

ITEM NO: 15

SUBJECT: KATOOMBA SKATE PARK DEVELOPMENT - MELROSE PARK AND
GOLDMSITH PLACE

FILE NO: F02274 - 11/194327

Management Plan Link

Principal Activity: Social - Looking After People

Service: Sport and Recreation

Project: Provide aquatic and leisure centres, clubhouses, sportsgrounds, parks and playgrounds, public toilets in parks, reserves and picnic areas, skate parks, sporting amenity buildings, sports courts, dog off leash areas

Recommendations:

1. *That the Council adopts the draft design for the junior skate facility at Melrose Park for the purpose of public exhibition and that this design is to be exhibited for four weeks;*
 2. *That a further report comes back to the Council following the exhibition period for the Melrose Park Skate facility; and*
 3. *That the Council notes that the design solution for the current Katoomba Skate facility in Goldsmith Place has not yet been finalised and when the draft design is completed, it will be reported back to the Council.*
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Report by Director, City & Community Outcomes:

Reason for report

At the Ordinary Meeting of the Council on 7 June 2011, it was resolved:

- "1. That the Council notes this report;*
- 2. That the Council retains Goldsmith Place skate facility as the skate park in Katoomba for senior skateboarder use, subject to minor modifications;*
- 3. That the Council adopts Melrose Park, in principle, as the location for a skate park facility for junior skateboarder use; and*
- 4. That the Council receives a further report on the outcomes of the consultation and design process by February 2012."*

[Minute No: 220]

This report presents the outcomes of the design processes and community consultation which has occurred for the two Katoomba sites and proposes how to move forward with these sites.

Background

The Council resolved to investigate a new junior facility at Melrose Park and to undertake improvements to the current facility at Goldsmith Place as a result of concerns about the

Goldsmith Place Skate Park's unsuitability for a portion of the skating community. A design and consultation process has been undertaken for both sites and the results are outlined below.

Design and consultation process

The needs and concerns of the community for the two skate facility sites have been identified through consultation with the community. The process has included:

- Initial notification of identified stakeholder groups for both the current facility at Goldsmith Place and the proposed junior skate facility at Melrose Park;
- Notification of North Katoomba residents local to Melrose Park through letter box drop and public fliers;
- A public information day to inform and obtain feedback on the initial design proposals;
- Formation of a steering committee for each site to guide the design process;
- Review of draft designs by respective steering committees; and
- Review of the draft designs by the relevant staff within the Council.

The steering committees have assisted with the development of the brief for the skate facility designs. A skate park designer has been engaged and this designer has worked with the steering committees for both sites to prepare draft designs.

The outcomes of the design and consultation processes have been significantly different for each site and they are outlined below.

Melrose Park - design and consultation process and outcomes

The selection of Melrose Park for the design of a junior skate facility was based on an investigation undertaken in 2010. In the Business Paper of 8 June 2010 it was noted that out of seven possible sites short listed for assessment, the site rated as most suitable was Melrose Park. This site received Police support.

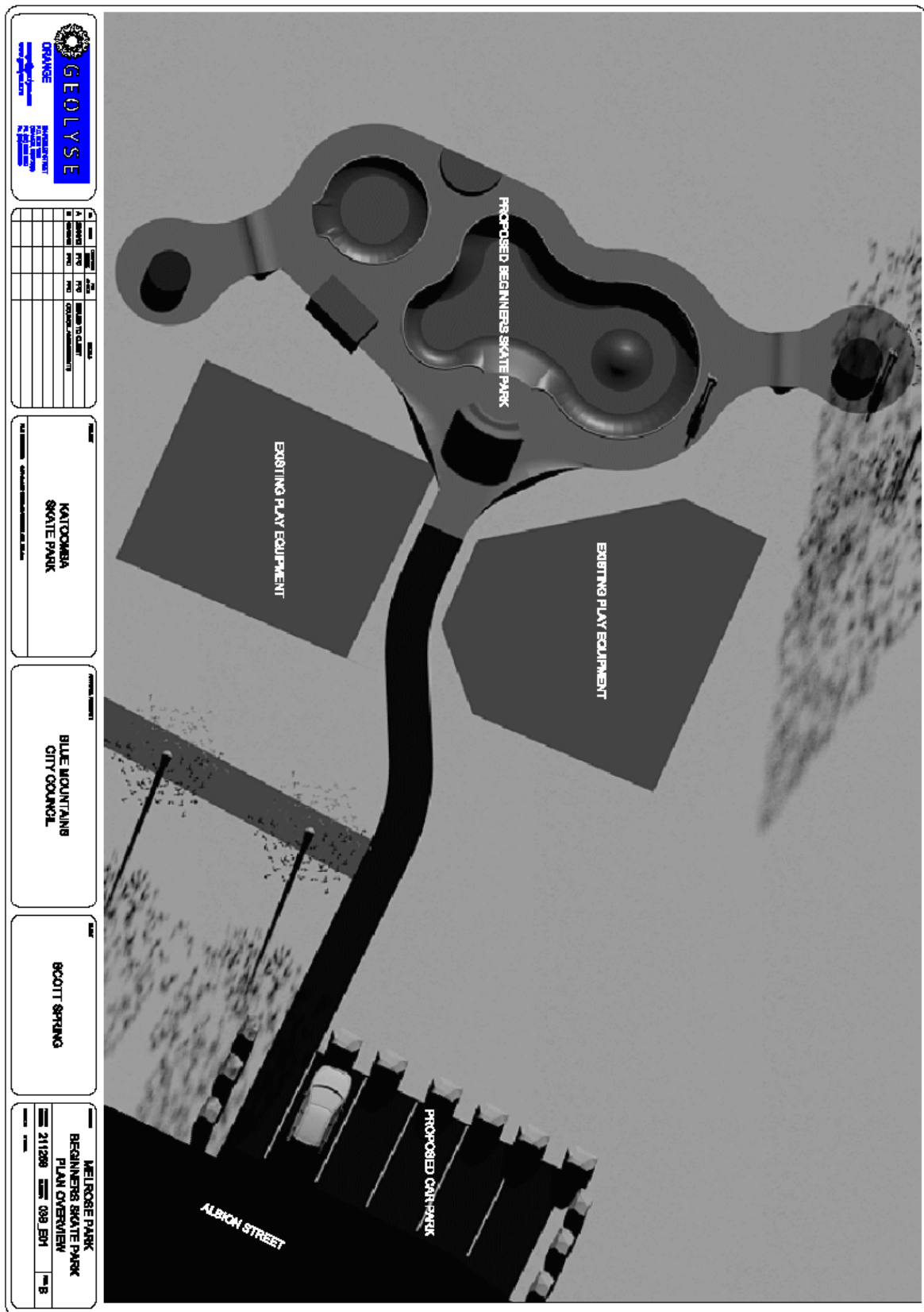
The consultation process identified a strong support for a junior facility in Melrose Park. Local neighbour concerns were identified and are outlined in Table 1 below.

None of the people who objected to the proposed junior skate park expressed an interest in joining the steering committee. The concerns were provided to the steering committee who worked with the consultant to develop design solutions. The design is reproduced below and recommended to proceed to exhibition.

The skate surface is located close to the existing play equipment and visible from the proposed parking area (refer to Plan 1 below). It caters for bikes, skate boards, roller blades and scooters and offers a variety of styles and levels of difficulty suited to learners. The highest skate element is only 400mm high which is not expected to attract senior skaters. The design incorporates seating for users and carers, some of which will be shaded for part of each day by the existing trees. The design also allows for a bin, additional planting and a parking area. The budget is anticipated to cover all aspects of the design except sealing of the carpark. It is proposed to delineate the carpark with bollards in the short term and incorporate the sealing into the next resealing program for the adjacent road.

The location of the facility within Melrose Park, the limited height of the facility, limited vertical surfaces for graffiti, and additional tree planting all combine to ensure minimal visual impact and maintain residential amenity of the project.

The development is exempt from a Development Application (DA) under the Infrastructure State Environmental Planning Policy (SEPP) 2007 as it is a recreation facility on recreation land.



Plan 1-Draft Design for Skate Park in Melrose Park

Table 1 Concerns Raised by Community for Melrose Park and associated response

Issue raised by community	Details of issue raised	Response
Increase in current antisocial behaviour	<p>The existing antisocial behaviour by youth in Melrose Park at night will be increased by the presence of a skate facility leading to;</p> <ul style="list-style-type: none"> • Threats to physical safety; • Vandalism in the park and on private property; and • Incidents noted from skate facilities in other local government areas. 	<p>The police believe skate parks do not attract any more anti-social behaviour than any other public facility.</p> <p>This facility is located on an open site highly visible from the road, and close to play equipment.</p> <p>The facility at Melrose Park is designed for junior use only.</p> <p>Research indicates that vandalism and antisocial behaviour on facilities like this is significantly reduced by:</p> <ul style="list-style-type: none"> • high visibility; • high family and community usage; • strong user ownership; and • proximity to other facilities. <p>The Melrose Park design has these characteristics</p> <p>The design features are for beginners and are therefore not expected to attract older skaters. The facility is close to play equipment which is expected to attract parents with younger children to stay in attendance on site.</p>
Safety	<p>This is linked with fears of increased anti social behaviour at night time, as noted above.</p>	<p>Melrose Park was the preferred site for skate facility by Police because of its visibility and ease of access.</p> <p>As noted above, Police believe that skate parks do not attract a higher incidence of antisocial behaviour as other public facilities.</p> <p>Mountains Youth Services, who undertake outreach work to youth at sites throughout the Mountains, have offered to undertake work at Melrose Park should the need arise.</p>
Noise	<p>Concerns that noise will come from,</p> <ul style="list-style-type: none"> • Increased traffic; • Skate board noise; and • Late night voices. 	<p>The closest distance of the proposed facility to any house will be over 55 metres.</p> <p>The facility is proposed across the road and located down slope from effected residences.</p> <p>There will be no metal surfaces.</p>
Traffic	<ul style="list-style-type: none"> • Increased cars; and • Parking issues. 	<p>The local streets are currently well below capacity.</p> <p>A parking area is provided in the design which will be set back off the street.</p> <p>Melrose Park is in walking distance of many of the potential users.</p>

Issue raised by community	Details of issue raised	Response
Loss of amenity and potential visual issues.	This includes: <ul style="list-style-type: none"> • Compounded effect on neighbourhood with new truck stop; • Visual effect of site; • Graffiti; and • Litter and broken bottles from night time use. 	The skate surface is proposed to be low rise; the seats and vehicle barriers are the highest built items proposed as part of the design being close to the play equipment and will blend with the existing items. There are no significant vertical surfaces proposed for graffiti. Amenity planting is proposed to be undertaken around this site. The facility is set back from the road behind the existing play equipment. Seating is part of the design and a bin will be provided. Park staff will continue maintenance of park including removal of broken glass.
Inappropriate Council expenditure	There are greater needs with higher priority such as the elderly or roads.	The need for an alternative skate facility in Katoomba has been identified for many years and in many Council reports including in: 1996 1998 2002 and confirmed in 2010 2011

Notification of Exhibition for Melrose Park

The exhibition period for the draft design of the Melrose Junior Skate facility is proposed for four weeks as follows:

- Notification of the exhibition in the Gazette, local noticeboards and to all known stakeholders;
- A package containing the draft designs will distributed to all known skate facility stakeholders, and also to nearby residents of Melrose Park; and
- Placement of the draft designs on the Council Website and also in Katoomba Library, and the Katoomba HQ.

Goldsmith Place - design and consultation outcomes

The consultation process did not identify any individuals or groups who objected to works occurring at the existing Goldsmith Place skate facility.

Changes were proposed to this skate facility to make it more attractive to the broader community including non-skating parents and carers as well as to increase the natural surveillance and safety on the site. The participants in the consultation process only included the current users.

The current users have a different view on the changes to Goldsmith Place. Their focus is on improving and updating the skating features. The draft design that was developed would actually decrease the attractiveness to non-skaters and not improve the natural surveillance. The proposed design exceeds the budget allowance.

In defence of the prepared design, the skaters tabled the following arguments:

- Juniors will be provided for at Melrose Park;
- The inclusion of more features in the skate park will attract more people; and
- The current skate park should receive a larger portion of the budget.

The Goldsmith Place upgrade design encroaches into the Great Western Highway road reserve, which may require amendments to the road. The design process identified the need for further consultation with the RMS (formally RTA). As the proposed development is not on recreation land a DA would be required.

The current design and consultation has not resulted in a design that achieves the objectives as resolved by the Council. It is proposed that the design is further developed in conjunction with the users, non-users and the RMS. If a suitable design can be agreed upon and achieved within the budget this design be reported back to the Council and exhibited via the Development Approval process in the normal fashion. If a design cannot be agreed upon, then it is proposed to report the matter back to Council for further consideration.

Sustainability Assessment

Effects	Positive	Negative
Environmental	Nil	Nil
Social	Exhibiting the design prior to adoption ensures that the community are aware of the design and are provided with an opportunity to comment.	Nil
Economic	Nil	Nil
Governance	The proposed plans for the project are transparent to the community.	Nil

Financial implications for the Council

It is anticipated that the advertising, printing and associated costs of consultation during the exhibition period of the draft design for Melrose Park will be approximately \$1,000. The consultation process will also involve staff time. These costs are budgeted for in the current Capital and Operation budget.

It is anticipated that the existing maintenance budget for the Goldsmith Place skate facility will not increase after its upgrade. If an additional facility is established at Melrose Park this will result in additional ongoing maintenance costs.

\$240,000 has been allocated in the draft 2012-2013 Capital Works Program for the construction of the Katoomba Skate Parks. The construction is subject to the completion and Council endorsement of the design in 2011-2012. The designs, (funded from the \$40,000 allocation in the approved 2011-2012 CWP), for both the Goldsmith Place upgrade and the Junior Skate Facility at Melrose Park are being tailored to fit within this budget. The preliminary division of the budget is 70% for the new site at Melrose and 30% for the upgrade at Goldsmith.

Legal and risk management issues for the Council

There are no legal issues associated with the design adopted for exhibition.

As the upgraded Skate Facility at Goldsmith Place and the additional Junior Skate Facility at Melrose Park are on land managed by Council, the Council must fulfil its duty of care to the users of these facilities. The Risk Management Co-ordinator will be involved in developing an appropriate risk minimisation plan to be implemented in relation to the siting, construction, maintenance and use of any works associated with either of these facilities.

It is noted that there are no specific Australian Standards relating to skate facilities.

External consultation

The consultation process is outlined in this report.

Conclusion

The initial consultation and design for the Goldsmith Place skate facility upgrade has been undertaken. Issues have been identified with the proposed design in relation to cost and decreased passive surveillance. Further investigation and consultation will be required for this project.

The initial consultation and design for the Melrose Park skate facility has been completed and it is recommended that the draft design now be exhibited to allow for community feedback prior to finalisation of the design.

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ITEM NO: 16

SUBJECT: ANNUAL REVIEW OF DEVELOPMENT CONSENT X/751/2010 FOR PUBLIC EVENTS AND FUNCTIONS TO BE HELD AT THE EVERGLADES, LOT 9 DP 3764, LOT 10 DP 3764, LOT 11 DP 3764, LOT B DP 389723, 37-49 EVERGLADES AVENUE LEURA

FILE NO: F06748 - 12/2986

Delivery Program Link

Principal Activity: Built Environment - Using Land

Service: Land Use Management

Project: Assess and improve development

Recommendations:

1. *That the Council note the outcome of the Annual Review under Condition 4 of The Everglades Development Consent X/751/2010 at Lot 1 DP 1167262, 37-49 Everglades Avenue, Leura;*
 2. *That prior to future Annual Reviews, the invitation to residents for comment are to be sent during the first week that includes any December days; and*
 3. *That the operators of The Everglades and all submitters shall be advised in writing of the outcome of the Annual Review.*
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Report by Acting Director, Development, Health & Customer Service:

Background

The Everglades is currently operating Public Events and Functions under existing consent X/751/2010, determined by Council resolution on 2 November 2010. The consent permits the holding of up to 28 functions each year for a 3 year period commencing 1 January 2011. The approved events are:

- Shakespeare Festival incorporating 16 theatre shows over 8 days each January with a maximum of 250 patrons;
- Easter Fun Day on Easter Sunday with a maximum of 300 patrons;
- two (2) Art Deco Fairs with a maximum of 400 patrons; and
- seventeen private functions.

The consent was modified on 4 May 2011 by delegated authority to permit additional attendee numbers for a single wedding function. It was further modified on 11 October 2011 by Council resolution to alter the finishing time of the Shakespeare Festival from 9.00pm to a finishing time for performance by 9.40pm and vacating of the site by 10.00pm.

Condition 4 Annual Review

Condition 4 of the consent required that within two months of the expiration of each successive period, the operator of The Everglades shall meet with Council to review identified impacts on residents in the vicinity.

In addition, and prior to this Annual Review meeting, the consent required Council to invite owners of properties in the vicinity, and as identified under condition 6 of the consent, to

provide written comment relating to the operation of the Events. These written comments were then provided to the operator for discussion during the Annual Review meeting. The aim of this process is to identify and revise any appropriate operational measures and to mitigate any further impacts on residents over the subsequent 12 month period. This report provides the outcome of the 2011 Annual Review process.

Invitation for comment

A written invitation to make comment was forwarded to 99 properties on 8 December 2011. The invitation was for 14 days and the relevant properties are those generally bounded by Northcote Road, Easter Street, Gladstone Road and Jamieson Street. A map showing the extent of properties invited to comment has been provided below:



1. 2011 Annual Review - Submissions

Council received three (3) submissions in response to the invitation for comment. These were forwarded to the operator of the Everglades for discussion at the 2011 Annual Review, which occurred on 5 January 2012.

A summary of the submissions received, as well as the response from Everglades and any Council Officer comment, is provided below.

2. Submission 1 - Dated 14 December 2011

Submission 1 stated that they are "very happy with the way The Everglades have conducted the various activities", that they have been kept informed of all activities and that "Traffic at

major events has been well managed". The submission does note that a concern they expressed originally related to *"the management of tour buses"*, but that they *"have had no problems with tour buses since the new management plan has been in operation"*.

Comment: No further action required.

3. Submission 2 - Dated 16 December 2011

Submission 2 stated that they had *"misgivings about the impact"* that would *"possibly be caused by noise from the event ... bus and coach pollution and increased traffic"*. However, they found that they could *"barely hear a sound from the events"* and what sounds they hear *"are not intrusive"*.

The submitter thought that *"The coach question...does not present a problem"* and that they are *"impressed by the efforts of Scott Pollock"* [Everglades Manager] who manages parking and *"arranges repair and re-grassing of wheel-gashes...when caused by his visitors"*. The submitter was also in favour of The Everglades *"letterbox drops to neighbours with invitations to comment"*.

Comment: No further action.

4. Submission 3 – Dated 22 December 2011

Submission 3 initially raised concern regarding Council's written invitation being received during a time that is *"hectic and difficult for most residents"*, and suggests that the invitation should be sent out earlier.

Council comment

As noted under the "Invitation to Comment" section of this report, written invitations were forwarded on 8 December 2011 and provided a 14 day period to make comment. The written invitations were forwarded at this time as it was well after the final event and near to the end of the 2011 Event Period. Whilst other submissions were received in relation to the notification period, it is noted that the invitation period ended on 22 December 2011. Therefore to improve future processes, it is intended to send invitations during the first week that includes any days in December. This will mean that for the 2012 period the invitations are sent on 26 November 2012 and will conclude on 10 December 2012.

Submission 3 then provided further specific comment on the following issues:

3.1 Point 1

- a) The *"approved parking plan on the Everglades website"* is different to the one provided to the submitter, which they assume has *"been changed since the Shakespeare Festival early this year, without any resident input"*.
- b) The website plan indicated that the *"northern side of Fitzroy Street...was a designated no-parking area"*, however just before the 2011 Shakespeare Festival, the Everglades roped off the western end of Fitzroy Street only, but not the northern side. The submitter advised that they would *"complain to Council if he roped off designated parking areas without approval to do so, while refusing to rope off designated No-parking areas"*.
- c) None of Fitzroy Street west of Gladstone Road or Kensett Avenue should be parking areas, given the grass verges and the potential damage.
- d) Additionally both Kensett Avenue and Fitzroy Street are within a Protected Area – Period Housing and within the Living Conservation zone under LEP 2005. *"The grass verges are an important part of the streets presentation and are generally very well cared for by the residents"*. *"Fitzroy Street in particular is a daily and popular tourist*

route...and it is important to preserve the well-cared for appearance and landscape character"

- e) There appears no reason why Coniston Avenue should remain a no-parking area as it is not a traffic route and all but one verge is sealed or firm gravel.

Everglades Response

The Everglades comment that the *"incident of us roping off sections of the nature strip during the Shakespeare festival, ... was actually prior to the Easter event"* and that it was to *"guard the extremely wet nature strips from being damaged"*. However, after discussion with Council, the Everglades removed them and revised their approach to conform to the approved Event Transport and Parking Management Plan (ETPMP). The identified *"No Parking"* areas in the approved ETPMP are Coniston Rd as it is too narrow, Wentworth Ave as it too is narrow and the western side of Gladstone Rd (north of Fitzroy St) due to the low hanging branches.

Council Comment

The suggested approved parking plan on the Everglades web site and the roping off of additional areas were raised with Council during early 2011. This was discussed with the Everglades management at the time, who undertook to ensure that the information on the web site was accurate and that parking was managed in accordance with the approved ETPMP. The *"No Parking"* areas are as identified above and noted in the approved ETPMP. The Plan also requires a dilapidation report on the verge areas prior to each large event and repair of damage caused by event traffic after each large event. The Plan also requires traffic marshalls to supervise parking for larger events and monitor damage to verges and direct traffic to avoid such areas as appropriate.

No significant damage has been observed in these areas suggesting that the approved Plan operates in a satisfactory manner.

A separate inspection of the verges identified by Submitter 3 was carried out as part of the Annual Review process. This inspection was to specifically consider whether the dilapidation and repair process was adversely impacting on the character of the area in accordance with the objectives of the Living Conservation zone (Clause 23) and the provisions of the Protected Area – Period Housing (Clause 61). The inspection did not reveal any obvious impact from the dilapidation and repair process that resulted in the area being significantly out of character with the relevant zone objectives and provisions.

3.2 Point 2

The submitter requests that *"even if the bulk of Fitzroy Street and Kensett Avenue are to remain designated parking areas, I would ask Council to exclude the verges immediately outside my property"*. The subject property is located on the northern side of Fitzroy Street. The reason given by the submitter is that *"street drainage all flows down the northern side of the street, and the area is almost constantly soft"*.

Everglades Response

The Everglades have based their approved ETPMP on a Traffic Report that was submitted with the original application. This Traffic Report was compiled by a qualified Traffic Consultant and identified the map of available parking spaces used. It is also noted that in the 2011 period, they *"have not held an event which was so large that traffic has parked outside"* the subject dwelling.

Council Comment

The management of parking in accordance with the approved ETPMP, including the “No Parking” areas, the dilapidation report, and repair procedures, appears to be functioning in an appropriate manner. Whilst it is agreed that the verges referred to do carry the majority of the stormwater runoff for the road reserve, there was no evidence that the verges are in such a constant state that they require specialised treatment beyond the existing management processes in the approved ETPMP.

3.3 Point 3

The submitter suggests that as Council has approved the *“otherwise prohibited commercial uses”* and as Everglades is *“an important tourist venue”*, Council should *“provide more street parking... by completing the unmade section of Everglades Avenue between Wentworth Avenue and Blaxland Avenue”*. It is also stated that this would allow *“better care of the property at this end, which presently looks neglected”*. It is suggested a further benefit of this is that it will allow *“buses to use the area immediately to the south of the ticket office (outside the double gates) as a drop-off zone”* and *“the impact on Wentworth Avenue residents would be substantially reduced”* due to less traffic using it to look for parking spaces.

Council Comment

The Everglades did not provide a specific comment in relation to this point and indeed the point is beyond the scope of this Annual Review to achieve, so is presented here for the information of the Council.

In the process of reviewing this submission, the following points were noted from Council’s existing mapped information and Annual Review inspection. The unmade section of Everglades Avenue is approximately 70m to the south of the main Everglades entrance.

The unmade road extends for approximately 140 metres but has a slope to its northern half of approximately 27%. The relevant contour levels drop from 942m at its northern point to 926m at its central point. Additionally it is within the sub-catchment of the Coxs River, has an identified watercourse at its centre and is within the South Leura Flood Plain Risk Management Plan as flood liable land. It was also noted that the area is affected by a riparian buffer and has a scheduled vegetation community (Blue Mountains Heath and Scrub) to its west.

Whilst these matters would need to be fully investigated as part of any process to form the unmade section of road, they do indicate that the actual generation of usable road verge parking areas is likely to be impeded by these factors.

3.4 Point 4

The submitter suggests that The Everglades existing car parking area off Blaxland Avenue *“should be expanded...to provide...for bus parking after drop off, and for overflow visitor parking”*. The Everglades could then provide a *“shuttle bus or articulated wheeled “train”* to the main house.

Everglades Response

The Everglades is concerned that this will just move *“the issue from one area to another”*, with use of a shuttle bus difficult to achieve between the Blaxland Avenue car park and main house. In addition, it is considered unnecessary as the currently implemented coach policy requires coaches to drop off at the Everglades gate and then to vacate the area and come back at a predetermined pick up time. The policy has additional requirements in terms of turning off their engines. The Everglades is only aware of one incident where the driver did not follow this requirement. The Everglades followed this up with the Coach Company’s

Head Office, and it has not occurred again. It is considered that the policy has been very effective and provides clear guidance to coach drivers and Parking Marshalls as to what is expected.

Council Comment

The suggestion to expand the Blaxland Avenue car park to create a bus parking area as well as an overflow parking area and shuttle to the Main House was discussed with Council's Development Engineers and Heritage Adviser, with the following preliminary concerns identified:

- 1) A considerable extent of clearing and levelling would be required to cater for the manoeuvring of buses on site to enable them to enter and exit in a forward direction.
- 2) The bus parking and manoeuvring area should operate in a separate and independent way to avoid conflict and congestion.
- 3) The area of the site allocated to the parking and manoeuvring functions will need to be levelled and sealed appropriately for the intended use
- 4) The internal paths appear to have insufficient widths to run a shuttle to the main house
- 5) The extent of clearing and levelling would impact on the heritage significance of the adjoining Glades area.
- 6) Any work required to cater for a shuttle to the main house would adversely impact on the heritage significance of the terrace work, steps and pathways.

It is considered that the existing Coach Policy works appropriately. It provides for people to be dropped off to the main entry of The Everglades and then requires that the coach vacates the area. This policy suggests the proposed work is unnecessary or disproportionate, particularly given the potential heritage impact that may result.

4.5 Point 5

The submission states that they have observed "volunteers who work at Everglades" parking in the upper car park. It is also stated that they have observed them "deliberately making as much noise as possible with tooting of horns and slamming of car doors and loud voices". The submitter requests that Council arranges for compliance officers to inspect the car park at regular intervals to ensure that staff parking occurs in the Blaxland Avenue car park as required.

Everglades Response

The Everglades state that all staff associated with the Events park in the appropriate area. During other times, there are a few elderly volunteers who park in the Everglades car park due to accessibility limits.

The Everglades have not observed volunteers acting in the way suggested in terms of noise but would support taking appropriate enforcement action against anyone who did.

Council Comment

The submission does not raise an issue that is specifically related to the Events approval and is beyond the scope of this Annual Review to address. Even so it is noted that approval for the Visitor Centre consent X/996/2010 does include a condition that the car parking area off Blaxland Avenue is reinstated and that all staff and volunteers use it for parking. The car parking area has now been reinstated in accordance with the condition and can be used for volunteer car parking. However, it would be difficult and inappropriate for people with limited mobility to attempt to use that facility.

On the basis of the complaint made, the matter has been referred to Council's Development Monitoring Team (DMT) would be able to investigate any alleged non-compliance with conditions from the Visitor Centre consent. Should it be necessary, consideration should be given to having the consent modified to enable volunteers with limited mobility to use the appropriate parking.

5. Request for Council Action

As part of the Annual Review process, a note was taken of any requests to Council for action during 2011 period that related to the operation of the Event at The Everglades. During this period a total of 13 formal requests were received with 7 of the requests relating or referring to the Events Consent. The nature and outcome of each of these 7 requests have been summarised in the following table:

Source	Date	Concern	Comment
Councillor 1	10 January	Request copy of Traffic Management Plan	TMP sent
Resident 1	9 May	Parking and noise concerns associated with building work as well as during events generally.	Phoned resident and provided copy of modified consent. No further issues raised.
Resident 2	9 May	Concern regarding advertised functions and whether this constitutes an event and therefore exceeds the approved number of Events.	The identified function was in accordance with Restaurant Consent and not part of the Events Consent. No further action required.
	19 September	Coach parking adjacent to resident with engine running, concern also raised regarding Leura Garden Festival.	<p>The Everglades discussed the issue with the coach company involved. The issue appears to have been resolved.</p> <p>The Leura Garden Festival is not a specific Everglades event and coaches could have been managed in accordance with the normal day to day coach operation. However The Everglades recognised that there would be an increase in coaches and were proactive in implementing a temporary Coach Management Plan. This plan was ultimately approved by Council under the Roads Act 1993.</p> <p>The Plan included securing parking on the eastern (opposite) side of Everglades Ave as well as providing an attendant to manage coaches and passengers. The approval also included that The Everglades would do a letter box drop to neighbourhood properties informing them of</p>

Source	Date	Concern	Comment
			how the extra traffic and visitors were being managed.
	3 November	Asserts that advertised (web) Event includes additional earlier performance contrary to Event consent.	Advertising altered so as to be consistent with consent. No further action required.
	30 November	Reiterated and expanded on the assertion that the earlier commencement of Event constitutes additional performances contrary to Event consent.	Matter reviewed and resident advised that the performances are considered consistent with the consent. No further action required.
Resident 3	30 November	Reiterated the assertion by Resident 2, that the earlier commencement of Event constitutes additional performances contrary to Event consent.	Matter reviewed and resident advised that the performances are considered consistent with the consent. No further action required.

