscape plan prepared by Sturt Noble.

The proposed works are detailed in the plans prepared by Nordon Jago Architects dated 19 September 2019. Extract of the above plans are included below for reference.

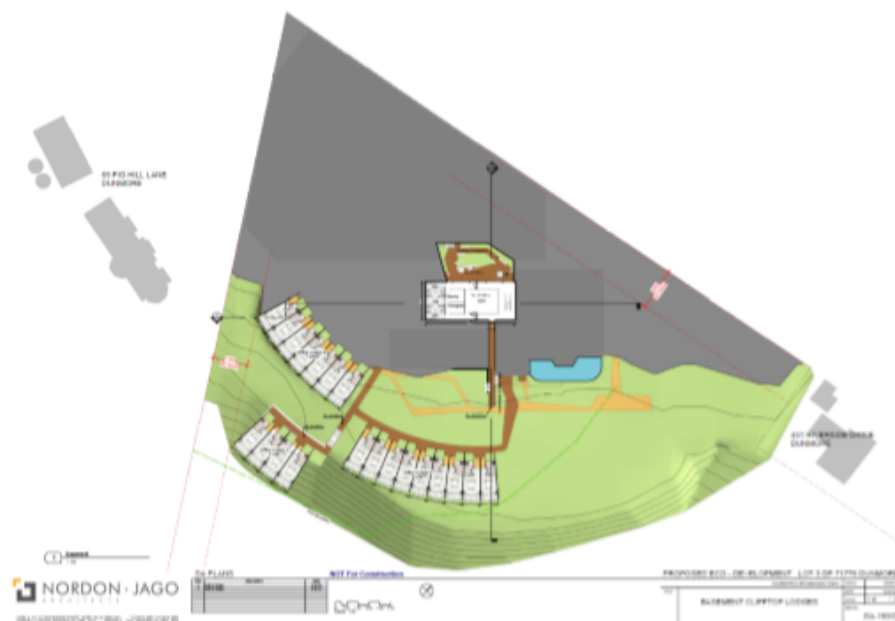




Figure 8 – Proposed Ground Floor Plan



Figure 9 – Proposed First Floor Plan

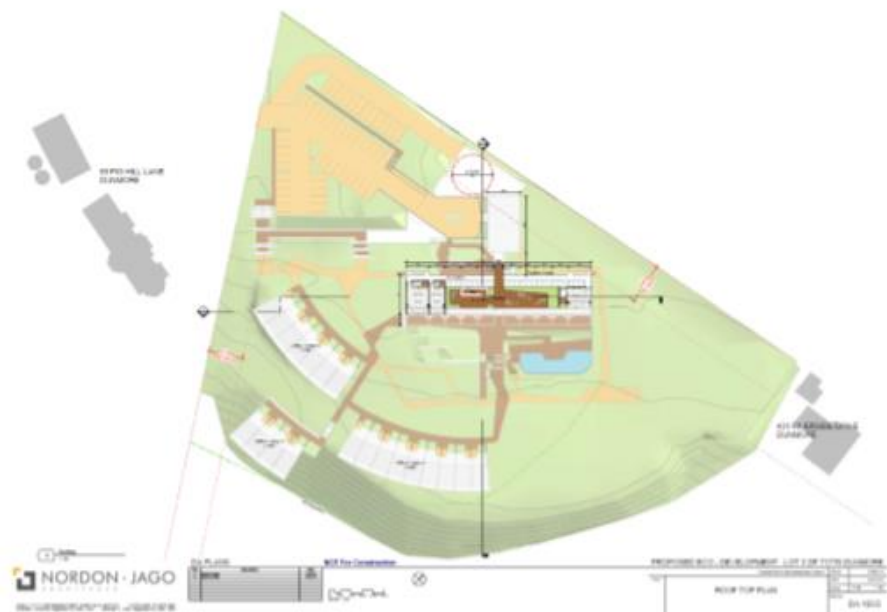


Figure 10 – Proposed Roof Top Plan

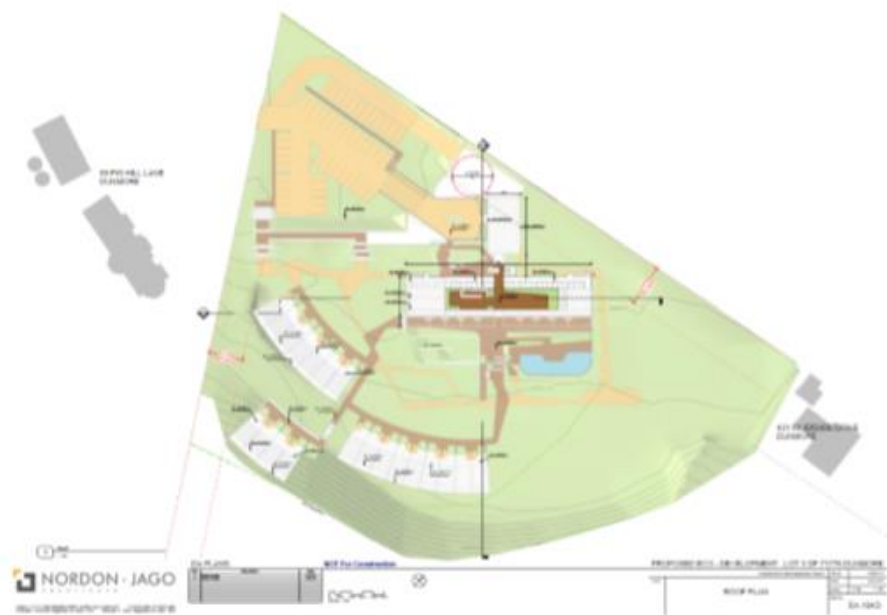


Figure 11 – Proposed Roof Plan



Figure 12 – South & West Elevations



Figure 13 – North & East Elevations



## Statutory Planning Framework

### Commonwealth Legislation

#### Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 specifies that approval is required from the Commonwealth Minister for the Environment for actions that have, will have or are likely to have a significant impact on a matter of “national environmental significance”, including:

- (i) declared World Heritage Areas;
- (ii) declared Ramsar wetlands;
- (iii) listed threatened species and ecological communities;
- (iv) listed migratory species;
- (v) nuclear actions; and
- (vi) the environment of Commonwealth marine areas.

Actions on or outside Commonwealth land that have, will have or are likely to have a significant impact on the environment on or outside Commonwealth land must also be referred to the Commonwealth Minister for assessment and approval. The Department of Environment and Heritage (2005) has published guidelines to assist in determining whether an action will have or is likely to have a significant impact on a matter of national environmental significance and, hence, whether a referral should be submitted to the Department for a decision by the Minister on whether assessment and approval is required under the EPBC Act.

The proposed eco-tourism resort is located in the north-western corner of the property on an area that has been subject to a previous unfinished residential development which included extensive landfilling and clearing of vegetation. The removal of native vegetation associated with the construction of the proposed eco-tourism resort does not result in a significant impact. Nevertheless, none of the vegetation communities mapped within the development precinct conform to the listings under the EPBC Act.

Hence, it is anticipated that there would be no adverse effects on critically endangered/ endangered species or communities listed under the EPBC Act, or vulnerable species as a result of the proposed construction at this location. Under these circumstances, it is our view that the provisions of this legislation do not apply to this Proposal. Notwithstanding the above, accompanying the application is a Biodiversity Development Assessment Report prepared by Cumberland Ecology that considers the ecological impacts of the Proposal.

#### Environmental Planning & Assessment Act 1979

In accordance with Section 4.15(1) of the EP&A Act 1979 in determining a development application a consent authority is to take into consideration the relevant matters listed in Section 4.15(1). The below sections of this report addresses the relevant provisions of the applicable environmental planning instruments as required by section 4.15(1)(a)(i), the applicable development control plan as required by section 4.15(1)(a)(i) and the remaining provisions of Section 4.15(1).

## Biodiversity Conservation Act 2016

On 1 January 2019, the NSW Biodiversity Conservation Act 2016 and Biodiversity Conservation Regulations 2017 replaced the Threatened Species Conservation Act 1995, the Wildlife Conservation Act 1950 and the Sandalwood Act 1929 and their associated regulations.

The purpose of this Act is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development.

Under the Biodiversity Conservation Act, all development that requires development consent under Part 4 of the EP&A Act that exceeds the Biodiversity Offset Scheme thresholds, as set out in Section 7.2 and 7.3 of the NSW Biodiversity Conservation Regulation 2017, or is triggered by a “test of significance” must be assessed using the Biodiversity Assessment Method with the results presented in a Biodiversity Development Assessment Report.

The proposed development does not exceed Biodiversity Offset Scheme thresholds. Nevertheless, due to the location of the proposed development and the proximity to a Coastal Wetland mapped under the State Environmental Planning Policy (Coastal Management) 2018, the Proposal has been determined to have the potential to have a significant impact on the nearby Coastal Wetland and associated Threatened Ecological Communities, if indirect impacts of the Proposal are not appropriately managed. As a result, a Biodiversity Development Assessment Report has been prepared by Cumberland Ecology on a precautionary basis.

## Coastal Management SEPP 2018

The State Environmental Planning Policy (Coastal Management) 2018 commenced on 3 April 2018 and guides development in NSW coastal areas, including land adjacent to beaches, estuaries, coastal lakes, coastal wetlands and littoral rainforests.

The SEPP promotes appropriate and sensitive development in coastal areas and requires the consent authority to consider whether a development proposed on land identified as “*proximity area for coastal wetlands*” or “*proximity area for littoral rainforest*” on the Coastal Wetlands and Littoral Rainforests Area Map does not significantly impact on the biophysical, hydrological and ecological integrity of the coastal wetland or the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland.

The subject property includes land mapped as ‘Proximity Area’ to the Coastal Wetlands, which acts effectively as a buffer area to the Coastal Wetland. However, the majority of the proposed development is contained outside of the “Proximity Area”, with only a portion of the APZ and one of the ancillary buildings for the resort contained in the “Proximity Area”, in the southern portion of the development precinct.

Land mapped as Coastal Wetlands under the Coastal Management SEPP 2018 occurs in the subject property, however, none occurs in the development precinct. Additional areas of Coastal Wetlands occur outside the subject property along the Minnamurra River to the north and north-west.

No area of SEPP Coastal Wetland will be removed by the project, and none is located within the development precinct.

The clearing of vegetation within the proximity areas in the subject land is not expected to significantly impact the Coastal Wetland beyond current conditions, as these areas have previously been modified during the construction of the existing dwelling

There is the potential for minor indirect impacts to occur to the Coastal Wetland within the subject property, through erosion and sedimentation caused by construction works or runoff of stormwater and wastewater. However, these potential impacts will be managed through the implementation of appropriate erosion and sedimentation control measures and a stormwater/wastewater design. A Concept Stormwater Management Plan has been prepared by Martens Consulting and forms part of the subject application.

Nevertheless, it should also be noted that the Proposal is not a designated development under Clause 10 of the Coastal Management SEPP 2018, as no clearing of native vegetation, harm of marine vegetation, or specified activities listed in Section 1(c) will be undertaken on land identified as a Coastal Wetland.

