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| <b>JRPP NO.:</b>             | <b>2011SYW020</b>  |
| <b>DA No. :</b>              | <b>DA0038/11</b>   |
| <b>Proposed Development:</b> | <b>Redevelopment and Refurbishment of existing Retreat Centre - Lot 2 DP 606169, 347 Grose Wold Road, Grose Wold</b> |
| <b>Applicant:</b>            | <b>Winton Associates</b>   |
| <b>Report by:</b>            | <b>Colleen Haron, Senior Town Planner<br/>Hawkesbury City Council</b>  |

## **Assessment Report and Recommendation**

### **Executive Summary**

A development application was received 25 January 2011 seeking approval for the redevelopment and refurbishment of the existing Benedict XVI Retreat Centre ("recreational establishment").

The proposed works include the demolition of a number of existing buildings and infrastructure as well as the construction of new buildings and structures including:

- ❖ Accommodation for a maximum of 145 people;
- ❖ A chapel;
- ❖ Main hall;
- ❖ Minor hall;
- ❖ Administration office;
- ❖ Amenities block;
- ❖ Two common rooms
- ❖ Seminar/recreation room, kitchenette and covered open space area;
- ❖ Playing field;
- ❖ Multi-purpose ball court;
- ❖ Obelisk at the entry of the site;
- ❖ Upgrading of the access road;
- ❖ Carparking for 28 cars;
- ❖ Clearing of native vegetation; and
- ❖ Earthworks

Assessment of the proposal highlights the following relevant issues for consideration in the determination of the application:

- Flora and Fauna impacts
- Bushfire
- Noise
- Visual Impact – building height
- Stormwater, Effluent Disposal & Water Quality
- Carparking and Traffic

The application is supported by:

- ❖ 'Assessment of Traffic and Parking Impacts of Proposed Refurbishment of Benedict XVI Retreat Centre' prepared by Transport & Urban Planning and dated 22 December 2010
- ❖ Flora & Fauna Study and Ecological Assessment', dated 6 January 2011 and prepared by UBM Ecological Consultants P/L
- ❖ 'Peer review of a flora and fauna report by UBM Pty Ltd dated 6 January 2011', dated 2 March 2011.
- ❖ 'Flora and fauna impact assessment for the Benedict XVI Retreat Proposal 347 Grose Wold Rd, Grose Vale' dated 2 March 2011
- ❖ 'Bushfire Hazard Assessment Report' Ref 10006 prepared by Building code & Bushfire Hazard Solutions P/L dated 7 March 2011.
- ❖ Design Review of a Proposed Wastewater Treatment and Effluent Irrigation System at Grose Vale, NSW prepared by Whitehead & Associates Environmental Consultants P/L dated 6 June 2011
- ❖ Concept Application Design Report for Benedict XVI Retreat Centre, Issue D prepared by Warren Smith & Partners

This matter is being reported to the Joint Regional Planning Panel due to the proposal being development with a capital investment value that exceeds \$10 million. The Capital Investment Value is \$14,937,000.

The application was publicly notified from 4 February 2011 to 11 March 2011. Fourteen (14) submissions and one (1) petition containing forty six (46) signatures were received. A summary of the matters raised in the submissions follows:

- ❖ Lack of consultation with neighbours
- ❖ Noise
- ❖ Trespassing onto adjoining properties
- ❖ Bushfire
- ❖ Lack of management of the facility
- ❖ Ecological impact
- ❖ Effluent Disposal
- ❖ Water demand of the development
- ❖ Potentially contaminated fill
- ❖ Hazardous materials being demolished
- ❖ Bridge capacity and lack of traffic barrier on bridge
- ❖ Increased traffic

- ❖ Insufficient parking
- ❖ Power supply
- ❖ Visual impact of development
- ❖ Not consistent with existing use of the site
- ❖ Hours of use
- ❖ Non-compliance with height requirements
- ❖ No benefit to the community

This Report demonstrates that the proposed development will not have any significant adverse impact on the natural or built environment. The redevelopment and refurbishment of the site will result in improved bushfire protection and safety, improved protection of waterways and bushland communities and management of the activity to minimise any potential adverse impacts on the amenity of the locality.

It is recommended that the application be approved subject to conditions.

### **Description of Proposal**

The application seeks approval for the redevelopment and refurbishment of the existing Benedict XVI Retreat Centre and includes the following works:

- Demolition of a number of existing buildings and items of infrastructure.
- Construction of new buildings consisting of:
  - Accommodation for a total of 145 people.
  - A chapel.
  - A minor hall.
  - An administration office.
  - Amenities block.
  - Two common rooms; and
  - Seminar/recreation room, kitchenette and covered open space area.
- Recreation facilities:
  - New playing field; and
  - New multi-purpose ball court.
- Obelisk at the entry to the site.
- Works to the access road to provide a new drop off zone, new passing bay, an upgraded 3 point turn and new loop road.
- Tree removal and landscaping.
- Earthworks

## **Description of the Site and Surrounds**

The site is situated upon the western side of Grose Wold Road at Grose Wold.

The site is zoned Rural Living and is 15.95ha in area. A private access road meanders through the property to the south. All proposed and existing structures, including playing fields are predominately located at the bottom south west corner of the site.

The subject property and surrounding properties contain the endangered ecological community, Shale sandstone transition forest, which is listed as a critical endangered ecological community under both Commonwealth and State legislation. Some 13.2ha of this vegetation community is contained on the subject development lot. Woods Creek transverses the property to the north and east. The topography of the locality is undulating.

Adjoining and surrounding properties are predominantly used for rural residential purposes.

## **Background**

The site has an extensive history of applications. Listed in chronological order, the following proposals have been considered by Council:

- BO0616/91 – Kitchen / lounge renovation – Approved
- DA0187/89 – Erection of a managers residence – Approved
- BO0946/88 – Inground swimming pool – Approved
- BO1587/87 – Amenities block – Approved
- BO0508/86 – Resited dwelling – Approved
- BO0669/84 – Additions to church conference centre – Approved
- DO0223/84 – Erect additional cabins and ablutions to the existing Church Conference centre – Approved
- DO083/82 – Erection of a dwelling house - Approved

## **Relevant Policies, Procedures and Codes**

- ❖ State Environmental Planning Policy (Major Developments) 2005
- ❖ State Environmental Planning Policy No. 44 – Koala habitat
- ❖ State Environmental Planning Policy No. 55 – Remediation of Land
- ❖ Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River
- ❖ Hawkesbury Local Environmental Plan 1989
- ❖ Draft Hawkesbury Local Environmental Plan 2009

- ❖ Hawkesbury Development Control Plan 2002
- ❖ S94A Development Contribution Plan

## **Section 79C Matters for Consideration**

In determining the application, the following matters are relevant:

- a. **The provisions (where applicable) of any:**
  - i. **Environmental Planning Instrument:**

The relevant environmental planning instruments are:

### **State Environmental Planning Policy (Major Developments) 2005**

The application is required to be referred to the Joint Regional Planning Panel for determination in accordance with Clause 13B(1)(a) of this Policy as the development has a capital investment value in excess of \$10 million.

### **State Environmental Planning Policy No. 44 - Koala Habitat Protection**

Both the 'Flora and Fauna Study and Ecological Assessment' prepared by UBM Ecological Consultants Pty Ltd and the 'Flora and Fauna Impact Assessment' and 'Peer Review of flora and Fauna Report' prepared by Abel Ecology identified the site as being 'potential habitat', but not 'core koala habitat' as defined by State Environmental Planning Policy No. 44.

Therefore the Panel is not prevented from granting consent to the proposal under the provisions of this Policy.

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

A search of Council files indicated that the land has not been used for any activities which would render the soil contaminated to such a degree as to prevent the further development of the land for a retreat centre. Therefore the application is considered to be consistent with the provisions of State Environmental Planning Policy No. 55.

### **Sydney Regional Environmental Planning Policy 20. (No.2 - 1997) - Hawkesbury - Nepean River (SREP No. 20).**

It is considered that the proposed development will not significantly impact on the environment of the Hawkesbury-Nepean River, either in a local or regional context and that the development is not inconsistent with the general or specific aims, planning considerations, planning policies, recommended strategies and development controls.

### **Hawkesbury Local Environmental Plan 1989 (HLEP 1989)**

#### **Clause 2 – Aims, objectives etc,**

The proposed development is considered to be consistent with the aims and objectives as outlined in Clause 2 of Hawkesbury Local Environmental Plan 1989.

### **Clause 8 – Zones indicated on the map**

The subject land is within the Rural Living zone.

### **Clause 9 – Carrying out of development**

The proposed development is defined as ‘recreational establishment’ which is permissible with consent within the Rural Living zone.

### **Clause 9A – Zone objectives**

Clause 9A states that consent shall not be granted for a development unless, in the opinion of Council, the carrying out of the development is consistent with the objectives of the zone.

The objectives of the Rural Living zone are:

- (a) to provide primarily for a rural residential lifestyle,*

**Comment:** The property is already approved for use as a retreat and conference centre, which is considered compatible with the rural residential nature of the locality.

- (b) to enable identified agricultural land uses to continue in operation,*

**Comment:** The property is approved for and being used as a retreat and conference centre.

- (c) to minimise conflict with rural living land uses,*

**Comment:** It is considered that the proposed development for the intensification of use of the property as a retreat and conference centre will not result in unreasonable impacts on the amenity of adjoining properties used for rural residential purposes.

- (d) to ensure that agricultural activity is sustainable,,*

**Comment:** The land is not used for any agricultural purpose.

- (e) To provide for rural residential development on former agricultural land if the land has been remediated,*

**Comment:** The land is not considered to be contaminated due to any past land uses or activities.

- (f) To preserve the rural landscape character of the area by controlling the choice and colour of building materials and the position of buildings, access roads and landscaping.*

**Comment:** The design, materials, colours and siting of proposed buildings are considered to be compatible with the character of the locality, and with existing development on the land and on adjoining properties.

- (g) *To allow for agricultural land uses that are ancillary to an approved rural residential land use that will not have significant adverse environmental effects or conflict with other land uses in the locality.*

**Comment:** The proposed development is for the redevelopment and refurbishment of an existing retreat and conference centre. No agricultural activities are proposed.

- (h) *to ensure that agricultural activities occur in a manner:*

- a. *that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as streams and wetlands, and*
- b. *that satisfies best practice guidelines and best management practices,*

**Comment** The development site is in close proximity to Woods Creek (approximately 100 m from the development site at the closet point), which is a tributary of the Grose River (which is a nominated 'Wild River' due to its pristine condition). The subject land is also located approximately 864m from a World Heritage National Park.

In this regard, and in consideration of the vegetated setbacks of the development from these watercourses and National Parks, it is considered that the proposal will have no significant adverse impact on watercourses, surface and groundwater quality and surface conditions in the locality from stormwater or effluent disposal.