Everglades

The Everglades feel that they have been “continuously working to strengthen” their partnerships with neighbours, including, for the past two years having Christmas drinks as well as having a “*Local Tuesdays*” when all residents of Leura have free entry to the gardens. They send out a newsletter at least bi-monthly which informs neighbours of upcoming occurrences and helps address issues. They have found that only a small number of legitimate complaints have been raised regarding the running of events, which they believe these have been dealt with quickly and easily, and that when these “*channels are used, most problems can be solved*”.

Conclusion

The Annual Review indicates that the majority of issues raised are ones that have been raised through the year and have been subsequently addressed. It would appear that The Everglades events are for the most part operating in an appropriate manner and that the Event Management and Traffic Plan combined with the Dilapidation/Repair process provides a flexible and responsive approach to addressing specific issues during each event.

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ITEM NO: 17

SUBJECT: LEASE OF LAND FROM THE ROADS AND MARITIME SERVICES (RMS) (FORMERLY KNOWN AS RTA) AT 283, 308 AND 309 GREAT WESTERN HIGHWAY, LAWSON

FILE NO: A50350-E - 12/5617

Management Plan Link

Principal Activity: Built Environment - Using Land

Service: Town Centres

Project: Coordinate integrated, accessible and equitable service provision in town centres

Recommendations:

1. *That the Council endorses the negotiated terms and conditions as contained within this report for the leasing of 283 Great Western Highway, Lawson (known as Lot 13 in DP 1077933) to provide car parking for the Lawson Community Hall;*
 2. *That the Council endorses the negotiated terms and conditions as contained within this report for the leasing of 308 & 309 Great Western Highway, Lawson (known as Lot 2 in DP 1022949 and Lot 28 in DP 1116686 respectively) to be used as the site for the Lawson Rural Fire Services station;*
 3. *That the common seal of the Council be affixed to the lease documents as necessary; and*
 4. *That the Council write to Roza Sage MP, Member for Blue Mountains, thanking her for her support in this matter.*
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Report by Director, City & Community Outcomes:

Reason for report

At the Ordinary Meeting of the Council of 24 November 2011, it was resolved:

“... 5. That on conclusion of negotiations this matter is brought back to the Council for endorsement of the terms and conditions of the leases.”

[Minute No: 484]

The Council has been seeking access to Road Transport Authority (RTA), now known as Roads and Maritime Services (RMS), owned lands at 283 Great Western Highway (*known as Lot 13 in DP 1077933*) for the purpose of providing a car park for the Lawson Community Hall (Mechanics Institute), and at 308 and 309 Great Western Highway (*known as Lot 2 in DP 1022949 and Lot 28 in DP 1116686 respectively*) as the preferred site for the construction of the Lawson Rural Fire Service (RFS) station.

The Council has now obtained a letter from the RMS acknowledging the proposed lease terms and conditions as submitted for leases over these three parcels of land.

Background

The Council has considered the need for land for car parking adjacent to the Lawson Community Hall and land for the site of the new Lawson RFS station on several occasions; 15 March 2011 (Min No. 72) and most recently at the Ordinary Meeting of the Council of 30 August 2011 (Min No. 345). The Council resolved to write to the NSW State Government seeking a whole of Government approach to supporting the provision of sustainable Rural Fire Services and assistance in facilitating parking for the Lawson Community Hall (Mechanics Institute), through land transfers from the RMS to the Council.

The Council has also sought and gained the support of the Local State member for Blue Mountains, Roza Sage for these important local community prospects.

Terms and Conditions of Lease

The RMS has agreed to the following terms and conditions for the proposed leases:

General terms and conditions to all Lots

- All required repairs, refurbishments and ongoing maintenance are the responsibility of the Council;
- The Council to pay all outgoings, rates taxes and the like;
- The leases allow the lands to be used for community use only; and
- At the end of the lease, the Council is to ensure that the land is fit for re-use as residential land;
- The properties will not be available until the RMS contractors no longer need the site (at present this is estimated to be July 2012);
- The Council is responsible for obtaining the relevant Development Approvals as required;
- No direct vehicular access from the parcels to the Great Western Highway.

308 & 309 Great Western Highway – RFS Station use

- Lease terms for 308 & 309 Great Western Highway, Lawson for the new Rural Fire Services station (*known as Lot 2 in DP 1022949 and Lot 28 in DP 1116686 respectively*) will be for \$1.00 pa with an initial term of 30 (thirty) years.

283 Great Western Highway – Car Parking for the Lawson Mechanics Institute

- Lease terms for 283 Great Western Highway Lawson for car parking (*known as Lot 13 in DP 1077933*) will be \$2,200 pa (excl GST) for an initial lease term of 10 (ten) years with further continuing lease terms to be negotiated as required.

Sustainability Assessment

Effects	Positive	Negative
Environmental	All the parcels are already cleared blocks of land.	Nil
Social	Access to services and community safety is improved. The parcels of land are close to the central area of Lawson.	Nil
Economic	Minimal costs to the council	Nil
Governance	The proposal supports sustainable local government decision making.	Nil

Financial implications for the Council

The terms and conditions for the leases as outlined above are acceptable to the Council. It provides tenure over the parcels of land to allow planning for the construction of a car park for the Lawson Community Hall to proceed. The annual lease rental of \$2,200 per annum will now be included in forward operating budgets. The capital cost of constructing the

carpark is currently not budgeted and this will now be factored into forward capital works planning as part of the overall project for the restoration of the Lawson Community Hall.

The Council is responsible for the provision of the site for the development of the new Lawson RFS Station and will therefore incur the cost of preparing the lease; however the annual rental is negligible with no impact on operating budgets and all capital costs of the development are the responsibility of the RFS.

Legal and risk management issues for the Council

There will be minimal legal and risk management issues for these sites. There is a requirement that the sites will be covered by the Council's insurance.

External consultation

There have been ongoing discussions with the Lawson Hall Advisory Committee and with the RFS during the process of seeking lease tenure over these sites. No other external consultation has been undertaken.

Conclusion

It is recommended that the Council endorses the negotiated terms and conditions as contained in this report, for the leasing of 283 Great Western Highway, Lawson (*known as Lot 13 in DP 1077933*) for the provision of car parking associated with the Lawson Community Hall; and the lease terms and conditions for 308 & 309 Great Western Highway, Lawson (*known as Lot 2 in DP 1022949 and Lot 28 in DP 1116686 respectively*) to be used as the site for the Lawson Rural Fire Services station.

* * * * *

ITEM NO: 18

SUBJECT: STREET TREE THEMES IN BLACKHEATH - RESULTS OF EXHIBITION

FILE NO: F05493 - 12/9678

Delivery Program Link

Principal Activity: Built Environment - Using Land

Service: Town Centres

Project: Provide street furniture, footpaths, public domain open space, landscaping, monuments and public toilets in town centres

Recommendations:

1. *That the Council receives and notes this report; and*
 2. *That the Blackheath Street Tree Maps, as exhibited, are now incorporated into the Street Tree Masterplan.*
-

Report by Director, City & Community Outcomes:

Reason for report

At the Ordinary Meeting of the Council of 22 November 2011, it was resolved;

1. *'That the Council receives and noted this report;*
2. *That the Draft Maps Blackheath 17A and 17B be exhibited for public comment;*
3. *That public comment, where feasible and appropriate, is incorporated into the Draft Maps and the Draft Maps are then reported back to the Council for approval to insert into Street Tree Masterplan; and*
4. *That Council gratefully acknowledges the value, commitment and expertise of the Blackheath Streetscape Group for voluntarily working with Council on the preparation of this report."*

[Minute No. 485]

This report summarises the results of the public exhibition of the Draft Street Tree Maps, Blackheath and proposes for the maps to be incorporated unchanged into the Council's major planning document for street trees – the Street Tree Masterplan.

Background

At its meeting of 22 November 2011 the Council resolved to exhibit two street tree maps which had been developed using significant field work undertaken by the Blackheath Streetscape Group (BSG) – a group of Blackheath residents who have promoted and worked to achieve street tree plantings within the town for ten years. In November 2010, BSG undertook a street-by-street survey of Blackheath. During this survey they allocated street tree themes to all but a few highly constrained residential streets using principles discussed with the Council's Urban Designer This work formed the basis for development into draft street tree maps by BMCC to replace the existing Blackheath maps in the Street Tree Masterplan. These maps are intended to guide species selection for any future street tree planting.

Exhibition

The exhibition was advertised in the Blue Mountains Gazette on 4 occasions; 30 November 2011; 7, 14 and 21 December 2011. The maps were exhibited for 28 days at local libraries and Katoomba and Springwood Council offices from Monday 28 November 2011 until Friday 23 December 2011. The maps were simultaneously exhibited with supporting material and articles of interest on the Council's website "Have your Say".

Activity analysis on "Have Your Say" indicates a total of 304 site visits across 114 individual visitors. These included 451 page views and 86 document downloads. Five participants registered and downloaded 36 documents. In summary while there has been significant activity, no comments have been received. The Council's Urban Designer received one phone call but the individual did not submit comment.

Sustainability Assessment

Effects	Positive	Negative
Environmental	Long term planning for street trees has the capacity to deliver significant amelioration of the urban heat island effect and reduce wind exposure at street level.	Nil
Social	Well planned street trees improve amenity and liveability of streets and maintain the existing distinctive town character and local identity.	Occasional disputes are possible
Economic	Well planned street trees can have a measurable positive impact on real estate values, especially when streetscapes are mature.	Some maintenance costs to be expected.
Governance	The incorporation of the work of a local community group potentially improves Council's relationship with the community.	Nil

Financial implications for the Council

Publication of the maps does not result in financial implications for the Council. City Services will accept the cost of new tree planting into their normal tree management budget.

Legal and risk management issues for the Council

Provided adequate planning is undertaken legal and risk management issues for Council are considered negligible.

External consultation

The exhibition of this proposed amendment to the existing Street Tree Masterplan has targeted the residents of Blackheath. The BSG presented the draft maps for discussion with the Blackheath Chamber of Commerce.

Conclusion

The maps will be a significant planning tool for street tree planting in the town of Blackheath. There have been no proposed changes and no negative comment despite the significant activity on the "Have your say" website. It is recommended that the Council notes the report and that these maps now be incorporated as exhibited into the Street Tree Masterplan.

ATTACHMENTS/ENCLOSURES

1	Amended Blackheath Map 17A	11/165988	Enclosure
2	Amended Blackheath Map 17B	11/165991	Enclosure

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ITEM NO: 19

SUBJECT: REPORT ON THE OUTCOME OF THE EXHIBITION OF THE PLANNING AGREEMENT TO DELIVER PUBLIC INFRASTRUCTURE IMPROVEMENTS IN PIONEER PLACE KATOOMBA

FILE NO: X/823/2010 - 12/10005

Delivery Program Link

Principal Activity: Built Environment - Using Land

Service: Land Use Management

Project: Assess and improve development

Recommendations:

1. *That the Council approves the attached Planning Agreement for the delivery of public infrastructure improvements in Pioneer Place, Katoomba;*
2. *That delegated authority is provided to the Mayor and General Manager to sign the Planning Agreement and that the Common Seal of Council be attached to the Agreement;*
3. *That delegated authority is provided to the Mayor and General Manager to approve and sign for any review or modification of the Planning Agreement; and*
4. *That the Council provide the Minister for Planning and Infrastructure with a copy of the Agreement within 14 days after the Agreement is entered into.*

Report by Director, City & Community Outcomes:

Reason for report

This report advises the Council of the outcome of the exhibition of a draft planning agreement (the Agreement) that provides for the delivery of public infrastructure improvements in Pioneer Place Katoomba. The report recommends that the Council now approves the Agreement.

Background

At its meeting of 22 November 2011, the Council resolved to exhibit the draft planning agreement that was prepared to provide for the delivery of public infrastructure improvements in Pioneer Place Katoomba.

- “2. *That the Council approves the draft planning agreement and associated explanatory note for the purpose of public exhibition*
3. *That the exhibition of the draft planning agreement be for a period of 42 days with submissions being accepted for the duration of the exhibition period;*
4. *That a report on the outcome of the public exhibition come back to the Council following the exhibition period;”*

[Minute No: 483]

The Agreement had been negotiated between the Council and Fabcot Pty Ltd (a trading subsidiary of Woolworths) and relates to a Development Application (DA) for the redevelopment of the Waratah Street supermarket.

The development has a capital investment value that exceeds \$20 million and as a result it will be determined by the Joint Regional Planning Panel (JRPP) on 22 March 2012. The Council must now decide whether or not to adopt the Agreement to allow advice on this decision to be included in the Council officer report to the JRPP which needs to be lodged with the JRPP Secretariat by 6 March 2012.

The Draft Planning Agreement

The details of the Agreement were reported to the Council at the meeting of 22 November 2011. In summary the Agreement provides for the delivery of a range of public realm improvements to Pioneer Place with an estimated value of \$389,000. The specific works to be delivered through the Agreement are shown in the Table below. Works undertaken will help implement the outcomes included in the Pioneer Place Stage 1 Masterplan including improved pedestrian and vehicular accessibility and movement together with a range of public realm improvements.

It is notable that the value of works that the Council will achieve through the Agreement is significantly more than the \$205,000 that would be achieved if the Council levied the usual Section 94A developer contribution on this development.

Table 1: Works proposed under Draft Planning Agreement

Description of work	Public realm benefit	Value
Bottom half of vehicle ramp between upper and lower tiers of Pioneer Place	Provides upgraded vehicular linkage between upper and lower tiers of Pioneer Place	\$41,947
Awning over DDA car parking on upper tier of Pioneer Place	Provides sheltered DDA car parking on upper tier of Pioneer Place	\$72,708
Reconfigured Waratah Street vehicle access/egress	Provides upgraded public vehicular ingress/egress from Pioneer Place	\$37,384
Delivery of 70% of the lighting to the upper tier of Pioneer Place	Provides lighting to upper tier of Pioneer Place	\$46,200
Waratah Street seagull medians	Provides improved vehicular access to Pioneer Place and reduces congestion of Waratah Street	\$28,794
Waratah Street pedestrian footpath as per Council's footpath hierarchy.	Provides improved pedestrian access to Pioneer Place	\$37,741
Monetary contribution of \$105,718	Contribution will be directed towards public realm improvements in Pioneer Place	\$105,718
Contingency		\$18,508
Total		\$389,000

The Agreement requires a number of conditions to be satisfied before the works provided for through the Agreement are undertaken. The most significant condition is that the JRPP issues a planning approval for the DA and that the Council or a private certifier issues a Construction Certificate and any other relevant approvals or licenses to allow the development to proceed.

The other main conditions for the Council to satisfy under the Planning Agreement are:

- Enter into a lease over the land to be used for the basement car park that is owned by the Council;
- Initiate the reclassification process for the affected lands;
- Registration of easements over some allotments to allow overhanging awnings from the development over Council owned land; and
- Extinguish the existing right of carriageway burdening the land.

These requirements are no more than what would be required in the absence of a Planning Agreement if this development was to proceed. The terms of the Agreement were reviewed and negotiated when the Draft Agreement was being drawn up and are considered to be reasonable. The Agreement has also been reviewed by the Council's legal advisors.

The Agreement provides for the works in Pioneer Place to be carried out to an appropriate standard, the provision of security to Council and the procedure for dispute resolution.

Delivery of the works described in the Agreement will be undertaken by the Developer. The Agreement stipulates that the works must be delivered in a good and workmanlike manner, in compliance with applicable standards and legal requirements. Works are to be carried out by appropriately qualified and experienced contractors and will be inspected as they are constructed by duly authorised representatives of the Council.

Clause 9 of the Agreement provides for the parties to make modifications to the terms of the Agreement, subject to the modifications being in writing and signed by the Parties to the Agreement. In order that any required modifications be made in a timely manner, it has been recommended that the Mayor And General manager be given delegated authority to make any necessary modifications to the Agreement provided for by this Clause. This is considered appropriate because it is anticipated that the only modifications likely to arise will be minor ones that do not change the substance of the Agreement.

Exhibition of the Draft Planning Agreement

Following the Council resolution of 22 November 2012, public notice of the draft Planning Agreement was given and the draft Agreement and explanatory note were made available for public inspection concurrent with the related DA, from 30 November 2011 until 13 January 2012 (a total of 44 days), exceeding the statutory 28-day period required under the *Environmental Planning and Assessment Act*.

No submissions relating to the draft Planning Agreement were received. Three submissions were received by the Council to the DA during this period, however these submissions did not relate to the content or effect of the Agreement. Council's legal advisers have undertaken a final review of the draft Planning Agreement and have recommended one minor amendment. The Agreement provides for an awning easement to be registered on Council owned land. The current land classification prevents Council from registering an easement of this nature and as a result, legal advice recommends that Lot 1 of DP 506174, being land classified as *community land*, be omitted from this particular provision and a minor modification was made to the Agreement following exhibition to reflect this. The subject lot will be batched with other land programmed for reclassification in the near future. Another minor change was made to clause 5.1 (d) at the Council's request to extend the time that the Council is required to complete the re-alignment works in Pioneer Place, now to be completed by 1 July 2014 rather than 1 year after the issue of the construction certificate.

Sustainability Assessment

Effects	Positive	Negative
Environmental	There will be significant improvement to the public amenity and functionality of Pioneer Place should the Council adopt the Planning Agreement.	There will be some short term disruption to Pioneer Place as a result of carrying out the works specified in the Planning Agreement. However any disruption will be short term.

Effects	Positive	Negative
Social	The works proposed to be funded as part of this Planning Agreement will contribute to the social sustainability of the area by enhancing accessibility, functionality and amenity for pedestrians (including the frail, elderly and disabled), as well as cyclists and vehicle users.	As above
Economic	Improvements to the Pioneer Place precinct will contribute to maintaining and improving economic vibrancy in the Katoomba CBD with more people being drawn to the area as a result of the improvements.	As above
Governance	Should the Council enter into this Planning Agreement, it will be the first successfully negotiated Planning Agreement completed between BMCC and an applicant. This Agreement has been negotiated pursuant to the relevant legislation and is considered to represent a positive planning solution and be an effective means of delivering various Masterplan outcomes.	Entering into an agreement with a private entity may not be favoured by some sectors of the community; however the outcome of the exhibition suggests that this is not the case.

Financial implications for the Council

As discussed in this report, the completion of the Agreement will result in significant financial advantage to the Council as works to the value of approximately \$389,000 will be delivered. This is significantly more than the \$205,000 that Council would have received through the Section 94A contribution that would have been applied to this DA. The Council will also receive additional income for extinguishing the right of carriageway over Pioneer Place, and for leasing the land proposed to be used to extend the underground car park.

Legal and risk management issues for the Council

The Agreement was reviewed and amended based on comments from Council's legal advisor and no further changes are proposed to the version that was exhibited (other than the minor change mentioned earlier in the report). The Agreement has also been prepared consistently with legislative requirements. As a result there are no legal or risk management issues associated with this matter.

External consultation

Public notice of the draft Planning Agreement was given on 30 November 2011 and the Agreement and explanatory note were made available for public inspection concurrently with the related DA. Three submissions were received by the Council to the DA during this period, however these submissions did not relate to the content or effect of the Agreement.

Conclusion

The draft Planning Agreement prepared in association with the DA by Woolworths for the redevelopment of the Pioneer Place supermarket has been notified and the public given the opportunity to make a submission to the proposed agreement. No submissions were received.

As has been noted in this report and in previous reports, the Council and the community stand to gain significant community benefits if this Agreement is entered into. These benefits are the public domain upgrades to Pioneer Place that will be funded through this Agreement. Therefore it is recommended that the Council agree to adopt the Draft Planning Agreement.

If the Council agrees to adopt the Agreement it will be included in the Council officer report on the DA to the JRPP. This will ensure that JRPP is aware of the Agreement and that any approval they issue for the development includes a condition of consent that provides for the Planning Agreement to be implemented.

ATTACHMENTS/ENCLOSURES

1	Voluntary Planning Agreement	12/17050	Enclosure
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ITEM NO: 20

SUBJECT: SIGNIFICANT TREE REGISTER - STATUS REPORT

FILE NO: F04197 - 12/9670

Delivery Program Link

Principal Activity: Built Environment - Using Land

Service: Town Centres

Project: Provide street furniture, footpaths, public domain open space, landscaping, monuments and public toilets in town centres

Recommendation:

That the Council receives and notes the content of this report.

Report by Director City & Community Outcomes;**Background**

In response to a Notice of Motion at its meeting of 22 November 2011, the Council resolved:

"That the Council receives a report detailing the role and relevance of Council's Significant Tree Register, including the cost of both managing and maintaining that Register."

[Minute No: 490]

The report was requested in the context of the recent decision by the Land & Environment Court to uphold an appeal by the applicants at 47 St. Georges Crescent, Faulconbridge, including permission to remove a tree that is listed on the Significant Tree Register.

This report outlines:

1. The current planning context of Development Control Plan (DCP) 9 (otherwise known as the Significant Tree Register);
2. A recent partial review of the Register;
3. The role and relevance of the Register in providing decision-making capability to the Council's officers and other agencies;
4. Costs and benefits of maintaining the Register; and
5. Future utility of the Register.

Current Planning context of the Significant Tree Register

The Significant Tree Register (the Register) was established in 1984 and was given policy recognition through adoption by the Council as *Development Control Plan (DCP) No. 9 'Significant Trees'* in 1988. The register included trees on private and public land and focussed on individual specimens that by reason of their size, rarity, excellent condition, aesthetic appearance and various other criteria were considered outstanding. There are 73 individual listings, 32 of which are on Council owned land. A few of the latter are for groups of trees. Records indicate that there have been no updates of the Register from 1991 to the present although it continues to be in use. A partial review of the register was undertaken in 2008 with an assessment of public trees, and information on the outcomes and costs of this review is provided later in this report.

As the Significant Tree Register is part of Council's Development Control Plan 9 it has a defined legal status, as DCPs are established under the provisions of the Environmental Planning and Assessment Act 1979 (Div. 6) and are required by the Act to be taken into

consideration when assessing development applications (s79C(1)). They are generally interpreted by the Courts as a statement of Council policy, rather than an invariable development standard, and while they have some legal weight, they have less than an Environmental Planning Instrument such as a Local Environmental Plan (LEP).

As a result, judicial action commenced in the Land and Environment Court is able to challenge the requirements included in a DCP. Case law indicates that a DCP developed with community consultation, or which has been consistently applied and is based on clearly defined objectives and reasoning may be given greater weight than those that have not.

The Council will soon be initiating a review of the controls presently included in its DCPs, and will, as required by legislation, prepare one consolidated DCP to apply to the entire Local Government Area. At that time the Council will consider how best to recognise and protect the significant and outstanding trees within the LGA. Currently it is the Tree Preservation Order that offers the most practical day-to-day protection for all trees of any size.

Partial review of the Register in 2008

Trees are living organisms and while most have a long life span, all eventually become elderly and go into decline. Over time it is important that individual trees are assessed for risk by an appropriately qualified arborist. An assessment of all Significant Trees on Council owned land and a number of additional significant streetscapes were undertaken in 2008. The outcomes of this review were not incorporated into the Register (or DCP 9) for the reasons cited above, but have been used by Blue Mountains City Services for management purposes. The Significant Streetscapes which were added to the Review were:

Blackheath

1. Oak Avenue on western approach to Blackheath Town Centre;
2. *Liquidambar* avenue: Wentworth Street;
3. *Quercus palustris*: Clanwilliam Street;
4. *Eucalyptus radiata*: Evans Lookout Road between GWH & Valley View; and
5. *Quercus* & *Cupressus* spp.: GWH – Wentworth St.

Glenbrook

1. Various Eucalypts: GWH between Kidman St - Hare St.

Katoomba

1. *Populus yunnanensis* – GWH;
2. *Eucalyptus oreades* – GWH Shell Corner; and
3. *Platanus* sp. – Station St.

Springwood

1. *Lagerstroemia* sp. – Charles Street.

Wentworth Falls

1. *Cedrus atlantica* ‘Glauc’ – Falls Road; and
2. *Platanus* sp. – Sinclair Avenue.

The role and relevance of the Register in providing decision-making capability to Council officers and other agencies

Any assessment of the Register must bear in mind that significant trees listed on private property were originally listed with the support and agreement of the property owner, and given the period of time since then, that necessary support may no longer be present in some cases. No decision has yet been made by the Council in relation to the continued listing of these privately held trees. However the 2008 review of Significant Trees and Streetscapes on public land updated Council's data base to provide important information for management purposes.

Both the Register and the 2008 Significant Tree Register Review are used by Endeavour Energy to inform staff planning and their capital works programs. Endeavour Energy are currently developing an electronic database layer to map “areas of significance” including GPS data in a format that will provide updatable information to inform their environmental due diligence. The Council has made their Register and 2008 Review data available to this combined data base. “Areas of Significance” (including Significant Trees and significant streetscapes) trigger a higher level of management by Endeavour Energy (pers. comm. Scott McKenzie, Vegetation Environmental Specialist, Endeavour Energy). This wider use of the data by an external agency elevates the importance of the Register and the Review.

Also all 149 Certificates issued by the Council which inform property acquisitions within the LGA advise the presence of a Significant Tree – where applicable, and also advise if a Significant Tree is present on an adjoining property.

Future utility of the Register

A full consideration of the usefulness of the Register will be undertaken by the Council in the context of the review of its planning instruments, but the use of “Areas of Significance” by Endeavour Energy and the potential for an improved standard of management in these areas enhances its importance.

Sustainability Assessment

Effects	Positive	Negative
Environmental		Nil
Social	The significant trees contribute to the cultural identity and sense of place of the City.	Nil
Economic	The traditional streetscape contributes to the tourism appeal of the City.	Nil
Governance	Through the legislative framework and role and responsibilities of the Council has, the statutory and regulatory authority to seek to protect the streetscape and significant trees of the City.	Nil

Financial Implications: Costs and benefits of maintaining the Register

The major expenditure associated with maintenance of the Register has been the 2008 Review (\$36,150). The Review provided the GPS location, risk assessment and maintenance regime for 762 trees in total. This amounts to \$47.50 plus minor administration costs per tree.

The original costs of maintaining the register, if amortised over the 30 years the Register has been established, are minimal. The original assessments were conducted by expert volunteers from the community assisted by officers from either the Council or the State Heritage Branch. Administrative costs over this time are not recorded but are likely to be minor.

Legal and Risk Management Issues for the Council

The Council as the owner of all the trees in its LGA public domain is required to manage risks associated with these particular assets. The significant tree register, with information updated in 2008, can inform priority for maintenance and attention.

External Consultation

No external consultation has been undertaken in the preparation of this report.

Conclusion

It is recommended that the Council notes the content of this report.

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ITEM NO: 21

SUBJECT: DEVELOPMENT APPLICATION NO. S/29/2011 FOR A 2 INTO 2 LOT
SUBDIVISION (BOUNDARY ADJUSTMENT) ON LOT 6 DP 2558 & LOT 1
DP 924216, 23 & 23A BADGERYS CRESCENT, LAWSON

FILE NO: F06748 - S/29/2011 - 12/12103

Recommendation:

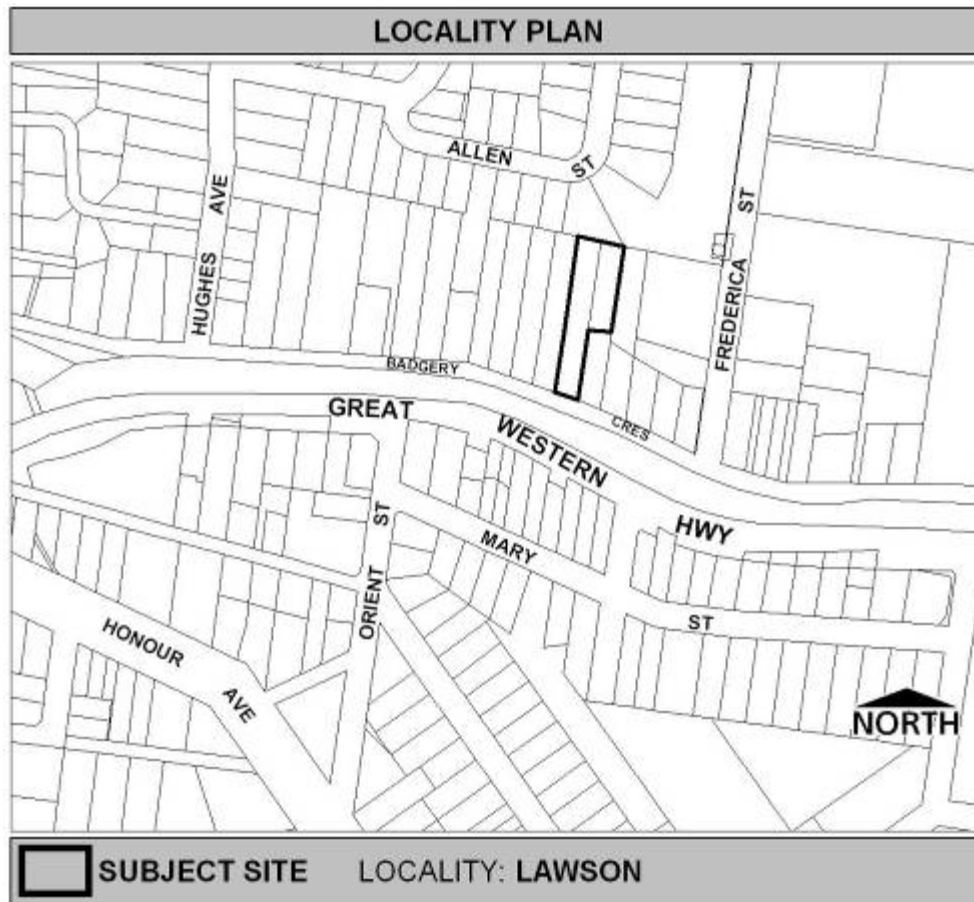
That the Development Application No. S/29/2011 for a 2 into 2 lot subdivision (boundary adjustment) on Lot 6 DP 2558 & Lot 1 DP 924216, 23 & 23A Badgerys Crescent, Lawson be determined pursuant to S.80 of the Environmental Planning and Assessment Act 1979 by the granting of consent subject to conditions shown in Attachment 1 to this report.

