

JOINT REGIONAL PLANNING PANEL (Southern Region)

JRPP No	2015STH024
DA Number	RA15/1002
Local Government Area	Shoalhaven City Council
Proposed Development	Masterplan/Staged Development Application (under Section 83B of the EPA Act, 1979) for upgrade of facilities at Riversdale.
Street Address	Lot 101 DP 751273 Por 101 (No.170) Riversdale Road, Lot 227 DP 751273 Por 227 Bundanon Road and Lot 7315 DP 1166783 Bundanon Road, Illaroo
Applicant/Owner	Locale Consulting Pty Ltd/ Bundanon Trust and Crown Lands Office
Number of Submissions	3
Regional Development Criteria (Schedule 4A of the Act)	Satisfies the criteria of Clause 3 (General development over \$20 million) of Schedule 4A of the Environmental Planning and Assessment Act 1979 as it is for a development that has a capital investment value (CIV) over \$20 million dollars
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> i. Environmental Planning and Assessment Act 1979 ii. Environmental Planning and Assessment Regulation 2000; iii. State Environmental Planning Policy (State and Regional Development) 2011; iv. State Environmental Planning Policy 55 – Remediation of Land; v. State Environmental Planning Policy - Rural Lands; vi. Shoalhaven Local Environmental Plan 2014; vii. Shoalhaven Development Control Plan 2014; and viii. Shoalhaven Contribution Plan 2010.
List all documents submitted with this report for the panel's consideration	Attachment A – Draft Determination; Attachment B – Development Application Plans; and Attachment C – Site Location.
Recommendation	Deferred Commencement Approval with conditions contained in Attachment 'A'
Report by	Andrew Lissenden, Development Co-ordinator
Report date	March, 2016

ASSESSMENT REPORT

1. Proposal

The development application (DA) seeks approval for a staged development consent under Section 83B of the Environmental Planning and Assessment Act, 1979 (EPA Act) for a concept masterplan that will direct the future development of the subject site. The extent of works included in the masterplan comprising (summary only):

a) Three (3) new buildings as follows:

- a) A creative learning centre building. This building incorporates a reception area, storage for the Arthur Boyd art collection, display/gallery space, multipurpose lecture room, multipurpose wet/dry workshop, auditorium, office space, meeting rooms and associated facilities;
- ii) An accommodation building. This building incorporates a reception area, 32 rooms (double or twin beds) each with an ensuite bathroom, dining area for 64 people, terrace area, self catering kitchen facilities and housekeeping/general stores areas; and
- iii) A catering building. This building incorporates a commercial kitchen, kitchen stores area, café area with associated seating for approximately 60 people, laundry, general store and a two (2) bedroom caretakers unit;

b) The refurbishment and upgrade of the existing Riversdale homestead;

c) Demolition of the existing storage/workshop and car parking area;

d) Car parking for 120 vehicles and bus parking areas; and

e) Associated landscape and access road improvements.

The above works are to be staged as follows:

- o Stage 1: Demolition works, construction of the creative learning centre, associated car parking and landscaping;
- o Stage 2: Construction of the catering building, associated car parking and landscaping; and
- o Stage 3: Construction of the accommodation building, associated car parking, landscaping and upgrade of the Riversdale homestead.

The submitted DA proposes no building works at this time and is only seeking approval of the masterplan (i.e. general principle, building envelopes and building footprints) with additional DA's to be lodged with Council for each stage of the proposed development as outlined above/prior to each stage of the proposed works proceeding. Refer to **Attachment 'B'** for a copy of the development application plans.

2. Subject Site and Surrounds

The development site:

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- Comprises three parcels of land legally identified as Lot 101 DP 751273 (Por 101) No.701 Riversdale Road, Lot 227 DP 751273 (Por 227) Bundanon Road and Lot 7315 DP 1166783 Bundanon Road, Illaroo (generally known as Bundanon Trusts Riversdale site);
- Has an area of approximately 119.89 hectares;
- Is located approximately 10km west of Nowra commercial area;
- Is adjoined to the east by the Shoalhaven River and one parcel of privately owned land, to the north by Crown land (subject of a granted Aboriginal Land Claim that has been partially granted but ownership not yet transferred) and one parcel of privately owned land (which is owned by Bundanoon Trust), to the west by Crown land and two parcels of privately owned land (one of which is owned by Bundanoon Trust) and to the south by three parcels of privately owned land (two of which are owned by Bundanoon Trust);
- Currently has vehicular access from Riversdale Road (to the north of the site), through two (2) parcels of privately owned land via a right of access and across crown land (subject of a granted Aboriginal Land Claim);
- Is partially zoned RU1 - Primary Production (central portion), E2 - Environmental Conservation (north western and eastern portions) and E3 – Environmental Management (western portion) under the Shoalhaven Local Environmental Plan 2014 (SLEP 2014);
- Is part of a rural property known as 'Riversdale' and currently contains a weatherboard building that is used as offices (Riversdale homestead), a weatherboard building that is used as a library and meeting and conference room (Mordant library), a timber clad studio building that is used as offices (Boyd's first studio), a multipurpose building containing multipurpose area, accommodation, kitchen, storerooms and amenities (Boyd Education Centre), a storage/maintenance shed and formalised car parking for 40 cars;
- Has large cleared areas along with patches of remnant natural vegetation.
- Slopes upwards from the east to the west;
- Is serviced by electrical infrastructure, however it is not currently serviced by reticulated water or sewerage infrastructure;
- Is identified as bushfire prone land;
- Has a number of creeks that traverse the site; and
- Is not impacted upon by any known easements/restrictions as to user (other than for access – this issue is discussed in greater detail in the following sections of this report).

Refer to **Attachment 'C'** for additional details on the site's location.

3. Background

The following provides details on pre-lodgement discussions, post lodgement actions and general site history:

- a) Pre Lodgement: A pre-lodgement discussion (i.e. Development Advisory Unit meeting) was held with Council staff on 19 February 2015.
- b) Post Lodgement: The current application was lodged on 15 October 2015. Council staff, during the assessment of the application have requested additional information from the applicant on six (6) occasions (i.e. letter dated 28 October 2015 and emails dated 13

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November 2015, 1 December 2015, 10 December 2015, 14 December 2015, and 12 February 2016). Issues raised included:

- Building envelope plans;
- Staging details;
- Flora/fauna;
- Flooding;
- Bushfire; and
- Access.

Additional information was received from the applicant on

- 4 November 2015: Building envelope plans and staging details;
- 3 December 2015: Flora and fauna information;
- 4 December 2015: Response to submissions and flooding information;
- 11 December 2015: Bushfire information;
- 15 December 2015: Request that outstanding issues be addressed as conditions;
- 21 December 2015: Bushfire and flora/fauna information;
- 22 December 2015: Bushfire information;
- 29 January 2016: Clarification of development lots;
- 16 February 2016: Building envelope details and access comments; and
- 3 March 2016: Updated car parking estimate.

The applicant has, at the time of writing this report, submitted suitable development plans and supporting information to enable a reasonable assessment of the application to be undertaken pursuant to 79C of the EPA Act.

c) Site History: A review of Council's records has indicated that a number of applications relating to the existing development on the subject land have been previously lodged with Council. An overview of these applications is provided below:

- DA96/3621: Education centre - including accommodation for 32 students and 3 staff, multipurpose hall and outdoor amphitheatre (Approved 21/07/97);
- BA97/1317: Building approval associated with DA96/3621 (Approved 18/08/97);
- DA08/1598: Machinery Shed (Approved 29/5/08); and
- CC08/1906: Construction Certificate associated with DA08/1598 (Approved 21/07/08).

4. Community Consultation

In accordance with Council's *Community Consultation Policy for Development Applications (including subdivision) and the Formulation of Development Guidelines and Policies – Amendment 7*, the DA was notified as follows:

- Individual property owners within a 2,000 metre radius of the site were notified of the proposal (65 letters sent). This including the Shoalhaven Business Chamber. The notification period was from 28th October 2015 to 30th November 2015 (33 days);
- The proposal was advertised in the local press on two occasions (South Coast Register on 28 October 2015 and 11 November 2015);
- A notice was placed on the land to which the application relates (sign placed at main

site entry gate); and

- o The application and supporting documentation were on display at Council's City Administrative Centre in Nowra as well as on Council's website.

Three (3) submissions were received by Council.

The issues raised (summary only) included access/traffic, noise, bushfire, wildlife impacts, and signage/line markings. Further discussion of the issues raised in the submissions received is provided in the following sections of this report.

5. Statutory Considerations

The following are relevant planning controls that have been considered in the assessment of this application.

- i. Environmental Planning and Assessment Act 1979;
- ii. Environmental Planning and Assessment Regulation 2000;
- iii. State Environmental Planning Policy (State and Regional Development) 2011;
- iv. State Environmental Planning Policy 55 – Remediation of Land;
- v. State Environmental Planning Policy - Rural Lands;
- vi. Shoalhaven Local Environmental Plan 2014;
- vii. Shoalhaven Development Control Plan 2014; and
- viii. Shoalhaven Contribution Plan 2010.

Additional information on the proposal's compliance with the above documents is detailed in the following sections of this report.

6. Statement of Compliance /Assessment

The following provides an assessment of the submitted application against the matters for consideration under 79C of the EPA Act.

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

- i) Environmental Planning and Assessment Act 1979 (EPA Act): Relevant matters, apart from Section 79C, are overviewed below:

- a) *Part 1, Section 5A (Significant effect on threatened species, populations or ecological communities or habitats)*: A review of Council's flora and fauna data base has not identified any threatened flora and/or fauna on the development site or adjoining sites. It is however noted that the SLEP 2014 identifies the site as containing a habitat corridor which will be impacted upon as part of the proposed development (part of the required asset protection zone encroaches into the habitat corridor).

As a result of concerns raised by Council in relation to potential clearing works required to create the asset protection zones that is needed to comply with bushfire requirements, the applicant has submitted a flora and fauna assessment/7part test pursuant to Section 5A of the EPA Act prepared by Gaia Research Pty Ltd (dated December 2015) and a supplementary statement (dated 22 December 2015).

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Council reviewed both documents and the affected areas and concurs with the assessment of impacts pursuant to Section 5A as prepared by Gaia Research Pty Ltd that the proposed development is unlikely to result in significant impact on any threatened species, populations or their habitats subject to the recommendations contained in the submitted report being addressed as part of any future development application. These recommendations in part aiming to prevent unnecessary tree removal and mitigate potential impacts on the broad headed snake, heath monitor, brush tailed rock wallaby and giant burrowing frog and should be included as conditions in any development consent issued.

