



# EVERGLADES HOUSE & GARDENS

## STATEMENT OF ENVIRONMENTAL EFFECTS



Everglades House (Photo Sam Todorovic 2021)

## THE NATIONAL TRUST OF AUSTRALIA (NSW)

### NOVEMBER 2024

Prepared by  
Juliet Suich Director  
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## EXECUTIVE SUMMARY

A Development Application (DA) for Everglades House & Gardens was prepared and lodged in 2023. As part of the exhibition of that DA, an almost even number of letters of support and objections were received (13 and 12 respectively – refer detailed analysis of issues raised submissions at Appendix A). In response to issues raised by the community, the proposed Temporary Activities have been reduced in frequency and patron capacity as described in the Table below (with blue text indicating 2024 updates, black text is unchanged since 2023 with the 2023 proposal in strikethrough text).

Table 1 The 2024 proposed development updated in response to submissions in 2023

Description	Max Capacity (patrons)	Max Frequency	Proposed Hours of operation	Reason for Change since 2023 proposal
Small Activities	<del>150</del> No more than 120	<del>Daily</del> 90 days	9am to 7pm (daylight hours)	Reduce capacity and clarify frequency in response to public submissions
Performance Activities	250	20 days	9 am – 10.30 pm (amplified sound to cease at 10pm)	No change proposed
Open Day Activities	<del>750</del> 600	<del>4 days</del> 2 days	<del>9am to Sunset</del> (approx. 5pm to 8pm) 9am to 7pm (daylight hours)	Reduce capacity and frequency in response to public submissions. Amend proposed operating hours for clarity and consistency

The Operational Plan (OP) that accompanies this DA is proposed as the primary governance mechanism to ensure that adaptive management can continue to respond to community input and changes in local conditions, and impose appropriate heritage policies, environmental and amenity criteria. The National Trust has a proven track record of a high standard of conservation and public access to the places and built heritage items which it cares for. To further help ensure that the proposed activities will not give rise to adverse amenity impacts the OP adopts environmental criteria recommended by specialist technical reports in relation to noise, traffic, parking and bushfire risk. Specifically the OP adopts:

- Conservation policies contained in the CMP and additional project specific conservation policies recommended by the HIS – the heritage management document that accompanies this DA (as detailed in Section 5.5).
- Environmental criteria and recommendations from the noise impact, bushfire assessment and traffic and parking impact assessments that also accompany this DA (as detailed in Section 5.5 and 5.6).
- The current adaptive management approach which will continue to prioritise ensuring the Temporary Activities occur without adverse impacts on the site, its setting or the amenity of the neighbours and locality.



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For many years the site has offered a range of similar 'public events and functions' performance activities in the outdoor garden theatre, Open Days and wedding ceremonies in tandem with business as usual (BAU) operations (as detailed at Appendix B and C). This historic and current use of the site demonstrates the baseline capacity of the:

- Local environment to accommodate proposed development without significant adverse impacts; and
- Everglades management team to respond to local issues complaints and concerns of residents and neighbours if and when they arise in a proactive and adaptive manner.

Consent is sought pursuant to Clause 5.10 of Blue Mountains LEP which relates to Conservation Incentives. The conditions of that clause are satisfied as detailed below at Section 6.4.1. There is a strong nexus between the proposed development and the continued conservation of, and public access to, the site.

The proposed Temporary Activities serve the dominant public access and heritage conservation purpose of the site and are not independent of the house museum and public garden. The proposed Temporary Activities are part of a mix of uses that occur on the site, because the house and gardens are a destination and attraction to prospective visitors for a range of reasons.

The proposed Temporary Activities increase public access to the site. They also contribute towards the financial sustainability of the site and will thereby directly assist the National Trust to protect and manage a place with special cultural and aesthetic values.

The proposed development will support the local visitor economy, the social and cultural development of the community and will provide local employment and volunteering opportunities with flow on community participation benefits.

The proposed performance and small activities and Open Days will help ensure that Everglades House & Gardens continues to be a viable adaptive reuse of a state heritage item.

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## 1. INTRODUCTION

This Statement of Environmental Effects has been prepared for the National Trust of Australia (NSW) by Two Trees & Co. It accompanies a Development Application (DA) to Blue Mountains City Council (Council) for the continued delivery of Temporary Activities (including small activities, performance activities and occasional Open Day activities) at Everglades House & Gardens. The activities proposed support the ongoing primary operation of the site for the purpose of conservation and public access. In response to the issues and concerns raised in submissions in 2023 the proposed development has been reduced in frequency and capacity as detailed at Section 0.

Everglades House & Gardens is owned and managed by the National Trust of Australia (NSW) and is recognised as one of the most significant heritage properties in the Blue Mountains. The site is formally described as Lot 1 DP 1167262, The Everglades, 37-49 Everglades Avenue, Leura NSW 2780. The National Trust is Australia's leading heritage conservation charity. The National Trust of Australia (NSW) is a community-based, non-government organisation operating 'for purpose' - promoting and conserving the natural, built and cultural heritage of NSW through public access to historic properties and places. This work is made possible with the help of more than 18,000 members, 1,000 volunteers, and the ongoing support of donors. As a charity, the National Trust primarily relies on volunteers to help manage historic sites. All activation of Everglades House & Gardens is sustained by two full-time equivalent staff, two gardeners and dedicated part-time and occasional volunteers.

The National Trust (NSW) does not receive any recurrent government funding, with philanthropy, bequests and membership the primary sources of funding. Some commercial use of historic properties are essential to sustain the viability of public access and help meet conservation costs.

The DA is for Temporary Activities that can be run by the site's small team of staff and volunteers, while respecting heritage values. The Temporary Activities allow recreation and community enjoyment, social and cultural development, while contributing to the conservation, maintenance and continued day to day operation of the site. No physical building works are proposed. The proposed development relates only to the public parts of the Everglades gardens and will not impact or change current operations within the House, Studio or other buildings. Approval under the *Heritage Act, 1977* is required making the proposal Integrated Development.

This SEE should be read in conjunction with the following technical reports and the Conservation Management Plan that applies to the site:

- Traffic Impact Assessment prepared by ptc consultants;
- Acoustic Impact Assessment prepared by RWDI;
- Bushfire Assessment prepared by Bushfire Consulting Services; and
- Heritage Impact Statement prepared by the National Trust of Australia (NSW) and;
- Conservation Management Plan 2010 for Everglades House & Gardens prepared by Anne Higham, Professor Ian Jack and Colleen Morris in association with Rod Howard and Associates Pty Ltd
- Operational Plan prepared by Two Trees & Co.

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## 2. THE SITE

Everglades House & Gardens is located at the southern end of Everglades Avenue within the established residential area of Leura. It is legally described as being part of Lot 1, in Deposited Plan 1167262 and comprises formal landscaped gardens and natural bushland, an historic 1930s dwelling, a squash court converted to an art gallery, associated outbuildings, and a staff and a visitor car park. Within the 1930s buildings the existing café (refreshment room), museum and gallery operate.

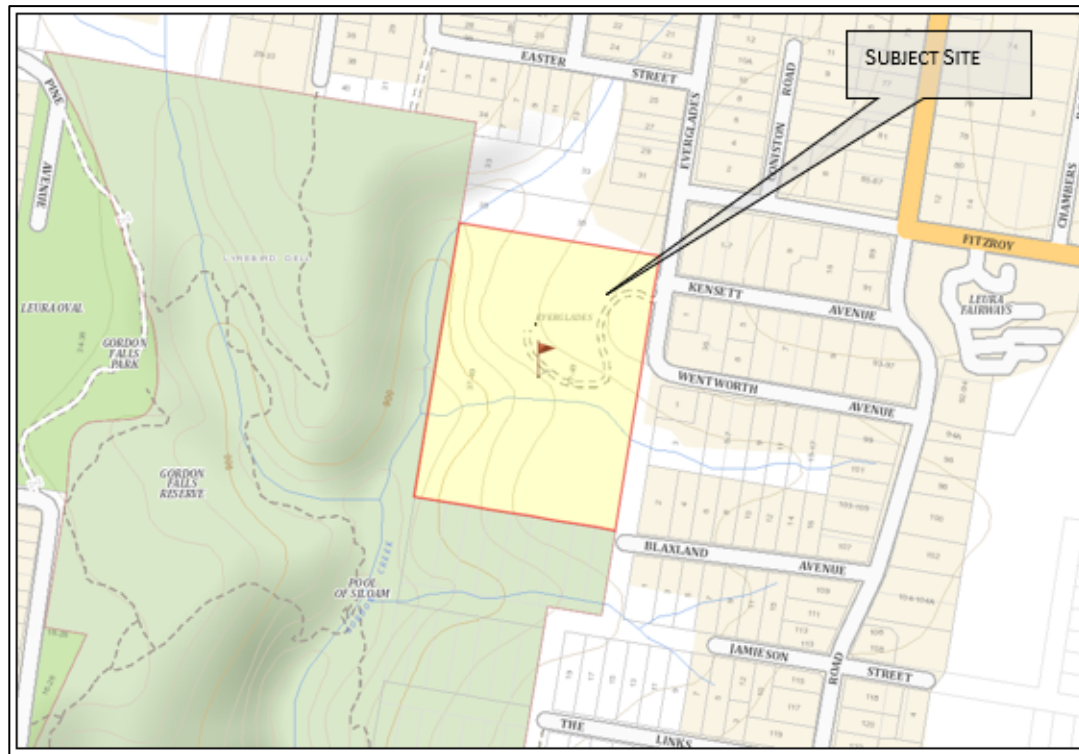


Figure 1: Location Map (Source: Six Maps, 2020)

The site is located on the western side of Everglades Avenue between Blaxland Avenue and Kensett Avenue. The site is bound by residential development to the north and east, with Blue Mountains National Park located to the south and west of the site, and additional residential development further west.

The Avenues surrounding the site within the walking catchment, generally have wide grass verges and narrow bitumen carriageways. The grass verges are generally able to be used for car parking, except where trees make this difficult or where residents have placed traffic cones to prevent parking outside their homes. Character guidelines adopted by Council recommend the maintenance of grass verges and retention of current street layouts.

The site has an area of approximately 5.2 hectares and incorporates formally landscaped gardens and natural bushland with panoramic views of the Jamison Valley.

The site's main entrance gate is a pedestrian only entrance at Everglades Avenue and is the site of the Visitor Centre approved by Council in 2010.

There are two on site car parks which accommodate 29 cars. 14 spaces accessed via Blaxland Avenue are used for staff parking and 15 spaces accessible from Everglades Avenue are available to visitors and the public. Most patrons park on-street in the vicinity of Everglades House & Gardens.



FIGURE 2: Site Map (Source: Near Maps)

### 3. HERITAGE SIGNIFICANCE

Everglades House & Gardens is included on the following statutory listings:

- NSW State Heritage Register, Item #01498
- Blue Mountains Local Environment Plan, Heritage Item #LA005
- Located inside the Jamison Valley Heritage Conservation Area (Blue Mountains LEP 2015)
- The National Trust listing of the "Everglades Group, comprising of the house, studio, log cabin, garden theatre, Bacchus fountain, and brick shelter."

The site is managed in accordance with the Conservation Management Plan prepared by Anne Higham, Professor Ian Jack and Colleen Morris in association with Rod Howard and Associates Pty Ltd.