## State Environmental Planning Policy No. 55 - Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land. Clause 7 of SEPP 55 requires the consent authority to consider whether land is contaminated prior to granting consent to carrying out of any development on that land and if the land is contaminated, it is satisfied that the land is suitable in its current state or will be suitable after remediation for the purpose or which the development is proposed to be carried out.

The development precinct is sited on the northwestern corner of the property in an area which has previously been modified for construction of the existing derelict dwelling and mostly consist of a pad containing site filling.

EI Australia has undertaken a site contamination investigation including sampling analysis has been carried out on 20 points throughout this area, the key finding is that:

- Soil samples reported contaminant concentrations below the laboratory LOR and/or the adopted SILs.
- No asbestos was detected in any of the samples analysed.

Based on the results of soil and groundwater investigations undertaken as part of the investigation, EI Australia considers that the site is suitable from a contamination perspective for the proposed land use.

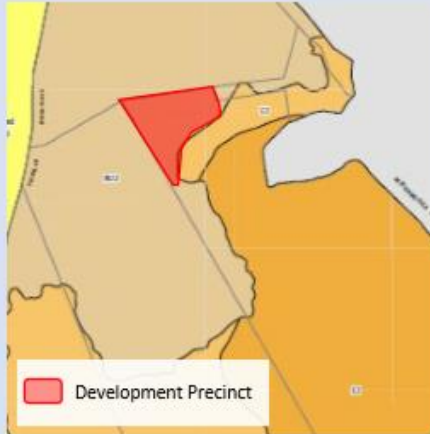
## Local Planning Provisions

### Shellharbour Local Environmental Plan 2013

As demonstrated in the table below, the Proposal is generally compliant with the requirements of the SLEP 2013 but is inconsistent with the maximum building height provision. A Clause 4.6 Variation request is submitted as part of this DA and provides a detailed justification of the exceedance.

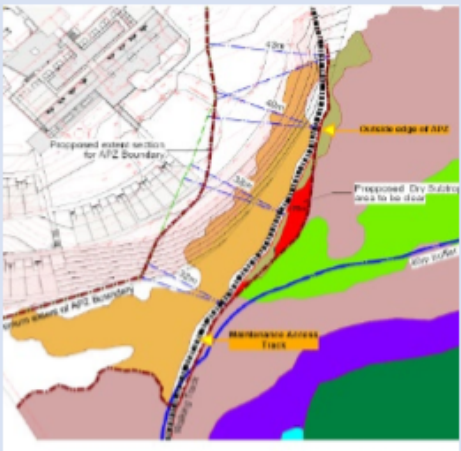



Table 1 - The Shellharbour Local Environmental Plan 2013 and the Proposal by Nordon Jago Architects.

SLEP 2013	RELEVANT PROVISIONS	COMPLIANCE
<p><b>Clause 2.1</b></p> <p><b>Land Use Zones</b></p>	<p>The land is zoned RU2 Rural Landscape, E2 Environmental Conservation and E3 Environmental Management under the SLEP2013, as shown in Figure 15 below.</p> <p><b>Objectives of RU2 zone:</b></p> <ul style="list-style-type: none"> <li>○ To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</li> <li>○ To maintain the rural landscape character of the land.</li> <li>○ To provide for a range of compatible land uses, including extensive agriculture.</li> </ul> <p><b>Objectives of E2 zone:</b></p> <ul style="list-style-type: none"> <li>○ To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.</li> <li>○ To prevent development that could destroy, damage or otherwise have an adverse effect on those values.</li> </ul> <p><b>Objectives of E3 zone:</b></p> <ul style="list-style-type: none"> <li>○ To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.</li> <li>○ To provide for a limited range of development that does not have an adverse effect on those values.</li> <li>○ To retain and enhance the visual and scenic qualities of the Illawarra Escarpment.</li> </ul>	<p><b>Complies.</b></p> <p>The proposed development (i.e. central building and three satellite pavilions) is located entirely within the RU2 Rural Landscape and E3 Environmental Management zones (see below).</p>  <p><i>Fig 14 - Land Uses Map (Source: SLEP 2013)</i></p> <p>The application is for an eco-tourist facility which is permissible with consent in both RU2 and E3 zones.</p> <p>The Proposal will remove an existing unsympathetic structure which is an ongoing detraction from the significant scenic and ecological value of the site and replace it with an eco-tourist facility that incorporates best-practice methodologies in terms of sustainable design including energy conservation and production, waste minimisation and treatment and conservation of natural assets.</p> <p>The prominence of the Proposal has been minimized by breaking up the development into separate structures and locating them on the site in a way that complements the surrounding landform and follow the topography of the site.</p> <p>Natural external materials are proposed so that the building recedes into its environment rather than standing out from it.</p>



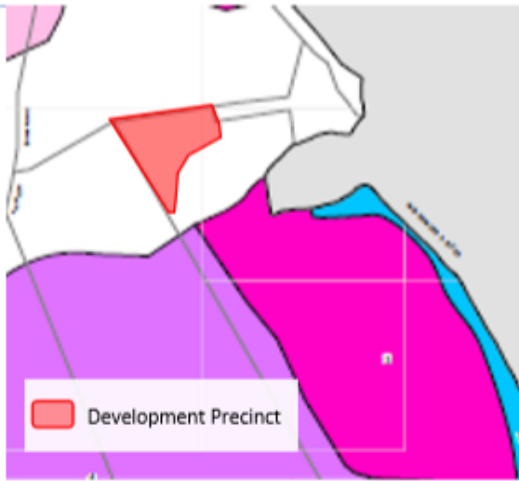
		<p>No works are proposed in the area of the protected wetlands that flanks the Minnamurra River (i.e. 95% of the site) and dry rainforest. Inversely, the Proposal will restore damaged native vegetation near the curtilage of the house and provide for the long term stewardship of the wetlands and dry rainforest.</p> <p>The locality of the proposed resort is one where substantial development (rural and residential) is already present. In this regard, to the west, north and east of the site adjoins separate holdings which contain rural dwellings and outbuildings. Further to the west of the other side of the Princes Highway is a rural residential area containing some 20 separate holdings each containing a dwelling and in some instances a separate outbuilding.</p> <p>The proposed water-sensitive native landscaping has been designed with the primary intent to screen and soften the resort's structures so that it integrates seamlessly with the surroundings.</p> <p>The Proposal does not result in the removal of significant native vegetation.</p>
<p><b>Clause 4.3</b></p> <p><b>Height of Buildings</b></p>	<p>In accordance with clause 4.3 'Height of Buildings' of the SLEP the height of a building on any land is not to exceed the maximum height shown for the land on the 'Height of Buildings Map'.</p> <p>The Height of Building Map specifies a permissible height of 9m.</p> <p><b>Objectives:</b></p> <p>1) The objectives of this clause are as follows:</p> <p>(a) to ensure the height of buildings complements the streetscape, rural or natural scenic character of the area in which the buildings are located,</p> <p>(b) to ensure the height of</p>	<p><b>Non-Compliant: Justified.</b></p> <p>The Proposal is non-compliant with the height requirements. Accompanying this SEE is a variation request. This concludes that:</p> <ul style="list-style-type: none"> <li>• The objectives that underpin the development standard outlined in Clause 4.3 of Shellharbour LEP 2013 are achieved notwithstanding non-compliance with the development standard;</li> <li>• This Proposal is not inconsistent with state or/and regional planning applying to this land;</li> <li>• The Proposal is consistent with the objectives of the RU2, E2 and E3 zones that applies to the land;</li> <li>• The proposed eco-tourism resort is of a form, bulk and height that will not dominate the landscape;</li> <li>• The variation enables the provision of a</li> </ul>



	<p>buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy and views,</p> <p>(c) to protect areas of scenic or visual importance.</p> <p>2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p>	<p>facility that will contribute to the local economy and enhance the profile of the local tourism industry;</p> <ul style="list-style-type: none"> <li>• It is our view that compliance with Clause 4.3 under the specific circumstances of this case would be unnecessary and unreasonable;</li> <li>• It is our view that there are sufficient environmental planning grounds to justify contravening Clause 4.3;</li> <li>• It is our view that the Proposal is in the public interest.</li> <li>• The scenic impacts of the Proposal on the visual character and landscape quality of the locality are small and manageable.</li> </ul>
<p><b>Clause 5.9</b></p> <p><b>Preservation of trees or vegetation</b></p>	<p>The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.</p>	<p><b>Complies.</b></p> <p>The Proposal will result in the removal of approximately 0.45 ha of native vegetation to allow for the creation of Asset Protection Zones (APZ) in line with the requirements of the Rural Fire Regulation 2013 (see below).</p>  <p><i>Fig 15 - Plan of Asset Protection Zones – Red indicates vegetation to be cleared (Source: Bushfire Protection Assessment)</i></p> <p>Cumberland Ecology has undertaken an assessment of the existing vegetation within the APZ with the predominant vegetation found to be Dry Subtropical Rainforest, Acacia Regrowth and a narrow corridor of Illawarra Lowlands Grassy Woodland. The report also indicated the poor</p>

		<p>condition of the affected vegetation.</p> <p>Further, the clearing of the area will generate a credit liability which will be paid into the Biodiversity Conservation Fund as an offset of the impact.</p>
<p><b>Clause 5.10</b></p> <p><b>Heritage Conservation</b></p>	<p><b>Note.</b> Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map.</p> <p>The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> <li>(a) to conserve the environmental heritage of Shellharbour,</li> <li>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</li> <li>(c) to conserve archaeological sites,</li> <li>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</li> </ul>	<p><b>Complies.</b></p> <p>The subject property is identified as an item of environmental heritage (No. I358) as it is within the Minnamurra Vegetation Area (see below).</p>  <p><i>Fig 16 - Heritage Map – Green: Landscape Item; Light Brown: General Item (Source: SLEP 2013)</i></p> <p>Furthermore, the site is in the vicinity of another heritage item consisting of:</p> <ul style="list-style-type: none"> <li>• Dunmore House (Item No I027).</li> </ul> <p>Having regard to Dunmore House, it is noted that this heritage farmhouse and the site of the Proposal eco-tourism facility are located 200 m apart. In virtue of this separation and in combination with a considerable fall in the land surface and the screening effect of existing vegetation, there is not an established relationship or connection between the two sites. Hence, the Proposal is not considered to have any adverse impacts on the significance of this item.</p> <p>In terms of the Minnamurra Vegetation Area, the development precinct is located on a portion of the property that does not contain remnant native vegetation. The area mostly consists of a fill embankment which was created for site</p>

		<p>levelling purposes. A Biodiversity Development Assessment Report has been undertaken by Cumberland Ecology determines that no significant impacts on native vegetation arise from the Proposal.</p> <p>The archeological potential (Aboriginal and European) of the site is considered to be minimal as the development precinct within which all the new structures are sited has already undergone substantial modification due to the construction of the existing dwelling.</p>
<p><b>Clause 5.13</b></p> <p><b>Eco-tourist facilities</b></p>	<p>1) The objectives of this clause are as follows:</p> <p>(a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,</p> <p>(b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.</p>	<p><b>Complies.</b></p> <p>The Proposal is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact;</p> <p>The limited footprint of the development relative to the total area the property clearly indicates the intention to protect the local natural environment.</p> <p>The development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal.</p> <p>Any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water-efficient design.</p> <p>The Proposal will result in efficient and minimal energy and water use and waste output.</p> <p>The Proposal will maintain improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.</p>
<p><b>Clause 6.1</b></p> <p><b>Acid Sulfate Soils</b></p>	<p>The objective of this clause is to ensure that development does not disturb, expose or drain acid sulphate soils and cause environmental damage.</p>	<p><b>Complies.</b></p> <p>Whilst the property is identified as containing acid sulphate soils in mapping supporting the SLEP 2013 (see below), the location of the proposed buildings is not affected and as such, this clause has no effect on the application.</p>