- b) *Part 2A, Division 3, Section 23G*: Subclause 2(a) confers Council's functions as consent authority on a regional panel if the development is of a class or description set out in Schedule 4A of the EPA Act (refer to discussion below). As the type of development proposed is identified in Schedule 4A, the functions of Council as the consent authority have been conferred on a regional panel (Southern Joint Regional Planning Panel - JRPP).
- c) *Part 4, Division 2A, Section 83B (Staged development applications)*: The applicant in the submitted Statement of Environmental Effects (SEE) has requested that the DA be treated as a staged DA in accordance with the requirements of this section. In this regard the SEE details the concept proposal and associated stages of the proposed development. Any development consent, if issued, to be conditioned so as to require the lodgement of separate DA's for each proposed stage and approval obtained for each stage of the proposed development prior to commencement of any building works.
- d) *Part 4, Division 2A, Section 83D (Status of staged development applications and consents)*: Any development consent issued will include condition stating that the determination of any further DA's in respect of the site to which this DA relates is to be consistent with the issued staged development consent.
- e) *Part 4, Division 5, Section 91 (What is integrated development) and Section 91A (Development that is integrated development)*: The development, in order for it to be carried out, requires development consent and an approval listed in this section (i.e. approval under the Rural Fires Act 1997). As such, proposed development is classified as "integrated development".
- f) *Section 91A (Development that is integrated development)*: General Terms of Approval (GTA) have been sought and obtained from the NSW Rural Fire Service (RFS) in accordance with the requirements of this section. The RFS advising in their letter dated 12 February 2015 that they are prepared to issue their GTA's. The conditions, as detailed in the GTA's should be included in any development consent issued. In accordance with sub-clause 6, the RFS will be notified of the determination when it has been made.
- g) *Schedule 4A (Development for which regional panels may be authorised to exercise consent authority functions of councils)*: The development, based on the applicants submission, meets the criteria of Clause 3 under this schedule as a type of development (i.e. general development) that has a CIV of more than \$20 million dollars

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(i.e. the proposed development has a CIV of \$28.5 million) and therefore, must be referred to the Joint Regional Planning Panel for determination. As such, the application will be determined by the JRPP.

In summary, the proposed development, subject to the imposition of conditions and/or advice, does not conflict with the applicable provisions of the EPA Act.

ii) Environmental Planning and Regulation 2000 (EPA Regs): Relevant matters are overviewed below:

a) *Schedule 3 (Designated Development)*: The requirements of this Schedule have been considered as the proposed development satisfies the criteria of Part 1, Clause 29 (Sewerage systems and sewer mining systems). Specifically, the development will require a 'sewerage system or works' that has an intended processing capacity of more than 20 persons and would be located within 100 metres of a natural waterbody (i.e. the Shoalhaven River and/or watercourses within the site).

The locational requirements as specified in Clause 29 are however not applicable as the development is captured by the requirements of Clause 37A (Ancillary development) in Schedule 3. Clause 37A outlining that development in Part 1 is not designated development if it is ancillary to other development and will not be carried out independently of the other development. Accordingly, the proposed development is not considered designated development as the sewerage system works that are required are ancillary to the development and are not independent of the proposed development.

In summary, the proposed development, does not conflict with the applicable provisions of the EPA Regs.

iii) State Environmental Planning Policy (State and Regional Development) 2011 (SEPP 2011): Relevant matters are overviewed below:

a) *Part 2 (State significant development)*: The development does not trigger the requirements for state significant development as detailed in Schedule 1 or 2 of SEPP Development.

b) *Part 4 (Regional Development)*: The development has been lodged as a class or description included in Schedule 4A of the EPA Act (i.e. general development with a capital investment value of over \$20 million dollars). As required by this Part, the Council consent functions are to be exercised by a regional panel, and as such, the application has been referred to the JRPP for determination.

In summary, the processing of this application does not conflict with the applicable provisions of the SEPP 2011.

iv) State Environmental Planning Policy 55 – Remediation of Land (SEPP 55): Relevant matters are overviewed below:

a) *Clause 7 (Contamination and remediation to be considered in determining development*

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application): Consideration has been given to whether the land on which the works are proposed is contaminated. The applicant has submitted a basic Stage 1 (Preliminary Site Investigation) with the current application. This in summary indicating that due to topographic constraints the land has been used for limited grazing activities with no evidence of any activity listed in Table 1 of the Contaminated Land Planning Guideline. Council's assessment of the subject site and available information has indicated the following:

- Council records do not identify the site as potentially contaminated land;
- Council is not aware of any previous investigations about contamination on the land;
- A potentially contaminating activity has not been previously conducted on the land;
- Council is not aware of information concerning contamination impacts on land immediately adjacent to the subject land which could affect the development site;
- There is no land use restriction relating to possible contamination affecting the land;
- There is no obvious visual evidence from a site inspection of any land contamination being present in the vicinity of the proposed works; and
- The current application does not propose a change of use of land as specified by the requirements of SEPP 55.

Having regard for the above, Council is satisfied that further assessment is not required as there is no reason to suspect contamination or reason to suspect a risk of contamination. As such, the land is suitable from a contamination perspective for the proposed development/use.

In summary, the proposed development does not conflict with the aims and applicable provisions of SEPP 55.

- v) State Environmental Planning Policy - Rural Lands (SEPP Rural Lands): As a portion of the site is zoned rural and fulfils the requirements of a 'rural zone' as defined under the SEPP, consideration has been given to the clauses/matters as contained in SEPP Rural Lands. The land where the development is proposed is classified on the Department of Primary Industries agricultural land classification mapping as Class 2 agricultural land.

The proposed building footprints being either located in areas that have already been developed/disturbed (e.g. existing sealed car park area) or on portions of the site that due to the topography would have a limited productivity capacity. In addition, Council considers that the requirements of SEPP Rural Lands (specifically Clause 10) are not applicable to this specific DA as the proposal does not satisfy the definition of 'dwelling' or propose a subdivision that would fragment rural land. As such, the proposed development does not conflict with the provisions of SEPP Rural Lands.

- vi) Shoalhaven Local Environmental Plan 2014 (SLEP 2014): Relevant matters are overviewed below:
- a) *Clause 2.3 (Zone objectives and land use table)*: The subject site is zoned part RU1 Primary Production, part E2 (Environmental Conservation) and part E3 (Environmental Management). The proposed development is wholly located within the RU1 zoned

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portion of the site. With reference to zone objectives, Council staff are satisfied that the proposed development fulfils the applicable objectives of the RU1 zone as it will encourage diversity, will maintain productive crime crop and pasture land, minimise conflict between land uses within this zone and land uses within adjoining zones and will not fragment/alienate resources land. In terms of permissibility, the proposed development can be characterised as follows:

- An 'information and education facility': An 'information and education facility' is defined under SLEP 2014 as "*a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.*"

The above definition applies to the proposed creative learning centre and the accommodation building (including dining area and self-catering kitchen). The accommodation component of the development to only be used in conjunction with the learning centre (i.e. not to be used by people not attending the creative learning centre) and as such is intrinsic and complimentary to the primary use. An 'information and education facility' is listed as a permissible use within an RU1 zone. Any development consent issued should be conditioned in relation to the use of the accommodation building; and

- A 'food and drink premises': A 'food and drink premises' is defined under SLEP 2014 as a "*premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:*
 - (a) a restaurant or cafe,
 - (b) take away food and drink premises,
 - (c) a pub,
 - (d) a small bar".

The above definition applies to the café (with the associated kitchen facilities, toilets, etc) in the proposed catering building. With reference to the definition of a 'food and drink premises' in SLEP 2014, the proposed development will provide facilities for the preparation and retail sale of food and drink for immediate consumption on the premises. Specifically, the definition of a 'food and drink premises' includes a restaurant/cafe. A 'food and drink premises' is listed as a permissible use in an RU1 zone. The applicant's assessment contends that this component of the development is ancillary to the remainder of the development.

- b) *Clause 4.3 (Height of buildings):* The 'Height of Buildings Map' does not contain any height controls relating to the development site. As such, the maximum height of all proposed buildings must not exceed 11m as required by subclause 2A.

The updated building envelopes that have been submitted outline that the maximum height of the all proposed buildings will be 11m as per the requirements of this clause. As such, the building envelopes provided comply with the numerical requirements of this clause.

A visual assessment has been submitted by the applicant which concludes that while the proposed development will be visible from various locations with some impact on

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the visual context of the site being inevitable, the proposed building locations and envelopes will not be overly prominent given the separation that is proposed between existing buildings, the use of existing natural features and the retention of existing vegetation which will act as a natural backdrop and assist in minimising any visual impacts (i.e. positioned below existing ridge lines and under the height of existing trees). It is important to note that the building envelopes shown are indicative of potential height and bulk and should not be construed as the final building shapes, design and architecture

Overall it is agreed that the proposed building envelopes should not cause significant adverse impacts on the scenic amenity of the area, will not result in the loss of views for adjoining lands, are compatible with the height/bulk and scale of the existing buildings on site (i.e. existing Boyd Education Centre), will not impact/disrupt views and will not result in the loss of privacy and/or solar access to existing development due to the separations that are proposed. It is however acknowledged that there will be a visual impact given the location of the proposed buildings in cleared areas due to the topography of the site.

As this application only seeks approval for the building envelopes and footprints with no detailed designs having at this time been prepared (these will be submitted as part of any future development application for each of the proposed buildings/stages) no concerns are raised with the current proposal with respect to the design, subject to any development consent issued being conditioned in relation to the need to provide details on design, colours, materials, visual impact assessment and photomontages from different locations from within and external to the site.

- c) *Clause 7.1 (Acid sulfate soils)*: The 'Acid Sulfate Soils' map identifies that the site is affected by acid sulfate soils (Class 5) and as such the requirements of this clause are applicable. As per the requirements of subclause 2 as the DA does not propose any works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m AHD and will not result in a lowering of the water table below 1m, an acid sulfate soils management plan is not required as part of the current application.
- d) *Clause 7.3 (Flood planning)*: The 'Flood Planning Area Map' does not identify this site as flood affected due to Council not currently having an adopted flood study or flood risk management study and plan for this area. However, a Department of Land and Water Conservation (DLWC) 1995 study (Design Flood Profiles – Burrier to Nowra) identifies the 1% annual exceedance probability (AEP) event flood level for the development site which is 14.9m AHD (i.e. 1:100 year flood level) with a resultant Flood Planning Level (FPL) for the site of 15.4m AHD.

As a portion of the development site is land at or below the flood planning level the requirements of this clause are applicable. With reference to the matters in subclause 3, Council is satisfied that the building envelopes are compatible with the known flood hazards of the land as the floor levels proposed are at or above the known FPL of 15.4m (ground floor of accommodation building to be at 15.4m and proposed learning centre/catering building at 18m), the proposed development/use will not significantly adversely affect flood behaviour (i.e. will not result in flood impacts on adjoining lands), will not significantly adversely affect the environment (i.e. will not result in

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increased erosion destruction of riparian vegetation or affect the stability of the banks of watercourses or the Shoalhaven River), will not affect the safe occupation or evacuation of the land (sufficient space on site above the FPL for refuge, sufficient warning available and time to evacuate the site available and flood evacuation plan to be prepared as part of future DA's).

Council's Flood Engineer has confirmed that for the purpose of the current application the use of the DLWC study to determine the flood planning level is appropriate. However, the developer should be required to update the current flood assessment as part of the Stage 1 DA to confirm that the DLWC study's flood levels have not changed or if more contemporary flood modelling assessments are available they should be used to assess the hazard and hydraulic categories. This updated assessment to determine flood levels for the 10%, 5%, 2% and 1% AEP events. Any development consent issued should be conditioned in relation to the above.

- e) *Clause 7.5 (Terrestrial biodiversity)*: The 'Terrestrial Biodiversity Map' identifies the development site as being affected by 'Biodiversity – habitat corridor' and as such the requirements of this clause are applicable. With reference to the matters contained in subclause 3 and 4, Council is satisfied that:
- The development in its proposed location (including the indicative location of ancillary infrastructure required) will not have any adverse impact on the ecological value/significance of flora and fauna on the land, adverse impact on the importance of the vegetation on the land to the habitat/survival of native fauna and will not fragment, disturb the biodiversity structure of the land or habitat elements providing connectivity on the land; and
 - The development is predominantly designed and sited so as to avoid any significant environmental impact and if there is an impact (i.e. removal of vegetation for asset protection zone creation) the works can be managed through conditions on any development consent issued to minimise the impact.
- f) *Clause 7.6 (Riparian lands and watercourses)*: The 'Riparian Lands and Watercourse Map' identifies the development site as containing a number of 'Category 2' watercourses and as such the requirements of this clause are applicable. With reference to the matters contained in subclause 3 and 4, Council is satisfied that:
- The development will not have an adverse impact upon water quality or flows within the watercourse (sufficient separation between the development works and watercourses). Conditions could be included in any development consent issued to minimise impacts.
 - There is no evidence to indicate that the works proposed, given the separation that will exist between the proposed building footprints and the watercourses, will impact on the stability of the watercourses beds and banks or will have adverse impacts on aquatic/riparian species, habitats or there ecosystems. Any design approved as part of future DA's will require the maintenance of this separation for the building as well as any associated infrastructure to be sited such that it will not create any significant adverse environmental impact (e.g. compliance with required buffers for effluent

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disposal areas). Any development consent issued should be conditioned accordingly.

