

**JOINT REGIONAL PLANNING PANEL
(Region)**

JRPP No	JRPP Reference Number 2012SYW068
DA Number	X/423/2012
Local Government Area	Blue Mountains City Council
Proposed Development	Partial demolition and redevelopment of Civic building, upgrading of existing Library and associated car parking and landscaping works
Street Address	102-104 and 106-108 Macquarie Road, SPRINGWOOD
Applicant/Owner	Blue Mountains City Council
Number of Submissions	Seven (7)
Recommendation	Approval with Conditions
Report by	Will Langevad, Manager - Development and Planning Services

Assessment Report and Recommendation

JRPP Ref No:	2012SYW068
DEVELOPMENT APPLICATION NO:	X/423/2012
PROPOSED DEVELOPMENT:	Part demolition of existing civic centre building, construction of new civic centre building and upgrading of existing library and car park on Lot 1 DP 181124, No. 102-104 Macquarie Road and Lot A DP 335970, No. 106-108 Macquarie Road Springwood
APPLICANT:	Blue Mountains City Council
REPORT BY:	Blue Mountains City Council
CONTACT:	Will Langevad, Manager: Development and Planning Services
TELEPHONE:	4780 5759

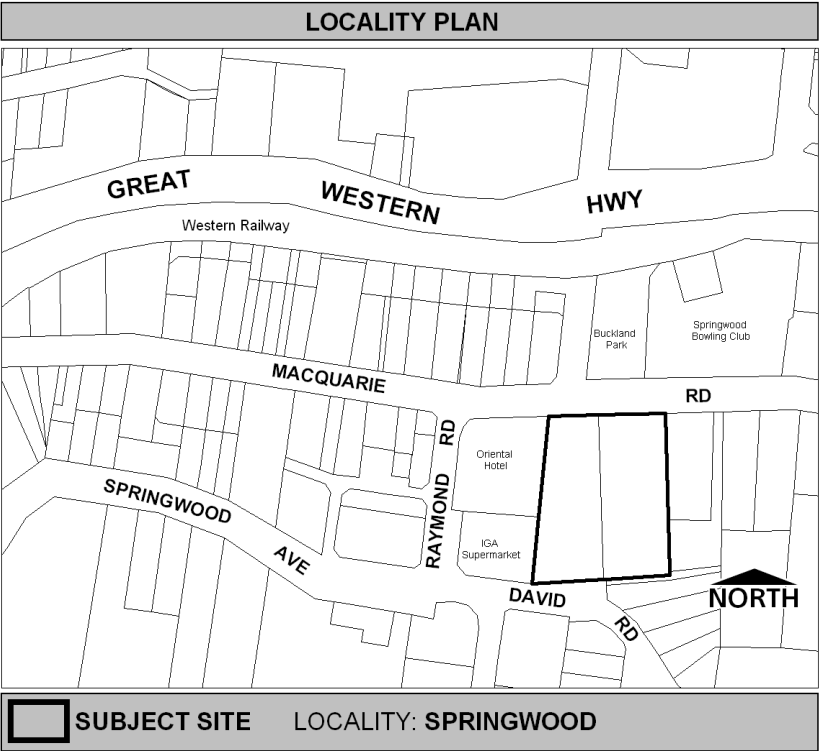
Assessment Report and Recommendation

Recommendation:

That the Development Application No. X/423/2012 for part demolition of existing civic centre building, construction of new civic centre and upgrading of existing library and car park on Lot 1 DP 181124, No. 102-104 Macquarie Road and Lot A DP 335970, No. 106-108 Macquarie Road, SPRINGWOOD be determined pursuant to S.80 of the Environmental Planning and Assessment Act 1979 by the granting of consent subject to conditions shown in Attachment 1 to this report.

Disclosure	Disclosure of any political donation and / or gift – No
Reason for report	The application is referred to the Joint Regional Planning Panel for determination, as the development application is subject to Part 4 (Regional Development) of <i>State Environmental Planning Policy (State and Regional Development) 2011</i> as the development has a capital investment value of more than \$5 million, and Blue Mountains City Council: <ul style="list-style-type: none"> (a) is the applicant for the development; (b) is the owner of the land on which the development is to be carried out; (c) will carry out the development; and (d) is party to an agreement or arrangement relating to the development' as applying under Schedule 4A of the <i>Environmental Planning and Assessment Act 1979 (as amended)</i> .
Applicant	Blue Mountains City Council
Owner	Blue Mountains City Council
Application lodged	27 June 2012
Property address	Springwood Library, 102-104 Macquarie Road, SPRINGWOOD, and

	Springwood Civic Centre, 106-108 Macquarie Road, SPRINGWOOD
--	--



<p>Site description</p>	<p>The subject land comprises two rectangular shaped allotments (Lot A DP335970 and Lot 1 DP181124) having a combined area of approximately 9288m². The land has a frontage to Macquarie Road of 77 metres and a fall of 13 metres downslope from Macquarie Road to David Road over a distance of 110 metres. The site has a frontage to David Road of 91 metres, the eastern half of which is an unformed road reserve.</p> <p>An existing civic centre and neighbourhood centre building is located on the western side of the site. A public library and Council administration office are located on the eastern side of the site, between 'Braemar' (a public art gallery and locally listed heritage item) and the rear car park.</p> <p>Two one-way vehicle driveways provide access from Macquarie Road to the rear of the site. The rear of the site contains eighty-one (81) car parking spaces with two vehicle access points from David Road.</p> <p>The site is situated at the eastern end of the town centre. The Oriental Hotel adjoins the site to the west, an IGA supermarket and small retail stores to the south-west, residential flat buildings and commercial premises to east, and a dwelling to the south-east. Buckland Park, containing a Red Cross Hall and war memorial, is located opposite the site in Macquarie Road. Residential dwellings and a child care centre are located to the south in David Road.</p> <p>The land is classified under the Local Government Act 1993 as Council Operational Land.</p>
<p>Background</p>	<p><u>Identified need for Library and Civic Centre Upgrade:</u> Two needs assessment studies were undertaken in 2007 and 2009 with regard to the proposed upgrading of Springwood Library and Civic Centre.</p> <p>These assessments considered the combination of the expected demographic change within Springwood (with a predicted population increase of 8% by 2021 and a doubling of the population aged 60-69 years), the condition of the existing buildings, and the lack of connection with other Council owned facilities elsewhere in Springwood. Extensive community consultation was undertaken to establish the needs and the community aspirations for this project.</p> <p>The need for enhancements and/or extensions to all existing buildings on site was identified; to both comply with Building Code of Australia and accessibility requirements, and also to meet identified needs of the community. In addition, the need was identified for additional meeting rooms and a new multipurpose room in the precinct, to meet a wide range of user needs.</p> <p>Consideration was given to the refurbishment and renovation of</p>

	<p>the buildings on the subject site, and other Council facilities within Springwood. However, due to the expected cost and extent of these works, it was considered more practical to pursue a redesign and upgrade of the facility to better meet current and predicted needs.</p> <p>The redeveloped facility, close to the town centre and public transport, provides for greater accessibility to community and cultural services within a central location. The refurbishment of the library will improve public access to the collections, and provide adequate space for archival storage; while also providing access to the Springwood office of Blue Mountains City Council within the same location. Similarly, the upgrade of the theatre will result in a contemporary performing arts space which addresses current issues of acoustics, access, and climate control.</p> <p>Additionally, centrally locating facilities such as the early childhood health centre from elsewhere in Springwood provides convenience and improved community service, but also reduces the need for separate and major renovation to other Council facilities.</p> <p>Community support was given for the option of upgrading and extending the existing facilities on the Civic Centre/ Library site 102-106 Macquarie Road, and in 2010 Council received \$9.5 million of Federal Government funding towards the upgrade of the facilities.</p> <p><u>Masterplanning process</u></p> <p>The Council engaged FJMT Architects in late April 2011 to develop a Masterplan for the upgrade of community and cultural facilities as part of the Civic Centre precinct in Springwood. The initial Masterplanning process involved the development of options leading to the selection of a recommended preferred option.</p> <p>The process was undertaken in consultation with key stakeholders including Council staff and service providers to be accommodated in the facilities, as well as representatives of organisations who use the facilities. Regular briefings with Councillors were undertaken throughout the planning process. The first stakeholder workshops were held on 2 June 2011.</p> <p>An update on the Masterplanning process was provided to the Ordinary Meeting of the Council on 19 July 2011, followed by a report to the 30 August 2011 Ordinary Meeting. This report recommended the preferred Masterplan option to be the developed approach.</p> <p>At the Ordinary Meeting of the Council of 11 October 2011 the Council resolved to accept the completed Masterplan option for public exhibition. The exhibition period attracted 16 submissions.</p>
--	--

	<p>A Report on the Outcomes of the Springwood Community and Cultural Facilities Upgrade Public Exhibition was presented to the Council on 13 December 2011. The Council resolved at the meeting:-</p> <ol style="list-style-type: none"> <i>1. That the Council notes the content of the submissions and the responses to these submissions received on the draft Masterplan Report for the Springwood Community and Cultural Facilities Upgrade, and notes that no amendments have been made to the draft Masterplan Report in response to the submissions;</i> <i>2. That the Council adopts as the final Masterplan Report the "Draft Masterplan Report for the Springwood Community and Cultural Facilities Upgrade" as placed on public exhibition;</i> <i>3. That, subject to securing a staged financial approval from the Department of Regional Australia - Community Infrastructure Grant Program that provides for the fees associated with this process, the Council approves Francis-Jones Morehen Thorp to proceed to Phase 2, the detailed design and construction documentation for Stage 1 of the Springwood Community and Cultural Facilities Upgrade and notes and approves the increased estimated construction cost of Stage 1 of the project and commensurate increase in architectural and approval fees for this work;</i> <i>4. That the Council report to the NSW Government on the proposed project in accordance with the requirements of the Capital Expenditure Guidelines; and</i> <i>5. That the General Manager be delegated authority to commence negotiations with the Department of Land & Property Management Authority, Crown Lands to bring about the transfer of Crown Land at the Early Childhood Centre site to the Council, as operational land for the purposes of future commercial development. [Minute No. 509].</i> <p>The detailed proposal contained in the development application broadly follows the endorsed Masterplan design. This report highlights areas where the proposed development has been altered from the Masterplan design, as a result of environmental or design constraints identified as part of the detailed design and assessment processes.</p>
Proposal	<p>The application seeks development consent for the redevelopment of the Springwood Civic Centre and Library in three stages (or phases). Each stage of the proposal is described in detail below.</p> <p><u>Stage 1:</u> Stage 1 works are proposed across all three levels of the development, and include the following:</p> <ul style="list-style-type: none"> Partial demolition (totalling approximately 742m²) of the existing civic centre and neighbourhood centre building;

	<ul style="list-style-type: none"> • New building works comprising a refurbished 500 seat theatre and associated rehearsal / dressing room, multi-purpose halls, neighbourhood lounge and community dining area; • The library linkage (foyer/galleria) and shared library/Council administration service area; • Amendments to the access pathway, landscape setting and garden area of <i>Braemar</i>; • Construction and upgrading of parking areas including elevated parking deck providing a total of 113 car parking spaces, 20 bicycle spaces and 5 motorcycle spaces; • Construction of mechanical plant, to be located on the theatre roof and within the lower car park; • Site landscaping, pedestrian access and public domain upgrades. <p><u>Stage 2:</u></p> <ul style="list-style-type: none"> • Construction and fitout of early childhood centre <p><u>Stage 3:</u></p> <ul style="list-style-type: none"> • Refurbishment of the existing library <p>The application states that the general operating hours of the site are from 8am to 8pm, with the theatre and associated spaces likely to operate until midnight for performances and special events.</p> <p>No works are proposed to the existing “Braemar” gallery building. However as detailed above, work is proposed within the forecourt and garden area of the heritage item. A detailed assessment of potential heritage impact is included at the relevant sections of this report.</p> <p>As listed above, part of the proposal is the redevelopment of the car park. To ensure the linkage between this part of the site and the IGA supermarket site (Lot 22 DP597588) is legally and appropriately managed, the proposal also includes the establishment of a lease agreement between the applicant and the owners of Lot 22 DP 597588 (IGA supermarket site). This is detailed at Section 6 of this report.</p> <p>No application is made for advertising signage as part of the proposal.</p> <p>A copy of the plans showing the site area and extent of the proposed works is provided in Attachment 2 to this Report.</p>
Independent Review	<p>In taking account of the Council’s role in preparing this report and as a proponent for the project, this report has been independently peer reviewed by City Plan Strategy and Development Pty Ltd (City Plan).</p> <p>To conduct this peer review City Plan was provided with a</p>

	<p>complete copy of all reports, plans and other material forming part of the development application, as well as submissions received by Council during the notification period. It was requested that City Plan provide their professional opinion on whether:</p> <ul style="list-style-type: none"> – the report adequately addressed the heads of consideration under s79C of the <i>EP&A Act 1979</i>; – the report adequately addressed submissions; – the recommendations made were sound; – the proposed consent conditions are reasonable and appropriate; and – there were any other pertinent issues associated with the assessment. <p>The Peer Review of Assessment Report was received from City Plan on 29th November 2012 (provided at Attachment 4 to this report). The report states that all of the above matters have been adequately and appropriately addressed in the Assessment Report. The Peer Review report includes recommendations, most notably the inclusion of additional conditions in relation to noise mitigation. Particular concern is raised over the potentially adverse noise and amenity impacts to adjoining residents from traffic along the eastern site boundary and the operation of the elevated car park. All recommendations within the Peer Review Report have been incorporated in this Assessment Report.</p>
Supporting documentation	<p>The application is supported by:</p> <ul style="list-style-type: none"> • Architectural plans • Statement of environmental effects • Concept Landscape plan • External material/finish schedule • Heritage Impact statement • Quantity surveyors report • Hydraulic design report • Acoustic report • Traffic report • Concept Stormwater Report • Accessibility report • Energy performance compliance statement • Services schematic design report • BCA compliance report • Structural and civil works design report
Local Environmental Planning Instruments	<ul style="list-style-type: none"> • Blue Mountains Local Environmental Plan (LEP) 2005 <ul style="list-style-type: none"> ○ Zone: Village – Town Centre ○ Springwood Precinct VTC-SP01 – Village Town Centre Precinct ○ Accessible Housing Area ○ Protected Area – Slope Constraint Area ○ Protected Area – Ecological Buffer Area ○ Special Use – Public Buildings or Facilities ○ Heritage Item SP022 Braemar ○ Heritage Item SP056 Macquarie Road Conservation