Disclosure

Disclosure of any political donation and/or gift - No

Report by Acting Director, Development, Health & Customer Services

Reason for report	Variations to development standards in excess of 10%
Type of development	Integrated
Applicant	Mr A Pervushin
Owner	Mr A Pervushin
Application lodged	9 September 2011
Property address	23 & 23A Badgerys Crescent, Lawson



Site description

The site is located on the northern side of Lawson at 23 & 23a Badgerys Crescent, Lawson, approximately 540m to the east of the Lawson railway station. The railway line and the Great Western Highway are immediately to the south of the site. The site is zoned Living – Conservation pursuant to LEP 2005, and adjoins residential development to the north, east and west.

The site comprises two lots, Lot 6 DP 2558 and Lot 1 DP 924216, and has a total area of 3311m².

Lot 6 is a rectangular shaped allotment with a frontage to Badgerys Crescent of approximately 18.3m and a depth of approximately 119m. It is 2142m² in area and contains an existing dwelling and two out buildings. A third outbuilding straddles the boundary between Lots 6 & 1.

Lot 1 is also rectangular in shape, 17.68m wide and approximately 67m deep. It is 1169m² in area and contains a single outbuilding. Lot 1 is 'landlocked' and has no road frontage. It is located immediately to the east of the rear portion of Lot 6, and is accessed via a driveway through Lot 6. Lot 1 is also located within a Protected Area - Period Housing which extends east to Frederica Street.

The land slopes to the north, downward from the Badgerys Crescent to the rear boundary at approximately 10% slope. The site is mapped as being bush fire prone land, with more than half of it being within 100m of category 1 vegetation.

Approximately 30m to the north -east of the site is a mapped Blue Mountains Swamp – a vegetation community listed in Schedule 5 of LEP 2005. The buffer to this vegetation community extends into the northern portion of the site and is mapped as Protected Area – Ecological Buffer Area.

The site is located in the Grose River subcatchment. The Sydney Water sewer main crosses the site in two places; immediately behind the dwelling, and again diagonally across the very rear of the site.

Proposal

It is proposed to carry out a 2 into 2 lot subdivision of the site. A copy of the proposed plan of subdivision is included as Attachment 2 to this report.

Proposed Lot 1 is rectangular in shape with an area of 2396m². It is approximately 35m wide and 69m deep. Lot 1 has no frontage to Badgerys Crescent. It is proposed to be accessed and serviced via a 3m wide right of carriageway and easement for services over the western side of proposed Lot 2. Lot 1 contains the three existing outbuildings.

Proposed Lot 2 is also rectangular in shape and has an area of 915m². It has a total frontage of 18.3m to Badgerys Crescent

and is approximately 50m deep. Lot 2 contains the existing dwelling and is proposed to contain a 3m wide right of carriageway and easement for services along its western boundary to Lot 1.

The proposal includes the construction of the driveway and installation of service conduits to Lot 1 within the right of carriageway and easement for services over Lot 2, and the installation of an interallotment drainage system and easement over Lot 1 in favour of Lot 2.

It is also proposed to have a 15m wide easement for drainage across the northern most portion of Lot 1 to facilitate onsite stormwater disposal, absorption and dispersion.

Supporting documentation

The application is supported by:

- A proposed plan of subdivision
- A statement of environmental effects
- An objection pursuant to State Environmental Planning Policy No. 1

Environmental Planning Instruments

Blue Mountains Local Environmental Plan (LEP) 2005

- Living – Conservation
- Protected Area – Ecological Buffer Area
- Protected Area – Period Housing Area

Development Control Plan

- Better Living

State Environmental Planning Policy

- Development Standards (SEPP 1)

Sydney Regional Environmental Plan No. No. 20

- Grose River subcatchment

Notification

Consultation was undertaken in accordance with the requirements of Part L (Public Participation) of the Better Living Development Control Plan and the requirements under the *Environmental Planning and Assessment Regulations 2000*.

The application was advertised for a period of 14 days from 21 September 2011 to 21 October 2011 in the Blue Mountains Gazette as well as written notification to adjoining and nearby properties.

No submissions were received in response to the notification.

Evaluation

The application has been assessed in accordance with Section 79C (Evaluation) of the *Environmental Planning and Assessment Act 1979* ("the Act"). A commentary on the assessment of the development against the Section 79C evaluation matters has been detailed in this report for the Council's consideration.

Issues

The following assessment issues are further detailed in the report:

- Local Environmental Plan 2005
- State Environmental Planning Policy No. 1
- Sydney Regional Environmental Plan No. 20
- Better Living Development Control Plan
- Environmental, social and economic impacts, the suitability of the site and the public interest

1.0 Section 79C(1)(a)(i) Environmental Planning Instruments

1.1 Local Environmental Plan 2005

The proposed development has been assessed against the provisions of LEP 2005/1991 with significant points identified and discussed below.

Clause	Standard	Proposed	Compliance
9	Considerations before consent	The development proposal complies with the relevant objectives and provisions of the LEP.	Yes
10	Aim of the plan	The proposal is consistent with the aim of this plan and the principles and practices of ecologically sustainable development.	Yes
11	Ecologically sustainable development	The proposal is considered to be consistent with the principles of ecologically sustainable development. The proposal does not increase the development potential of the site, but creates a better sized and shaped vacant allotment for future development.	Yes
12	Principal Objectives	The proposed development satisfies the principal objectives of the plan. The site can be protected from bushfire without any unacceptable environmental impact. Downstream impacts can be mitigated through appropriate sedimentation and erosion controls during the construction phase and appropriate controls on stormwater drainage and provision of sewer connections.	Yes
23	Living – Conservation zone	The proposal satisfies the relevant objectives of the Living – Conservation zone. The existing garden setting will not be diminished. Proposed Lot 1 is large enough to accommodate future residential development and permit the establishment of an appropriate landscape setting.	Yes
32	Permissibility	Clause 32(3) specifies that subdivision of land is allowed in any zone with development consent.	Yes
37	Bushfire safety authority	The site is mapped as bushfire prone land and accordingly an integrated referral was sent to the NSW Rural Fire Service (RFS). The RFS have issued a bush fire safety authority (BFSA). Conditions imposed by the RFS are included in the recommended conditions of consent included as Attachment 1 to this report.	Yes
Sch 2	Locality	The proposal complies with the relevant	Yes

Clause	Standard	Proposed	Compliance
	management – Living zones	Locality Management provisions for the Living – Conservation zone, including setback from boundaries, site coverage and habitat conservation.	
cl.41 - 43	Site analysis	An adequate site analysis has been submitted	Yes
cl. 44	Environmental impact	<p>The site contains mapped Protected Area - Ecological Buffer Area. This provides a buffer to a mapped Blue Mountains Swamp vegetation community approximately 30m to the north east of the site. The mapped buffer is defined as being development excluded land (DEL).</p> <p>Clause 44(2) requires that the Council shall not grant consent to subdivision of land to create additional lots unless the development will incorporate effective measures to ensure that the development, and any asset protection zones required to protect the land to be subdivided will have no adverse impact on any DEL.</p> <p>The proposal does not create additional lots. The 2 into 2 lot subdivision provides an improved building area on the rear allotment as it is larger and capable of accommodating residential development more removed from the mapped Ecological Buffer Area than is currently available on the existing rear lot.</p> <p>The RFS BFSA requires that the entire site be managed as an Inner Protection Area (IPA) in accordance with section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' (PBP2006) and the NSW Rural Fire Service's document 'Standards for asset protection zones'. Conditions of consent will be included which will specify the nature of hazard reduction to be undertaken within the buffer area so as to minimise any environmental impact.</p> <p>Conditions of consent will be included for the installation of the onsite stormwater drainage system within the 15m wide easement for drainage at the subdivision stage. The system will include onsite absorption, infiltration and dispersion. This, in conjunction with restrictions requiring all future development to include on site stormwater detention, will minimise impacts on the DEL within and downstream of the site.</p>	Yes
cl. 47	Protected Area – Ecological Buffer Area	Appropriate conditions of consent regarding erosion and sediment control, stormwater disposal and implementation of the asset	Yes

Clause	Standard	Proposed	Compliance
		protection zone (APZ) will be included. These conditions will ensure compliance with the relevant objectives of the Protected Area.	
cl. 53	Retention and management of vegetation	Minimal removal of vegetation is required for the subdivision works. Some thinning of canopy trees may be required to establish an IPA on the site.	Yes
cl. 56	Site disturbance & erosion control	Conditions will require the implementation of sediment and erosion controls and restoration of all disturbed areas.	Yes
cl. 57	Stormwater management	Conditions of consent will require the installation of an interallotment drainage system including an onsite disposal, absorption and dispersal system within the rear of Lot 1. Restrictions will also be placed on the title of each proposed lot requiring onsite stormwater detention to be provided for all future development.	Yes
cl. 58	Modification of land form	The proposed subdivision will not require any 'cut' or 'fill' works.	Yes
cl. 61	Protected Area – Period Housing Area	<p>The eastern half of proposed Lot 1 lies within a Protected Area – Period Housing Area.</p> <p>As the existing dwelling on proposed Lot 2 is to be retained and Lot 1 has no direct road frontage, it is considered that the proposal is consistent with the objectives of this Protected Area.</p> <p>Future development on proposed Lot 1 will be assessed against the Period Housing Area provisions of the LEP.</p>	Yes
cls. 68 - 71	Heritage conservation	<p>The subject land is within the San Jose Avenue and Badgerys Crescent Cottages Conservation Area (LN030).</p> <p>As the existing dwelling on proposed Lot 2 is to be retained and Lot 1 has no direct road frontage, it is considered that the proposal is consistent with the heritage conservation objectives.</p> <p>Future development on proposed Lot 1 will be assessed against the heritage provisions of the LEP.</p>	Yes
cl. 78	Consideration of bushfire protection	The site is mapped as bush fire prone land as it falls within 100m of category 1 vegetation. The application was supported by a bush fire threat assessment, and has been referred to the RFS for their comments and conditions. The RFS have issued general terms of approval for the subdivision.	Yes
cl. 79	Bushfire	The proposal does not create an additional	Yes

Clause	Standard	Proposed	Compliance
	protection objectives	building entitlement, and is considered to satisfy the relevant bushfire protection objectives.	
cl. 80	Asset protection zones	APZs can be accommodated on the development site with no adverse impacts.	Yes
cl. 81	Bushfire protection for residential subdivision and development	APZs can be accommodated on the development site with no adverse impacts.	Yes
cl. 84	Access to bushfire prone land	The proposed access to Lot 1 complies with the requirements of this provision. The RFS BFSA requires that the property access road is to comply with section 4.1.3(2) of PBP2006.	Yes
cl. 85	Service supplies	Services will be provided to all allotments in accordance with the requirements of this clause.	Yes
cl. 90	Subdivision – Lot layout	This clause specifies the minimum lot area and width required for lots created in the Living – Conservation zone as 1200m ² and 22m respectively. Proposed Lot 1 exceeds these minimum requirements, however Lot 2 does not meet the minimum area and width. This clause also specifies the minimum width of an access strip of handle as 4.5m. It is proposed to create a right of carriageway over Lot 2 in favour of Lot 1 of only 3.05m wide.	No – see SEPP1 discussions below
cl. 91	Provision of services for subdivision	Reticulated sewerage and water supply will be provided to all lots.	Yes
cl. 94	General provision of services	The proposed lots can be connected to reticulated sewerage, water supply and electricity supply. Adequate provision for drainage can be provided.	Yes
cl. 98	Access to land from a public road	Proposed Lot 2 will continue to use the existing driveway from Badgerys Crescent for access. Proposed Lot 1 will be accessed via an extension of the existing driveway. A right of carriageway over the driveway within Lot 2 will provide Lot 1 with legal and practical access.	Yes
cl. 99	Car parking provision	All lots have adequate area for future car parking	Yes
cl. 106	Sustainable resource management	The proposal will include appropriate stormwater quality treatment measures.	Yes

1.2 State Environmental Planning Policy No. 1

1.2.1 Minimum area and width of allotments

A State Environmental Planning Policy No. 1 (SEPP 1) objection has been lodged regarding the minimum lot width and area requirement for an allotment created in the Living – Conservation zone, contained within clause 90(1) Lot Layout of LEP 2005.

Development standards objected to

Clause 90(1) of LEP 2005 specifies that a lot created in the Living – Conservation zone is to have a minimum lot width and area of 22m and 1200m².

Nature and extent of non-compliance with the standards

Proposed Lot 2 has a width and area of 17.6m and 915m². This represents a variation from the width and area development standards by 20% and 23.75% respectively.

Objectives of the standards

It is necessary for the consent authority to discern the underlying object or purpose of the minimum width and area standards in its consideration of the SEPP1 Objection.

It is considered that the purpose of the minimum width and area standards is ensure that all new allotments in the Living – Conservation zone are capable of accommodating a dwelling house and development ordinarily incidental and ancillary to a dwelling house whilst still complying with the objectives of the Living – Conservation zone.

Justification for the non-compliance with the lot layout standards

The applicant's justifications for the variations are:

- The proposal will increase the size of the rear lot so that future residents will have an improved amenity.
- The proposal will not change the character or streetscape of the area.
- The amenity for residents on proposed Lot 2 will not be decreased as the size and shape of the lot is commensurate with the adjoining lots.
- The existing dwelling will be retained on a lot that has established setbacks and gardens that are in keeping with the streetscape and the heritage conservation area.

Whether compliance with the standards is unreasonable or unnecessary

In determining whether flexibility in the application of the development standards is warranted, the consent authority is to determine whether compliance with the standards is unreasonable or unnecessary in the circumstances of the case.

Strict compliance with the minimum width standard is considered unreasonable as compliance cannot physically be achieved as the existing allotment is only 17.6m wide at the building setback.

Strict compliance with the minimum area requirement is considered unnecessary as proposed Lot 2 already contains a single dwelling with an appropriate curtilage. Proposed Lot 2 could be enlarged to achieve a minimum 1200m² area, however it would result in an irregularly shaped Lot 1 for no significant improvement to proposed Lot 2. In this case, the original subdivision of what are now 24 and 23A Badgerys Crescent, produced undersized allotments as measured against the predominant pattern in this locality. This proposal is effectively a boundary adjustment involving one of these undersized lots, which does not compromise the character outcomes sought in the Living Conservation zone.

These include providing a suitable landscape setting and retaining established gardens, which would actually be improved by this proposal.

Whether the SEPP 1 objection is well founded

Compliance with the minimum width and area standards in this particular case would hinder the attainment of the objectives of section 5(a)(i) and (ii) of the Act and the SEPP1 objection is considered to be well-founded and reasonable in the circumstances.

1.2.2 Minimum width of an access strip or handle

A State Environmental Planning Policy No. 1 (SEPP 1) objection has also been lodged regarding the minimum width of an access strip or handle for an allotment, contained within clause 90(6) Lot Layout of LEP 2005.

Development standard objected to

Clause 90(6) of LEP 2005 specifies that an access strip or handle to an allotment created in accordance with the LEP is to be a minimum of 4.5m.

Nature and extent of non-compliance with the standard

Access is proposed to Lot 1 via a right of carriageway 3m wide. This represents a variation of 33% from the standard.

Objectives of the standard

It is considered that the purpose of the minimum width for an access strip or handle standard is ensure that a vehicle access can physically be accommodated within the strip or handle, and that the constructed access can be offset from the boundary of the strip or handle if necessary to minimise impacts on adjacent properties and the streetscape.

Justification for the non-compliance with the lot layout standard

The applicant's justification for the variation is:

- The position of the existing dwelling and the dimensions of the lot make any other configuration unfeasible.
- The carriageway is the currently established access for the rear lot.
- The amenity of the existing residents will not be decreased because of the non-compliance. The character of the locality and the streetscape will not change.
- In regards to bush fire safety there is a fire hydrant within 10 metres from the front of the site which would enable water supply to a dwelling in the case of an emergency.

Whether compliance with the standard is unreasonable or unnecessary

The existing dwelling on proposed Lot 2 is offset from the western boundary of the parcel by slightly more than 3m. This offset is presently the site of the driveway which serves the rear of the parcel and provides informal access to the 'land-locked' parcel to the rear. This driveway roughly aligns with the proposed right of carriageway.

Strict compliance with the minimum width of an access strip or handle standard of 4.5m cannot be achieved because of the existing dwelling, which forms part of the San Jose and Badgerys Crescent Cottages Conservation Area. There is no alternative access to the existing parcel to the rear, and a wider access cannot be provided because of the existing building. Compliance with the standard would be unreasonable in these circumstances.

The proposed 3m wide access strip can accommodate an adequate width carriageway to provide vehicle access for an additional allotment, albeit with minimal setback to its boundaries. Whilst this is suboptimal, the need for such an access arises to service the pre-existing 'land-locked' allotment in any case. The existing driveway immediately adjoins the western boundary of the site and any impacts on the streetscape and the adjoining property will be unaltered.

Whether the SEPP 1 objection is well founded

Compliance with the minimum width standard for an access strip or handle in this particular case would hinder the attainment of the objectives of section 5(a)(i) and (ii) of the Act and the SEPP1 objection is considered to be well-founded and reasonable in the circumstances.

1.3 Sydney Regional Environmental Plan No. 20

The Sydney Regional Environmental Plan No. 20 (SREP20) provides planning considerations and specific planning policies aimed at protecting the environment of the Hawkesbury-Nepean River. The general planning considerations relate to ensuring that stormwater from the proposed development does not contribute to adverse impacts on the river. Specific water quality measures relate to ensuring the continuance of water quality by appropriate treatment.

The matters are considered in section 1.1 of this report, in particular clauses 56 (Site disturbance and erosion control), 57 (Stormwater management) and 106 (Sustainable resource management). The proposed development is consistent with the aim of the SREP.

2.0 Section 79C(1)(a)(ii) Proposed Instruments

There are no draft environmental planning instruments that apply to the subject site.

3.0 Section 79C(1)(a)(iii) Development Control Plans

3.1 Better Living Development Control Plan

The proposed development has been assessed against the provisions of the Better Living Development Control Plan (BLDCP) with significant points of consideration identified and discussed in the table below.

Clause	Standard	Proposed	Compliance
D8.2	Biodiversity	The proposal does not include any works that intrude into any DEL. The proposal does not include the alteration of the natural ground level by more than 1m cut or fill.	Yes
D8.3	Weeds	No weeds have been identified on the site.	Yes
D8.4	Stormwater	Both allotments will have restrictions on the title requiring onsite stormwater detention for future development, and will ultimately dispose of stormwater in the rear of proposed Lot 1. This will minimise impacts on the downstream groundwater and surface flow regime.	Yes
D8.5	Streetscape & character	The streetscape will remain unaltered. Both of the proposed lots are capable of accommodating a 300m ² development space that does not include any development excluded land.	Yes
D8.6	Cultural heritage	No Aboriginal archaeological or cultural sites have been identified on the subject site. The site is listed as being within a heritage conservation area – LN030 – San Jose and Badgerys Crescent Cottages Conservation Area. The existing dwelling will be retained as part of the proposal.	Yes
D8.7	Bushfire	The RFS have considered the proposal and issued a bush fire safety authority.	Yes

Clause	Standard	Proposed	Compliance
D8.8	Crime minimisation	The proposal does not include any new roads or pathways.	Yes
D8.9	Services	All services are provided to each lot. Garbage collection occurs at the frontage of the proposed lots.	Yes
D8.10	Wastewater	Both proposed lots are provided with gravity sewer connections.	Yes
D8.11	Vehicular access, parking & roads	Proposed Lot 2 has an existing driveway and onsite parking area. The access to proposed Lot 1 will be extended as part of the subdivision works. Lot 1 is capable of accommodating onsite parking.	
D8.12	Accessibility	The proposal does not create any additional allotments.	Yes

4.0 Section 79C(1)(a)(iii)(a) Planning Agreement

There are no planning agreements that apply to the proposed development or the subject site.

5.0 Section 79C(1)(a)(iv) The Regulations

The *Environmental Planning and Assessment Regulation 2000* (the Regulations) provides controls and regulations that relate to the management of the proposed development. These requirements are inherent in the assessment processes undertaken for the proposal.

6.0 Section 79C(1)(b) Likely Impacts

6.1 Natural and Built Environment

6.1.1 Vegetation removal and management

The site contains scattered trees and the rear part of the site is mapped as being an ecological buffer to a swamp that lies approximately 30 metres to the north east. Minimal vegetation removal is required at the subdivision stage to provide access and drainage.

The RFS BFSAs requires that the whole of the site be maintained as an IPA. Conditions of consent will include a restriction on the title of proposed Lot 1 to appropriately control the impacts of hazard reduction within the ecological buffer area.

6.1.2 Heritage impacts

The site is listed as being within a Heritage Conservation Area LN030 – San Jose and Badgerys Crescent Cottages Conservation Area.

The existing dwelling on proposed Lot 2 will be retained as part of this application. Whilst the driveway to the rear of the site will be extended, the subdivision results in no alteration to the appearance of the site from Badgerys Crescent.

The proposal also does not create any additional building entitlements. A future development application for a dwelling will be assessed against the relevant heritage provisions of the LEP.

It is considered that the 2 into 2 lot subdivision will have no adverse impact on the heritage values of the Conservation Area.

6.1.2.1 Burra Charter

As part of the development assessment process, consideration was given to the relevant Articles set out in the Burra Charter as follows:

Article 4: Knowledge skills and use: The application was supported by a Statement of Environmental Effects which addressed the potential impact of the proposal on the heritage values of the area. Central to this Statement is the fact that the existing dwelling and the streetscape are to remain unaltered, and the proposal does not create any additional building entitlements.

The Council has reviewed the Statement and inspected that site and conclude that the development does not result in unacceptable adverse impacts on the heritage conservation area.

Article 5: Values: Aspects of cultural significance have been identified and considered in this report. It is considered that the development will result in no adverse impact on the heritage values of the Area. Accordingly no specific conditions are required.

Article 7: Use: The proposed use is considered to be compatible with the heritage conservation area. Future development on the lots will be assessed against the relevant heritage provisions of the LEP.

Article 8: Setting: The retention of the existing dwelling and streetscape will ensure that the setting is not adversely impacted by the development.

Article 17: Preservation: The dwelling will be preserved within proposed Lot 2.

6.1.3 Character and amenity

The character and amenity of the site and the area will remain unchanged. The proposal will not alter the presentation of the site to Badgerys Crescent, and it does not create any additional building entitlements.

6.1.4 Stormwater drainage

Both lots are able to drain stormwater to the rear of the site, into a proposed easement for drainage 15m wide. Conditions of consent will require the installation of an interallotment drainage system over Lot 1 in favour of Lot 2, and the construction of an onsite stormwater disposal system within the 15m wide easement for drainage.

Drainage from future development will be controlled by restrictions on the title of each lot requiring onsite stormwater detention systems.

The 2 into 2 lot subdivision will not adversely affect the downstream drainage system.

6.1.5 Access and traffic

As the proposal will result in no additional building entitlements, there will be no increase in traffic generated by the development. There will be a minor increase in traffic during the subdivision construction phase, however Badgerys Crescent is capable of safely accommodating the anticipated traffic.

Proposed Lot 2 has an existing vehicle access. Access to the rear of the site will be constructed and formalised in a right of carriageway to ensure legal and practical access is available to proposed Lot 1.

6.2 Social Impacts

The proposal is considered to have a positive social impact on the area as the size and shape of the rear allotment will be improved. This facilitates an increased range of dwelling designs and boundary setbacks.

6.3 Economic Impacts

The proposal will have minimal economic impact as it does not create any additional building entitlements. There will be some minor additional construction works as part of the subdivision.

7.0 Section 79C(1)(c) Suitability of the Site

The site is considered suitable for the proposed subdivision. Both lots are able to be accessed, serviced, drained and protected from bushfire with no adverse environmental impact. The proposal also retains the existing dwelling and the streetscape will be unaltered. Accordingly the site is considered suitable for the development in terms of the values of the heritage conservation area.

8.0 Section 79C(1)(d - e) Submissions and Public Interest

8.1 Submissions

As identified in the 'Notification' section of this report, the application was advertised in the Blue Mountains Gazette as well as written notification to adjoining properties.

No submissions were received in response to the notification process.

8.2 Public Interest

The approval of the proposal is considered to be in the public interest.

9.0 Community Contribution

The Citywide Infrastructure Contributions Plan 2010 applies to the site.

For subdivision applications the plan outlines the cost and expenses applicable to the cost of the development in regards to subdivision in s.1.11(a) being:

'If the development involves the subdivision of land – the costs of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights.'

The rate of the levy for development with a value of \$0-100,000 is 0%.

A cost of preparing the plan of subdivision is considered to be substantially below \$100,000. A cost summary report is not considered necessary to confirm this. A Section 94A levy is not applicable for this development.

Conclusion

The current zoning permits subdivision and residential development with consent. With the exception of the width and area of proposed Lot 2 and the width of the access strip to Lot 1, the proposal complies with all of the relevant planning controls. The variations in the width and area of proposed Lot 2 and the width of the access strip to Lot 1 has been justified by a well founded SEPP1 objection.

Both of the proposed lots can be suitably accessed, drained and serviced. There is no adverse impact on the values of the heritage conservation area.

The proposal creates a more suitably sized and shaped rear allotment. It is almost double the area and width required for battleaxe allotments in the Living – Conservation zone.

The proposal is considered to be a suitable and appropriate use of the site. The development accords with the relevant considerations under S79C of the Act and is accordingly recommended for approval subject to the conditions contained in Attachment 1 to this report.

ATTACHMENTS/ENCLOSURES

1	Conditions - S/29/2011	12/12182	Attachment
2	Plans - S/29/2011	12/12207	Attachment

* * * * *

Attachment 1 - Conditions - S/29/2011

General

Confirmation of relevant plans	1. To confirm and clarify the terms of consent, the development shall be carried out in accordance with the plan prepared by S Mark Bowler & Associates titled 'Plan of Proposed Subdivision of Lot 6 in DP 2558 and Lot 1 in DP 924216' dated 31/05/2011 and accompanying supportive documentation, except as otherwise provided or modified by the conditions of this consent.
Period of development consent	2. Pursuant to Section 95(2) of the Environmental Planning and Assessment Act 1979, this consent will lapse five (5) years from the date the consent becomes operational unless works are lawfully physically commenced on the land to which the consent relates before the expiration of the five (5) year period.
House numbering	3. To ensure appropriate definition of the allotments, the following house numbering shall apply to the proposed lots: <ul style="list-style-type: none"> • Lot 1 – 22a Badgerys Crescent • Lot 2 – 23 Badgerys Crescent
Subdivision Works	
Interallotment drainage	4. To ensure legal and practical drainage is available to proposed Lot 2, a piped interallotment drainage system is to be installed in accordance with the approved Construction Certificate plans. <p>The interallotment drainage system is to include the capture and piping of stormwater runoff from impervious areas on proposed Lot 2 and the installation of an onsite stormwater disposal system within the 15m wide easement for drainage within proposed Lot 1.</p> <p>The onsite stormwater disposal system is to be designed based upon geotechnical information, and is to achieve stormwater infiltration and dispersal so as to minimise downstream impacts.</p>
Lot 1 driveway construction and installation of service conduits	5. To ensure suitable access to proposed Lot 1 and to minimise impacts of service provision, a 3 metre wide heavy duty reinforced driveway is to be extended for the full length of each of the proposed right of carriageway over Lot 2. <p>This work is to include the installation of conduits for the full length of the access handles suitable for the provision of water, electricity, telephone and gas services to future development on proposed Lot 1.</p>
Provision of services	6. To ensure the proposed development is appropriately serviced, the following utility services are to be provided to each lot prior to the release of the Subdivision Certificate: <ul style="list-style-type: none"> a) reticulated water and gravity sewer connections; b) electricity supply; and c) telephone supply.

Relocation of private services

7. To ensure proposed Lot 1 is appropriately serviced, all private services to the existing dwelling that encroach upon the proposed road reserves or other lots are to be relocated such that no encroachment occurs.

The private services are to be relocated as necessary and certification provided to confirm that no encroachments occur prior to the release of the subdivision certificate.

Prior to the commencement of work

Construction certificate

8. A construction certificate is required prior to the commencement of any site works which require a construction certificate, including access and drainage works. This certificate can be issued either by Council as the consent authority or by an accredited certifier.

The details submitted with the construction certificate are to include an erosion and sediment control plans in accordance with the principles outlined in the 'Managing Urban Stormwater Soils and Construction' (Volume 1), dated March 2004 by Landcom NSW.

Site signage

9. Prior to the commencement of works, signage is to be erected on the site boundary fence at the Badgerys Crescent frontage in accordance with Section 89A of the Environmental Planning and Assessment Regulations.