- The proposed development does not seek to extract water from the watercourses that traverse the site and as such there will not be an increase in water extraction from these watercourses; and
 - The building footprints have been sited so as to avoid any significant environmental impact and if there is an impact (i.e. removal of vegetation for asset protection zone creation) the works can be managed to minimise the impact. This being achieved through the clear identification of trees to be retained/removed and the preparation of a vegetation management plan (VMP) where clearing works may be required near an existing/identified watercourse. Any development consent issued should be conditioned accordingly.
- g) *Clause 7.7 (Landslide risk and other land degradation)*: The development site does contain areas with a slope in excess of 20%. With reference to the matters contained in subclause 3 and 4 Council is satisfied that:
- It is not anticipated that there will be adverse impact from the proposed development/works in relation to the geotechnical stability of the site or an increase in erosion or other land degradation processes. This being due to the portion of the site where the majority of works are proposed having a slope under 20%. As this application is seeking approval of the concept only (i.e. building footprints and envelopes) and as no detailed designs have at this time been prepared, Council staff are of the opinion that a detailed geotechnical assessment is not required at this time and would be more appropriate if it were a requirement of future development applications. This should be conditioned on any development consent issued; and
 - The submitted building footprint and envelope plans indicate there will be some site modification (i.e. cut required to achieve the floor levels proposed). As this DA is seeking an approval of the concept only with no detailed designs having yet been prepared it is difficult to anticipate the probability of increased erosion or other land degradation processes, however any future approvals can be conditioned so as to avoid significant adverse environmental impacts and/or managed to minimise impacts (e.g. submission of geotechnical reports, provision of sediment and erosion control measures in accordance with the Blue Book, provision of energy dissipaters at the end of any drainage points, etc as recommended in the draft conditions).
- h) *Clause 7.11 (Essential services)*: The proposed development requires the provision of water, electricity and effluent management systems. Details on each of these is provided below:
- **Water**: The development site is not serviced by a reticulated water supply. As such, the supply of water will be through the capture of rain water from roofs which is to be supplemented by water from an existing bore on the property. Any development consent issued will be conditioned so as to require a water usage assessment to be provided as part of each stage of the development. This to look at the maximum

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demand for water on the site, how that demand will be serviced and potential impacts from other infrastructure on site (e.g. effluent irrigation areas).

- Electricity: The site is currently serviced with electricity. As this DA is seeking approval for the concept only (no detailed designs of the proposed buildings submitted), no discussions have been had with the electricity provider to confirm if the existing electricity distribution network in the vicinity of the site is adequate or requires an upgrade to deal with the additional load the development will create. The applicant will be required to have discussions with the electricity provider prior to any future DA being lodged with details on these discussions to be provided to Council with future DA's. This to be conditioned on any development consent. All future DA's will be referred to the electricity provider for comment.
- Effluent: The development site is not serviced by a reticulated sewerage system. As such, all future buildings will require onsite disposal of effluent. The applicant advised as part of this application that the existing on-site sewerage management system will be either upgraded, augmented with a new system or replaced. As this application is seeking approval for the concept only, no detailed waste water report has been submitted. Council's Environmental Health Officer has reviewed the submitted information and agrees that there should be sufficient areas of cleared land on site that would meet all required separation distances, slope requirements and flooding requirements so as to provide onsite disposal of tertiary treated septic effluent quality. This detail to be submitted as part of subsequent DA's and should be conditioned on any development consent issued.

Having regard for the above, services are able to be provided to the development.

In summary, the proposed development, subject to the imposition of conditions as detailed above, complies with the relevant provisions in SLEP 2014.

vii) Shoalhaven Development Control Plan 2014 (SDCP 2014): Relevant matters are overviewed below:

- a) *Chapter G1 (Site Analysis, Sustainable Design and Building Materials in Rural, Coastal and Environmental Areas)*: Having regard for the application that has been lodged (i.e. approval of building footprints and envelopes), sufficient information has been provided to meet the applicable requirements of this chapter. Specifically, a site plan showing constraints (e.g. existing vegetation, watercourses, riparian corridors, contours, existing ground levels and finished ground levels) and the general character of the land.

In summary, the positioning of the building footprints/envelopes on the development site will allow for minimal vegetation removal (majority of APZ's are contained within existing cleared areas), solar access, energy efficiency opportunities (given the separation between buildings and the positioning of the building footprints on site so they maximise their north and east elevations) and screening from public places (due to topography, existing buildings and established vegetation).

As this application is seeking approval of the concept only no details on the buildings design and building materials has been provided. This will be addressed as part of the

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future DA's for the proposed stages. The applicant has also advised that the design of the future buildings may be subject to an architectural design competition or similar. Any development consent issued should be conditioned so as to require details on external colours and exterior materials/finishes to be submitted with each subsequent stage/development application.

- b) *Chapter G2 (Sustainable Stormwater Management and Erosion Sediment Control)*: Having regard for the application that has been lodged (i.e. approval of building footprints and envelopes), sufficient information has been provided to meet the applicable requirements of this chapter. A detailed assessment of stormwater management controls including reuse, pollution control devices and the general design of stormwater systems will be subject to a detailed assessment as part of the future DA's required for the proposed stages. Council's Development Engineer has provided some general controls relating to design standards, stormwater drainage design and erosion/sediment control which should be included as conditions on any development consent issued.
- c) *Chapter G5 (Threatened Species Impact)*: The DA has required the submission of a flora and fauna assessment (prepared by Gaia Research Pty Ltd dated December 2015 and a supplementary statement dated 22 December 2015). The assessment has been reviewed and no concerns have been raised subject to the imposition of conditions on any development consent issued (refer to the discussion above under the heading EPA Act).
- d) *Chapter G8 (Onsite Sewage Management)*: Having regard for the application that has been lodged (i.e. approval of building footprints and envelopes), sufficient information has been provided to meet the applicable requirements of this chapter. As detailed design plans that specify the number of toilet facilities, number of sinks, etc have at this time not been prepared it is not possible as part of the current application to provide a detailed waste water report describing disposal methods, required irrigation methods, etc.

Council staff have reviewed the concept information provided for effluent disposal and have concluded that it is likely that onsite disposal of tertiary treated septic effluent will be required and should be achievable, however the availability of a suitable area above the 1:20 flood level has not been confirmed as the 1:20 flood level information is not available and will be determined by the applicant as part of a future Stage 1 DA. Council staff are however satisfied that sufficient area should be available. Specific details of the type of system to be used, irrigation area locations/designs, plant location (including sizing for the existing development and proposed development) and how it complies with the requirements of the SDCP 2014 are to be submitted as part of the future Stage 1 DA and should be conditioned on any development consent issued.

- e) *Chapter G9 (Development on Flood Prone Land)*: Council's assessment of the DA has indicated that the site is flood affected. As mentioned previously, based on the DLWC 1995 study Design Flood Profiles – Burrier to Nowra, the site has a 1:100 year flood level of 14.9m AHD and an FPL of 15.4m AHD. The building footprint plans submitted

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indicate the floor levels of all proposed buildings are at or above the DLWC flood planning level.

The applicant has not submitted a detailed flood assessment report as part of the current application. Council's Flood Engineer has not raised concerns with the information provided with the current application and has advised that given the time taken for the river to rise in this location sufficient warning time should be available to enable the safe evacuation of the site. They have however advised that the developer should be required to update the current flood assessment as part of the Stage 1 DA to confirm that the DLWC study's flood levels have not changed or if more contemporary flood modelling assessments are available, this information should be used to assess the hazard and hydraulic categories. This updated assessment that is undertaken should determine flood levels for the 10%, 5%, 2% and 1% AEP events, provide a detailed ground level survey to identify flood affectation of the site, and provide an updated flood evacuation plan. Any development consent issued should be conditioned in relation to the above.

- f) *Chapter G21 (Car parking and Traffic)*: The calculation of required car parking numbers at this time is difficult as detailed designs for each of the proposed buildings have not been prepared. Accordingly, any assessment at this time is based on assumptions as to what the buildings may ultimately contain in terms of their floor areas/use of spaces, etc.

The applicant has however provided an amended estimate of 93 car spaces being required for the proposed development (this including a concession for co-usage relating to the café component of the development) with the current application detailing that a total of 120 car spaces will be provided on site (for the proposed and existing development including consideration of car parking that will be removed to allow construction of the creative learning centre and catering building). This comprising 50 spaces under the creative learning building and 70 spaces provided as an open air car park (20 spaces to the rear of the creative learning centre and 50 spaces in the area around the main buildings). With reference to this estimate the following comments are provided:

- As detailed above an assessment of the required car parking for the current DA is unable to accurately be made at this time. As such, a detailed assessment will need to be undertaken as part of each future DA that is lodged;
- The applicants assessment of the car parking requirements in the submitted preliminary traffic assessment and amended assessment provided appear to be reasonable based on each of the identified uses;
- The applicant has detailed that bus drop off and pick up areas will be provided throughout the development;
- Sufficient space exists on site for additional car parking over the estimate above if required and/or overflow car parking should it be required. This overflow car parking not to include designated effluent irrigated areas. Detail should be provided as part of future DA's.

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Any development consent issued should be conditioned so as to require a detailed assessment of car parking to be provided as part of each future DA lodged. This including replacement of any existing car parking that has been removed to facilitate the development.

- viii) Shoalhaven Contribution Plan 2010: Although the provisions of Council's Section 94 Contribution plan apply to the development site, as this DA proposes no physical building works (i.e. seeks approval for the concept only), the provisions of Council's Section 94 Contribution Plan do not apply to the current DA and will be applied to future DA's when building works are proposed and floor areas, etc are known. Any development consent issued will be conditioned so as to detail that Section 94 contributions will be imposed as part of any future approval issued for each stage of the development.

Likely impact of that development on the natural and built environment and social and economic impacts in the locality.

- i) Threatened Species: As mentioned previously the applicant has submitted a flora and fauna assessment/7part test prepared by Gaia Research Pty Ltd dated December 2015 and a supplementary statement dated 22 December 2015. Council has reviewed both documents and concurs with the assessment of impacts that the proposed development is unlikely to result in significant impact on any threatened species, populations or their habitats. It is however acknowledged that the development will require some vegetation removal and/or modification to comply with APZ requirements. Accordingly any development consent, if issued, should be conditioned in accordance with the recommendations of the Gaia Research Pty Ltd reports.
- ii) Noise, odour and dust: Each of these issues is discussed separately below:
- a) Noise: Noise is expected to be created during construction as well as during the ongoing operation of the proposed development (i.e. post construction). While some consideration has been given to noise issues as part of this assessment, a more detailed review will need to be undertaken as part of the assessment of each future DA that is required. These future DA's containing details/consideration of ongoing noise impacts including that created by vehicles going to and from the site. At this time Council is satisfied that there should not be an adverse noise impact generated by the proposed development given the development sites significant separation to the closest sensitive receiver. As such, any development consent issued should be conditioned to require future DA's to give further consideration to noise issues (both construction and ongoing operation).
- b) Odour: It is not anticipated that the proposed development will create an unacceptable odour problem given the separation that exists between the proposed buildings and the sites property boundaries as well as the closest sensitive receiver. No specific odour related assessment information has at this time been identified as being required as part of the future DA's for each stage.
- c) Dust: Dust has the potential to be an issue during the construction process (both on site and off site), however it is acknowledged that given the proposed buildings location any on site impacts should be minimal. While some consideration has been given to dust

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issues as part of this assessment, a more detailed review will be provided as part of the assessment of each future DA that is required. As such, any development consent issued should be conditioned to require future DA's to address both onsite and offsite (that may be generated through the use of the access road) dust issues.