	Area
State and Regional Planning Instruments	<ul style="list-style-type: none"> • State Environmental Planning Policy No.1 – Development Standards The application seeks a variation to clause 99 of LEP 2005 – Car Parking Provision. <i>Note: Clause 126 – Special Use of LEP 2005 applies to the site. The application also seeks to vary development standards under Schedule 1, Part 9, Division 1 (3); being Building Height and Building Setback. Subclause 126(4) states that “the consent authority may consent to development subject to this clause even if it contravenes a development standard set by Division 1 of Part 2 (Locality Management)”. In this regard a SEPP 1 objection is not required, for the variation to building height and setback. However, justification for the variation sought is provided at each relevant section under the LEP 2005 discussion.</i> • State Environmental Planning Policy No.55 – Remediation of Land • Sydney Regional Environmental Plan No. 20 - Hawkesbury Nepean River
Development Control Plans	Better Living Development Control Plan Consideration of this DCP is incorporated into the assessment under LEP 2005 as relevant.
Notification	<p>Consultation was undertaken in accordance with the requirements of Part L (Public Participation) of the Better Living Development Control Plan and the requirements under the <i>Environmental Planning and Assessment Regulations 2000</i>.</p> <p>The application was advertised for a period of 30 days from 11 July 2012 to 10 August 2012 in the Blue Mountains Gazette as well as written notification to adjoining and nearby properties.</p> <p>It was identified during the development assessment process that the implications of changed access arrangements to the adjoining supermarket were not clear. Further, there was a need to provide clarity to the IGA supermarket (being an anchor retailer within the locality and likely to be affected by the proposal) on the separation between the Masterplan process (to which they had made a submission) and the notification within the development application process.</p> <p>As a result, a separate notification letter was sent to the proprietor, leasee and operator of the IGA site with an offer of extension of the notification period to the 14th September 2012. This resulted in a submission from SGA Property Consultancy on behalf of the IGA operators. Any submissions received from other members of the community during this period were also accepted and considered.</p> <p>Detailed discussion with regard to access between the IGA site and the subject site is provided at Section 6 of this report.</p>

Submissions	<p>A total of seven (7) submissions were received in response to the public exhibition process. Of these seven responses, one (received from John W. Hogan, Solicitor) was submitted on behalf of three adjoining owners at the following addresses: 98-100 Macquarie Road, Springwood; 2 David Road, Springwood; and 4 David Road, Springwood. The owners of 98-100 Macquarie Road, and 2 David Road also provided individual submissions.</p> <p>The issues raised are summarised below.</p> <ol style="list-style-type: none"> 1) <u>Access to/from IGA Supermarket:</u> As discussed above, the issues related to access from the eastern David Road access through the subject site to the IGA supermarket have been the subject of extensive consultation with the owner and operator of the supermarket site. A complete discussion of proposed access arrangements is provided at Section 6 of this report. 2) <u>Heritage:</u> <ul style="list-style-type: none"> • Lack of adequate consideration of Macquarie Road Conservation Area in architectural design; • Impacts on the heritage curtilage of <i>Danebury</i> (100 Macquarie Road) from the parking area on the eastern boundary; • Impacts on the landscape character of <i>Danebury</i> and <i>Braemar</i>; 3) <u>Streetscape Chracter:</u> <ul style="list-style-type: none"> • Proposed redevelopment is out of character with streetscape; • Redeveloped civic centre will dominate the streetscape and detract from heritage character of the area; • The bulk and scale of proposed building is out of character with heritage precinct. 4) <u>Landscaping:</u> <ul style="list-style-type: none"> • Loss of vegetation along eastern and southern boundaries; • Impact of stormwater and sewer line on landscape potential for eastern boundary; 5) <u>Noise:</u> <ul style="list-style-type: none"> • Adverse acoustic impacts from night time activities at the site; • Adverse impacts from vehicle access from Macquarie Road (on eastern boundary); • Adverse acoustic impact of new elevated parking deck; • Adverse impacts along eastern boundary from garbage collection. 6) <u>Amenity:</u>

	<ul style="list-style-type: none"> • Overshadowing and loss of solar access from elevated parking deck; • Concern over light spill from the rear car park; • Litter collecting in the rear car park. <p>7) <u>Crime Minimisation and Safety:</u></p> <ul style="list-style-type: none"> • Lack of a detailed CPTED Assessment as part of the proposal; • Concern over safety of elevated car park and need for safety barriers to prevent cars driving over into property below (2 David Road); <p>8) <u>Pedestrian Access:</u></p> <ul style="list-style-type: none"> • Lack of pedestrian access from rear of the site; <p>9) <u>Stormwater:</u></p> <ul style="list-style-type: none"> • Concern over stormwater draining onto adjoining properties; • Request for construction of catch drain.
Evaluation	<p>The application has been assessed in accordance with Section 79C (Evaluation) of the <i>Environmental Planning and Assessment Act 1979 (as amended)</i> ('the Act'). A commentary on the assessment of the development against the Section 79C evaluation matters has been detailed in this report for consideration of the consent authority.</p> <p>The requirements within Section 79C(1)(a)(iv) of the <i>Environmental Planning and Assessment Regulation 2000</i> are also inherent in the assessment processes undertaken for the proposal.</p>
Issues	<p>The following assessment issues are further detailed in the report:</p> <ol style="list-style-type: none"> 1) Local Environmental Plan 2005 2) State Environmental Planning Policies and Plans 3) Design and Character - Locality Management (Springwood Town Centre Precinct) 4) Landscaping and Vegetation removal 5) Heritage 6) Access to/from IGA Supermarket site (Lot 22 DP 597558) 7) Car Parking 8) Site Access and Operation of the Car Park 9) Traffic Generation and Impact on Road Network 10) Noise 11) Environmental, social and economic impacts, the suitability of the site and the public interest. 12) Submissions
Referrals (External and Internal)	<p>The application was referred to the following external agencies:</p> <ul style="list-style-type: none"> • Rural Fire Service • NSW Police Force <p>The application was also referred to the following specialists</p>

	within Council: <ul style="list-style-type: none"> • Landscape / Environmental Scientist; • Heritage; • Engineering; • Environmental Health; • Accessibility; • BCA Compliance and Fire Safety; • Waste Services
--	---

1. Local Environmental Plan 2005

The development site is land to which *Blue Mountains Local Environmental Plan 2005* ("LEP 2005") applies. The following zones, precincts and other map based annotations apply to the land:

Braemar and Library, 102-104 Macquarie Road, Lot 1 DP 181124

The following zone, precinct and mapped annotations apply to this land

<u>Zone:</u>	Village - Town Centre
<u>Precinct:</u>	Springwood Precinct VTC–SP01 – Village Town Centre Precinct
<u>LEP Provision:</u>	Accessible Housing Area
<u>Protected Area:</u>	Slope Constraint Area
<u>Protected Area:</u>	Ecological Buffer Area
<u>Heritage Item:</u>	SP022 - Braemar
<u>Heritage Conservation Area:</u>	SP056 - Macquarie Road Conservation Area
<u>Special Use:</u>	Public Buildings or Facilities

Springwood Civic Centre, 106-108 Macquarie Road, Lot A DP 335970

The following zone, precinct and mapped annotations apply to this land:

<u>Zone:</u>	Village - Town Centre
<u>Precinct:</u>	Springwood Precinct VTC–SP01 – Village Town Centre Precinct
<u>LEP Provision:</u>	Accessible Housing Area
<u>Protected Area:</u>	Slope Constraint Area
<u>Heritage Conservation Area:</u>	SP056 - Macquarie Road Conservation Area
<u>Special Use:</u>	Public Buildings or Facilities

Compliance Table: Local Environmental Plan 2005

Clause	Provisions	Comment / Assessment	Complies
Part 1 Preliminary			
cl.9	Considerations before development consent	The development satisfactorily complies with the aims, principles, locality provisions and the assessment requirements relevant to the development.	Yes
Div. 2 Part 1	Planning principles	The proposal is considered to comply with the planning principles of LEP 2005. Consideration of relevant principles and objectives are incorporated into the assessment below.	Yes

Clause	Provisions	Comment / Assessment	Complies
Part 2 Locality Management			
cl.13	General locality management	<p>The development complies with zone objectives for the Village Town Centre zone applying to the site (see clause 18 below) and is permissible with consent (see cl. 32 below).</p> <p>The development site adjoins land to the east located in a Living – General zone and to the south located in a Living – Bushland Conservation. These properties are principally residential premises.</p> <p>It is considered that the development does not compromise the objectives of those zones and conditions are proposed to reduce adverse impacts arising from the car park, traffic and operational noise through demonstrated compliance with recommendations of the submitted acoustic report, and an operational plan of management.</p>	Yes
cl.14	Locality management within the villages	The site is within the Springwood Precinct – Village Town Centre Precinct (VTC-SP01), the provisions of which are considered following this table.	Yes

Clause	Provisions	Comment / Assessment	Complies
cl.18	Zone objectives	<p>The site is zoned Village – Town Centre. The objectives of the zone are focused on the consolidation of retail, commercial and community activity within larger towns and villages, and the promotion of the economic viability, as well as the unique character of each town.</p> <p>The proposal promotes Springwood as a major focus of community activity by providing a large community facility consolidating a number of community services into one location.</p> <p>Such a proposal integrates development with transport systems and promotes sustainable access opportunities by reducing travel by local residents to other centres. Further, redevelopment of the Civic Centre site enhances potential for local economic growth, through the attraction of visitors and tourists to the new facility.</p> <p>Such benefits, and the implementation of appropriate consent conditions, are expected to offset an increase in traffic impacts (and any parking shortfall), which are likely to be confined to the immediate locality (and limited by the moderate increase in floor area across the site).</p> <p>As considered in more detail in an assessment against the desired future character for the Springwood town centre, the proposal promotes the unique character of the village.</p>	Yes
cl.32	Land Use Matrix	The proposed land use is defined as <i>community building</i> , and in accordance with this clause, is permissible with development consent in the Village – Town Centre zone.	Yes
Part 3 Assessing the site and environmental context			
Div. 1 Part 3	Site analysis	The potential impacts of the development and measures to visually and physically integrate the proposal within the Springwood town centre were taken into account as part of the site planning process.	Yes
cl.44	Environmental impact	The development has no adverse impact on the nominated environmental attributes, including any threatened species, populations or ecological communities as assessed in accordance with s. 5A of the <i>EP&A Act 1979 (as amended)</i> .	Yes

Clause	Provisions	Comment / Assessment	Complies
cl.45	Protected Area – Slope Constraint Area	<p>The Protected Area has a slope of approximately 20% and is located at the rear of the site within the existing car parking area. It has an area of approximately 1057m² which represents 11.4% of the total site area.</p> <p>The redeveloped car park area does not significantly alter the existing levels, extent of hardstand and stormwater run-off within the slope constrained part of the site.</p> <p>Post-development impacts on the Protected Area are considered minimal, and with the implementation of appropriate conditions, is likely to improve existing conditions.</p>	Yes
cl.47	Protected Area – Ecological Buffer Area	<p>The Protected Area is located at the south-eastern corner of the site within the existing car park area. It has an area of approximately 134m² and represents 1.5% of the total site area. The Protected Area forms part of a buffer to a significant vegetation community located 60 metres east of the site.</p> <p>The redeveloped car park area within the south eastern corner will be raised by approximately 0.8m at this location. However, the extent of hardstand and stormwater run-off on this part of the site will not be significantly altered. With the implementation of appropriate conditions of consent, post-development impacts on the Protected Area are considered unlikely to compromise existing conditions.</p>	Yes
cl.53	Retention & management of vegetation	<p>The proposal includes the removal of a significant number of trees across the site. None of the trees proposed for removal are threatened, endangered or locally significant species.</p> <p>The majority of vegetation to be removed is located within the existing car park or within close proximity to existing buildings, and therefore within the construction zone. The impact of the removal of these trees will be ameliorated by compensatory planting elsewhere across the site.</p> <p>Most significant of the trees to be removed is the row of nineteen (19) <i>Cupressus torulosa</i>, along the western boundary of <i>Braemar</i>. Whilst their removal is supported by an Arboricultural Assessment, these trees contribute considerably to the existing streetscape; and provide clear separation between the heritage landscape setting of <i>Braemar</i> and the existing neighbourhood centre.</p> <p>Further discussion of vegetation management and landscaping is provided at Section 4 of this report. This includes a detailed discussion of the landscape and heritage setting of <i>Braemar</i>.</p>	Yes

Clause	Provisions	Comment / Assessment	Complies
cl.55	Weed management	There are no known noxious weeds on the site. A condition of consent will be included, requiring ongoing noxious and environmental weed control across the site.	Yes
cl.56	Site disturbance & erosion control	<p>The existing and proposed development provides a suitable response to the slope of the site. The majority of cut and fill will be contained within the building footprint of the site and will not generate adverse environmental impact.</p> <p>Approximately 800mm of fill will be required at the rear of the site, as part of the redevelopment of the south eastern section of the car park. Construction will require modification and reconstruction of existing batters at this location. The batters will be revegetated and compensatory planting provided to restore and stabilise disturbed areas.</p> <p>Appropriate conditions of consent will be included to prevent and mitigate any potential adverse impacts during the construction process.</p>	Yes
cl.57	Stormwater management	<p>The application is accompanied by a Stormwater Management Report. The majority of the site (approximately 7895m²) drains to David Road at the rear, with approximately 1413m² draining to Macquarie Road. The proposed stormwater management strategy is to maintain the proposed catchment distribution, and include onsite detention tanks to address the increase in impervious area and ensure the post development flows comply with this clause.</p> <p>With the implementation of the proposed water quality measures (including gross pollutant traps and oil and grease separators), the discharge from the site will be maintained (and is likely to be improved). The measures outlined above will be reinforced by the imposition of consent conditions.</p>	Yes
cl.58	Modification of land form	The proposed cut and fill is primarily contained within the development footprint. The fill required as part of the redevelopment of the car park is considered reasonable and with the implementation of appropriate conditions of consent, unlikely to result in adverse impacts within the site or on adjoining land.	Yes