Notification to the Council of commencement of Works

10. At least 2 days prior to commencement of works, written notice of the intention to commence site works is to be provided to Blue Mountains City Council in accordance with the Environmental Planning and Assessment Regulations.

Installation of sediment and erosion controls

11. Sediment and erosion controls are to be installed in accordance with the approved erosion and sediment control plans prior to the commencement of works.

During Works

Site management

12. To prevent site works and associated materials and activities causing a nuisance to the surrounding properties and the area generally, all site and construction works shall be carried out between Monday to Friday, 7 am to 6 pm and on Saturdays between 8 am and 3 pm with no work permitted on Sundays or public holidays.

Supervision of all works

13. All works are to be supervised by a suitably qualified and experienced professional on behalf of the applicant.

Plans on site

14. A copy of the stamped and approved construction certificate plans and development consent are to be on the site at all times.

Maintenance of sediment and erosion controls

15. Sediment and erosion controls are to be maintained in accordance with the approved erosion and sediment control plan for the duration of the

	works, and until all disturbed areas are stabilised to the satisfaction of the Principal Certifying Authority.
Inspections of engineering works within the site.	<p>16. To ensure all works are completed in accordance with the appropriate specifications and approved plans, compliance certificates are to be issued at significant stages throughout the construction period.</p> <p>The inspections can be carried out by the Council's Engineer or an appropriately Accredited Certifier.</p> <p>Inspections are required at the following hold points:</p> <ul style="list-style-type: none"> a) Pre construction meeting b) Driveway pavement and concrete <ul style="list-style-type: none"> • After setout (prior to any excavation) • Laying and compaction of subgrade • Formwork in place & placing reinforcement for concrete works • Final – all disturbed areas revegetated. c) Stormwater drainage <ul style="list-style-type: none"> • After setout (prior to any excavation) • After installation of pits and pipes, prior to backfilling • Final – all disturbed areas revegetated. d) Final inspection of completed development.
Prior to the Issue of a Subdivision Certificate	
Completion of subdivision works	<p>17. Prior to the issue of the subdivision certificate, all subdivision works included in this consent are to be completed to the satisfaction of the Principal Certifying Authority.</p>
Restore disturbed area	<p>18. All disturbed earthworks and/or batters are to be restored, stabilised, topsoiled and revegetated to the Principal Certifying Authority's satisfaction prior to release of the Subdivision Certificate.</p>
Repair of damage	<p>19. The applicant shall repair or reconstruct all damages caused by works relating to the development as required by the Council's Supervising Engineer prior to release of the Subdivision Certificate.</p>
Certificates from Authorities	<p>20. To ensure satisfactory effluent disposal and utility services are provided to all lots on the subdivision, you are required to submit to Council compliance certificates from:</p>
Early contact with these authorities is recommended	<ul style="list-style-type: none"> 1) Sydney Water <ul style="list-style-type: none"> • A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation confirming reticulated water and gravity sewer systems are available to the development. • Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au

then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

- Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.
- The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to issue of an Occupation/Subdivision Certificate.

2) Integral Energy indicating that satisfactory arrangements have been made for the provision of electricity supply to each lot in the subdivision.

3) An approved telecommunications service provider stating that satisfactory arrangements have been made for telephone services to each lot in the subdivision.

**Onsite Stormwater
Detention
88B Instrument**

21. To minimise the downstream impacts of future development on the site, an instrument setting out Terms of Restriction on the use of land intended to be created, pursuant to Section 88B of the Conveyancing Act, 1919 shall be submitted in a form acceptable to the Council indicating the following:

- All future development on all proposed lots shall incorporate on site stormwater detention systems that restricts post-development discharge rates to pre-development discharge rates for storms between and including the 1 in 1 year Return Period to the 1 in 100 year Return Period.

The 88B Instrument shall also contain a provision that it may not be extinguished or altered except by Blue Mountains City Council.

The 88B Instrument shall be submitted with the Subdivision Certificate application to and approved by the Principal Certifying Authority prior to lodgement at NSW Land and Property Information.

**Onsite stormwater
detention
Positive covenant**

22. To ensure the on site detention system is satisfactorily maintained, a covenant under Section 88E of the Conveyancing Act, 1919 shall be prepared and registered over all proposed lots.

The terms of the 88E Instrument with positive covenant shall include, but not be limited to, the following:

- a) The Proprietor of the property shall agree to be responsible for keeping clear and the maintenance of all pits, pipelines, trench barriers and other structures.
- b) The registered Proprietor shall indemnify the Council and any adjoining landowners against damage to their land arising from the failure of any component of the OSD or failure to clean, maintain and repair the OSD.

The 88E Instrument shall also contain a provision that it may not be extinguished or altered except by Blue Mountains City Council.

	<p>The 88E Instrument shall be submitted with the Subdivision Certificate application to and approved by the Principal Certifying Authority prior to lodgement at NSW Land and Property Information.</p>
<p>Asset Protection Zone Works</p>	<p>23. The Asset Protection Zone (APZ) on the site is to be managed on an annual basis, in accordance with the requirements of Planning for Bush Fire protection 2006, as amended (PBP 2006), the NSW RFS document 'Standards for Asset Protection Zones' and the Council's document 'Specification for Mechanical Fire mitigation Works.</p> <p>In order to minimise the impact on the ecological buffer area on Lot 1, the implementation of the APZ is to be performed by selected hand removal and pruning of the trees, shrubs and understorey in accordance with the following points:</p> <ul style="list-style-type: none"> • Pruning or tree removal to achieve discontinuous tree canopies, with crowns separated by 2 to 5m. • Pruning of mature trees is to be used in preference to their removal. • Removal of saplings to avoid the creation of a continuous tree canopy. • Skirting (crown lifting) is to be used to separate the tree canopy from the ground or shrub fuels by 1 to 2m. • Pruning and skirting is to be carried out in accordance with AS4373-2007 Pruning of Amenity Trees. • Where tree removal is necessary, smooth barked trees are to be retained in preference to rough barked species. • Shrubs may be retained as islands covering no more than 25% of the treatment area. Islands are to be less than 4m in diameter with a minimum separation of 3m between islands, and with a 1 to 2m separation between the islands' shrub canopy and the tree canopy above. • Noxious or environmental weeds and non-native woody plants are to be removed in preference to other species. • Local common species are to be removed in preference to species considered locally or regionally significant. • Non-habitat trees are to be removed in preference to habitat trees.
<p>Asset Protection Zone Positive Covenant</p>	<p>24. To minimise the impact of the implementation of the APZ on the ecological buffer area within Lot 1, a covenant under Section 88E of the Conveyancing Act, 1919 shall be prepared and registered over proposed Lot 1.</p> <p>The terms of the 88E Instrument with positive covenant shall include, but not be limited to, the following:</p> <p>a) The APZ within the ecological buffer area on Lot 1 is to be implemented and maintained in accordance with the requirements of consent to development application S/29/2011.</p>

	<p>b) The 88E Instrument shall also contain a provision that it may not be extinguished or altered except by Blue Mountains City Council.</p> <p>The 88E Instrument shall be submitted with the Subdivision Certificate application to and approved by the Principal Certifying Authority prior to lodgement at NSW Land and Property Information.</p>
<hr/> <p>Rural Fire Service General Terms of Approval</p>	<p>25. The development must comply with all General Terms of Approval and conditions of the Rural Fire Service, dated 20 October 2011, attached to and forming part of this development consent.</p>
<hr/> <p>Subdivision Certificate</p>	<p>26. An application for a subdivision certificate is required on completion of all conditions of Development Consent. The application is to be lodged with and approved by Council as the consent authority. The application should include the original plan of subdivision plus five (5) copies. The location of all buildings and/or other permanent improvements must be shown on one (1) copy.</p>

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Telephone: 8741 5175
e-mail: csc@rfs.nsw.gov.au

Headquarters
Locked Bag 17
Granville NSW 2142

Facsimile: 8741 5433



The General Manager
Blue Mountains City Council
Locked Bag 1005
Katoomba NSW 2780

Your Ref: S/29/2011
Our Ref: D11/1695
DA11091479867 IC

ATTENTION: Development Assessment Officer

20 October 2011

Dear Sir / Madam

Integrated Development for 23a Badgerys Crescent Lawson

I refer to your letter dated 9 September 2011 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

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

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the issue of subdivision certificate and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within 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'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

3. Property access roads shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.

General Advice – consent authority to note

This approval is for the subdivision of the land only. Any further development application for class 1,2 & 3 buildings as identified by the 'Building Code of Australia' must be subject to separate application under section 79BA of the EP & A Act and address the requirements of 'Planning for Bush Fire Protection 2006'.

For any queries regarding this correspondence please contact Iona Cameron on 8741 5175.

Yours sincerely



Nika Fomin
Team Leader Development Assessment

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

[illegible]

ITEM NO: 22

SUBJECT: DEVELOPMENT APPLICATION NO. S/21/2011 FOR 1 INTO 3 LOT
TORRENS TITLE SUBDIVISION ON LOT 12 DP 255826, 4 TURELLA
STREET, GLENBROOK

FILE NO: F06748 - S/21/2011 - 12/13923

Recommendation:

That the Development Application No. S/21/2011 for 1 into 3 lot Torrens title subdivision on Lot 12 DP 255826, 4 Turella Street, Glenbrook, be determined pursuant to S.80 of the Environmental Planning and Assessment Act 1979 by refusing consent to the application for the following reasons:

- 1. The Rural Fire Service have refused to issue a Bush Fire Safety Authority pursuant to section 100B of the Rural Fires Act 1997, as required for the proposed development by section 91A of the EPA Act and clause 37 of the Blue Mountains Local Environmental Plan 2005 (LEP 2005).*
 - 2. An adequate "development space" cannot be accommodated within proposed Lots 1 and 2 in accordance with clause 90(9) of LEP 2005.*
 - 3. The implementation of the Asset Protection Zones required for the proposal will have an adverse environmental impact on Shale Sandstone Transition Forest vegetation community and the Glossy Black Cockatoo contrary to clause 44(2) Environmental Impact, clause 45 Protected Area Slope Constraint and clause 47 Protected Area Ecological Buffer of LEP 2005.*
 - 4. The required Asset Protection Zones extend beyond the boundaries of the site contrary to clauses 79(c), 79(d), and 81(6) of LEP 2005.*
 - 5. The proposed subdivision will create an unacceptable precedent for similar inappropriate development in the area and is not considered to be in the public interest as required under section 79C(1)(e) of the Environmental Planning and Assessment Act 1979.*
-

Disclosure	Disclosure of any political donation and/or gift - No
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Report by Acting Director, Development Health & Customer Services:

Reason for report Referred by Councillors.

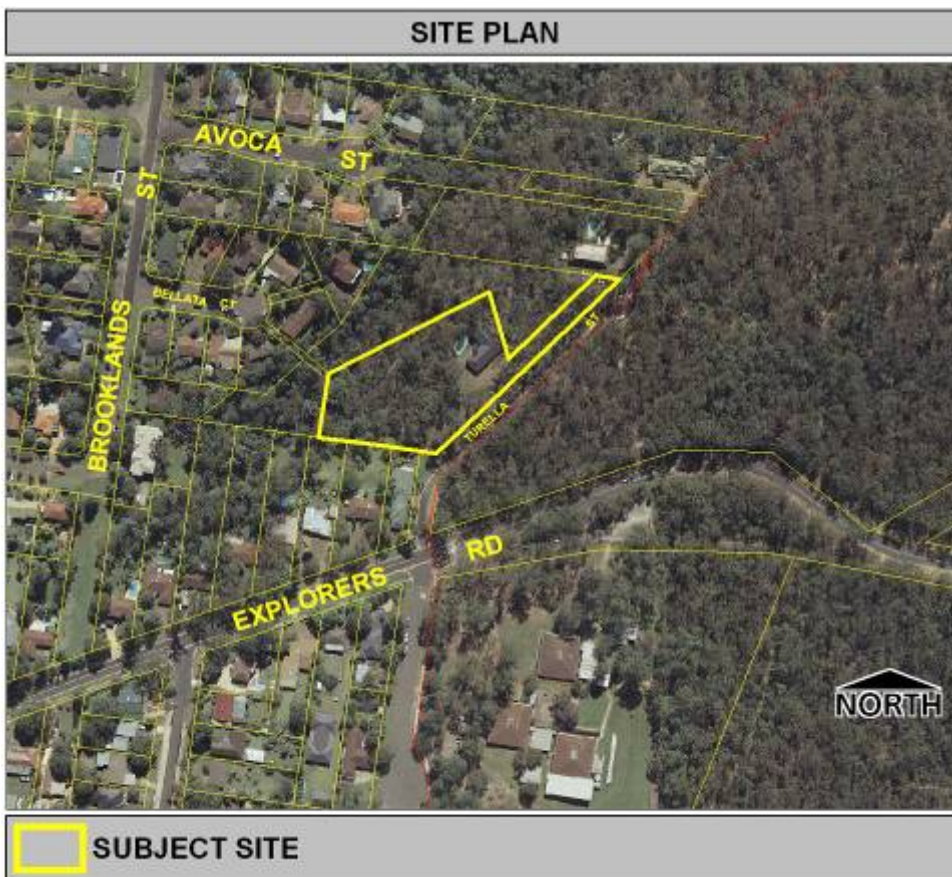
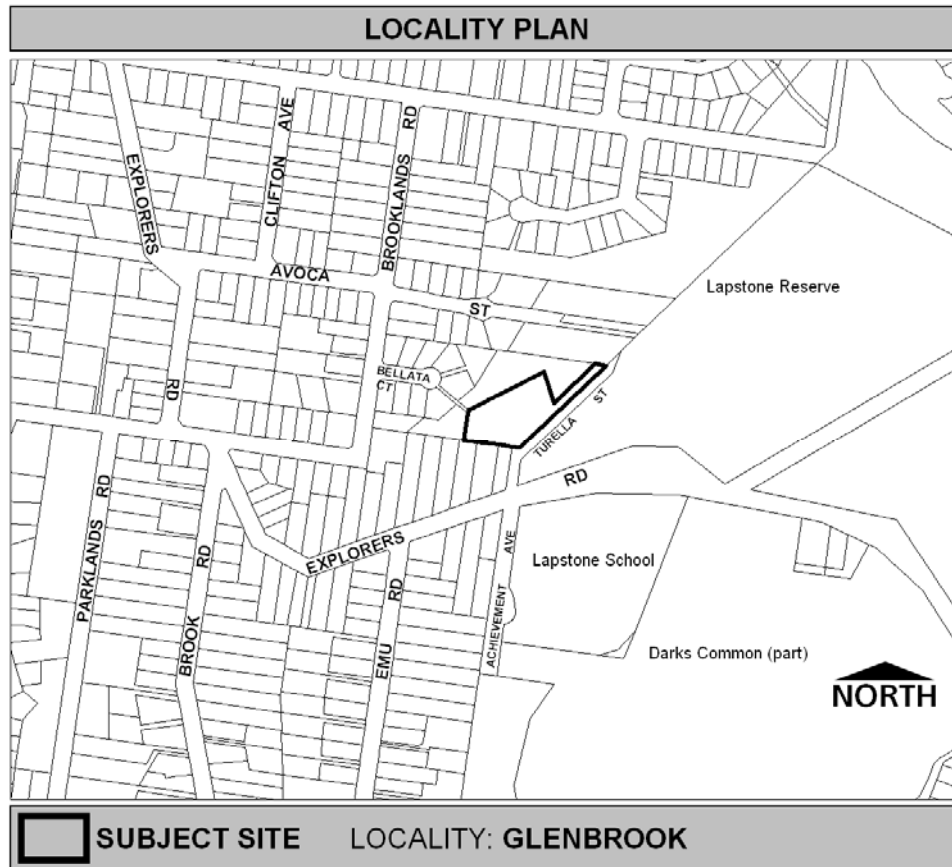
Type of development Integrated

Applicant Local Group

Owner Mr J B Leaney and Ms L M Leaney

Application lodged 27 June 2011

Property address 4 Turella Street, Glenbrook



Site description

The site is known as 4 Turella Street, Glenbrook, being Lot 12 in DP 255826 ("the site"). The site is an irregular shape with a frontage of 137 metres to Turella Street and a total area of 6,408.27m². It currently contains a dwelling-house with direct vehicular access from Turella Street.

The land has cleared areas around the existing dwelling as well as extensive areas of retained bushland vegetation located to the southern and western portions of the site. The Applicant's Flora and Fauna Report identifies the site as containing Shale Sandstone Transition Forest (SSTF), a significant vegetation community under Blue Mountains Local Environmental Plan 2005 (paragraph (2D) of Schedule 5), and an Endangered Ecological Community under NSW *Threatened Species Conservations Act 1995*, and the Commonwealth *Environmental Protection and Biodiversity Conservation Act, 1999*.

There is an informal track through the mid section of the site (running generally from east to west) currently used by the community as a pedestrian link between Bellata Court and Turella Street.

The existing dwelling is not contained wholly within the site boundaries as an existing pergola partially encroaches onto an adjoining public reserve to the north.

The entire site is identified as being "bush fire prone land" as defined in section 4 of the *Environmental Planning and Assessment Act 1979* (EPAA) with the majority of the site identified as Category 1 bush fire prone land and a small portion to the eastern boundary being buffer to bush fire prone land.

Locality

The site is located north-west of Turella Street, which is a cul-de-sac approximately 182 metres in length.

Immediately on the opposite side of Turella Street is Lapstone Reserve which is also known as Tunnel Gully Reserve. A Plan of Management is in place for Tunnel Gully Reserve.

Another Public Reserve adjoins the site to the north and west. This land is classified "community land" under the *Local Government Act 1993* and is zoned Environmental Protection – Open Space pursuant to the Blue Mountains Local Environmental Plan 2005 (LEP 2005). A watercourse is identified as running north south across the public reserve.

Residential properties adjoin the site to the south with the broader area generally consisting of residential development, Public Reserves and a public school.

Proposal

The development application seeks consent for a one (1) into three (3) lot Torrens Title subdivision ("the development application").

The proposed plan of subdivision identifies the following Lot sizes:

- Proposed Lot 1 has an area of 2,234m² and a frontage of 22 metres to Turella Street
- Proposed Lot 2 has an area of 1,799m² and a frontage of 22 metres to Turella Street
- Proposed Lot 3 has an area of 2,390m² and a frontage of 92.81 metres to Turella Street (the plan incorrectly lists the frontage as 67.81 metres)

Note: There is some discrepancy between the plans in respect to the total area of each proposed allotment.

Proposed Lot 3 is irregularly shaped and incorporates an existing 10m wide 'handle' which lays adjacent to the Turella Street road reserve. This proposed lot also contains the existing dwelling-house which is to be retained.

A temporary licence is proposed as part of the development application to provide a pedestrian link from Bellata Court to Turella Street, through the public reserve and across the 10m wide 'handle' of proposed Lot 3. The Applicant has also proposed a future land swap to regularise the current partial encroachment of the pergola over the adjoining public reserve.

The development application is "Integrated Development" pursuant to section 91 of the EPAA and a Bushfire Safety Authority is required pursuant to s100B of the *Rural Fires Act 1997*.

A copy of the subdivision plans are provided in Attachment 1 to this Report.

Supporting documentation

The application was supported with the following documentation:

- Statement of Environmental Effects, prepared by Local Consultancy Services Pty Ltd, dated June 2011
- Bushfire Compliance Report, prepared by Bushfire Safety Solutions, dated 23 June 2011 ("the Applicant's Bushfire Report")
- Flora and Fauna Assessment, prepared by Kevin Mill & Associates, dated June 2011 ("the Applicant's Flora and Fauna Report")
- Accompanying plans, including plans prepared by D6 Architects and plan of subdivision prepared by Matthew Freeburn, numbered 32559, and dated 17/01/2011
- Statement of environmental effects

Application History

Below is a chronology of the key steps during the assessment process of the application:

- On 24 June 2011 Land Use Application No S/21/2011 for a one into three lot Torrens Title subdivision was lodged with Council.

- On 28 June 2011 the Council referred the development application to the Rural Fire Service (RFS) as Integrated Development.
- The development application was notified to adjoining property owners and advertised in the local newspaper from 13 July 2011 to 10 August 2011.
- The Council received nine (9) submissions objecting to the development application.
- On 17 August 2011 the Council received advice from the RFS requesting additional information.
- On 18 August 2011 the Council forwarded the RFS request for more information to the applicant.
- On 1 September 2011 the Council received correspondence from McKees, the solicitors acting for the owner of the site, proposing a 3 year licence to facilitate ongoing pedestrian access through the site, should the application be approved. The correspondence also raised the matter of a potential land swap to regularise the shape of Lot 3.
- On 6 September 2011 the Council received additional information from the applicant in response to the RFS request.
- On 16 September 2011 the Council provided the additional information to the RFS.
- On 28 November 2011 the Council received notification of the lodgement of a Class 1 appeal against the Council's "deemed" refusal of the development application.
- On 6 January 2012 the Council received a letter from the RFS advising that they will not support the application and would not issue a BFSA.

The Class 1 appeal is scheduled to be heard in the Land and Environment Court on 13 and 14 March 2012.

Statutory Controls

Blue Mountains Local Environmental Plan (LEP) 2005

- Zone: Living – Bushland Conservation (LBC)
- Protected Area – Slope Constraint Area (PA-SCA)
- Protected Area – Ecological Buffer Area (PA- EBA)

Development Control Plan

- Better Living

Sydney Regional Environmental Plan No. 20

Notification

Consultation was undertaken in accordance with the requirements of Part L (Public Participation) of the Better Living Development Control Plan and the requirements under the *Environmental Planning and Assessment Regulations 2000*.

The development application was notified to adjoining property owners and advertised in the local newspaper from 13 July 2011 to 10 August 2011.

A total of nine (9) submissions were received (one resident provided two submissions), all objecting to the proposal. The following is a summary of the issues raised in the submissions:

Flora and Fauna:

- Clearing of an Endangered Ecological Community (SSTF)
- Previous unauthorised clearing of vegetation.
- Stormwater and weed impacts not addressed.
- Impact on native animals at risk from subdivision.
- Concern that Council regulations (if application approved) regarding vegetation clearing and runoff would not be followed, considering the previous unauthorised clearing of vegetation.
- Any disturbance of vegetation would be difficult to be rehabilitated due to fragile soils.
- Not all significant trees marked on plans.
- Impacts of Asset Protection Zone (APZ) are unclear.

Services:

- Turella Street too narrow for increased traffic and fire trucks.
- No official water main available or fire hydrants in Turella Street.
- Existing sewer mains should be encased and are likely to compromise construction zones for new lots.

Bush fire requirements:

- High bush fire risk and poor access within dead end Turella Street.
- Asset Protection zones in bush fire report seem inadequate and compromise building envelopes.
- Bush fire fighters will no longer be able to access the rear of the surrounding properties.
- Fences proposed are made of wood which is a fire hazard.

Other:

- Public access through site will be removed. Alternative route would need to be provided.
- Encroachment of existing dwelling onto public land not resolved.
- Non compliance with LEP 2005, the Better Living Development Control Plan (BL DCP), and Planning for Bushfire Protection 2006 (PBP)
- Statement of Environmental Effects and plans are inadequate – 750m² development space not provided
- The subdivision will spoil the unique bush character of Turella Street.
- Requests regarding positioning and design details of future buildings as well as buffers to neighbouring properties.

Notification process:

- Council did not notify the application to all nearby neighbours as expected.

Evaluation The application has been assessed in accordance with Section 79C (Evaluation) of the *Environmental Planning and Assessment Act 1979* ("the Act"). A commentary on the assessment of the development against the Section 79C evaluation matters has been detailed in this report for the Council's consideration.

Issues The following assessment issues are further detailed in the report:

1. Environmental Planning Instruments
2. Bushfire matters – refusal of application from RFS
3. Development Space and Development Excluded Land (DEL)
4. Environmental Impacts on DEL and Scheduled Vegetation (SSTF)
5. The APZs extend beyond the site boundaries
6. Carriageway width of Turella Street
7. Environmental, social and economic impacts, the suitability of the site and the public interest.

1.0 Section 79C(1)(a)(i) Environmental Planning Instruments

1.1 Local Environmental Plan 2005

The proposed development has been assessed against the provisions of LEP 2005 with significant points identified and discussed below.

Clause	Standard	Proposed	Compliance
3(3)	Relationship to other environmental planning instruments	Clause 90(9) below relates to the area of development and lot layout required for subdivisions within the Living – Bushland Conservation zone. Clause 90(9) has not been complied with and under the provisions of this clause <i>State Environmental Planning Policy No 1 – Development Standards</i> (SEPP 1) cannot be used to vary the requirements. Refer to clause 90 of this table and section 1.3 of this report for further discussion.	-
9	Considerations before consent	The development is required to comply with the relevant key provisions of the LEP. Areas of non compliances have been identified and discussed further within this table.	No
12	Principal objectives of the plan	The proposal is not considered to comply with the relevant principal objectives of the plan, in particular it is considered that the proposal does not conserve or enhance, for current and future generations, the ecological integrity and environmental significance of the Blue Mountains. Also the measures required to protect human life and property from bushfire attack will result in an unacceptable environmental impact.	No
13	General locality	The development needs to comply with the zone objectives and be permissible in the zone	No

Clause	Standard	Proposed	Compliance
	management	Refer to clauses 24, 31 and 32 of this table for further discussion.	
24	Zone objectives Living – Bushland Conservation	The proposal is considered to not comply with the relevant objectives of the Living – Bushland Conservation zone as it does not preserve native bushland in an area with a predominantly bushland character. Also it is likely to require the inappropriate removal of vegetation for the construction of the subdivision infrastructure, as well as the establishment of future dwellings and implementation of the required APZs.	No
31	Zone objectives Environmental Protection – Open Space zone	The APZs required for the development encroach onto the adjoining Public Reserve to the north west and is contrary to the Environmental Protection – Open Space zone in terms of restricting development that is inappropriate due to its physical characteristics or high bush fire hazard.	No
32	Land use matrix	The subdivision of land is allowed in the Living – Bushland Conservation zone with development consent.	Yes
37	Bush fire safety authority	Under this clause consent cannot be granted for residential subdivision on bushfire prone land unless a bush fire safety authority (BFSA) (as required under section 100B of the <i>Rural Fires Act 1997</i>) has been issued by the Rural Fire Service (RFS). The RFS has refused to issue a BFSA. Refer to section 1.4 of this report for further discussion.	No
44(2)	Environmental impact Subdivision	<p>This clause requires that <i>‘Consent shall not be granted to subdivision to create additional lots unless the development will incorporate effective measures, satisfactory to the consent authority, to ensure that the development, and any asset protection zones required to protect the land to be subdivided, will have no adverse impact on any development excluded land.’</i></p> <p>The proposal will have adverse impacts on development excluded land (DEL) on the site and on the adjoining public reserve. Refer to sections 1.2 and 1.3 of this report for further discussion.</p>	No
45	Protected Area – Slope Constraint Area	The site contains areas of mapped Protected Area – Slope Constraint Area (PA-SCA) within the land zoned LBC. The PA-SCA is generally located to the rear (western boundary) of the	No

Clause	Standard	Proposed	Compliance
		<p>property in the same area as the SSTF vegetation and falls within the definition of DEL.</p> <p>The relevant objectives of the PA-SCA are to restrict development in areas with a contiguous area of slope greater than 20%, to ensure that development in these areas is designed and sited to minimise vegetation clearing and soil disturbance and to encourage retention restoration and maintenance of disturbed vegetation on steep land.</p> <p>The implementation and maintenance of the APZs will adversely impact on the PA-SCA and DEL. Refer to sections 1.2 and 1.3 of this report for further discussion.</p>	
47	Protected Area – Ecological Buffer Area	<p>The site contains areas of mapped Protected Area – Ecological Buffer Area (PA-EBA) within the land zoned LBC. The PA-EBA is generally located to the rear (western portion) of the property in the same area as the SSTF vegetation, the PA-SCA and falls within the definition of DEL.</p> <p>The implementation and maintenance of the APZ will adversely impact on the PA-EBA objectives which include protecting watercourse corridors and significant vegetation communities. Refer to sections 1.2 and 1.3 of this report for further discussion.</p>	No
51	Watercourses	A watercourse is located within the reserve to the north east of the site and, in accordance with the requirements of the clause, such land is to be considered PA-EBA. Refer to clause 47 above as well as sections 1.2 and 1.3 of this report for further discussion.	No
52	Significant vegetation communities and rare species of flora	Significant vegetation communities are located within the site and will be adversely impacted by the proposed development. Refer to clause 44 of this table as well as sections 1.2 and 1.3 of this report for further discussion.	No
53	Retention & management of vegetation	The proposal would result in vegetation removal within the SSTF as part of the implementation and maintenance of an APZ. Refer to sections 1.2 and 1.3 of this report for further discussion.	No
55	Weed management	Weed management could be appropriately imposed as a condition of consent.	Yes

Clause	Standard	Proposed	Compliance
56	Site disturbance & erosion control	Appropriate sediment and erosion control could be imposed as a condition of consent.	Yes
57	Stormwater management	<p>Clause 57 requires that the development incorporate effective measures to manage stormwater runoff for the life of the development.</p> <p>If approved, appropriate stormwater conditions could be imposed to minimise downstream impacts.</p>	Yes
79	Bush fire protection objectives	<p>The RFS assessment identifies required APZs of 21m to the SE and a minimum of 38.5m to the NW (based on a performance approach) for Lot 2. The NW APZ extends beyond the property boundary.</p> <p>Accordingly, the development is contrary to clause 79(c) and (d). Refer to section 1.5 of this report for further discussion.</p>	No
81(6)	Bush fire protection for residential subdivision and development	No permanent proprietary right has been established that allows ongoing maintenance of the adjoining land for the purpose of an APZ, contrary to the requirements of this clause. Refer to section 1.5 of this report for further discussion.	No
90	Subdivision – Lot layout	<p>All the lots comply with clause 90(1) in respect to the minimum area and width for each allotment.</p> <p>Compliance is not achieved in respect to clause 90(9), which stipulates that development space is not to include DEL. Refer to section 1.2 of this report for further discussion.</p>	No
91 & 94	Provision of services for subdivision	The applicant proposes to provide all services to the lots. Appropriate conditions of consent could be imposed on any consent that was issued.	Yes
98	Access to land from a public road	Upon registration of the subdivision, access to all the lots would be available from a public road. Road widening works are likely to be required for bush fire purposes.	Yes

1.2. Development Space and Development Excluded Land (DEL)

A “development space” for proposed Lots 1 and 2 has not been provided in accordance with Clause 90(9) (Lot Layout) subclauses (a),(b),(c), & (e) of LEP 2005 and clause D8.5.7 of the Blue Mountains Better Living Development Control Plan (“the Better Living DCP”). Proposed Lots 1 and 2 do not contain a minimum of 750m² development space for a dwelling which:

- Does not contain any DEL (including minimum buffers to the significant vegetation community SSTF); and
- Contains Asset Protection Zones (“APZ”) required to protect future dwellings on proposed Lots 1 and 2.