		 <p>Fig 17 - Acid Sulfate Soils Map (Source: SLEP 2013)</p>
<b>Clause 6.2</b> <b>Earthworks</b>	<p>The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p>	<p><b>Complies.</b></p> <p>The Proposal will involve only minor earthworks. The principal building of the proposed eco-tourism resort will be built on the footprint of the existing dwelling meaning that the basement excavation and retaining walls, the garage structure and the significant excavations and driveways at the west of the property will be re-used and conserved</p> <p>The extent of cut and fill needed to allow for the construction of the pavilion structures has been minimized by careful positioning them on the slope of the site and adoption of a foundation design that minimize disturbance to the land.</p> <p>Suitable soil erosion and sedimentation controls will be implemented prior to commencement of works and maintained until disturbed lands are stabilised.</p>
<b>Clause 6.3</b> <b>Flood planning</b>	<p>The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> <li>(a) to minimise the flood risk to life and property associated with the use of land,</li> <li>(b) to allow development on land that is compatible with the land's flood hazard, taking into account</li> </ul>	<p><b>Complies.</b></p> <p>The subject site contains low lying level land along the Minamurra River which is considered to be flood liable.</p> <p>Notwithstanding this, the location of the buildings is on more elevated land with a minimum floor height of RL 34.16 m AHD occurring at the Cliff Top Lodges C.</p> <p>This is considered to be well above flood-affected</p>

	<p>projected changes as a result of climate change,</p> <p>(c) to avoid significant adverse impacts on flood behaviour and the environment.</p>	<p>lands.</p> 
<p><b>Clause 6.5</b></p> <p><b>Terrestrial biodiversity</b></p>	<p>The objective of this clause is to maintain terrestrial biodiversity by:</p> <p>(d) protecting native fauna and flora, and</p> <p>(e) protecting the ecological processes necessary for their continued existence, and</p> <p>(f) encouraging the conservation and recovery of native fauna and flora and their habitats.</p>	<p><b>Complies.</b></p> <p>The property contains land identified as environmentally sensitive on the Terrestrial Biodiversity Map (see below).</p> <p>However, this does not affect the siting of the proposed buildings.</p>  <p><i>Fig 18 - Terrestrial Biodiversity Map (Source: SLEP 2013)</i></p> <p>Notwithstanding this, the application is accompanied by a Biodiversity Development Assessment Report prepared by Cumberland Ecology which has examined the impact on threatened species and their habitats.</p> <p>The report concludes that with the implementation of proposed mitigation measures, the impacts of the Proposal on biodiversity and in particular on native vegetation, threatened flora and fauna habitats will be minimal and can be appropriately managed and offset in accordance with the BC Act.</p>
<p><b>Clause 6.9</b></p> <p><b>Essential</b></p>	<p>Development consent must not be granted for development unless the consent authority is satisfied</p>	<p><b>Complies.</b></p> <p>Essential services that are available in the locality</p>

Services	<p>that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</p> <ul style="list-style-type: none"> <li>(a) the supply of water,</li> <li>(b) the supply of electricity,</li> <li>(c) the disposal and management of sewage,</li> <li>(d) stormwater drainage or on-site conservation,</li> <li>(e) suitable vehicular access.</li> </ul>	<p>include electricity, water and telephone.</p> <p>The property is suitable for the on-site disposal of effluent wastewater. Refer to the Wastewater Management Plan prepared by Martens Consulting Engineers.</p>
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## Shellharbour Development Control Plan 2013

As demonstrated in the table below, the Proposal is generally compliant with the requirements of the SDCP 2012.

Table 2 - The Shellharbour Development Control Plan 2013 and the Proposal by Nordon Jago Architects.

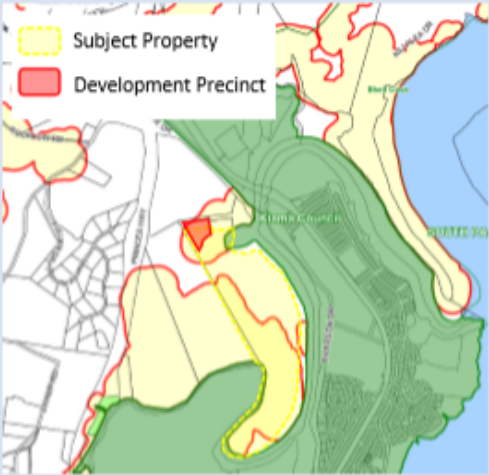
SDCP 2012	SPECIFIC PROVISIONS	PROPOSAL
Part 3 – Provisions Applying to Various Type of Uses		
<b>Chapter 13</b> <b>Parking, traffic and transport</b>	<p>The parking requirements for the proposed uses are as follow:</p> <ul style="list-style-type: none"> <li>• 15 spaces / 100sqm, minimum, of licensed internal floor + outdoor areas.</li> <li>• 1 space / accommodation unit</li> <li>• 1 space for any resident manager/care taker</li> <li>• Provision for service/delivery vehicles</li> <li>• Provision for taxi/bus/coach set down /pick up facilities where applicable.</li> </ul>	<p><b>Non-Compliant. Justified</b></p> <p>The application of these rates equates to a total of 277 spaces. However, it is considered that this number of spaces is excessive for the nature and proposed operation of this development, particularly the licensed floor area parking requirement.</p> <p>Unlike a licensed club, the number of patrons using the licensed areas (lounge, restaurant and terraces) will be limited to 50 persons per meal. Also, it is expected that the majority of patrons using these facilities will be guests of the eco-resort with a small number of public visitors. Consequently, it would be reasonable to disregard the licensed floor area parking requirement.</p> <p>The highest demand for parking would occur in the case of the hotel accommodation being at capacity over a weekend when the parking requirement would be:</p> <ul style="list-style-type: none"> <li>• Accommodation – 33 spaces;</li> <li>• Staff – 15 spaces;</li> <li>• Resident Manager – 1 space.</li> </ul> <p>Total parking requirement = 49 spaces.</p> <p>However, the more likely scenario is that accommodation will generally be at 85%. In this case, the parking requirement for accommodation would be 29 spaces and the total parking requirement would be 45 spaces.</p> <p>The proposed provision of 50 spaces thus is considered to be adequate for the proposed development and will sufficiently meet the requirements of the Shellharbour Development Control Plan 2013.</p>
<b>Chapter 15</b> <b>Waste</b>	<p>The principal aims of this chapter of the DCP</p>	<p><b>Complies.</b></p> <p>A Waste Management Plan, developed using the</p>



<p><b>minimization and management</b></p>	<p>are:</p> <ul style="list-style-type: none"> <li>• To maximise reuse and recycling of demolition and construction materials and materials from subdivision.</li> <li>• To ensure storage and collection of waste is designed and managed having appropriate regard to space, location, amenity and ongoing management of waste management facilities.</li> <li>• To minimise potential adverse impacts relating to the management of waste on the amenity of adjoining properties and within the development.</li> <li>• To minimise the amount of waste being deposited in landfill.</li> </ul> <p><b>Clause 15.1.1</b></p> <p>A Waste Management Plan (WMP) is to be submitted with development applications for demolition, construction and operational works.</p>	<p>Shellharbour City Council's waste management plan template has been prepared by Nordon Jago Architects to address waste generated during the demolition, construction and operational phases of the project.</p>
<p><b>Chapter 20</b></p>	<p>Developments should protect existing</p>	<p><b>Complies.</b></p>

<b>Landscaping</b>	<p>landscaping, significant trees and natural site features and provide a high standard of landscape design that complements the design of developments, enhances architectural features and integrates with the streetscape.</p> <p><b>Clause 20.1.1</b></p> <p>A detailed landscape plan must accompany the development application for all types of development.</p>	<p>Considerable time and thought have been spent re-shaping the heavily damaged and compromised curtilage of the house into a water sensitive native landscape which blends seamlessly with the existing vegetation.</p> <p>The landscape has been also extended into the rooftop of the main building to assist in minimising the visual impact of the facility on the broader locality.</p> <p>A detailed landscape plan has been prepared by Sturt Noble and is submitted with the subject development application.</p>
<b>Chapter 22 Contamination</b>	<p>The management of land contamination is integrated into the development process to ensure that the changes of land-use will not result in an increase of the risk to health and the environment.</p>	<p><b>Complies.</b></p> <p>The siting of the proposed structures is on an area which is currently occupied by an existing rural dwelling. To our knowledge, this area has not been used in the past for any more intensive purpose such as cattle yards, dips, chemical or fuel storage that could have potentially contaminate the property.</p> <p>However, the curtilage of the dwelling is burdened with fill which was used for site levelling purposes at the time of the construction of the existing dwelling.</p> <p>To investigate the nature of the fill a site contamination investigation has been undertaken by Elaustria and indicates that all soil samples resulted in contaminant concentrations below the applicable legal limits.</p> <p>Given the above, it is our view that the subject site is suitable for the proposed tourist accommodation use.</p>
<b>Chapter 24 Floodplain risk management</b>	<p>Development proposals are planned in recognition of all potential floods, including floods greater than the 100-year average recurrence interval to reduce the</p>	<p><b>Complies.</b></p> <p>The subject site is located adjacent to the Minnamurra River. As such, it is possible that some of the site is flood liable.</p> <p>Notwithstanding this, the actual siting of the proposed new structures is on more elevated land with a minimum floor level of RL 34.160 m AHD at Clifftop Lodges C. This</p>


	<p>risk to human life and damage to property caused by flooding.</p>	<p>is some 33 m above the lower-lying lands within the property.</p> <p>Consequently, it is considered that the siting of the Proposal is not affected by flooding.</p>
<p><b>Chapter 23</b> <b>Cutting, filling and retaining walls</b></p>	<p>Developments have regards to the site conditions so as to minimise excavation or filling of land and the visual impact of excavation and filling of land and associated stabilising works.</p> <p>Excavation or filling of land does not create any adverse impacts from surface and/or stormwater flows.</p>	<p><b>Complies.</b></p> <p>To ensure that disturbances to the site and the extent of cut and fill are minimised the project re-uses elements of the existing dwelling including its basement excavation, retaining walls and the garage structure as a base from which to re-build the public areas of the facility (i.e. Main Building).</p> <p>The distribution of the pavilions along the contours of the site in combination with the use of discrete pier foundations has also assisted in reducing the amount of excavation and in minimising visual impacts.</p>
<p><b>Chapter 25</b> <b>Stormwater management</b></p>	<p>All developments are adequately drained. They minimize adverse impacts from surface and/or stormwater flows while also achieve a beneficial or neutral effect on the water quality within Shellharbour City.</p> <p>Designs that incorporate on-site water filtration are encouraged.</p>	<p><b>Complies.</b></p> <p>A Concept Stormwater Management Plan has been prepared by Martens Consulting Engineers to help achieve a neutral effect on water quality and avoid any potential impacts to the habitat quality in the areas of retained mangroves and saltmarsh.</p> <p>The Plan includes a newly designed surface drainage network, the installation of a tank for collection of rainwater from roof areas and a system of infiltration trenches for the discharge of stormwater into the ground and spread overflows to match existing flow conditions.</p> <p>It should be noted that all the proposed stormwater elements are located outside the coastal wetland and the proximity areas.</p> <p>During construction, measures will be taken to ensure that disturbed soil and earth from the development site does not enter the downslope drainage line. The proposed measures include the placement of filter fences, and or straw bale bunding along the downhill perimeter of the construction site to ensure that sediment from the site is controlled.</p>