- (i) *to prevent the establishment of traffic generating development along main and arterial roads,*

**Comment:** The proposed development is not classified as traffic generating development under the provisions of State Environmental Planning Policy (Infrastructure) 2007.

- (j) *to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services.*

**Comment:** The proposed development will not create unreasonable demands for the provision/extension of public amenities or services.

**Clause 18 – Provision of water, sewerage etc services**

Electrical and telephone services are available to the site. It is considered that these available services are satisfactory for the proposed development. Written evidence that satisfactory arrangements for the provision/extension of telephone and electrical services to this development will be required as a condition of consent.

A new onsite effluent disposal system will service the existing and proposed buildings, and this system is considered satisfactory. The development will be subject to on site collection of rainwater for reuse and a stormwater drainage and treatment system will be installed.

**Clause 28 – Development in the vicinity of heritage items**

The subject land adjoins a property identified as a heritage item under Schedule 1 to Hawkesbury Local Environmental Plan 1989 located at 663 Grose Vale Road, Grose Wold. The heritage item (residence) situated on this adjoining property is approximately 850m to the north of the development site. It is considered that the proposed development will have no significant impact on the heritage value of this item given that there is no visual connection between this item and the development.

**Clause 36 – Clearing of land in certain environmental and other zones.**

This Clause prohibits the felling of trees, filling or otherwise altering the surface level of land without the consent of the Council. The development application includes the removal of trees and earthworks.

**Clause 37A – Development on land identified on Acid Sulfate Soils Planning Map**

The land affected by the development falls within Class 5 as identified on the Acid Sulfate Soils Planning Map. The proposed development does not include any works as defined within this Clause and therefore no further investigations in respect to acid sulphate soils are required. The proposal is consistent with the requirements of this Clause.

**ii. Draft Environmental Planning Instrument that is or has been placed on exhibition and details of which have been notified to Council:**

Draft Hawkesbury Local Environmental Plan 2011 applies to the proposal. The exhibition of this draft Plan was undertaken from 5 February 2010 to 12 April 2010. Under this Plan the subject land is proposed to be zoned RU4 Rural Small Holdings.

It is noted that many of the landuse definitions within the Draft Plan have been changed from how they are currently defined within Hawkesbury Local Environmental Plan 1989. As a result the proposed use no longer fit within the 'recreation' definitions and it is considered that the activity is best defined under the Draft Plan as "place of public worship", which means:

*"a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training."* The accommodation on the site is



considered to be an ancillary use, as this accommodation is only provided in conjunction with the religious activities provided on the site.

'Place of public worship' is permissible with development consent within the RU4 zone. The proposed development is considered to be consistent with the provisions of the Draft Plan, including the RU4 zone objectives.

Draft Local Environmental Plan 2011 also includes a height restriction for buildings on this land of 10m. Currently, Hawkesbury Local Environmental Plan 1989 does not have a height requirement. The proposed chapel will have a total height of 14.8m, however the design of the building is not considered to be bulky and is consistent with the use of the building ie the building looks like a church. The design of the building is considered to be compatible with the rural character of the locality.

At present the Draft Plan is not considered to be either imminent or certain and therefore the provisions of Hawkesbury Local Environmental Plan 1989 prevail.

**iii. Development Control Plan applying to the land:**

**Hawkesbury Development Control Plan 2002**

The Hawkesbury Development Control Plan applies to the proposal. An assessment of the proposal against the relevant provisions of this Plan follows:

**Notification Chapter**

The application was publicly notified from 4 February 2011 to 11 March 2011. Fourteen (14) submissions and one (1) petition containing forty six (46) signatures were received. The matters raised in the submissions are discussed further in this Report.

**Erosion and Sediment Control Chapter**

An erosion and sediment control plan was submitted with the application and is considered satisfactory. Erosion and sediment control can be enforced through conditions of consent in accordance with the provisions of this Chapter.

**Effluent Disposal**

A wastewater feasibility Assessment has been submitted in accordance with this Chapter of the Development Control Plan.

**Landscape Chapter**

A concept landscaping plan has been submitted with the application and is considered satisfactory in identifying areas for landscaping however a detailed landscaping plan will be required and a condition of consent has been imposed in this regard.

**iv. Planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F:**

There has been no planning agreement or draft planning agreement entered into under Section 93F of the Environmental Planning and Assessment Act, 1979.

**v. Matters prescribed by the Regulations:**

Conditions will be imposed relating to compliance with the Building Code of Australia. Demolition will be carried out in accordance with the relevant Australia Standards.

**b. The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality:**

**Context & Setting**

Existing development in the locality is predominantly for rural residential uses. The proposed use is considered compatible with these landuses as the activity will have no adverse impact on the amenity of adjoining and nearby residential properties.

It is considered that the siting of the proposed new buildings is appropriate having regard to the utilisation of an existing cleared and level area (formally a playing field). Whilst close to the boundary, this area has a level lower than the adjoining property and the retention of existing vegetation, along with the additional proposed landscaping will afford a reasonable level of privacy to adjoining and nearby dwellings.

The new buildings are considered to be compatible with the rural character of the locality having regard to their design, siting, materials and colours and will not have an adverse impact on the scenic quality of the area.

There is no development standard for obelisks, however by comparison Councils sign policy requires freestanding signs to have a maximum height of 6m. In this regard, it is considered reasonable to limit the height of the obelisk to 6m and accordingly a condition of consent has been included. With the reduction in the height, it is considered that the proposed obelisk at the entrance of the property will have no adverse impact on the streetscape or scenic quality of the area due to its setting which includes a backdrop of trees that provide scale to the structure. This structure is not considered to be either bulky or dominant.

It is considered that the proposed development will have no unreasonable impacts on adjoining properties in terms of overshadowing, loss of visual or acoustic privacy, or loss of views and vistas given its siting, the presence of existing vegetation and the inclusion of additional landscaping.

**Access, Transport & Traffic**

An 'Assessment of Traffic and Parking Impacts of Proposed Refurbishment of Benedict XVI Retreat Centre' prepared by Transport & Urban Planning and dated 22 December 2010 was submitted in support of the application. This Report concluded:

*“This report has been prepared to examine the traffic and parking impacts of a proposal to refurbish the Benedict XVI Retreat Centre at 347 Grose Wold Road, Grose Vale...*

*The assessment has found that the proposed refurbishment will result in a small increase in traffic coming to the Retreat Centre and overall the traffic impacts will be relatively minor, with little impact on the adjacent local roads and on the wider road network.*

*The Retreat Centre will have 28 formal parking spaces (including 2 disabled spaces), as well as an overflow parking area, a bus/coach set down and pick up bay and turn around facility. These facilities will be adequate to cater for the parking demands on the site.*

Hawkesbury Development Control Plan does not provide a parking rate for the proposed development. The Traffic Report highlights that the majority of people will arrive at the Centre by bus.

The Applicant advises:

*“Given the highest number of visitors to the Centre are generally school groups, which, generate the lowest traffic and parking demand as they arrive and depart by bus/coach, it is considered that the proposed bus/coach and car parking provision will adequately cater for school groups.*

*Furthermore, whilst the maximum parking demand occurs from community groups, these generally comprise a maximum of 60 people.”*

On the occasions that the centre will be full, the Traffic Report identifies that a spill over of approximately 9 vehicles will result, which can be accommodated within the proposed new oval on the site. Carparking has been calculated based on an occupancy rate of 4 people per vehicle. However, this occupancy rate is not considered to be realistic for situations where over 60 people are travelling to the site only by car.

In addition, it is further considered that the proposal for overflow parking on the oval area is undesirable. This is because the oval is used for effluent disposal and there could be potential damage to irrigation infrastructure for effluent disposal and impacts on sensitive vegetation and watercourse through soil disturbance from over use of that irrigated area.

There is ample room on the site to accommodate additional car parking to provide a suitable level of parking for guests. In this regard, details of the number and location of additional car parking spaces will be required to be submitted to Hawkesbury City Council for approval by way of a condition of a deferred commencement consent.

A ‘Structural Condition Report of the Existing Road Bridge’ prepared by Mott MacDonald Hughes Trueman dated 22 December 2010 was submitted with the application. This Report advised:

- ❖ *“The bridge in current configuration does not comply with AS5100 (Bridge Design), however it might be able to carry 15t vehicles with a maximum axle load 9t. (subject to further investigation into existing concrete deck)*
- ❖ *Heavily corroded steal beam is to be cleaned and re-inspected in order to establish structural adequacy of this beam.*
- ❖ *Safety barriers do not comply with loading requirements of AS5100 (Bridge Design).*
- ❖ *Further investigation will be required to verify structural adequacy of the existing footings.*

In this regard, the Applicant has advised:

*“The structural engineer, Mott Macdonald Hughes Trueman’s report does recommend further investigation and CAS intend to undertake this work as part of the detailed design. Should an upgrade to the bridge be required this would be carried out as due maintenance.”*

It is considered that any structural work in relation to the bridge will require the approval of Council. In this regard, it will be a requirement of the consent that the investigations be carried out and a report provided to Council. Should works be required to upgrade the bridge, details will be required to be submitted for approval.

### **Heritage**

In their letter of 2 December 2010 the Deerubbin Local Aboriginal land Council advised that they have *“no objections to the proposed upgrade of Benedict XVI Retreat Centre on the grounds of Aboriginal cultural heritage.”*

As previously discussed, the proposal will have no adverse impact on the adjoining heritage item at 663 Grose Vale Road, Grose Vale.

### **Water**

A central rainwater reuse tank, 200,000 litres in capacity, is proposed to be installed to collect rainwater from downpipes from the roof areas. Captured roof water is proposed to be utilised as potable water in the proposed development as well as for WC flushing and laundry reuse.

The Concept Application Design Report for Benedict XVI Retreat Centre, Issue D prepared by Warren Smith & Partners has identified that the potable water demand on-site is 11,750 litre/day and provides the following summary:

#### *Summary*

|                                   |                           |
|-----------------------------------|---------------------------|
| <i>Roof Capture Area</i>          | <i>2,878m<sup>2</sup></i> |
| <i>Rainwater Storage Required</i> | <i>200 kL</i>             |
| <i>% Efficiency</i>               | <i>98.05%</i>             |
| <i>Mean Annual Harvest</i>        | <i>2,304 kL</i>           |
| <i>Annual Demand</i>              | <i>2,447 kL</i>           |
| <i>Potable Make up Required</i>   | <i>48 kL</i>              |

*It is noted that the system has been sized using mean rainfall data. During dry periods, water shall be required to be tanked into the centre in a similar fashion to the current scenario.*

The calculation for the demand for potable water was based on the usage of the site being 3 days and two nights during the week, and 2 days and 1 night over the weekend.

It is considered that the collection, storage and treatment of roof rainwater can satisfy the potable water requirements of the centre, with minimal reliance on potable water being brought to the site. In this regard, it is further considered that no adverse impact will result from the occasional truck delivery of water.