The State Heritage Register (SHR #01498) identified the significance of the site as follows:

*"a largely intact modernist garden, as an important development in garden design in Australia and as reputedly the most important garden of Paul Sorensen, a notable garden designer, in collaboration with Henri van de Velde the owner. It has significance due to its unusually rich collection of exotic flora. It also has associations with Henri van de Velde, an important businessman of the immediate pre-World War II years. It has significance as an*



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*example of a mountain retreat illustrating the way of life of its period. It has significance due to the aesthetic regard held for the garden in the local community. It has significance through the technical excellence of its construction, particularly the stonewalling, and through its design quality. The house has significance as one of only a few buildings attributed to Paul Sorensen. It also has significance for the technical and design quality of its interiors. The studio has significance as an important element in the garden and as an early Australian example of the influence of the European Modern Architecture Movement. (Ratcliffe, 1994: 20; HO 2002).”<sup>i</sup>*

“The Everglades” is also listed in Schedule 2 of Blue Mountains LEP 2015 (Heritage Item No LA005), and is located within the Jamison Valley Heritage Conservation Area (LA002), with associated significance as follows

*Everglades is significant as a largely intact modernist, Interwar property with extensive gardens, representing an important development in garden design in Australia and as reputedly the most important garden of Paul Sorensen, a notable garden designer, in collaboration with Henri van de Velde the owner. It has significance due to its unusually rich collection of exotic flora.”<sup>ii</sup>*

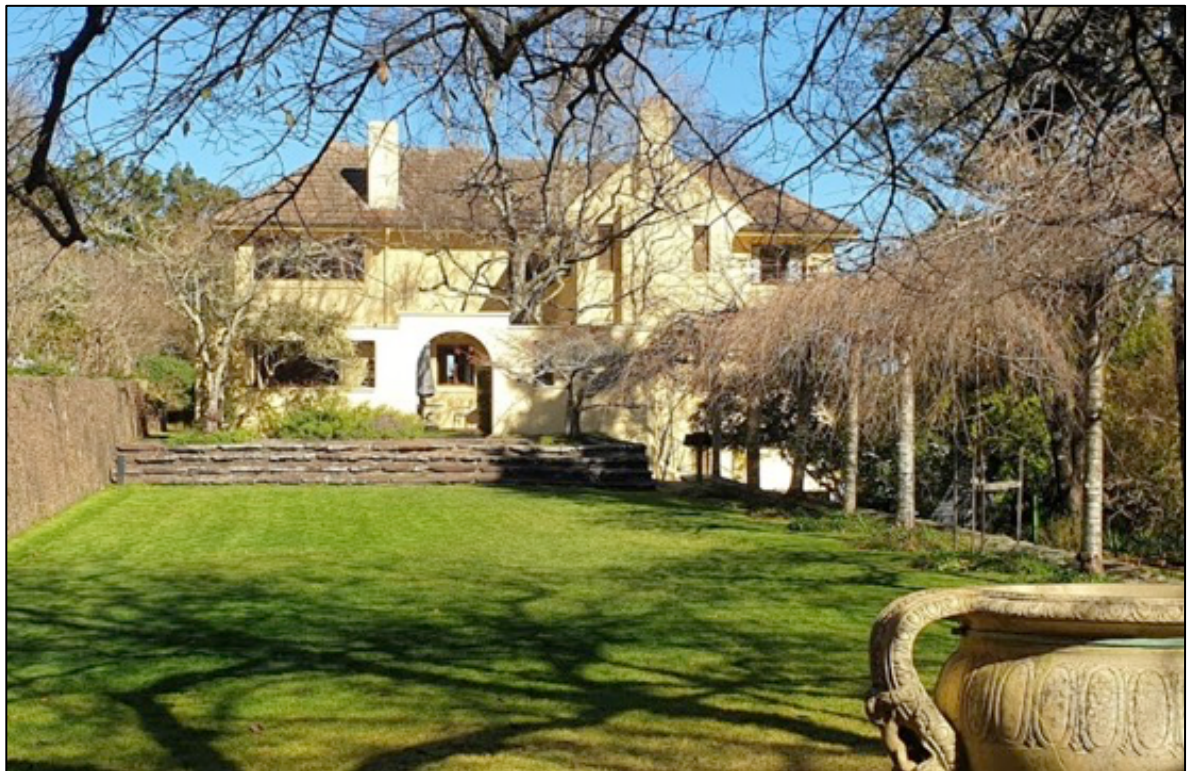


Figure 3: Photo of Everglades House (Photo Sam Todorovic 2021)





Figure 4 House Exterior 2022 ( source National Trust of Australia (NSW) Heritage Impact Statement 2023)



Figure 5 Squash Court and former pool 2022 ( source National Trust of Australia (NSW) Heritage Impact Statement 2023)



The site includes a modern visitor centre (2011) at the site's entrance, and a number of historic buildings including:

- Everglades House, artworks and interior design, fixtures and fittings;
- The garden with associated landscaping and gardens, outdoor sculpture and architectural details.
- Studio – the former Everglades squash court and associated studio terrace
- The log cabin.

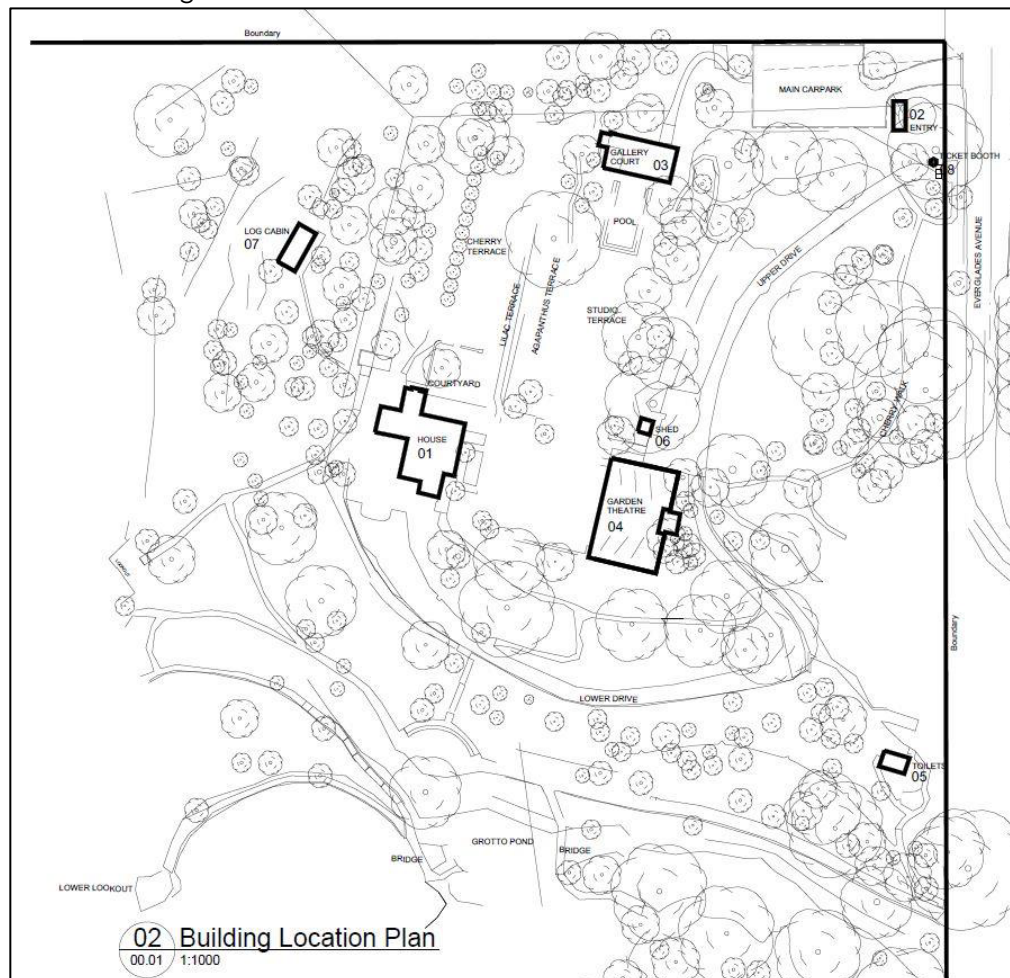


Figure 6 Everglades House & Gardens site plan 2022 (source National Trust of Australia (NSW) Heritage Impact Statement 2024

According to the HIS that accompanies this SEE "The estate remains predominantly in its original form in 2022, as the National Trust has continued to prioritise conserving the house, gardens and associated buildings throughout its ownership..... The squash court is now used as an art gallery and exhibition space, but remains largely in the same design as when it was originally created. The landscaped garden also remains significantly true to Sorensen's design, with the terraces, garden theatre, general plantings remaining intact wherever possible. The bushland portion of the gardens, including the grotto, remains accessible. The largest identifiable change to the estate is the visitors centre (built 2011), which is used for admission, wayfinding, accessible bathroom and a National Trust gift shop. Located on the boundary of the site, and provides essential services to the ongoing function of the property."

No physical works are proposed as part of this DA, regardless approval under the *Heritage Act, 1977* is required making the proposal Integrated Development.

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#### 4. CURRENT LAND USE AND BUSINESS AS USUAL OPERATIONS

The dominant use of Everglades House & Gardens is for the conservation and display of the site's heritage significance through public access to the Art Deco house and gardens (including sculpture, outbuildings, fittings and furnishings). Council have previously characterised the land use as follows:

*The principal and predominant use of the Everglades House & Gardens is concerned with public access to and enjoyment of the gardens and its buildings. Within that dominant use, there are a number of components such as a café, gallery, arts and crafts and visitor facilities which are all permissible.* <sup>iii</sup>

The café, visitor centre and gallery benefit from independent development consents, due to the sequencing of the development of the site. Despite this, each of these uses serve the dominant purpose for public access and heritage conservation.

Since the property was acquired by the National Trust of Australia (NSW) in 1962, the site has been extensively conserved and upgraded and is open to the public. The ongoing use of the site as a House Museum and Public Garden involves business as usual activities (further detailed in Appendix A) which include:

- Public access through general admissions and group bookings/small activities (for up to 70 people);
- Use of the Visitor Centre (gatehouse) and Studio gallery (former squash courts);
- Operation of the café (tearooms); and
- Conservation through maintenance, restoration and upkeep of the gardens, house and its contents, fittings and furniture and other buildings).

These business as usual (BAU) activities occur daily, with the site generally open to the public between 9 am and 7 pm (daylight hours) and at present closed to the public one day per week.

These BAU activities do not form part of this application, which relates to continued use of the site for Temporary Activities (including small activities, performance activities and Open Day activities) as detailed following.

#### 5. DESCRIPTION OF THE PROPOSAL

The purpose of the National Trust operation of the site is for public use and enjoyment, heritage conservation and education. The proposed Temporary Activities are required to sustain the viability of the site for public access and help fund ongoing maintenance and conservation of the site. They provide high quality visitor experiences in an area that seeks to capitalise on the value of the visitor economy and extend the duration of stays in the local area.

No physical building works are proposed. If any alterations or additions are required in future, they will be the subject of future development application, as required.

The proposed development will be conducted in accordance with the OP that establishes the environmental criteria for the operation of activities and will be updated, as required, to take account of the creative and operational changes at Everglades House & Gardens and other changes in the local community and locality. The OP applies across the Activation Area (illustrated in Figure 7) and will be updated in response to issues raised by Council, the community and regulatory authorities.

