

Attachment 12 –Shellharbour Development Control Plan 2013 Assessment

Section 4.15 (1) (A)(lii) – Shellharbour Development Control Plan 2013

The proposal has been assessed in regard to compliance with the following chapters:

Chapter 10 – Advertising and Signage

No signage is proposed under the current development application.

Chapter 13 Parking, Traffic and Transport

The proposed car parking arrangement for the Eco-tourist Facility as described within the Traffic and Parking Impact Assessment (hereby TPIA) by Barker Ryan Steward dated October 2020 has been calculated from the 33 rooms, ancillary facilities including a reception area, a lounge / bar area, a restaurant with seating capacity for 50 people, 15 staff during Friday – Sunday and 8 staff for Monday – Thursday, outdoor terraces and guest facilities such as a gym, beauty spar and swimming pool for private use only. The report identifies that car parking would be provided through 50 on-site parking spaces, which includes one accessible space and a separate unloading dock (turn table) / waste collection area.

The car parking arrangement retains the existing mature Fig Trees that are located around the entrance to the site (Figure 1 below). The original parking design utilised impervious materials which has been removed from the design with the subsequent iteration (current) utilising a change to impervious surface treatment. This change of material choice conflicts with the original intention of protecting the mature Fig Trees. To ensure the Fig Trees are retained a condition is recommended to be imposed for the area contained under the tree canopy to utilise tree protection measures and permeable surfaces.

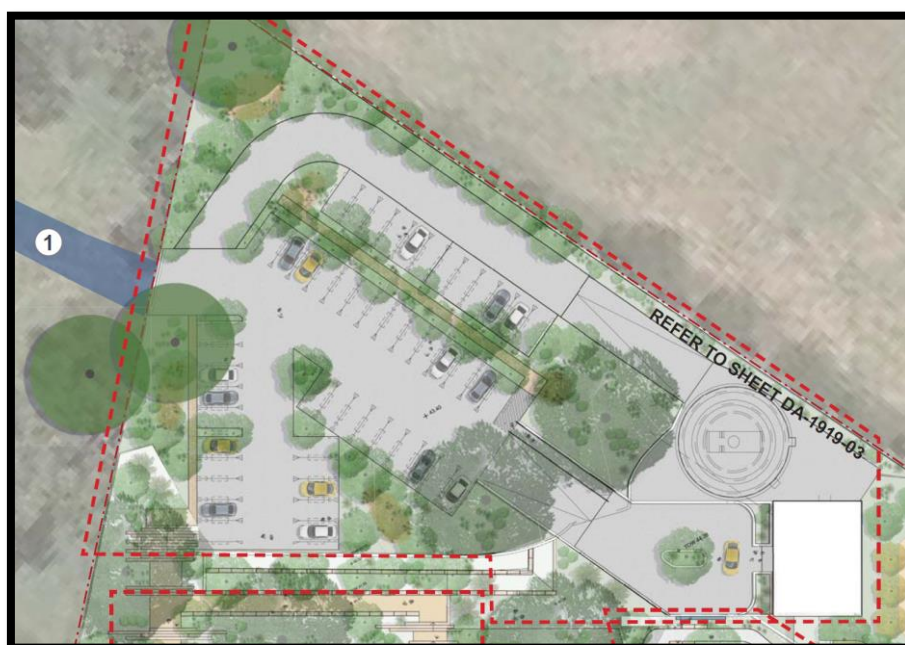


Figure 1 – Landscape Plan

The table below summarises the proposed development's car parking provision and what is required in accordance with the numerical requirements of SDCP:

Control	SDCP requirement	Discussion
<p>Clause 13.1.3 Activities and use not covered with table 13.1</p>	<p>Clause 13.1.3 For activities / uses not covered in the table, the parking requirement will be assessed on the merits of the application and must be supported by a parking and traffic impact and a needs study.</p>	<p>Eco-tourist Facility as a primary use has not been specified within Table 13.1. Therefore, clause 13.1.3 applies requiring a merit based assessment and traffic impact and needs study. The Applicant has submitted a TPIA which adopts a merit approach based on car parking rates attributed to guest houses/holiday cabins and the primary operation of the site to provide accommodation with ecological connection.</p>
<p>Mixed use calculations clause 13.1.8</p>	<p>Clause 13.1.8 Where a proposal includes a mix of different types of activities within the development, the total spaces required is determined by cumulative parking requirements of the development as a whole. The parking requirement for each activity of the development is added together and rounded upwards to the nearest whole number. A reduced number of on-site parking spaces may be considered where a traffic and parking study can demonstrate that the peak parking demands of individual components of the development do not coincide or where common usage reduces total demand.</p>	<p>The Applicant has prepared a TPIA which utilises the numerical requirements provided for Guest Houses/Holiday cabins to provide a framework for car parking needs with a focus on the provision of parking for staff and accommodation numbers (1 space per unit). To support the car parking allocation the Applicant has indicated that the following operation limitations would be imposed:</p> <ul style="list-style-type: none"> • The restaurant and bar will not be open to the public and would have a maximum capacity of 50 persons per meal; • The gym, beauty spa and the pool would be only for the use of the resort guests and would not be open to public; • 11 staff members per day on average. This is based on 15 staff during Friday-Sunday and 8 staff for Monday-Thursday.