<p><b>Chapter 26</b></p> <p><b>Bushfire hazard</b></p>	<p>Bushfire hazard needs to be addressed where development is proposed on land mapped as bushfire prone according to Council's Bushfire Prone Map or where Council considers the proposed development a bushfire risk.</p>	<p><b>Complies.</b></p> <p>Part of the land is mapped as being Bushfire Prone (see below).</p>  <p><i>Fig 19 - Bushfire Prone Land Map (Source: Shellharbour Council)</i></p> <p>The potential impacts arising from bushfire are addressed in the separate Bushfire Protection Assessment prepared by Australian Bushfire Protection Planners and discussed further under the Report Section of this SEE.</p> <p>The assessment concludes that the Proposal meets the requirements of Planning for Bushfire Protection.</p>
<p><b>Chapter 27</b></p> <p><b>Aboriginal Heritage</b></p>	<p>This DCP Chapter provides advice for any development proposal upon a known or potential Aboriginal site containing "Aboriginal Objects" or place of Aboriginal cultural heritage significance. It also provides advice on how development on land that is known to contain Aboriginal objects or archeological potential, will be assessed.</p>	<p><b>Complies.</b></p> <p>The proposed development is excluded from the requirement to undertake a Preliminary Aboriginal Cultural Heritage Investigation due to the following circumstances:</p> <ul style="list-style-type: none"> <li>• The development precinct is not located within an environmentally sensitive area as defined by the Shellharbour LEP 2013;</li> <li>• The development precinct does not contain mature trees that may be over 150 years old and do not have the potential for Aboriginal scarring;</li> <li>• The development precinct does not contain landscape features that may potentially hold Aboriginal cultural heritage sites.</li> </ul> <p>Furthermore, the below Predictive Aboriginal Archeological Sites Map indicates that the development</p>

		<p>precinct is sited within an area assessed as being of nil or low archeological sensitivity.</p>  <p><i>Fig 20 - Predictive Aboriginal Sites Mapping (Source: SRLEP 2004)</i></p> <p>As discussed earlier in this SEE, the project is fully contained within the perimeter of the fill embankment that was created at the time of the construction of the existing dwelling. As such, any archeological sites that might have existed in the subject area have been already dispersed or destroyed due to the previous disturbance to the original land surface.</p>
<p><b>Chapter 28</b></p> <p><b>European Heritage</b></p>	<p>New developments proposed on rural landscape in the suburb of Dunmore maintain the scenic quality and minimise visual impacts of the locality while protecting the heritage curtilage of heritage items.</p>	<p><b>Complies.</b></p> <p>The subject site is within the vicinity of Dunmore House, a heritage farmhouse group (Item No I027).</p> <p>The Proposal will remove an existing unsympathetic and highly intrusive, dilapidated structure which is an ongoing detraction from the scenic character of the site and replace it with a facility that has been designed to complement the surrounding locality.</p> <p>The proposed new buildings have been designed to have a low profile and follow the fall of the land so that visual intrusion into the setting of the heritage item is minimised.</p> <p>Due to the topography of the site and the undulating profile of the local landform, the Proposal will not fall within the primary view catchment of Dunmore House.</p>



<p><b>Chapter 34</b></p> <p><b>Visual Landscape Character Assessment</b></p>	<p>Developments ensure visual character and landscape quality is maintained and / or enhanced and the visual impacts of proposed developments are minimized.</p> <p><b>34.1 – Visual Landscape Character Assessment Requirement</b></p> <p>34.1.1 - A Visual Landscape Character Assessment (VLCA) is required for any development within land zoned RU2 Rural Landscape and E3 Environmental Character.</p>	<p><b>Visual Landscape Character Assessment.</b></p> <p>Weighted against the existing conditions of the site, the Proposal will result in the rehabilitation of the visual landscape character and a much improved visual quality.</p> <p>The existing site contains an intrusive structure which exudes a profoundly negative visual impact on the locality.</p> <p>The very large, partially completed dwelling is in a derelict state. This in combination with a design that competes with its natural surroundings and the sparse vegetation within its curtilage, results in serious negative visual impacts on the scenic character of the locality.</p> <p>The abandoned dwelling is seen by the Shellharbour community as being a blight on their city, a foreign element that negatively alters the local character and has become an undesirable focus of attention.</p> <p>The subject Proposal will remove most of the structures of the existing dwelling with the exclusion of its foundations and other underground structures and replace it with a development that has been designed to sympathetically relate to the surrounding environment.</p> <p>In view of its composed architectural design, the use of natural materials, finishes and colours and the re-shaping of the heavily damaged curtilage of the dwelling into a water-sensitive native landscape, the Proposal will greatly improve the existing presentation of the site.</p> <p>Views from the surrounding area have been reviewed and assessed based on the level of impact presented by the Proposal.</p> <p>Given the undulations in the surrounding terrain, existing tree plantings and the proposed reintroduction of native shrubs and trees within its curtilage, the visibility of the proposed eco-tourism resort will be minimal when viewed from locations on surrounding private lands to the North, West, South of the site.</p> <p>Visual impact and landscape character impact from these locations will be neutral.</p> <p>Views of the proposed eco-tourism resort from vehicles travelling north on the Riverside Drive, a public road which follows the eastern bank of the Minnamurra River, will be brief and limited to the tallest elements of the</p>
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		<p>main building. To address this minor alteration to the local visual character, landscaping has been extended to the rooftop of the main building and provides adequate screening.</p> <p>With regards to the proposed pavilions, their visibility will be minimal as they have been sited on a lower location than the ridgeline of the hill. This will ensure that their roofline will not clash with the existing land contours. Coupled with the proposed landscaping works, we are satisfied that the pavilions will blend in with existing landform (see below).</p> <p>Visual and landscape character impacts from this location will be neutral.</p>  <p><i>Fig 21 - Proposed development as viewed from the South East (source Nordon Jago Architects)</i></p>
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## Consultant Reports

The likely impacts of the development including environmental impacts on both natural and built environments in the locality have been further considered and assessed in the following specialised reports accompanying this SEE.

### Traffic and Parking Impact Assessment

An assessment of the traffic and parking implications of the development has been undertaken by Barker Ryan Stewart. The conclusions of this assessment are summarised below.

- **Access** - Access to and from the site is available along Fig Hill Lane which is shown on The Shellharbour LEP 2013 as a “private access road” rather than a public road. From Riverside Drive it runs through two adjacent properties; 471 Riverside Drive and 69 Fig Hill Lane and connects with the western boundary of the subject property about 30 metres south of the north-western corner. Internal access roads and parking areas and service area will need to be designed in accordance with the requirements AS2890.1 – Off Street Car Parking and AS2896.6 – Off Street Car Parking for People with Disabilities.
- **Traffic Generation** - Traffic that will be generated by the development is not expected to have any significant impact on the performance of the surrounding intersections or the local road network. A site inspection will be required to assess the existing condition of Fig Hill Lane to determine if any upgrading is needed to cater for the additional traffic that will be generated by the Proposal.
- **Car Parking** - While the assessment of parking requirements based on the parking rates set-out by the Shellharbour DCP 2013 indicates that at least 49 parking spaces are required, it is proposed to provide 50 parking spaces on site. However, the more likely scenario is that accommodation will generally be at 85%. In this case, the parking requirement for accommodation would be reduced and the total parking requirement would be 45 spaces. The proposed provision of 50 spaces thus is considered to be consistent with the requirements of the Shellharbour Development Control Plan 2013. At least one parking space should be provided for persons with a disability.

### Preliminary Geotechnical Assessment

A Preliminary Geotechnical Assessment Report has been prepared by Martens Consulting Engineers which presents the findings of field investigations conducted to assess the ground conditions and identify features of the site which could potentially impose constraints and risks on the proposed development. The report focuses on the slope instability risk assessment along the perimeter of the development precinct which is located on a fill embankment created for site levelling purposes at the time of the construction of the existing dwelling.

The report indicates that geotechnical slope risk hazards are “unlikely” to occur and should slope movement occur, the consequence to life and property will be minor. It concludes that the proposed development and site conditions constitute a low and acceptable risk to life and property from slope instability.

### Preliminary Acid Sulphate Soil Assessment

Martens Consulting Engineers have undertaken an assessment of risks associated to acid sulphate soil (ASS) and concludes that considering site elevation, topography, geology maps and encountered

subsurface conditions, it is expected that the fill/rock profile is not associated with ASS and that further site investigations for an ASS assessment or preparation of an ASS management plan are considered not to be required.

In addition, the proposed development is unlikely to encounter groundwater and dewatering that may lower the groundwater table is unlikely to occur.

### **Bushfire Protection Assessment**

A Bushfire Protection Assessment has been prepared by Australian Bushfire Protection Planners for the proposed development. The report determines that as consequence of the development precinct being shown to contain Category 1 Bushfire Prone Vegetation, the construction of the eco-tourism resort falls under the requirements of Section 4.47 of the Environmental Planning & Assessment Act 1979 and is therefore required to comply with the deemed-to-satisfy provisions of Planning for Bushfire Protection 2006.

The report reviews the bushfire threat to the development proposal and determines the width of the Asset Protection Zones needed to address the 10kW/m<sup>2</sup> radiant heat requirement on the exterior of the proposed accommodation buildings to mitigate the bushfire risk to the development.

The report concludes that the Proposal satisfies the special fire protection development requirements of Planning for Bushfire Protection 2006.

### **Wastewater Management Plan**

An onsite Wastewater Management Plan has been prepared by Martens Consulting engineers to support the subject development application and identify an area available within the development precinct for effluent management and disposal. The plan recommends an Effluent Management Area (EMA) of at least 2170sqm and nominates an area to the northeast of the main building for the placement of a sub-surface drip irrigation system. The disposal field will be revegetated with typical lawn species and maintained on a regular basis to encourage vegetation to use irrigated nutrients.

The proposed EMA is located outside of the minimum 100 m required buffer to the downslope mapped coastal wetland and that detailed nutrient balance modelling indicates that all nutrients applied to the EMA will be assimilated outside of this buffer area. It is, therefore, demonstrated that the EMA will have no impact on the adjacent coastal wetland.

### **Biodiversity Development Assessment Report**

A Biodiversity Development Assessment Report has been prepared by Cumberland Ecology. The report gives consideration to potential impacts of the proposed development on biodiversity values.