- iii) Context and Setting: This DA is only seeking approval for the building envelopes that are shown on the amended plan submitted (refer to Attachment C), with the outline of the new buildings shown on the submitted plan only being for indicative purposes/to provide context. The applicant advising

“The Bundanon Trust is highly conscious of the relationship between the proposed development and existing architecture and setting for which Riversdale is well known. This will be a key element of the next stage of detail with the current application seeking master plan approval for the extent of development and building envelopes only.” and “One of the key aims of the masterplan is to preserve the natural and cultural heritage of the site, thus the three new buildings have been positioned to:

- *minimise the visual impact on surrounding areas, including the Shoalhaven River.*
- *minimise the visual impact on the existing buildings on site, with the BEC being visually separated from the proposed accommodation building by part of the homestead complex (which will become the visitors centre).*
- *retain the views from the BEC towards key landscape elements that artists paint, draw, photograph etc. from their workspaces in and around the BEC.”*

Council staff acknowledge the above and are of the opinion that the proposed building footprints are setback from adjoining property boundaries a sufficient distance so as to minimise visual impacts to and from the adjoining lands. In addition, the building footprint locations for the accommodation building and creative learning centre building are sufficiently separated from existing buildings within the site and adjoining lands so as not to result in overshadowing, reduce sunlight access or impact upon the setting in which these buildings are currently located.

The proposed building footprint for the catering building however is in close proximity to the existing Arthur Boyd studio building which will result in a visual impact on this existing building and its surrounds. Limited opportunity exists to reposition this building footprint given the natural topography of the land in this location. To ensure any potential impacts are minimal an increased separation between these two buildings should be encouraged. In this regard any development consent issued should be conditioned so as to require the proposed catering building to be positioned to the western side of the building envelope so as to ensure maximum separation is provided between this building and the existing Boyd studio building.

All the building envelopes proposed will allow a building up to three (3) stories to be constructed which based on the floor levels proposed and sections provided will have a suitable relationship with the existing Boyd Education Centre building as they will have a lower overall finish height which will enable the retention of view from the Boyd Education Centre towards key landscape elements.

Details on construction materials, external appearances, etc will be required and assessed as part of each future DA lodged.

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- iv) Visual Impacts: A preliminary visual assessment prepared by the applicant has been submitted in support of the current application. Council agrees with the conclusions reached in this assessment as the building footprints have been sited so as to minimise visual impacts when viewed from external to the site. It is also accepted that any new development on the site will have some visual impacts however the use of the sites natural topography and features minimises that visual impact.

At a maximum height of 11m and with some cut planned, the proposed building envelopes will not obtrude above the western tree line which will form a backdrop to the development or above the existing Boyd Education Centre. In addition, established vegetation along existing creek lines and the Shoalhaven River will assist in minimising visual impacts of the proposed building envelopes when viewed from the Shoalhaven River.

As no detailed designs have at this time been submitted at this time given the nature of the application, the ultimate detailed assessment of visual impacts will not be able to be made until the architecture that is, the external design, materials, colour, etc have been determined. In this regard a full visual assessment will need to be undertaken as part of each DA lodged. This includes the provision of photomontages from various locations within the site (e.g. adjacent to existing buildings, site entry point) and external to the site (e.g. Shoalhaven River, access road to the site, properties on the eastern side of the Shoalhaven River). Council is of the opinion that any future design will need to have regard for the existing buildings on site including the Glen Murcutt designed Boyd Education Centre. Any development consent issued to be conditioned in relation to the above.

- v) Traffic and Access: A preliminary traffic assessment has been submitted with the DA. This details that the proposed development will increase visitation number from both the general public and school groups and other community organisations. This will result in an increase in the number of vehicle movements (both cars and buses) to and from the site.

Council's Traffic Section has reviewed the submitted information and has advised that a more detailed Traffic Impact Assessment (TIA) will need to be submitted as part of future DAs including an analysis of all intersections leading to the site and their compliance with current road design requirements, a review of sight distances, a review of existing signage and potential upgrade works required including the sealing of the existing gravel section of road. Any development consent issued should be conditioned in relation to the above.

- vi) Economic/Social Impacts: Both issues are discussed separately below:

- Economic Impacts: The proposed development will have a positive economic impact during the construction phase through the creation of construction jobs (estimated at 142 direct and indirect jobs), although these will be short term. Post construction additional employment opportunities will also be created for the local community and wider area (both jobs on the site and economic benefits for those businesses who provide goods and services to the developments operator and to those other business that users of the development visit – estimated at 59 direct and indirect jobs). It is also estimated that it will have an ongoing impact in terms of direct spending of approximately \$6 million per annum and additional/indirect spending of \$4.4 million per annum.
- Social Impacts: The proposed development will have a positive social impact through the provision of an enhanced learning facility which is aimed at primary schools,

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secondary schools and universities (i.e. Bundanon Trusts art related programs). It will also have a positive social impact through the display of Arthur Boyd's art collection, the continued preservation of Arthur Boyd's art work in purpose built facility and allowing people to experience the environmental values of the site and area generally. It is not anticipated that the development as proposed will have any negative social impacts.

The suitability of the site for the development

The site is considered suitable for the proposed development with regard to zoning/ permissibility, surrounding land uses, and topographical constraints. It is not subject to any known constraints that would restrict and/or prohibit the development of the site or have an adverse impact on adjoining lands sufficient to facilitate the current application's refusal. In addition, it is not expected that the proposed development will adversely impact the physical environment and will provide a social and economic benefit which outweighs any potential negative impacts. Consideration has also been given to access to the development site which can be gained across adjoining parcels of land that are not the subject of this development application (refer to additional discussion on this issue in Section 7 – Other Issues). As such, Council staff are of the opinion that the site is suitable for the proposed development.

Any submissions made in accordance with the Act or the regulations

Submissions from the general public and public authorities are discussed separately below:

- a) *The Public:* In accordance with Council's Community Consultation Policy, the development application when received was notified as is outlined in Section 4 (Community Consultation) of this report. A summary of the issues raised in the submissions received and associated comments from Council are provided below, noting that a number of the issues raised are discussed in greater detail elsewhere in this report:
 - o *Noise:* Concern has been raised about noise impacts from traffic (both cars and buses) that the development currently generates and associated concerns that this will get worse if the use of the site is intensified through increased development. The applicant in addressing this concern has advised that Bundanon Trust has not received any complaints, directly in relation to noise issues, in the 16 years since the establishment of the Boyd Education Centre, however it has indicated support for speed restrictions, traffic calming, road side vegetation management and additional signage to prompt guests leaving the site to respect neighbours. Council considers that traffic related noise issues can be considered as part of a detailed Traffic Impact Assessment that will be required to be submitted as part of any future DA. This requirement should be conditioned on any development consent issued.
 - o *Wildlife Impacts:* Concerns have been raised about the impacts of increased traffic movements on fauna (i.e. increased occurrence of animals colliding with vehicles). The flora and fauna assessment submitted by the applicant addresses in part increased vehicle movements and impacts on fauna. It acknowledges the potential for indirect impacts on non-volar threatened species as a result of increased traffic movements, however it is concluded that there is unlikely to be a significant impact. Council's Threatened Species Officer agrees with this conclusion. Given the nature of this DA (concept approval) it is recommended that any future DA address the impact of traffic movements to and from the site on non-volar threatened species and include location and details of mitigation measures to be implemented (e.g. traffic calming devices,

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signage, etc). This requirement should be conditioned on any development consent issued.

- *Traffic and Road Conditions:* Concern has been raised about the increase in traffic that this development will generate and the suitability of the exiting road infrastructure (e.g. width of carriageway, sight distances, signage, speed limits). The applicant has advised (as mentioned earlier) that Bundanon Trust has not received any complaints directly in the 16 years since the establishment of the Boyd Education Centre in relation to traffic volume issues, however the Bundanon Trust is supportive of speed restrictions, traffic calming, etc. As detailed in the report above, Council considers that traffic related issues are needing to be addressed as part of a detailed Traffic Impact Assessment that will be required to be submitted as part of any future DA. This requirement should be conditioned on any development consent issued.
 - *Bushfire Risk:* Concern has been raised that there is an increasing number of visitor leaving the site that are disposing of cigarette butts out of vehicle windows and as such there is an increased fire danger. The applicant has not provided any comments in relation to this concern. While this concern is acknowledged, Council staff are of the opinion that this could be addressed through the provision of an education pamphlet within the sites general public areas and/or a sign at the sites exit.
- b) Public Authorities: A submission has been received from the RFS with required GTA's being provided. This submission is discussed in greater detail in Section 8 (Referrals) of this report.

The public interest

The development, as proposed, should not have a detrimental impact upon either the public interest or interests of any level of government. There are no known Federal and State Government policy statements that have relevance to this application. The proposed development, based on the information provided, is not expected to have any significant negative impacts on the environment, the amenity of the locality or public health/safety. As such, it is considered that the works proposed are in the public interest.

7. Other Issues:

- a) Drainage: No details on how the proposed development will drain have been provided at this time. This detail has not been required given the conceptual approval that is being sought (i.e. building footprint and envelope). The applicant will be required to provide a stormwater management plan as part of future development applications. Any development consent issued to be conditioned accordingly.
- b) Aboriginal Cultural Heritage: The applicant has not submitted a Due Diligence Aboriginal Heritage Assessment Report as part of the current application. They have advised that they have undertaken an Aboriginal Heritage Information System (AHIMS) search which has indicated there are no Aboriginal sites recorded in or near the development site and no Aboriginal places declared in or near the development site. Council as part of its assessment has also undertaken AHIMS search which has confirmed the above. Given the proximity of the site to the Shoalhaven River and the associated watercourses that go through the site, it is considered reasonable to require the applicant to undertake a more

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detailed assessment as part of any future DA. As such, any development consent issued should be conditioned so as to require the submission of a Due Diligence Aboriginal Cultural Heritage Assessment that has been prepared in accordance with the Office of Environment and Heritage requirements and guidelines.