		<p>Council does not object to the merit approach and provision of the TPIA which ensures that staff and customer parking are provided. The limitation of 50 car spaces, together with monitoring of traffic and parking, will have a passive benefit in limiting users to the site and ensuring traffic levels along Fig Hill Lane do not exceed the forecasted traffic levels.</p>
Numerical Parking Requirements Table 13.1	<p>The TPIA submitted adopts the numerical requirement of guest houses/holiday cabins which are as follows:</p> <ul style="list-style-type: none"> • 1 space per accommodation unit; • 1 space for any resident manager / caretaker (applicable); and • 1 space per employee. <p>As noted above the current development proposes the provision for 50 vehicle spaces onsite for staff and customers.</p>	<p>Satisfactory.</p> <p>In summary, the DCP parking requirements that would apply to the subject site are:</p> <ul style="list-style-type: none"> • 1 space per accommodation unit = 33 spaces; • 1 space for any resident manager / caretaker = 1 space; • 1 space per staff = maximum of 15 spaces; • Provision for service / delivery vehicles; and • Provision for taxi / bus / coach set down / pickup facilities. <p>The application of these rates equates to a total of 49 spaces allocated as follows:</p> <ul style="list-style-type: none"> • Accommodation – 33 spaces; • Staff – 15 spaces. <p>It is also noted that the proposal has been amended such that no on site manager is proposed and the number of accommodation rooms has been reduced to 31 throughout the assessment period.</p> <p>Ongoing monitoring of traffic levels along Fig Hill Lane and car parking vacancy is</p>

		to occur to ensure traffic levels and vehicle movements do not exceed the maximum capacity. This would have been addressed by way of conditions.
13.2 Access and design	<p>13.2.1 The minimum dimensions required for a single car space are: Length x width a. 5.5m x 2.6m - open car space b. 5.5m x 2.9m - car space abuts one wall c. 5.5m x 3.1m - car space enclosed both sides by buildings or walls d. 6.1m x 2.5m - parallel parking</p> <p>The above dimensions are based on an access aisle width of 7.0m. For each 0.4m reduction in the aisle width, there must be a 0.1m increase in the car space width. The dimensions for car parking spaces for people with a disability must be in accordance with relevant Australian Standards.</p>	Council Engineers have reviewed the carpark layout and raised no objection to the dimensions proposed subject to the imposition of appropriate conditions.
Ingress and egress requirements	<p>13.2.26 The following development requires all vehicles to enter and exit the site in a forward direction from any part on the development site:</p> <ul style="list-style-type: none"> a. multi dwelling housing comprising 4 units or more which share a common internal access driveway/road b. any development on a classified road c. any development which will utilise part or the full length of a battleaxe type driveway or access handle d. commercial developments e. industrial developments f. child care centre <p>13.2.28 Vehicular access to a site must be designed and located having regard to the size of vehicles likely to access the site, traffic volume on the roads serving the proposed development and the traffic volume generated by the proposed development.</p> <p>13.2.29 Where a site is bounded by a major and minor road, vehicular access to the site should be via the minor road wherever practical.</p>	<p>Satisfactory</p> <p>The intersection with Riverside Drive and Fig Hill has been recommended to be upgraded to ensure a safe transition and connection for vehicles entering and exiting the site within the northern lane of Riverside Drive. Conditions have been recommended in this regard and are provided within Attachment 1.</p>