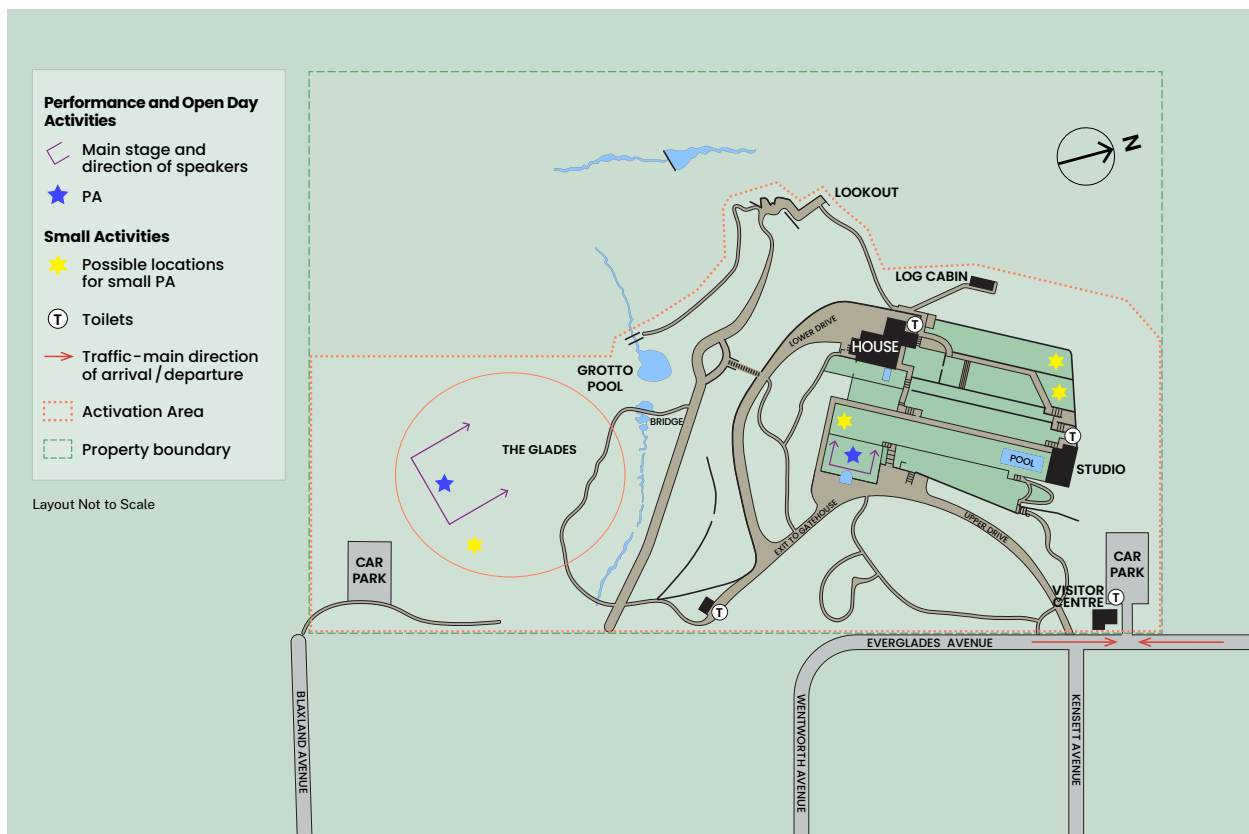


Figure 7: Everglades Activation Area (Source: Graphic/Dimensional 2024)

## 5.1 PROPOSED TEMPORARY ACTIVITIES

A range of Temporary Activities are proposed to increase public access to the site and will support ongoing heritage conservation. The proposed activities are not independent of the house museum and public garden. Rather, the proposed activities are part of a mix of uses that occur on the site. This is required to increase the viability and sustainability of the offering on the site, but also because Everglades House and Gardens attracts visitors for a range of reasons. The activities proposed provide opportunities for the social, cultural and intellectual development of the community. They are managed so they remain sympathetic and subservient to the primary operation of the site for the conservation and public access and enjoyment.

The existing and recent use of the site for similar temporary activities including Open Days, performance, social gatherings and business activities is evidence of the fact that they can be conducted on the site without adversely affecting:

- The site's heritage significance or its setting
- Its capacity to accommodate business as usual activities
- The amenity of the neighbourhood.

Table 3 – Summary of Proposed Temporary Activities

Description	Capacity (maximum only)	Frequency (maximum only)	Hours of operation
Small Activities	120	90 days per year	9am to 7pm (daylight hours)
Performance Activities	250	20 days per year	9 am – 10.30 pm (amplified sound to cease at 10pm)
Open Day	600	2 days per year	9am to 7pm (daylight hours)

The approved tearooms support visitor's enjoyment of the site and includes light meals and Devonshire Tea. This is undertaken in accordance with Food Safety and Responsible Service of Alcohol requirements and other relevant standards.

In addition the proposed development includes ancillary food and beverage components which comprise:

- Extension of hours of operation for the café/tearooms for use during all activities;
- Retail sale of pre-packaged food and beverages for consumption on site;
- Occasional outdoor coffee cart, food truck and/or popup bar for Performance and Open Day Activities.

## 5.2 MAXIMUM CAPACITY AND FREQUENCY

The use of the site for Temporary Activities is proposed initially in line with existing operations, with the frequency of activities to rise gradually and incrementally over time. This will allow growth managed by the OP and constrained by the need to conserve the site's heritage significance and the resourcing capacity of the National Trust. It will also permit gradual growth within the capacity of the site's staff to sustain activation. All activities are subject to staffing and volunteer constraints. With only 2 full- time equivalent (non-gardens) staff, it will not be possible to operate the site at a full capacity of activities immediately.

The proposed maximum frequency will allow the National Trust to sustain existing annual Shakespeare season and grow to offer an additional season of performance with potential for an additional Open Day each year. It will also permit the National Trust to gradually grow the capacity of the site to provide for wakes, wedding ceremonies and business activities in line with staff and volunteer capacity to service those activities.

The small activities are infrequent and occupy small and defined parts of the historic gardens while also permitting the BAU use and enjoyment of the site and recreational use of the public gardens.

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### 5.3 THE OPERATIONAL PLAN

The OP is proposed as the primary governance mechanism to ensure that development over time responds to appropriate heritage policies, environmental and amenity criteria. This will allow the use of the site to evolve over time and accommodate changing cultural and artistic programming while management measures continue to be refined and improved. This will also facilitate operational change to better respond to changing conditions in the visitor economy.

To help ensure that the proposed activities will not give rise to adverse amenity impacts the OP adopts environmental criteria and recommendations with regard to noise, vibration, traffic or amenity. It takes account of the operational, creative and environmental impacts of the Temporary Activities.

#### 5.3.1 CONSERVE HERITAGE SIGNIFICANCE AND PROTECT AMENITY

The OP adopts key conservation policies contained in the CMP and additional project specific conservation policies recommended by the HIS.

The OP also adopts the key recommendations from the noise impact and traffic and parking assessments as detailed following, which will help ensure activities meet appropriate environmental and amenity criteria.

#### 5.3.2 CONTINUOUS IMPROVEMENT

As the use of the site will grow and evolve over time the regular review of the OP will permit adaptive responses to changing programming and a cycle of continuous improvement with regard to management measures.

The OP will be updated regardless of the need to seek further development approval to:

- Take account of changes in site management and operational practices;
- Address any new environmental impacts arising out of these changes;
- Identify any additional performance standards or mitigation measures necessary to offset residual impacts and ensure the amenity of the locality and surrounds are protected; and
- Address the outcomes of any monitoring or compliance activity.

The OP will also be updated in response to issues raised by Council, the community and regulatory authorities (Refer further details at Section 5.3). Any updated OP shall be provided to Council and all other relevant stakeholders.

#### 5.3.3 CLAUSE 5.10 (10)

On this basis the OP forms a sound governance regime that allows compliance with clause 5.10(10) and will specifically allow:

- Stakeholders to be confident of established environmental criteria which need to be met and the mechanisms for managing issues if they arise; and
- The National Trust to evolve the activation of the site over time and continue to meet and exceed established environmental standards.

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## 5.4 HERITAGE MANAGEMENT - CONSERVATION AND PUBLIC ACCESS

Heritage Management is guided by the CMP and OP which adopts the requirements of the HIS (heritage management document) that accompanies this DA.

*“Everglades is a property in constant need of repair and maintenance, and the National Trust takes its responsibility for this very seriously. While the CMP outlines a comprehensive list of conservation policies and recommendations/guidelines for all aspects of the property’s conservation and future management, this document is focussed specifically on the areas of impact associated with this development application.”*

The OP adopts the maintenance and conservation focus identified in the HIS to help cater for the Temporary Activities and also enhance conservation outcomes and public access and inclusion. All of these areas relate to the improved public access and enjoyment of the property.

The OP also identifies ongoing maintenance and monitoring which will be required to ensure that the Temporary Activities can occur without adverse impacts on the heritage significance of the site, its setting or the amenity of the neighbourhood.

## 5.5 SOUND

Amplified sound is proposed to be incorporated into Activities as follows:

- Performance and Open Day Activities with the proposed sound source being a main stage either in the Glades or in the Outdoor Theatre as illustrated in Figure 7.
- Small Activities – small PA for wedding celebrant or small ensemble or background music on one of three terrace locations or the Glades as illustrated in Figure 7.

## 5.6 TRANSPORT, TRAFFIC AND PARKING

### 5.6.1 TRANSPORT

The topography of the locality and the lack of public formed footpaths and road verges mean that travel to the site by active transport (walking or cycling) is inconvenient and unlikely in the most part.

The site is serviced by 9 bus stops within 10 minutes’ walk of the site. The service for these bus stops provides limited connectivity with the wider public transport network. The primary mode of transport for visitor and staff of the site is by private car and chartered coaches.

Historic use patterns indicate that most staff and visitors arrive by private vehicle at a ratio of 3 people per car on average, during busy BAU periods, and on event days. An average of 2.4 people per car is associated with historic use of the site for family group visits, BAU group bookings (where a coach is not used).

### 5.6.2 TRAFFIC AND COACH MANAGEMENT

The site is serviced by a network of local roads which meet the Great Western Highway (state road) at Scott Avenue to the east and Leura Mall to the west. The streets in the vicinity of the site are narrow residential streets with widened grass verges on both ends that can be used for parking. This network provides sufficient connectivity for the staff and visitors of the Everglades Avenue to the greater NSW road network



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Coaches will be managed in accordance with the Operational Plan which requires management of the designated loading space at the front of the site to minimise impact on traffic flow and parking.

In this regard coaches are required to turn off their engines while passengers embark or disembark, then drivers must remove the vehicles to park in an alternate location and return as arranged when visitors ready to depart.

### 5.6.3 PARKING

There are two on site car parks which accommodate 29 cars. Most patrons park in the vicinity of the House and Gardens where there are at least 120 parking spaces within the walking catchment of the site. 14 spaces are used for staff parking and 15 spaces are available to visitors and the public. However, most patrons park on-street in the vicinity of the House and Gardens (refer Section 7.5 for further details).

## 6. STRATEGIC AND STATUTORY PLANNING FRAMEWORK

### 6.1 STRATEGIC PLANNING CONTEXT

The Western City District Plan is the NSW Government's strategy for guiding land use planning decisions for the District in which Blue Mountains LGA is located for the next 20 years. It establishes with the Region Plan– the vision for a metropolis of three cities – the Western Parkland City, the Central City and the Eastern Harbour City. However, planning for population growth and infrastructure in the Blue Mountains is unlike other areas within the Western City. The Western City District includes Blue Mountains, Penrith, Hawkesbury, Fairfield, Liverpool, Camden, Campbelltown, and Wollondilly. The District Plan has substantial focus on the infrastructure requirements of high growth areas within the Western District and the proposed Western Sydney Aerotropolis.

The unique location in a World Heritage National Park sets the Blue Mountains apart from other areas. In accordance with the Western City district Plan the proposed development will:

- *Support the achievement of the vision for the District which relies on building economic opportunities by supporting priority growth sectors including tourism; and*
- *Contribute to the conservation of the heritage significance of the Blue Mountains and the site itself.*

### 6.2 BLUE MOUNTAINS 2040

The Local Strategic Planning Strategy (LSPS) Blue Mountains 2040: Living Sustainably sets out the community shaped vision and local planning priorities for the use of land in the Blue Mountains over the next 20 years.