The report identifies:

- Native vegetation occurring within the development precinct includes small areas of Illawarra Lowlands Grassy Woodland and Illawarra Subtropical Rainforest Threatened Ecological Communities (TEC), which extend beyond the development precinct in an easterly direction within the property. An area of Acacia regrowth over exotic dominated grassland is also present within the development precinct, however, the ecological value associated with this vegetation is considered to be low. A mapped Coastal Wetland occur south of the development precinct, within the wider property, which comprise Coastal Saltmarsh TEC, Swamp Oak Floodplain TEC and mangroves;



- The proposed development and associated Asset Protection Zone will predominately avoid TEC vegetation, and will not remove any areas of Coastal Wetlands;
- No threatened flora or fauna were recorded during targeted field surveys. Nevertheless, as surveys could not be undertaken for the Southern Myotis, the species was assumed to be present within a small part of the subject land due to potential suitable forest habitat occurring within the southwestern portion of the site;
- Further impacts of the project may entail indirect impacts, including impacts on hydrological processes in relation to the wetland. Nevertheless, mitigation measures are proposed to minimise the impacts to biodiversity values and maintain the hydrology required for the health and survival of the wetland in the subject property;
- Most of the remainder of the subject property including the Coastal Wetland will be conserved and managed in perpetuity under a Biodiversity Stewardship Agreement.

The assessment concludes that with the implementation of specific mitigation measures and offsetting of some of the impacts, the project's effects on biodiversity, in particular on Threatened Ecological Communities and threatened species habitat, will be minimal and can be appropriately managed.

### Contamination Assessment Report

An Additional Site Investigation Report has been prepared by EI Australia which presents the results of a detailed investigation undertaken to assess and determine the nature and degree of on-site contamination associated with current and former uses of the site.

Based on laboratory results, the report makes determines that the contamination at the site from current and historical activities poses a low risk, and provides the following observations:

- All the soil sample obtained from test-pits were below the adopted health and ecological investigation and screening levels;
- Concentrations of heavy metals, PAH, THE, BTEX, pesticides and PCB's where all below the adopted soil investigation levels;
- Asbestos was not identified within the field material across the site;

EI Australia concludes that widespread contamination that would likely constrain the proposed development was not identified. As such, the soil at the site is considered to be of suitable quality for the proposed eco-tourism resort.

### Ecologically Sustainable Development Report

An Ecologically Sustainable Development Report has been prepared by Wood & Grieve Engineer. The report indicates that sustainability has been the driving consideration in the design of the proposed eco-tourism resort and identifies the ESD initiatives that will be incorporated into the development in order to reduce energy demand and associated greenhouse gas emissions, potable water consumption and material resources of the project.

The report concludes that the proposed development's commitment to reducing the overall environmental impact is evident of the holistic approach taken to long-term sustainability and details the following list of ESD initiatives: adoption of a passive thermal design approach, use of recycled and/or low carbon-intensive construction materials, implementation of energy and water efficiency measures, on-site renewable energy production and operational measures intended to reduce amount of waste generated by the facility.



## BCA Compliance Assessment Report

BCA assessment report has been prepared by AED Group. The report assesses the design of the proposed development for compliance with:

- The prescriptive Deemed to Satisfy Provisions of the Building Code of Australia, Volume One Edition 2016;
- The Disability Access to Premises - Buildings Standards 2010.

The assessment identifies some departures from BCA standards which are considered minor, and which can be addressed via alternative solutions from an accredited BCA consultant or fire safety engineer, as required, to achieve compliance with the BCA and applicable codes and standards.

## Concept Stormwater Management Plan

The proposed development has been developed with particular regard to avoiding impacts to the hydrological processes. A Concept Stormwater Management Plan has been prepared by Martens Consulting Engineers to assist in achieving a neutral effect on water quality and avoid any potential impacts to the habitat quality in the areas of retained mangroves and saltmarsh.

The Plan includes a new surface drainage network, the installation of a tank for collection of rainwater from roof areas and a system of infiltration trenches for the discharge of stormwater into the ground and spread overflows to match existing flow conditions.

All the proposed stormwater elements are located outside the coastal wetland and the proximity areas.

With the implementation of the proposed stormwater and wastewater regimes, it is expected that any potential impacts to the habitat quality in the areas of retained mangroves and saltmarsh will be avoided.

## Environmental Planning and Assessment Act 1979 S4.15 Assessment

### Section 4.15(A) Relevant Planning Instruments

The relevant planning instruments are the Shellharbour LEP 2013 and the Shellharbour DCP 2013. They have been considered in detail throughout this SEE and in the accompanying specialist reports.

### Section 4.15(B) Other Impacts of the Development

The relevant matters for consideration are addressed throughout this report.

### Section 4.15(C) Suitability of the Site for the Development

The site is highly suited for the proposed development.

### Section 4.15(E) Public Interest

The Proposal is not inconsistent with the public interest.

## Conclusion

Application is made for Council's consent for the erection of an eco-tourist development on the subject property.

The subject site is zoned partly RU2 Rural Landscape, partly E2 Environmental Conservation and partly E3 Environmental Management. The proposed facility, access and asset protection is entirely within the RU2 and E3 Environmental Management zoning.

The development and the proposed use have been assessed in this SEE and are found to generally satisfy the relevant requirements of Shellharbour LEP 2013 and the provisions of the Shellharbour DCP 2013.

The Proposal does not satisfy the permissible height control of the SLEP and, as such, the application is accompanied by a variation request pursuant to Clause 4.6.

The scale and design of the Proposal are such that it will not be out of context with the character or scenic quality of the locality. Further, the method of the development and its scale are such that:

- It will pursue an architectural built form that is unobtrusive and sympathetic to a natural environment;
- It will replace the redundant built structure with a facility that will contribute to the local economy and enhance the profile of the local tourism industry;
- It will not lead to a diminution of environmental values;
- The siting of the proposed structures appropriately considers the constraints of the site having regard to bushfire hazard and potential for flooding;
- It will not have an adverse impact on water quality of local watercourses or result in a significant impact associated with the removal of native vegetation;
- It will not result in any significant impacts on threatened species or their habitats;
- The location of Proposal is proposed to ensure that there will be little impact upon the amenity of adjoining properties;
- There will be no significant adverse visual impacts in the broader landscape.
- It will allow for the long-term protection of the site's ecology by providing a financial framework that will fund its preservation.

The proposed development is a design of exceptional quality that represents a thoroughly considered response to the site's unique contextual characteristics and opportunities. The application is strongly recommended for approval by the Shellharbour City Council.

## 2. SLEP 2013 Clause 5.13 – Applicant Response



Level 24  
Three International Towers  
300 Barangaroo Avenue  
Sydney NSW 2000  
0447 755 799

7 August 2020  
Attn: Mr James Douglas  
Shellharbour Civic Centre  
76 Cygnet Avenue  
Shellharbour City Centre NSW 2529

### **Response to Council's Request of Further Information**

**Re: Development Application No: DA0563/2019**

Dear Sir,

This report has been prepared by Planning Lab in response to Council's correspondence dated 12<sup>th</sup> June 2020 containing preliminary assessment and issues that have been identified in the design of our proposal and a specific request to address the requirements of Clause 5.13 of the Shellharbour Local Environmental Plan 2013.

We have considered the correspondence and have proceeded to produce the requested information and made substantive modifications to the plans to satisfy Council's concerns.

We trust that this information is sufficient to enable the assessment and approval of the proposed modification request. Should you have any queries about this matter, please do not hesitate to contact me on 0447755799 or by email at [giovanni@planninglab.com.au](mailto:giovanni@planninglab.com.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read "G. Cirillo", with a stylized flourish at the end.

Giovanni Cirillo

The following discussion summarises our response to issue identified by Council.

### Council's RFI (12 June 2020)

- (1) The SRPP identified that the submitted documentation contained a disconnect between the use of the primary building and the Eco –Tourist Facility definition including but not limited to documentation referencing the main building as a hotel. While the amended information provided to Council's initial Request for Information builds on the nexus between the use and built form, additional detail is required to demonstrate how the proposal satisfies the eco-tourist facility definition and controls.

Please note that economic/financial viability does not reasonable demonstrate how the proposal achieves the Shellharbour Local Environmental Plan 2013 Clause 5.13 Eco-tourist provisions.

Please provide additional information that demonstrates the connection between the ecological assets, the development and the activities proposed to be carried out (i.e. school trips, stewardship). Information like the tour frequency levels, transport, vehicle parking, walking track location/construction, ongoing maintenance, on-site learning facilities and if guided tours to be utilised are examples of what information is required to be provided.

Details on the proposed activities associated with the eco-tourist facility and the potential impacts will aid in establishing how the proposal will function and satisfy Clause 5.13 provisions. Council suggests discussing the matter with an appropriately qualified consultant with experience in eco-tourist facility developments.

### Discussion

The design ethos of the proposed eco-tourism facility is based upon restoring, protecting and managing ecological and aesthetic values and reconnecting the community to the site. The proposed development will preserve, improve and celebrate the ecological and cultural features of the site through the following initiatives:

- The rehabilitation of the heavily damaged and compromised curtilage of the existing unfinished dwelling and its re-shaping into a water sensitive native landscape;
- The demolition and replacement of the visually intrusive derelict dwelling with a more sympathetically massed and architecturally engaging structure;
- The protection and management of the majority of the property through a Biodiversity Stewardship Agreement under the Biodiversity Conservation Act 2016 (BC Act);
- The promotion of the appreciation of the natural and cultural value of the site through the offering of environmental and cultural information activities and tours.

As outlined in previous responses, the proposed development is limited to the north-western corner of the property, in an area which has been subject to a previous unfinished development that has since been abandoned. This area contains the lowest biodiversity values of all areas within the property.

The eco-tourism facility has been designed and is proposed to be managed with sensitivity to the environment. Visual bulk has been minimised through the distribution of the massing between several distinct pavilions staggered along the slope of the hill to ensure that the resulting built form and architectural presentation of the facility do not detract from the scenic values of the locality.

Further, the proposal incorporates recognised best-practice sustainable design principles and sustainability standards including the ISO 14000 family with the intent to improve its environmental performance and reduce the environmental impact in both construction and operations.

The majority of the property will be a conservation area, managed specifically to maintain and improve the ecological integrity of the existing ecosystems/habitats. A Biodiversity Stewardship Site under a Biodiversity Stewardship Agreement (BSA) will be established pursuant to the Biodiversity Conservation Act 2016 (BC Act). The BSA will have to be reviewed and signed off by the Biodiversity Conservation Trust and registered to benefit the Minister of the Environment by way of a covenant on the land title. This covenant will provide for the perpetual protection and management of the estuarine wetland located within the property.

The consent authority can be assured of the certainty of this key environmental planning outcome by requiring that the Biodiversity Stewardship Agreement be signed off by the Biodiversity Conservation Trust and the covenant registered on the land title prior to the issue of any Occupation Certificate for the site.

Under a BSA, agreed management actions are required to be undertaken in accordance with a Biodiversity Stewardship Site Management Plan. The Biodiversity Stewardship Site Management Plan that is part of the BSA details the required management actions, including timing and frequency, in relation to entities such as fire management, vegetation management, threatened species habitat management and enhancement, hydrology management, feral pest control and monitoring.