Pursuant to clause 3(3)(a) of LEP 2005, clause 90(9) is not a development standard that is amenable to variation under State Environmental Planning Policy No 1 (SEPP 1). In this respect, the failure to satisfy clause 90(9) is a determinative matter.

Development Excluded Land (DEL) is relevantly defined under LEP 2005 as including any land:

- “...
 (b) *that is designated on Map Panel B as a Protected Area—Slope Constraint Area; or*
 (c) *that is designated on Map Panel B as a Protected Area—Ecological Buffer Area or that comprises a watercourse corridor, together with any buffers required to protect the watercourse corridor; or...*
 (d) *on which any significant vegetation community is located, together with any buffers required to protect that community; or*
 (e) *That is the habitat of any threatened species, population or ecological community, the development of which would have a significant effect on the threatened species, population or ecological community as determined in accordance with section 5A of the Act, or...*”

The following DEL exists on the site:

- Shale Sandstone Transition Forest (SSTF), a significant vegetation community pursuant to paragraph (2D) of Schedule 5 of LEP 2005, and an Endangered Ecological Community pursuant to Part 3 of Schedule 1 of the Threatened Species Conservation Act 1995.
- Protected Area – Slope Constraint Area and Protected Area – Ecological Buffer Area as identified on the site pursuant to Map Panel B of the LEP 2005.

Assessment staff have ground-truthed and GPS mapped the SSTF community on and around the site and has determined that the community extends further south-west into proposed Lots 1 and 2 than the SSTF boundary plotted in the Applicant’s Flora and Fauna report. This further reduces the area on the site that can accommodate a development space.

The development application does not comply with clause D8.7.2 of the Better Living DCP which requires any measures proposed to protect development against bushfire to be undertaken on those parts of the site that are not development excluded land.

1.3 Environmental impact on DEL/SSTF

The implementation of the proposed APZs within Lots 1 and 2, and the APZ encroachment into the adjoining public reserve to the north-west, and will have an adverse environmental impact on the SSTF community and the Glossy Black Cockatoo, which is a vulnerable species under the *Threatened Species Conservation Act 1995*. This adverse impact is due to necessary vegetation clearing and thinning.

An assessment of significance pursuant to section 5A of the EPAA has not been submitted in relation to the Glossy Black Cockatoo.

It is considered that the proposed development application is contrary to the following provisions:

- The zone objective in clause 24(a) (Living – Bushland Conservation zone objectives) of LEP 2005

- The zone objectives in clause 31(c) & (d) (Environmental Protection – Open space zone objectives) of LEP 2005
- Clause 44(2) (Environmental impact), clause 47(2) (Protected Area – Ecological Buffer Area) and clause 52(1) & (2) (Significant vegetation communities and rare species of flora) of LEP 2005
- The objective for asset protection zones in clause 80(2)(b) of LEP 2005.
- Clause D8.7.2 of the Better Living DCP

1.4 Bushfire matters – refusal of application from RFS

The NSW Rural Fire Service (RFS) have advised that they cannot issue a Bush Fire Safety Authority (BFSA) in relation to the proposal pursuant to section 100B of the *Rural Fires Act 1997*, and as required under section 91A of the EPAA and clause 37 LEP 2005. Council is unable to grant consent without a BFSA having been issued by the RFS.

The RFS have advised that they consider that the proposed development did not satisfy the requirements of 'Planning for Bush Fire Protection 2006' in terms of the required APZs for the development and the radiant heat levels not exceeding 29kW/m².

1.5 The APZs extend beyond the site boundaries

The applicant's Bushfire Report refers to the site's vegetation as "rainforest", and bases the extent of the APZs on this categorisation. The applicant's Flora and Fauna Report refers to the site's vegetation as "forest", which is in accordance with the Council's classification of the relevant vegetation. On 23 January 2012 the RFS provided Council with their detailed assessment report including the reasons for their refusal of the application. As part of the report the RFS identified the vegetation as "forest".

The RFS report outlined that the proposal does not provide for appropriate APZs on the site. The proposal would require a 21m wide APZ to the east of the proposed development space and a minimum APZ of 38.5m to the north-west. The APZ to the north-west would extend outside the site, into the adjoining property, a Council reserve.

There are no easements for hazard reduction or owner's agreement to create easements for hazard reduction on adjoining and surrounding public land (reserve) to accommodate the APZs necessary to protect the future dwelling sites on proposed Lots 1 and 2. Statutory restrictions would apply to provision of proprietary rights for APZs on community land as part of this development.

The proposed development is considered to be inconsistent with the following:

- Clause 79(c) (Bush fire protection objectives) and clause 80(4) (Asset protection zones) of LEP 2005 which require APZs to be contained within the boundaries of the site.
- Clause 79(d) (Bush fire protection objectives) of LEP 2005 which stipulates that bush fire protection measures are to be managed by the owner or occupier of the development.
- Clause 81(6) (Bush fire protection for residential subdivision and development) of LEP 2005 which notes that land that is not within the development site may be included in an APZ for the site only if a permanent proprietary right is established that allows ongoing maintenance of that land.

1.6 Carriageway width of Turella Street

Turella Street has a narrow carriage width of 3 metres adjacent to the site. Submissions raised concern that it does not provide adequate access to the site, having regard to:

- Potential difficulty for emergency vehicles accessing the site at the same time as residents are evacuating the area in the event of a bushfire, and consequent non-compliances with clause 84(6) of LEP 2005 and Planning for Bushfire Protection 2006 (in relation to carriage width).
- Increased vehicular traffic as a result of the proposed development, noting clause 98(2)(d) of LEP 2005.
- The lack of a water main and hydrants in Turella Street to service emergency vehicles in the event of a fire.

It is considered that the existing access to the site does not comply with the relevant provisions of LEP 2005 and the BLDCP. Any consent issued could include a condition requiring the reforming and widening of the road to an acceptable standard.

1.7 Sydney Regional Environmental Plan No. 20

The Sydney Regional Environmental Plan No. 20 (SREP20) provides planning considerations and specific planning policies aimed at protecting the environment of the Hawkesbury-Nepean River. The general planning considerations relate to ensuring that stormwater from the proposed development does not contribute adverse impacts on the River. Specific water quality measures relate to ensuring the continuance of water quality by appropriate treatment.

The application did not provide stormwater details. If approved, appropriate stormwater conditions could be imposed to ensure effective measures to manage stormwater runoff for the life of the development. Accordingly, compliance with the aims and objectives of the Plan is satisfied.

2.0 Section 79C(1)(a)(ii) Proposed Instruments

There are no draft environmental planning instruments that apply to the subject site.

3.0 Section 79C(1)(a)(iii) Development Control Plans

3.1 Better Living Development Control Plan

The proposed development has been assessed against the provisions of the Better Living Development Control Plan (BLDCP) with significant points of consideration identified and discussed under the relevant sections of this report.

4.0 Section 79C(1)(a)(iii)(a) Planning Agreement

There are no planning agreements that apply to the proposed development or the subject site.

5.0 Section 79C(1)(a)(iv) The Regulations

The *Environmental Planning and Assessment Regulation 2000* (the Regulations) provides controls and regulations that relate to the management of the proposed development. These requirements are inherent in the assessment processes undertaken for the proposal.

6.0 Section 79C(1)(b) Likely Impacts

6.1 Natural and Built Environment

The proposed subdivision and the implementation of the APZ will result in adverse impact to the natural environment, namely the DEL/SSTF scheduled vegetation. The impacts of the development are discussed throughout the report, with a detailed discussion under section 1.3 of this report.

6.2 Social Impacts

The subdivision would generate some positive social impacts from the opportunity to provide additional dwellings in the area.

6.3 Economic Impacts

The proposal is considered to have a positive economic impact due to the creation of economic activity and employment during the construction phase of the subdivision and the future dwellings.

7.0 Section 79C(1)(c) Suitability of the Site

The site is not considered to be suitable for subdivision as it will adversely impact on the natural environment due to the loss of SSTF vegetation and impact on DEL resulting from the implementation and maintenance of the required APZs.

8.0 Section 79C(1)(d - e) Submissions and Public Interest

8.1 Submissions

As identified in the 'Notification' section of this report, the application was advertised in the Blue Mountains Gazette as well as written notification to adjoining properties.

The following are issues raised in public submission that have not been addressed elsewhere in this report:

Submission: Previous unauthorised clearing of vegetation.

Comment: This is not a matter for consideration as part of the development application.

Submission: Concern that Council regulations (if application approved) regarding vegetation clearing and runoff would not be followed, considering the previous unauthorised clearing of vegetation.

Comment: The application is recommended for refusal.

Submission: Not all significant trees marked on plans.

Comment: The documentation submitted as part of the application provides enough detail to assess the application.

Submission: Existing sewer mains should be encased and are likely to compromise construction zones for new lots.

Comment: Construction over sewer mains is permissible with the approval of Sydney Water.

Submission: Fences proposed are made of wood which is a fire hazard.

Comment: The application is recommended for refusal.

Submission: Public access through site will be removed. Alternative route would need to be provided.

Comment: Options for alternate public access around the site were flagged by the applicant.

Submission: Encroachment of existing dwelling onto public land not resolved.

Comment: The applicant has suggested possible land swap with Council to formalise this issue, which would be subject to reclassification of community land.

Submission: The subdivision will spoil the unique bush character of Turella Street.

Comment: The application is recommended for refusal, with a key reason being the adverse impact from vegetation removal required as part of the implementation of APZs.

Submission: Requests regarding positioning and design details of future buildings as well as buffers to neighbouring properties.

Comment: The design and location of future dwellings would be a matter for a future dwelling application.

Submission: Council did not notify the application to all nearby neighbours as expected.

Comment: The application was notified in accordance with Part L of the BL DCP.

8.2 Public Interest

In assessing the proposal, the Council is to consider the broad scope of public interest.

The development would provide for additional allotments, which may result in positive economic impacts, however any economic benefit will be outweighed by the adverse environmental impacts on the SSTF vegetation and DEL as a result of the implementation of the required APZs.

Considering the negative environmental impacts of the development, the application is deemed to not be in the public interest.

9.0 Community Contribution

The Citywide Infrastructure Contributions Plan 2010 applies to the site.

The plan outlines the cost and expenses applicable to the cost of the development in section 1.11 of the Plan.

- 'a) if the development involves...the carrying out of engineering or construction work – the costs of or incidental to...carrying out the work, including costs (if any) of or incidental to demolition, excavation and site preparation, decontamination or remediation.*
- b) ...*
- c) if the development involves the subdivision of land – the cost of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights.'*

The rate of the levy for development with a value of:

- \$0-100,000 is 0%
- \$100,001- \$200,000 is 0.5%
- More than \$200,000 is 1.0%

Should the application be approved, it is unlikely that the cost of the subdivision development would exceed \$100,000.

Conclusion

The application cannot be granted consent as the RFS have refused to issue of a Bush Fire Safety Authority pursuant to section 100B of the Rural Fires Act 1997, as required by section 91A of the EPA Act.

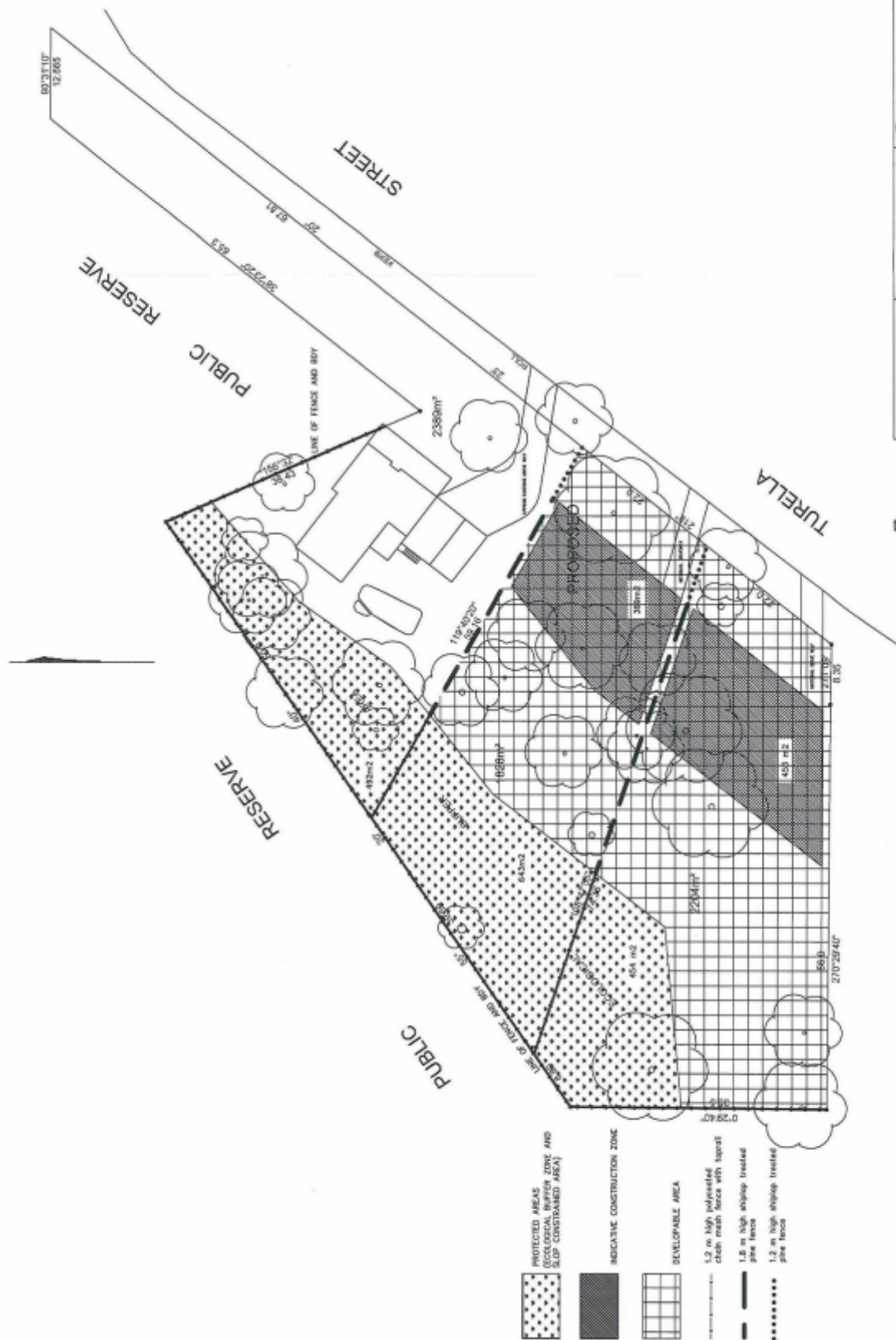
The proposed subdivision also does not comply with LEP 2005, namely, an adequate "development space" is not achievable and the development results in an unacceptable adverse impact on development excluded land, which includes SSTF vegetation, due to the provision of APZs. This provision is not amenable to variation and so consent cannot be granted. The required APZs also extend outside the property boundaries into the public reserve to the north-west.

It is recommended that the application be refused.

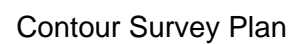
ATTACHMENTS/ENCLOSURES

1	Plans - S/21/2011	12/13135	Attachment
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[illegible]

Site Plan - DA



ITEM NO: 23

SUBJECT: DEVELOPMENT APPLICATION NO. X/677/2011 FOR A CHILD CARE CENTRE AT FAULCONBRIDGE PUBLIC SCHOOL, LOT 51 DP 883899, 2 – 24 GROSE ROAD, FAULCONBRIDGE

FILE NO: F06748 - X/677/2011 - 12/14991

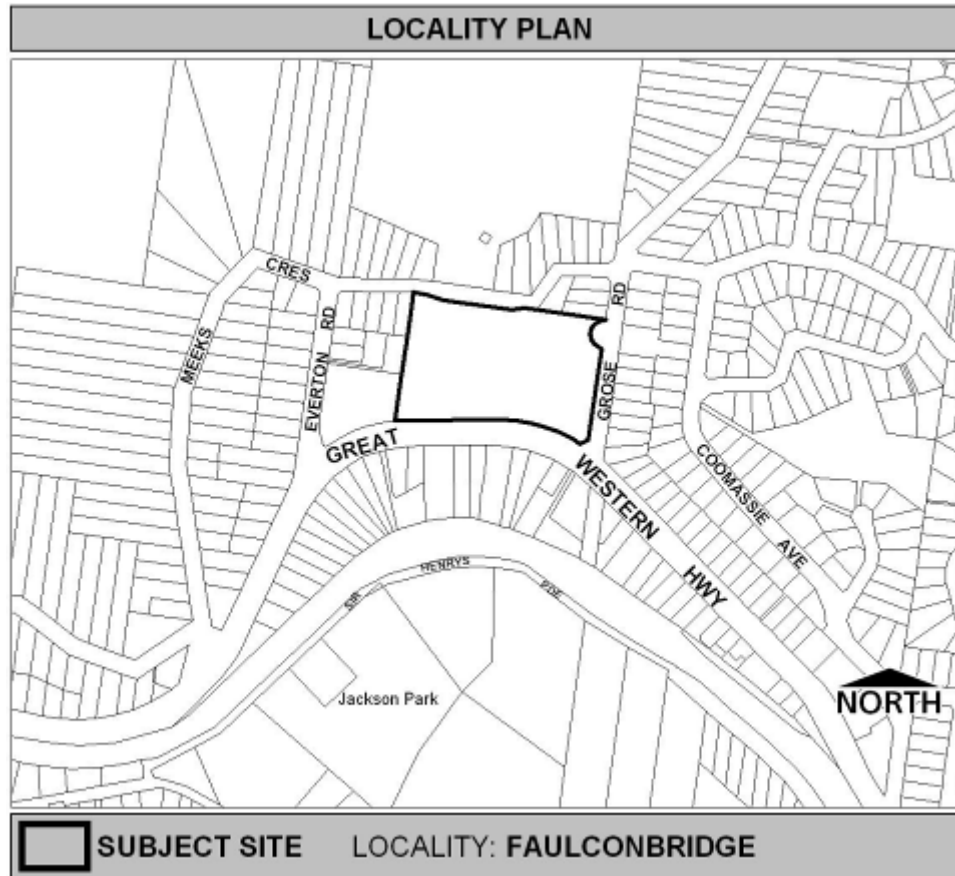
Recommendations:

1. *That the Development Application No. X/677/2011 for a child care centre at Faulconbridge Public School on Lot 51 DP 883899, 2-24 Grose Road, Faulconbridge be determined pursuant to s.80 of the Environmental Planning and Assessment Act 1979 by the granting of consent subject to conditions shown in Attachment 1 to this report; and*
 2. *That the development be exempt from the payment of a Community Infrastructure Contribution in accordance with the provisions in Part B, cl.1.16(h) of the Blue Mountains Citywide Community Infrastructure Contributions Plan 2010 (Section 94A Levy Plan) which allows exemption for development for the purpose of a child care facility.*
-

Disclosure	Disclosure of any political donation and/or gift - No
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Report by Acting Director, Development, Health & Customer Services:

Reason for report	Application has a value in excess of \$1,000,000.
Type of development	Integrated (Rural Fires Act)
Applicant	Graeme Butler Design
Owner	Education Department (the Crown)
Application lodged	17 August 2011
Property address	Faulconbridge Public School, 2-24 Grose Road, Faulconbridge



Background

This application was originally reported to Council for determination at the 2 February 2012 meeting. The Council Report recommended that the application be determined by the granting of consent subject to conditions.

At the Meeting the following resolution was adopted:

‘That the matter be deferred until a solution for driveway access, noise amelioration and water management by consulting with the applicant and residents’.

[Minute no. 34]

A consultation process was subsequently undertaken with the applicant and adjoining residents to:

- a) Determine the extent and specifics of the resident concerns; and
- b) Review the nominated issues and if necessary make the appropriate amendments to the development and/or conditions of the consent.

Review

The issues raised in the consultation process, and the comments in response, are summarised in the review below:

Driveway access

- Locating the driveway as proposed will be dangerous for traffic on Meeks Crescent and those using the driveway.

Comment: The application contains a Traffic Report prepared by a suitably qualified traffic engineer. The Traffic Report concluded that the proposed access driveway in Meeks Crescent is safe, providing good sight distance in both directions along the road. Council's engineering assessment accords with that view.

- Meeks Crescent is not capable of supporting increased traffic.

Comment: The Traffic Report indicates that traffic generation by the development will not exceed the environmental capacity of the road network. The estimated potential traffic generation increase of up to 38 vehicle movements in the peak hour periods will not exceed the Roads and Maritime Services suggested environmental capacity volumes for Meeks Crescent. It will not have a detrimental effect on the surrounding road network. The intersection function at the corner of Meeks Crescent and Grose Road is at service level A. Traffic conditions are further discussed under section 6.1.4

- An increase in traffic is going to further damage the road, in particular the shoulder of the road that is not kerb and guttered.
- Residents request western end of Meeks Crescent be kerbed and guttered.

Comment: This issue was raised in the original notification process, investigated during the assessment and has been further reviewed following the most recent consultation with

residents. Meeks Crescent is kerbed and guttered both in front of, and across from, the subject site. It is recommended that a condition be imposed on any consent requiring no stopping signs to be erected opposite and each side of the proposed drive entry. Residents request that as part of any consent a condition also be imposed requiring the western end of Meeks Crescent to be kerbed and guttered. The initial assessment of the application did not support the imposition of such a condition. Upon review, the recommendation is unchanged as there is insufficient nexus between the works and the development subject of the application.

- There is no pedestrian access from Meeks Crescent.

Comment: Pedestrian access to the child care centre was originally proposed to be from the Great Western Highway. On the advice from the Roads and Maritime Services, the proposed pedestrian access to/from the Great Western Highway was removed. To compensate, pedestrian access has been provided from Faulconbridge Public School. A pedestrian walkway is located from the school to the childcare centre car park. Acting on the advice of an accessibility consultant, the applicant has provided pedestrian access to the child care centre from the school entrance as this is regarded as 'the principal entrance' to the site. Additionally, the grade from Meeks Crescent is too steep to satisfy the provisions of the Australian Standards with respect to access for persons with a disability. The proposed access will be compliant with Australian Standard AS 1428. 1-2001, Design for access and mobility – *General requirements for access – New building work*.

Water management

- Drainage requires special attention because currently the drains are overloaded with sediment coming off the site.

Comment: Once the development is constructed the measures that have been proposed to mitigate sediment and erosion control and stormwater management will improve the quality of overland flow. This is further discussed under section 6.1.3.

Noise amelioration

- Noise impacting upon adjoining resident(s) from traffic using the driveway.

Concerns were raised during the original notification process regarding the acoustic impact on adjoining residents from vehicles entering and leaving the site via the proposed driveway. At the Council's request, the applicant has agreed to reconfigure the driveway so as to locate it further from the western boundary.

Due to the close proximity of the neighbouring properties to the western boundary it has been determined that some acoustic disturbance may still arise from traffic noise as a result of the development. To further alleviate this impact, it was proposed that the applicant provide a 1.8 metre high lapped and capped

timber fence to be constructed along the common boundary of the development site and the property at 11 Everton Road through to the front building line of the 41 Meeks Crescent dwelling.

The applicant has since agreed to the requested fence and an additional condition has been incorporated into the consent (condition 10).

The incorporation of these matters into the assessment is considered to reasonably address the matters identified in the Council's resolution. The applicant has agreed to reconfigure the driveway and provision of an acoustic fence, subject to removal of the condition requiring screen planting in the location of the proposed fence.

No further changes have been made to this report.

Site description

The site is located at 2-24 Grose Road and comprises a single allotment of land having a total area of 29,370 m². The site is accessed from Meeks Crescent and located in the grounds of Faulconbridge Public School which also has a frontage to Great Western Highway and primary access from Grose Road.

The site of the proposal is a currently a combination of vacant vegetated land and sports field. The site is somewhat modified with previous excavation work in the creation of the sports field. The vegetation is predominately regrowth of low quality with weeds and diseased trees. The site is the western end of the school playing field where there is an existing cut batter approximately 2.5m in height. The site has a fall of approximately 2m.

Adjoining the site to the west is a restaurant and function centre (Everton House), and residential properties in Everton Road and Meeks Crescent.

Proposal

It is proposed to construct a 48 place child care centre facility with a floor area of approximately 584 m². An adjacent surface level car park provides parking for 15 vehicles with a proposed access driveway from Meeks Crescent.

The building is single storey, with a height of 6.3 metres, length of 50 metres and width of 17 metres. It is contemporary in design, with metal roof, metal and fibrous cement clad walls and sandstone feature walls. The interior of the building provides playrooms, cot rooms, staff rooms and meeting rooms, craft rooms, kitchen, laundry and various store rooms and ancillary use rooms. An outdoor play area is located to the north-east of the building.

The building is to be excavated into the site on its southern and western sides by up to approximately 2.5 metres to reduce its visual bulk when viewed these elevations. Landscaping and security fencing are proposed to the development perimeter.

The proposed facility shall provide education and care for children from 6 weeks to 6 years of age. The proposed hours of operation are 7.00 am to 6.00 pm Monday to Friday. The facility will be staffed by ten (10) full time staff.

During the course of the assessment, the application plans were amended to increase the distance between the proposed driveway and neighbouring residential premises, and to delete a pedestrian walkway linking the facility to the Great Western Highway.

A copy of the plans showing the site area and extent of the proposed development are provided in Attachment 2 to this Report.

Supporting documentation

The application is supported by:

- Architectural plans
- Landscape plan
- Concept stormwater drainage plan
- Statement of environmental effects
- Bushfire assessment report
- Arborist report
- Flora and fauna assessment report, and
- Traffic report

Environmental Planning Instruments

Blue Mountains Local Environmental Plan (LEP) 2005

- Zone: Living – General
- Special Use – Educational Establishment

Development Control Plan

- Better Living
- DCP 21 – Advertising and Information signage

State Environmental Planning Policy

- SEPP 64 – Advertising and signage

Sydney Regional Environmental Plan No. 20

- Grose River Sub-catchment

Notification

Consultation was undertaken in accordance with the requirements of Part L (Public Participation) of the Better Living Development Control Plan and the requirements under the *Environmental Planning and Assessment Regulations 2000*.

The application was advertised for a period of 30 days from 7 September 2011 to 7 October 2011 in the Blue Mountains Gazette as well as written notification to adjoining and nearby properties.

A total of 7 (seven) submissions were received.

Evaluation

The application has been assessed in accordance with Section 79C (Evaluation) of the *Environmental Planning and Assessment Act 1979* ("the Act"). A commentary on the

assessment of the development against the Section 79C evaluation matters has been detailed in this report for the Council's consideration.

Issues

The following assessment issues are further detailed in the report:

1. Local Environmental Plan 2005
2. Better Living Development Control Plan
3. Vegetation removal and management
4. Character and amenity
5. Stormwater drainage
6. Access and traffic, and
7. Environmental, social and economic impacts, the suitability of the site and the public interest.

1.0 Section 79C(1)(a)(i) Environmental Planning Instruments

1.1 Local Environmental Plan 2005

The proposed development has been assessed against the provisions of LEP 2005 with significant points identified and discussed below.