*The local planning priorities set a clear direction for how land will be used for housing, employment and sustainable tourism. The statement acknowledges the important link between land use and infrastructure planning in creating sustainable, liveable and productive cities. The priorities describe how the unique values and characteristics of the Blue Mountains will be protected, to ensure our distinctive lifestyle and sense of place is retained. The world recognised environmental setting of the Blue Mountains establishes the physical framework for these priorities and appropriately underpins our actions.*

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The proposed development will directly contribute to the achievement of local planning priorities including:

- 4. Strengthening Creativity, Culture and the Blue Mountains as a 'City of the Arts'*
- 5. Conserving and enhancing heritage, character and liveability*
- 8. Leading destination management and sustainable tourism*

### 6.3 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

This application is made pursuant to Part 4 Section 4.12 of the *Environmental Planning and Assessment Act 1979*, (the Act).

### 6.4 BLUE MOUNTAINS LOCAL ENVIRONMENTAL PLAN 2015

The proposed Temporary Activities serve the dominant public access and heritage conservation purpose of the site and are not independent of the house museum and public garden. Rather the proposed Temporary Activities are part of a mix of uses that occur because the house and gardens are a destination and attraction to prospective visitors for a range of reasons.

Pursuant to BMLEP the Temporary Activities can be approved in accordance with Clause 5.10(10) Conservation Incentives, because the conditions of that clause are satisfied as detailed below at Section 6.4.1.

The proposed development is not antipathetic to the general aims of Blue Mountains LEP 2015 (BMLEP).

In specific compliance with objective (e) the proposed development will conserve and enhance, for current and future generations, the ecological integrity, environmental heritage and environmental significance of the Blue Mountains, and objective (l) to ensure that the social needs of existing and future residents are met through the provision of appropriate community facilities, open space and services

The proposed development will specifically help achieve the following relevant general aims of BMLEP:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (c) to meet the needs of residents, visitors and the business community through the provision of an appropriate balance of land uses and built forms,*
- (e) to conserve and enhance, for current and future generations, the ecological integrity, environmental heritage and environmental significance of the Blue Mountains,*
- (l) to ensure that the social needs of existing and future residents are met through the provision of appropriate community facilities, open space and services,*
- (m) to provide sustainable employment opportunities and strengthen the local economic base by encouraging a range of enterprises, including tourism, which respond to lifestyle choices, emerging markets and changes in technology, while protecting local amenity, character and environmental values*

### 6.4.1 HERITAGE

“Everglades and interiors” house, grounds and outbuildings are classified as a state heritage item (LA005) and the site is also located within the Jamison Valley Heritage conservation area pursuant to BMLEP 2015 (with local significance).

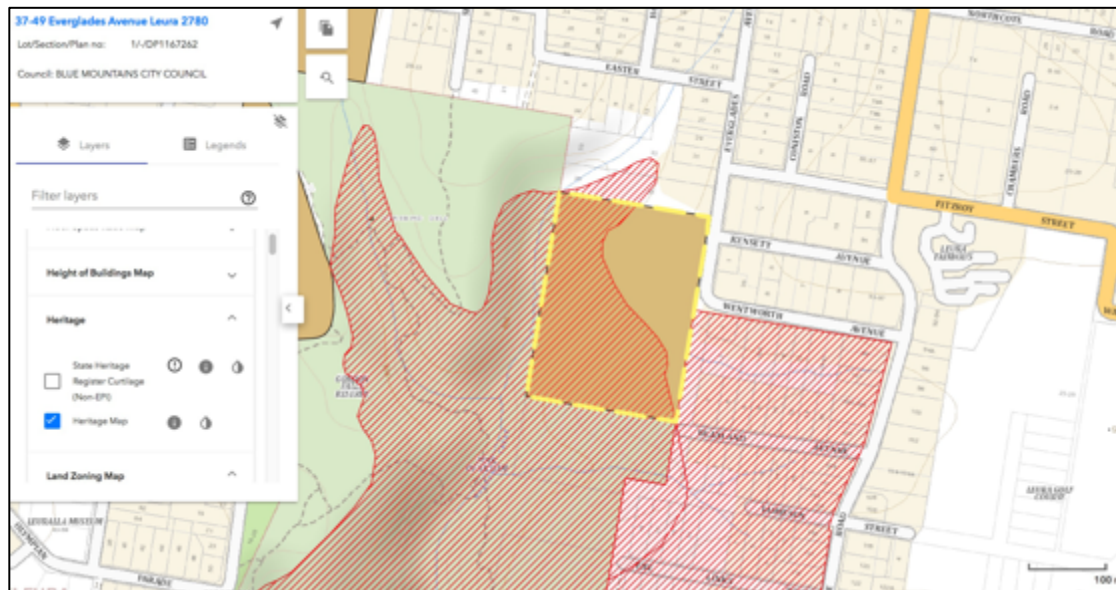


Figure 8: Local heritage (Source: Blue Mountains Local Environmental Plan 2015, e planning)

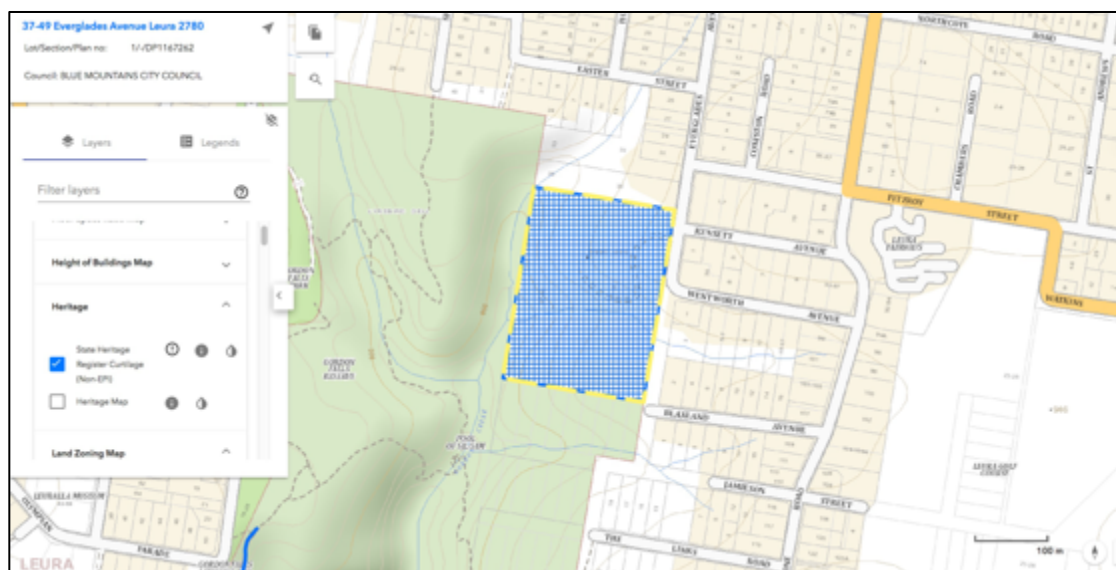


Figure 9: State Heritage Listing (Source: State Heritage Register e planning)

### 6.4.2 CONSERVATION INCENTIVES

The proposed development complies with and will help achieve the objectives clause 5.10 of BMLEP which include:

- (a) To conserve the environmental heritage of the Blue Mountains,
- (b) To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,

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(c) To conserve archaeological sites,

(d) To conserve Aboriginal objects and Aboriginal places of heritage significance.

Clause 5.10(10) provides Conservation incentives that permit the consent authority to grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied of the following matters:

*(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*

There is a strong nexus between the proposed development and continued conservation of and public access to the site. Not only do the proposed Temporary Activities increase public access to the site, they also contribute towards the financial sustainability of the site. They will thereby directly assist the National Trust to continue to protect and enhance a place with special cultural and aesthetic values. The Heritage Impact Statement concludes:

*As per the requirements of Clause 5.10(10) in the Blue Mountains Local Environmental Plan 2015, the proposed development facilitates conservation and public access to the site by providing the income stream required to facilitate the ongoing care and maintenance of the property.*

*Recent works to undertake extensive restoration works to Everglades House and Garden demonstrate the ongoing commitment of the National Trust to the heritage significance of the property and have included:*

- *Full internal repainting of the house, and the reinstatement of original furniture and lighting to the building based on historic evidence, restoration of existing furniture, installation of new interpretation, and removal of all intrusive elements;*
- *Installation of a permanent interpretation space within the house to highlight the heritage significance and history of the property;*
- *Installation of a new permanent exhibition space within the house to allow for a changing series of exhibitions, the first of which highlighted the photography of the site by renowned photographer Harold Cazneaux;*
- *Significant works within the garden to remove intrusive plantings and restore original features and views based on the recommendations of the CMP;*
- *Restoration and re-activation of all fountains within the property (ongoing);*
- *Installation of new gallery-quality lighting within the Squash Court.*

*(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*

The proposed development is consistent with the relevant policies of the CMP regarding future use as detailed in the HIS which constitutes a heritage management document<sup>iv</sup> for the purpose of clause 5.10(10) and can be approved by Council as part the DA process.

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- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*

The HIS identifies requirements for ongoing conservation, maintenance and monitoring which will continue to ensure that the Temporary Activities occur without adverse impacts on the site, its setting or the amenity of the neighbourhood. All of these relate to the improved public access and enjoyment of the property.

*The focus will be on regular maintenance including but not limited to:*

- o Maintenance of buildings to ensure safe public access and protection of heritage values;*
- o Monitoring and ongoing maintenance of roof and rainwater systems and associated pipework and drainage throughout the property to limit water damage to buildings, pathways and gardens;*
- o Maintenance of grounds, including regular trimming, weeding, pruning and planting;*
- o Monitoring of the site for any signs of wear and tear or risk to visitors;*
- o A focus on early identification of issues requiring attention and remediation.*

*Other area of focus for the National Trust over the next 1-10 years (dependent on funding from business as usual operations, donations and proposed Temporary Activities) will be on:*

- o The Studio Terrace, in terms of restoring its modernist landscaping features, plantings and views;*
- o The Cherry Terrace, in terms of its plantings;*
- o Repair and/or modification of handrails and barriers throughout the property to improve accessibility, compliance and safety;*
- o Irrigation and water management throughout the property;*
- o Repair works to the roof and rainwater systems of the house and studio;*
- o Improvements to driveways and pathways within the site to address current surface issues and to bring them up to a state where regular maintenance is then possible.*

- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*

- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

The proposed Temporary Activities will be conducted in accordance with the OP that accompanies this DA to ensure the conservation and enhancement of the site's heritage significance, including its setting, the Jamieson Valley and curtilage. The OP contains specific environmental criteria to be satisfied to ensure the amenity of the neighbourhood will not be adversely affected.