### **Flora & Fauna**

A Report titled 'Flora & Fauna Study and Ecological Assessment', dated 6 January 2011 and prepared by UBM Ecological Consultants P/L was submitted in support of the application.

The Report concluded that a Species Impact Statement would be required in respect to impacts on Shale Sandstone Transition Forest and Council requested that the applicant provide one. As a result, a 'Peer review' and supplementary Report was submitted. These Reports titled 'Peer review of a flora and fauna report by UBM Pty Ltd dated 6 January 2011', dated 2 March 2011 and 'Flora and fauna impact assessment for the Benedict XVI Retreat Proposal 347 Grose Wold Rd, Grose Vale' dated 2 March 2011 prepared by Abel Ecology concluded respectively:

*"The proposal can be modified to minimize impact by:*

- 1. reducing the extent of eastern batter of the playing field where the plan shows that the batter extends into the forest;*
- 2. Provide site-specific data for both input and output from the sewerage treatment plant and provide a very clear analysis of nutrient control performance of both soil and turf;*
- 3. Redesign of bushfire APZ to indicate extent from the buildings, clearly map and specify trees for removal and retention. Once the number of trees is finalized for removal an impact can be quantified.*

*A new impact assessment report will rely on clear data for each of the above points.*

*Actions to ameliorate or offset the anticipated impacts may include:*

- ❖ Weed management in the EEC;*
- ❖ Use of EEC species (that are able to tolerate effluent) in the landscape plan;*
- ❖ Use of felled logs as habitat enhancement in the forest; and*
- ❖ Planting of replacement trees (including phosphorus tolerant species) in clearings beyond the APZ.*

*"A Species Impact Statement is not recommended.*

*A Vegetation management Plan is needed to provide the following:*

- ❖ *Control of vegetation within the landscape plan*
- ❖ *Control of unauthorised clearing*
- ❖ *Control of fuel load within the APZ*
- ❖ *Control of weeds in the entire site, both cleared area and retained intact forest*
- ❖ *Placement of fallen or felled logs in the intact forest*
- ❖ *Placement of fauna nest boxes in both the intact forest and landscape zone*
- ❖ *Planting of replacement trees beyond the APZ as offset for trees removed*
- ❖ *Planting and maintenance of the 10m buffer zone to the SSTF around the development area*

*That VMP will refer to the entire site, being 0.65 ha Western Sydney Dry Rainforest, 13.0 ha Shale Sandstone Transition Forest (SSTF) and the developed area. The extent of (canopy) loss of SSTF is 6,367m<sup>2</sup> (4.47%) out of a total 14.25ha.*

*The VMP is in effect providing an offset to impacts on site in a ratio of 22:1 just for SSTF, excluding Western Sydney Dry Rainforest.*

*There is no impediment to this proposal in the scope of this report. There is not likely to be any significant effect on any Endangered Ecological Community, Threatened Species or their habitats.*

The proposal was modified so that the Asset Protection zones and the playing field do not intrude into the intact bushland areas. The reduction in the APZ was achieved by increasing the level of construction of the building on the southern side of the development. The portion of the batter for the playing field has been reduced through the use of a retaining wall. A ten (10) metre buffer area between the APZ and the natural vegetation has been provided to the east and south of the development. The new proposal will require removal of 132 trees, however no trees within the intact bushland will be removed and it is proposed to replant trees within cleared areas between the Asset Protection Zones and the bushland.

The trees to be removed do not form intact habitat in that these trees sit within a previously disturbed area that has an understorey of exotic lawn. Specific trees have now been selected for removal for the establishment of the asset protection zones. The trees selected were done on the basis of:

- ❖ *Most common species on the site;*
- ❖ *Exotic species or native species that are not of local provenance or are not part of the Shale Sandstone Transition Forest community;*
- ❖ *Youngest specimens (do not provide hollows/habitat)*

Appropriate stormwater disposal and on site effluent disposal has been provided. With the inclusion of the buffer areas, the selective removal of vegetation and the development of a Vegetation Management Plan as specified above, it is considered that the requirements of Part 5A of the EP & A Act are satisfied in that the proposed development will have no significant impact on threatened species, populations, ecological communities or their habitats.

## Waste

The 'flora and fauna impact assessment prepared by Abel Ecology states that:

*"The soil has adequate adsorption capacity such that nutrient control is not a limiting factor. Sufficient area is available so that water is disposed by evaporation and transpiration, using underground dispersal so that there is no risk of overland flow of nutrient to the downslope forest. The disposal area is greater than 40m from any watercourse. A ten metre (10m) buff is provided between the effluent disposal area and the sensitive vegetation community on the site, so no adverse impact is anticipated."*

The Design of the effluent treatment and disposal system includes:

- ❖ A 100m buffer zone from creek to the east from the treatment system and the land application area.
- ❖ Sub-surface irrigation with treated effluent within the playing field area. Effluent will be disinfected with UV, and dosed with chlorine, prior to discharge. It is proposed to provide sub-surface drip irrigation at 600mm centres in the playing field. This shall provide for a uniform distribution of effluent. The land application area will be 5,500m<sup>2</sup> in size.
- ❖ Wet weather storage for 9.67 days of storage.
- ❖ Capacity to cater for 150 persons (guests and staff inclusive).

The existing septic tank and absorption trench which services the manager's residence is to be retained. All other existing systems will be decommissioned and all wastewater will be directed to a new treatment and reuse system.

A "Design Review of a Proposed Wastewater Treatment and Effluent Irrigation System at Grose Vale, NSW" prepared by Whitehead & Associates Environmental Consultants P/L dated 6 June 2011 was submitted in support of the application.

This Review advises that design flow to the treatment system is expected to be 12,000 litres per day based on a maximum occupancy of 150 persons and a design daily flow allowance of 80L per person and that this is considered appropriate given that no full scale laundry facilities are provided and "AAA" rate water saving fixtures will be used throughout the development.

The Review concludes that:

*"The proposed effluent irrigation system is adequately sized and provides an acceptable level of additional capacity to sustainably manage the expected wastewater flows from the redevelopment."*

*Additionally, the proposed wastewater treatment system represents a significant upgrade from the existing operation and will provide measureable improvements in irrigation water quality and treatment reliability. The improved irrigation water quality*

*will substantially reduce the risk of poor land application area performance, particularly when compared to the existing situation."*

On site wastewater disposal has been assessed by Council's Sewerage Management Facility Team and is considered satisfactory having regard to the nature and size of the activity and the attributes and constraints of the land, including soil conditions and proximity to sensitive receptors. However, use of the disposal area for carparking is not supported.

### **Noise & Vibration**

The applicant advises that:

- ❖ *"The new accommodation units will have ensuite amenities replacing the existing separate communal facilities avoiding the need to leave the accommodation units at night for ablutions;*
- ❖ *The new conference rooms and chapel will mitigate the need for holding conference and devotion activities out doors as is the case with the existing facilities; and*
- ❖ *Activities currently taking place near the western property boundary (on the existing playing field) will be moved down the hill and away from the proximate neighbouring dwelling improving amenity of these properties."*

A Plan of Management has been submitted with the application and proposes the following management measure to reduce noise impacts within the locality:

- ❖ *"Noise levels from the Chapel will be managed to endeavour to ensure that any Council requirements are adhered to.*
- ❖ *Doors to the Conference will generally remain closed when in use to ensure that singing and music do not disturb neighbouring properties.*
- ❖ *A maximum of 160 people will be permitted within the Chapel and Conference hall.*
- ❖ *Outdoor activities which could be deemed to cause a noise nuisance will generally be restricted to the hours 6:00am – 9.00pm."*

The development proposal includes the operation of an organ within the chapel and the use of the site will include indoor music and singing. The application has been assessed by Council's Environmental Health Officers and it is considered that the noise generated by the activity can comply with the Protection of the Environment Operations Act.

The Management Plan restricts the number of people within the buildings to a maximum of 160 people however the onsite effluent disposal design caters for a maximum of 150 people, guests and employees inclusive. In this regard, it is considered that the consent be limited to a maximum of 150 people (excluding the onsite managers) at any one time.

It is also proposed to restrict outdoor activities to the hours of 6:00am to 9:00pm and the applicant advises that early morning external activities will be restricted to prayer and reflection. However, it is considered that outdoor activities start at 7:00am in line



with the night time period of 10:00pm to 7:00am, to prevent the potential for offensive noise.

The development, in general, will be subject to meeting required noise levels in accordance with the Protection of the Environment Operations Act, and this will be ensured through conditions of consent, as well as the abovementioned management practices.

### **Natural Hazards**

A 'Bushfire Hazard Assessment Report' Ref: 100006 dated 7 March 2011 and prepared by Building Code & Bushfire Hazard Solutions Pty Limited was submitted in support of the application.

The application, including this Report, was referred to NSW Rural Fire Services for approval as 'integrated development' in accordance with Section 91 of the Environmental Planning and Assessment Act, 1979.

In their letter of 21 June 2011, NSW Rural Fire Services granted their Bushfire Authority subject to conditions.

### **Safety, Security & Crime Prevention**

Safety and security will be ensured through the implementation of the Management Plan and the presence of Site Managers who reside on the property.

### **Social Impact in the Locality**

It is considered that the proposed development will have no negative social impact on the locality given that the activity is self contained within the site. The potential for guests trespassing onto adjoining properties have been addressed through the requirement for fencing and proposed management practices of the activity.

### **Economic Impact on the Locality**

It is considered that the proposed development will have a positive, if minor, impact on the economy of the locality.

### **Cumulative Impacts**

Having regard to the nature and design of the proposed development it is considered that the proposal is compatible with the surrounding landuses and no negative cumulative impact is foreseen.

### **c. Suitability of the site for the development:**

The development site has adequate setbacks from roads and adjoining properties so as to minimise visual and privacy impacts on nearby properties. The application demonstrates that the proposed development will have no adverse impacts on the locality. The development site has been previously cleared and the proposed development will not have an adverse impact on the adjacent Endangered Ecological Community or nearby watercourse. The land is designated as being bushfire prone

however this affectation is not prohibitive to the development. Appropriate stormwater drainage of the site and development can be achieved, as well as the onsite disposal of effluent. It is therefore considered that the site is suitable for the proposed development.

**d. Any submissions made in accordance with the Act or the Regulations:**

***Integrated Development***

**NSW Rural Fire Services**

The application was referred to NSW Rural Fire Services for approval as 'integrated development' in accordance with Section 91 of the Environmental Planning and Assessment Act, 1979.

In their letter of 21 June 2011, NSW Rural Fire Services granted their Bushfire Authority subject to conditions.

***Public Submissions***

The application was publicly notified from 4 February 2011 to 11 March 2011. Fourteen (14) submissions and one (1) petition containing forty six (46) signatures were received.