Clause	Provisions	Comment / Assessment	Complies
Character and landscape assessment			
cl.60	Consideration of character and landscape	The proposed development is not considered to be inconsistent with the established character and streetscape of the surrounding area. However, as the site contains a landmark building, its redevelopment into a central and distinctive community building, will inherently result in a scale and character which is in contrast to surrounding development. The importance of these landmark buildings is identified as a main objective of the Springwood Town Centre Precinct. Refer to Sections 3 and 4 of this report for detailed discussion of character and landscape.	Yes
Heritage conservation			
Part 3, Div.4 (cl.68-71, 76)	Heritage conservation	The proposed redevelopment of the Springwood Civic centre requires the consideration of heritage from two standpoints, being the potential impact on <i>Braemar House</i> (SP022) within the site, and the impact on adjoining heritage items and the Macquarie Road Conservation Area. A detailed discussion is provided at Section 5 of this report.	Yes
cl.74	Development affecting places or sites of known or potential Aboriginal heritage significance	A search of the Office of Environment and Heritage, Aboriginal Heritage Information Management System (AHIMS) was undertaken. The search results confirm that there are no Aboriginal places or sites recorded on or within close proximity of the site. The site is highly disturbed and located within a town centre. The proposal is not considered likely to have any impact on potential places or sites of Aboriginal cultural heritage.	Yes
cl.75	Development affecting known or potential archaeological sites or relics of non-Aboriginal heritage significance	There are no known archaeological sites or relics of non-Aboriginal significance on the site. The proposal includes some modification to the front garden area of heritage item SP022 – <i>Braemar</i> , to increase the level of lawn, and enable this part of the site to be enclosed within the low masonry wall. Given that this work requires limited excavation, the likely risk to potential archaeological material is considered minimal. Nevertheless, a condition will be included to ensure that should relics or archaeological sites be uncovered during construction, all work will cease and appropriate investigation undertaken.	Yes

Clause	Provisions	Comment / Assessment	Complies
Bushfire Protection			
Div, 5 Part 3	Bushfire protection	<p>The land is mapped as bushfire prone and is located within the 100 metre buffer to Category 1 vegetation to the east of the site.</p> <p>The application was referred to the local office of the Rural Fire Service (RFS) for a s.79BA assessment. The RFS supports the proposal subject to standard conditions which form part of the development consent. One of these conditions (6 – Landscaping) requires that retained or planted trees and shrubs not form a continuous stand from the hazard to the asset, and will not overtime compromise the asset protection zone.</p> <p>In this regard, there is an existing line of trees at the rear of the library, within 1 metre of the building, which in accordance with the above standard condition should be removed.</p> <p>The applicant has provided detail from the consulting Structural Engineer which states that the batter slope, within which these trees are contained, provides stability to the lowest level of the library. The removal of the trees would require considerable, staged, stabilisation work to ensure the structural integrity of the batter was not compromised.</p> <p>In light of this advice, clarification has been sought from the RFS (email dated 31st October 2012) which confirms that the abovementioned trees do not form a continuous stand of vegetation to warrant a significant fire threat. The advice also confirms that the trees should be pruned such that they do not directly touch the building.</p> <p>The RFS recommended conditions and later correspondence is provided at Attachment 3 to this report.</p>	Yes

Clause	Provisions	Comment / Assessment	Complies
Hazard and Risk Assessment			
cl.87	Crime minimisation assessment	<p>The application includes minimal detail on the assessment of Crime Prevention Through Urban Design (CPTED) principles. However the proposed redevelopment of the site provides for an opening of the front of the site, to allow greater visual surveillance to and from Macquarie Road.</p> <p>The rear car parking areas, with the exception of the proposed parking deck, will be largely unchanged with regard to safety, and the redesign is unlikely to increase the risk of crime.</p> <p>The parking deck will create an under croft style parking area, with in/out access from a single point off David Road. This limited access and lack of surveillance has the potential to increase the risk of anti-social behaviour within this part of the site.</p> <p>Appropriate conditions of consent will be included to ensure this area of the site is adequately lit to minimise crime risk.</p> <p>The application was referred to the NSW Police Department for comment in this regard. However, despite several written and verbal requests, no response was received.</p>	Yes
cl.88	Land subject to inundation	The land is not identified as Flood Liabile.	NA
cl.89	Remediation of contaminated land	The land is not identified in the Council's Contaminated Lands Register as potentially contaminated.	NA
Part 4 Considerations for Development			
Services and infrastructure			
cl.94	General provision of services	<p>Services are currently available to the site. An existing electricity substation is located in the road reserve of David Road to the rear of the site and car park.</p> <p>During the assessment process, extensive consultation with the applicant was undertaken to determine an alternate location for the proposed plant room in the rear car park, including relocation to the roof of the building or within the under croft parking area. The applicant cited prohibitive cost, technical issues with services lines, and difficulty with ameliorating noise at these alternate locations, as justification for retaining the plant room within the car park.</p> <p>Further discussion of the plant room in relation to vehicle safety is provided at Section 8 of this report.</p>	Yes

Clause	Provisions	Comment / Assessment	Complies
Vehicular access, parking and roads			
cl.98	Access to land from a public road	<p>The site currently has two access points from Macquarie Road, and two at the rear of the site from David Road. The proposal will remove the central access point from Macquarie Road, with the eastern access point to be 'in only' vehicular access from the front of the site.</p> <p>The two access points from David Road will be retained, however the eastern driveway will provide in/out access to the under croft parking area only.</p> <p>The proposed access arrangements are considered adequate for traffic to be generated by the development. It is acknowledged there will be some increase in traffic flow along the eastern site boundary as a result of the singular access point from Macquarie Road. However, the overall intensification in traffic when compared to the current development, is somewhat contained by the limited increase in gross floor area, and the continuation of land uses already operating at the site. Directional signage will also be conditioned, to direct traffic to the rear car parking areas from David Road, diverting some traffic away from the Macquarie Road entrance.</p> <p>A detailed discussion on access and traffic generation is provided at Section 8.</p>	Yes
cl.99	Car parking provision	<p>The proposal provides onsite parking for 113 vehicles, including three (3) spaces for people with a disability. The provision of this number of spaces will be reinforced by a condition of consent. The parking provision is achieved through reconfiguration of the existing car park to improve function, and redevelopment of the lower car park to include a raised parking deck. A SEPP 1 Objection has been provided to this development standard and is detailed below at Section 2 of this report.</p> <p>Detailed discussion of parking and access is provided at Section 7 and 8 respectively.</p>	No

Clause	Provisions	Comment / Assessment	Complies
cl.100	Design for car parking	<p>The proposed redevelopment of the rear car park includes the reconfiguration of the eastern parking area into upper and lower sections. The upper area is accessed either via the entrance from Macquarie Road, or from the western driveway off David Road, which allows vehicles to travel through the western car park, to the upper parking area at the east.</p> <p>The redevelopment also includes the construction of an elevated parking deck, suspended over part of the lower car park to provide additional parking spaces. Access to the lower (or undercroft) car park is gained via a single entry / exit point from David Road. A turning area is provided at the eastern end of the undercroft parking to ensure vehicles can enter and leave in a forward direction.</p> <p>The western parking area will be realigned to allow for the widening of the entrance aisle from David Road, and adequate sightlines and manoeuvrability around the plant room to be located within this part of the car park. Signage and other treatments for vehicle and pedestrian safety will be conditioned for this location.</p> <p>Refer to Section 8 of this report for additional discussion.</p>	Yes
cl.101	Loading and unloading facilities	<p>Satisfactory provision is made for the loading and unloading facilities, subject to conditions which restrict vehicle size within the loading areas of the site.</p> <p>Refer to Section 8 of this report.</p>	Yes
Energy Efficiency			
Part Div 5	Energy efficiency	<p>The Statement of Environmental Effects (Section 4.3.8) includes detail on the environmentally sensitive design features of the proposed building. These include the use of natural and cross ventilation particularly within the foyer / galleria space; thermal mass for the proposed building fabric and in-slab heating proposed as a low energy heating and cooling measure for the foyer / galleria and community centre spaces. In accordance with clause 106, the proposal has adequately considered sustainable resource management and ecologically sustainable development practices.</p>	Yes

Clause	Provisions	Comment / Assessment	Complies
Equity of access and housing choice			
cl.107	Access to public buildings and public land	<p>The proposed development has been designed to provide appropriate access for people with a disability and is supported by an access report.</p> <p>Accessible access to <i>Braemar</i> will be provided from the central forecourt area, to the house verandah. Treatments required for the house entrance to ensure compliance with Australian Standards will be included as conditions of consent. These conditions include approval of chosen accessibility solutions by Council's heritage advisor, to ensure there is no adverse impact to the heritage fabric of <i>Braemar</i>.</p> <p>The proposal is conditioned to require that the design satisfies the access requirements within the <i>Better Living Development Control Plan</i> and the relevant Australian Standard as prescribed by this clause.</p>	Yes
Provisions for specific land uses			
cl.126	Special use	<p>The site is designated on Map Panel C as Special Use – Public Buildings or Facilities.</p> <p>The proposal is development to be carried out by the Council as required in subclause (1)(a) and complies with the Special Use objectives in subclause (2).</p> <p>In accordance with subclause (4), the consent authority may consent to development even if it contravenes a development standard. The proposal seeks to vary two development standards contained within Locality Management VTC-SP01(Schedule 1, Part 9, Division 1), being:</p> <ul style="list-style-type: none"> - Building Height; and - Building Setback <p>A complete discussion of the variation sought to building height / setback is provided at Section 3.</p> <p>It is considered that despite these variations, the development complies with the Locality management provisions and the objectives for a special use.</p>	Yes

2. State Planning Policies and Regional Plans

2.1 State Environmental Planning Policy No.1 – Development Standards (SEPP 1)

1. What is the name of the environmental planning instrument that applies to the land?

Comment:

Blue Mountains Local Environmental Plan 2005

2. What is the zoning of the land?

Comment:

Village – Town Centre

3. What are the objectives of the zone?

Comment:

The objectives of the Village – Town Centre zone are:

- (a) *To promote and consolidate the larger towns and villages within the Blue Mountains as the focus of retail, commercial, and community activity.*
- (b) *To promote the unique character of each of the towns and villages of the Blue Mountains.*
- (c) *To promote the economic viability of the towns and villages.*
- (d) *To encourage a broad range tourist activity in the towns and villages.*
- (e) *To encourage a mix of residential land uses in association with business and community land uses.*
- (f) *To focus large scale retailing and other higher order uses in appropriate locations within the district centres of Katoomba and Springwood.*
- (g) *To promote high quality urban design of built forms.strict centres of Katoomba and Springwood.*

4. What is the development standard being varied?

Comment:

The development standard to be varied is clause 99 - Car Parking Provision

5. Under what clause is the development standard listed in the environmental planning instrument?

Comment:

Clause 99 of Blue Mountains LEP 2005, which states:

- (1) *Off-street car parking is to be provided in accordance with the relevant part of the Council's Better Living DCP.*
- (2) *Notwithstanding subclause (1), the consent authority may permit development for the purpose of multi-dwelling housing with a lesser number of car parking spaces where it is demonstrated to the satisfaction of the consent authority that:*
 - (a) *future residents are likely to have a low level of car ownership, and*
 - (b) *the site is located within the Accessible Housing Area, as shown on Map Panel A, and*
 - (c) *the car parking spaces will be allocated so as to be available to all dwellings on a shared basis.*
- (3) *The consent authority shall, in respect of an application for consent to development for the purpose of accessible housing, bulk stores, bulky goods showrooms, car repair stations, caravan parks, commercial premises, clubs, district supermarkets, drive-in take-away food outlets, hotels, industries, light industries, motor showrooms, multi-dwelling housing, places of assembly, places of worship, service stations, shops or tourist accommodation or to the carrying out of any other development that, in the opinion of the consent authority, is likely to cause increased vehicular traffic on any road in the vicinity of that development, take into consideration:*
 - (a) *whether adequate vehicular exits from and entrances to the site or sites have been provided so that vehicles using those exits and entrances will not endanger people and vehicles using those roads, and*

- (b) *whether the provision of space on the site or on land adjoining the site, other than a public road, for the parking or standing of such number of vehicles is as specified by the relevant part of the Council's Better Living DCP, and*
- (c) *(Repealed)*
- (d) *whether adequate space has been provided within the site of the proposed development for the loading, unloading and fuelling of vehicles and for the picking up and setting down of passengers.*

6. What are the objectives of the development standard?

Comment:

There are no stated objectives for clause 99, however the clause does state that the consent authority is to consider whether the provision of on site parking is as specified under the *Better Living DCP*. Underlying objectives may be discerned from the performance criteria within Section 5.3 of the BLDCP are as follows:

1. *Provide adequate and accessible off-street parking and loading facilities that meet the needs of users.*
2. *Ensure safe and convenient movement of vehicles, cyclists and pedestrians.*
3. *Minimise adverse impact on the environment and maximise the aesthetic quality of the roads and parking facilities.*
4. *Create an environment which is safe from physical and personal threat.*

7. What is the numeric value of the development standard in the environmental planning instrument?

Comment:

The development standard refers to the requirements of the *Better Living DCP (BLDCP)*. The development is defined as a *community building*, and in accordance with the BLDCP, this land use generates the need for one (1) car parking space for every 20m² of gross floor area.