As part of the required monitoring of the site, a detailed Monitoring Plan will also be incorporated in the Biodiversity Stewardship Site Management Plan that includes the establishment of permanent photo points and vegetation integrity survey plots within the Biodiversity Stewardship Site, as well as monitoring of fencing, the physical condition of tracks and extent of human disturbance.

For land located within the curtilage of the new structures that is not covered by the Biodiversity Stewardship Agreement, a Vegetation Management Plan will be implemented. A draft Vegetation Management Plan prepared by Cumberland Ecology was provided to Council in February 2020 as part of the applicant's submission to an earlier RFI letter.

As stated above, the eco-tourism development will include a guided educational component.

Bush-walking trails will provide access to the high biodiversity areas of the site. Information concerning the unique ecological values of the land is to be distributed and presented in the form of story boards presented in person by a guide, educational brochures, panels physically installed on-site, and/or a self guided audio-books downloadable via a iphone / android phone app.

Points of interest are to be highlighted along the tracks to explain the environmental and cultural values of the property and immediate surrounds, including details about the existing flora and fauna and the historic background of the local area. See the attached conceptual itinerary by Nordon Jago in Attachment 1.

To minimise ecological impacts, the location for the walking tracks are proposed to make use of pre-



existing tracks opened by the previous landowner (Refer to Drawing DA.008 G – Zoning and Walking Tracks and D010 D – Walking Track Photos prepared by Norton Jago in Attachment 1).

This walking trail system will enable the conduction of specific education programs and activities. The site presents many opportunities to connect with and appreciate the ecological and cultural values of the area and to promote positive environmental outcomes with minimal impact on the native flora and fauna. These opportunities include formal ecological environmental studies for school groups, individual community members, organised community groups and environmental appreciation groups.

An area within the restaurant on the ground floor of the principal pavilion will be used for visitors' orientation and information sections and display/exhibition purposes. This area will also operate as a meeting point for a daily, 1-hour walking tour (Note: A minimum of four people and prior booking will be required) with a periodical focus ranging on the following:

- general flora/fauna education;
- introduction to bush tucker (including a visit to the facility's kitchen garden);
- presentations by members of local indigenous groups (pending their interest and availability).

A detailed discussion which considers the definition of an Eco-tourist Facility and addresses each of the Clause 5.13 requirements is provided below.

## Shellharbour Local Environmental Plan 2013

### Clause - 5.13 Eco-tourist Facilities

Clause 5.13 of the Shellharbour Local Environmental Plan 2013 (DCP 2013) outlines the objectives of this clause and specifies that the consent authority must not grant consent for carrying out an Eco-tourist Facility unless it is satisfied that the proposal addresses the requirements listed under subclause (3).

(1) *The objectives of this clause are as follows:*

- (a) *to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,*

### Comment

The proposal aims to improve the environmental and cultural values of the site through the following initiatives:

- The adaptive reuse of parts of the existing dwelling, the reduction of its height, and environmentally sensitive refinishing to produce a more sympathetically massed building;
- The majority of the property will be protected and managed in perpetuity under a Biodiversity Stewardship Agreement, established under the Biodiversity Conservation Act 2016 (BC Act). The Biodiversity Stewardship Agreement will be registered to benefit the Minister of the Environment by way of a covenant on the land title.

A preliminary boundary for the Biodiversity Stewardship Site is shown below, which corresponds with the existing 'E2 – Environmental Conservation' zoning boundary to the south of the subject property.



*Preliminary Biodiversity Stewardship Site Boundary (Source: Cumberland Ecology)*

The proposed Biodiversity Stewardship Site would be bound by, and managed in accordance with, the objectives and requirements that are stipulated by the Biodiversity Stewardship Agreement which will have to be reviewed and signed off by the Biodiversity Conservation Trust.

- For the land in the subject property that is not covered by the Biodiversity Stewardship Agreement and/or the proposed development footprint, a Vegetation Management Plan will be implemented. A draft Vegetation Management Plan has been prepared by Cumberland Ecology and was provided with the combined package of documentation in response to the earlier Council's request for additional information.
- The eco-tourism development will also have an educational component. Walking tracks will provide access for both guests of the resort and the general public, including school groups, to the high biodiversity areas of the site. Information boards will be erected at selected locations along the walking tracks that will provide information about the environmental and cultural values of the subject property and immediate surrounds.

*(b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site*

#### Comment

The eco-tourism facility has been designed and is proposed to be managed with sensitivity to the environment.

The development is contained within the heavily damaged curtilage of the existing dwelling and features an unobstructive built-form, natural external materials and native landscaping to ensure it recedes into its environment and does not impact the significant scenic qualities of the locality.

Best-practice methodologies in terms of sustainable design including energy conservation and production, waste minimisation/treatment and conservation of natural assets have been incorporated into the proposal to mitigate its environmental impact.

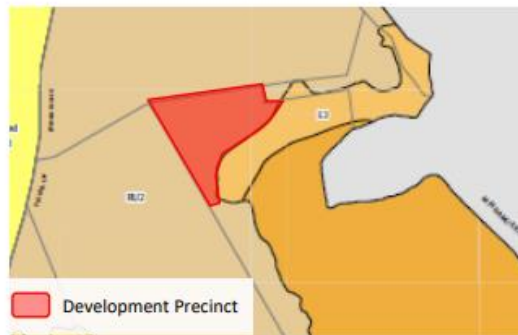
(Refer to the Ecologically Sustainable Development Report prepared by Wood & Grieve Engineers in September 2019 for detailed information on the ESD objectives and initiatives of the proposal).

*(2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.*

#### Comment

The proposed development as revised (i.e. principal building and satellite pavilions) is located entirely within RU2 Rural Landscape and E3 Environmental Management zones (see below).

The proposal is for an eco-tourist facility, which is permissible with consent in both RU2 and E3 zones.



*Land Uses Zones (Source: SLEP 2013)*

- (3) *The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that:*
- (a) *there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and*

#### **Comment**

The eco-tourism development is intended to have a connection with the flora and fauna of the locality via both landscape management within the development area, and walks to and from the wetland zone for site visitors.

It is proposed that walking tracks will provide access for both guests of the resort and the general public, including school groups, to the high biodiversity areas of the site, mainly comprised of the wetland and the Minnamurra River. To minimise impacts, the location for the walking tracks are proposed to make use of pre-existing tracks by the previous landowner (Refer to Drawing DA.008 G – Zoning and Walking Tracks and D010 D – Walking Track Photos prepared by Norton Jago in Attachment 1).

There will also be an educational component. Information boards will be erected at selected locations along the walking tracks that will provide information in relation to the environmental and cultural values of the property and immediate surrounds, including details about the existing flora and fauna and the historic background of the area.

- (b) *the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and*

#### **Comment**

As stated above, the proposed development has been located in the area of the subject property with the lowest biodiversity values to avoid and minimise impacts on biodiversity.

The proposed development footprint and associated Asset Protection Zone comprise a minority of the



subject land. The development will only directly impact areas of exotic grassland, previously cleared land, shrubby Acacia regrowth over exotic grassland, as well as minor areas of degraded bushland.

Compensatory measures in the form of offsetting of biodiversity credits will be undertaken to compensate for the proposed clearing of native vegetation, as outlined within the Biodiversity Development Assessment Report prepared by Cumberland Ecology in October 2019.

*(c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and*

#### Comment

The development will enhance an appreciation of the adjoining wetland and dry rainforest by establishing an interpretive walk and education program. They will be made available to school students, the general public and guests of the proposed tourist facility.

The program will contribute to the environmental and cultural values of the area by educating local residents and visitors to the locality about the value of the remnant natural environment.

The proposed modification of the existing dwelling and its redesign into a less visible, lower, more sympathetically massed and finished building will enhance an appreciation of Dunmore House and contribute to the cultural appreciation of an important piece of local history. This is discussed in detail in the submitted heritage report prepared by Urbis in February 2020.

*(d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal, and*

#### Comment

The majority of the subject property will be a conservation area, managed specifically to maintain and improve the ecological integrity of the existing ecosystems/habitats. The area will be managed and conserved through the Biodiversity Stewardship Agreement.

Within the development area, landscape management outlined in the submitted Vegetation Management Plan will be undertaken with a focus on establishing plantings that complement the remnant native vegetation that occurs adjacent to the development area. The planting scheme is focused on a selection of species that are part of the Illawarra Subtropical Rainforest, of which a patch occurs directly east of the development area.

Additionally, water quality controls will be implemented that include the incorporation of a rain garden planting system as part of the development to collect and treat stormwater runoff. With the implementation of the rain garden system, potential indirect impacts on nearby ecosystems associated with stormwater runoff will be minimised and mitigated, and will also allow for the treated water to be used for irrigation of landscaped plantings (Refer to the Concept Stormwater Management Plan prepared by Martens & Associates in October 2019 and submitted with the development application).



*(e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and*

#### Comment

As outlined above, the intent for the majority of the remainder of the site is to establish a Biodiversity Stewardship Site under a Biodiversity Stewardship Agreement, which will provide protection and management of the retained biodiversity values within the property in perpetuity.

A Biodiversity Stewardship Agreement will have to be reviewed and signed off by the Biodiversity Conservation Trust and must meet exacting standards for the management of flora and fauna. The generic, minimal ingredients for such plans are spelt out in the regulations for the NSW BC Act and BC Regulation and must be rigorously applied.

Moreover, once implemented, the management plans are checked through regular reporting to the Biodiversity Conservation Trust. Auditing of the compliance with the Biodiversity Stewardship is also undertaken by the BCT.

For residual land in the subject property that is not covered by the BSA and/or the proposed development footprint, a Vegetation Management Plan will be implemented. A draft Vegetation Management Plan has been prepared by Cumberland Ecology and has provided to the Council with the combined package of documentation in response to Council's request for additional information.

*(f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and*

#### Comment

A Waste Management Plan has been prepared by Dickens Solutions to describe how all waste and other materials resulting from the demolition, construction and on-going use of the building on the site are to be dealt with. This plan is also supported by a Demolition Work Plan by Worldwide Demolitions, which includes a detailed description of the demolition processes.

The two plans have been provided to the Council with the combined package of documentation prepared in response to the first Council's request for additional information.

*(g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora, and*

#### Comment

The existing site contains a large, intrusive structure which competes with its natural setting and produces a profoundly negative visual impact on the scenic character of the locality.

The Proposal will remove most of the above ground building fabric of the detracting, unfinished and derelict dwelling and replace it with a development that has been designed to be fully compliant with the core development controls for the site and minimise visual bulk through the distribution of its massing between several distinct structures, staggered along the slope of the hill and the use of natural and recessive finishes.

Nordon Jago Architects have conducted a detailed examination of the visual impact arising from the development originally submitted with the DA as viewed from areas outside the site boundary. The review of surrounding locations such as public roads, special amenity areas and areas of local significance has determined that there will be a low degree of visibility of the development due to its design, its hillside location, the undulation in the surrounding terrain and the screening effect of intervening vegetation.

It is anticipated that the revised scheme will result in the further reduction of the visibility of the development by way of its lower height and reduced footprint.