<p>Car parking design and layout</p>	<p>13.2.31 Vehicle parking must not have an adverse impact on the residents of adjoining sites in terms of noise, odour or run-off. Car parking areas:</p> <ul style="list-style-type: none"> a. must be screened from nearby sensitive receiving environments b. stormwater from the car park must not flow directly into sensitive receiving environments. <p>13.2.33 The design of parking areas must minimise the potential for vehicular/pedestrian conflict. Pedestrian pathways between the parking areas and the building access should be provided.</p> <p>13.2.35 Access and parking areas for service vehicles should be separated from the access and parking for employees and customers and must be designed to accommodate the largest service vehicle likely to service the site.</p> <p>13.2.36 The design of parking areas must minimise the visual impact of large areas of pavement on surrounding development and streetscape. Landscaping and materials of construction must improve the amenity of the parking area. Landscaping can 'soften' the appearance of large areas of paved surfaces and multiple rows of vehicles in addition to providing shade for users and assist with surface water run-off.</p>	<p>Satisfactory.</p> <p>The location of the car parking area and loading dock within the north west corner of site ensures adequate separation from adjoining property. The loading dock has been positioned below natural ground level of the northern boundary through the retention of the existing retaining wall which would reduce operational noise through the provision of directing sound upwards and away from the adjoining Dunmore House and 431 Riverside Drive. The position of the accommodation and staff car parking is adequately separated from 69 Fig Hill Lane to ensure that minimal impact is derived. The landscape plan indicates that adequate landscape screening would be provided through the retention of existing vegetation and the addition of appropriate plant species as required by Council's Landscape Officer.</p> <p>The patron limitation placed on the restaurant, bar and spa provides a mechanism to reduce the potential impact on adjoining residential as traffic movement along Fig Hill Lane would be limited to accommodation guests only. Operational limitations for vehicle arrival/departure times and speed limits are required to be imposed to reduce the potential impact of vehicle headlights and excessive noise from impacting adjoining property.</p>
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		<p>Pedestrian traversal is separated through the provision of a drop off area/reception and through landscaped pathway that service each 'wing' of the parking layout. The two pedestrian access point further separate check in and check out with access from the central location and along the southern parking boundary.</p> <p>The proposal separates service vehicles via the access road to the turn table and loading docks ensuring that operational space is separated from the customer car parking. The provision of a circulatory drop off area would ensure that patrons attending the site through a commercial means (taxi, ride sharing) would not conflict with private vehicles for the loading and unloading of vehicles. Details on if a concierge would be available have not been specified however the layout of the parking suggests that this options may be available which would provide additional separation of pedestrian and vehicle interaction.</p> <p>The positioning of the carpark and use of natural elements/vegetation reduces the visual impact of the carpark with a layout that promotes function and connection to landscaped form through the addition of landscaped pathways and features which soften the hardstand areas of individual vehicle spaces while providing elements of shielding and shade.</p>
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Chapter 15 – Waste Minimisation and Management

Control	SDCP requirement	Discussion
Clause 15.1 – Development types and waste	<p>Objectives</p> <ol style="list-style-type: none"> 1. To maximise reuse and recycling of demolition and construction materials and materials from subdivision. 2. 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. 3. To ensure waste management systems are compatible with collection services. 4. Ensure developments provide adequate space for kerbside collection services. 5. To minimise potential adverse impacts relating to the management of waste on the amenity of adjoining properties and within the development. 6. To minimise the amount waste being deposited in landfill. 7. To provide information to applicants on how to prepare a Waste Management Plan. 	<p>Satisfactory</p> <p>A WMMP has been provided.</p> <p>The Waste Management Plan nominates waste amounts expected to be generated during demolition, construction and ongoing operations. For ongoing operations the expected material to be generated by the development is:</p> <ul style="list-style-type: none"> • Recyclables – 5L/unit/day; • Waste – 10L/unit/day. <p>The Waste Management Plan nominates waste amounts expected to be generated during demolition, construction and ongoing operations. For ongoing operations the expected material to be generated by the development is:</p> <ul style="list-style-type: none"> • Recyclables – 5L/unit/day; • Waste – 10L/unit/day. <p>Council does not provide a commercial waste service utilising large (e.g. 1100L) bins. Therefore, the Waste Management Plan nominates a licensed private waste and recycling collection contractor to provide all waste and recycling services to the building.</p> <p>The nominated area for collection is the turntable/loading dock at Ground Floor level, which appears to provide sufficient space for typical waste collection vehicles.</p>