Clause	Standard	Proposed	Compliance
cl.9	Considerations before consent	The development proposal complies with the principal objectives of the plan that are relevant to the development.	Yes
cl.12	Principle Objectives	The proposed development satisfies the relevant principal objectives (b), (e), (g), and (l).	Yes
cl.22	Living – General Zone objectives	The proposal satisfies the objectives within the Living – General Zone. In particular this non-residential land use is consistent with the predominant scale and height of adjoining buildings and the amended proposal does not unreasonably detract from the amenity of the adjoining or adjacent residents.	Yes
cl.32	Permissibility	<p><i>Child care centre</i> is a permissible land use with consent in the Living – General zone.</p> <p>Child care centre is defined in the Dictionary to LEP 2005 as meaning,</p> <p><i>“any place where a child care service, such as a service of the kind provided at a long day care centre, a children’s neighbourhood centre or a multi-purpose child care centre or the like, is provided for the purpose of educating, minding or caring for 6 or more children (not including any children who are related to the person providing the service) but does not include a place providing overnight accommodation for those children”</i></p> <p>The proposed use meets this definition.</p>	Yes
cl.37	Bushfire safety authority	The land is mapped as bushfire prone land and the proposed use is a special fire	Yes

Clause	Standard	Proposed	Compliance
		<p>protection purpose as defined in s.100B of the Rural Fires Act 1997.</p> <p>A bushfire safety authority has been issued by the Rural Fire Service which contains conditions relating to the provision of asset protection zones, water and utilities, access, evacuation and emergency management, design and construction and landscaping.</p>	
cl.42	Site Analysis	A site analysis plan has been considered.	Yes
cl.44	Environmental Impact	The site does not contain any significant natural features. The development does not impact on any significant vegetation communities, threatened species habitat, rare species of flora, fauna corridor or water course.	Yes
cl.53	Retention and management of vegetation	<p>The application is supported by a flora and fauna report that finds the site is highly disturbed and is considerably altered from its original condition. Approximately 40 trees require removal to accommodate the development.</p> <p>To minimise site impacts, proposed consent conditions include the submission to and approval by Council of a Vegetation Management Plan addressing removal, protection, restoration and management of vegetation affected by the development.</p> <p>See further discussion at 6.1.1 of this Report.</p>	Yes
cl.55	Weed management	The presence of environmental weeds on the site has been identified in the flora and fauna report and by site inspection. Management of the weeds is a required component of the Vegetation Management Plan, required as a consent condition.	Yes
cl.56	Site disturbance and erosion control	The development minimises site disturbance as much as is practicable. Proposed conditions of consent ensure effective sedimentation and erosion control measures are implemented.	Yes
cl.57	Stormwater management	<p>The application contains a stormwater management plan which adequately addresses quality, quantity, flow, retention and reuse of stormwater.</p> <p>See further discussion at 6.1.3 of this Report.</p>	Yes
cl.58	Modification of landform	A maximum cut of 2.5m is proposed however the fill shall be utilised within the development footprint. The cut is an extension of the existing cut area of the school oval. The extent of cut and fill is acceptable for the site conditions and development design.	Yes
cl.60	Character and	The proposed building is consistent with the	Yes

Clause	Standard	Proposed	Compliance
	landscape	<p>surrounding character of the site. The form and bulk of the development are compatible with the surrounding landscape. External colours are muted earth tones.</p> <p>The application contains a landscaping plan which is satisfactory subject to minor amendments which are addressed by consent conditions.</p> <p>See further discussion at 6.1.2 of this Report.</p>	
cl.76	Development in the curtilage of a heritage item.	<p>The site adjoins Heritage Item FB007 “Everton House”, located to the west. The development site is approximately 60 metres from Everton House and will not adversely impact on the heritage significance of the item or its curtilage.</p> <p>Sufficient distance and screening mitigate any potential negative impact on the item.</p>	Yes
Part 3 Division 5	Bushfire protection	The bushfire assessment report and the conditions of the bushfire safety authority issued by the Rural Fire Service meet these provisions.	Yes
cl.87	Crime minimisation	The development site is located within the secure grounds of the existing school. The design the development meets the crime minimisation principles of surveillance, access control, territorial reinforcement and space management.	Yes
cl.94	Provision of services	All services are available to the site.	Yes
cl.98	Access	<p>Vehicular access is proposed from Meeks Crescent to the proposed on site car park. The access proposed is suitably located and appropriate to cater for the development in regard to volume of traffic and its relationship to adjoining residential premises.</p> <p>See further discussion at 6.1.4 of this Report.</p>	
cl.99	Car parking	<p>The development provides 15 on site car parking spaces for the 48 child care facility, which complies with minimum number provided in Table 3 of Part D9.9 of the Better Living DCP.</p> <p>Table 3 requires parking for a child care centre at the rate of 1 space per 4 children in care, plus one space per 20 children for staff parking. One of these spaces is for parking for people with a disability.</p> <p>The number of parking spaces also meets the</p>	Yes

Clause	Standard	Proposed	Compliance
		<p>parking space requirements for child care centres in the Roads and Maritime Services <i>Guide to Traffic Generating Developments</i> October 2002.</p> <p>The car parking area is adequate for the proposed 10 staff, and for visitors and short term drop off. The site has the capacity to accommodate additional car parking if needed.</p>	
cl.107	Access to public buildings and public land	Accessible amenities, parking and pedestrian access have been provided for people with a disability. A consent condition requires the completed development to be certified by an access consultant as compliant.	Yes
cl.126	Special use	The proposed child care centre provides an educational component, is incidental to the special use of the site for the existing educational establishment, and meets the objectives for special use.	Yes
cl.133	Development adjoining Regional transport Corridor	<p>The development does not rely on the Great Western Highway for direct vehicular access however direct pedestrian access was originally proposed. The concurrence of the Roads and Maritime Service (RMS) was sought in accordance with subclause (2).</p> <p>The RMS does not support the proposed pedestrian footpath connecting the child care centre to the Great Western Highway frontage, as it will encourage parking on the highway shoulder. The RMS requires the footpath to be deleted, which has been addressed by amended plans submitted by the applicant.</p>	Yes
cl.15	Locality management within Living Zones	<p>The proposed development complies with the relevant development standards as follows:</p> <p>Building height The building has a maximum height of 6.3 metres which is below the maximum permitted height of 8 metres.</p>	Yes
		<p>Eaves height The building has a maximum height of 2.7 metres at the eaves, which is less than the maximum permitted height of 6.5 metres.</p>	Yes
		<p>Front building setback The building has a setback of approximately 20 metres from the Great Western Highway and approximately 80 metres from Meeks Crescent, which complies with the minimum setbacks of 18 and 8 metres respectively.</p>	Yes

Clause	Standard	Proposed	Compliance
		Setback from other boundaries The proposed complies via design and location of building.	Yes
		Site coverage The site cover of the existing and proposed buildings does not exceed 40% of the land area. More than 40% of the land area is retained as soft, pervious area.	Yes
		Development Density The combined floor space ratio (FSR) of the existing and proposed buildings does not exceed the maximum permitted FSR of 0.35:1	Yes

1.2 State Environmental Planning Policy No 64 – Advertising and signage

The application proposes erecting three (3) advertising signs on the site, as follows:

1. One pole sign measuring 1200mm x 800mm at the driveway entrance at Meeks Crescent.
2. One pole sign measuring 1200mm x 800mm at the proposed pedestrian entrance at the Great Western Highway.
3. One fence mounted sign measuring 600mm x 400mm at the school entrance.

The signs identify the presence of the facility, age range, opening hours and contact telephone number.

As noted above, the Roads and Maritime Services concurrence requires the pedestrian access from the Great Western Highway be deleted; therefore this proposed sign is redundant and can be deleted.

The remaining two signs meet the provisions of the SEPP.

1.3 Sydney Regional Environmental Plan No. 20 - Hawkesbury Nepean River

The proposed development is located in the Grose River sub-catchment under Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP 20). The site is connected to the reticulated sewer and stormwater systems and will not adversely affect the water quality of the catchment. The development was assessed against the planning considerations as set out in Clause 5 and 6 of SREP 20 and considered acceptable.

2.0 Section 79C(1)(a)(ii) Proposed Instruments

There are no draft environmental planning instruments that apply to the subject site.

3.0 Section 79C(1)(a)(iii) Development Control Plans

3.1 Better Living Development Control Plan

The proposed development has been assessed against the provisions of the Better Living Development Control Plan (BLDCP) with significant points of consideration identified and discussed in the table below. The development meets the General Principles in Part C and Standards for Development in Part D9.

Clause	Standard	Proposed	Compliance
D9.8	Services - waste storage area	A waste storage area for garbage bins is proposed at the western side of the building which is in excess of the 3 metre requirement.	Yes

Clause	Standard	Proposed	Compliance
D9.10.1	General amenity	Landscaping and distance from adjoining residential premises will minimise any adverse impact of light spillage, however a condition of consent further reinforces that any external lighting shall be effectively controlled.	Yes
D9.11	Energy efficiency	Min R1.5 insulation to be installed Glazing will not exceed 50% of the wall area	Yes
D9.13	Child care centres	The application is made on behalf of the Crown. Written approval of the Department of Community Services is therefore not required (D9.13.6). The car park and pedestrian areas are separate to those of the school and there is no conflict between the two (D9.13.8).	Yes
		The openings in the building and outdoor play areas are located to the east, away from adjoining residential premises. Noise is not likely to adversely impact on adjoining premises given the orientation of the building and high background noise level from the highway traffic. The facility is closed during the evening (D9.13.9) A public address system is not proposed. A condition of consent shall further enforce this clause (D9.13.10). No outdoor play areas are proposed within the front setback (D9.13.11). Play areas are oriented internally (D9.13.12). 50% of outdoor areas are shaded (D9.13.13).	

3.2 DCP 21 – Advertising and Information Signage

The pole sign and fence sign meet the provisions of the DCP, however the sign height is not shown on the plan. The proposed signage is acceptable subject to the pole sign not exceeding a height of 5 metres. This is addressed by consent condition.

4.0 Section 79C(1)(a)(iii)(a) Planning Agreement

There are no planning agreements that apply to the proposed development or the subject site.

5.0 Section 79C(1)(a)(iv) The Regulations

The *Environmental Planning and Assessment Regulation 2000* (the Regulations) provides controls and regulations that relate to the management of the proposed development. These requirements are inherent in the assessment processes undertaken for the proposal.

6.0 Section 79C(1)(b) Likely Impacts

6.1 Natural and Built Environment

6.1.1 Vegetation removal and management

The development is located on an area of the site which contains remnant bushland of degraded quality and noxious and environmental weeds. The extent of vegetation removal, the findings of the flora and fauna report and Rural Fire Service requirements for establishment of an asset protection zone have been assessed. The vegetation does not represent a scheduled or endangered ecological community, and is unlikely to support threatened species. Removal of the vegetation will have no significant ecological impact but the extent of clearing will have some impact on the visual character of the neighbourhood. Some of the neighbour submissions raise the issue of vegetation removal, appropriate landscape screening and privacy.

To ensure an acceptable standard of landscape amenity in the development, improved landscape screening, ongoing vegetation management and weed management are considered necessary. These issues are addressed by consent conditions which require the submission to and approval by Council of a Vegetation Management Plan, and amended landscape plans requiring additional screen planting to the street and neighbouring properties.

6.1.2 Character and amenity

Concerns were raised during notification regarding acoustic and visual impact on adjoining residents. The applicant has agreed to position the driveway from Meeks Crescent to the facility further away from the boundary to residential properties, and provided amended plans to this effect. The increased driveway setback will allow for a deeper landscape screening buffer to the adjoining residential premises.

The facility is oriented north east away from neighbours and openings face internally to the school grounds. The area designated for daytime playground activities are located in the eastern portion of the site, away from the residential properties to the west. It is expected the facility will not impact unreasonably on the visual or acoustic privacy of adjoining premises. Operating hours are Monday – Friday 7:00am – 6:00pm are reasonable. The facility will have no impact during evenings and weekends. It is expected that noise levels from the facility will not unreasonably exceed the background noise levels generated by the traffic on the Great Western Highway.

6.1.3 Stormwater drainage

The concept stormwater drainage system incorporates rainwater tanks for roof water retention and reuse, an onsite detention tank to control flow volumes and rates, and a grass swale for stormwater treatment prior to its release into the Meeks Crescent drainage system. The concept has been assessed as acceptable; subject to the approval of design details demonstrating performance quality outcomes are achieved. These matters are addressed by consent conditions.

6.1.4 Access and traffic

The application contains a Traffic Report prepared by a suitably qualified traffic engineer, which indicates that traffic generation by the development will not exceed the environmental capacity of the road network.

The Traffic Report estimates a maximum of 38 trips in the morning 7.00 am - 9.00 am peak and 34 trips in the afternoon 4.00 pm - 6.00 pm peak. The findings of the Report include the following:

- a) The access driveway in Meeks Crescent provides good sight distance in both directions along the road.
- b) The estimated potential traffic generation increase of up to 38 vehicle movements in the peak hour periods will not cause the Roads and Maritime Services suggested environmental capacity volume to be exceeded for Meeks Crescent and will not have a detrimental effect on the surrounding road network.

- c) The proposed development satisfies the related geometric design specifications contained in the Australian Standards for off street parking and vehicular access.
- d) The level of service at the intersection of Grose Road and Meeks Crescent will not change with the estimated additional traffic generation of the proposed development.
- e) The additional traffic demand on the intersection of Grose Road and Meeks Crescent as a consequence of the development will only alter the degree of saturation and total average delays to a very minor degree.
- f) The proposal presents no conflicts with the existing school traffic, no shortfall in infrastructure that warrants improvement by the proposal or road safety or accident history issues.

The access and traffic movements will not conflict with those of the school which are located in Grose Road and adjacent in Meeks Crescent. The Report has been assessed as satisfactory by the Council's Development Engineer. Standard consent conditions apply to the traffic management on the site.

6.2 Social Impacts

The development will provide social benefits for the local community through the provision of additional child care services.

6.3 Economic Impacts

The child care centre will have a positive economic effect by providing a service for working families and local employment opportunities.

7.0 Section 79C(1)(c) Suitability of the Site

The site is large in area and provides sufficient space for the existing school and proposed child care centre to co-exist. The two uses are compatible and complementary and can operate without traffic and access conflicts, and will not exceed the environmental capacity of the land.

8.0 Section 79C(1)(d - e) Submissions and Public Interest

8.1 Submissions

As identified in the 'Notification' section of this report, the application was advertised in the Blue Mountains Gazette as well as written notification to adjoining properties.

Seven (7) submissions were received from adjoining owners and owners in close proximity to the site. The issues raised were brought to the attention of the applicant, resulting in amendments to the driveway location and the provision of additional information. The following are issues raised in public submissions that have not been addressed elsewhere in this report:

- The development is inconsistent with the objectives of the Living General zone.

Comment: The development meets the zone objectives by not unreasonably detracting from the amenity of adjoining residential areas and maintaining the area's environmental qualities and character. Additional consideration has been specified to minimise impacts on the existing amenity and environmental quality of residents.

- Inadequate assessment of Flora and Fauna Impacts, lack of identification of all existing trees and extent of land clearing.

Comment: Secondary reports were provided by the applicant. These documents were assessed and were determined to be satisfactory in addressing impacts on vegetation and fauna.

- Location of the child care centre building and associated driveway which fails to provide adequate screening to adjoining residential properties to the west.

Comment: The development has been located as a result of available developable land and in consideration of the school sports oval. The orientation of the building, 5 metre boundary setback and depth of cut to lower the building are considered to be reasonable measures to minimise impacts on adjoining properties. The driveway has been located further from adjoining residential properties enabling a deeper landscape buffer to be provided.

- Road works are necessary in Meeks Crescent to slow traffic and to protect the road edge from additional traffic generated by the development.

Comment: This was not determined necessary by the Council's Development Engineer. However "No Stopping" signs are required by consent condition to be installed on the south side of Meeks Crescent either side of the driveway, and opposite the driveway on the north side of Meeks Crescent. While required primarily for traffic safety reasons, the signs will limit parking of vehicles on the road verges and reduce vehicular wear and tear to these areas.

8.2 Public Interest

The application has attracted seven (7) submissions, most of which do not oppose the development in principle, but which raise issues of amenity. These issues have now been addressed by the applicant. The development benefits the wider community and support of the proposal is considered to be in the public interest.

9.0 Community Contribution

The development has a value of \$2,500,000 which attracts a community infrastructure contribution of \$25,000 under the Blue Mountains *Citywide Infrastructure Contributions Plan 2010 (Section 94A Levy Plan)*.

The applicant has requested an exemption from the payment of the contribution on the basis the development is for a child care facility, it is Federally funded by the Department of Education, Employment and Workplace Relations (DEEWR) and operated by KU Children's Services, a not for profit organisation. As a not for profit organisation KU makes no commercial profit from fees, instead any surplus is re-invested back into their services, facilities and staff.

Clause B1.16 'Variations or exemptions to contributions' of the *Citywide Infrastructure Contributions Plan 2010* permits Council to consider exempting an application which is for the purpose of a child care facility.

It is clear in the application that the development is for the purpose of a child care centre and that it is eligible for exemption from payment of the contribution. It is recommended the Council grant the exemption.

Conclusion

The proposed development complies with the provisions of Local Environmental Plan 2005 and other planning instruments. The Rural Fire Service has issued a bushfire safety authority and the Roads and Maritime Services has given its concurrence. The development is well situated on the land without unreasonable impact on the amenity of adjoining properties. Noise and privacy impacts are likely to be minimal due to the nature of the use and hours of operation.

The proposal is a Crown development and the provisions of Division 4 of Part 4 of the *Environmental Planning and Assessment Act 1979* (the Act) apply. Clause 89 of the Act provides that a consent authority must not refuse consent to a Crown development application, except with the approval of the Minister, and must not impose a condition on its

consent except with the approval of the applicant or the Minister. The draft consent conditions in Attachment 1 of this Report have been agreed to by the applicant. The application is therefore recommended for approval.

ATTACHMENTS/ENCLOSURES

1	Conditions (draft) - X/677/2011	12/3926	Attachment
2	Plans - X/677/2011	12/3796	Attachment

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Attachment 1 - Conditions (draft) - X/677/2011

A. GENERAL CONDITIONS

Confirmation of relevant plans and documentation

1. To confirm and clarify the terms of consent, the development shall be carried out in accordance with the following plans and accompanying supportive documentation, except as otherwise provided or modified by the conditions of this consent:

Drawing Title	Prepared by:	Drawing No	Issue	Date
Site Location Plan	Graeme Butler Design	A-01	A1	21 November 2011
Driveway Plan	Graeme Butler Design	A-03	A2	21 November 2011
Car Park Plan	Graeme Butler Design	A-04	A2	21 November 2011
Ground Floor Plan	Graeme Butler Design	A-05	A	10 August 2011
Roof Plan	Graeme Butler Design	A-06	A	10 August 2011
Section Plan	Graeme Butler Design	A-07	A	10 August 2011
Elevations Plan	Graeme Butler Design	A-08	A	10 August 2011
Fence Elevations	Graeme Butler Design	A-09	A	10 August 2011
Erosion and Sediment Control Plan	Graeme Butler Design	A-12	A	10 August 2011
Concept stormwater plan and details	Taylor Civil & Structural Consulting Engineers	1656-CON01	B	12 July 2011
Concept stormwater details	Taylor Civil & Structural Consulting Engineers	1656-CON02	A	21 June 2011
Concept soil and water management plan	Taylor Civil & Structural Consulting Engineers	1656-CON03	B	12 July 2011

Description of Approved Development

2. The development approved in this consent is confirmed as follows:-
- Construction of a child care centre as defined in the Dictionary to Blue Mountains Local Environmental Plan 2005, and operated as a long day care facility.
 - On site car park providing a minimum of 15 car parking spaces.
 - Maximum of 48 child care places.
 - Operating hours 7.00 am to 6.00 pm Mondays to Fridays.
- Any variation to the approved operation of the facility will require the further consent of Council.

Bushfire Safety Authority

3. The development shall comply with the requirements in the Bushfire Safety Authority issued by the NSW Rural Fire Service dated 13 October 2011 Reference: D11/1554, attached to and forming part of this consent.

Roads and Maritime Service concurrence

4. The development shall comply with the requirements in the concurrence issued by the Roads and Maritime Services dated 1 December 2011 Reference: SYD11/00974, attached to and forming part of this consent.

Construction certification (Crown development)

5. This development is defined as Crown development under Section 88 of the *Environmental Planning and Assessment Act 1979*. The proposed development must obtain certification of the approved work prior to the commencement of any site or building work. Certification can be either:
- A construction certificate, under S81A(2) of the Act, issued either by Council as the consent authority or by an accredited certifier; or
 - Certification against the technical provisions of the State's building

	laws, under S81A(6) of the Act, issued by the Department of Commerce.
Building Code of Australia	6. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
Occupation Certificate	7. The building shall not be used or occupied prior to the issue of an Occupation Certificate in accordance with Sections 109H and 109M of the Environmental Planning and Assessment Act 1979.
Sydney Water Section 73 Certificate	8. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to issue of an Occupation/Subdivision Certificate.
Noise management	9. To ensure the continued amenity of nearby residential properties, any noise associated with the operation of the child care centre shall not constitute "offensive noise" as defined by the <i>Protection of the Environment Operations Act 1997</i> or any subsequent Act.
Noise attenuation fencing (Prior to the issue of an Occupation Certificate)	10. In order to minimise noise impacts of the development on the immediate adjoining residents, a 1.8 metre high lapped and capped timber fence is to be constructed along the common boundary of the development site and the property at 11 Everton Road Faulconbridge to the front building line of the 41 Meeks Crescent dwelling Faulconbridge.
External lighting	11. To protect the amenity of the local area, any external lighting or floodlighting is to be positioned, directed and shielded so that it does not interfere with traffic safety or cause nuisance to adjoining and nearby properties.
External finishes & signage	12. To minimise the visual impact of the development in its setting, a) The external colours and finishes of the building, and advertising signage, shall be in accordance with the "Exterior Finishes Schedule and Exterior Signage" prepared by Graeme Butler Design dated August 2011. b) The pole sign shall not exceed a height of 5 metres as provided in Part 3 of <i>Blue Mountains DCP 21 – Advertising and</i>

Information Signage.

Any variation to the approved Schedule will require the prior approval of Council.

B. ON SITE CONSTRUCTION MANAGEMENT CONDITIONS

Plans on site

13. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.

Workers amenities

14. Before work starts, toilet facilities must be provided for construction personnel on the site on the basis of 1 toilet for every 20 workers. Amenities are to be installed and operated in an environmentally responsible and sanitary manner.

Signage

15. To ensure that the site is easily identifiable for deliveries and provides information on the person responsible for the site, a sign displaying the following information is to be erected:
- a) The statement *"Unauthorised access to the site is not permitted"*.
 - b) The names of the builder or another person responsible for the site along with an out of hours contact number.
 - c) Street number.
 - d) The name, address and telephone number of the principal certifying authority for the work.

Hoarding / fencing

16. To ensure the protection of staff, students and visitors to the site, hoardings or secure fencing are to be provided around the construction site to the requirements of NSW Workcover Authority.

Site management

17. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:
- a) Site and building works (including the delivery of materials to and from the property) shall be carried out Monday to Friday between 7am-6pm and on Saturdays between 8am-3pm, excluding public holidays. Alteration to these hours may be possible for safety reasons but only on the approval of Council.
 - b) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - c) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken on the building block. The pollutants from these building operations shall be contained on site.
 - d) Builders waste generated under this consent (including felled trees, tree stumps and other vegetation) must not be burnt or buried on site. All waste must be contained and removed to an approved Waste Disposal Depot or in the case of vegetation, with the exception of environmental and declared noxious weeds, mulched for re-use on site.

Survey report

18. To ensure that the building is located within the boundaries of the property and at the approved setbacks, a *survey report* by a registered Land Surveyor must be provided to the Principal Certifying Authority prior to the work proceeding beyond footing excavation/slab formwork.

Surface drainage

19. To prevent surface water from entering the building:
- a) the floor level shall be a minimum of 150 mm above finished ground level; and
 - b) seepage and surface waters shall be collected and diverted clear of the building site by a subsurface / surface drainage system.
- Note: Care is to be taken to ensure that no run off is diverted to adjoining properties.

C. LANDSCAPING CONDITIONS

**Vegetation Management
Plan (VMP) to be submitted**

*Prior to the commencement of
works*

20. Prior to commencement of any works for the purpose of establishing an Asset Protection Zone, a Vegetation Management Plan (VMP) drawing and accompanying report, is to be provided for Councils consideration and approval.

The Plan is to be consistent with the Blue Mountains City Council guidelines entitled "Vegetation Management Plan Preparation Guidelines" and is to prescribe the management strategies for the area of existing trees and bush, located beyond the development footprint, the entrance driveway and all landscaped areas, to the south and east.

The Plan shall be prepared by persons with professional qualifications and/or knowledge and experience in bush regeneration/ rehabilitation practices, and in the assessment and management of indigenous trees for health, habitat provision, landscape succession and risk management.

Vegetation modification outlined within the plan for the purpose of establishing the asset protection zones must adhere to and promote the following practices and principles:

- a) Involve the minimum level of disturbance to existing vegetation (i.e. slashing, pruning, thinning or removal) required to comply with Planning for Bushfire Protection (2006);
- b) Prioritise the removal of invasive and exotic species over indigenous species;
- c) Control of noxious and environmental weeds is recommended and shall be undertaken in a satisfactory and timely fashion;
- d) Retain the natural character of the site's vegetation by retaining and/or allowing the regeneration of elements of all stratum (groundcover/ shrub/ canopy);
- e) Retain habitat values by including a mosaic of diverse clumps of native trees, shrubs and groundcovers across the asset protection zones;
- f) Ensure retained shrub and tree clumps do not form a continuous canopy across the asset protection zone;
- g) Be undertaken using hand methods without soil disturbance or bare soil left exposed;

- h) Involve the pruning of selected limbs (absent of hollows) in preference to complete tree removal;
- i) Where tree removal is required to achieve canopy separation prefer dangerous or unhealthy trees absent of hollows and retain stumps in-situ; and
- j) Areas currently retained as 'bushland' that are to be subjected to APZ works, are to be protected from subsequent adverse impacts likely to result from increased pedestrian visitation.

Council will consider the suitability of the proposed vegetation management strategies against the following priorities:

- k) Vegetation is retained, in relation to location, species type or physical characteristics, that does not pose a threat to life or property in the event of bush fire;
- l) Vegetation that contributes to the streetscape character of the locality is retained;
- m) Measures for the re-vegetation or re-generation of disturbed areas on the land have been provided;
- n) Timeframes, targets and techniques for the control of noxious and environmental weeds are described and prescribed in accordance with best practice guidelines;
- o) To ensure sustainability of the landscape, trees from a variety of age classes and species are to be retained; and
- p) Trees retained on the site of development are to be protected from activities that may reduce their safe useful life expectancy (SULE), including:
 - Tree removal and other vegetation management strategies are undertaken using hand methods or low impact techniques that do not result in damage to retained vegetation
 - Given the declining health of the existing canopy vegetation on the site, it is likely that necessary tree removal within the Asset Protection Zone may exceed that required under PBP 2006, in which case opportunities for regeneration of the canopy must be provided. It is suggested that a tree assessment and management regime be implemented across the entire site to ensure the suitable management of tree related risks.

All prescribed asset protection zone works are to be fully implemented prior to release of the final occupation certificate. Such works must also include the management of waste generated during and prior to the implantation of the Plan.

Amended landscape plans

Prior to the issue of a construction certificate or certification by the Dept of Commerce.

21. The playspace and landscape plans by Tessa Rose Landscapes are to amended and provided for consideration and approval **prior to issue of the construction certificate or certification by the Dept of Commerce**. The plans must demonstrate the following amendments:
- a) The new alignment of the entrance driveway;
 - b) Appropriate plantings and/or retention of vegetation in the north western corner of the property, along the Meeks Crescent Road frontage to enhance the streetscape and the amelioration of the

	<p>impact of the development upon nearby residential areas;</p> <p>c) The conservation and incorporation into the landscape of high retention value trees (as per Hawkeswood's tree report) where these occur in areas beyond the immediate footprint of the development. These trees are clearly indicated in the amended tree location plan (Figure 1 of the Hawkeswood report);</p> <p>d) Appropriate low flammability screen plantings between the day care facility and the nearby dwelling immediately to the west of the proposed day care centre building which should assist in the attenuation of impact upon the adjoining dwelling; and</p> <p>e) Specific rehabilitation and planting detail of the proposed new carpark batters and other embankments, such as those along the new walkways. An indication of the proposed surface treatments in all of these areas must be provided.</p> <p>The proposed landscape must not compromise the outcomes of the Vegetation Management Plan (VMP) for management of the asset protection zone.</p>
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Landscaping certification

Prior to the issue of an occupation certificate

22. The following work documented in the amended and approved landscape plan shall be completed prior to the issue of an occupation certificate;
- The screen plantings between the day care facility and the nearby dwelling immediately to the west of the proposed day care centre building.

Landscaping in the playground may be completed as funding permits relying that 50% of the outdoor play area is shaded before occupation.

Following successful installation and establishment of the approved plantings, landscaped areas are to be adequately maintained. Plants that die or are removed are to be replaced with the same species in an equivalent stage of growth, unless remaining plantings satisfactorily achieve the identified landscape functions.

Healthy and vigorous plants, consistent in composition and installed in accordance with the approved landscape plan must be inspected by the PCA or otherwise certified as compliant by a suitably qualified professional prior to issue of a Final Occupation Certificate.

Vegetation Management Plan (VMP) certification

Prior to the issue of an occupation certificate

23. The works in the approved Vegetation Management Plan shall achieve the targets and objectives specified in the relevant time frames in the plan.
- A suitably qualified consultant ecologist or bushland restoration practitioner shall certify that the VMP works required to have been done prior to the issue of an occupation certificate have been completed. This verification statement is to be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

D. ENVIRONMENTAL PROTECTION CONDITIONS

General

Protection of site vegetation

24. Limited tree/vegetation removal is permitted by this consent. Only trees/vegetation identified in one or more of the categories below may be removed, damaged, destroyed or lopped:

- a) Trees/vegetation located within the footprint of the proposed new building/structure and driveway; or
- b) Trees/vegetation located within three metres of the proposed building/structure; or
- c) Trees/vegetation identified for removal in the approved Vegetation Management Plan / Landscape Plan; or
- d) Tree removal required under Planning for Bushfire Protection 2006 and based on relevant standards, but only to the extent approved and specified in this consent.