8. What is proposed numeric value of the development standard in your development application?

Comment:

The SEPP 1 objection submitted by the applicant has calculated the overall gross floor area of the proposed development at 5,714m². This calculation does not correlate with other submitted documents. Based on the submitted plans, the overall gross floor area of the proposed development is the 3543m². In accordance with the BLDCP, the development therefore generates the need for 177 car parking spaces.

The proposed development includes the provision of 113 parking spaces. The submitted SEPP 1 indicates the provision of 111 spaces, based on the applicant's assumption that two spaces will need to be removed to comply with Australian Standards for car park layout. The Council's Engineers have confirmed these spaces can be retained. A condition is proposed requiring the provision of 113 spaces on site.

9. What is the percentage variation (between your proposal and the environmental planning instrument)?

Comment:

The percentage variation between the parking requirement generated under the LEP and that provided as part of the proposed development is approximately 36%.

10. How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

Comment:

The applicant has provided the following justification as to why the development standard is unreasonable:

- The existing development does not comply with the development standard;
- Significant parts of the existing built form would need to be demolished in order to achieve compliance;
- The departure from the standard does not result in any adverse traffic and parking related impacts;
- The level of service of key intersections remains unaffected by the proposal;
- Site works will improve the surrounding public domain;
- Detailed studies have confirmed that the provision of parking on the site is acceptable;
- The proposal reinvigorates an existing and iconic development within Springwood;
- Approval of the proposal will not set a precedent for other non-conforming development

11. How would strict compliance hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act.

Comment:

The objects of the Act under section 5(a)(i) and (ii) are:

(a) to encourage:

(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,

(ii) the promotion and co-ordination of the orderly and economic use and development of land,

The applicant has submitted that the proposal achieves the objects of the Act in that it:

- constitutes “proper management, development and conservation of natural and man-made resources”;
- promotes “the social and economic welfare of the community and a better environment” by better utilising the existing resources and infrastructure of the community; and
- would result in “the promotion and co-ordination of the orderly and economic use and development of land”.

In addition the applicant has stated that compliance with the car parking standard would hinder the attainment of the objects of the Act for the reasons stated in response to question 10 above.

12. Is the development standard a performance based control? Give details.

Comment:

The development standard is a prescriptive control, however it is considered that there is significant legal precedent for a merit based assessment. This assessment is outlined in 7 (Car parking) below and takes account of the parking credits arising from the historically low provision of parking for the existing development, demonstrating that the parking shortfall from this development would not be exacerbated by this proposal.

13. Would strict compliance with the standard, in your particular case, would be unreasonable or unnecessary? Why?

Comment:

The applicant has provided the following justification as to why compliance with the standard would be unreasonable or unnecessary (some of which have also been included at question 11 above):

- the existing development departs from the development standard;
- significant parts of the existing built form would need to be demolished in order to achieve compliance. This is not economical and is impractical;
- the departure from the standard does not result in any adverse traffic and parking related impacts to adjacent properties and the surrounding road network;
- the level of service of key intersections remains unaffected by the proposal;
- site works will improve the surrounding public domain, both internal and external to the site;
- following detailed studies the provision of parking is considered acceptable;
- the proposal reinvigorates an existing and iconic development site;
- approval of the proposal will not set a precedent for other non-conforming applications.

14. Are there sufficient environmental planning grounds to justify contravening the development standard? Give details.

Comment:

The applicant has not provided detail on this matter, and there are no environmental constraints on the site. However, it is considered that the reuse of the existing parking area with additional parking spaces to be provided within this area, is a sound environmental planning outcome, and allows for an efficient redevelopment of the land. Principally, the proposed re-development and the provision of additional parking spaces, whilst not complying with the standard, do not make the existing parking situation worse for Springwood town centre.

The applicant has provided adequate justification for the objection to the development standard: Clause 99 – Car Parking, and the objection is considered to be well founded.

2.2 State Environmental Planning Policy No.55 – Remediation of Lands (SEPP 55)

In accordance with clause 7 of SEPP 55, a consent authority must not consent to development unless it has considered whether the land is contaminated, and if the land is contaminated, that it is satisfied that the land is suitable (either in its contaminated state or after remediation) for the proposed development.

The site is not listed on Council's Contaminated Lands Register. The site has been utilised as a neighbourhood centre since the 1960s and the proposal maintains the use of the site for such a purpose. There are no known historical land uses / activities likely to have caused contamination (as listed within the *Managing Land Contamination Planning Guidelines, SEPP 55–Remediation of Land*). It is therefore considered that contaminants are unlikely to be present on the site, and as such, the land is suitable for the proposed development.

2.3 Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River

The site is identified as being located in the Grose River subcatchment and is therefore subject to the provisions of Sydney Regional Environmental Plan No 20 Hawkesbury Nepean River. The Grose River sub catchment is also identified in SREP20 as being a conservation area sub catchment. The development was assessed against the planning considerations as set out in Clause 5 and 6 of SREP 20 and is considered acceptable.

Part 3, Clause 11(3) – works within a conservation area sub catchment provides development control requirements with which the proposal must comply. These development controls relate to the need to prevent adverse impacts on near pristine areas within these sub catchments.

The proposed development is largely confined within the existing hard stand area and does not involve any significant additional vegetation clearing or on-site effluent disposal. It minimises the potential for increased environmental impact and is contained within an existing developed and serviced area of the catchment. Therefore, it is considered that the proposed development complies with the requirements of clause 5 and clause 6 and is exempt from the requirements of clause 11.

3. Locality Management: Precinct Provisions Springwood Precinct VTC-SP01 – Village Town Centre Precinct

Schedule 1, Part 9, Division 1 of Blue Mountains Local Environmental Plan 2005 sets out provisions aimed at achieving the desired future character of the locality. Following is an assessment of the proposal against these provisions. While addressed in summary below, the issues of landscaping and car parking are discussed in detail at Sections 4 and 7 of this report respectively.

1. Consideration of Precinct

Clause 1 - Consideration of precinct:

The development complies with the precinct objectives and is consistent with the design considerations.

2. Desired future character

Clause 2 – Precinct Objectives:

The development meets the relevant Precinct objectives, being (a) and (d)(i) as follows:

(a) To maintain and enhance the distinctive traditional pattern of continuous retail terraces interspersed by landmark buildings.

The existing civic centre is one of the land mark buildings in the Springwood town centre. The redevelopment will retain and enhance that land mark status.

(d) To encourage increases in floorspace (i) consistent with the appearance and functions desired for this town centre.

The proposal will result in an increase in floor area of approximately 630m², which will include new and enhanced community facilities and a linkage between the library and civic centre buildings. The nature of the increase and the creation of an open, active frontage with informal community meeting areas, is consistent with the vision statement for the precinct.

3. Building Envelope

Clause 3.1 – Building Height:

The maximum permissible building height in the precinct is 12 metres. Building height is defined in LEP 2005 as:-

“the distance measured in metres vertically from the highest point of the roof to the finished ground level immediately below that point.”

Due to the slope of the subject site and combination of building forms included in the redevelopment, the proposed building height varies significantly over the site.

At the northern elevation the maximum proposed building height is 9.4m to the roof of the civic centre. The plant room located on the roof of the theatre is visible beyond the northern elevation and extends to a height of 12.2m, exceeding the maximum permissible height by 200mm, and is an increase of over 2 metres when compared with the existing building.

The eastern elevation remains largely unchanged, with no exterior building works proposed to the Library or *Braemar* gallery. However, set behind these buildings, the proposed civic

centre, theatre and plant room above, will be visible from the east, to a maximum height of approximately 12.2 metres.

Sections through the centre of the building reach a height from finished ground level of approximately 15 metres, as the proposed early childhood centre is to be partially set below main ground level (as identified on submitted plan DA-007 Revision B).

It is acknowledged that an increase in main building height of over 2 metres (and up to 5 metres through the centre (section A) will result in significant visual change to the site. However, the points at which the building height is greatest are within the centre of the building form, contained well within the site, and achieve the maximum possible setbacks to all site boundaries. This progressive setback of the building line, results in minimal impacts to adjoining neighbours.

Shadow analysis submitted with the application indicates that due to minimal change on the eastern site boundary, and the existing setback of the Oriental Hotel (of approximately 14 metres) to the western site boundary, solar access of adjoining neighbours will not be affected by the proposal.

As stated above at clause 126, the site is designated as Special Use – Public Buildings or Facilities. In accordance with subclause (4) consent may be granted to a development that contravenes a development standard where the consent authority is satisfied that the development complies with the locality management provisions that apply to the land. As detailed above, it is considered that the variation to the standard is unlikely to result in adverse impact, and therefore complies with these provisions.

With regard to subclause 3(1)(b) external walls are set within the prescribed building envelope at boundaries to public places.

Clause 3.2 – Building Setback:

The building is required to have a setback of 0 metres. As per the existing development, the building has a variable setback ranging from 900mm (side setback) to 26 metres (front setback), and larger setbacks to the rear to accommodate on site car parking. The setback is broadly consistent with adjoining buildings and is appropriate in this transition zone on the edge of Springwood Town Centre. The building serves as a landmark structure and as such, it is fitting that the building is cited to incorporate civic open space and forecourt areas as proposed. The proposed variation to the setback development standard is considered reasonable.

Clause 3.3 – Site Coverage:

The measured total building site cover of the existing buildings, new building work, car park plant room and elevated parking platform is 3525 m².

This represents a building site cover of 38% of the total allotment area which is well below the maximum 100% permitted.

4. Design Considerations

Clause 4.1 – Active Street Frontages:

This clause applies specifically to retail and other business premises only.

Clause 4.2 – Built Form and Finishes

Subclause (d) is relevant to the proposed development, which applies to larger allotments. The proposal is consistent with this subclause, as floorspace is distributed across separate wings of interconnected buildings, the roof of the new building is low pitched and the garden forecourt along the Macquarie Road frontage is suitably landscaped. Further detail on

landscaping and the proposed setting for individual elements along the Macquarie Road frontage is discussed at Section 4, below.

Subclause (e) refers to the location of on-site parking areas. The proposed parking configuration broadly complies with this clause, and is further discussed at Section 8 of this report.

Clause 4.3 – Pedestrian Safety

The design has incorporated a public forecourt which provides access into the redeveloped foyer / galleria. This addition of public open space fronting Macquarie Road enhances connectivity with existing pedestrian access points.

Appropriate treatments for pedestrian safety within the redeveloped car parking areas, will be reinforced by conditions of consent.

Clause 4.4 – Parking and Vehicle Access

The existing and proposed development does not meet the minimum number of on-site car parking spaces required in the Council's Better Living DCP. Refer to discussion provided at Section 2 – State Planning Policies, and Section 7 - Car parking provision.

4. Landscaping and Vegetation Removal

The submitted landscape plan (DA-011, Revision C) includes both the trees proposed for removal as part of the development, and areas for compensatory and new plantings. The species list contained on the plan is indicative only, and in accordance with LEP 2005, a detailed landscape plan will form part of the construction certificate documentation.

The proposed redevelopment contains three distinct elements, being the redevelopment of the existing neighbourhood and civic centre, the linking of this new building with the existing library and the locally heritage listed (SP022) *Braemar*, and the redevelopment of the car parking areas of the site at the rear. Each of these elements requires a distinct landscape setting, and this has been addressed separately below.

4.1 Civic Centre Landscape Setting and Macquarie Road Streetscape

The partial demolition of the existing Neighbourhood Centre, and redevelopment of this part of the site, will result in an increased setback to Macquarie Road. This creates a large public forecourt, with a central pedestrian linkage into the new foyer/galleria. The landscape treatments proposed in front of the new Civic Centre include a low masonry wall and hedge to enclose this part of the site and the proposed lawn areas.

The existing trees in front of the Neighbourhood Centre will be retained, and additional character trees are proposed within the setback to enhance the landscape setting. Species selection for these trees will be provided as part of the detailed Landscape Plan at the Construction Certificate stage.

The proposal also requires the widening of the access point from Macquarie Road, at the eastern boundary of the site. This access point is in close proximity to an existing street tree. A condition will be included, requiring assessment of whether the tree can be adequately protected and preserved during the realignment of the access driveway. If retention is not achievable, compensatory planting of the same or a similar species is to be undertaken.

4.2 Eastern and Southern Boundaries – Perimeter Planting

The proposal includes the removal of a number of trees along the eastern property boundary. These trees currently provide visual privacy to the adjoining property. Five (5) of these trees have been assessed within the Arboricultural Report as requiring removal, due to limited life expectancy.

With consideration for the works proposed within the eastern part of the site; particularly the elevated parking deck and construction of angled parking within the north east corner, compensatory planting will be required to mitigate the potentially adverse impact of these works. This has not been shown on the submitted landscape plan. The requirement for dense mature plantings along the eastern boundary will be included as a condition of consent, with species detail to be provided with construction certificate documentation.

Additionally, to mitigate any impacts to the heritage setting of *Danebury* (on the adjoining allotment) a hedge to a height of 1.5 metres will be established on the eastern boundary, adjacent to the proposed angled parking spaces (this is discussed further at Section 5.3 of this report).

The southern site boundary is currently landscaped to include a number of mature trees along the eastern batter, which provide privacy to residents at 2 David Road. The application proposes the removal of all of these trees, to be replaced with hedge planting to a height of 3 metres. The loss of these trees was not assessed within the Arboricultural Report, and limited justification has been provided for their removal. A condition will be included to require assessment for the retention of these trees. If they cannot be retained, dense replacement planting to a height of 4-6 metres will be required. Such plantings will provide privacy for the adjoining residents, but will also soften the visual impact of the elevated parking deck when viewed from David Road.

Limited landscaping is provided on the western batter, with three (3) large conifers located at the western entrance from David Road (adjacent to the IGA supermarket). The Arboricultural Report recommends the removal of all of these trees, due to poor condition and limited life expectancy, with some risk to public safety. A condition will be included to require compensatory planting along this western batter, in accordance with Council's Street-tree Masterplan.