- c) Access to the Development Site: Access to the development site is gained across two privately owned parcels of land known as Lot 71 DP 714894 and Lot 3 DP 622014 and a parcel of Crown land known as Lot 7314 DP 116766. Issues in relation to this access include owners consent and the legal ability of the development site to access across this land. Each is discussed below:
- Owners Consent: Whilst access is a relevant consideration when determining the DA, the DA does not, in its terms, relate to the two privately owned parcel of land and the Crown Land across which access is required. For that reason, owners consent from the owners of the Private Lots or Crown Land is not required to the making of the DA.
 - Legal Rights of Access: This issue in relation to each lot the development site gains access across is discussed separately below:
 - Lot 71 DP 714894: The easement which burdens Lot 71 DP 714894 only benefits one lot in the development site (i.e. Lot 101 DP 751273). The building envelope/footprint plan shows the accommodation building crossing the boundary between Lot 101 DP 751273 and Lot 227 DP 751273. The easement which burdens Lot 71 DP 714894 does not allow access across the benefitted land, to land beyond the benefitted land (i.e. Lot 227 DP 751273). So access could not be obtained from Lot 71 across Lot 101 to the remainder of the development site.
 - Lot 3 DP 622014: The easement that burdens Lot 3 DP 622014 benefits Lot 101 DP 751273 and Lot 227 DP 751273 but does not benefit Lot 7315 DP 768113. As such, the terms of the Lot 3 easement are not sufficiently broad to permit access to Lot 7315, despite the increased usage to be expected from the development.
 - Lot 7314 DP 116766: There are no formal rights of access to the development site across the Crown Land.

Having regard for the above and as this DA does not seek consent for the use of the above land, Council has formed the opinion that a deferred commencement condition could be used to address the access issues. Council is satisfied that there would be no impediment, other than the granting of legal rights of access, to the use the lands which the current access to the development site crosses. In this regard the deferred commencement condition would need to make the commencement of the operation of the consent dependent on Council being satisfied that:

- Legal rights of access exist over Lot 7314 DP 1166766 (i.e. the Crown Land);
- Additional rights of access have been granted over Lot 71 DP 714894, Lot 7315 DP 1166783 and Lot 3 DP 622014 to benefit the whole of the Development Site; and
- Development consent, if required, has been granted to the use of the Crown Land and the private lots for the purposes of the Development.

- d) Lot Consolidation/Easements: The development is proposed to be located on a number of different parcels of land. This including both the physical building works (i.e.

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accommodation building located on both Lot 101 DP 751273 and Lot 227 DP 751272) and the associated infrastructure (i.e. effluent disposal systems/irrigation areas currently located on both Lot 101 DP 751273 and Lot 227 DP 751272). As such suitable legal provisions need to be in place to ensure one lot is not disposed of independently of the other lots on which there are related buildings and/or infrastructure. In this regard the lots that are currently owned by the developer (i.e. Bundanon Trust) should be consolidated into one parcel. This should be conditioned on any development consent issued and should occur prior to the lodgement of a DA for the associated works that will impact on this land (i.e. Stage 1).

This application proposes works on Crown land (i.e. APZ works required on Lot 7315 DP 1166783). Where works are required on other parcels of land in different ownership an easement must be obtained. NSW Crown have advised Council that they have provided 'in-principle' support for the creation of an easement for APZ purposes on Lot 7315 DP 1166783. The requirement to create an easement should be conditioned on any development consent issued and should occur prior to the lodgement of a DA for the associated building/accommodation building (i.e. Stage 3).

- e) Council's Policy for Reflective Building Materials – Use in Coastal and Rural Areas (POL12/127): This policy aims to prevent the use of highly reflective materials in coastal and rural area. As detailed designs at this time have not been prepared, no assessment against the requirements of this Council policy can be undertaken. Any development consent issued, should however be conditioned so as to require compliance with the applicable requirements.
- f) Land Owner's Consent: Written consent from the landowners of the lots that the DA relates to has been provided (i.e. from Bundanon Trust for Lot 101 DP 751273 and Lot 227 DP 751272 and Department of Primary Industries – Lands for Lot 7315 DP 1166783). Owners consent is not required for this DA from the owners of the private lots and Crown land through which access to the site is gained as the this DA does not seek consent for that use and does not relate to the private land and Crown land. If further development consents are required in respect of the use of the private land and Crown land through which access is gained then the consent of these owners will be required at that time.
- g) Easements/Restrictions on the use of the land: A review of the Deposited Plans (DP) and associated Section 88B instruments for the subject site has indicated that it is not affected by easements and/or restrictions on the use of the land.
- h) Safety and Security: As per the requirements of Council's Safer by Design Guidelines, consideration needs to be given to the principles of Crime Prevention through Environmental Design (CPTED). Any development consent issued to be conditioned so as to require a 'Safer by Design Crime Risk Evaluation/Assessment' to be submitted with each DA lodged.
- i) Climate Change: No cumulative impacts are expected in regard to the proposed development that could further contribute to climate change. Furthermore, there are no risks relevant to the site that could potentially be exacerbated by climate change.

8. Referrals

Internal:

- Development Engineer: No objections raised subject to the imposition of recommended conditions (refer to advice dated 11 November 2015).
- Building Surveyor: No objections raised subject to the imposition of recommended conditions (refer to advice dated 13 November 2015).
- Traffic Engineer: No objections raised subject to the provision of a detailed Traffic Impact Assessment (TIA) as part of any future development applications. Specific issues to be addressed in the TIA are also detailed in the advice provided (analysis of intersections, signage review, analysis of Riversdale Road, etc). Any development consent issued will be conditioned so as to detail that a TIA is required as part of each future DA and outline what any future TIA should contain (refer to advice dated 11 November 2015).
- Environmental Health Officer: No objections raised subject to the imposition of recommended conditions (refer to advice dated 17 December 2015).
- Flood Engineer: No objections raised subject to the imposition of recommended conditions (refer to advice dated 11 December 2015 and conditions contained in advice dated 26 November 2015).
- Threatened Species Officer: Concerns were initially raised with the non-provision of a 7 part test (refer to advice dated 5 November 2015). The application was re-referred for comment when additional information received. No objections were raised subject to the imposition of recommended conditions (refer to advice dated 11 December 2015).
- Shoalhaven Water: No concerns were raised and no conditions recommended (refer to advice dated 25 November 2015).

External:

- NSW Rural fire Service (RFS): Concerns initially raised with APZ's proposed (refer to advice dated 8 December 2015). Amendments to application re-referred for comment. General terms of approval provided (refer to advice dated 5 February 2016) and updated general terms of approval provided on 12 February 2016.
- NSW Crown Lands: Land owners consent for Lot 7315 DP 1166783 provided during the applications assessment for the lodgement of the DA and in principle support provided for the creation of an easement on this Crown land (refer to advice dated 17 December 2015). Additional referral to Crown Lands made in relation to access issues with it being advised that an easement does not current exist through Crown land known as Lot 7314 DP 1166766 through which access is currently provided. Crown Lands also advising that as Lot 7314 has been subject of an Aboriginal Land Claim that has been partially granted but ownership not yet transferred, that they would not be able to provide owners consent for the easement with owner consent needing to be obtained from the Nowra Local Aboriginal Land Council, (refer to advice dated 26 February 2016).
- Department of Primary Industries – Office of Water (NOW): No concerns were raised with

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it being advised that there is an exemption from needing a controlled activity approval for any required removal of vegetation in the vicinity of the watercourse to the north of the proposed accommodation building (i.e. it being an activity comprising nothing more than the removal of vegetation in circumstances that would otherwise be lawful). In addition, it was recommended that riparian setbacks in accordance with the NSW Department of Primary Industry Water's Controlled Activity Guidelines be maintained as a minimum.

- Transport – Roads & Maritime Services (RMS): No concerns were raised and advice provided that it is unlikely to have a significant impact upon the State road network (refer to advice dated 21 November 2014).

9. Options

The Joint Regional Planning Panel may:

- a) Resolve to approve the application subject to conditions (i.e. adopt the recommendations of this report including the draft conditions of consent provided or modify the provided conditions); or
- b) Resolve to refuse the application;
- c) Resolve to defer determination of the application; or
- d) Write to the applicant requesting them to amend/modify the proposal and subject to the matters being satisfactorily resolved, a further report be submitted to the Joint Regional Planning Panel (Southern Region) for its consideration.

10. Conclusion

This application has been assessed having regard to the Matters for Consideration under Section 79C of the Environmental Planning and Assessment Act 1979. Following a detailed assessment, it is considered that Development Application No. RA15/1002 (2015STH024) should be supported subject to suitable conditions, as detailed in the above report, being imposed on any issued development consent.

11. Recommendation

RECOMMENDED that, in respect of RA15/1002 (2015STH024) for a 'Masterplan/Staged Development Application (under Section 83B of the EPA Act, 1979) for upgrade of facilities at Riversdale', the application be approved as a deferred commencement development consent subject to conditions as contained in **Attachment 'A'**.

Attachment 'A'

**NOTICE TO APPLICANT OF DETERMINATION OF DEVELOPMENT APPLICATION
BY THE SOUTHERN JOINT REGIONAL PLANNING PANEL**

**STAGED/DEFERRED COMMENCEMENT
DEVELOPMENT CONSENT**

**in accordance with Part 4, Division 2A of the Environmental Planning
and Assessment Act, 1979
RA15/1002**

TO:

locale consulting Pty Ltd
PO Box 53
Woolgoolga NSW 2456

being the applicant(s) for RA15/1002 relating to:

Lot 101 DP 751273 Por 101 (No.170 Riversdale Road), Lot 227 DP 751273 Por 227
(Bundanon Road) and Lot 7315 DP 1166783, Illaroo

APPROVED USE AND OR DEVELOPMENT:

Masterplan/Staged Development Application (under Section 83B of the EPA Act, 1979) for
upgrade of facilities at Riversdale.

DETERMINATION DATE:

Pursuant to the Section 81 of the Act, notice is hereby given that the above application has
been determined by granting consent, subject to the conditions listed below.

CONSENT TO OPERATE FROM:

CONSENT TO LAPSE ON:

DETAILS OF CONDITIONS

The conditions of consent and reasons for such conditions are set out as follows:

PART A

CONDITIONS OF A GENERAL NATURE, INCLUDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT

Deferred Commencement

1. Pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, this development application has been determined by granting of **“Deferred Commencement” Consent**, subject to the following matter(s) being resolved:
 - a) Legal rights of access existing over Lot 7314 DP 1166766, Illaroo Road, Illaroo that benefit the whole of the development site (i.e. land as described on Page 1);
 - b) Additional rights of access having been granted over Lot 71 DP 714894 (No.439 Koloona Drive, Watersleigh), Lot 7315 DP 1166783, Bundanon Road, Illaroo t and Lot 3 DP 622014 Riversdale Road, Tapitallee to benefit the whole of the development site (i.e. land as described on Page 1); and
 - c) Development consent, if required, has been granted to the use of the Lot 7314 DP 1166766, Illaroo Road, Illaroo, Lot 71 DP 714894 (No.439 Koloona Drive), Watersleigh and Lot 3 DP 622014 Riversdale Road, Tapitallee for the purposes of the approved development

An operational consent cannot be issued until survey plans of the subject easement as required by points 1a) and b) have been registered with the NSW Land and Property Information (LPI) Office and a copy of the registered plans submitted to Council and associated development consent as required by 1c) submitted to Council.

The maximum amount of time that Council will allow for these matters to be resolved is five (5) years from the date of this consent (i.e. determination date).

This consent must not operate until the applicant has satisfied Council with respect to the above matters. Details must be submitted to Council for approval by the Planning & Development Services Group.

Note:

- *An application under Section 96 of the Environmental Planning and Assessment Act, 1979 **must** be lodged with Council prior to expiration of the above period if additional time is required to resolve the outstanding matters.*
- *Upon resolution of the abovementioned matter(s), an application under Section 96 of the Environmental Planning and Assessment Act, 1979 **must** be lodged with Council to effect deletion of this condition. An operational consent will then be issued.*

General

2. This consent relates to a **Masterplan/Staged Development Application (under Section 83B of the EPA Act, 1979) for upgrade of facilities at Riversdale** as illustrated on the plans (referenced in the table below), specifications and supporting documentation

Attachment 'A'

stamped with reference to this consent, as modified by the following conditions. The development must be carried out in accordance with this consent.