The matters raised in the submissions are discussed below:

- ❖ Lack of consultation with neighbours

**Comment:** The application was duly notified in accordance with Hawkesbury Development Control Plan and thereby the requirements of the Environmental Planning and Assessment Act, 1979 have been met.

Prior to the lodgement of the application, the proponents of the development sought consultation with neighbours via letters and an information session and it is noted that some residents may not have been included in that process.

- ❖ Noise including singing and music, horns, noise resulting from an increase in number of people and after hours noise.

**Comment:** The applicant has submitted a Plan of Management for the activity and hours of operation. New rooms include an adjoining ensuite thus removing the necessity for guests to leave their rooms at night. No horns are proposed to be used. It is considered that whilst there is an increase in the number of guests from 116 to 145 people, the management of the development, including that of after hours external games and activities will ensure that no unreasonable impacts on the amenity of adjoining properties will result. In addition, all external activities have been relocated away from the western boundary and the residences of the nearest neighbouring properties.

As previously discussed, it is considered that the noise generated by the activity can comply with the Protection of the Environment Operations Act and this will be ensured through conditions of consent.

❖ Trespassing onto adjoining properties

**Comment:** The applicant proposes to erect a fence to limit roaming of guests onto adjoining properties. A condition of consent will be imposed to ensure the erection of the fence and to obtain details and location of the fence for approval. Measures, in the form of educating visitors to the site, will be included in the Management Plan for the activity.

❖ Access requirements of the NSW Rural Fire Services

**Comment:** NSW Rural Fire Services have assessed the application and granted their Bush Fire Safety Authority subject to conditions. The granting of this approval indicates that the NSW Rural Fire Services are satisfied with regard to access to and from the development over the subject property.

❖ Evacuation procedures appear insufficient

**Comment:** NSW Rural Fire Services have assessed the application and granted their Bush Fire Safety Authority subject to conditions, including that for an evacuation plan. Approval has been granted without reliance on evacuation over the adjoining property.

❖ Lack of water storage in relation to capacity for fire fighting.

**Comment:** A 200 kl static water supply is proposed. NSW Rural Fire Services have assessed the application and granted their Bush Fire Safety Authority subject to conditions, including requirements for the provision of water tanks.

❖ Lack of management of the facility

**Comment:** A detailed Plan of Management for the activity has been submitted and is considered satisfactory.

❖ Lack of consultation with local rural fire brigade.

**Comment:** The application requires the approval of NSW Rural Fire Services as 'integrated development'. NSW Rural Fire Services have assessed the

application and granted their Bush Fire Safety Authority subject to conditions.

❖ Ecological impact.

**Comment:** The submitted Flora and Fauna Reports demonstrate that the proposed development will have no significant impact on threatened species, populations, ecological communities or their habitats.

❖ Impact on the creek.

**Comment:** The submitted Flora and Fauna Reports demonstrate that the proposed development will have no significant impact on Woods Creek and subsequently the Grose River. The development is located approximately 100m (at its closest point) from Woods Creek which is considered to be a satisfactory buffer distance to minimise any adverse impacts, with particular regard to wastewater disposal.

It is considered that with the implementation of appropriate erosion and sedimentation controls during construction of the development, as well as the implementation of the proposed stormwater management devices, no significant adverse impacts on water courses, including Woods Creek and the Grose River, will result.

❖ Use of equivalent usage in calculations for wastewater generation and disposal not justified.

**Comment:** The “Design Review of a Proposed Wastewater Treatment and Effluent Irrigation System” prepared by Whitehead & Associates Environmental Consultants P/L advises that design flow to the treatment system is expected to be 12,000 litres per day based on a maximum occupancy of 150 persons and a design daily flow allowance of 80L per person and that this is considered appropriate given that no full scale laundry facilities are provided and “AAA” rate water saving fixtures will be used throughout the development.

❖ Insufficient area for required treated effluent irrigation

**Comment:** The proposed land application area for wastewater disposal is 5,500m<sup>2</sup> which has been assessed as being adequate. This area is predominantly within the new playing field (oval) and as previously discussed to ensure the effectiveness of this disposal area, overflow carparking within this area is not supported.

- ❖ Hard surface ball court in proposed effluent irrigation area.

**Comment:** The Applicant has advised that the new multi-purpose ball court, which is located adjacent to the playing field is to remain in the land application area, it will not be a hard surface.

- ❖ Lack of capacity of fill soil for absorption.

**Comment:** The wastewater consultant advises that the soil is adequate for absorption, and on site effluent disposal has been assessed as being satisfactory having regard to soil conditions, amongst other considerations.

- ❖ Insufficient wet weather storage of wastewater

**Comment:** The proposed wastewater system has soil probes which shuts the system down in the event of wet weather and has a storage volume of 9.7 days for treated effluent if continuous rainfall occurs. At 80% capacity the effluent system will alarm and a pump out service will be required. The level of wet weather storage is considered satisfactory.

- ❖ Water demand exceeds supply.

**Comment:** As previously discussed, it is considered that the collection, storage and treatment of roof rainwater can satisfy the potable water requirements of the centre, with minimal reliance on potable water being brought to the site.

- ❖ Potentially contaminated fill

**Comment:** The source of the identified uncontrolled fill was from the cut and fill operation to form the existing open space area. Given the history of the use of the property, and that no fill was imported onto the site, it is considered the land has not been used for any activities which would render the soil contaminated to such a degree as to prevent the proposed development.

- ❖ Hazardous materials being demolished.

**Comment:** The only material likely to be hazardous is asbestos, which would be required to be removed by a licensed contractor in accordance with Work Cover requirements.

❖ Bridge capacity

**Comment:** The applicant will be required to provide engineering certification in respect to the capacity of the bridge to support the loads likely to be imposed on it.

❖ Lack of traffic barrier on bridge

**Comment:** The Applicant advises that *“the safety of the bridge is addressed in the Traffic Report with mitigation measures proposed to be implemented including signage. As noted above, this is a privately owned bridge on a private road and the standards applicable generally to existing single land bridges on rural secondary and tertiary roads will be met.”*

❖ Increased traffic

**Comment:** Given that the increase in the number of people is 29, and that most guests will arrive at the centre by bus, it is considered that traffic generated by the activity will have no significant adverse impact on the local road network.

❖ Insufficient parking

**Comment:** It is considered that in the circumstances where buses are used the parking available on site is adequate to cater for the likely number of vehicles generated. However, as previously discussed, for larger community groups adequate parking has not been proposed. However, there is ample room on the site to accommodate additional car parking to provide a suitable level of parking for guests. In this regard, details of the number and location of additional car parking spaces will be required to be submitted to Hawkesbury City Council for approval by way of a condition of a deferred commencement consent.

❖ Power supply is incoming over other properties

**Comment:** The Applicant further advises that *“CAS has undertaken investigations into the requirements for bringing power to the site from Grose Wold Road and initial indications are that even if feasible now, it likely would require the erection of more poles and would need to be taken through two area classified as Endangered Ecological Communities.*

*CAS could not support such a proposal that damages the environment and adds unnecessary cost to the project – especially when easements already exist over the adjoining properties to allow for the supply of power.”*

Incoming power and telecommunications lines enter the site across adjoining properties to the west and are covered by existing easements. There is no need to alter the existing easement.

- ❖ Termite damage to existing power poles

**Comment:** Termite damage to the existing poles is the responsibility of the electricity supplier.

- ❖ Power pole aesthetics

**Comment:** The aesthetics of the existing and proposed power poles is the responsibility of the electricity supplier.

- ❖ Visual impact of development

**Comment:** It is considered that the design, siting and appearance of the proposed buildings and structures (obelisk) will not result in any significant adverse visual impacts or be detrimental to the scenic quality of the locality.

- ❖ Not consistent with existing use of the site.

**Comment:** The site is currently used as a religious retreat centre and has done so for many years. The proposal is consistent with the existing use and is an intensification of this current use.

- ❖ Confusing hours of use.

**Comment:** The retreat is already in operation 24 hours a day, 7 days a week. However, outdoor activities are proposed to occur between 6:00am to 9:00pm each day. This was proposed by the proponent as a noise mitigation measure to limit the time that users of the facility will be outdoors. In addition, early morning activities will be restricted to prayer and reflection.

- ❖ Non-compliance with height requirements.

**Comment:** As previously discussed, Draft Local Environmental Plan 2011 includes a height restriction for buildings of 10m. The height of the proposed Chapel, being 14.8m, is not considered to be visually dominating from adjoining properties given the design of the building; the siting on a lowered building platform and the inclusion of proposed screen plantings.

- ❖ Three metre high embankment not clearly shown.

**Comment:** The submitted plans show the location of the embankment along the western boundary.

- ❖ Distance of buildings from boundary not clearly shown.

**Comment:** Whilst not annotated on the plans, the plans are drawn to scale and therefore distances can be determined.

- ❖ Water storage capacity is inadequate.

**Comment:** As previously discussed the Applicant proposes to install a 200kL tank for water storage which is considered adequate for potable water supply and bush fire purposes.

- ❖ No benefit to the community.

**Comment:** The retreat provides an existing service to schools, parish and community groups across the Sydney region. The proposal seeks to upgrade that service by providing better facilities, improved wastewater, stormwater and bushland management, increased bushfire measures and improved management of the facility.

It is considered that the matters raised in the submissions do not warrant refusal of the application.

#### **Department of Environment and Climate Changes' Advice**

In their letter of 8 March 2011, the Department of Environment and Climate Change advised that the development site is within close proximity to Blue Mountains National Park which is within the Greater Blue Mountains World Heritage Area. As a result, the Department provided their document 'Guidelines for development adjoining land and water managed by the Department of Environment, Climate Change and Water' for consideration. The matters raised in these Guidelines have been assessed throughout this Report and it is considered that the proposed development is consistent with the relevant objectives and recommendations of the Guidelines having regard to:

- ❖ erosion and sediment control,
- ❖ stormwater runoff,
- ❖ wastewater,
- ❖ management implications relating to pests, weeds and edge effects,
- ❖ Fire and the location of asset protection zones,
- ❖ threats to ecological connectivity and groundwater dependent ecosystems, and
- ❖ cultural heritage



**e. The Public Interest:**

The proposed development is considered to be in the public interest for the following reasons:

- ❖ The proposal involves the upgrading of an existing activity which will meet current best practices with respect to:
  - Bushfire protection;
  - Effluent disposal;
  - Ecological protection and management of significant bushland;
  - Energy and water efficiency.
- ❖ Whilst located within an environmentally sensitive area, the proposed development has been designed to have no adverse impact on the natural or built environment;
- ❖ The proposed development will provide improved facilities for the retreat centre, thereby increasing the activity's sustainability in providing retreat and convention facilities.

**Section 94A Development Contribution Plan**

A contribution plan applies to the land under Section 94A of the Environmental Planning and Assessment Act, 1979 and requires a levy of 1% be imposed on this development. In accordance with the above, a \$96,055 developer contribution applies to this development. An appropriate condition of consent can be included in any consent.