4.3 Braemar Landscape Setting

The current landscape setting of *Braemar* is defined by the mature hedge along the western boundary (formed by the line of conifers) and a mix of mature trees within the front setback, which partially obscure the building when viewed from Macquarie Road. The front lawn is divided by the central path, which leads to the house. The Statement of Environmental Effects and Heritage Impact Statement state that no works are proposed to the existing *Braemar* building. However there are significant landscape and external works proposed within the curtilage of the building, which are likely to significantly alter the existing setting.

The application proposes the removal of the nineteen (19) *Cupressus torulosa*, along the western boundary, the removal of a number of trees within the front setback to *Braemar*, and the construction of a low masonry wall around the garden to *Braemar*, with a hedge to be planted inside this perimeter. The application gives limited consideration to the impact of these landscape works on the heritage setting of *Braemar*, and focuses on the interconnection between this heritage item and the new Civic Centre, and the benefit in providing a single public domain space with little to no separation.

With regard to the overall design outcome, the adopted Masterplan did identify an increase in the front setback and the resulting improved sightlines, however did not clearly acknowledge the removal of these trees. Rather, the Heritage advice received during the Masterplan process highlighted the importance of reinforcing *Braemar's* heritage setting and identified the retention of these trees as a way of limiting any adverse impact. Additionally, the *Braemar, Conservation Management Strategy* (Clive Lucas, Stapleton and Partners Pty Ltd, 2011) sets out thirty-eight (38) conservation policies for *Braemar*. The strategy raises concern that *Braemar* may lose some of its significance and individual identity if its setting

becomes part of a larger public space, and Policy 27 recommends to “*retain the visual barrier provided by the line of conifer trees to the western edge of Braemar’s front garden.*” As such, the removal of these trees appears to contradict previous heritage assessments of the proposed design.

The applicant had also advised that the trees were over-mature, with limited life expectancy. It was therefore requested that the submitted Arboricultural Report be revised to include an assessment of these trees. The draft version of the report raised concern over potential root damage due to soil compaction, and the potential danger of Tree 1 (the northern most tree) as it leans towards Macquarie Road. Despite these concerns, the trees were rated in fair to good condition, with SULE rating of A1 to A3. This rating is in contrast to the final report which rated the trees at B4, citing a combination of factors, including potential root damage, suppression of branch and stem development (particularly in relation to Tree 1) and impacts from the proposed development.

While some justification (including potential root damage and impact of construction) provides context for this rating difference, the majority of the support for the tree removal is based around the design outcomes sought by the applicant. This is unfortunate, given that the removal of these trees will result in a substantial change to the streetscape, and potentially a significant impact on the heritage setting of *Braemar*.

Nevertheless, due weight must be given to the technical assessment provided in the Arboricultural Report and the comments related to potential public safety issues over the long term. It is accepted, that the proximity of proposed construction to these trees has the potential to further impact their longevity and safety within a public thoroughfare. Options around the retention of some of these trees were investigated; for example, removal of the trees to the *Braemar* building line as suggested by Council’s Heritage Advisor. However, due to the physiology of the conifers, no regeneration of suppressed, inner branches / vegetative material will occur. This would therefore result in adverse impact to the streetscape and setting of *Braemar*.

As stated above, the removal of these trees will significantly change the current streetscape and more particularly, the setting of *Braemar*. While the applicant has placed considerable importance on the integration and incorporation of *Braemar* into the overall design outcome for the site, this contrasts with the *Conservation Management Plan* for *Braemar*, and in large part, to the Heritage Impact Statement submitted with the development application. It is therefore important that with acceptance of the loss of the trees to the west of *Braemar*, that the landscape treatment reinforces the heritage setting, and retains some separation to the broader public open space to ensure *Braemar* is not diminished by the redevelopment of the site. This is further discussed in Section 5 below.

5. Heritage

This section considers the heritage impacts of the proposal on *Braemar* (within the subject site), *Danbury* and *The Oriental Hotel* (adjoining the site) and impacts on the streetscape and setting within the Macquarie Road Conservation Area. The following assessment has included due consideration of the relevant conservation principles of the *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance 1999*.

5.1 Braemar

Braemar, which forms the eastern frontage of the proposed development is a locally listed heritage item (SP022). The item is of particular historic import as one of the houses within the Lawson estate in the late Victorian period, preserving the buildings and atmosphere of Springwood before World War I. The other heritage listed properties on the southern side of Macquarie Street, including *Danebury*, *Caberfeagh*, *Nirvana* and *The Knoll*, in conjunction with *Braemar*, have a unique historical and visual inter-relationship.

It is therefore fundamental that the redevelopment of the site gives careful consideration to *Braemar*, its heritage setting and the connection with other Lawson houses to the east. In accordance with the heritage conservation objectives (*clause 69, LEP 2005*), the redevelopment is (b) *to conserve the heritage significance of existing significant fabric,... settings and views associated with heritage items*, and (d) *to ensure that the heritage conservation areas throughout the City retain their significance*.

Building (Heritage Fabric):

The application does not include work on the fabric of *Braemar*. However, minimal upgrades will be required to ensure the building complies with current accessibility and fire safety requirements. This would include the installation of fire alarms and emergency lighting, as well as construction of a temporary ramp to provide access into the building from the verandah. Although these requirements were not addressed in the Heritage Impact Statement (*Clive Lucas, Stapleton & Partners Pty Ltd 2011*) (HIS) submitted with the application, the Council's Heritage Advisor has assessed the required upgrades. It is considered that with the implementation of appropriate conditions of consent, there will be negligible impact to the heritage fabric.

Heritage Curtilage (Landscape Setting):

Braemar is currently enclosed and shielded by a dense line of conifers along the western boundary, and several large trees within the front setback, which limit views of the building from Macquarie Road.

The proposal will result in significant changes to the existing setting of *Braemar*. These changes include the removal of the line of conifers to the west, the removal of trees within the front setback and garden area, demolition of the garage to the east of the building, construction of an access way from the public forecourt to the *Braemar* verandah, and construction of five (5) angled parking spaces along the eastern property boundary, adjacent to *Braemar*.

The removal of the garage is appropriate as it does not form part of the original fabric. As referred to in the Heritage Impact Statement, the *Conservation Management Strategy* (policy 6) defines the garage as intrusive and recommends its removal. The construction of pathway for accessibility purposes also complies with the *Conservation Management Strategy* (section 5.7).

The removal of the conifers to the west of the building has been addressed above at Section 4, and therefore no additional discussion will be provided here. However, as referred to above, the treatment of the *Braemar* curtilage is of significant importance to the proposal, particularly in light of the loss of such a significant landscape feature.

The applicant has proposed that the curtilage of the heritage building be reinforced by the construction of a masonry wall (to a height of 600mm) around the perimeter of the *Braemar* curtilage, and a hedge behind this wall (also approximately 600mm high). This is supported by policies 2 and 13 of the *Conservation Management Strategy*, as confirmed in the Heritage Impact Statement. Provision of details on materials and plant species will be required prior to construction, as a condition of consent. Further, consent conditions will require the planting of additional character trees within the south western area of *Braemar's* garden (identified as trees 5-7 on amended Landscape Plan DA-011 Revision C) to ameliorate the loss of vegetation in this part of the site. The planting of these trees will also, in time, partially offset the scale of the new architectural forms set behind *Braemar*, when viewed from Macquarie Road.

Additionally, the application proposes landscape seating (concrete plinths) adjacent to, and extending through the proposed wall around *Braemar*, along the western boundary. This design feature does not accord with policy 28 of the *Conservation Management Strategy*, which states that visual intrusion into the heritage setting should be minimised, including the introduction of outdoor seating, which should be located “*to provide minimal intrusion and not located within the front garden of Braemar.*” It is proposed that the seating be modified so as to not extend beyond the line of the masonry wall (on the *Braemar* side) and thereby ensure the integrity of the heritage setting is preserved. The design change will also aid the establishment and longevity of the hedge at this location.

5.2 Existing Civic Centre:

The existing civic centre (neighbourhood centre) was designed by local architect Mr E.N. Skarratt and completed in February 1966. The design of the building is typical of a municipal building of the period, and while not a listed heritage item, is likely (as stated within the HIS) to have significant value to the community.

Partial demolition in the context of the value of the proposed redevelopment is considered reasonable. Council’s heritage advisor has raised concern over the limited consideration given to the treatment of items and elements of local heritage significance in the proposed redevelopment, with a large number to be archived and/or stored. After further consultation, the applicant has advised that a number of the items, including the 1966 Sir Arthur Roden Cutler commemorative plaque, the 1966 clock, and the Norman Lindsay commemorative plaque will be relocated to reading room of Springwood library. The Service Honour Rolls will also be relocated to the library, with the local history section. The Springwood Solitary Soldier Rock will be relocated within the western part of the proposed forecourt. The relocation of a number of items to public spaces, accessible to the community, is considered appropriate.

Council’s heritage advisor has also recommended that as part of the demolition proposal, some of the existing sandstone could be salvaged and reused within the new building. This would provide some acknowledgement of the social significance of the existing buildings. The applicant has advised that some of the sandstone (where practical) will be reused within the proposed reception desk of the new Civic Centre.

5.3 Adjoining heritage items (Danebury and the Oriental Hotel):

Oriental Hotel:

The Oriental Hotel (SP029) is located west of the subject site. It is agreed, as stated in the HIS, that the increased setback on the western side of the subject site will improve views to the Oriental Hotel and result in limited impact on the heritage setting of the item. The hotel is also setback approximately 14 metres from the western site boundary. While the proposed redevelopment is an increase in building height and will have some visual impact to the adjoining properties, the impacts to the Oriental Hotel are considered minimal due to existing setback to the subjects site, and the realignment of the new building.

Danebury:

Danebury is a locally listed heritage item (SP023) located immediately to the east of *Braemar*. The building forms part of the Lawson group of houses, and is currently utilised for the commercial and residential purposes.

It is considered unlikely that the new Civic Centre building or linkage between the Civic Centre and the Library will impact on the heritage values and setting of *Danebury*. However the widening of the access point from Macquarie Road, and the proposed five (5) angled car spaces to be located along the eastern boundary of the subject site have the potential to impact on its heritage values and the amenity of its occupants.

Council's heritage advisor had suggested that the parking area be relocated further south, closer to the setback of the library to mitigate potential impact. However, this would require that the loading area for the library also be relocated to ensure an adequate road width could be retained. With consideration of both structural and economic implications, this was not deemed viable.

As such, it is proposed to establish a hedge along the eastern site boundary to a height of 1.5 metres and extending from the north east corner of the site, approximately 30 metres along the eastern boundary (to the southern end of the proposed parking area). The hedge will provide privacy, and diminish the impact (both in terms of heritage values and amenity) to *Danebury*. The hedge will also visually continue the character created by the established hedge around *Danebury* and that proposed for *Braemar*. The specifications and intended character/function of the hedge will be reinforced by a condition of consent.

The proposal also includes widening the access from Macquarie Road. Council's heritage advisor has recommended that the treatment of this driveway, with regard to the use of materials and ensuring it complements the existing streetscape, be given careful consideration. The final driveway design will form part of the Construction Certificate material, at which point these heritage considerations can be addressed.

5.4 Macquarie Road Conservation Area:

The site is located within the Macquarie Road Conservation Area (SP056), which extends across both sides of Macquarie Road, from Raymond Road to the west and St Thomas' church (SP013) to the north west.

A number of submissions raised concern over whether the building was of an appropriate scale and design within a conservation area, and the adverse impacts of such a building on the streetscape.

Detailed assessment of the character and design of the proposed redevelopment has been provided above, in conjunction with the assessment of heritage impacts within this section. The function and location of the proposed building, as a community facility and central landmark to the village of Springwood, must be considered when addressing issues of scale and overall impact of the building.

It is considered, as detailed in the Design and Character (Section 3) and Heritage (Section 5) parts of this report, that the overall design is suitable for the site, has included measures to ameliorate potential heritage impacts, and is not contrary to the setting and values of the conservation area.

6. Access to/from IGA Supermarket Site (Lot 22 DP597558)

Background:

Approval for a supermarket on Lot 2 DP8597558 (the adjoining the subject site to the west) was granted on 21 December 1972, which included a loading dock on the northern elevation at the north east corner. Additionally, building approval was granted on 5th September 1990 for twelve (12) car parking spaces on the eastern side of the supermarket (with eleven (11) spaces actually constructed). By implication, this required the closure of the access drive to David Road and necessitated vehicular egress via the Council car park (Lot A DP335970).

Impact of proposed redevelopment of Lot A DP335970 and Legal Advice:

Legal advice was provided to Council on 3rd August 2012 from McPhee Kelshaw. In summary this advice concluded that:

- Upon any redevelopment of the Civic Centre site the Council is bound to continue to provide access opportunities to the twelve approved car parking spaces on the

eastern wall of the supermarket. The Council is also bound to allow continued opportunities for patrons of the supermarket, who use the northern car park, to exit the site through the Council car park;

- Exit opportunities must also be provided through the Council car park for vehicles that make deliveries to the supermarket site. However, in the absence of any consultation concerning the increased length and weight of such vehicles, it was considered that the exit opportunity that must be provided by the Council would be restricted to medium rigid trucks. These were the type of vehicles that were in use when the Council agreed to allow vehicles to exit from the northern car park through the Council car park.

During consultation with the owners and operators of the supermarket site, Council was advised that the supermarket currently relies on large articulated vehicles to service the operation, with the nature of supermarket deliveries having changed significantly since earlier consents were issued. It transpires that the current traffic movement is contra flow, opposite to the direction approved by the original consent. That is, current delivery vehicles have been entering the site at David Road, proceeding through Council's car park, and exiting through the supermarket car park to Raymond Road.

The owners of the supermarket site sought to retain this method of delivery due to the location of the loading dock and limited space to enter the site from Raymond Road.