*(h) any infrastructure services to the site will be provided without significant modification to the environment, and*

#### Comment

A review of the servicing constraints of the proposed site has determined that there are no existing water, wastewater, gas and telecommunication services at the site.

The subject site is not remote from the closest water main which is located at approximately 350 m east of the proposed development on Riverside Drive and already services a dwelling at 431 Riverside Drive, Dunmore. It is intended that the development will utilise this water supply facility. No significant modification to the environment will be required to connect the proposed eco-tourism facility to the existing water main.

The subject site is remote from the wastewater network. As such, the proposed eco-tourism facility does not seek to connect to the local sewerage system. As discussed in the Wastewater Management Plan prepared in October 2019 by Martens Consulting Engineers and submitted with the DA, an onsite treatment system will be established as part of the proposal.

There are no existing gas facilities available in the vicinity of the proposed site. Bottled gas will be used.

No telecommunication networks are available at the site. The site will be serviced by mobile network only.

*(i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and*

#### Comment

Ecologically Sustainable Development (ESD) initiatives have been incorporated into the design of the

proposed eco-tourism facility to reduce energy demand and associated greenhouse gas emissions, potable water consumption and material resources of the project.

Below is a list of the ESD initiatives proposed:

- a passive thermal design approach;
- use of recycled and/or low carbon-intensive construction materials;
- energy and water efficiency measures;
- operational waste management measures intended to reduce the amount of waste generated by the facility;
- a solar panel system up to 99kW that will contribute to powering the facility.

Information about the abovementioned ESD initiatives is contained in the Ecologically Sustainable Development Report prepared by Wood & Grieve Engineers in September 2019 and submitted with the DA application.

*(j) the development will not adversely affect the agricultural productivity of adjoining land, and*

#### Comment

The site is comprised of areas that either have been extensively modified through the previous land uses or contain estuarine wetland; accordingly, it has minimal agricultural value.

*(k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment:*

- (i) measures to remove any threat of serious or irreversible environmental damage,
- (ii) the maintenance (or regeneration where necessary) of habitats,
- (iii) efficient and minimal energy and water use and waste output,
- (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,
- (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

#### Comment

The intent for the majority of the site is to establish a Biodiversity Stewardship Site under a Biodiversity Stewardship Agreement which will provide protection and management of the retained biodiversity values within the wider property in perpetuity.

As outlined above, the Biodiversity Stewardship Agreement will have to be reviewed and signed off by the Biodiversity Conservation Trust and must meet exacting standards for the management of flora and fauna.

Under a Biodiversity Stewardship Agreement, agreed management actions, such as fencing and control of weeds and feral animals, are required to be undertaken in accordance with a Biodiversity Stewardship Site Management Plan. Costings for the agreed management actions are determined as part of the Biodiversity Stewardship Agreement application and will be sourced from the sale of the biodiversity credits generated for the Biodiversity Stewardship Site.

The Management Plan that is part of the Biodiversity Stewardship Agreement details the required management actions, including timing and frequency, in relation to the following entities:

- Fire management;
- Grazing management;
- Native vegetation management;
- Threatened species habitat management and enhancement;
- Hydrology management;
- Integrated feral pest control;
- Integrated weed management and control High Threat Exotic Plants;
- Management of human disturbance; and
- Monitoring.

As part of the required monitoring of the site, a detailed Monitoring Plan is incorporated in the Management Plan that includes establishment of permanent Photo Points and Vegetation Integrity Survey Plots within the Biodiversity Stewardship Site, as well as monitoring of fencing, the physical condition of tracks and extent of human disturbance.

For residual land in the subject property that is not covered by the Biodiversity Stewardship Agreement, a Vegetation Management Plan will be implemented. A draft Vegetation Management Plan has been prepared by Cumberland Ecology and has been provided to Council as part of the applicant response to Council's RFI.

The project design response has utilised recognised best practice sustainable design principals and sustainability standards including the ISO 14000 family with the intent to improve the overall environmental performance of the development and reduce the ecological impact to the immediate surrounding area in both construction and operations.

A number of ESD initiatives will be implemented in order to reduce energy demand and associated greenhouse gas emissions, potable water consumption, material resources of the project and to ensure the ecological value of the immediate surrounding area including receiving water bodies are protected.

### 3. Architectural Statement



## ARCHITECT'S STATEMENT

26.09.2019

PROJECT CON00116  
PROPOSED ECO TOURIST DEVELOPMENT  
71 Fig Hill lane DUNMORE

71 Fig Hill Lane is currently occupied by a very large and partially completed dwelling. It is in a derelict state, and in combination with a design that competes with its natural environment, detracts seriously from the scenic character of the locality. The site is very extensive and is vegetated with protected wetlands and dry rainforest. The curtilage of the site has been burdened with fill and become overgrown with exotic vegetation, all of which are incompatible with the ecological value of the site's environment.

The objective of the proposal is to find a use for the site that will not represent an ongoing detraction from its significant scenic and ecological value. To this end the establishment of an eco-tourist development simultaneously addresses a number of issues created by the site's current built form:

- It will allow for the long term protection of the site's ecology by providing a financial framework that will fund its preservation
- It will create the opportunity to pursue an architectural built form that is unobtrusive and sympathetic to a natural environment
- It will make the site accessible so that many more people will be able to appreciate and value an ecology that is becoming increasingly rare.
- It will replace redundant built structure with a facility that will contribute to the local economy and enhance the profile of the local tourist industry.

Whilst the existing dwelling demands demolition, there are elements of the structure that can be re-used and conserved. This includes the basement excavation and retaining walls, the garage structure and the significant excavations and driveways at the west of the property.

These structures have been used as a base from which to re-build the public areas of the facility.

The suites have been planned as a series of arc shaped pavilions that have been fitted unobtrusively into the topography of the site. They are all single storeyed and connected to each other and the public areas with a series of open landscaped pathways.

Natural external materials are proposed so that the building recedes into its environment rather than standing out from its environment as it now does.

Considerable time and thought have been spent re-shaping the heavily damaged and compromised curtilage of the house into an exciting water sensitive native landscape. It has been extended to landscaping integrated into the rooftop of the main building and also includes a kitchen garden that will make the facility more self-sufficient.

A sustainability report is included in the application which identifies opportunities that will minimise the impact of the facility on the environment. The buildings have all been planned on shallow formats that will allow easy cross ventilation, and include clerestory glazing that will capture sunshine during the winter months.

Recreational facilities such as walking paths, a swimming pool and exercise stations have all been unobtrusively integrated into the landscaping.

Above all the proposal will restore damaged native vegetation near the curtilage of the house and provide for the long term stewardship of the wetlands and wet rainforest that occupy the vast majority of the site.

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Page 1 of 1

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#### 4. Response to Council Request for Information – Visual Assessment





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27 March 2020  
Attn: Mr James Douglas  
Shellharbour Civic Centre  
76 Cygnet Avenue  
Shellharbour City Centre NSW 2529

Response to Council's Request of Further Information, Development Application No: DA0563/2019

Dear Sir,

This report has been prepared by Planning Lab in response to Council's correspondence dated 8 January 2020 requesting additional information for a Development Application no. DA0563/2019 at 171 Fig Lane, Dunmore. Specifically, Council has advised that the requirements of Clause 5.13 of the Shellharbour Local Environmental Plan 2013 are addressed by way of additional information and/or design modifications.

In response to Council, detailed reports pertaining various aspects of the proposal (i.e. Ecology, Heritage, Waste Management, Demolition Work Plan and View Impact Analysis) have been prepared in order to demonstrate that the proposed eco-tourist resort facility fulfils the test of consistency outlined in the land use definition.

Following assessment against the criteria contained in Clause 5.13(3) (a) – (k) (see below), it is considered that the proposal satisfies the clause objectives.

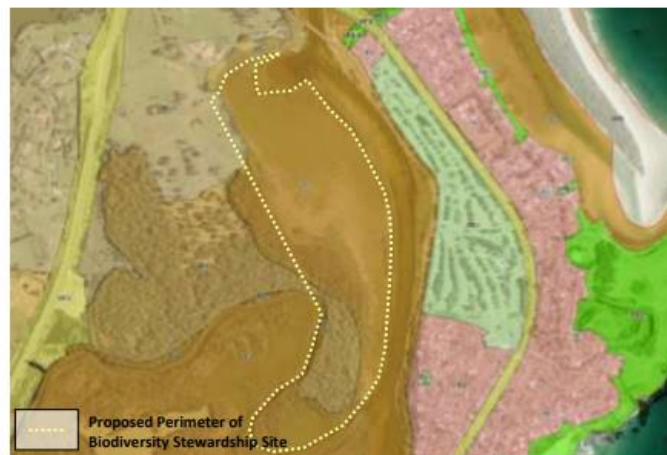
## 1. Biodiversity Issues (Items 1 - 5)

The ecological values of the subject property have been recognised through the placement of the development footprint within a portion of the site that contain the lowest biodiversity values and comprise a very small portion of the subject land. The development will only directly impact areas of exotic grassland, previously cleared land, shrubby Acacia regrowth over exotic grassland, as well as minor degraded areas dominated by red gums and whalebone trees.

To protect and enhance the areas of high biodiversity values in the remainder of the subject property, a Vegetation Management Plan (VMP) will be implemented for land that is directly adjacent to the development footprint, including the Asset Protection Zone (APZ). A VMP has been prepared by Cumberland Ecology and is provided with the combined package of documentation in response to Council's request for additional information.

Further, it is proposed that the majority of the retained vegetation within the remainder of the subject property will be protected and managed in perpetuity under a Biodiversity Stewardship Agreement (BSA), established under the *Biodiversity Conservation Act 2016* (BC Act).

A preliminary boundary for the proposed Biodiversity Stewardship Site corresponds with the existing 'E2 – Environmental Conservation' zoning boundary in the north of the subject property and follows the lot boundary in the southern portion of the site. Refer to the below diagram.



*Perimeter of Biodiversity Stewardship Site (Source: Land Zoning Map - NSW Coastal Viewer)*

The proposed Biodiversity Stewardship Site would be bound by and managed in accordance with the objectives and requirements that are stipulated by the BSA, which will be registered on the land title of the property.

To ensure that the proposed eco-tourism development maintains a connection with the surrounding retained remnant vegetation, the planting scheme for the landscaping (as described in detail in the Landscape Plan submitted with the original DA) will be focused on incorporating a selection of species from the TEC Illawarra Subtropical Rainforest.

It is also proposed that walking tracks will provide access for both guests of the resort and the general public to the high biodiversity areas of the site, mainly comprised of the wetland and the Minnamurra River. To minimise ecological impacts, the location for the proposed tracks will coincide with already defined tracks by the previous landowner. Information boards will be erected at selected locations along the walking tracks that will provide educational information in relation to the environmental and cultural values of the subject property and immediate surrounds, including details about the existing flora and fauna and the historic background of the area.