The National Trust has a proven track record in the conservation of and public access to the places and built heritage items which it cares for. Use and activation of Everglades House and Garden will achieve the following requirements of the HIS/Heritage Management Document:

- o The primary use of the site will continue as a National Trust house and garden which is open to the public.*
- o Any events or uses will be determined by the relevant council approvals in*

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*terms of capacity and frequency. In terms of heritage impact, the relevant measures should be undertaken to ensure the protection of the site in response to the number of patrons expected, areas of the property in use, weather conditions expected and duration of the activity.*

- *Any Temporary Activity or use of the property should have a fully reversible impact on the property, and result in no permanent actions or works.*

The OP also includes the detailed conservation policies that apply to the operation of proposed Temporary Activities. The OP will be updated, as required, to take account of the creative, cultural and operational changes at Everglades House & Gardens. The HIS that accompanies this DA has found:

*The history of Everglades as a gathering space and tourism venue forms an important part of the property's identity and character, even prior to the National Trust acquiring the estate. This proposal seeks to continue Temporary Activities which are shown by this HIS to be suitable uses of the property, aimed at activating the place and providing the ongoing funding for its conservation.*

*The proposed development would not adversely affect the heritage significance of Everglades House and Garden, including its setting, and acknowledges that the conservation of the heritage item and its significance is facilitated by the granting of consent through the activation and ongoing use of the property.*

*The proposed formalisation of these uses through the development application process can be found to have an overall positive heritage impact on the Everglades House and Gardens. The proposal does not involve any permanent physical alterations to the property, and proposed uses and ongoing conservation are to be guided by the relevant Conservation Policies outlined in this document.*

In addition to the BAU operations on the site, temporary activities including public events and functions, performance activities in the outdoor garden theatre, Open Days and wedding ceremonies have also been held on the site for many years, as detailed at Appendix C.

The BAU and the temporary uses operations at Everglades House & Garden have established acceptable baseline local amenity conditions in which visitors to the site are a daily expected and established occurrence. Over time General Admissions have grown incrementally and similar temporary activities have occurred in accordance with the temporary use consent. These uses respond directly to:

- The gradual growth in the popularity of the site;
- The volunteer capacity to sustain activation;
- The house and gardens capacity to sustain activation with adverse heritage impacts;
- The increased need for activation to help financially sustain conservation and maintenance.

The current and past operation of the site demonstrate the capacity of the:

- Local environment to accommodate activation without significant adverse impacts; and
- Everglades management team to respond to local issues complaints and concerns of residents and neighbours if and when they arise in a proactive and adaptive manner.



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### 6.4.3 ZONING

The site is zoned C2 Environmental Conservation, and C3 Environmental Management.<sup>v</sup> The division of land into these zones generally reflects the extent of formally landscaped gardens (C3 zone) and natural bushland (C2 zone) with panoramic views of the Jamison Valley.

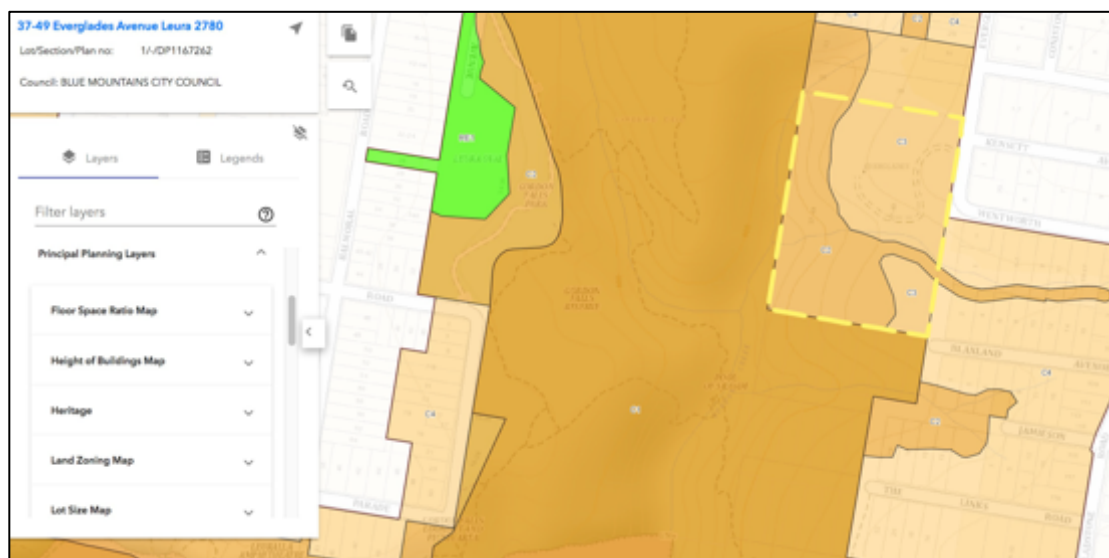


Figure 10: Land Zoning (Source: Blue Mountains Local Environmental Plan 2015 e-planning spatial viewer)

This DA seeks approval for the continued use of Everglades House & Gardens for the Temporary Activities including small activities, performance activities and open days. The proposed development complies with the objectives of the C3 Zone that include:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To protect the natural bushland buffer between towns, to avoid ribbon development and to conserve vistas of bushland obtained from public places and the Blue Mountains National Park.*
- *To ensure that the form and siting of buildings, colours, landscaping and building materials are appropriate for, and harmonise with, the bushland character of the area.*
- *To encourage landscaping and regeneration of natural bushland in areas with sparse tree or canopy cover.<sup>vi</sup>*

The proposed development is consistent with these objectives because it helps sustain the viability of the ongoing adaptive reuse of a significant heritage building allowing public access, enjoyment and education.

The existing use of the site and the proposed development can occur as demonstrated in this SEE and accompanying technical reports without adverse impacts on the ecological, scientific, cultural or aesthetic values of the land or the Blue Mountains World Heritage Area. The proposed development will help achieve the appropriate protection and management of the values of the C2 zone on the subject site. The proposed development is not antipathetic to the C2 Zone Objectives which include:

- *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*

- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To encourage land restoration works on disturbed bushland areas.
- To restrict the development of private land that would be inappropriate because of physical characteristics or high bush fire hazards, but only where less restricted development is permitted elsewhere on the land due to split zoning.
- To maintain biodiversity in the Blue Mountains.<sup>vii</sup>

#### 6.4.4 FLOOR SPACE RATIO AND MAXIMUM BUILDING HEIGHT

The site is not subject to maximum FSR controls, however it is limited to a maximum building height of 8m. No building works or alteration of the existing built form is proposed and consequently FSR and Building height controls are not relevant to the proposed development.

#### 6.4.5 BUSHFIRE PRONE LAND

Parts of the site are identified as bushfire prone land in BMLEP 2010. A Bushfire Assessment prepared by Bushfire Consulting Services accompanies this DA. The assessment was prepared in accordance with the requirements of *Planning for Bush Fire Protection* (PBP) and makes recommendations in accordance with the aim, specific objectives, the intent and performance criteria of Chapter 8 of PBP).

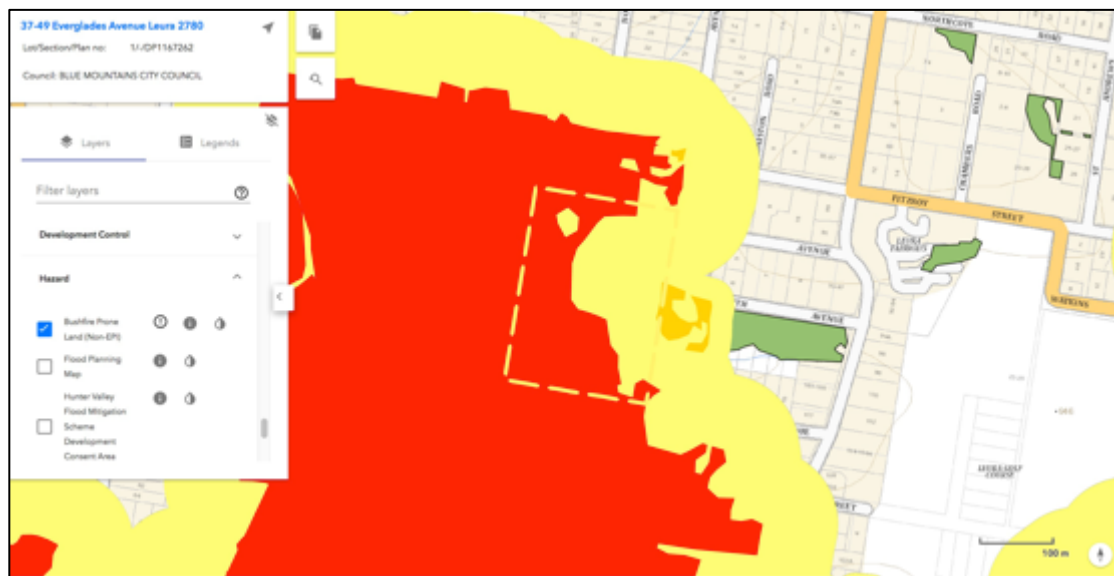


Figure 11: Bushfire Prone Land (Source: Blue Mountains Local Environmental Plan 2015, eplanning)

The site is predominantly managed lands and well maintained, with the National Trust providing the means to maintain the property in the future.

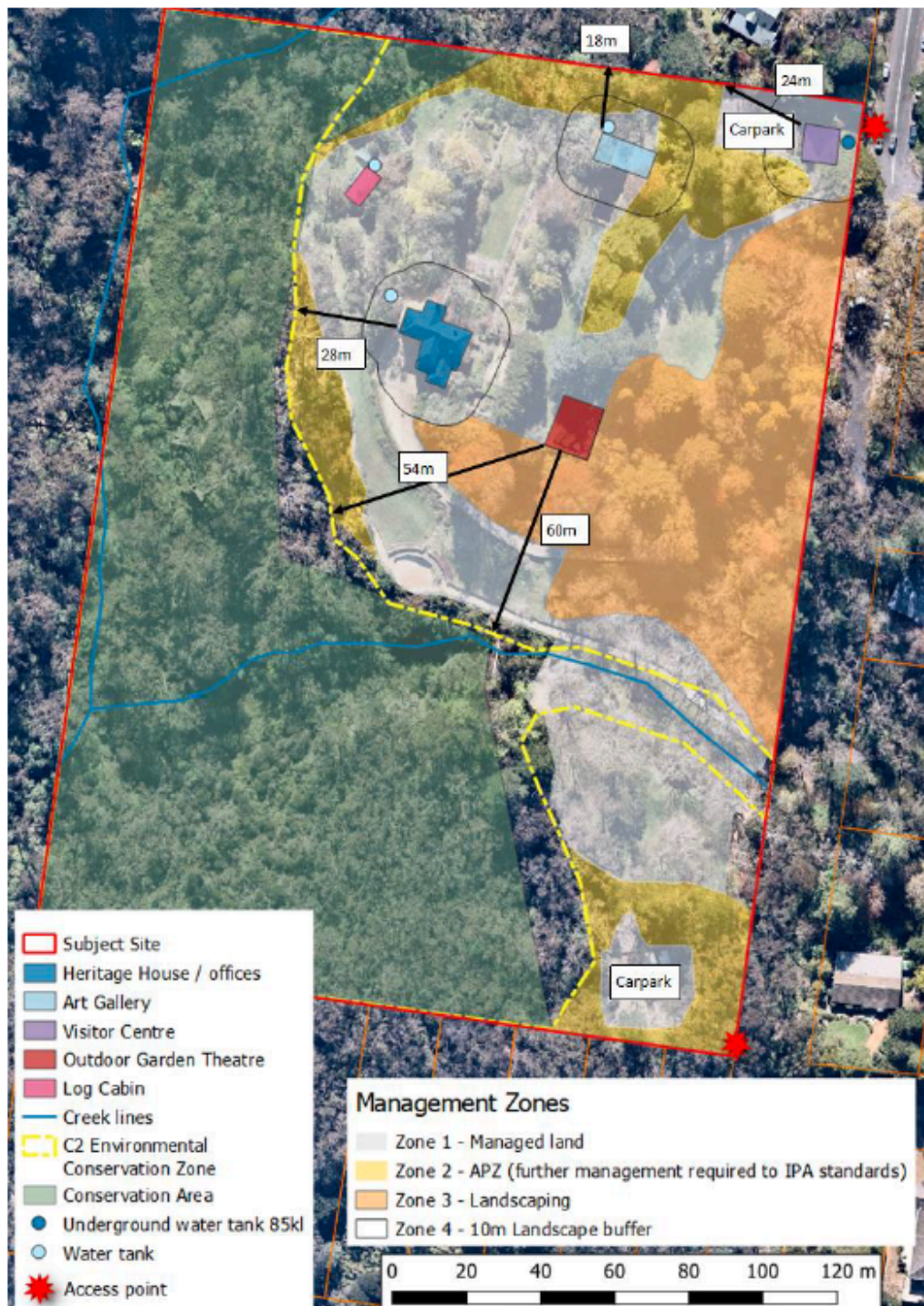


Figure 12 Bushfire Management Plan Zones (Source: Bushfire Consulting Services)