Licence Agreement:

In light of the legal advice detailed above, and with considerable weight given to the role of the local supermarket as an anchor retailer within the locality, an outcome was sought which ensured the effective operation of the site and did not unduly constrain delivery opportunities.

Conditions of consent will require that a licence agreement be established between the applicant and the owners of Lot 22 DP597558. The operational conditions of the agreement are to include the following:

- Access to heavy vehicles (19 metre articulated trucks) over Lot A DP335970 (part of the subject site) from David Road to the IGA supermarket site (Lot 22 DP597558);
- This vehicle movement is to occur between 6:00am and 7:30am, Monday to Friday. The timing of these large truck movements will ensure limited impact on the road network and minimal obstruction to the operation of the car park on the subject site.

The licence agreement will also be limited to a period of five (5) years. Any extension to the agreement would be secured by the registration of an easement.

7. Car Parking

The current development has provision for eighty-one (81) car parking spaces. Calculations of existing and proposed gross floor area (GFA) are provided below, and parking need has been calculated for the *community building* land use, as defined under LEP 2005 as:

community building means a building or place owned by the Council or under the Council's care, control and management and used to provide facilities comprising or relating to any one or more of the following:

- (a) a public library,
- (b) public health and welfare services,
- (c) rest rooms,
- (d) meeting rooms,
- (e) indoor recreation,
- (f) child minding,
- (g) baby health centres,
- (h) public halls,

- (i) exhibition spaces,
- (j) club rooms,
- (k) bush fire brigade buildings,
- (l) refreshment rooms.

In accordance with Table 3 of Part D9 of the BLDCP, a *community building* generates a car parking requirement of 1 space per 20m² of GFA. As detailed below (and above at Section 2), the provision of parking at this rate for the total gross floor area proposed as part of the application cannot be achieved on the site. An objection under SEPP 1 has therefore been included with the application (refer to Section 2.1 above). The objection to the development standard is considered to have merit, and is supported by legal precedent (as outlined below), whereby an applicant is only required to provide 'new' gross floor area (i.e. that which exceeds the current gross floor area on the site) at the current rate (as specified in the DCP). Following is a detailed outline of car parking calculations, and the merit based assessment of car parking provision for the proposed development.

Existing Gross Floor Area:

According to calculations undertaken as part of the development assessment, the existing GFA on the site is **2913m²**. Two different figures for existing GFA are provided within the submitted information; being 3133m² (as stated within the submitted Statement of Environmental Effects and Traffic Report) and 2756m², based on the calculations provided on submitted plan DA-054 – Existing Building Documentation.

It is unclear how the figures provided by the applicant were achieved. However, based on calculations completed in accordance with the definition of gross floor area provided in Blue Mountains LEP 2005, the estimated GFA is taken to be 2913m².

Therefore the parking requirement generated by the existing development when calculated in accordance with Part D9 of the BLDCP is 146 car parking spaces (2913/20 = 146). As stated above, there are currently eighty-one (81) spaces provided on site, which represents a current shortfall of 65 spaces.

There is legal precedent (*Alpall v Blue Mountains City Council (No 2)*[2006] NSWLEC 688) for consideration of credit for the gross floor area a development retains and replaces, and further, that the applicant is only required to provide parking for the additional floor space created by the proposal. In this context, the current development, with a GFA of 2913m² and the provision of 81 car parking spaces, provides parking at an approximate rate of 1 space per 36m² of GFA and can be given credit at this rate for parking provision up to the limit of the existing floor area.

Proposed Demolition:

The proposal includes substantial demolition of the existing building, primarily the existing neighbourhood centre within the north eastern part of the site. The total floor area to be demolished as part of the proposal (based on the submitted demolition plans DA050-052) is **743m²**.

Based on the legal context provided above, the redevelopment of the site and the replacement of equivalent floor area to that being demolished can be considered a credit or zero net increase with regard to car parking calculations.

Proposed Gross Floor Area:

The proposed gross floor area resulting from the redevelopment of the site is **3543m²**. The Statement of Environmental Effects and the Traffic Report submitted with the application state that the total GFA as a result of the proposed redevelopment of the site will be 3785m²,

however calculations for individual areas of the proposal were not provided by the applicant. It is therefore unclear how this figure was achieved.

As part of the assessment, each level of the proposed development has been calculated separately, resulting in an increase in GFA across the lower ground, ground and upper ground levels of 165m², 155m² and 310m² respectively. Therefore, the total increase in GFA is 630m² across the site. The parking need generated for this additional floor area is required to be provided at the current rate identified in the Better Living Development Control Plan, i.e. 1 space per 20m² of GFA.

The increase in GFA therefore generates a requirement of thirty-one (31) parking spaces. The proposal includes the provision of a total of one hundred and thirteen (113) parking spaces or thirty-two (32) new parking spaces. This equates to a rate of 1 space for every 19.6m² of additional gross floor area to be constructed above the current GFA on site, which exceeds the minimum requirements of the BLDCP for that component.

Car Parking Summary:

It is not considered reasonable (either practically or economically) for the proposed development to account for the existing longstanding parking shortfall (when calculated against current requirements under the BLDCP) as well as provide parking for the increase in gross floor area.

It is evident from the analysis of proposed car parking, the redevelopment will not intensify existing parking shortages at the site, but rather will provide an improvement to the existing situation. The application of the precedent set by *Alpall v Blue Mountains City Council ((No 2))[2006] NSWLEC 688* is considered reasonable, particularly as the proposal represents a redevelopment of the site, but one that maintains a number of the existing uses. Coupled with this, there is expected to be complementary demand for parking across the range of activity for this site. Some overflow of parking at peak times – as per the existing use – is likely to continue but can be reasonably absorbed within the street system.

Some consideration can be given to the parking spaces (in excess of thirty (30) spaces) located within the adjoining IGA site. While these spaces cannot be included in the car parking calculation, it is realistic that their use by patrons of the Civic Centre (particularly outside of the operating hours of the IGA) would continue as part of the general operation of the site.

8. Site Access and Operation of the Car Park

The development proposes access to the parking areas from the rear of the site off David Road, and from a single location off Macquarie Road. The Macquarie Road entrance provides access to five (5) parking spaces located along the eastern boundary, within the front setback, and feeds into the upper car park area at the rear of the site. Clause 4(2)(e) of the Springwood Village Town Centre Precinct (VTC-SP01) requires that all onsite parking be (i) “accessed only from the rear or side of buildings via existing public car parks, laneways or secondary streets”, and (ii) “partially concealed behind retail or other business floorspace.” The vast majority of on-site parking will be located at the rear of the site, within a redeveloped, two-tier parking area and therefore complies with this clause. A crash barrier will be erected around the upper tier to ensure for safe operation.

The five (5) parking spaces proposed to be located along the eastern site boundary, adjacent to *Braemar*, will be reserved as staff parking. Hedge planting will be conditioned, to soften the impact of this hardstand area, and ameliorate any potential heritage impact to *Danebury* (adjoining the subject site to the east). With consideration for this restricted use, landscaping, and the limited number of spaces proposed in this location, the proposal is considered compliant with the intent of this subclause.

The LEP does not specify requirements for deliveries and loading facilities. Delivery vehicle access is also proposed via the car park, with vehicles to a limit of 8.8 metres able to enter at Macquarie Road, and all other delivery vehicles via the western driveway at David Road. This is considered suitable for the development as proposed. The loading dock at the rear of the site, adjacent to the theatre, will be restricted (through consent conditions) to vehicles of 8.8 metres. While manoeuvrability at this location is limited, with implementation of appropriate conditions (including a management plan), loading and unloading of this location is viable. Pedestrian management will also form part of this plan.

As stated above, the application includes a plant room within the rear car park. Concern was raised during the assessment process over the obstructions within the car park created by the plant room, including limited sight distances for vehicles and pedestrians. Concern was also raised over the noise and visual impacts likely to result from a mechanical facility in this location. Despite considerable discussion with the applicant around alternate locations for the proposed plant has not been able to determine a viable alternative. The issues of pedestrian and vehicle safety have been addressed through a partial redesign of the plant (as identified on the amended plan (*SK-28.2 Site Plan Car Park Plant*)) and the potential noise impacts will be addressed through an operational plan of management.

Access arrangements between the subject site and adjoining Lot 22 DP597558 (the IGA supermarket) have been addressed at Section 6 above, and will be the subject of a licence agreement reinforced by conditions of consent.

9. Traffic Generation and Impact on the Road Network

The development application is supported by a Traffic and Parking Development Application Report (*TTW Consulting Services*, Issue V5 – October 2012) ('Traffic Report'). This report states that the proposed redevelopment of the site has the potential to generate an additional 36 trips per hour, compared with the current operation of the site. This calculation appears to be based on an assumed increase in theatre capacity of 100 seats, and gives considerable weight to complementary use across the site, where the most significant traffic generation (i.e. from the theatre use) would occur outside peak times. Based on this argument, the report concludes that the redevelopment would result in minimal traffic generation.

The application was referred to Council's Development Engineer, who has raised concern over the assessment of peak operational times at the site, as the traffic surveys were not conducted when the main traffic generators (the theatre and ancillary facilities) were in operation. Special events, both current (such as the Springwood Ivy Market and Springwood Musical Society Events) and future scenarios were also not addressed.

The internal Engineering assessment has considered that based on the current operation of the theatre space, the likely increase in seat numbers is approximately fifty (50). This results in an approximate increase in traffic impact of 11%, which is not considered to significantly worsen the existing traffic conditions. Additionally, consideration was given to the proposed increase in gross floor area of 630m², and that approximately 25% of this increase is circulation space, and as such, less of a contributor to traffic generation.

With the closure of the central access point from Macquarie Road, the Engineering assessment has identified that this is likely to result in significant queuing (in excess of 8 cars) and will impede through traffic on Macquarie Road at this location. To address this impact, amendments to the current parking and stopping arrangements adjacent to the northern kerb will be necessary. It is also suggested that directional signage be placed on Macquarie Road (on the eastern approach to the site and on the western approach before the Raymond Road intersection) to direct traffic to the rear parking areas off David Road. It is anticipated that while initially traffic may seek to enter the site via Macquarie Road (as per

the current access arrangements), over time, redirection of traffic to the rear of the site is likely to limit additional traffic along the eastern site boundary. A condition of consent will require that the nature and extent of these amendments be confirmed with Council's Assets Branch in conjunction with the Local Traffic Committee.

The application is not considered Traffic Generating Development under Schedule 3 of State Environmental Policy (Infrastructure) 2007.

10. Noise

While the redevelopment will retain a number of land uses currently operated at the site, elements such as reconfiguration of the access and car parking areas, and the location of the mechanical plant associated with the development, have the potential to impact on the noise levels emanating from the site.

An Acoustic Report (*Springwood Community and Cultural Facilities Development Application Acoustic Report*, Issued 25th October 2012) was submitted with the development application, which assessed both the impact of noise during construction and operational noise from the redeveloped site once complete. Main noise sources include increased traffic noise, amplified music during theatre activities and noise from mechanical services.

The issue of noise was raised in submissions received during the notification period, particularly with regard to impacts on adjoining neighbours to the east and at 2 David Road. One submitter proposed a noise attenuation wall to ameliorate potential impacts. The viability of this solution is questionable, given the slope of the site, and the proposed elevated parking deck to be constructed. Any noise walls would need to reach a significant height to mitigate noise in this location. A barrier of this height is likely to impact adversely on the heritage values and solar access to the adjoining land.

The conclusions of the report indicate that with the implementation of recommended noise control measures, the proposed mechanical plant can be operated within acceptable environmental noise limits, and is unlikely to result in adverse noise impacts. With regard to noise from increased traffic, the assessment within the Acoustic Report focused on the increase to the existing car parking numbers. The report did not specifically address particular noise increases within the undercroft area, and the effect of this elevated area on the eastern and southern neighbours. Additionally, the Acoustic Report states that all traffic will access the site from David Road, without reference to the Macquarie Road entrance. Consideration has however been given to existing ambient noise, which is dominated by traffic on Macquarie Road, and train movements along the western railway to the north.

It is considered likely, that while the Macquarie Road entrance to the site is likely to receive additional vehicle movements, with the closure of the current central access point, traffic will principally be diverted to the David Road entrance points. In this light, and with the implementation of the recommendations within the Acoustic Report, it is reasonable that noise (both operational and during construction) can be kept within acceptable noise limits. To ensure the recommendations of the Acoustic Report are met, a condition of consent requiring an operational plan of management is proposed. The plan is to address ways to manage noise impacts from mechanical and traffic noise, as well as consider methods for minimising noise impacts resulting from traffic and patrons leaving the site after evening performances / events. Additionally, a condition of consent requiring the provision of a supplementary acoustic report to specifically assess noise impacts generated within the undercroft parking area and from traffic along the eastern boundary, has been included.

11. Section 79C(1)(b)(c)(e) – The likely environmental social and economic impacts, and the suitability of the site

The proposed redevelopment of the existing Springwood civic and neighbourhood centre will result in centralised and expanded community services and facilities, with accessible access close to the town centre.

The compliance table assessment and subsequent discussion has addressed issues of environmental, social and economic impact. This assessment has not identified any significant environmental impacts likely to occur as a result of the proposal. Through assessment of potential impacts to the built environment, particularly with regard to the heritage setting of *Braemar*, adjoining heritage items and the Macquarie Road Conservation Area, it is considered that with the implementation of appropriate conditions of consent, such impacts can be adequately ameliorated. The overall design outcome is a positive one, which makes efficient use of the site and results in a high quality, landmark structure within the Springwood Town Centre.

There are clear social and economic benefits likely to result from the redevelopment of the site. Economic impacts are likely to be both short term (with local business opportunities during the construction phase) and long term, as the facility attracts visitors and tourists to the locality. The provision of a centrally located facility, to provide vastly improved community and civic services is considered a substantial social benefit.

Concerns raised by adjoining residents in relation to potentially adverse impacts from noise and traffic can be adequately addressed through conditions of consent. With the implementation of these conditions, the proposal is considered to be in the public interest and provide considerable community benefit.