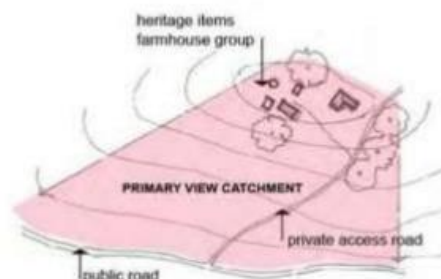
A BSA will have to be reviewed and signed off by the Biodiversity Conservation Trust (BCT) and must meet exacting standards for the management of flora and fauna. The generic, minimal requirements for such plans are spelt out in the regulations for the NSW BC Act and BC Regulation and must be rigorously applied. Moreover, once implemented, the management plans are checked through regular reporting to the BCT. Auditing of the compliance with the BSA is also undertaken by the BCT.

## 2. Heritage (Item 4)

A Heritage Impact Statement has been prepared by Urbis Heritage to assess the effects of the Proposal on heritage items in proximity to the site and in particular to ascertain the degree to which it would impact the heritage significance of Dunmore House (Item no. I207) located at 471 Riverside Drive, Dunmore. The reports concludes that the Proposal will have a positive heritage impact on the setting of Dunmore House for the following reasons:

- The proposed development is situated on a lot immediately south of Dunmore House below the crest of the hill on the slopes of which both are located, well outside the primary view catchment of this heritage item, as defined by Figure 28.1 of the DCP.

Figure 28.1 - New development to be located outside the primary view catchment



*Extract from Shellharbour DCP 2013*

Dunmore House is located on the mid-northern slope of the crest of the hill while the proposed development is located on the southern slopes of the hill. This significantly limits the visibility of the new development from the Dunmore House and its curtilage.

- Dunmore House and the development site with the eco-tourism facility are located 200 m apart. In virtue of this separation and the fall in the land surface and the screening effect of existing vegetation, there is no established relationship or visual connection between the two sites.
- The eco-resort development is proposed in place of an existing, derelict partially built structure on the subject site that have no heritage significance and is a visually intrusive element to the setting of Dunmore House; demolition of the existing structure would significantly enhance views to Dunmore House from the public domain along Riverside Drive;
- Noting that a portion of the roof of the principal building would be visible behind the heritage item, affecting secondary views from Riverside Drive to Dunmore House, measures (i.e. modulated form and recessive finish) have been undertaken in the design of the roof element to render its form and appearance subservient to the neighbouring heritage item;
- The satellite accommodation pavilions are proposed to be located well outside the view catchment area of the Dunmore House farmhouse on the southern slope of the subject site. In addition, they have been staggered along the slope of the hill to further reduce the visual bulk of the development; and
- The proposed eco-tourism development employs glass, timber and neutral colour tones and finishes in conjunction with landscaping and native tree planting across the site to ensure it is sympathetic to the natural setting of the development and its landscape character.



### 3. Waste Management (Item 6)

Attached to this report is a Waste Management Plan (WMP) that has been prepared by Dickens Solutions to outline how all waste and other materials resulting from the demolition, construction and on-going use of the building on the site are to be dealt with.

The WMP establishes details on how the project contractors will manage the waste generated during the demolition of the existing structures and following construction works and outlines principles to maximise the reuse and recycling of demolition and construction waste materials and minimise the volume of material disposed to landfill. The WMP is also accompanied by a Demolition Work Plan prepared by Worldwide Demolitions which provides further details of the adopted demolition process and the reuse, recycling and/or disposal of the material generated during the course of demolition.

In terms of the ongoing operation of the eco-tourist resort, the Plan outlines the details of the proposed operation waste management system including waste generation, storage, handling, access and collection. Key waste management features proposed include:

- All waste and recycling bins are stored within the confines of the Waste Storage Area (WSA) which is located within the 'back-of-house' area of the main building as indicated on the architectural drawings.
- In order to meet servicing requirements 8 x 1100-litre mobile waste and recycling bins will be required to be service three (3) times per week.
- Trucks will make use of a turntable for loading operations and to exit the site in a forward direction.
- All waste management activities will be conducted in accordance with Council's waste management guidelines and the Better Practice Resource Recovery Guide published by the NSW EPA (April 2019);
- No green waste service will be provided to the development. Any green waste generated from the use of the building will be processed as on-site compost.
- A licensed private waste and recycling collection contractor will provide all waste and recycling services to the building.



#### 4. View Analysis (Item 7)

Weighed against the existing conditions of the site, the Proposal will result in the rehabilitation of the landscape character of the property and an improved visual presentation. The existing site contains a large, intrusive structure which competes with its natural setting and produces a profoundly negative visual impact on the scenic character of the locality. The Proposal will remove most of the structures of the detracting, derelict dwelling and replace it with a development that has been designed to minimise visual bulk through the distribution of its massing between several distinct structures, staggered along the slope of the hill and the use of natural and recessive finishes.

Nordon Jago Architects have conducted a detailed examination of the visual impact arising from the proposed development as viewed from areas outside the site boundary. The review of surrounding locations such as public roads, special amenity areas and areas of local significance has determined that there will be a low degree of visibility of the Proposal due to its design, its hillside location, the undulation in the surrounding terrain and the screening effect of intervening vegetation.

Following Council's recommendations, the Architects have identified two locations along Riverside Drive and Pacific Highway which have views to the subject site.

- **View 1** (View from James Road, looking south-east). With exemplary views over the local farmland and the Dunmore House estate, this location lies 3.2km away from the site. This point lies ca. 50 m west of the only stretch of the Pacific Motorway with site visibility. At the distance, the proposal will be nearly imperceptible with only small portions of the roof visible at gaps in the ground vegetation. The modulated form and use of recessive colours and finishes of the roof element allows it to neither stand out nor detract.

Visual impact and landscape character impact from this location will be slight, positive.

- **View 2** (View from Riverside Drive, looking north-west). The second viewpoint is located at ca. 1.2km south-east of the site on the western side of the Riverside Drive, a public road which follows the eastern bank of the Minnamurra River and is the primary access point to Kiama Downs. Views of the proposal from vehicles travelling north will be brief, intermittent as a result of road orientation and intervening vegetation. By way of its design, most of the structures of the Proposal will blend into the background with only the roof element of the main building projecting beyond the ridgeline. However, with the proposed additional tree planting any visual impact will be mitigated over time.

Visual impact and landscape character impact from this location will be slight, positive and improving over time.

The Visual Impact Table presents the selected views and identifies the degree, type and duration of the impact.



View 1 Princess Highway	View 2 Riverside Drive
Development Visibility Brief, Slight, Positive	Development Visibility Brief, Slight, Positive
 <p><i>Distance to centre of development site</i></p>	 <p><i>Distance to centre of development site</i></p>
 <p><i>Existing</i></p>	 <p><i>Existing</i></p>
 <p><i>Proposed</i></p>	 <p><i>Proposed</i></p>

Table 1 – Visual Impact Table

## 5. Services (Item 8)

A review of the servicing constraints of the proposed site has determined that there are no existing water, wastewater, gas and telecommunication services at the site.

The closest water main is located at approximately 350 m east of the proposed development on Riverside Drive and already services a dwelling at 431 Riverside Drive, Dunmore. It is intended that the development will utilise this water supply facility. The below diagram illustrates the route to connect to the main.



*Proposed route to water supply network*

The subject site is remote from the wastewater network. As such, the eco-tourist facility is not proposed to be connected to a reticulated sewerage system. As discussed in the Waste Management Plan prepared by Martens Consulting Engineers and submitted with the DA, an onsite treatment system will be established as part of the proposal.

There are no existing gas facilities available in the vicinity of the proposed site. Bottled gas will be used, if necessary.

No telecommunication networks are available at the site. The site will be serviced by mobile network only.

## 6. Environmentally Sustainable Development (Item 9)

The original submission included an Ecologically Sustainable Development Report prepared by Wood & Grieve Engineer which describes at length the Ecologically Sustainable Development (ESD) measures being implemented as part of the subject proposal. The ESD initiatives that will be incorporated into the development in order to reduce energy demand and associated greenhouse gas emissions, potable water consumption and material resources of the project are included in the below list:

- Adoption of a passive thermal design approach;
- Use of recycled and/or low carbon-intensive construction materials;
- Implementation of energy and water efficiency measures;
- On-site renewable energy production; and
- Operational waste management measures intended to reduce the amount of waste generated by the facility.

## 7. Effects on agricultural productivity (Item 10)

Noted.

## 8. Commitment to continuous environmental protection and pollution prevention (Item 11)

The majority of the subject property will be protected and managed in perpetuity under a Biodiversity Stewardship Agreement (BSA). A BSA is an agreement that is registered on the land title and provides for the permanent protection and management of biodiversity at a site. Under a BSA, agreed management action is required to be undertaken in accordance with a Biodiversity Stewardship Site Management Plan.

The Management Plan that is part of the BSA details the required management actions, including timing and frequency, concerning the following entities:

- Fire management;
- Grazing management;
- Native vegetation management;
- Threatened species habitat management and enhancement;



- Hydrology management;
- Integrated feral pest control;
- Integrated weed management and control High Threat Exotic Plants;
- Management of human disturbance; and
- Monitoring.

As part of the required monitoring of the site, a detailed Monitoring Plan is incorporated in the Management Plan that includes establishment of permanent Photo Points and Vegetation Integrity Survey Plots within the Biodiversity Stewardship Site, as well as monitoring of fencing, physical condition of tracks and extent of human disturbance.

An Annual Report is subsequently required to be submitted for the Biodiversity Stewardship Site, documenting details regarding the management actions undertaken and results from the monitoring completed.

## 9. Eco-tourist facility services (Item 12)

Eco-tourist facilities are defined in the *Shellharbour Local Environmental Plan 2013* as “a building or place that:

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.”

To qualify as an eco-tourist facility, the proposal must satisfy the land use definition criteria listed under (a), (b) and (c).

**Criteria (a)** is satisfied as the proposal will be providing temporary or short-term accommodation to visitors on a commercial basis. The restaurant, bar and spa proposed as part of the eco-tourist resort facility are complementary services to the primary accommodation use and are typical of this type of tourist accommodation. Modern eco-tourist facilities not only provide lodging accommodation but often include multifunctional facilities that support a range of other nature-oriented recreational and educational services.

The inclusion of the proposed restaurant, bar and spa facilities expands the value of the experience offered to guests and visitors of the resort and is central to its financial viability. By extension, they serve as revenue generating activities that can then be directed towards the implementation of conservation measures and educational activities.



**Criteria (b)** is satisfied as the proposal will be located adjacent to an area with special ecological features. The property contains coastal wetland along the Minnamura River estuary which is mapped under the State Environmental Planning Policy (Coastal Management) 2018 for its special ecological value. The area will become publicly accessible to the guests of the proposed eco-tourist resort and also for other community visitors in the forms discussed in Section 1 of this report.

**Criteria (c)** requires the consent authority to be satisfied that the facility is sensitively designed and located to minimise bulk, scale and overall physical footprint and any ecological or visual impact. The proposal adheres to the provision of protecting, managing and restoring ecological and aesthetic values and is sensitive to the ecological features of the site. It is considered that the proposal strikes a balance between maintaining the environmental integrity of the site and ensuring the financial viability of the proposed tourist accommodation facility.

If you have any other queries about this, or if there is anything further I can do to help, please contact me at any time.

A handwritten signature in black ink, appearing to read 'G. Cirillo', with a stylized flourish at the end.

Giovanni Cirillo

Managing Director, Planning Lab