Bushfire Consulting Services consider the proposed development able to satisfy the aims and objectives of PBP 2019, subject to the implementation of an appropriate combination of recommended bushfire protection measures which include:

- *Cancelling Temporary Activities on Catastrophic Fire Danger Rating Days*
- *Consideration of access and egress routes for emergency services and patrons in the event of evacuation and expected timeframes;*
- *Off-site refuge with capacity to contain all participants and staff and that complies with RFS Neighbourhood Safer Places Guidelines including:*

- 
- Open Space – intersection of Fitzroy Street and Chambers Road Leura and the
  - Open Space Megalong Street (Leura Mall)
  - Minimise levels of radiant heat in accordance with the requirements set out in the Bushfire Assessment;
  - Provide an appropriate environment for operational emergency service personnel
  - Ensure the capacity of existing infrastructure can accommodate the increase in demand during emergencies
  - Preparation of a Bushfire Specific Emergency Management and Evacuation Plan consistent with the NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan;
  - An Emergency Planning Committee is established to consult with staff in developing and implementing an Emergency Procedures Manual.

Detailed plans of all emergency assembly areas including onsite and off-site arrangements as stated in AS 3745:2010 are clearly displayed, and an annual emergency evacuation is conducted. Because the 100m APZ cannot be provided within the site based on environmental and heritage constraints, the Assessment includes specific recommendations for different Management Zones across the site, as illustrated in Figure 12 to improve the bushfire protection measures afforded to the site.

The Operational Plan adopts the recommendations of the *Bushfire Assessment Report prepared by Bushfire Consulting Services in 2024* in relation to the maintenance and management of Everglades House & Gardens to protect this site and visitors and staff from the impacts of bushfire.

In accordance with these requirements the existing Everglades House & Gardens Fire Emergency Management and Evacuation Plan is currently being updated to reflect the proposed activities.

#### 6.4.6 BIODIVERSITY, SLOPE CONSTRAINTS AND RIPARIAN LANDS

Some parts of the site are the subject of a Conservation Agreement under Part 4 Division 1 of the *National Parks and Wildlife Act, 1974* which requires around 2 Ha of the site to be managed to protect and restore landscape and conservation values. The site is also affected by and in proximity to protected Riparian Lands and Watercourses.

The proposed development does not include or give rise to the need for any physical works that would change the existing condition of the slopes, biodiversity values or riparian lands or watercourses. In addition, the activation area of the site (as illustrated in Figure 7 and Figure 10) does not have significant biodiversity values that would be affected by the proposed development. The activation area is located within the managed gardens component of the site. Consequently the proposed development is considered unlikely to adversely affect protected biodiversity or riparian lands on or near the site.

### 7. SECTION 4.15 ASSESSMENT

This section assesses the impact of the development including the environmental impact of the development on both the natural and built environment and social and economic impacts on the locality.



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## 7.1 NATURAL AND BUILT ENVIRONMENT IMPACTS

As detailed above the proposed development will not give rise to any additional or adverse impacts on the natural environment. Although parts of the site are subject to a conservation agreement, and are identified as riparian watercourse and slope constrained, these will not be affected by the proposed development and the Temporary Activities proposed can occur without detrimental impact on these environmental constraints.

The proposed development does not include or give rise to the need for any physical works that would change the existing condition of the built environment. The proposed continued use of Everglades House & Gardens for Temporary Activities will actively contribute to the conservation and interpretation of the natural and built environment of this important heritage asset.

## 7.2 SOCIAL AND ECONOMIC IMPACTS

The proposed performance and small activities and Open Days will help ensure that Everglades House & Gardens continues to be a viable adaptive reuse of a state heritage item. This will in turn contribute to the continued attraction of visitors and tourists to both Leura and the Blue Mountains. The proposed development will augment the social and cultural offering available to local residents and visitors alike and help facilitate the achievement of Council's Local Planning Strategy and the arts and cultural vision for the LGA.

The proposed continued use of Everglades House & Gardens for performance and small activities and Open Days will help encourage local participation in volunteering and arts and culture, and enhance the productivity and liveability of the area.

The nexus of the proposed development with the ongoing financial sustainability of the site is described above and will directly contribute towards conserving significant heritage. The proposed development will also provide modest local employment with additional and considerable community benefits associated with volunteering opportunities.

## 7.3 INTERFACE WITH RESIDENTIAL DEVELOPMENT

Everglades House & Gardens is a place for people – the people of Leura, the Blue Mountains, the Western Parkland City, and for visitors from further afield. The proposed development will encourage repeat and new visitors who can appreciate the place and its beauty and better understand its heritage significance.

As detailed in this SEE and accompanying technical reports, the proposed development responds to submissions received in 2023. The proposed development will be managed in accordance with an Operational Plan that will help protect the amenity of the neighbours and the locality. The OP contains specific provisions ensuring the existing high standard of ongoing liaison with the local community is maintained:

*The objective of Everglades House & Gardens is to welcome all members of the local community into the site on a regular basis. It is intended that this will provide opportunities to develop strong relationships with the local community.*

*Liaison and regular communication with the community are an important ongoing element in managing the site. Information regarding the site is provided to neighbours and stakeholders as required in a dynamic process that allows for the adjustment of management and operational methods for the benefit of all parties.*

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*In addition the National Trust maintains a webpage where the community can obtain up-to-date information about the site and which provides email and phone contact numbers that create a direct line of communication. In this way, issues can be addressed as they arise.*

Regular liaison with the community ensures issues are addressed as they arise by management. To date, While no formal complaints have been received by Everglades. The OP contains the following formal process for resolution of complaints should they arise.

*Complaint handling procedures will include:*

- *Register of nature of complaint;*
- *Name telephone number or email address of complainant (if available);*
- *Action taken and resolution of complaint; and*
- *Feedback to complainant and any ongoing management review action required.*

The OP shall be implemented and reviewed as required (refer Section 5.3) to help ensure that the proposed development meets the requirements of clause 5.10(10) and does not adversely affect:

- The site's heritage significance or its setting
- The site's capacity to accommodate ongoing public access through business as usual activities; or
- The amenity of the neighbourhood.

#### 7.4 ACOUSTIC ASSESSMENT

The activation of the site has the potential to generate some sound impacts. Consequently, an Acoustic Impact Assessment was prepared by RWDI and accompanies this application.

Subject to the full implementation of recommendations contained in the noise assessment RWDI conclude *that the proposal would result in no significant or unacceptable adverse consequences for the acoustic amenity of the surrounding locality.*"

The sources of sound associated with the proposed Temporary Activities include amplified sound as well as patron noise, and the access and egress of patrons including vehicle movements and parking.

Residential receivers are located in the vicinity of the subject site. The following residential receivers have been identified as illustrated in Figure 13:

- Residential dwellings located to the east of the site on Blaxland Avenue, Wentworth Avenue and Everglades Avenue;
- Residential dwellings to the north of the site on Everglades Avenue and
- Residential dwellings to the west of the site.





Figure 13: Nearest Residential Receivers (Source: RWDI)

Long term and attended short term ambient noise levels were monitored at four of these locations, reflective of the range of environments in the potentially affected areas.



Figure 14: Noise Logger Locations (Source: RWDI)

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Based on background noise levels, guidance from the NSW EPA Noise Policy for Industry 2017, City of Sydney Event Guidelines (noting Blue Mountains Council does not have guidance for noise management of the proposed Temporary Activities), and noise limits at other relevant venues in NSW, the noise assessment recommends the following event noise limits be applied to the site.

Table 6 – Recommended Project Noise Limits

Event Type	Noise Limit
Open Day (600 patrons)	45 dBA, 55 dBC (LAeq 5-minute)
Performance Activity (250 Patrons)	45 dBA, 55 dBC (LAeq 5-minute)
Small Activity (120 Patrons)	40 dBA (9.00 to 6.00pm); 35dBA (6.00pm – 7.00 pm)

Acoustic impacts, inclusive of noise from amplified sound, car movements within the site, and patron noise for each type of event were then modelled. The modelling demonstrated that full compliance with the recommended noise limits detailed above would be achieved.

Compliance with the applied event noise limits is predicted at all the nearest receivers during all Temporary Activities. However, to ensure compliance with the above limits, recommendations are made with regard to speaker and stage orientation, noise monitoring or the inclusion of a noise limiting device to ensure specific sound levels are met. These measures are incorporated into the OP and include:

#### Open Days

- The speaker system/stage should be orientated as shown in Figure 7  
The applied event noise limits should be enforced to achieve and maintain compliance.
- There should be a noise limiting device fitted to ensure that the sound power level of the speaker system is below 97 dBA or less than 69dBA/79 dBC at 10m; or
- Alternatively, monitoring needs to be conducted during every Public Community Event to ensure that the measured sound pressure Levels at 10m from the speaker are less than 69dBA/79 dBC.

#### Performance Activities

- Compliance of the event noise limit is predicted at all of the nearest receivers during Performance Activities. The speaker system/stage should be orientated as shown in Figure 7.
- The applied event noise limits should be enforced to achieve and maintain compliance.
- There should be a noise limiting device fitted to ensure that the sound power level (SWL) of the speaker system is below 97 dBA or less than 69dBA/79 dBC at 10m; or
- Alternatively, monitoring shall be conducted during every Community Event to ensure that the measured sound pressure levels at 10m from the speaker are less than 69dBA/79 dBC.

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## Small Activities

- There should be noise monitoring or a noise limiting device fitted at Front of House or noise monitoring performed during small activities to ensure that the sound power level (SWL) of the small PA system is no more than 94dBA during the day period and no more than 90 dBA during the evening/night period

## Traffic noise

Traffic noise associated with the development was also reviewed and determined to be acceptable, having regard to the NSW Road Noise Policy (DECCW 2011).

## 7.5 CAR PARKING, VEHICLE AND ACCESS MANAGEMENT

A Traffic Impact Assessment (TIA) prepared by ptc consulting and provides an assessment of the impacts of the proposal on traffic and parking in the vicinity of the site.

### 7.5.1 TRAFFIC IMPACTS AND COACH MANAGEMENT

Although the site is served by public transport, the primary mode of transport for visitors and staff to the site is by private car or by chartered coaches. The site is serviced by a network of local roads which meet the Great Western Highway (state road) at Scott Avenue to the east and Leura Mall to the west. This network provides excellent connectivity to the greater NSW road network for visitors and staff.

The majority of vehicles accessing the site are private cars. However, private coaches also bring visitors to the site during BAU and Temporary Activities, particularly special interest and elderly groups. These range in size from 13-20 seat mini buss to 28-71 seat coaches. Coaches will continue to be used as part of the BAU and proposed Temporary Activities.

Coaches will be managed in accordance with the Operational Plan. In this regard, coaches are required to turn off their engines while passengers embark or disembark, then drivers must remove the vehicles to park in an alternate location and return as arranged when visitors ready to depart.