DOCUMENT	REF/SHEET NO.	PREPARED BY	DATED
Riversdale Master Plan-Development Application Building Envelope/Footprint Plan and Section	-	locale consulting	Feb 2016
Riversdale Masterplan Statement of Environmental Effects	Version 2	locale consulting	14.10.2015
Letter from locale consulting dated 4 November 2015	2015/236	locale consulting	4.11.2015
Bushfire Risk Assessment	L103280	SET Consultants	21.12.2015
Assessment of impacts on threatened species of flora and fauna for the proposed Creative Learning Centre Riversdale, NSW	-	Gaia Research Pty Ltd	December 2015

Notes:

- *Any alteration to the plans and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s96 of the Act, or a fresh development application. No works, **other than those approved under this consent**, shall be carried out without the prior approval of Council.*
 - *Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions shall prevail to the extent of that inconsistency.*
3. The use of the approved development must not commence for each subsequent operational stage until all relevant conditions of development consent have been met or unless other satisfactory arrangements have been made with Shoalhaven City Council (i.e. a security).

Staging of the Development

4. Consent is given for the construction of the development in the following stages:

Stage 1: Demolition works, construction of the creative learning centre, associated car parking and landscaping;

Stage 2: Construction of the catering building, associated car parking and landscaping; and

Stage 3: Construction of the accommodation building, associated car parking and landscaping and upgrade of the Riversdale homestead.

New Development Applications Required (all stages)

5. This development consent relates to the Masterplan of the development only. Pursuant to Section 83B (3) of the Environmental Planning and Assessment Act, 1979, this consent does not authorise the carrying out of any development on any part of the site unless accompanied by a separate consent subsequently granted to carry out development on that part of the site. As such, a separate development application must be submitted to Council for any future stages of the development.
6. In accordance with Section 83D (2) while this development consent remains in force, the determination of any further development application in respect of that site cannot be inconsistent with this consent.

PART B**NSW Rural Fire Service Requirements – Bushfire Safety Authority
(all stages)**

7. The development must comply with the General Terms of Approval (GTA) issued by the NSW Rural Fire Service (RFS) as follows. Details to demonstrate compliance with the NSW RFS requirements that are relevant to that stage of the approved development must to be provided with each subsequent stage/development application.
 - a) This bushfire safety authority (BFSA) relates to a Master Plan/Staged development approval. This approval does not exempt future development applications from the provisions of s79A of the Environmental Planning and Assessment Act (EP&A Act) (development on bushfire prone land), s91 of the EP&A Act (integrated development) or s100B of the 'Rural Fires Act' 1997 (Bush Fire safety Authority). Any further development applications shall comply with the relevant general terms of approval in the BFSA.
 - b) The development proposal shall generally comply with the plan titled 'Riversdale Master Plan – Development Application Building Envelope/Footprint Plan', prepared by Locale Consulting, unreferenced, dated December 2015.
 - c) The existing fire trails within the subject site shall be managed for the life of the development to provide practical access to fire fighting vehicles and shall ensure unobstructed access is provided (i.e. restrict any obstacles over the fire trail and prohibit gates, etc).

Asset Protection Zone

- d) APZs shall be provided in accordance with the plan titled 'Riversdale Master Plan - Development Application Building Envelope/Footprint Plan', prepared by Local Consulting, unreferenced, dated December 2015, and in accordance with section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

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- e) For any asset protection zones (APZ) on slopes greater than 18 degrees, the property shall be landscaped or managed (e.g. terracing) to address the risk of erosion and land slip with suitable access being provided to the APZ to ensure the ongoing maintenance of the area may be practically undertaken.
- f) To allow for emergency service personnel and staff to undertake property protection activities, a defensible space that permits unobstructed pedestrian access is to be provided around all existing structures.
- g) A Fuel Management Plan shall be established to ensure the ongoing management of existing 'managed land' within the subject property.
- h) Any APZs extending over lots not subject of this application (i.e lot 7315) shall be provided with a suitable legal mechanism to ensure the APZs are managed for the life of the development in accordance with the specifications contained in condition 7d) of this bush fire safety authority.

Water and Utilities

- i) In accordance with the recommendations of the Bushfire Risk Assessment prepared by SET Consultants, reference L 103280, dated 21 December 2015, an additional 20,000L dedicated water supply for firefighting purposes and new fire hydrant adjacent to the new accommodation building shall be provided. This 20,000L header tank should be connected to the bore with an automatic infill system. As the required capacity of a tank relies on automatic infill from a bore to achieve the required flow duration, the bore pumps are to comply with AS 2941 and have a duty and stand-by pump driver arrangement. Such pumps should start automatically on activation of a fire hydrant system. If the 20,000L is to be supplied from a tank with a shared use it must be designed to ensure the pumps will deliver all required flows (other usage and hydrant system) simultaneously or have an automatic changeover facility which will divert water to the hydrant system.
- j) In accordance with the recommendations of the Bushfire Risk Assessment prepared by SET Consultants, reference L1 03280, dated 21 December 2015, the dedicated water supply for firefighting purposes shall be supported by:
 - i. Provision of a 38/65 mm Storz coupling with gate or ball valve connected to the dedicated static water supply.
 - ii. Provision of taps and at least two hoses (with minimum diameter of 18 mm) such that all parts of built assets within the development can be reached (where hose distances exceed 30 metres, professional advice on system design may be required.)
- k) Clear signage and access for firefighting vehicles is to be provided to the pump and fire hose location.
- l) Any future gas bottles shall be installed and maintained in accordance with AS1596. Gas cylinder relief valves shall be directed away from the building and away from any hazardous materials such as firewood, etc.

- m) The dedicated water supply for firefighting purposes shall comply with the following requirements of section 4.2.7 of Planning for Bushfire Protection 2006:
- i. A suitable connection for firefighting purposes is to be made available and located within the IPA and away from the structure.
 - ii. A 65mm Storz outlet with a gate or Ball valve is provided.
 - iii. Gate or Ball valve and pipes are adequate for water flow and are metal rather than plastic.
 - iv. Above ground tanks are manufactured of concrete or metal and raised tanks have their stands protected.
 - v. Plastic tanks are not used. Tanks on the hazard side of the building are provided with adequate shielding for the protection of fire fighters.
 - vi. All above ground water pipes external to the building are metal including and up to any taps. Pumps are shielded.

Access

- n) At the point where the existing access road intersects the property boundary of Lot 101 DP 781273, all internal road access shall comply with the following requirements:
- i) a minimum formed carriageway width of four metres, with a trafficable area of 6.5m (i.e. trafficable verges);
 - ii) a minimum vertical clearance of four metres to any overhanging obstructions, including tree branches;
 - iii) curves have a minimum inner radius of six metres and are minimal in number to allow for rapid access and egress;
 - iv) the minimum distance between inner and outer curves is six metres.
 - v) the crossfall is not more than 10 degrees;
 - vi) maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads;
 - vii) bridges clearly indicate load rating and pavements and bridges are capable of carrying a load of 15 tonnes; and
 - viii) roads do not traverse a wetland or other land potentially subject to periodic inundation (other than a flood or storm surge).

Evacuation and Emergency Management

- o) In accordance with the recommendations of the Bushfire Risk Assessment prepared by SET Consultants, reference L 103280, dated 21 December 2015 and Planning for Bushfire Protection 2006, the existing Crisis Management Plan (2014) and an Emergency Action Plan shall be updated to include the new facilities and ensure that the plan complies with the requirements of the NSW Rural Fire Service document 'A guide to developing a Bush Fire Emergency Management and Evacuation Plan' 2014 and the general requirements of "Safe Work Australia's - Emergency Plans" of February 2012.

Attachment 'A'

- p) The refuge building (nominated as the Accommodation Facility) shall be clearly sign posted to identify the building as a 'bushfire refuge'.

Design and Construction

- q) The bushfire refuge building (nominated as the Accommodation Facility) shall be constructed to comply with Sections 3 and 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
- r) New non-accommodation buildings shall be constructed to comply with Sections 3 and 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
- s) A minimum of 10 metres separation must occur between the refuge building nominated as the Accommodation Facility) and any building (or part thereof) which does not comply with the BAL applied to the refuge building (being BAL 29). Alternatively, any building located within 10 metres of the refuge building shall comply with Sections 3 and 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

Landscaping

- t) Any new landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

PART C

CONDITIONS RELATING TO THE APPROVED WORK AND SITE MANAGEMENT (all stages)

Lot Consolidation/Easements (Stage 1 and Stage 3)

8. a) Lot 101 DP 751273 and Lot 227 DP 751272 (Por 227) must be consolidated into one parcel of land. In this regard, evidence of registration of the plan of consolidation with the Land Property Information Office must be submitted with the development application for Stage 1.
- b) An easement must be created for the purpose of an Asset Protection Zone (APZ) on Lot 7315 DP 1166783. The APZ is to be provided in accordance with the plan titled 'Riversdale Master Plan – Development Application Building Envelope/Footprint Plan' prepared by Locale Consulting, unreferenced, dated December 2015, and in accordance with section 4.1.3 and Appendix 5 of 'Planning for Bushfire Protection 2006' and the NSW Rural Fire Services document 'Standards for asset protection zones'. In this regard, evidence of registration of the easement with the Land Property Information Office must be submitted with the development application for Stage 3.

Effluent Details (Stage 1)

9. A waste water treatment report that has been prepared by a suitably qualified consultant must be submitted with the Stage 1 development application. This report must assess the waste water generation and disposal from the entire proposal (i.e. the existing development on site and the total development approved under this development consent). The report must demonstrate compliance with Chapter G8 of the Shoalhaven Development Control Plan 2014 (SDCP 2014) and Department of Environment and Conservation Environmental Guideline (Use of effluent by irrigation), 2004. In addition to compliance with the above documents the report submitted must :
- a) Provide a site plan and effluent disposal layout plan prepared by a system designer that includes details in Section 6.2.3 of Chapter G8 of SDCP 2014 (e.g. required buffers, slopes, fencing, etc); and
 - b) Provide on the site plan contours, the 1 in 20 year flood line (for 2050) and the 1 in 100 year flood line (for 2050).

Flooding Assessment (Stage 1)

10. A flood assessment report that has been prepared by a suitably qualified consultant must be submitted with the Stage 1 development application. This report must determine if the Department of Land and Water Conservation 1995 study 'Design flood profiles – Barrier to Nowra is still relevant or if more contemporary flood modelling assessments should be used to determine the hazard and hydraulic categories for the flood planning area (FPL). The submitted report will need to determine the flood levels for the 10%, 5%, 2% and 1%AEP flood events and the associated flood planning level for the site. The report must in part:
- a) Demonstrate compliance with Chapter G9 of the Shoalhaven Development Control Plan 2014 (SDCP 2014);
 - b) Provide a detailed ground level survey to identify flood affectation of these lots (i.e. 5%, 1% and FPL) including the access route;
 - c) Identify access and evacuation routes. Chapter G9 of the SDCP 2014 requires flood free access up to the 1% AEP event for development on flood prone land. It is unlikely this requirement can be met therefore an alternative solution needs to be proposed for this control. It will need to be detailed how this still meets the objectives and performance criteria of the DCP;
 - d) Provide a flood evacuation plan relevant to the stage to which the development is being proposed (inclusive of existing development on the site). Existing access is located in a low lying area which crosses a natural flow path. Access can be lost in minor flood events. Council is not aware of the inundation duration. This needs to be determined and addressed. Reliable emergency vehicle access and pedestrian access during a 1% event cannot be guaranteed therefore early evacuation needs to be identified. Staff and patrons must not take refuge in the existing building on site. The evacuation should detail:
 - i) Evacuation route/s
 - ii) When bookings will be cancelled and/or evacuation triggered. This may be triggered by a certain predicted flood level stated in a Flood Watch, Weather Warning or Flood Warning from the Bureau of Meteorology or if an evacuation order

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has been given for this area. The trigger (i.e. predicted flood level/issuing of flood warning for the Shoalhaven River) is to be stated by the applicant.