12. Section 79C(1)(d) - Submissions

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

The following issues were raised in public submissions. A reference is provided to the section of the report where each has been addressed.

- 1) *Access to/from IGA Supermarket:* Refer to Section 6
- 2) *Heritage:* Refer to Section 5
- 3) *Streetscape Character:* Refer to Section 3
- 4) *Landscaping:* Refer to Section 4
- 5) *Noise:* Refer to Section 10
- 6) *Overshadowing and Loss of Solar Access:* Refer to Section 3
- 7) *Crime Minimisation and Safety:* Refer to Section 1
- 8) *Pedestrian Access:* Refer to Section 8

13. Community Contribution

Part 3.9.3 of the Blue Mountains Citywide Infrastructure Contributions Plan 2010 (Section 94A Levy Plan) provides that applications submitted by or on behalf of Blue Mountains City Council, including those applications for a public purpose, (including the provision of public infrastructure, including infrastructure funded by the Section 94A levy) are exempt from paying the Section 94A levy.

The application is made by Blue Mountains City Council for development for a public purpose, and the application is therefore exempt from the levy.

Conclusion

As identified within the introductory sections of this report, the Masterplan process undertaken for the proposal investigated a number of options for the upgrade of community and cultural facilities as part of the Civic Centre precinct in Springwood. Through

engagement with the community as part of this process, a composite of community need was identified. The submitted application represents the completion of a long process of engagement, and a concentration of the results.

It is recommended that the development application be approved subject to consent conditions (provided at Attachment 1). The development satisfies the planning provisions as set out in LEP 2005, and where variations are sought to these provisions; they are adequately justified and considered reasonable. The redeveloped civic centre will both expand and centralise the current provision of community services, providing social and economic benefit. Additionally, it is considered that the redevelopment of the site will significantly contribute to the vitality of Springwood and the broader locality.

* * * * *



KIM BARRETT
Senior Planner

.....
30 November 2012



WILL LANGEVAD
Manager, Development and Planning Services

30 November 2012

Attachments (no. of attachments)

Attachment 1 - Conditions of consent

Attachment 2 – Plans

Attachment 3 – Rural Fire Service: Recommended Conditions

Attachment 4 – Peer Review Report

Attachment 1 - Conditions of development consent

A - Preliminary

Confirmation of relevant plans

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

Drawing Title	Prepared by:	Plan No.	Revision	Dated
Development Application Site Plan	FJMT Architects	DA-002		June 2012
Development Application Lower Ground Plan	FJMT Architects	DA-003		June 2012
Development Application Ground Plan	FJMT Architects	DA-004		June 2012
Development Application Upper Ground Plan	FJMT Architects	DA-005		June 2012
Development Application Roof Plan	FJMT Architects	DA-006	B	25 September 2012
Development Application Sections	FJMT Architects	DA-007	B	25 September 2012
Development Application Sections	FJMT Architects	DA-008	B	25 September 2012
Development Application Elevations	FJMT Architects	DA-009	B	25 September 2012
Development Application Elevations	FJMT Architects	DA-010	B	25 September 2012
Development Application Landscape Plan	FJMT Architects	DA-011	C	10 October 2012
Development Application Shadow Analysis	FJMT Architects	DA-013		June 2012
Development Application Staging Plans	FJMT Architects	DA-014		June 2012
Development Application Traffic-8.8mrv site, 8.8mrv/12.5hrv from IGA	FJMT Architects	DA-020		4 September 2012
Development Application Traffic-B99 upper carpark	FJMT Architects	DA-021		4 September 2012
Development Application Traffic-B99 Lower & 12.5hrv from David St	FJMT Architects	DA-022		4 September 2012
Development Application Demolition Plan Lower Ground	FJMT Architects	DA-050		June 2012
Development Application Demolition Plan Ground	FJMT Architects	DA-051		June 2012
Development Application Demolition Plan Upper Ground	FJMT Architects	DA-052		June 2012
Development Application Demolition Roof Plan	FJMT Architects	DA-053		June 2012
Site Plan Car Park Plant Option	FJMT Architects	SK-28.2		
Car Park Plant Option	FJMT Architects	SK-28.4		
Swept Path Diagrams Entering David Road, Exiting Raymond Road	FJMT Architects	IGA_SP	P1	12 September, 2012

Note:

The proposal does not include advertising signage. Any proposed signage is to be submitted as a separate application for approval by the Council.

Construction certificate (building)

2. A construction certificate is required prior to the commencement of any site or building works. This certificate can be issued either by Council as the consent authority or by an accredited certifier.

Building Code of Australia

3. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Occupation Certificate

4. The buildings shall not be used or occupied prior to the issue of an Occupation Certificate in accordance with Section 109H and 109M of the

	Environmental Planning and Assessment Act 1979.
Rural Fire Service s.79BA	<p>5. To ensure the site is adequately protected from bush fire threat, the development shall comply with all requirements contained within the NSW Rural Fire Service conditions dated 25 July 2012, attached to and forming part of this development consent.</p> <p>The line of trees within the southern batter to the library does not require removal as they do not form a continuous stand of vegetation. Adequate pruning and maintenance is to be undertaken to ensure the trees do not touch the building.</p>
Annual fire safety statement <i>Each essential fire safety measure in the building</i>	<p>6. Each year, within 12 months of the previous statement or after a certificate of installation has been issued for the building (whichever is applicable), the owner of the building must submit to Council an Annual Fire Safety Statement that must deal with each essential fire safety measure in the building.</p> <p>A copy of the statement (together with a copy of the current fire safety schedule) is to be given to the Commissioner of New South Wales Fire Brigades. A further copy is to be prominently displayed in the building.</p>
Noise Mitigation - General	<p>7. To ensure the continued amenity of adjoining and nearby residential properties, noise from any activity associated with the development including but not limited to plant (air conditioning, mechanical exhaust and ventilation, refrigeration equipment for food premises), amplified music and other operational noise from the theatre and rehearsal spaces shall not constitute "offensive noise" as defined by the Protection of the Environment Operations Act 1997 or any subsequent Act.</p> <p>All recommendations provided with the approved Acoustic Report (Development Application Acoustic Report, Acoustic Studio, Issued 25th October 2012) are to be implemented.</p> <p>A supplementary acoustic report is to be submitted to the satisfaction of Council that addresses vehicular noise associated with the eastern driveway as approved in this consent and with patron and vehicular noise (conversation, door shutting, vehicle starting, pavement surfaces etc) as it affects adjoining residential receivers. Specific design and management recommendations to minimise identified adverse noise impacts are to be included in the report. All recommendations are to be implemented.</p>
Council's Specifications for Engineering Works	<p>8. All engineering works required by this development (including sediment and erosion controls, road, access, footpath, street tree planting and drainage works) are to be in accordance with the Council's Public Domain Technical Manual, the Council's Specification for Engineering Work for Subdivisions and Development, Part 1—Design and Part 2—Construction (Development Control Plan No. 31), Australian Rainfall and Runoff 2001, AS2890.1/2004, AS2890.2/2002, AS2890.6/2009 and other relevant Australian Standards, Austroads Standards, the Building Code</p>

of Australia and RMS(Roads and Maritime Services and/or Roads and Traffic Authority) Standards.

The design and construction is to include any necessary additional works to make the construction effective.

**Engineering works required
in Macquarie Road and
David Road**

9. The following engineering works shall be constructed within Macquarie Road and David Road to the Council's satisfaction:

a. Driveway Construction:

The re-construction of the existing eastern driveway and layback off Macquarie Road, and both driveways and laybacks in David Road with heavy duty reinforced concrete laybacks and driveway crossings. The driveway finish is to be as directed by the Council.

This construction is to include adjustment of public utilities, transition of the footpath and internal driveway, regrading the driveway across the footpath to facilitate efficient entry/exit movements and prevent scraping of vehicles and the removal and replacement of adjacent street trees affected by the works. The driveway off Macquarie Road is to be a minimum of 5.7m wide at the road boundary and a minimum of 7.5m wide at the kerb and gutter alignment.

The eastern driveway off David Road is to be a minimum of 6m wide at the road boundary and a minimum of 7m wide at the kerb and gutter alignment.

The western driveway off David Road is to be a minimum of 8m wide at the road boundary and 11.5m wide at the kerb and gutter alignment. The final driveway widths are to cater for the turning paths for the largest vehicle using the driveway and comply with AS2890.1 and AS2890.2.

b. David Road:

- (i) All works necessary to provide a minimum of 51m sight distance to the west from the western David Road driveway. This sight distance may be achieved by the provision of a blister treatment or chevron line marking adjacent to the driveway. No carparking spaces in David Road are to be lost in achieving this sight distance.

- (ii) Stormwater discharge piping to the Council stormwater drainage system in David Road.

c. Macquarie Road:

- (i) Removal of the obsolete western driveway and gutter crossing within the Macquarie Road footway and reconstruction with vertical kerb and gutter and appropriate footpath paving treatment.

- (ii) Stormwater drainage discharge connections to the Macquarie Road kerb and gutter across the footpath area. These connections are to be rectangular hollow

galvanised steel sections.

d. Signage and Linemarking:

In order to facilitate safe and appropriate sight distances, enable large vehicle swept paths, minimise vehicle queuing and ensure safe traffic flow, regulatory signage and linemarking is to be adjusted in Macquarie Road and David Road as determined by the Council's Investigations and Traffic Engineer and as approved by the Development Traffic Committee.

This is to include all necessary signage to direct traffic in Macquarie Road to the rear car park via Raymond Road and David Road.

Internal Car Park and Delivery Areas

10. All internal driveways, ramps, car parking areas, delivery areas, accesses, (including sight distances, layout, dimensions, grades, turning paths, regulatory controls, line marking, clearance heights etc) shall be designed and constructed in accordance with the terms of this consent. This is to include all necessary treatments, signage and linemarking to ensure a controlled pedestrian and vehicle environment.

A minimum of one hundred and thirteen (113) car parking spaces is to be provided on site.

The work is to include the installation of 'Stop Signs' and line marking to appropriately control vehicles exiting the car parks into David Road and the provision of 'Stop Signs' and line marking to appropriately control the vehicles entering the site from Lot 22 DP 597588, 8-12 Raymond Road Springwood (the IGA site), and vehicles travelling to the west in the aisle immediately to the north of the plant room.

The pavement of the route for trucks accessing the IGA site is to be designed in accordance with the relevant Australian and RMS Standards for highway loading, and constructed in heavy duty reinforced concrete.

To restrict the size and weight of vehicles accessing the suspended parking deck; a non-trafficable vehicle barrier (such as 200mm tall vertical kerb), height restriction barriers, load restriction signage are to be installed generally in accordance with the approved plan (as amended in red), to the satisfaction of Council's Assets Branch.

Site stormwater drainage system

11. All stormwater runoff from impervious areas of the site are to be collected and drained by an underground stormwater system and discharged into Macquarie Road or the existing piped infrastructure in David Road as appropriate.

The stormwater system is to be designed by a suitably qualified person for a 1 in 20 years ARI, 5 minutes duration storm and in accordance with ARR 2001, except for the drainage from the eastern part of the site which is to be designed so as to capture and transfer the 1:100 year ARI 5 minute duration storm event to the existing piped infrastructure in David Road.

Provision shall be made for an emergency overland/underground flow path capable of conveying all surcharge flows up to and including the 1 in

100 years ARI storms to the public road.

On site detention

12. On site detention systems (OSDs) are to be provided so as to restrict post-development discharges from the site to pre-development discharges for all storms up to and including the 1:100 year ARI storm for each sub-catchment within the site.

It is noted that the eastern sub-catchment which does not currently drain to David Road is to be redirected to the David Road drainage system. Due to downstream drainage capacity limits, the post development discharge rates to David Road are not to exceed the pre-development discharge rates to David Road and the existing drainage discharge rates through 6 David Road are not to be exceeded for all storm events up to and including the 1:100 year ARI storm.

The OSDs shall be designed to incorporate the following:

- a. The OSD volumes are to be determined assuming that the water reuse storage facilities are full.
- b. The system is to demonstrate that the impact on Number 6 David Road is not made worse with respect to flow rates and increased runoff durations for all storms events to the satisfaction of Council's Assets Branch
- c. An emergency overflow facility capable of safely conveying all storms up to and including the 1 in 100 year ARI storm to the public road.
- d. Allowable storage depth shall be:
 - Car parks—0.2 metres maximum in a 1 in 20 year event.
 - Underground tanks—0.8 metres minimum depth.

**Contaminated runoff-
Collection of oils greases
and sediments etc**

13. To ensure compliance with clause 57 of Blue Mountains LEP 2005, onsite water quality treatment devices such as the 'Downstream Defender' and /or 'Humeceptor' for the collection of all oils, greases, sediments and gross pollutants are to be provided.
- In particular, the devices are to ensure a neutral or beneficial effect on stormwater quality discharged to David Road from the site.

B – Prior to Issue of Construction Certificate

Public utility provisions

14. To ensure that appropriate provision is made for the requirements of utility providers, including waste water disposal, certification is to be obtained from each of the following providers, prior to release of the Construction Certificate:
- a. Certification from Sydney Water in relation to the availability of adequate water and reticulated sewage systems, including any trade waste agreements. Contact should be made with Sydney Water Trade Waste Officer on 02962244. The proponent is to ensure the relevant requirements are met.
 - b. Certification from Integral Energy in relation to the availability of adequate electricity supplies and specific substation requirements, including that permanent access is maintained to

substation 14172.