The Traffic Impact Assessment (TIA) prepared by ptc consultants considered the traffic impacts of the proposed development, having regard to the additional traffic movements likely to be generated by the proposed activities.

The TIA predicts the worst case trip generation for the site would be 100 trips per hour over two hours on Open Days (just 2 days a year). The maximum number of trips expected was found to be insignificant in the context of the surrounding volumes on the road network and modelling illustrates that an acceptable level of service at the key intersections around the site would be maintained, including:

- Craigend Street / Everglades Avenue
- Megalong Street / Gladstone Road
- Scott Avenue / Gladstone Road
- Leura Mall / Railway Parade
- Leura Mall / Craigend Street

The TIA also considered servicing of the site, with a maximum sized vehicle being a 6.4m semi-rigid vehicle. The swept path analysis demonstrates that this 6.4m SRV is able to manoeuvre into and out of the site in a forward direction.



The TIA concludes that the proposed traffic and access arrangements are acceptable with the site and surrounds capable of accommodating the forecast traffic generation and parking requirements associated with the proposed development.

### 7.5.2 PARKING

There are two on site car parks which accommodate 29 cars. 14 spaces, accessed from Blaxland Road are used for staff parking and 15 spaces accessed from Everglades Avenue are available to visitors / the public. However, most patrons park on-street in the vicinity of the House and Gardens.

The TIA undertook a survey of available on-street parking in the vicinity of the site and excluded a number of on street parking spaces from the calculation of those available to be used. This was because they are either located on narrow or cul-de-sac streets or parking cones had been placed in the spaces to discourage parking.

The parking cones have been removed since the survey was undertaken. Despite this the TIA assumes parking availability based on their continued existence, so as to provide a conservative modelled assessment of parking availability in the locality.



Figure 15: Estimated existing parking provision in the area (Source: ptc traffic consultants 2023)

Figure 15 illustrates that 59 spaces have been excluded from analysis that can legally, safely and practically be used.

These exclusions (in Wentworth Avenue, Kensett Avenue and Coniston Road) mean that for the purpose of modelling projected parking impact there are considered to be 120 readily accessible on-street parking spaces in the vicinity of the site.

The reality is that there are 29 spaces on site + 179 legal on street spaces totalling 208 parking spaces.

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For the purpose of this conservative analysis availability of 29 on site plus 120 on street totalling 149 spaces available (with 135 of these spaces available to visitors).

#### 7.5.2.1 PARKING FOR BAU AND PROPOSED SMALL ACTIVITIES

It is proposed to increase the maximum capacity of the small activities to 120 patrons, which may occur at the same time as BAU General Admissions, although small activities will not coincide with likely peak visitation days, such as public holidays. Consequently, for modelling potential environmental impact the worst case scenario for parking demand during BAU and small activities would be:

- One third of the daily BAU average of 150 patrons (50 patrons in 17 cars with the remainder arriving over the course of the day) AND
- The patrons associated with a Small Activity (120 patrons in 50 cars)

This would result in a modelled worst case scenario need for 67 visitor parking spaces, of which 15 visitors can be accommodated on site and 50 can be accommodated in the surrounding streets.

#### 7.5.2.2 PARKING FOR OPEN DAYS AND PERFORMANCE ACTIVITIES

The Performance Activities and Open Days component of the proposed operations will occur up to a maximum of twenty days and two days per year respectively with patron capacity of 250 and 600 people respectively.

For performance activities (during the day or in the evening) a maximum demand for 84 parking spaces is expected based on a travel mode of 3 persons per car. This can be readily accommodated within the modelled available total of 135 visitor parking spaces.

On a maximum of two days per year, it is proposed to host Open Days with a maximum capacity of 600 visitors spread throughout the day. Based on past operations, patrons tend to attend in the morning or afternoon and do not stay for the entire day. This means that the maximum number of patrons expected on the site at any one time is approximately 150–200 in the peak period. To ensure this visitation is spread across the operational hours, shows/activities would be repeated throughout the day and publicised as such. Based on an expected travel mode of 3 people per car, 200 patrons all arriving by car would result in a parking demand of up to 67 spaces which can be accommodated within the 135 spaces available in the carpark and on-street.

To ensure the surrounding neighbourhood can accommodate the potential worst case scenario, the TIA (and noise assessment) models a very conservative peak scenario of 300 people arriving by car at a rate of 3 people per car and 2 buses or private coaches containing up to 114 people. This would result in a demand for 100 parking spaces, which can also be accommodated within the 135 spaces available. Coaches will be managed in accordance with the coach management operational procedures in the Op and detailed at Section 5.6.2.

The TIA demonstrates that there is sufficient capacity for parking on, and around the site to meet conservative worst case parking demand associated with the proposed activities.

### 7.6 THE SUITABILITY OF THE SITE

The site is a State heritage item and is located on land zoned E2 Environmental Management which is therefore ideally suited to the proposed continued use of Everglades House & Gardens for Temporary Activities. The use of the site for limited Temporary Activities

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recognises and responds to the objectives of the zone and is sympathetic to the surrounding land uses.

The HIS/ heritage management document that accompanies this DA concludes that the proposed development can be accommodated on the site without adverse heritage impacts. In fact it found that there would be benefits to conservation, interpretation social, cultural and educational outcomes associated with the site.

Bushfire Consulting Services consider that the proposed development able to satisfy the aims and objectives of PBP 2019, subject to the implementation of an appropriate combination of recommended bushfire protection measures detailed in the OP.

Both the Acoustic and Traffic Assessment have modelled conservative potential worst case scenarios and found that the proposed activities can be accommodated on the site without adverse noise or traffic impact on the neighbours or surrounding locality subject to the implementation of mitigation measures detailed in the OP.

As such there are no factors which preclude the site from being suitable for the proposed development.

## 7.7 ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE EPA ACT OR REGULATION

The proposed development may be publicly notified in accordance with Council's notification provisions. The proponent will respond to any submissions received during the public notification period.

## 7.8 THE PUBLIC INTEREST

The proposed use of the site for Temporary Activities is considered to be in the public interest as it would facilitate the creative and cultural participation of residents and visitors in Temporary Activities that are inclusive, accessible and family friendly. It is not antipathetic to the objectives of the BM LEP, the C2 or C3 Zone objectives and will directly help achieve objectives of clause 5.10(10) in relation to conservation.

The proposed development has been shown in this Statement of Environmental Effects to be consistent with the aims and objectives and the relevant development standards contained in the applicable planning framework. The proposed development can therefore be considered to be in the public interest.

Management of the proposed development in accordance with the OP will not result in any significant adverse impacts. Specifically, the potential for noise, traffic and heritage impacts have been comprehensively assessed and found to be acceptable consistent with applicable legislative requirements.

Importantly, the proposed development will continue to support enhanced cultural and entertainment opportunities for residents, workers and visitors in the surrounding locality. In addition, the proposed development facilitates the provision of a heritage and cultural facility in a location that is well serviced and accessible. It will provide high quality visitor experiences in an area that seeks to capitalise on the value of the visitor economy and extend the duration of stays in the local area.

The proposed development has been shown in this Statement of Environmental Effects to be consistent with the aims and objectives and the relevant development standards contained in the applicable planning framework. The proposed development can therefore be considered to be in the public interest.



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## 8. CONCLUSION

The BAU and temporary uses on the site over many years have established the environmental and amenity baseline in Leura, in which visitors to the site are an expected and established occurrence (as detailed at Appendix B and C). The operating history of the site also demonstrates the capacity of the National Trust and the Everglades management team to respond to local issues if and when they arise in a proactive and adaptive manner.

This assessment of potential environment impacts considers the proposal against the existing environmental baseline. The operation over the last decade and more of similar temporary uses with similar patron capacities and frequencies further demonstrates the capacity of the local environment to accommodate the proposed development without significant adverse impacts. Subject to operation in accordance with the OP this SEE demonstrates that the proposed development will have acceptable environmental, amenity and land use impacts on the surrounding environment.

Pursuant to BMLEP the Temporary Activities can be approved in accordance with Clause 5.10(10) Conservation Incentives, because the conditions of that clause are satisfied as detailed above at Section 6.4.1.

There is a strong nexus between the proposed development and the continued conservation and provision of public access to the site. The Heritage Impact Statement concludes:

*Everglades has great social significance to both the Leura and Greater Blue Mountains community. It is a garden of national importance with a long history of public access and events held successfully within its unique heritage spaces.*

*On the basis of the assessment contained in this HIS it is evident that the proposed Temporary Activities, if managed in accordance with the Operational Plan can have a positive heritage impact on the property by ensuring that Everglades will continue its use as an active heritage site that allows visitors to experience the important heritage values of a unique and significant Blue Mountains property open to the public.*

*As per the requirements of Clause 5.10(10) in the Blue Mountains Local Environmental Plan 2015, the proposed development facilitates conservation and public access to the site by providing the income stream required to facilitate the ongoing care and maintenance of the property.*

The proposed development is consistent with the performance criteria and development standards contained in Council's environmental planning instruments and will not create a precedent that would result in unacceptable environmental, amenity or cumulative impact.

In conclusion, the proposal has been assessed against the applicable planning framework and achieves a high level of compliance with the relevant environmental planning instruments. Under the applicable planning framework the proposal is worthy of Council's support for the following reasons:

- The proposal satisfies the requirements of BLEP 2015 clause 5.10(10) Conservation Incentives and is not antipathetic to the objectives of clause 5.10 or the Zone;
- The proposed development will continue to respect and conserve the character of the site and its setting, and help sustain an appropriate adaptive reuse of a heritage item that facilitates ongoing public access;
- The proposed Temporary Activities will be conducted in accordance with the OP to help ensure the conservation and enhancement of the site's heritage significance, including its setting, the Jamieson Valley and curtilage.

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- The OP contains specific environmental criteria to be satisfied to ensure the amenity of the neighbourhood will not be adversely affected.
  - The proposed development will support the growth and viability of the local visitor economy, social and cultural development of the community and also provide local employment and volunteering opportunities with flow on productivity and community participation benefits.
  - The National Trust has a proven track record of a high standard of conservation and public access to the places and built heritage items which it cares for.

In the absence of any significant adverse environmental, economic or social impacts and based on this assessment of the planning merits of the proposal, Council's approval of the DA is considered warranted.

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## APPENDIX A – 2023 DEVELOPMENT APPLICATION SUBMISSIONS ANALYSIS

A Development Application was prepared and lodged in 2023 for Temporary Activities. The DA (X/1061/2023) was exhibited in late 2023. The application sought approval for temporary activities as an intrinsic part of the business as usual use of the site as a house museum and public garden categorised as Information and Education Facility. Ultimately, following two public exhibition periods, the National Trust withdrew the application because Council did not agree that the proposed temporary activities could be categorised an *information and education facility* pursuant to Blue Mountains LEP 2015.

An almost even number of letters of support and objections were received (13 and 12 respectively). The following table summarises the issues raised most often in objections.

Table 2 Summary of submissions received in 2023 and issues raised in objections

Notification Period	08/09/2023 - 22/09/2023	3/10/2023 - 10/11/2023	Summary Total
Submissions	25	16	41
Support	13	3	16
Object	12	13	25
Heritage Council approval required	5	3	8
Change of use	11	7	18
Operations 365 days per year	9	7	16
Quiet heritage environment of the locality	9	5	14
Heritage significance	6	5	11
Education vs commercial operation	6	6	12
Hours of operation	6	5	11
Noise (PA)	6	4	10
Noise in general	5	6	11
Number of people per event	5	5	10
Traffic	10	9	19
Parking	12	12	24
Heavy vehicles (buses, trucks)	4	3	7
Litter pollution	4	3	7
Verge damage	3	3	6
Emissions pollution from motor vehicles	2	2	4

In response to the issues raised by Council and the community in 2023, the proposed Temporary Activities have been reduced in maximum frequency and patron capacity as described in the Table below.