- iii) Emergency contact numbers and sign saying flood water over roads is not to be driven through should be displayed in prominent location in the proposed development.

Note: Sea Level Rise will have no impact this far up stream. Therefore, it doesn't need to be included in the flood assessment.

- 11. The habitable floor level of all new proposed buildings must be at 1% AEP flood level + 0.50M freeboard minimum as approved by Council.

Noise Impact Plan (Stage 1)

- 12. A Noise Impact Plan must be submitted with each subsequent stage/development application. The plan must detail measures that will be employed so as to minimise the potential for disturbance to adjoining/adjacent landowners. This must consider and incorporate appropriate controls/procedures to be put in place for a range of circumstances that potentially could arise from the approved development (i.e. both during construction and post construction). Details provided as part of the Stage 1 development application are to be reviewed and revised in subsequent development applications for future stages.

Design Modifications (Stage 2)

- 13. The catering building proposed as part of Stage 2 must be positioned to the western side within the approved building envelope so as to ensure maximum separation is provided between this building and the existing Boyd studio building.

Flora/Fauna (All Stages)

- 14. The recommendations as detailed in Section 7 (Recommendations) of the Assessment of impacts on threatened species of flora and fauna for the proposed Creative Learning Centre Riversdale, NSW, prepared by Gaia Research Pty Ltd, dated December 2015 must be implemented. In this regard:
 - a) All future DA's must identify on a plan all specific trees to be removed and retained as part of that stage;
 - b) All future DA's must include a Vegetation Management Plan (VMP) for the Category 2 watercourses where clearing works may be required for the provision of Asset Protection Zones. The VMP will clearly identify areas that will be subject to VMP requirements/management and in part address conservation of riparian vegetation, pruning of Acacias and the possibility of using the area as a Bush Tucker Garden as part of the creative learning experience and should ensure riparian buffers to watercourses are in accordance with NSW Office of Water requirements.
 - c) All future DA's will address the impact of traffic movements to and from the site on non-volar threatened species (i.e. fauna that cannot fly) and termite mounds. This including details and locations of mitigation measures to be installed.
 - d) Outside the required APZ areas all native vegetation (groundcovers, shrubs and trees) are to be retained.

Landscape Plan (All Stages)

15. A landscape plan that has been prepared by a suitably qualified landscape professional must be submitted with each subsequent stage/development application the development application. This must include details on:
- a) Landscaping proposed as part of that development application;
 - b) Details on plant numbers, pot sizes and species;
 - c) A maintenance plan for a minimum 26 week period; and
 - d) How it complies with NSW RFS requirements (refer to Condition 7t).

Colour schedule/exterior materials (All Stages)

16. Details on external colours (i.e. sample board) and exterior materials/finishes must be submitted with each subsequent stage/development application. In this regard, exterior materials (excluding windows and other glazing) are to be non-reflective and of a texture and colour which blend with the existing surroundings (i.e. not to be unduly intrusive in the landscape). Metal roofing must be pre-coloured at the manufacturing stage. Zinalume materials must not be used unless it can be demonstrated that it will not have an adverse impact and/or create a glare nuisance.

Visual Assessment (All Stages)

17. A visual impact assessment (including photomontages from different locations from within and external to the site inclusive of key vantage points) must be submitted with each subsequent stage/development application.

Removal of Vegetation (All Stages)

18. The removal of vegetation in riparian buffers to watercourses (as defined in the Department of Primary Industries – Office of Water Guidelines for riparian corridors on waterfront land) must not result in ground disturbance (e.g. no excavation and/or soil disturbance such as grubbing of roots).

Geotechnical Assessment (All Stages)

19. A geotechnical assessment that has been prepared by a suitably qualified consultant must be submitted with each subsequent stage/development application. This report must:
- a) Assess the geotechnical stability of the site (i.e. area where works, including any associated infrastructure, are proposed);
 - b) Assess the probable increase in erosion or other land degradation processes and how the development will be designed, sited and managed to avoid and/or minimise the impact; and
 - c) Provide clear details/plans that indicate the amount of excavation/cut required.

Water Usage and Quality (All Stages)

20. A report relating to water usage and quality that has been prepared by a suitably qualified consultant must be submitted with each subsequent stage/development application. This report must:

- a) Confirm/demonstrate the sustainability of the water supply for the proposed development/use (e.g. occupation and fire related supply);
- b) Assess the impacts the development will or will not have on the groundwater from the developments draw down use of this water supply;
- c) The adequacy of contingency plans if there is a shortfall of water;
- d) Detail impacts from other associated infrastructure (i.e. effluent irrigation areas);
- e) Provide details on hydrological investigations that been undertaken; and
- f) Demonstrate that the drinking water supplied to the premises will consistently meet the Australian Drinking Water Guidelines 2011 and any subsequent amendments to the Guidelines or alternatively provide an appropriate drinking water management system in compliance with NSW Health requirements and the Public Health Act 2010 and Public Health Regulation 2012

Stormwater Drainage Design (All Stages)

21. A Stormwater Management Plan must be submitted with each subsequent stage/development application. In this regard, the plan must ensure:

- a) Major and minor drainage systems are be designed by a qualified practising engineer in accordance with Council's Engineering Design Specifications section D5 (Stormwater Drainage Design) and DCP 2014 – Chapter G2: Sustainable Stormwater Management and Erosion/Sediment Control. The minor and major systems must be designed for a 20% AEP and 1% AEP rainfall events respectively.
- b) Any new table drains and culverts under and adjacent to the roadways/driveways are to be designed:
 - i. For a minimum 20% AEP rain event.
 - ii. To withstand the pressure of the maximum AEP stored upstream before the culvert/roadway is overtopped.
 - iii. To resist scour and erosion within the table drains and the roadway/driveway caused by overtopping of any culvert.

Where culverts are 1m high or greater (roadway to invert) they are to be provided with guard fence in accordance with Australian Standards.

Aboriginal Cultural Heritage Assessment (All Stages)

22. An Aboriginal Cultural Heritage Assessment that has been prepared by a suitably qualified consultant must be submitted with each subsequent stage/development application. The assessment must relate to the area being impacted on by the proposed works (including any associated infrastructure) and be prepared in accordance with the Office of Environment and Heritage (OEH) guidelines/requirements (i.e. *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011), *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South*

Attachment 'A'

Wales (2010), Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW, 2010).

Contributions for additional services and/or facilities (All Stages)

23. This development will generate a need for additional services and/or facilities as described in the Shoalhaven Contribution Plan 2010. Specific contribution amounts payable will be determined as part of each subsequent stage/development application and will be applied in accordance with the requirements of the Contribution Plan applicable at that time.

Contribution rates are adjusted annually on 1st July in accordance with the indexation formula indicated in the Contributions Plan and the total contribution levied will be adjusted accordingly at the time of payment (i.e. contributions are calculated on the rate applicable at the date of payment, not the date of development consent).

Council's Contributions Plan may be inspected at the Council Administrative Offices, Bridge Road, Nowra and Deering Street, Ulladulla.

BCA Requirements (All Stages)

24. A Building Code of Australia Report, Access Report and energy efficiency assessment under Part J of the Building Code of Australia that has been prepared by a suitably qualified consultant must be submitted with each subsequent stage/development application.

Kitchen/Food Requirements (All Stages)

25. The construction and operation of any food related area/food premises must comply with all relevant legislation/ regulations and standards, including the *Food Act 2003*, *Food Regulation 2010*, Australia New Zealand Food Authority - Food Safety Standards 2001, and Shoalhaven City Council's Food Premises Policy. Details to demonstrate compliance with the above must be submitted with each subsequent stage/development application.

Formal Crime Risk Evaluation (All Stages)

26. A 'Safer by Design Crime Risk Evaluation/Assessment' (i.e. Crime Prevention Through Environmental Design (CPTED) Assessment) of the proposed development having regard for safer by design principles must be submitted with each subsequent stage/development application. It must be prepared by a suitably qualified professional and must identify potential problems and mitigating measures that will be implemented.

Erosion and Sediment Control Plan (All Stages)

27. An Erosion and Sediment Control Plan (ESCP) and accompanying specifications must be submitted with each subsequent stage/development application specifically relating to works to be undertaken as part of that stage of the development. The ESCP is to be prepared by a suitably qualified/experienced person and be based on the Landcom manual "*Soils and Construction, Managing Urban Stormwater, Vol 1 4th Edition, March 2004*". The ESCP must include, but not be limited to:

- a) Existing and final contours;

- b) Provision for the diversion of runoff around disturbed areas;
- c) Location and type of proposed erosion and sediment control measures;
- d) Maintenance details;
- e) Location of and proposed means of stabilisation of site access;
- f) Approximate location of site sheds and stockpiles;
- g) Proposed site rehabilitation measures, including seeding of all bare un-grassed areas and turfing where erosion or scouring is likely to occur; and
- h) Standard construction drawings for proposed erosion and sediment control measures.

Waste Minimisation and Management (All Stages)

28. A Waste Minimisation and Management Plan (WMMP) must be submitted with each subsequent stage/development application. The WMMP must be prepared in accordance with Chapter G7 (Waste Minimisation and Management Controls) of SDCP 2014. The plan must address on-going waste management (i.e. waste generation rates from each of the uses, waste storage location, size, screening if visible from adjoining public lands, etc).

Note: "Waste" has the same meaning as the definition of "Waste" in the Protection of the Environment Operations Act 1997.

Traffic (All Stages)

29. A Traffic Impact Assessment (TIA) that has been prepared by a suitably qualified consultant must be submitted with each subsequent stage/development application. The TIA must:

- a) Be prepared in accordance with the RMS (RTA) Guide for Traffic Generating Developments;
- b) Include a detailed analysis of all intersections leading to the site. This analysis is to include the intersections of Illaroo Road and Bugong Road, Illaroo Road and Riversdale Road and is to provide an assessment of rural turn lane warrants at each of these intersections (current and projected traffic) – refer Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections Sec 4.8 Warrants for BA, AU and CH Turn Treatments. The analysis should assess whether the current intersections comply with the warrants, and the additional impact of the proposal. The analysis is to also include peak seasonal adjustment. The review should also provide an analysis of sight distances at all intersections to ensure compliance with the sight distance requirements as contained in Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections and an analysis of existing linemarking and upgrades required (e.g. intersection of Riversdale Road and Illaroo Road);
- c) Include a review of all existing signage for suitability and/or additional requirements. This including the existing Bundanon Trust information sign;
- d) Include an analysis of Riversdale Road and associated access to the site (i.e. through Lot 3 DP 622014, Lot 71 DP 714894, Lot 7314 DP 1166766 and Lot 101 DP 751273 (Por 101)) looking at their suitability and identifying any upgrade works that may be required. The applicant should refer to ARRB Unsealed Roads Manual – Sec 4 Geometric Design and demonstrate compliance with requirements and in particular noting road width and sight distance restrictions due to vegetation contained within the road reserve and tree canopy, particularly for the 900m (approx.) gravel section of the

Attachment 'A'

road. In this regard the comment as provided in the TIA that the existing access road (i.e. Riversdale Road) would be retained including the unsealed right of way which is currently being investigated for sealing is noted. Further detail is to be provided with respect of this comment in conjunction with the above requested analysis. The TIA should also address AS2890 in terms of access requirements, as Riversdale Road effectively has the same definition of "access" under AS2890, the review must assess for compliance with AS2890 and identify what works are required to bring the road up to minimum Australian Standards; and

- e) Include additional detail and analysis of the proposal to reverse the priority of the intersection of Illaroo Road and Riversdale Road (i.e. the provision of additional detail with respect of this proposal to allow detailed analysis).