Other trees/vegetation SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order,

Performance Outcomes – On-site stormwater re-use, quality and infiltration devices

25. The onsite stormwater drainage system shall be designed and constructed to satisfy the requirements of Clause 57 of the Council's LEP 2005, and is to meet the following stormwater treatment performance outcomes for the life of the development:

- a) The quality of surface or ground water leaving the site is not to be reduced in the short or long term.
- b) The pre-development quantity and flow characteristics of stormwater leaving the site will be maintained or not adversely altered.
- c) The stormwater management system is to be appropriate for the given soil character, permeability/hydraulic conductivities and soil/groundwater depths (particularly for infiltration devices).
- d) The stormwater management system shall comprise a best practice Water Sensitive Urban Design (WSUD) Treatment Train that includes:
 - i. On-site retention and re-use of stormwater run-off that is optimised through measures such as dual plumbing, permeable surfaces and infiltration devices.
 - ii. Stormwater quality managed by appropriate methods (such as oil and grease separators, gross pollutant traps, bio-retention swales/basins, bio-retention tree pits, rain gardens and proprietary devices) to achieve a neutral or beneficial effect for pollutants including, gross pollutants, coarse sediment, turbidity, total suspended solids, total phosphorous, total nitrogen, hydrocarbons, heavy metals and oils and greases. Any other specific pollutants known to be associated with proposed activities should also be addressed. The oil and grease separator shall be sized for the first 5 mm of rainfall generated over the catchment area to be treated.

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- iii. Bio-retention filter areas must be sized to be at least 2% of the contributing impervious catchment area (the bio-retention systems total footprint will increase depending on the batter design),
 - iv. Check dams must be included in swale/bio-retention designs to slow velocities where grades are steeper than 4% to reduce grades, prevent erosion and ensure effective swale/bio-retention function.
 - v. The location of WSUD devices is not to compromise the achievement of landscape functions identified in these consent conditions, such as requirements to retain existing native trees/vegetation, privacy screening, enhancement of the amenity of the built environment and protection of the Blue Mountains landscape character.

Prior to the issue of a Construction Certificate/Certification by Dept Commerce

Amended Landscape Plan for New Driveway Alignment

26. The amended Landscape Plan is to show the location and nature of all proposed stormwater management works.
- In particular, the amended landscape Plan is to show the proposed "Grass Swale for Stormwater Treatment" located west of the new driveway alignment, along with any other additional water sensitive urban design devices required to adequately treat stormwater runoff from impervious surfaces.
- The amended Landscape Plan must demonstrate the achievement of the required landscape outcomes and functions whilst accommodating all of the stormwater management measures required for achievement of the stormwater treatment performance outcomes.

Erosion and Sediment Control Plan

*Prior to the issue of a construction
certificate or Certification by the
Dept of Commerce*

27. **Prior to the issue of a Construction Certificate or Certification by the Dept Commerce**, to protect the existing environment from impacts arising from construction works on the subject site, the applicant shall have an Erosion and Sediment Control Plan (ESCP) prepared by a suitably qualified professional submitted to and approved by the Principal Certifying Authority. The ESCP is to provide for management of the site during construction activities, equal to, or above where necessary, the standards outlined within the "Blue Book" (Managing Urban Stormwater Soils and Construction Volume 1 4th Edition, March 2004, by Landcom) and in accordance with clause 56 (Site disturbance) of LEP 2005.

The SWMP is to include, but not be limited to:

- Site management and staging of construction works;
- Materials handling and stockpiling practices and locations;
- Location of approved construction areas;
- Location of vegetation to be retained;
- Location and nature of sedimentation and erosion controls, including wind erosion and access stabilization; and
- Maintenance regime of sedimentation and erosion controls.

Stormwater Management Plan (SMP) –

Detailed Designs, Calculations and Analysis and Certification

Prior to the issue of a construction certificate or Certification by the Dept of Commerce

28. **Design**

The development of the site is to provide on-site drainage, stormwater quality control and treatment, infiltration and on-site detention in accordance with the conditions of this consent and in accordance with the concept, layout and measures outlined in the following “approved stormwater plans”:

- a) Drawing 1656-CON-1 Rev B Concept Stormwater Plan and Details by Taylor Civil and Structural dated 12/07/2011; and
- b) Drawing 1656-CON-2 Rev A Concept Stormwater Details by Taylor Civil and Structural dated 21/06/2011.

Water sensitive urban design (WSUD) measures additional to that shown in the approved concept, such as a bio-retention system, are to be included if necessary to ensure the stormwater treatment performance outcomes are met for the life of the development.

Prior to the issue of the Construction Certificate or Certification by the Dept of Commerce, a Stormwater Management Plan (SMP) based on the “approved stormwater plans”, is to be submitted to and approved by the Principal Certifying Authority.

The SMP must be prepared by suitably qualified persons with demonstrated experience in WSUD.

The SMP is to include detailed engineering designs, supporting calculations and water quality analysis of all proposed stormwater management devices.

The detailed designs must be based on the results of the Geotechnical Investigation and are to be consistent with the latest standards including:

- Australian Runoff Quality - A Guide to Water Sensitive Urban Design by Engineers Australia, 2006
- Concept Design Guidelines for Water Sensitive Urban Design by Water by Design, South East Queensland Healthy Waterways Partnership, Version 1, Mar 2009
- Water Sensitive Urban Design Engineering Procedures Stormwater, by Melbourne Water, dated 2005
- Stormwater Biofiltration Systems Adoption Guidelines, by Facility for Advancing Water Biofiltration, Version 1, June 2009
- MUSIC Version 5

The detailed designs are to include a water quality monitoring well or other appropriate measure, to facilitate sampling and analysis of treated stormwater in order to measure the ongoing performance of each water quality treatment device.

The SMP and detailed engineering designs, supporting calculations and water quality analysis are to demonstrate that the stormwater treatment performance outcomes required in this consent will be achieved.

Certification

The SMP must be certified by suitably qualified persons with demonstrated experience in water sensitive urban design.

The certification report is to confirm that the SMP designs:

- conform to all relevant

-
- standards/regulations/codes/guidelines/current best practices,
 - the designs meet the stormwater treatment performance outcomes required by this development consent, and
 - the report is to identify critical operational and maintenance issues to be addressed in the Operations and Maintenance Manual to ensure their ongoing effective function.

The certification report is to accompany the SMP, and is to be submitted to and approved by the Principal Certifying Authority **prior to the issue of the Construction Certificate or Certification by the Department of Commerce.**

Vegetative components of swale systems

Prior to the issue of a construction certificate or Certification by the Dept of Commerce

29. **Prior to the issue of a Construction Certificate or Certification by the Department of Commerce,** a detailed planting schedule to be implemented within the swale system(s) is to be prepared by a suitably qualified professional with experience in the vegetative design of swale/bio-retention systems and submitted to and approved by the Principal Certifying Authority.

The Planting schedule is to ensure vegetative components within the swale/bio-retention system(s) include local macrophytes and groundcovers that:

- a) Are adapted to local climatic conditions,
- b) Are adapted to the expected high and variable nutrient and moisture conditions,
- c) Are suitable for the systems' expected management and maintenance requirements,
- d) Plants with extensive fibrous root systems, spreading rhizomatous or suckering habitat are preferred over a clumped habit, and
- e) Ensure complexity and year round coverage by including at least 4 different macrophyte or groundcover species within the basin.
 - i. For filter surfaces on the base of bio-retention systems include species such as *Juncus planifolius*, *Carex appressa*, *Gahnia sieberiana*, *Juncus usitatus*, *Lepidosperma* species, *Schoenus* species or other similar local native species.
 - ii. For batter slopes of bio-retention systems include *Restio fastigiatus* or similar *Restio* species, *Baumea rubiginosa*, *Poa sieberiana*, *Blechnum* species, *Patersonia* species and *Libertia paniculata* or other similar local native species.
- f) Plants are to be established at a minimum density of at least 8 plants per square metre across the base and side batters of swale systems.

Prior to the commencement of works

Installation of sediment and erosion controls

30. Sediment and erosion controls are to be installed in accordance with the approved SWMP prior to the commencement of works.

Exclusion zone

31. Prior to the commencement of any work on site, including clearing, an exclusion zone must be established and maintained around the immediate perimeter of the approved development to prevent damage to existing vegetation/site features.

This area is to be clearly identified by the placement of a temporary brightly coloured barrier mesh or required sediment control fencing around the perimeter of the area to be protected, and the provision of weatherproof signage to indicate that no entry into the zone or removal of the barrier is permitted. These are to remain in place until construction works are completed.

Within this zone, there is to be:

- a) no placement of temporary buildings or stockpiling of material,
- b) no parking or movement of machinery
- c) no change to the soil grade or level
- d) no changes to soil aeration or hydrological capacity
- e) no open cut trenching
- f) no spillage/disposal of building chemicals of any description.

An inspection of these barriers must be arranged with the Principal Certifying Authority.

- i. prior to the commencement of site works
- ii. at the first critical mandatory stage inspection.

During construction works

Inspections of bio-retention system during construction

32. To ensure that all works are completed in accordance with the approved specifications and plans, compliance certificates are to be issued to the Principal Certifying Authority by an appropriately accredited certifier at the following stages during construction:

Bio-retention system(s):

- a) After set out (prior to excavation)
- b) After excavation and prior to placement of the bottom media layer or any liner
- c) After installation of subsoil drainage
- d) After placement of each media layer
- e) After planting of vegetative components.

Protection of bio-retention device during construction phase

33. Bio-retention systems are not to be operational until all on-site construction activities are completed.

If the bio-retention systems are installed prior to or during the construction phase, all adequate measures to protect the device from clogging and sedimentation until the completion of the construction phase must be implemented (such as entirely covering the bio-retention device with geotextile overlain by a non-invasive turf temporarily until construction works are completed).

	All temporary protection measures are to be decommissioned prior to the issue of any Occupation Certificate.
Bio-retention media bed certification	34. Prior to the installation of the bio-retention system(s) media bed material, certification is to be provided to the Principal Certifying Authority from a NATA registered laboratory confirming that the bio-retention system(s) filter media bed material complies with the 'Guidelines for Filter Media in Bio-retention Systems Version 3.01 dated June 2009' prepared by the Facility for Advanced Water Bio Filtration (Monash University).
Maintenance of sediment and erosion controls	35. Sediment and erosion controls are to be maintained in accordance with the approved Soil and Water Management Plan for the duration of the works and until all disturbed areas are stabilised.

Prior to the issue of any occupation certificate

Certification of the stormwater management system and structures <i>Prior to the issue of an occupation certificate</i>	36. Prior to the issue of any Occupation Certificate, certification by suitably qualified persons with demonstrated experience in water sensitive urban design is to be submitted to and approved by Principal Certifying Authority that the on-site drainage, stormwater quality control and treatment, infiltration, on-site detention and other stormwater management structures have been constructed in accordance with:
	<ul style="list-style-type: none"> a) The conditions and requirements of this consent, b) Conform to all relevant standards/regulations/codes/guidelines/current best practices, c) Are in accordance with the recommendations of a Geotechnical Investigation Report, and d) The required stormwater treatment performance outcomes.
Water Quality and Discharge Control Treatments Stormwater System Operation and Maintenance Manual <i>Prior to the issue of an occupation certificate</i>	37. To ensure that: <ul style="list-style-type: none"> a) Effective ongoing structural integrity and operation of the water quality treatment and discharge controls systems and structures including the swales/bio-retention infiltration structures, onsite detention and retention structures/devices and other structures for water quality treatment and discharge controls are maintained. b) The requirements of the conditions of this consent are met. c) The post development water quality and discharge conditions meet the required performance objectives for the life of the development,
	<p>a Stormwater System Operation and Maintenance Manual for all of the approved stormwater management devices/systems is to be submitted to and approved by the Principal Certifying Authority prior to the issue of any Occupation Certificate.</p> <p>The manual is to be prepared and implemented by consultants who are qualified and experienced in this field.</p> <p>To ensure the stormwater devices/ system remains in good working order for the life of the development the manual shall clearly specify:</p>

-
- i. monitoring and maintenance requirements for each device, and
 - ii. auditing and performance assessment both for water quality, hydraulic performance and structural integrity, and
 - iii. schedule for inspections, audits and remedial maintenance tasks to meet the performance objectives (e.g. after specified storm events and no less than annually, timeframe for filter media replacement), and
 - iv. establishment methods, monitoring and maintenance of all vegetative components of water quality/infiltration devices, and
 - v. nominated regular period for review of the manual.
 - vi. documented maintenance taken

The Stormwater System Operation and Maintenance Manual is to be kept up to date and implemented at all times. A copy shall be held by the Proprietors and their successor of the site and shall be available for inspection by Council officers upon request.

E. ENGINEERING CONDITIONS

General

Compliance with Standards

38. All internal and external engineering works required by this development, are to be in accordance with Council's Specification for Engineering Work for Subdivisions and Development, Part 1—Design and Part 2—Construction (Development Control Plan No. 31), Australian Rainfall and Runoff 2001 and other relevant Australian Standards and best practice standards. The design and construction is to include any additional works to make the construction effective.

All engineering works are to be at no cost to Council

Supervision of Engineering works

39. A suitably experienced and qualified person shall supervise all engineering works and prior to issue of the Occupation Certificate, certification shall be submitted to the Principal Certifying Authority and Council confirming all works have been constructed in accordance with the approved plans and specifications.

Traffic, parking and access requirements

40. To ensure the development operates without adverse traffic impacts on the local amenity:
- a) All vehicles are required to enter and leave the site in a forward direction.
 - b) The largest vehicle permitted to visit the site is the B99 standard vehicle AS 2890.1-2004.
 - c) The access off Meeks Crescent is to be designed and constructed to suit the largest vehicle using the access.
 - d) All accesses, car parking areas and driveways shall conform to Australian Standard AS 2890.1/2004 and AS 2890.6/2009

Internal driveways, aisles and car parking areas

41. The internal driveways, aisles and car parking areas are to be formed, paved, sealed and line marked together with any necessary drainage,

	<p>retaining walls, safety barriers and signage to make the construction effective. The surface of the driveways and car parking areas is to be a featured surface.</p> <p>All internal driveway and access shall be designed and constructed in accordance with Australian Standard (AS) 2890.1/2004 and AS 2890.6/2009.</p>
Site stormwater system	<p>42. All stormwater runoff from impervious areas, all car parking areas and access driveway areas of the site are to be collected and drained by an underground stormwater system. The stormwater system is to be designed by a suitably qualified person for a 1 in 20 years ARI, 5 minutes duration storm and in accordance with ARR 2001.</p> <p>The drainage systems are to include gross pollutant traps prior to discharging into Meeks Crescent stormwater systems.</p> <p>The discharge from the site is to be piped with pits and pipes to connect with the existing piped drainage system in Meeks Crescent. The construction shall include any necessary works to make the construction effective.</p>
Contaminated runoff	<p>43. To ensure protection of receiving water courses, a grease and oil separator device to treat the contaminated runoff generated from the site shall be provided prior to discharging into Council's stormwater system. The grease and oil separator shall be sized for the first 5 mm of rainfall generated over the catchment area to be treated. The devices are to be generally located upstream of the On Site Detention System (OSD) and Water Quality Bio Retention/Swale System (WQS)</p>
Gross pollutant trap	<p>44. Gross pollutant trap devices shall be installed to treat the contaminated runoff generated from the total site. In this regard, the gross pollutant trap is to be located generally upstream of the OSD and before discharging into Council's stormwater system..</p>
On site detention	<p>45. On site detention systems are to be provided which restrict post-development discharges from the site to Meeks Crescent to pre-development discharges for all storms up to and including the 1:100 year ARI storm.</p> <p>The onsite detention systems shall be designed to incorporate the following:</p> <ol style="list-style-type: none"> Internal building floor level is to be located a minimum 300 mm respectively above the 1 in 100 year ARI top water levels. An emergency overflow facility capable of safely conveying all storms up to and including the 1 in 100 year ARI storm to Meeks Crescent. The infiltration system and discharge system is to meet the requirements of Clause 57 of Blue Mountains LEP 2005 for the short and long term especially in regard for infiltration and yearly

flow

- d) A 300 mm x 300 mm wide by 300 mm deep silt trap is to be drained by weep holes and a 90 mm diameter agricultural line surrounded by 200 mm thick gravel bed wrapped in a geofabric. The agricultural line shall be connected to the nearest downstream stormwater pit or outlet.
- e) Allowable storage depth shall be:
 - Car parks—0.2 metres maximum.
 - Landscaped areas—0.6 metres maximum. Depth greater than 0.6 metres are permissible subject to the installation of pool type fencing surrounding the detention area.
 - Underground tanks—0.8 metres minimum depth.

Engineering plans prepared by a suitably qualified person together with certification verifying the above requirements have been met shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of the Construction Certificate or Certification by Department of Commerce.**

Works in Meeks Crescent

- 46. The following engineering works shall be constructed in Meeks Crescent at no cost to the Council:
 - a) All drainage outlet works as required in accordance with the conditions of this consent.
 - b) For the driveway required across the Meeks Crescent footpath, new heavy duty reinforced concrete layback and apron crossings are to be constructed. The driveway is to be a threshold treatment. The surface is to be a featured surface. This construction is to include any necessary alteration to existing infrastructures, drainage, signage, line markings etc. to make the construction effective including transition of the footpath and internal driveway, the modification of the dish drain, the adjustment of public utilities and regrading the driveway across the footpath to facilitate quick entry/exit movements and prevent scraping of vehicles.
 - c) The vehicular access driveway is to cater for the entry and exit of the largest vehicle using the site (B99 standard vehicle AS 2890.1/2004). In this regard the minimum dimensions are to be 10m wide at the kerb and gutter alignment and 7.0m wide at the road boundary subject to engineering design. The internal driveway is to be adjusted accordingly
 - d) The grade of access driveways from the invert of the kerb and gutter in Meeks Crescent to the road boundary is to be no steeper than 5% in accordance with As 2890.1/2004.
 - e) The adjustment and/or relocation of services as necessary.
 - f) The provision of vegetation modification and works either side of the driveway within the site to achieve the required sight distances as per AS 2890.1/2004.
 - g) Any necessary drainage, retaining walls, landscaping and works to make the construction effective
 - h) Subject to the approval of Local Traffic Committee (LTC) and or

Development Traffic Committee (DTC) 'No Stopping' signs are to be placed on the south side of Meeks Crescent either side of the driveway and opposite the driveway on the north side of Meeks Crescent, as determined by engineering design

Sedimentation and erosion control (Road works)

47. The applicant shall engage a qualified person to prepare a sediment and erosion control plan in accordance with the principles outlined in the 'Managing Urban Stormwater Soils and Construction' (Volume 1), dated March 2004 by Landcom NSW.

The plan shall be implemented at all times

The applicant shall ensure sedimentation and erosion control measures are installed prior to commencement of construction and that these measures are also maintained at all times during construction in accordance with the plan.

Prior to release of the Occupation Certificate, all disturbed areas are to be stabilised and all redundant sediment and erosion control structures are to be removed.

Prior to issue of a Construction Certificate/Certification by Dept Commerce

Onsite engineering works

Prior to the issue of a construction certificate or certification by the Dept of Commerce.

48. To ensure safe and efficient onsite car/vehicular parking, fully detailed engineering plans for the construction and line marking of the proposed car/vehicular parking areas and access driveways are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate or Certification by Department of Commerce.

The design is to be in accordance with Australian Standard (AS) 2890.1/2004 and AS 2890.6/2009

Relocation of services

Prior to the issue of a construction certificate or certification by the Dept of Commerce.

49. The applicant at the applicant's expense shall carry out the relocation or alteration of public utilities or any existing services made necessary as a result of this development. Satisfactory arrangements shall be made with the relevant authority concerned and a certificate of clearance shall be obtained from each relevant authority and submitted to the council and Principal Certifying Authority **prior to release of the Construction Certificate or Certification by Department of Commerce.**

Council Approvals and Approvals under the Roads Act 1993

Prior to the issue of a construction certificate or certification by the Dept of Commerce.

50. **Prior to the issue of the Construction Certificate or Certification by Department of Commerce**, detailed engineering plans and specifications of all proposed works within the road reserve are to be submitted to and approved by the Council under the Roads Act 1993.
- These plans are to include sedimentation and erosion control plans and pedestrian and traffic management plans prepared by suitably qualified professionals.
- The plans and application are to address and include Public Utility written requirements to the approval of Council
- The plans are to be prepared by a qualified person and endorsed/certified by a chartered civil engineer with NPER registration at

Council's Discretion

Assessment fees will be charged in accordance with Council's schedule of fees and charges.

Performance and Maintenance Bond

Prior to the issue of a construction certificate or certification by the Dept of Commerce.

51. **Prior to the issue of a Roads Act Approval, and the Construction Certificate or Certification by Department of Commerce**, a \$5,000 performance and maintenance bond is to be lodged with the Council. The bond may be in the form of an unconditional bank guarantee with no expiry date, a bank cheque or cash. The bond is to cover the safety of the public, environmental protection, and performance and maintenance of the works during and after construction in Council's road.

This bond shall be retained for twelve (12) months after the issue of a successful final inspection of the works by Council's Supervising Engineer. The bond will be released upon an application being made by the applicant subject to the satisfactory performance of the works.

Bond lodgement, inspection and release fees are applicable in accordance with Council's Schedule of Fees and Charges.

Prior to the commencement of works within the road reserve

Construction Management Plan

52. Prior to any work commencing on site, a Construction Management Plan (CMP) report prepared by a qualified person with experience in the field, is to be submitted to and approved by Council.

The Construction Management Plan is to address but not be limited to the following:

- a) Traffic and Pedestrian Management Plan (TMP)
- b) Construction management and time lines
- c) Dilapidation Report
- d) Safety of pedestrians,
- e) Through traffic and contractors,
- f) Loss of on street parking,
- g) Construction vehicle travel routes,
- h) Safety of the public,
- i) Materials storage and handing,
- j) Deliveries and construction traffic and parking.

In this regard:

- i. Street parking in Meeks Crescent is not available.
- ii. Deliveries to be outside of peak times to the approval of Council.
- iii. Deliveries and materials unloading and handling is to be on site off the road as a priority.
- iv. Sizes of construction traffic is to be limited to a 12.5m LRV AS 2890. 2/2002.
- v. Deliveries are to be regulated to be only one delivery at the site at any one time.
- vi. Address the adjoining property owners concerns. Note this area is an area for the aged
- vii. Address Emergency Services requirements and Bus Route

	requirements etc
	<u>Advertising</u>
	A minimum of seven (7) days notice shall be given to residents if access to residents will be affected. A copy of the letter to residents and a list of addresses notified shall be submitted to Council.
	Approval of the CMP by Council is subject to the payment of the prescribed Engineering Development Fees, the amount of which will be advised at the time of lodgement.
Preconstruction meeting	53. Prior to commencement of works within the road reserve, an onsite preconstruction meeting is to be held with the contractor, the Superintendent and the Council's Supervising Engineer.
Insurance	54. All contractors working in the road reserve shall be covered for workers compensation and public liability insurance to the amount of \$10 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Written evidence of this insurance shall be supplied to Council's supervising engineer at the pre-construction meeting.
Installation of sediment and erosion controls	55. Sediment and erosion controls are to be installed in accordance with the approved Erosion and Sediment Control Plan prior to the commencement of works on site.
Contractor's references	56. The person or company carrying out the works shall submit to Council references demonstrating experience in the type of work proposed to be undertaken. The person or company shall obtain approval from Council to carry out the works prior to works commencing
Contractors signs	57. A prominently displayed sign identifying the contractor responsible for the work shall be erected. A contact telephone number should be provided on the sign
Installation of pedestrian and traffic controls	58. All pedestrian and traffic controls are to be installed in accordance with the approved Pedestrian and Traffic Management Plan prior to the commencement of works onsite.
During Works within the Road reserve	
Hoardings and fencing and associated TMP etc	59. To ensure the protection of the public, hoardings etc are to be provided on all sides of the site to the requirements of NSW Work Cover Authority. Where any road reserve is affected and <u>before work commences on site</u> the applicant is to obtain a Roads Act Approval in accordance with Council's Policy (Temporary Fencing (Hoardings)/ barrier systems) and the conditions of this consent. Application fees and On Going Use fees are required to be paid.

Inspections of works within the road reserve

60. To ensure all works are completed in accordance with the appropriate specifications and approved plans, compliance certificates for works undertaken off site are to be issued at significant stages throughout the construction period.

The inspections are to be carried out by Council's Engineer, and an inspection fees will be payable in accordance with Council's current schedule of fees & charges.

Council's Engineer will require a minimum of 48 hours notice to conduct an inspection.

These stages are:

- a) Pre construction meeting.
- b) Driveways
- c) After set out (prior to any excavation)
 - Laying and compaction of sub grade
 - Compaction of road base or placing reinforcement for concrete works
 - During sealing of pavements
 - Final – all disturbed areas revegetated.
- d) Kerb construction(if required)
- e) After setout (prior to any excavation)
 - Laying and compaction of sub grade
 - Placement of stringline
 - During placement of kerb
 - Compaction of road base to existing road
 - During sealing of pavements
 - Final – all disturbed areas revegetated.
- f) Stormwater Drainage
- g) After setout (prior to any excavation)
 - After installation of pits and pipes, prior to backfilling
 - Final – all disturbed areas revegetated.
- h) Final inspection of completed development.

Maintenance of sediment and erosion controls

61. Sediment and erosion controls are to be maintained in accordance with the approved Erosion and Sediment Control Plan for the duration of the works and until all disturbed areas are stabilised.

Maintenance of pedestrian and traffic controls

62. All pedestrian and traffic controls are to be maintained in accordance with the approved Pedestrian and Traffic Management Plan for the duration of the works.

Prior to the issue of an Occupation Certificate

Repair of damage

63. The applicant shall repair or reconstruct any damage caused by construction activity relating to the development as required by Council's Supervising Engineer prior to release of the Occupation Certificate.

Prior to the issue of an occupation certificate

Restore disturbed area

64. All disturbed earthworks and/or batters are to be restored, stabilised,

Prior to the issue of an occupation certificate

topsoiled and turfed/revegetated to Council's Supervising Engineer's satisfaction prior to release of the Occupation Certificate.

Service Authority certification

Prior to the issue of an occupation certificate

65. Prior to the issue of the Occupation Certificate, the applicant is to provide certification to the Council's Supervising Engineer, from all of the relevant service authorities, confirming that all service adjustments and relocations have been completed to their satisfaction.

Works as Executed plans

Prior to the issue of an occupation certificate

66. Prior the issue of the Preliminary Final Inspection Report by the Council's Supervising Engineer and prior to the issue of the Occupation Certificate, a Works as Executed Plan prepared by a registered surveyor of all engineering works in road reserve shall be submitted to and approved by the Council.

Certification by Council

Prior to the issue of an occupation certificate

67. Prior to the issue of the Occupation Certificate, written confirmation shall be provided to the Principal Certifying Authority from Council to verify that all works within the road reserve have been completed in accordance with the approved plans and to Council's satisfaction.

Onsite detention and water quality treatment (OSD/WQ) systems maintenance

68. The onsite detention and water quality treatment (OSD/WQ) systems are to be satisfactorily maintained by the Proprietors of the properties. The maintenance shall include, but not be limited to, the following:
- a) The Proprietors of the properties and their successors must keep clear and carry out all necessary maintenance on all pits, pipelines, trench barriers, gross pollutant traps, flowpaths, and other structures comprising on site drainage and detention systems, the water quality treatment/infiltration devices or which convey stormwater within or from the site, to ensure the effective operation of these systems, as per the approved plans and Stormwater System Operations and Maintenance Manual;
 - b) The Proprietor shall agree to have the OSD/WQ facilities inspected annually and or more regularly as required by the manufacturer's specifications and the Stormwater System Operation and Maintenance Manual, by a competent person;
 - c) The Proprietors of the properties and their successors must adequately maintain the vegetative components of stormwater management devices within the site in accordance with the location, methods and standards detailed within the approved plans as amended by the conditions of consent and as outlined in Stormwater System Operations and Maintenance Manual;
 - d) The Proprietor shall agree to implement the approved Stormwater System Operation and Maintenance Manual referred to in the consent and to keep it up to date;
 - e) The Council shall have the right to enter upon the land referred to above at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures in or upon the

said land which comprise the OSD/WQ or which convey stormwater from the said land and recover the costs of any such works from the Proprietor;

- f) The registered Proprietor shall indemnify the Council and any adjoining landowners against damage to their land arising from the failure of any component of the OSD/WQ or failure to clean, maintain and repair the OSD/WQ.

The applicant shall bear all costs associated in the preparation of the subject 88E Instrument. The wording of the Instrument shall be submitted to and approved by Council prior to lodgement at NSW Land and Property Information. Proof of lodgement with NSW Land and Property Information shall be submitted to Council prior to the issue of the Occupation Certificate.

F. ACCESSIBILITY CONDITIONS

Pedestrian access pathway

69. To ensure the development has pedestrian access for people with a disability, a compliant path of accessible pedestrian travel shall be provided in accordance with AS1428.1, between the facility and Meeks Crescent or Grose Road.

Access and mobility – verification that completed development complies

*Prior to the issue of an occupation
certificate*

70. To ensure the completed development has been constructed to provide access and facilities for people with a disability or limited mobility in accordance with the principles of the Disability Discrimination Act 1992 and the Council's planning instruments, written verification shall be provided by a suitably qualified Access and Mobility Specialist.
The document shall verify that the completed development is accessible to people with a disability in accordance with:
 - a) The relevant part of the Council's Better Living DCP and Australian Standard AS 1428.1 Design for access and mobility – General requirements for access – New building work, as per clause 107 (Access to public buildings and public land) of Local Environmental Plan 2005; and
 - b) The provisions of the Disability (Access to Premises – Buildings) Standards 2010.

This verification statement is to be provided to the Principal Certifying Authority **prior to the issue of an Occupation Certificate.**

Nothing in this condition alters any obligations imposed under the *Disability Discrimination Act 1992*.