Table 3 The proposed development has been modified in response to issues raised in 2023 (with blue text indicating 2024 updates black text is unchanged and 2023 proposal in strikethrough text).

Description	Max Capacity (patrons)	Max Frequency	Proposed Hours of operation	Reason for Change since 2023 proposal
Small Activities	<del>150</del> No more than 120	<del>Daily</del> 90 days	9am to 7pm (daylight hours)	Reduce capacity and clarify frequency in response to public submissions
Performance Activities	250	20 days	9 am – 10.30 pm (amplified sound to cease at 10pm)	No change proposed
Open Day Activities	<del>750</del> 600	<del>4 days</del> 2 days	<del>9am to Sunset</del> (approx. 5pm to 8pm) 9am to 7pm (daylight hours)	Reduce capacity and frequency in response to public submissions. Amend proposed operating hours for clarity and consistency

Supporters noted the following valued aspects of Everglades and the current management regime which will be maintained and enhanced through the proposed development

- *Communication from Everglades management has been very good in the past, residents have been kept well informed about upcoming events, with timely notice given prior. Therefore confident this will continue in the future.*
- *Everglades management has complied with approval conditions, shown high level of safe traffic management, ensured curfew is observed, and ensured event attendees leave quickly and quietly after events. Therefore confident in the likelihood of good management of the site and events in the future.*
- *The necessity of Everglades to be able to hold fund raising events in order to remain viable*
- *The necessity of Everglades to remain financially viable is the best way to ensure its heritage status and avoid the fate of being sold to a private owner. The proposals are a practical means for enabling the Trust to retain, conserve and educate the wider public about this heritage asset.*
- *Continuation of the events held at Everglades are crucial in that they contribute to the limited amount of culture and heritage activities in the area.*
- *Everglades is a local treasure and an important amenity for locals. The preservation of this requires that Everglades remains economically viable.*
- *The proposed changes are modest and any inconvenience caused is a small price to pay for continued availability and maintenance of the gardens.*
- *The DA does not represent any significant departure from current approvals.*
- *The modest increase to events and numbers, and the type and frequency of events proposed, is acceptable as a local resident.*
- *The activities proposed are completely compatible with heritage status of the property and consistent with the Trust at similar properties such Retford Park.*
- *Everglades, and events held there, bring tourists into the area, which is invaluable for the income it brings to local businesses, and overall benefit to the broader Blue Mountains economy, thereby benefitting the whole community.*

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## APPENDIX B - CURRENT USE FOR HERITAGE CONSERVATION AND PUBLIC ACCESS - BUSINESS AS USUAL

Council have characterised the existing day-to-day land use as follows:

*The principal and predominant use of the Everglades House & Gardens is concerned with public access to and enjoyment of the gardens and its buildings. Within that dominant use, there are a number of components such as a café, gallery, arts and crafts and visitor facilities which are all permissible. .viii*

The current use of the site for conservation, public access and enjoyment as well as performance and small activities and occasional Open Days has been established since the time that the National Trust took control of the property in the 1960s. Existing operations and conservation is managed in accordance with the Conservation Management Plan (CMP) for Everglades House & Gardens prepared by Anne Higham, Professor Ian Jack and Colleen Morris in association with Rod Howard and Associates Pty Ltd.

BAU use of the site includes the usual day to day activities of the house museum and public garden including heritage interpretation and visitation, small activities which encourage new audiences and provide new experiences for existing audiences and local residents. For example, sketching workshops most recently offered in September 2022 with historical and horticultural tours and workshops offered in the past.

BAU includes the following activities:

### Monday – Sundays including Public Holidays

- Back of House and Operations – daily 7am to 7.00pm, including management and operations gardening, maintenance, conservation and volunteer activities.
- General Admissions House & Garden daily, 9am to 7pm (daylight hours) House and Gardens are open to the public and activation can include house and garden tours as well as group bookings for up to 70 people and commercial photography and filming.
- Ancillary Food and Beverage includes operation of the approved tearoom and catering in accordance with Food Safety and Responsible Service of Alcohol requirements and other relevant standards.



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## APPENDIX C – HISTORIC TEMPORARY USES AND OTHER RELEVANT APPROVALS

### PUBLIC EVENTS AND FUNCTIONS (TEMPORARY USE)

In addition to the BAU operations on the site, temporary activities including public events and functions, performance activities in the outdoor garden theatre, Open Days and wedding ceremonies have also been held on the site for many years. These have been subject to a wide range of separate approvals, which are detailed following.

From 1997 to the present many development consents have permitted temporary activities. Over this time the number and size of Temporary Activities has grown incrementally. This is in keeping with slow growth in the need for activation to help financially sustain conservation and maintenance and gradual growth in the popularity of the site. Council's records show the following consents have been given in relation to activation of the site:

- 1997 – Event – Carols By Candlelight B97/1341;
- 1998 – Event – Carols By Torchlight B98/1464;
- 1999 – Event – Carols By Torchlight B99/1722;
- 2000 – Events – X00/1217;
- 2000 – Carols By Torchlight – X00/1470;
- 2001 – Studio – X01/0543;
- 2001 – Events – X01/1598;
- 2002 – Events – X02/2012;
- 2005 – Events – X05/1313;
- 2006 – Events – X06/157;
- 2007 – Events – X06/1332;
- 2008 – Events – X08/174;
- 2008 – Events – X08/817;
- 2008 – Events – X08/925; and
- 2009 – Events – X/1003/2009.<sup>ix</sup>

A range of specific 'Public Events and Functions' were approved by Council, as a temporary use, for 28 days annually, pursuant to Council consent X/534/2016 issued on 25 July 2016. Condition 2 of the consent permitted the use for a period of five years until 1 January 2022 ('the consent period' from 1 January 2017) as per the table below.

Table 4 Activation of Everglades House & Gardens pursuant to X/534/2016

Dates	Type of Function/Event	Time	No. of days per year	No. of People
<b>Shakespeare Festival (January)</b>	Theatre, educational	11am-10pm	8	2 shows per day with 250 people per show
<b>Easter Fun Day (Easter Sunday)</b>	Primarily a family day: games, stalls, entertainment	10am-4pm	1	600 over 6 hrs
<b>Afternoon Soiree (November)</b>	Elegant early evening of refreshments, canapes and music	5pm to 8pm	1	200 over 3 hours
<b>Private Functions (Weddings)</b>	Private rites of passage	Between 9am and 5pm	18	Approximately 70 people per function

The consent was accompanied by a map illustrating the activation area that is included at Figure 16.

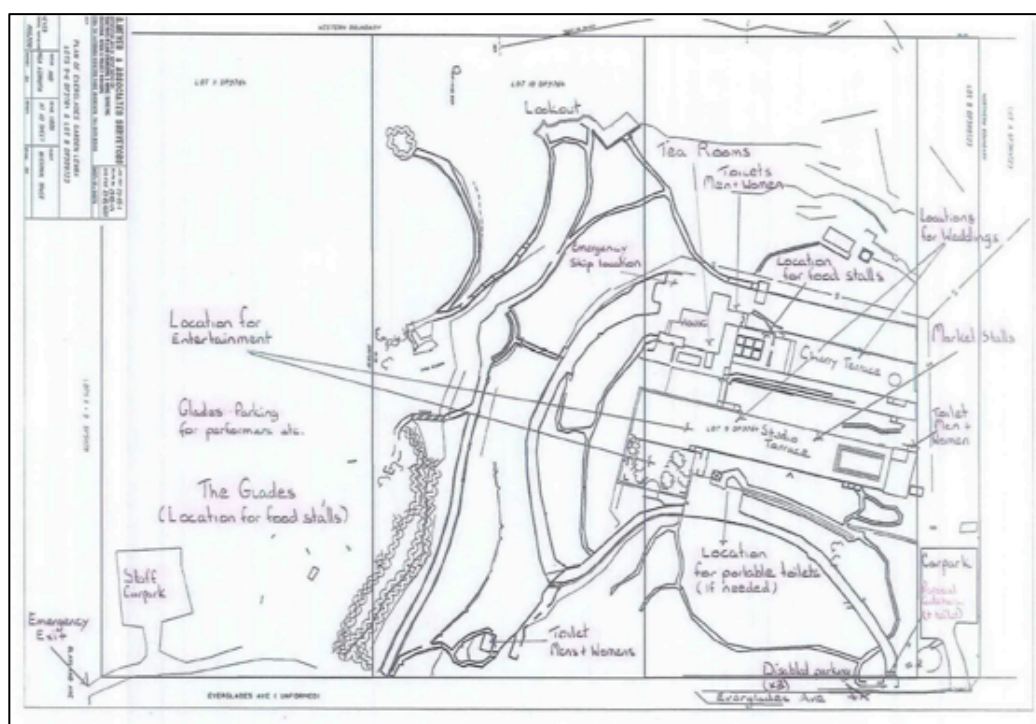


Figure 16 2016 Approved Event Activation Area Plan

Council approved a modification application to X/534/2016 on 1 December 2021 to permit the extension of the time-limited consent (X/534/2016) by 1 year until 1 January 2023. Subsequently Council approved further modifications to continued operation of the Shakespeare Festival in January 2023, 2024 and 2025. (XM/534/2016/B, XM/534/2016/C and XM/534/2016/D).

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## COFFEE SHOP/REFRESHMENT ROOMS

On 7 March 1997 Council approved an application (D1996/1448) for use of part of the House as a coffee shop/refreshment room (also known as the tearoom) subject to conditions of consent that permit operation of the café between 9 am and 5 pm.

## VISITOR CENTRE

A contemporary and sympathetically designed gatehouse and visitor centre was approved by Council at the main pedestrian entrance to the site in 2010 (X/1070/2009). Its purpose was

*“to relocate all ticket sales from the house to the visitor centre to enable an improved presentation of the centre as a house museum.”<sup>x</sup>*

The approval for the Visitor Centre included modification of the car park by reducing its capacity to a total of 15 spaces and minor relocation to its existing position adjacent the Visitor Centre and accessed from Everglades Avenue. (Approval was granted for the construction of the 17 space car park on the 25 February 1997 (D96/1147) within former Lot B DP 389723. )

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## ENDNOTES

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<sup>i</sup> <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5051254>

<sup>ii</sup> <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=1170583>

<sup>iii</sup> Blue Mountains City Council Using Land For Living, Item 20, Ordinary Meeting, 08.06.10 (assessment report of the Visitor Centre DA)

<sup>iv</sup> *heritage management document means—*

*(a) a heritage conservation management plan, or*

*(b) a heritage impact statement, or*

*(c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.*

<sup>v</sup> Blue Mountains Local Environmental Plan 2015 Current version for 10 May 2024 to date (accessed 18 July 2024 at 17:29)

<sup>vi</sup> Blue Mountains Local Environmental Plan 2015 (Current version for 10 May 2024 to date (accessed 18 July 2024 at 17:26)

<sup>vii</sup> Blue Mountains Local Environmental Plan 2015 Current version for 10 May 2024 to date (accessed 18 July 2024 at 17:26)

<sup>viii</sup> Blue Mountains City Council Using Land For Living, Item 20, Ordinary Meeting, 08.06.10 (assessment report of the Visitor Centre DA)

<sup>ix</sup> Blue Mountains City Council Using Land For Living, Item 20, Ordinary Meeting, 08.06.10

<sup>x</sup> Blue Mountains City Council Using Land For Living, Item 20, Ordinary Meeting, 08.06.10