Car Parking (All stages)

30. For each stage of the approved development:

- a) Car parking and access roads must be provided generally in accordance with Council's Shoalhaven Development Control Plan 2014 Chapter G21- Car Parking & Traffic (e.g. to cater for two way vehicular movements and provide the required number of car spaces). Car parking provision must maintain existing required car parking plus new car parking required to service the approved development.

Existing Services (All Stages)

31. The developer or his agent must check that the proposed works are not affected by or do not affect any Council, electricity, telecommunications, gas or other services. All services, existing and proposed, above or below ground are to be shown accurately on the engineering plans including longitudinal sections with clearances to proposed infrastructure clearly labelled. Any required alterations to services will be at the developer's expense.

Section 68 approval (All stages)

32. No water, sewerage and stormwater drainage works are to commence until such time as a Section 68 Approval has been obtained for the works to be undertaken A Section 68 application must be lodged and approval granted for each stage of the approved development.

Accommodation Building Use (Stage 3)

33. The accommodation component of the development (i.e. Stage 3) is to be used in conjunction with the creative learning centre (i.e. is to be used by people using the creative learning centre and cannot be used independently as a building that provides short term accommodation).

PART D

REASONS FOR CONDITIONS

Conditions of consent have been imposed to:

1. Ensure the proposed development:
 - a) achieves the objects of the Environmental Planning and Assessment Act, 1979;
 - b) complies with the provisions of all relevant environmental planning instruments;
 - c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.
2. Ensure that the relevant public authorities and the water supply authority have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities.
3. Meet the increased demand for public amenities and services attributable to the development in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979.
4. Ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.
5. Minimise any potential adverse environmental, social or economic impacts of the proposed development.
6. Ensure that all traffic, carparking and access requirements arising from the development are addressed.
7. Ensure the development does not conflict with the public interest.

PART E

ADVICE ABOUT RIGHTS OF REVIEW AND APPEAL

Development Consent under Environmental Planning and Assessment Act, 1979

*Section 97 of the Environmental Planning and Assessment Act, 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court which can be exercised **within twelve (12) months** after receipt of this notice.*

Approvals under Local Government Act, 1993

Section 100 of the Local Government Act, 1993 provides that an applicant may request Council to review its determination of an application.

*Section 176 of the Local Government Act, 1993 provides that an applicant who is dissatisfied with the determination of the Council may appeal to the Land and Environment Court. The appeal must be made within **twelve (12) months** of the date of determination.*

PART F

ADVICE ABOUT WHEN THIS CONSENT LAPSES

This consent is valid for five years from the date hereon.

In accordance with Section 95 of the Act, development consent of the erection of a building does not lapse if building, engineering or construction work relating to the building or work is physically commenced on the land to which the consent applies before the lapse date.

PART G

GENERAL ADVICE TO APPLICANT

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on

- a) A matter of national environmental significance (NES) matter; or
- b) Commonwealth land

without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation.

It is the proponent's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of consent as notification to you that the Commonwealth Act does not have application.

The Commonwealth Act may have application and you should obtain advice about this matter.

There are severe penalties for non-compliance with the Commonwealth legislation.

Disability Discrimination Act 1992

This application has been assessed in accordance with the Environmental Planning & Assessment Act, 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The Disability Discrimination Act covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS1428.1 - "Design for Access and Mobility". AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act currently available in Australia.

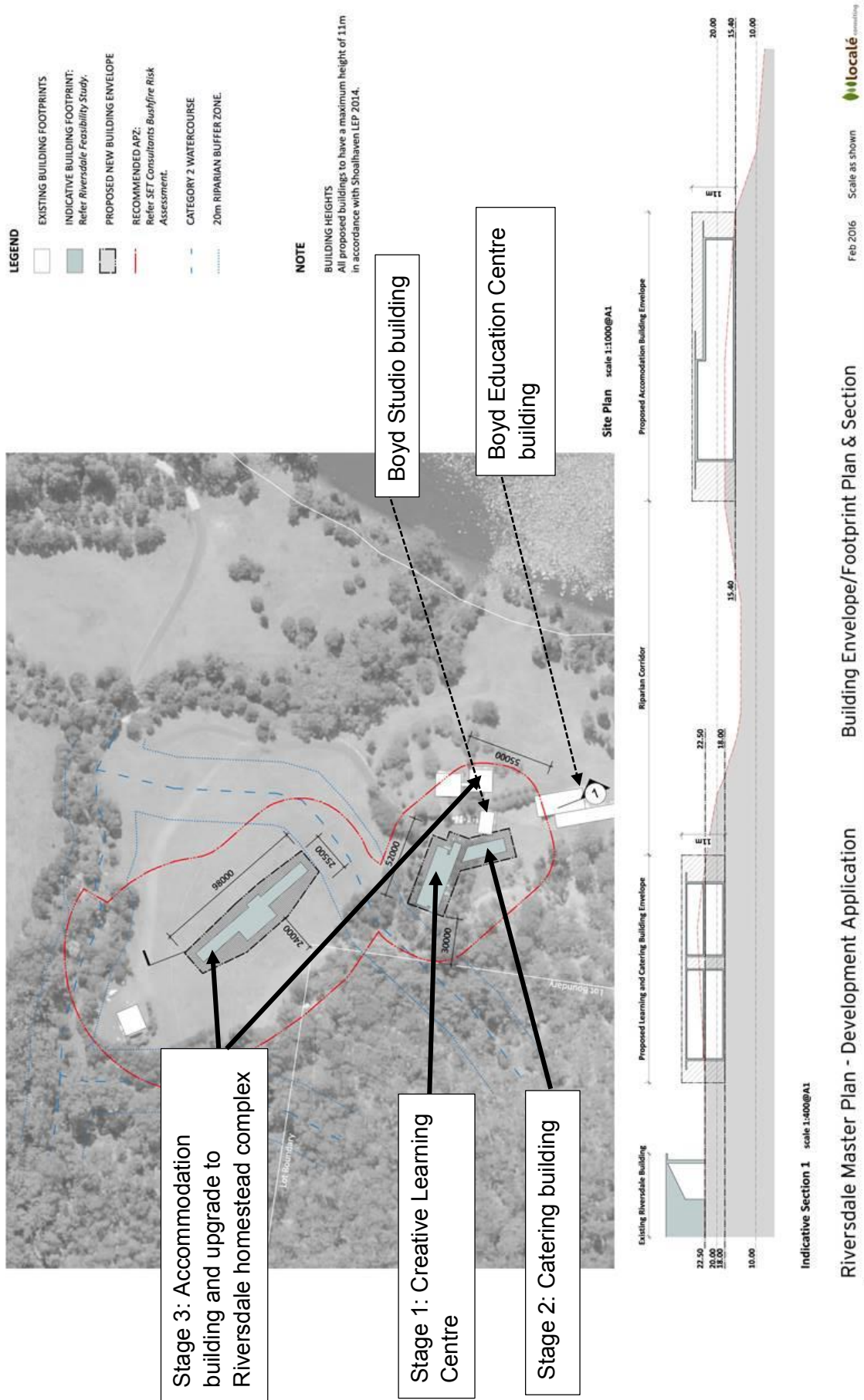
Disclaimer – s88B restrictions on the use of land

The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

Under clause 37 of Shoalhaven Local Environmental Plan 1985 agreements, covenants or instruments that restrict the carrying out of the proposed development do not apply to the extent necessary to enable the carrying out of that development, other than where the interests of a public authority is involved.

If Council is the appointed PCA for this project, a minimum of twenty four (24) hours' notice must be given to Council to make an inspection of the work.

Attachment 'B'



Attachment 'C'

Location Plan

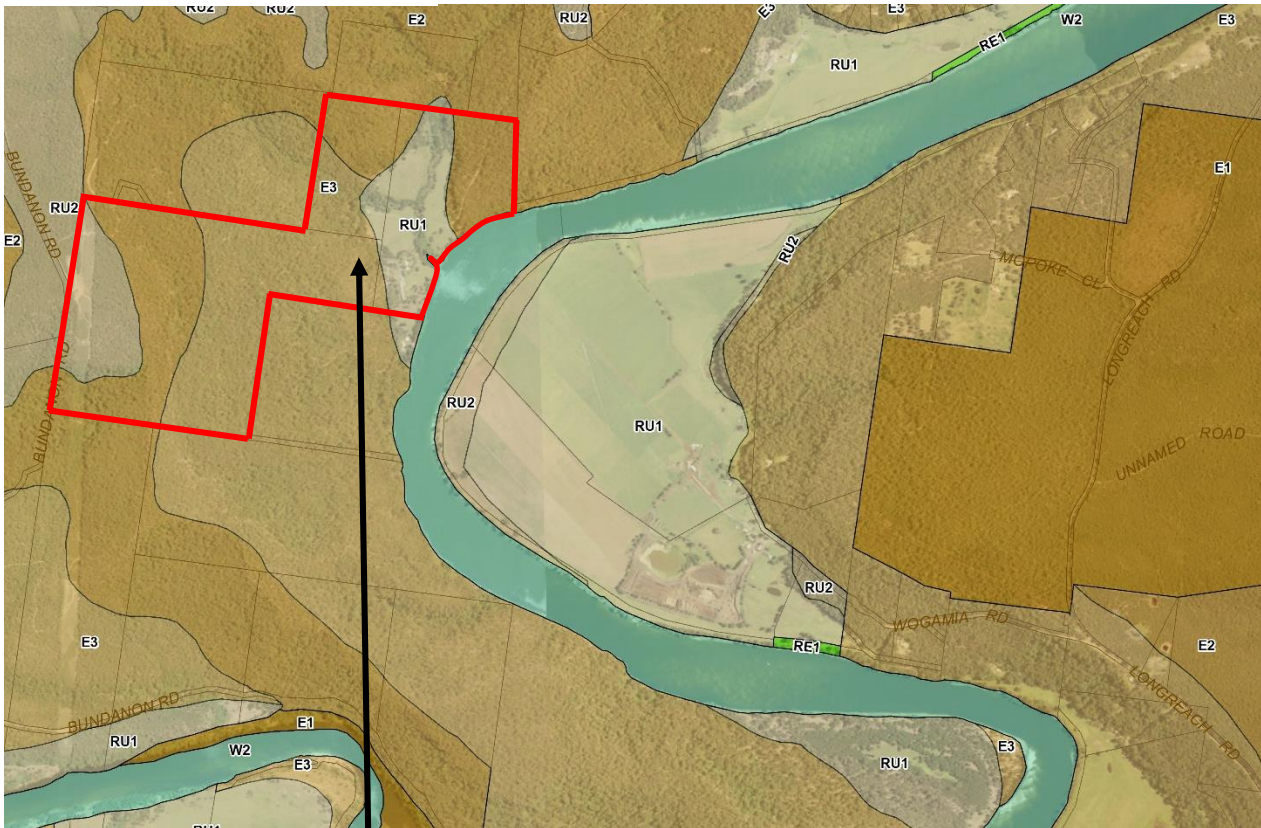


Subject Site

Crown land through which access is gained

Private land through which access is gained

Location and Zoning Plan



Subject Site