**Conclusion:**

The proposed development is permissible on the land and will provide additional accommodation and upgraded facilities to an existing religious retreat centre. Whilst the development is sited within an environmentally sensitive area, it is considered that the development has been suitably designed to minimise any adverse impacts on the environment. It is further considered that the proposal will have no adverse impact on the amenity of adjoining and nearby properties, and no negative impact on the locality in general.

**RECOMMENDATION:**

That development application DA0038/11 at Lot 2 DP 606169, 347 Grose Wold Road, Grose Wold for Recreational Establishment – redevelopment and refurbishment of existing religious retreat centre be approved as a Deferred Commencement Consent subject to the following conditions:-

1. Upon compliance with the conditions appearing in Schedule 1, and with the issue of confirmation to that effect in writing from Council, this "Deferred Commencement" consent shall commence to operate as a

development consent inclusive of all conditions appearing in Schedule 2 pursuant to Section 80(3) of the Act.

2. The 'Deferred Commencement' consent will lapse in twelve months from the date of this consent unless all conditions appearing in Schedule 1 have been complied with.

### **Schedule 1**

- a. The playing field/oval shall not be used for carparking due to the potential damage to the effluent disposal area. Additional carparking spaces shall be provided on site to cater for the expected demand based on the submission of a traffic report demonstrating a suitable occupancy rate per vehicle. Details shall be submitted to Hawkesbury City Council for approval.
- b. An amended Plan of Management for the activity shall be submitted to Hawkesbury City Council for approval. This amended Plan is to include the following details:
  - ❖ Number of Staff
  - ❖ Signage – to be erected explaining contents and location of sign about 'private property'
  - ❖ Complaints register – to be maintained on site and submitted to Council for information annually
  - ❖ Security measures – including practices for when site is not in use
  - ❖ Education of guests about site practices, procedures and rules including:
    - i. Noise
    - ii. Trespass
    - iii. Promoting respect for environmental significance of the site and locality
  - ❖ Noise – Amended hours for commencement of outdoor activities; hours for servicing of the site

### **Schedule 2**

#### **NSW Rural Fire Services Conditions**

##### **Asset Protection Zone**

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

- A. At the commencement of building works and in perpetuity the Asset Protection Zones shall be provided as detailed on the "Site Plan – Asset Protection Zone Drawing No. DA 403 issue B" by Suttie Rofe Architects dated 02/03/11 and

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:

B. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

- An 'SWS' marker shall be obtained from the local NSW Rural Fire Service and positioned for ease of identification by brigade personnel and other users of the SWS. In this regard:
  - i. Markers must be fixed in a suitable location so as to be highly visible; and
  - ii. Markers should be positioned adjacent to the most appropriate access for the static water supply.
- A 150,000 L water tank and fittings shall be provided in accordance with the "Site Plan Asset Protection Zone Drawing No. DA 403 issue B" by Suttie Rofe Architects dated 02/03/11 and the additional information dated 12 May 2011 ref 100006 submitted by Building Code & Bushfire Hazard Solutions.
- An additional water tank of 5,000 L shall be installed next to the manager's residence.
- The water tanks shall be of a non-combustible material.
- A 65mm metal Storz outlet with a gate or ball valve shall be provided.
- All associated fittings shall be of non-combustible material.

C. A hardened ground surface for truck access is to be supplied up to and within 4 metres of the swimming pool.

## **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:

D. Internal roads and the access road shall comply with the Road Upgrade Plan DWG No DA 104 issue B, Site Plan and road width diagrams submitted by Suttie Rofe Architects, and;

- Shall be two wheel drive, sealed, all weather roads.
- Traffic management devices are constructed to facilitate access by emergency services vehicles.
- Shall have a minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches, is provided.
- Shall be clearly signposted and bridges clearly indicate load ratings.
- The internal road surfaces and bridges shall have a capacity to carry fully loaded fire fighting vehicles (15 tonnes).

### **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 development. To achieve this, the following conditions shall apply:

E. Arrangements for emergency and evacuation are to 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:

F. The existing buildings are required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vent, weepholes and eaves. External doors are to be fitted with draft excluders.

G. The proposed new buildings shall be constructed in accordance with the recommendations of section 9 of the Bushfire Hazard Assessment Report reference no. 100006, prepared by Building Code & Bushfire Hazard Solutions Pty Ltd dated 7 March 2011-08-11.

- New fencing shall be constructed in accordance with the recommendations of section 9 of the Bushfire Hazard Assessment Report reference no. 100006, prepared by Building Code & Bushfire hazard Solutions Pty Ltd dated 7 march 2011.

## **Landscaping**

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

## **Hawkesbury City Council Conditions**

### ***General Conditions***

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. The height of the obelisk shall not exceed 6m.
3. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
4. The approved use shall not commence until all conditions of this Development Consent have been complied with.
5. The buildings shall not be used or occupied prior to the issue of an Occupation Certificate.
6. The development shall comply with the provisions of the Building Code of Australia at all times.
7. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within 7 (seven) days of issuing the certificate. A registration fee applies.
8. Hawkesbury City Council is the sewer authority for this development, inspection for compliance certification for internal and external sewer drainage shall be requested and approved prior to covering any pipe. An inspection fee applies.
9. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction, is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning.

### ***Prior to Issue of Construction Certificate***

10. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.

All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.

11. Construction of the access, car park, drainage, filling and retaining walls are not to commence until three (3) copies of the plans and specifications of the proposed works are submitted to and approved by the Director of City Planning or an Accredited Certifier.
12. Payment of a Construction Certificate checking fee and a Compliance Certificate inspection fee when submitting Civil Engineering Plans for approval. Required fees will be provided on request. Fees required if an Accredited Certifier is used will be provided on request.
13. Details of any fill material removed from or imported to the site shall be submitted with the engineering plans. Details to include quantities, borrow sites or disposal sites.
14. Where the design for the constructed batters is steeper than 1:3, geotechnical advice is to be provided to confirm the long term stability of the batters.
15. Retaining walls are to be designed by a suitably qualified and experienced Structural Engineer.
16. Pursuant to section 80A(1) of the *Environmental Planning and Assessment Act 1979* and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time), a contribution of \$96,055.00 shall be paid to Hawkesbury City Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time).

The contribution is to be paid prior to the issue of the construction certificate and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the certifying authority.

17. Details demonstrating that provision shall be made for access to the buildings with adequate aids provided for those with disabilities (i.e. mobility, hearing, site impaired) in accordance with the Discrimination Against People with Disabilities Act (DDA), Building Code of Australia and the Commonwealth Disability (Access to Premises – Buildings) Standards (Premises Standards).
18. The existing pool fence shall be upgraded to comply with the current Swimming Pool Act, Regulations and Australian Standard. Details demonstrating compliance shall be submitted prior to the issue of the Construction Certificate.

19. A Sewer Management Facility System application shall be submitted to and approved by Council.
20. Boundary fences are to be provided to prevent trespassing onto adjoining properties. Details of the design and location of fencing is to be provided to Hawkesbury City Council for approval prior to the issue of any construction certificate.
21. A landscape plan suitable for construction is to be submitted to Hawkesbury City Council for approval. The landscaping plan shall detail plant species and mature heights, the number and location of each species, the establishment and ongoing maintenance of plantings, paving and location of lighting. Landscaping of the development shall be a mixture of trees, shrubs and ground cover and are to be species of local provenance where bushfire requirements permit.
22. A Vegetation Management Plan shall be submitted to, and approved by Hawkesbury City Council prior to the issue of the Construction Certificate. The Plan shall incorporate, but not be limited to the following:
- The recommendations contained within the 'Flora & Fauna Study and Ecological Assessment', dated 6 January 2011 and prepared by UBM Ecological Consultants P/L.
  - The recommendations contained within the 'Peer review of a flora and fauna report by UBM Pty Ltd dated 6 January 2011', dated 2 March 2011 and 'Flora and fauna impact assessment for the Benedict XVI Retreat Proposal 347 Grose Wold Rd, Grose Vale' dated 2 March 2011 prepared by Abel Ecology
  - The methods for protecting existing vegetation and revegetated areas;
  - Weed management;
  - Maintenance and monitoring of revegetated areas;
  - Location, number and species of replacement/off set planting;

The compilation and implementation of the Vegetation Management Plan is to be supervised by a suitably qualified and experienced person, such as a bush regenerator.

The Rehabilitation Plan shall be updated every five (5) years, commencing from the date of this Consent. A copy is to be provided to Council.

### ***Prior to Commencement of Works***

23. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.

24. A waste management plan shall be submitted to and approved by Council. The plan shall address any builder's waste and waste generated during the day to day operation of the development. Particular attention shall be paid to type and quantity of waste, recycling, reuse, storage and disposal.
25. The applicant shall advise Council of the name, address and contact number of the principal certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
26. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
27. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
28. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
- (a) Unauthorised access to the site is prohibited.
  - (b) The owner of the site.
  - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
  - (d) The name and contact number of the Principal Certifying Authority.
29. The existing access road bridge is to be certified by a suitably qualified structural engineer as being adequate to support the loadings from construction vehicles, including deliveries of fill and earthmoving equipment, buses, bush fire tankers/vehicles and water carters tankers and comply with NSW Rural Fire Services Condition 'D'.

### ***During Construction***

30. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7:00am – 6:00pm and on Saturdays between 8:00am – 4:00pm.
31. During the demolition and construction period, the person responsible for the site is to retain records of waste disposal (waste receipts or dockets, recycling processor receipts etc.) in a Waste Data File. The Waste Data File must be provided to Council officers on request to demonstrate that the approved Waste Management Plan is being implemented.
32. No excavated material, including soil, shall be removed from the site.



33. The topsoil shall be stripped and stockpiled and used to cover the landfill.
34. The filled area, including batters, shall be grassed immediately after filling takes place.
35. All fill to be adequately compacted by track rolling or similar in layers not exceeding 300mm.
36. The cut or fill shall be battered at a slope not exceeding 1 (one) vertical to 3 horizontal, unless prior geotechnical advice have been provided to the principal certifying authority as part of the construction certificate application.
37. The site shall be secured to prevent the depositing of any unauthorised material.
38. Dust control measures, e.g. vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
39. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
40. All trucks entering or leaving the site shall have their trays suitably covered to prevent spillage of any material from the truck onto the road.
41. Off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, as shown on the approved plan.
42. Disabled parking shall be provided in accordance with AS2890.1-1993.
43. A ticketing system is to accompany any fill material being brought to the site. A register is to be kept on site to cross reference against the source records. An independent site auditor is to be engaged to undertake appropriate certification regarding the monitoring and validation of the fill material imported to the site as being sound, suitable for the proposed use and free of contamination.
44. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
45. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification.
46. All fill including existing fill must be compacted to 98% standard compaction in accordance with AS1289 and verified by the submission of test results and accompanied by a contoured depth of fill plan.

47. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan Appendix E Civil Works Specification, Part II, Table 1.1.
48. The construction of a sealed loop road extension, parking spaces, coach parking/drop off bay and turning area as shown on the approved plans.
49. The construction of the service road with an all weather surface, as shown on the approved plans and to the requirements of the NSW Rural Fire Service.
50. The construction of an additional passing bay along the entrance road and any other upgrading required in accordance with the approved plans and the requirements of the NSW Rural Fire Service.
51. Where upgrading of the entrance to the site within the road reserve is required, consent from Council by way of approval under the Roads Act is required. Fees apply.
52. The proposed headwalls are to be replaced with suitably designed infiltration basin/trenches.
53. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
  - (a) 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.
  - (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
  - (c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
54. At all times during demolition, a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
  - (a) Adjoining owners are given 24 (twenty four) hours notice, in writing, prior to commencing demolition.
  - (b) Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed before any demolition commences.

- (c) The site shall be secured at all times against the unauthorised entry of persons or vehicles.
  - (d) Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work.
  - (e) Precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained, particularly in the event of sudden and severe weather changes.
  - (f) The structure and all components shall be maintained in a stable and safe condition at all stages of the demolition work.
  - (g) Demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings.
  - (h) Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).
  - (i) All work shall be carried out in accordance with AS2601 and the Work Plan submitted with the development application.
  - (j) Unless otherwise permitted by Council, the structure is to be demolished in reverse order of construction, being progressive and having regard to the type of construction, to enable the maximum separation and recycling of demolished materials to take place.
  - (k) No material is to be burnt on site.
55. The footings shall be pierced or shall penetrate through any fill or unstable foundation material to bear upon a structurally adequate foundation material of a uniform load-bearing value.
56. All natural and subsurface water-flow shall not be re-directed or concentrated to adjoining properties. Water flows shall follow the original flow direction without increased velocity.
57. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved plan and Hawkesbury Development Control Plan chapter on Soil Erosion and Sedimentation.
58. The development shall be completed in accordance with the approved colours and finishes and shall not be altered.

However, the zincalume roof sheeting and gutters shall be treated or painted in an earth toned colour so that it is non-reflective.

59. Landscaping shall be completed in accordance with the approved landscaping plan.

60. Boundary fences shall be completed in accordance with the approved plan.

### ***Prior to Issue of the Occupation Certificate***

61. A Plan of Management for the gross pollutant trap units shall be submitted to and approved by the Principal Certifying Authority. The Plan of Management shall set out inspection and maintenance requirements and time intervals for such inspection and maintenance.

62. A works as executed plan and contour depth of fill plan prepared by a registered surveyor or the design engineer shall be submitted.

63. Retaining walls are to be certified on completion by a suitably qualified and experienced Structural Engineer.

64. Prior to occupation of the development, a grease trap of an appropriate size shall be installed on the drainage line at a location approved by the Manager of Regulatory Services. Alternatively, details of an existing trap are to be supplied to Hawkesbury City Council.

### ***Use of the Development***

65. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:

- (a) been assessed by a properly qualified person, and
- (b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.

66. No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.

67. The development is limited to a maximum of 150 people (excluding the onsite managers) at any one time.

68. The development shall be operated in accordance with the approved Management Plan.

69. Service vehicles are only permitted on the site 7:00am to 6:00pm Monday to Saturday inclusive.

70. Outdoor activities are restricted to the hours of 7:00am to 9:00pm.
71. A complaints register shall be kept and details of all complaints documented and provided to Hawkesbury City Council annually commencing from the issue of the Occupation Certificate.
72. Any external lighting shall be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.
73. The development shall be limited to the area shown on the submitted plans.
74. The subject development, including landscaping, is to be maintained in a clean and tidy manner.
75. All waste materials shall be regularly removed from the property.
76. All food premises are to comply with Hawkesbury City Council's Food Premises Fit Out Code.
77. All premises offering food, packaged or otherwise, are to be registered with Council and have inspections conducted by Council's officers as necessary/required. These premises are required to comply with the Food Act, 2003, associated Regulations, and the Food Safety Standards 3.2.2 and 3.2.3. These are available at [www.foodstandards.gov.au](http://www.foodstandards.gov.au).
78. The premises are to provide potable water and comply with the NSW Health Private Water Supply Guidelines.
79. Noise generated from the proposed development is to comply with the intrusive noise criteria for the day time periods (7.00am to 6.00pm) and evening periods (6.00pm to 10.00pm) in accordance with the NSW Industrial Noise Policy, i.e. noise generated shall not exceed 5 decibels above background noise during.
80. No offensive noise is to be generated from the proposed development during the night time period (10.00pm to 7.00am) as defined by the NSW Industrial Noise Policy.

### **Advisory Notes**

- \*\*\* *The applicant is advised to make detailed inquiries as to whether approval by the Australian Government Minister for the Environment and Heritage is necessary under the Environment Protection and Biodiversity Conservation Act 1999.*
- \*\*\* *The land is within the Hawkesbury City Council Sewerage Catchment. A separate application shall be submitted to Council for any alterations or*

*connections to the sewer mains. The applicant shall consult with Council regarding acceptable discharge limits to the sewerage system.*

\*\*\* *The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.*

\*\*\* *Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.*

\*\*\* *The applicant is advised to consult with:*

- (a) Water and Sewer provider*
- (b) Electricity provider*
- (c) Natural Gas provider*
- (d) Telecommunications carrier*
- (e) Road authority*

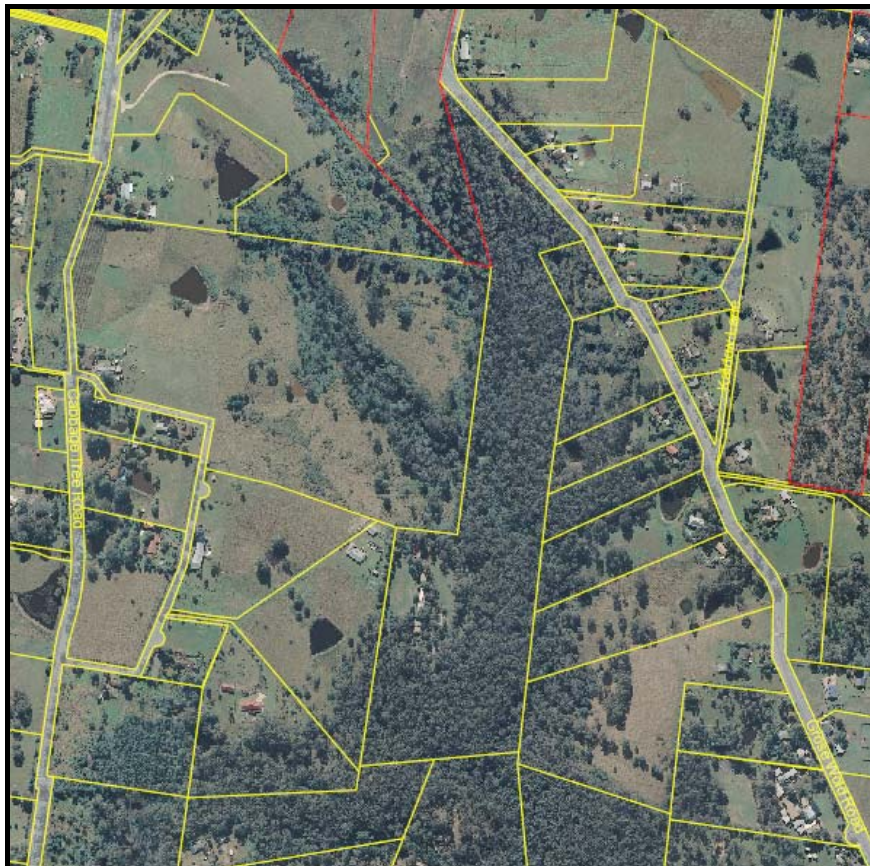
*regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public roads.*

\*\*\* *The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.*

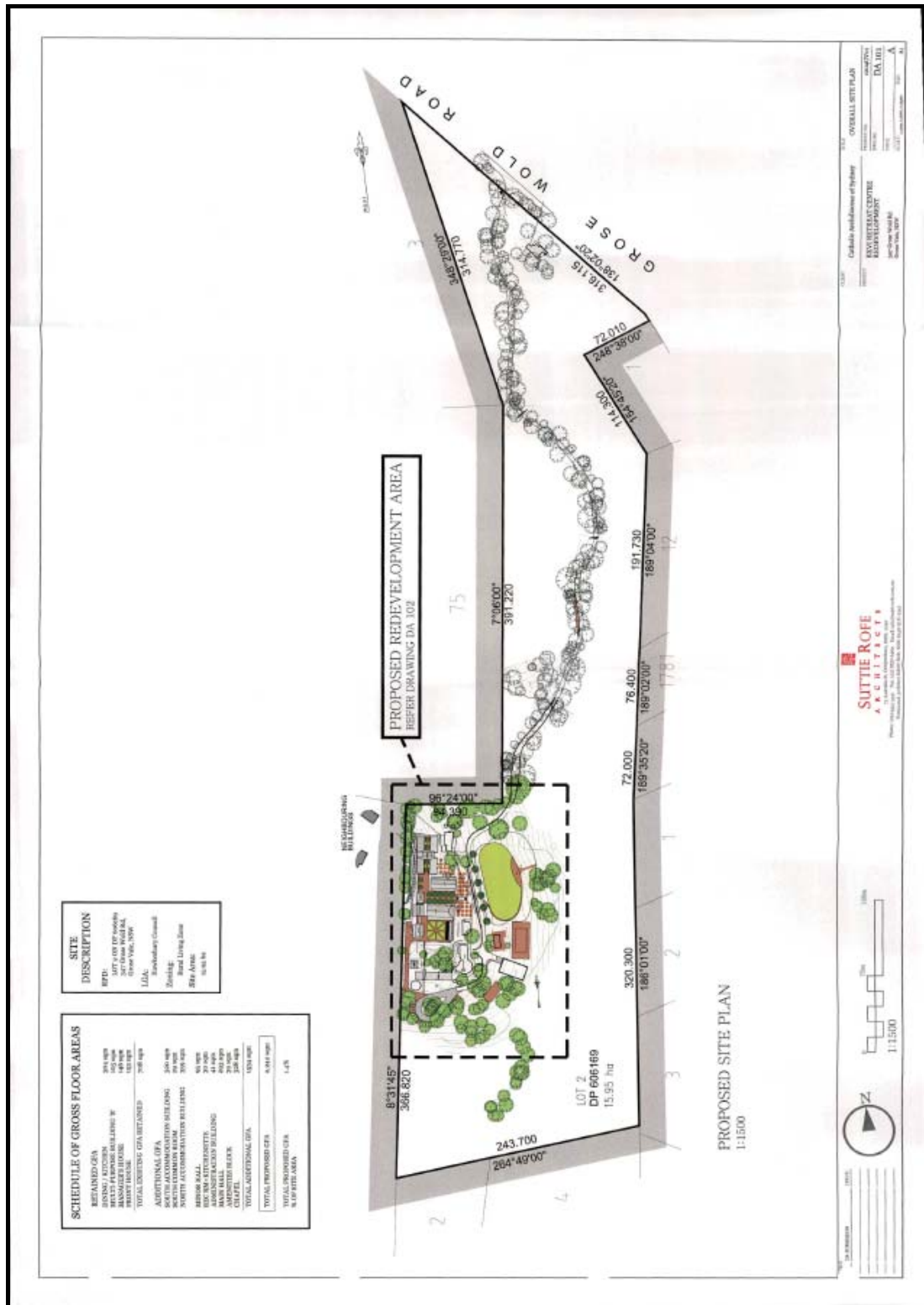
\*\*\* *The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.*