G. ONGOING MANAGEMENT CONDITIONS

Annual fire safety statement

*Each essential fire safety measure
in the building*

71. Each year, within 12 months of the previous statement or after a certificate of installation has been issued for the building (whichever is applicable), the owner of the building must submit to Council an Annual Fire Safety Statement that must deal with each essential fire safety measure in the building.

A copy of the statement (together with a copy of the current fire safety schedule) is to be given to the Commissioner of New South Wales Fire Brigades. A further copy is to be prominently displayed in the building.

X/677/2011

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Telephone: 8741 5175
e-mail: csc@rfs.nsw.gov.au

Headquarters
Locked Bag 17
Granville NSW 2142

Facsimile: 8741 5433



The General Manager
Blue Mountains City Council
Locked Bag 1005
Katoomba NSW 2780

Your Ref: X/677/2011
Our Ref: D11/1554
DA11083179604 IC

ATTENTION: Development Assessment Officer

13 October 2011

Item No.	
Rec'd	17 OCT 2011
Records	BMCC
NAME	C Bradridge
RECEIVED	

Dear Sir / Madam

Integrated Development for 51//883899 2-24 Grose Road Faulconbridge 2776

I refer to your letter dated 25 August 2011 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

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

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within 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'.
2. All buildings associated with the child care centre shall be no closer than 100 metres to the bush fire hazard.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

3. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.
4. In recognition that the child care centre will increase the demand on the reticulated water supply in the event of a fire, a 20000 litre water tank shall be provided for fire fighting purposes and shall comply with the static water supply requirements of 'Planning for Bush Fire Protection 2006'.

Access

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

5. Internal roads shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Evacuation and Emergency Management

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

6. Arrangements for emergency and evacuation for both the child care centre and the school shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Design and Construction

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


7. New construction shall comply with section 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
8. Roofing shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall be non-combustible.
9. No brushwood fencing shall be used.

Landscaping

10. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

For any queries regarding this correspondence please contact Iona Cameron on 8741 5175.


Yours sincerely



Mark Hawkins

A/Team Leader Development Assessment

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

Our Reference: Your Reference: Contact: Telephone	SYD11/00974 X/677/2011 Angela Malloch 8849 2041	 Transport Roads & Maritime Services
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The General Manager
Blue Mountains City Council
Locked Bag 1005
Katoomba NSW 2780

Attention: Byron Tully

Proposed Child Care Centre at 2-24 Grose Road, Faulconbridge

Dear Sir/Madam,

Reference is made to Council's correspondence dated 10 November 2011 regarding the abovementioned development application which was referred to the Roads and Maritime Service (RMS) for comment.

RMS has reviewed the development application and does not support the installation of a pedestrian footpath to/from the Great Western Highway, the footpath shall be removed.

Should you require any further clarification in relation to this matter, please call the contact officer named at the top of this letter.

Yours faithfully,



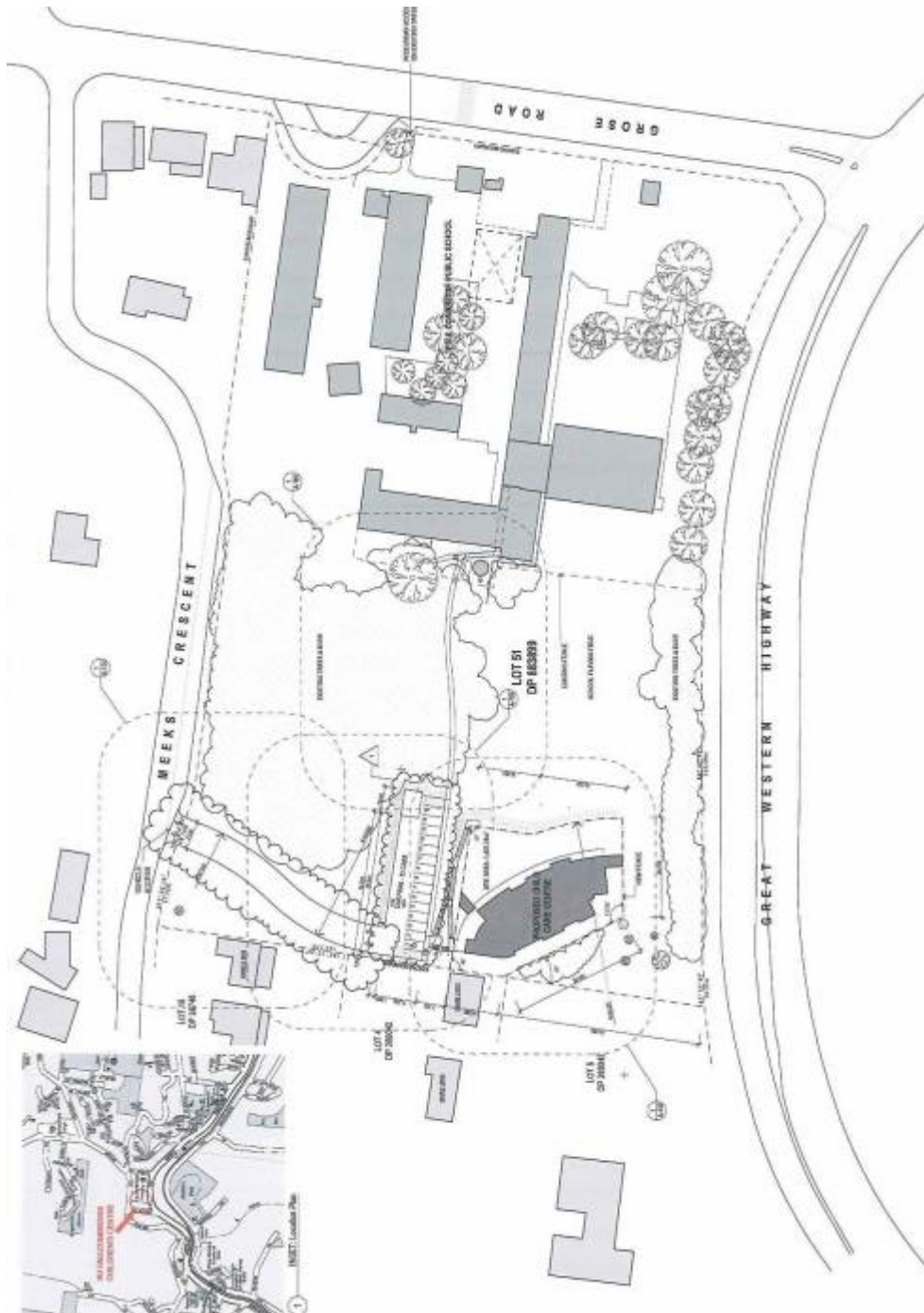
Owen Hodgson
Senior Land Use Planner
Transport Planning, Sydney Region

1 December 2011

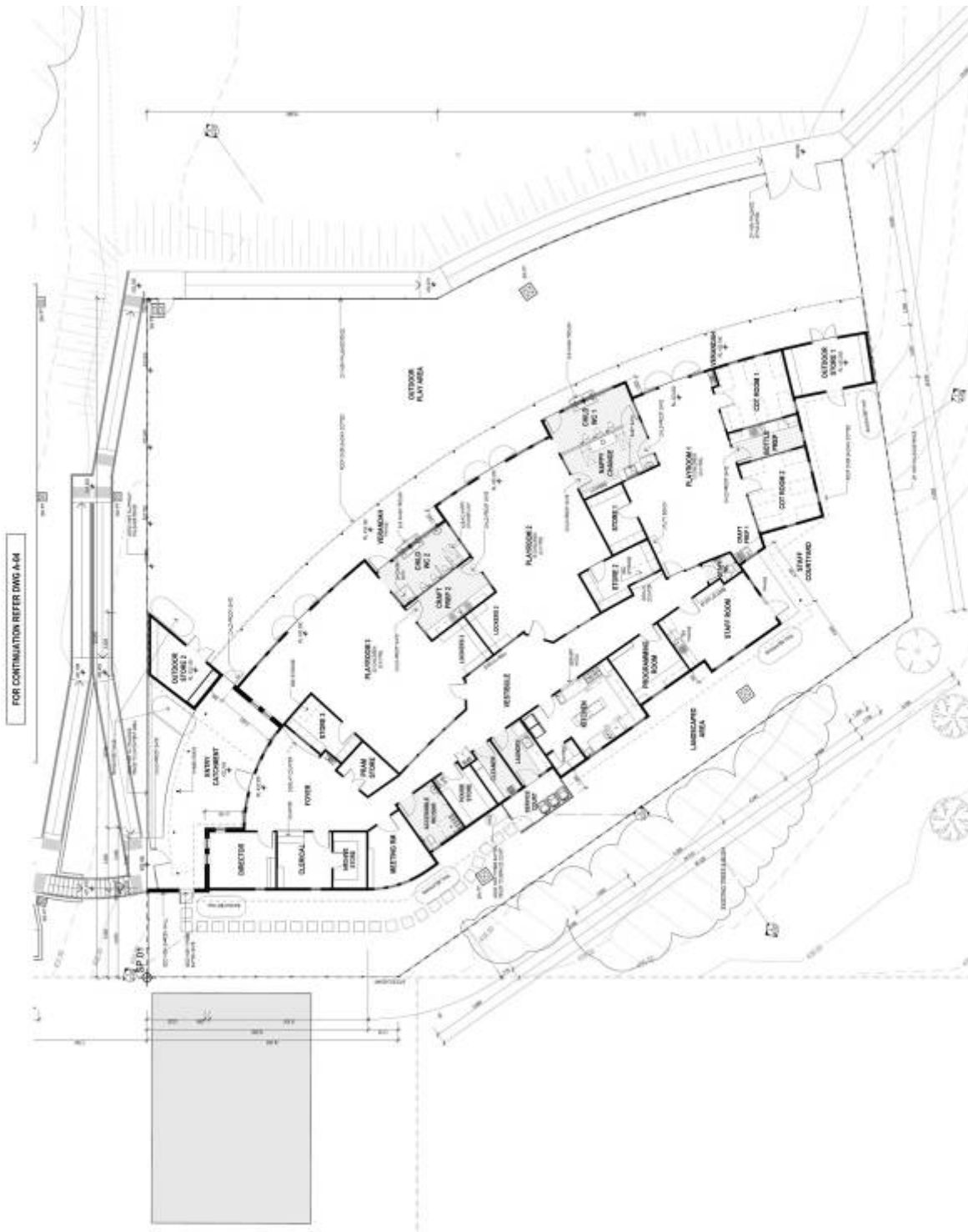
Roads & Maritime Services

LEVEL 11, 27-31 ARGYLE STREET PARRAMATTA, NSW 2150
PO BOX 973 PARRAMATTA CBD NSW 2150 DX28555
www.rmservices.nsw.gov.au | Tel 13 22 13

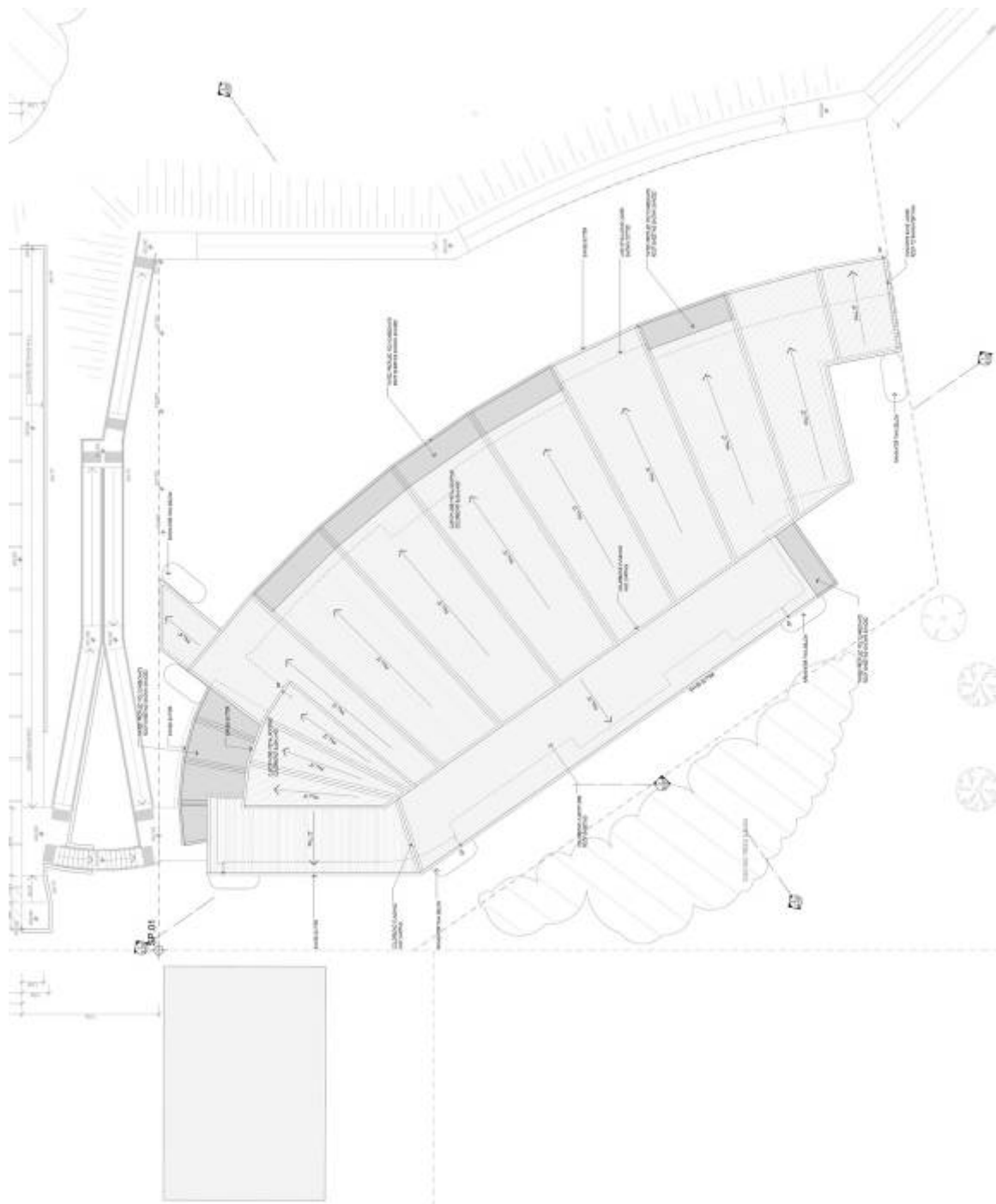
Attachment 2 - Plans



Site location plan



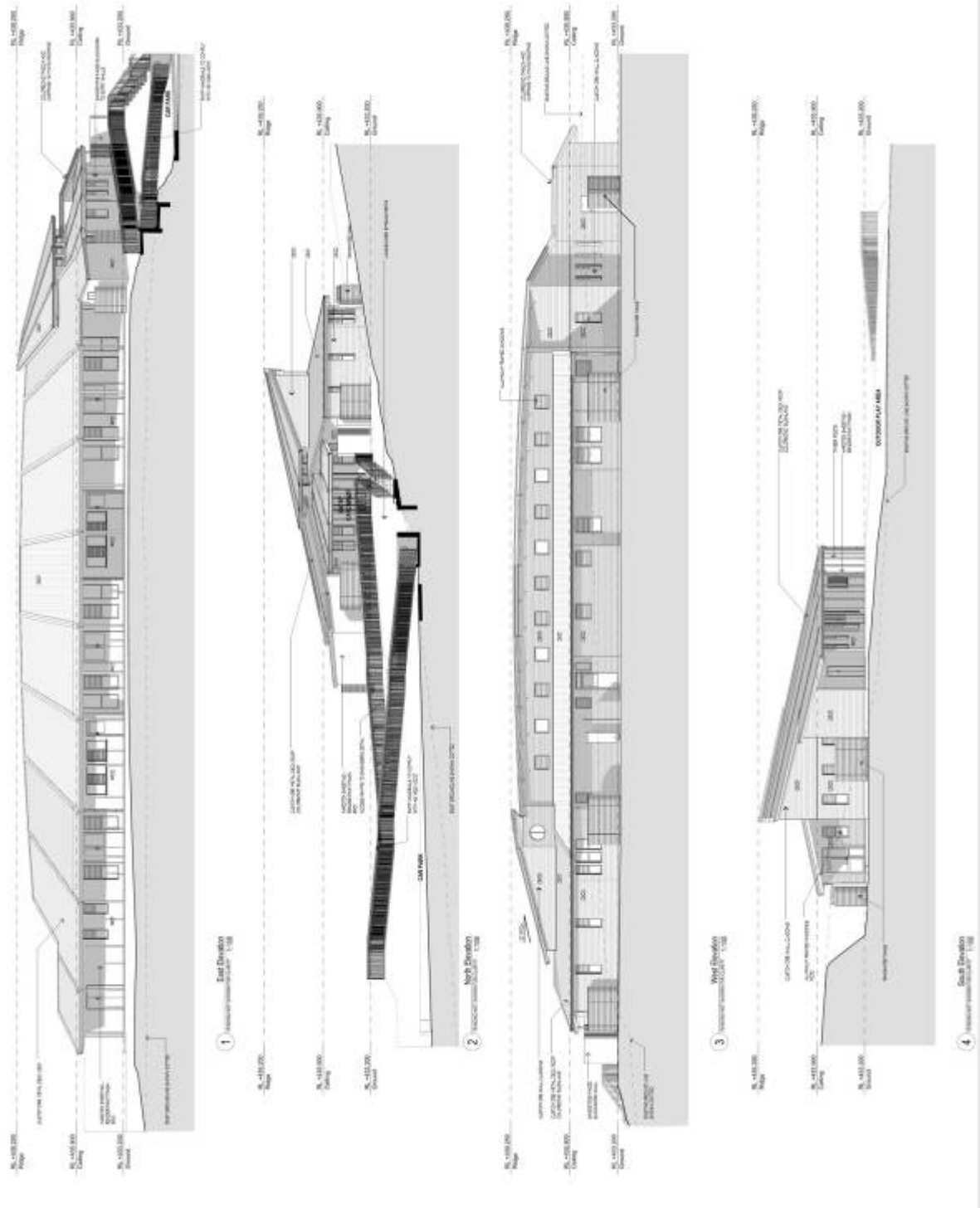
Ground floor plan



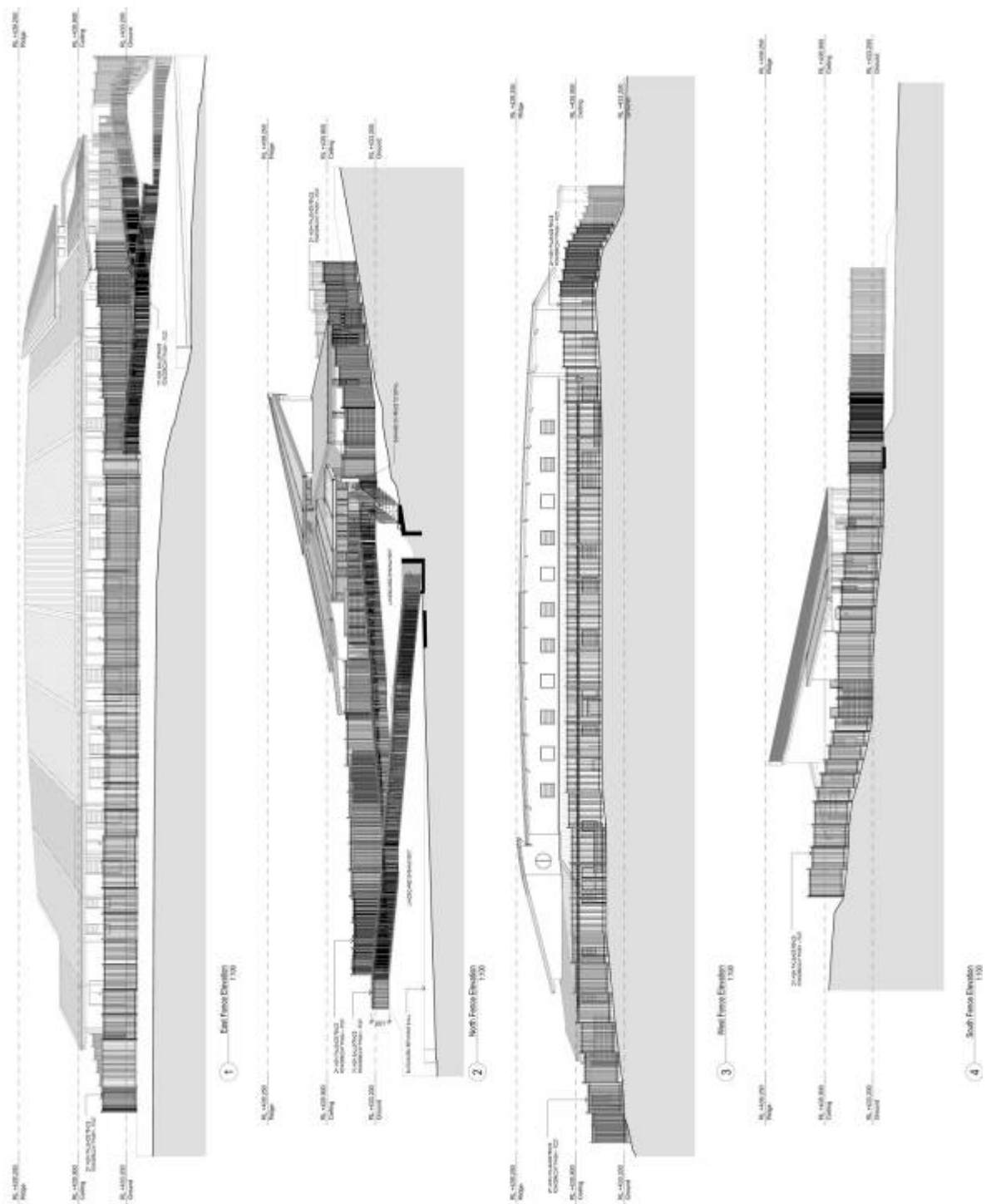
Roof plan



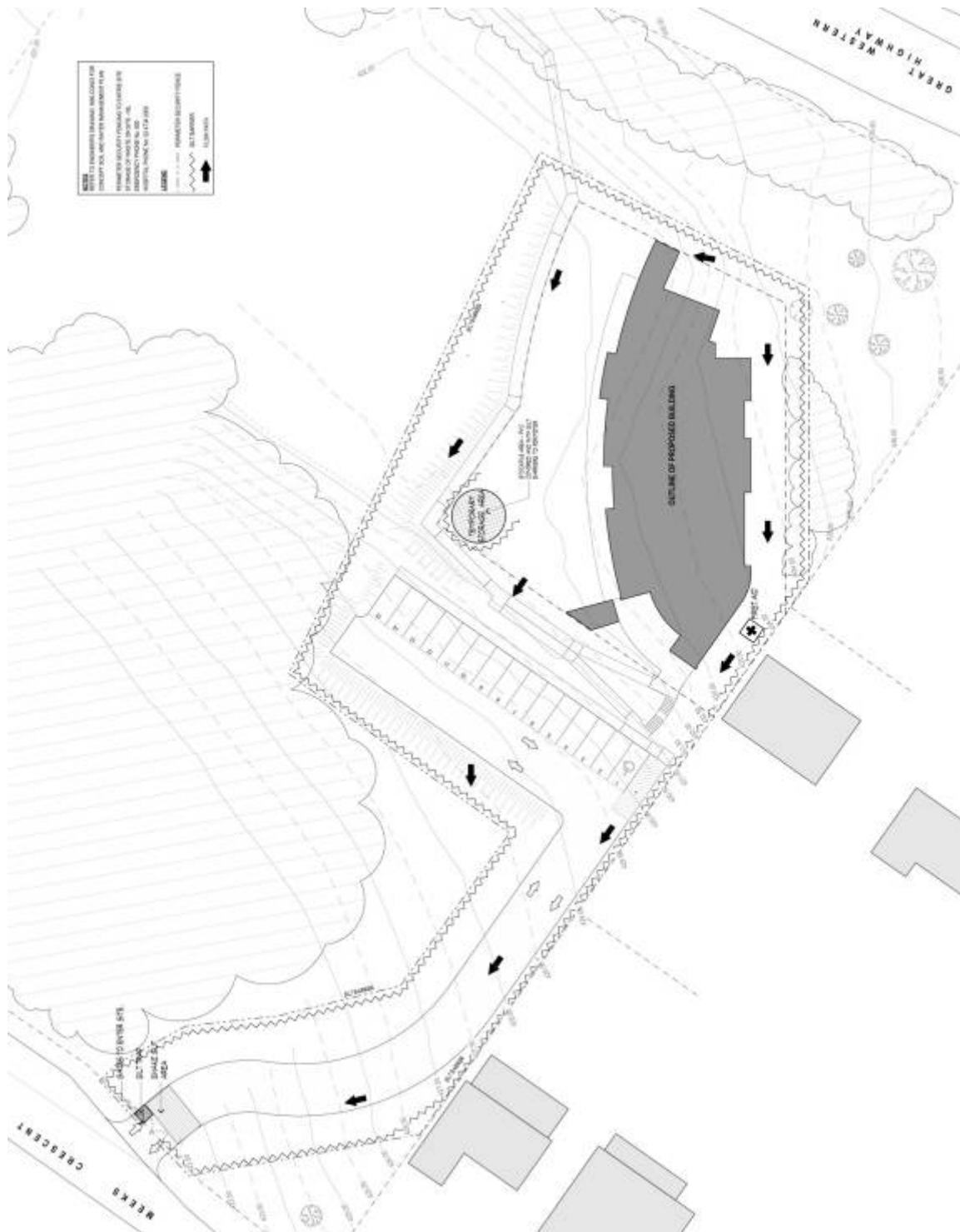
Section plan



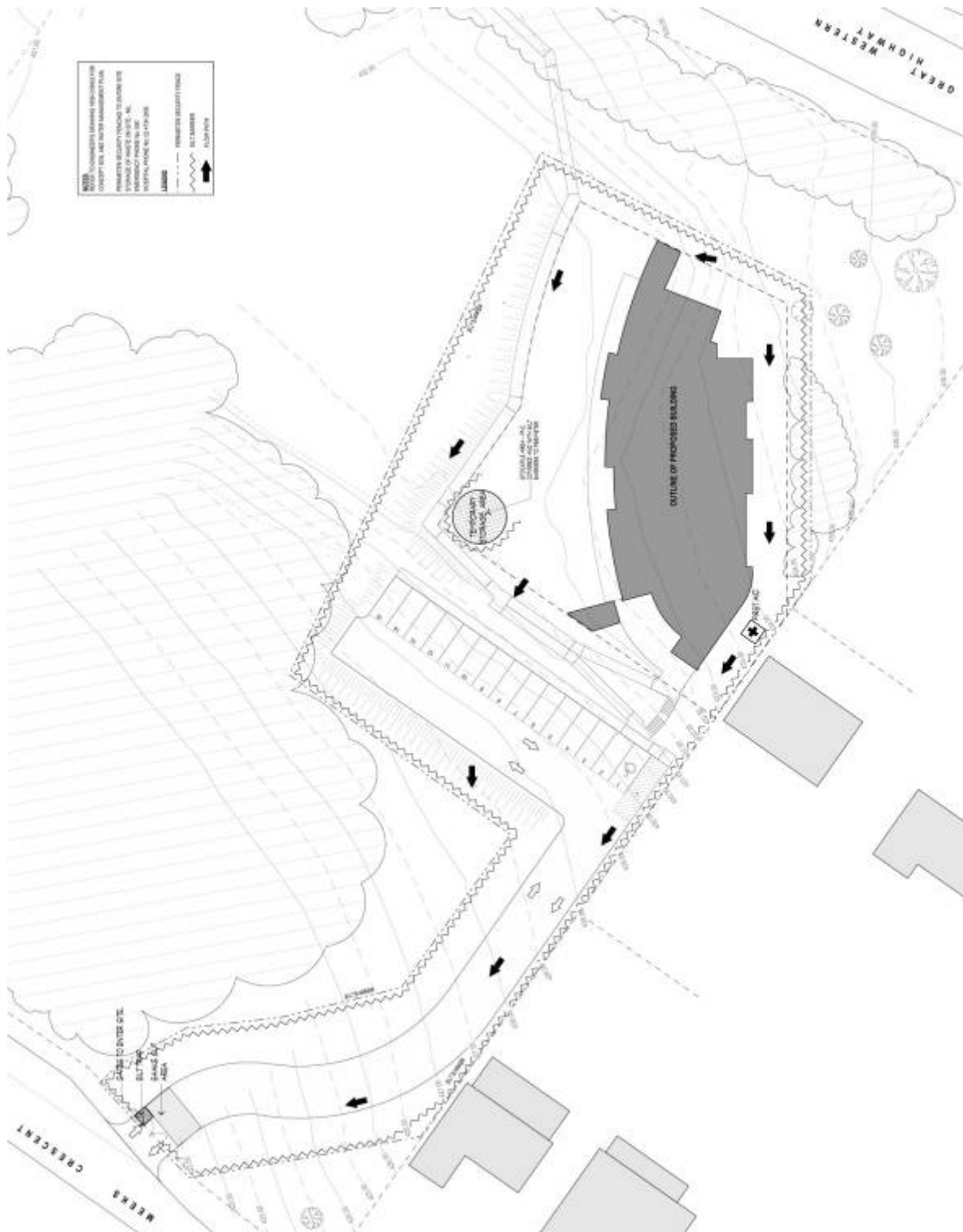
Elevations plan



Fence elevation plan



Erosion & sediment control plan



Concept soil & water management plan