		<p>The nominated bin servicing frequency is three collections per week for Recycling & Waste.</p> <p>Council Waste Officer supports the waste service proposal in accordance with the Waste Management Plan. Waste Services recommend that Council's standard conditions regarding waste for commercial premises are imposed upon this development.</p>
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Chapter 16 – Access for People with a Disability

Control	SDCP requirement	Discussion
16.1 – The Premise Standards	<p>The guiding principles of the Premises Standards are the objects of the Disability Discrimination Act 1992 (DDA) which are:</p> <ol style="list-style-type: none"> 1. to eliminate, as far as possible, discrimination against persons on the basis of their disabilities in various areas, and in particular access to premises, work, accommodation and the provision of facilities, services and land. 2. to ensure, as far as practicable, that persons with disabilities have the same rights to equality before the law as the rest of the community 3. to promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community 	<p>Noted, the design is capable of achieving compliance. The access requirements contained within the Chapter are contained within the Disability (Access to Premises - Buildings) Standards 2010.</p>

Chapter 17 – Crime Prevention Through Environmental Design (CPTED)

Control	SDCP requirement	Discussion
17.1 Lighting	Clause 17.1.1 – 17.1.6	<p>The Development Application did not include a Social Impact Assessment Preliminary 1 required under</p>

		<p>SDCP. However, this matter has been considered and additional clarification sought from Council's Social Planner and CPTED Officer.</p> <p>The proposed development provide a community benefit through the removal of the existing dwelling and securing the site against trespassers.</p> <p>Councils CPTED Officer has provided a satisfactory referral response, subject to conditions. Conditions are provided within Attachment 1 to this report.</p>
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Chapter 19 – Reflectivity

Control	SDCP requirement	Discussion
19.1 Reflectivity	Clause 19.1 Where the proposed development proposes large expanses of external glass, a reflectivity index of less than 10% must be achieved. Further it must be demonstrated that the glazing will not cause hazard or discomfort to pedestrians or motorists or nuisance to occupants of dwellings nor undue heat shedding glare onto other buildings or places	Noted, condition imposed within Attachment 1.

Chapter 20 – Landscaping

Control	SDCP requirement	Discussion
Clause 20.1	<p>20.1.1 A detailed landscape plan must accompany the development application for all types of development. Concept plans are acceptable for Residential Subdivisions (Greenfields) with the lodgement of the development application.</p> <p>20.2 - Development types and landscaping</p> <p>20.3 - Remnant vegetation and wetlands</p>	<p>Satisfactory</p> <p>A landscape plan has been prepared by Sturt Noble and is submitted with the subject development application.</p> <p>Landscaping has been integrated into the carpark and development as a whole with the use of native plants with placement positioned for passive surveillance and sightlines for pedestrians and motorists. The plant species and landscape plan</p>

		<p>interconnects the built form with the rural landscape and would improve the existing vista.</p> <p>No works are proposed within the remnant vegetation and wetlands. The walking tracks are located along cleared maintained routes that do not require additional clearing. Management of the walking tracks would require an ongoing management and would have been conditioned accordingly.</p> <p>Natural materials such as sandstone are to be utilised for edging and retention of soil were appropriate. The submitted landscape plan is focused in pockets around the key structures which would require addition conditions to be imposed for a holistic site approach to design of individual areas.</p> <p>Plant species have been conditioned to include additional native and site specific species as per the recommendations of Council's Landscape Officer.</p> <p>An arborist report and tree protection measures are to be prepared and conditioned with ongoing monitoring to occur for the trees to be retained (i.e. existing fig tree).</p> <p>The proposal satisfies the provisions for open carpark design.</p>
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Chapter 26 Bushfire Hazard

The subject site was lodged and identified as Integrated Development pursuant to the Rural Fires Act 1997 as the proposal relates to a tourist and visitor accommodation development (eco-tourist facility) in an area which is identified as being subject to bushfire hazard.

As discussed within the report, the NSW Rural Fire Service (RFS) have raised concern with regard to the modelling inputs and have not provided a 100B Authorisation, at the time of preparing this report.

As such, Council cannot be satisfied that at the time of preparing this report, that the specifications of Planning for Bushfire Protection and the relevant Australian Standards have been satisfied.

Further, it is unclear what impact the revised modelling would have on other aspects of the development, including the Asset Protection Zone extent and building location.