## **Attachments**

- AT 1 – Locality Plan & Aerial
- AT 2 – Site Plan –
- AT 3 – Site Plan - Development Site
- AT 4 – Elevation Plan - Chapel
- AT 5 – Elevation Plan – Main Hall
- AT 6 – Elevation Plan – Minor Hall, Covered Area, Administration
- AT 7 – Elevation Plan – Northern Accommodation
- AT 8 – Elevation Plan – Southern Accommodation
- AT 9 – Elevation Plan – Southern Common Room/Amenities
- AT 10 – Elevation Plan - Obelisk
- AT 11 – Landscaping Plan



**Attachment No. 2**  
**Site Plan**  
**Lot 2 DP 606169, 347 Grose Wold Road, Grose Wold**

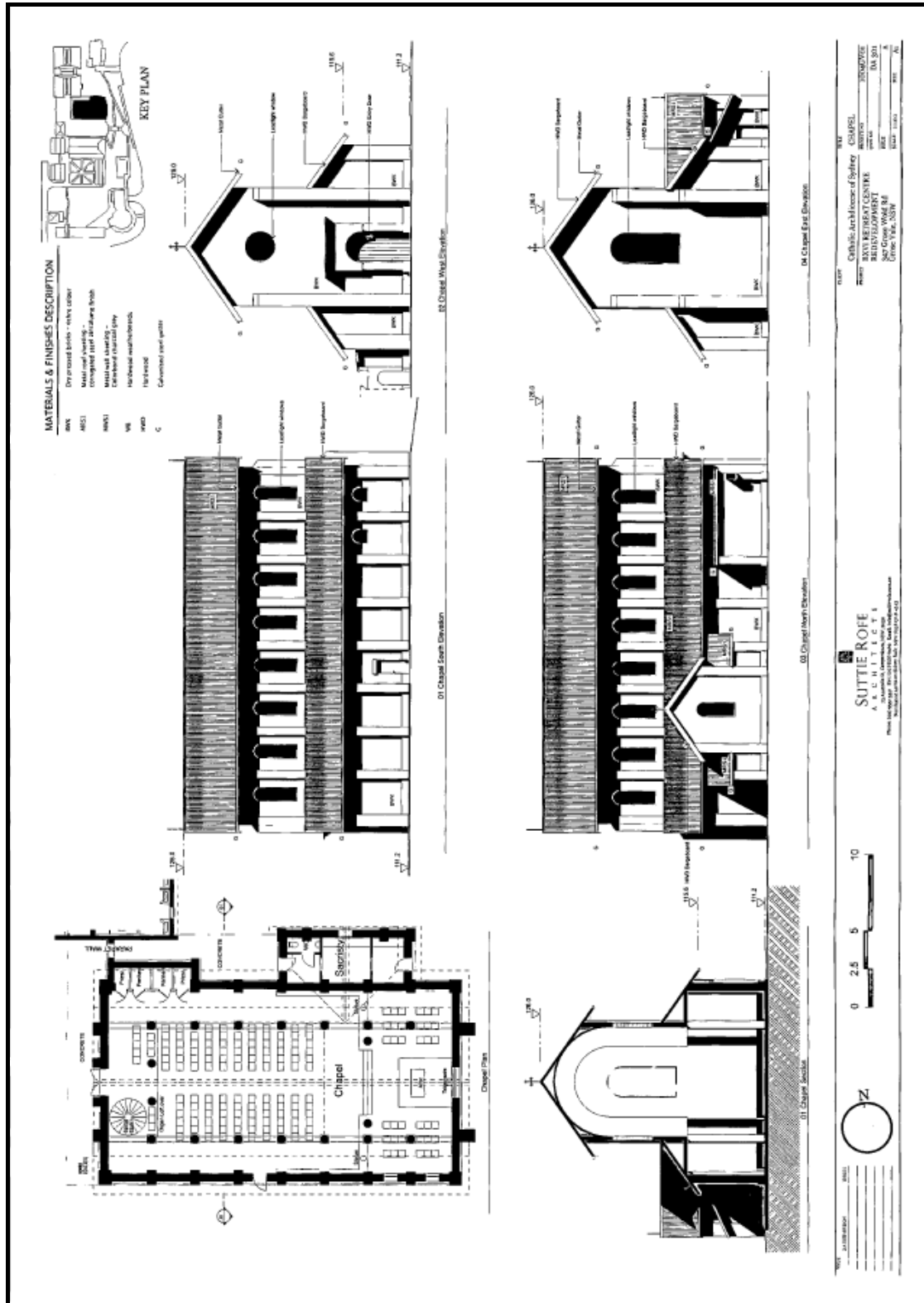


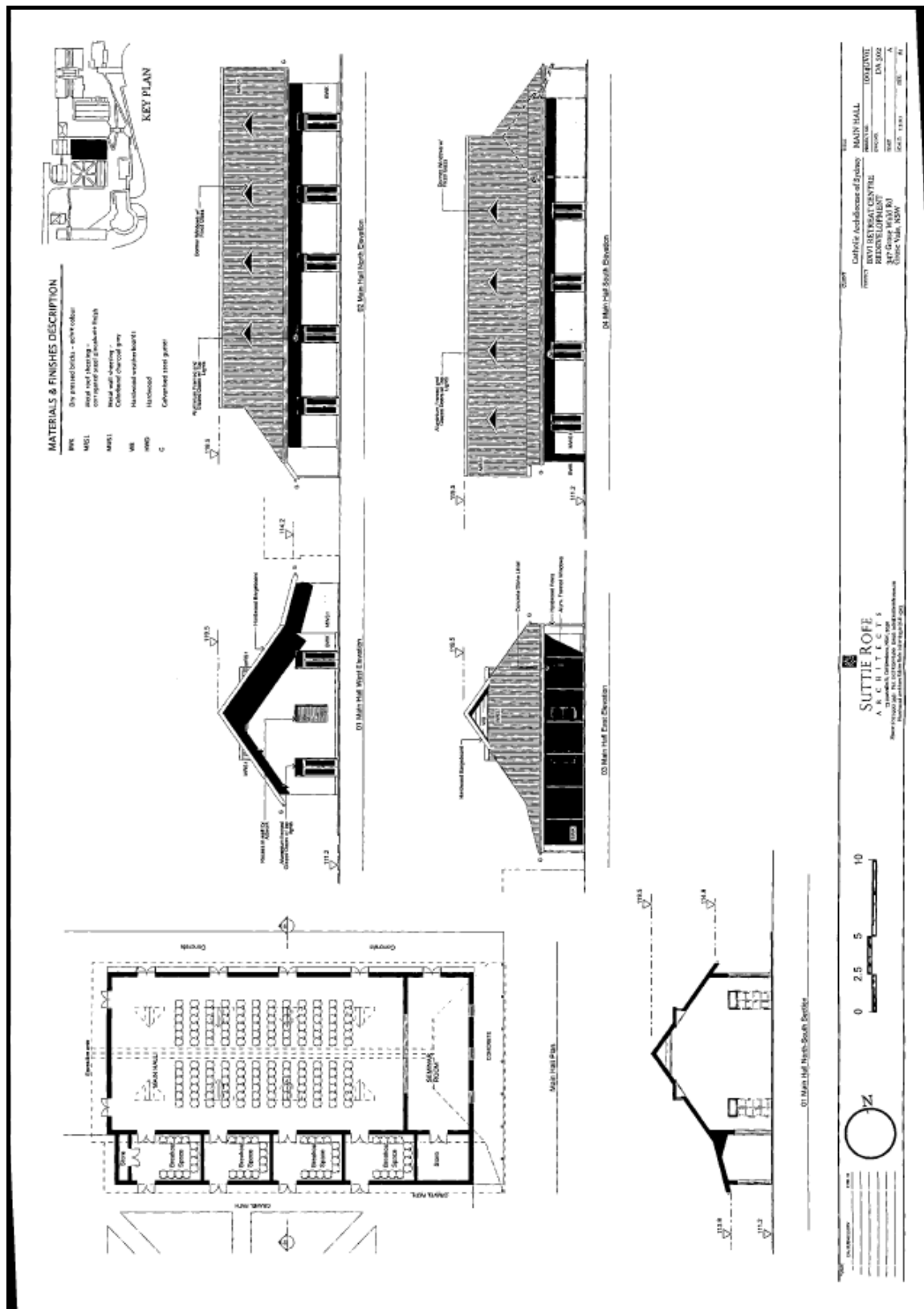


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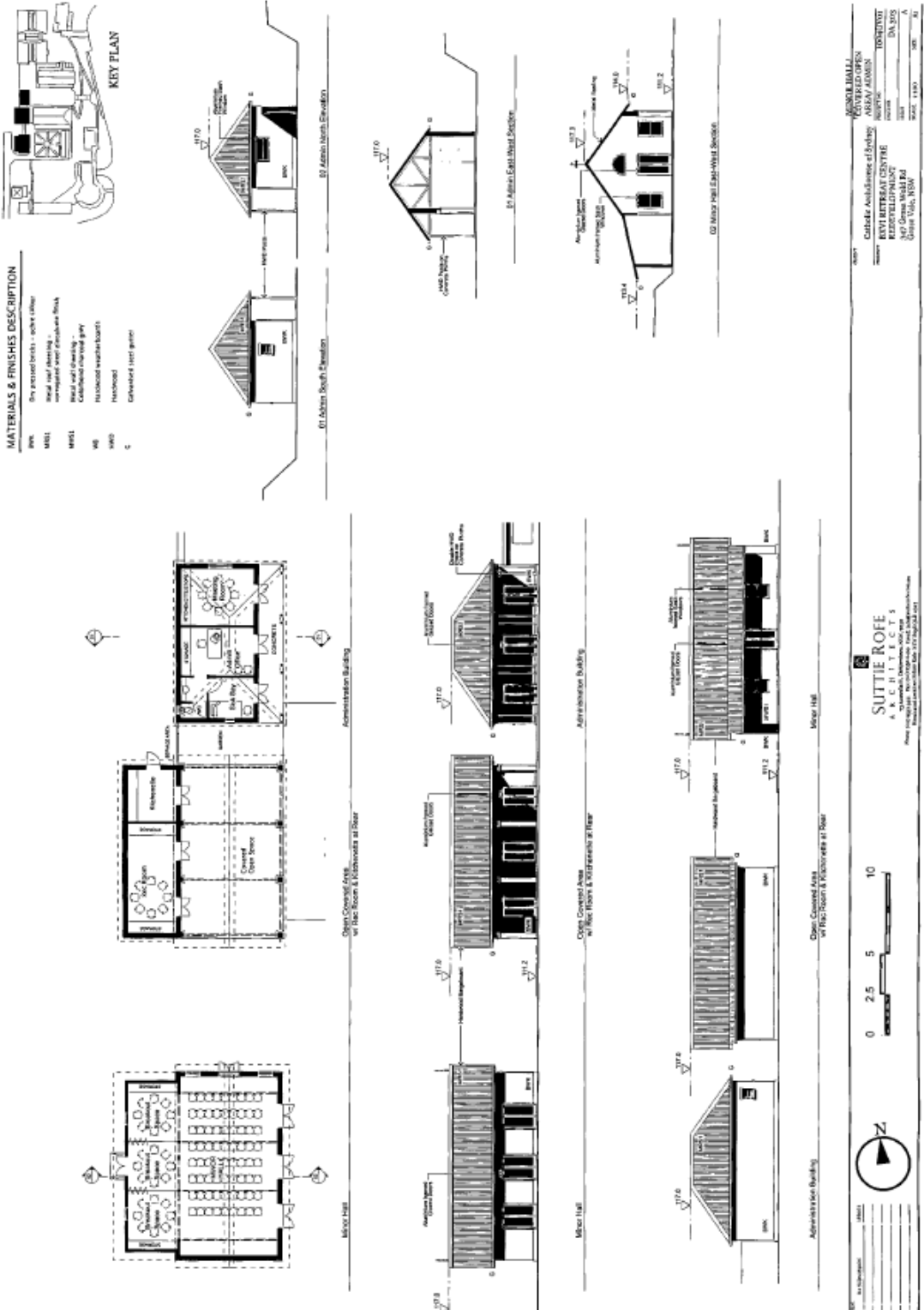