Chapter 27 – Aboriginal Heritage

Control	SDCP requirement	Discussion
27.1 Aboriginal Cultural Heritage	Clause 27.5 Previously disturbed sites	<p>Satisfactory</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"> • The development site itself is not located within an environmentally sensitive area as defined by the Shellharbour LEP 2013; • The development precinct does not contain mature trees that may be over 150 years old and do not have the potential for Aboriginal scarring; • The development precinct does not contain landscape features that may potentially hold Aboriginal cultural heritage sites. <p>Furthermore, the below Predictive Aboriginal Archaeological Sites Map indicates that the development precinct is sited within an area assessed as being of nil or low archaeological sensitivity.</p>

		As noted within the report, the project is fully contained within the perimeter of the existing structure with limited earthworks and a heavily disturbed site. A precautionary condition is to be imposed.
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Chapter 28 – European Heritage

Control	SDCP requirement	Discussion
Clause .28.2 Context Advice	28.2.15 If a new building or subdivision is proposed for lots adjacent to a heritage item within the visual catchment of that item, then a heritage impact assessment will be required with the development application.	<p>The SDCP establishes 'visual catchment areas' in relation to heritage items. Figure 28.1 of the DCP identifies the visual catchment area pertaining to Dunmore House as views from Riverside Drive looking North towards the heritage item. The proposed development is found to be partially visible from Riverside Drive looking north.</p> <p>The revised design significantly reduces the visibility of the structure with the inclusion of the vegetated roof form and utilisation of existing site structure.</p> <p>The proposed development comprises multiple buildings which have been appropriately separated and sited such that the development generally adopts a modulated form.</p> <p>There is a distinct visual separation from Dunmore House with the proposed design utilising pseudo natural materials to respond to the rural setting and site scenic quality.</p> <p>For these reasons, there are no detrimental impacts to</p>

		<p>the visual catchment area of Dunmore House and Dunmore House would not be visually dominated by the proposed development.</p> <p>Councils Heritage Officer has considered the proposal and advised no objections to the development, subject to conditions. These conditions are included as part of Attachment 1.</p>
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Chapter 34 – Visual Landscape Character

Control	SDCP requirement	Discussion
Visual Landscape Character Assessment	<p>34.1 – Visual Landscape Character Assessment Requirement</p> <p>34.2 - Design principles for roads and private access driveways</p> <p>34.3 - Design principles for drainage</p> <p>34.4 - Design principles for road signage</p> <p>34.5 - Design principles for boundary treatment</p> <p>34.6 - Design principles for entrances</p> <p>34.7 - Design principles for clustering buildings</p> <p>34.8 - Design principles – building form and roofline</p> <p>34.9 - Design principles for roof and wall materials</p> <p>34.10 - Design principles for roof and wall colours</p> <p>34.11 - Design principles for building height</p> <p>34.12 - Design principles for screening buildings</p> <p>34.13 - Design principles for vegetation associated with buildings</p>	<p>Satisfactory.</p> <p>The Visual Landscape Character Assessment has been prepared by the Applicant and is provided at Attachment 9 to this report.</p> <p>Fig Hill Lane is existing, no upgrades to the existing access is proposed. The intersection upgrades are contained within Riverside Drive and the associated road reserve.</p> <p>Stormwater drainage design has been provided with areas of the carpark and grounds utilising WSUD including swales with gravel/stone filter as per the Landscape plan provided.</p> <p>Road Signage is existing for Fig Hill Lane. Internal Signage for direction would be required but has not been prepared under this application. Provision of signage would be required to meet the legislated requirements. Conditions are recommended in this regard.</p>

	<p>34.14 - Design principles for electricity line</p> <p>34.15 - Design principles for development on skyline</p> <p>34.16 - Design principles for lighting</p>	<p>Vegetation and landscaping is proposed to be positioned along side boundaries adjoining residential property interfaces to provide visual interest and screening. Natural vegetation has been prioritised and additional conditions for appropriate species are to be conditioned were appropriate. The existing building envelope is predominately vacant with the majority of plant species being introduced species. The revised landscape plan utilises a mixture of grassed areas, planted areas, sandstone features (finger stairs & retaining walls) and lawn space to connect built form with natural state. The landscape plan would substantially improve upon the existing site health.</p> <p>The existing fig tree is to be retained with landscape utilised to shape the entrance to site and create the impression of arrival which ties into the built form and use of the looped section of vehicle access to the reception.</p> <p>The development utilises three clusters of built form between the two sets of cliff top units the central building with back of house and front entrances areas. The separation between the clusters reduces the overall impression of the development with greater opportunity to provide landscaping to contribute and interconnect the natural landscape with the built form.</p>
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