**Attachment No. 4**  
**Elevation Plan - Chapel**  
**Lot 2 DP 606169, 347 Grose Wold Road, Grose Wold**

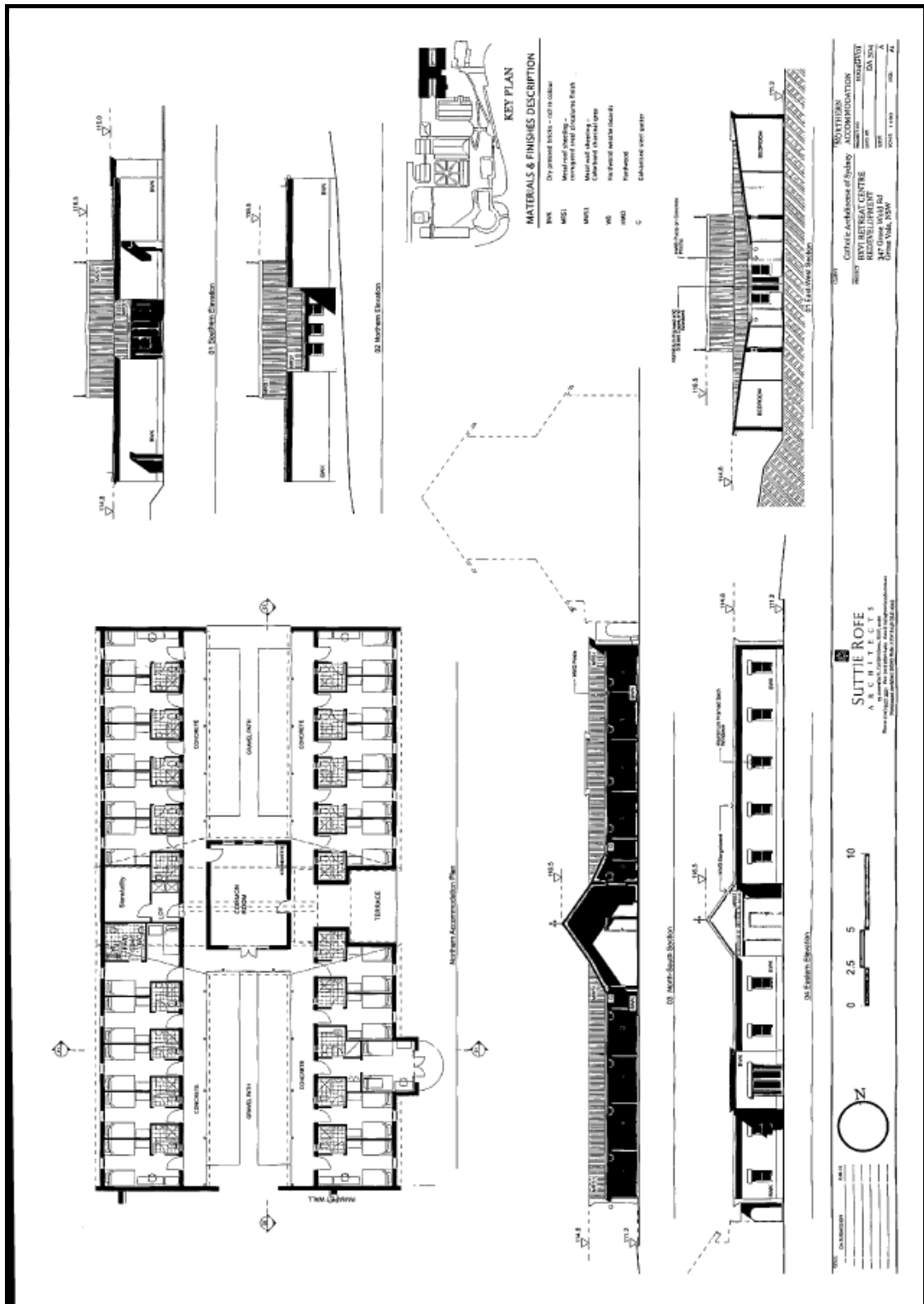




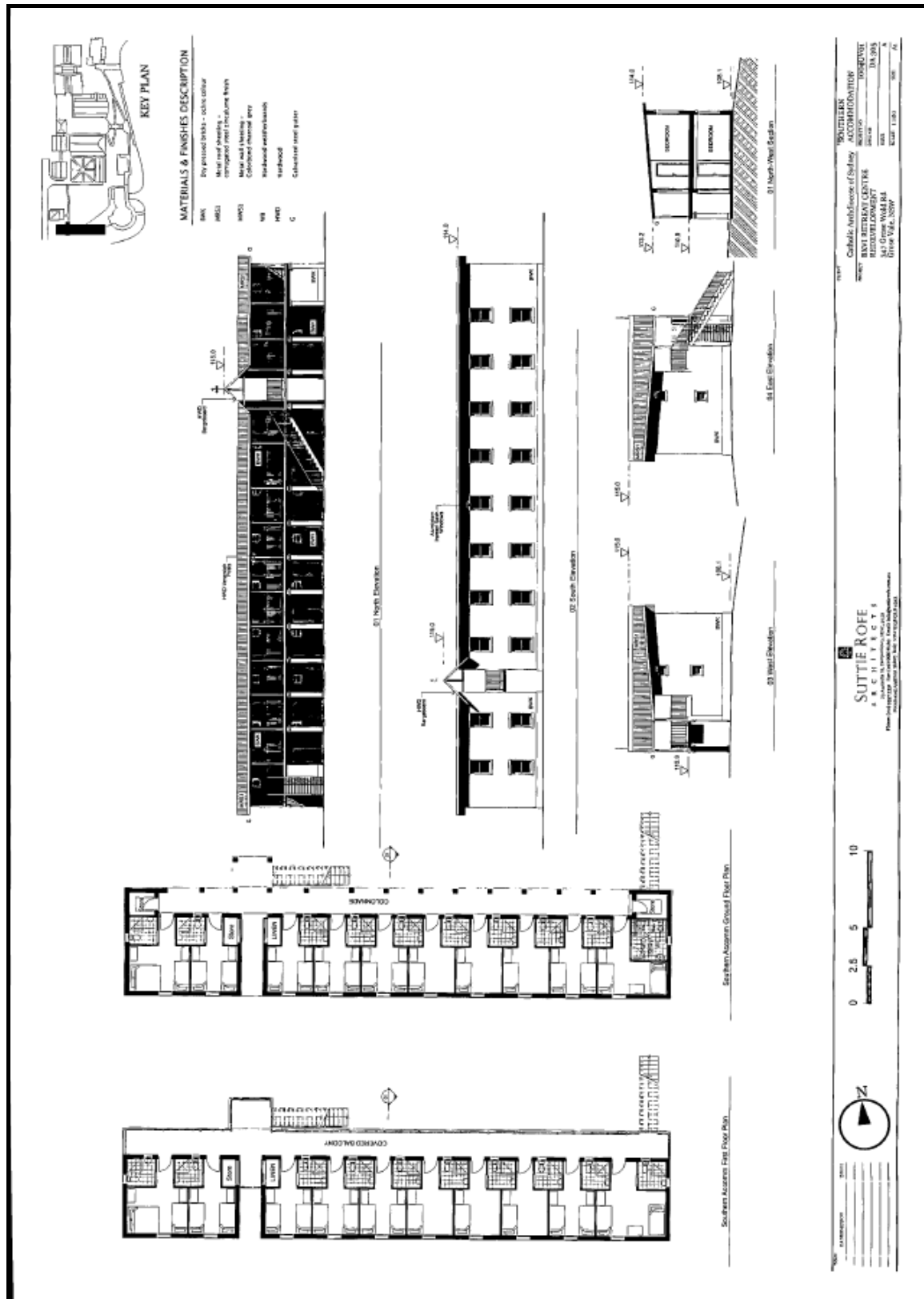
**Lot 2 DP 606169, 347 Grose Wold Road, Grose Wold**



**Attachment No. 7**  
**Elevation Plan – Northern Accommodation**  
**Lot 2 DP 606169, 347 Grose Wold Road, Grose Wold**



**Attachment No. 8**  
**Elevation Plan – Southern Accommodation**  
**Lot 2 DP 606169, 347 Grose Wold Road, Grose Wold**





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[illegible]



**Attachment No. 11**  
**Concept Landscaping Plan**  
**Lot 2 DP 606169, 347 Grose Wold Road, Grose Wold**