Fire safety upgrade

15. In accordance with the requirements of Clause 94 of the Environmental Planning and Assessment Regulation 2000, the following fire safety measures are to be completed. The plans accompanying the application for construction certificate to the certifying authority must demonstrate compliance.
- a. The floor separating the stage from the Rehearsal/ Dressing Room is to have a minimum Fire Resistance Level of 60/60/60 unless the Building Code of Australia requires a greater Fire Resistance Level to meet other requirements such as compartmentation. Any openings within the floor separating the storeys are to be protected in accordance with C3.12 of the Building Code of Australia.
 - b. Bollards or similar barriers are to be provided to any required exits in the eastern wall of the lower ground floor of the library to ensure that exits are not blocked at the point of discharge in accordance with D1.10 of the Building Code of Australia.
 - c. The external stairs outside the existing exit in the northeast corner of the ground floor Library are to have a non-skid strip at the edge of the nosings and landings in accordance with D2.13 and D2.14 of the Building Code of Australia.
 - d. The external stairs outside the existing exit in the northeast corner of the ground floor Library must be provided with a balustrade that complies with D2.16 of the Building Code of Australia.
 - e. The main entry door to Braemar Gallery must be provided with a device for holding it in the open position in accordance with D2.20 of the Building Code of Australia.
 - f. A fire hose reel system must be installed in the building that provides coverage to all parts of the existing building, including Braemar Gallery, as required by E1.4 of the Building Code of Australia.
 - g. A system of emergency lighting and exit signs must be installed in the building, including Braemar Gallery, in accordance with Part E4 of the Building Code of Australia.

Any fire safety measures proposed for Braemar gallery, or within the curtilage of this heritage item, are to be provided to Council's heritage advisor for approval, prior to the issue of a Construction Certificate.

Materials and finishes

16. To ensure the development is compatible with the Macquarie Road Conservation Area and the provisions of the Springwood Village Town Centre Precinct (VTC-SP01) the overall colours, materials and finishes shall be in accordance with the concept schedules on approved Elevations DA-009 -010 Revision B.

A detailed schedule of final materials, colours and finishes is to be submitted to the consent authority for approval prior to the issue of a Construction Certificate.

Approval under the Roads Act	<p>17. Prior to the issue of a Construction Certificate, fully detailed engineering plans and specifications of all works, line marking, signage and assessment of street tree removal / replanting within David Road and Macquarie Road are to be submitted to and approved by the Council pursuant to the Roads Act 1993.</p> <p>The plans are to include Erosion and Sediment Control Plans for each component of the works. The plans and specifications are to be prepared and certified by qualified persons to the Council's satisfaction.</p> <p>Assessment and approval fees will be charged in accordance with the Council's Fees and Charges</p>
Sedimentation and erosion control	<p>18. Prior to the issue of a Construction Certificate, a sediment and erosion control plan for the site is to be prepared by a suitably qualified person in accordance with the principles outlined in the 'Managing Urban Stormwater Soils and Construction' (Volume 1), dated March 2004 by Landcom NSW and be submitted to and approved by the Principal Certifying Authority.</p>
Acceptance of internal car parking, drainage, OSD and water quality designs by the Council's Assets Branch	<p>19. Prior to the issue of a Construction Certificate, fully detailed engineering plans/details of all internal engineering works, prepared by a suitably qualified person, together with certification verifying compliance with the relevant conditions of consent shall be submitted to and approved by the Council's Assets Branch.</p>
Structural design certification	<p>20. The design of structural works in Council roads, the suspended deck and the route for trucks accessing the IGA site shall be certified by a chartered structural engineer (NPER-3 Structural registered) as conforming to the relevant standards and load capacities.</p> <p>The certification is to be submitted to the Council's Assets Branch prior to issue of a Construction Certificate.</p>
Submission of Detailed Landscape Plan	<p>21. A detailed landscape plan is to be prepared for approval by the Principal Certifying Authority prior to release of the Construction Certificate. The detailed landscape plan shall be generally in accordance with the submitted concept landscape plan, DA-011 (Revision C) except as amended in red, and as further detailed by these conditions.</p> <p>The plan is to include the following:</p> <ol style="list-style-type: none"> The materials, finish and other details for the construction of the proposed masonry wall around Braemar. The materials, colours and finish of the landscape seating (concrete plinths) proposed on the western boundary of Braemar. The landscape seating is not to extend beyond the line of the masonry wall around Braemar (as amended in red on the approved plan). Identify an appropriate pavement material for the Community

Centre courtyards which is of a non-slip, non-porous type that will not readily be colonised by moss, moulds & algae, and requires minimal cleaning.

Identify appropriate directional signage, street furniture, lighting and light fittings, which complement and reinforce links to prominent adjoining public places.

In addition, the landscape plan must:

- a. Include details of the plants selected for use in each landscape area, including common and scientific names, as specified by 'Selection of Plant Materials' condition.
- b. Provide details of plant numbers, planting density and size at planting, soil preparation.
- c. Identify that there is to be a minimum of 700mm planting soil for trees.
- d. State that all plants to be used as feature trees, hedges and screening plants must be in an advanced stage of growth at the time of planting (minimum 10 litre container for shrubs, 45 litre containers for trees). Infill and ground layer planting may be provided as tube stock or 150mm pots.
- e. Identify planter / tree pit details, including drainage and irrigation provisions
- f. Identify tree protection measures such as tree guards, fencing and other schemes necessary to ensure successful establishment of approved plantings
- g. Establishment and general maintenance requirements, including weed control along all boundary alignments and pruning to ensure compliance with asset protection zone requirements. All plants and landscaping on the site are to be maintained at all times.
- h. Identify that there must be a substantial (6 months or longer) plant establishment clause to ensure vital early training to shrubs and replacement of failures. Any plants that die or are removed must be replaced with plants of the same species and of a similar stage of growth.

Selection of Plant Materials

22. In order to provide for the establishment of a suitable landscape character and setting in all areas of the subject site, and to ensure that the specific functional objectives of the landscape are met, plant material treatment and selection for the application must meet the following criteria.
 - a. Trees to be provided as specimen/character trees (trees 1-4 on amended plans) are to be clearly specified at each location.
 - b. The species selected for use as hedge planting on the eastern site boundary, adjacent to the heritage item 'Danebury' and the five angled parking spaces shall be capable of achieving and being maintained at a minimum height of 1.5 metres;
 - c. The species selected for use as hedge planting within the landscape setting of the heritage item 'Braemar' boundary shall be capable of achieving and being maintained up to a height of

1.2 metres. *Acmena smithii* 'Allyn Magic' is not suitable.

- d. At least one of three trees (tree 5 as marked in red) is to be provided to ameliorate the visual impact of the library and the plant room upon the heritage item 'Braemar' (trees 5 -7 on amended plans) must be capable of achieving a minimum mature height of 10 metres, the others must achieve a minimum height of 6 metres.
- e. Species which are to be used as compensatory screen planting along the eastern site boundary from the southern corner of the site, to the proposed hedge adjacent to the angled parking area on the eastern boundary must be capable of achieving a mature height of 4-6 metres, and be of low flammability and dense growth habit.
- f. Existing screening vegetation present at the top of the batter slope of the south-eastern boundary alignment must be assessed for potential retention and supplementation. Supplementary or replacement planting must be capable of achieving a mature height of 4-6 metres and be of dense growth habit.
- g. Species are to be selected for use as compensatory street planting along the western end of the David Road frontage are to be subject to the selection criteria outlined in Council's Street-tree Masterplan. These plantings must substantially ameliorate the visual impact of the carpark and plant room when viewed from the streetfront and adjoining residential areas.

All such details are to be demonstrated on the detailed landscape plan to the satisfaction of the Determining Authority prior to the release of the Construction Certificate.

**Assessment of Street Tree
on Macquarie Road**

- 23. The existing street tree immediately east of the driveway entrance from Macquarie Road, is to be assessed by a consulting arborist prior to the development of the final detailed landscape plan and release of the Construction Certificate.
The arborist is to determine if the subject street tree can be adequately protected and preserved during the realignment of the entrance drive and construction activities associated with these works.
 - If so, tree protection measures for the street tree are to be specified on the detailed plan, and these are to include supervision of construction works adjacent to the tree by a minimum AQF level IV arborist.
 - If tree retention is not practicable or achievable, tree removal and compensatory replanting of the same or similar species is to be undertaken. Alternative species must be subject to the selection criteria outlined in Council's Street-tree Masterplan, and must be super advanced at the time of planting. Plant selection, soil preparation and an appropriate tree maintenance regime are to be specified on the detailed landscape plan.

Access and mobility design

- 24. To ensure access and facilities for people with a disability or limited

statement

mobility are provided in accordance with the principles of the Disability Discrimination Act 1992 and the Council's planning instruments, a design statement is required from a suitably qualified Access and Mobility Specialist. The statement shall verify that the proposed work as designed is accessible to people with a disability in accordance with:

- a. The relevant part of the Council's Better Living DCP and Australian Standard AS 1428.1 Design for access and mobility – General requirements for access – New building work, as per clause 107 (Access to public buildings and public land) of Local Environmental Plan 2005., and
- b. The provisions of the Disability (Access to Premises – Buildings) Standards 2010.

This statement is to form part of the Construction Certificate documentation.

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

Access for people with disabilities – Braemar Gallery

25. The access for people with a disability at the main entry doorway of Braemar Gallery is to comply with Australian Standard 1428.1-2009. The plans accompanying the application for construction certificate to the certifying authority must demonstrate compliance.

To ensure the access solution for Braemar gallery does not adversely impact the heritage fabric of the building, these plans are also to be provided to Council's Heritage Advisor for approval prior to the issue of a construction certificate.

Contaminated Building Materials

26. Prior to the issue of a construction certificate and the commencement of any demolition, a hazardous materials survey is to be undertaken by a suitably qualified person. All demolition, remediation and construction work shall be undertaken in accordance with the findings of this survey. A copy of the survey is to be forwarded to the consent authority

Lighting

27. Lighting is to be provided to all parking areas and aisles, open spaces and civic areas according to Council's specifications. The proposed lighting design is to be provided to Council's Investigations and Traffic Engineer for approval, prior to issue of Construction Certificate.

Light spillage - general

28. To protect the amenity of the local area and to avoid obtrusive light spill to the surrounding area, all external lighting, with the exception of required car park lighting, but including under awning lights and security lights shall meet the following requirements:

- The lights are to be "warm white" in colour.
- The lights are to have a light output distribution sufficient to achieve the required illumination purpose whilst avoiding excessive light spill to the surrounding residential properties.

As a minimum level of performance, the light output distribution shall conform with the standards in Table 2.1 "Recommended maximum values of light technical parameters for the control of obtrusive light" and

Table 2.2 “Maximum luminous intensity per luminaire for pre-curfew operating times”, as outlined within Australian Standard 4282 – “Control of the obtrusive effects of outdoor lighting”.

Food Safety – Fit out of premises and construction standards

29. To ensure the premises are constructed so as to be suitable for the safe and hygienic preparation of food, the fit-out of the premises is to comply with the National Food Standard 3.2.3 “Food Premises and Equipment” and Australian Standard AS4674-2004, “Design, Construction & Fit-out of Food Premises”, including the following:
- a. Mechanical Exhaust systems must comply with Australian Standard AS1668.1 and AS1668.2;
 - b. Floors, walls and ceilings shall comply with the requirements of Australian Standard 4674-2004 Design, construction and fit-out of food premises and the Food Safety Standard 3.2.3. In particular Table 3.1, 3.2 and 3.3 of Australian Standard 4674-2004 (which indicates suitable floor, walls and ceiling finishes);
 - c. A designated hand washing basin is required to be installed, of an adequate size to wash hands and arms. There shall be a permanent supply of warm running potable water delivered through a single outlet. Taps to the washbasin must be hands free or elbow operated. Spout to extend far enough into the basin to allow adequate hygienic hand washing practices. As per requirements of Australian Standard 4674-2004.

Detail of compliance with the above standards is to be submitted to Council prior to the issue of a Construction Certificate.D

Food Safety – Garbage Storage Area

30. A designated area is to be provided for garbage and recyclable material in accordance with AS4674-2004.
- The construction requirements of the garbage area under AS4674 require a covered area paved with an impervious material with a tap and drained to sewer (**see Section 2.4 Garbage and Recyclable Materials AS4674-2004**).
- Details including tap and drain to the reticulated sewer are to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

Food Safety – Waste Water Disposal

31. To ensure that water is disposed of to the satisfaction of Sydney Water and is of a suitable standard for the reticulated sewage system, Sydney Water Trade Waste is to be contacted to ensure all requirements for trade waste disposal can be met.

Food Advice

- To comply with Clause 4 of the Food Safety Standard 3.2.2, the NSW Food Authority should be notified of details of the food business. You are referred to the website where this may be done cost free www.foodnotify.nsw.gov.au Ensure a copy of the notification is kept onsite.
- Certain food businesses in the hospitality and retail food service sector must have at least one trained food safety supervisor. Further details may be obtained from the NSW Food Authority website www.foodauthority.nsw.gov.au

C. Prior to Commencement of Works

Vibration Management Plan	32.	<p>In order to minimise the risk of impacts of vibration on surrounding properties, a Vibration Management Plan is to be prepared by an appropriately experienced geotechnical engineer or engineering geologist and be submitted to and approved by the Private Certifying Authority prior to the commencement of any demolition or excavation on the site.</p> <p>This plan is to include recommendations for:</p> <ul style="list-style-type: none">• performance standards to be met during works to be undertaken (in terms of acceptable ground vibration);• strategies for the management of ground vibration and monitoring requirements for vibration through the construction phase. <p>These plans are to be prepared and their implementation is to be supervised by an appropriately experienced professional. In consideration of the proximity of the development to adjoining buildings the following requirements shall be met:</p> <ul style="list-style-type: none">• The effect of vibration and concussion on buildings in the vicinity is to be minimised by selection of appropriate demolition methods and equipment.• Dilapidation surveys shall be carried out on the buildings on 110-120 Macquarie Road (Oriental Hotel) and 8-12 Raymond Road (the IGA site). This survey shall be taken prior to and at the conclusion of any demolition and/or excavation work. The survey shall have the aim of identifying the existing state of the buildings and identifying any changes in them resulting from excavation work. A copy of each of the surveys shall be submitted to the Council prior to and at the conclusion of the demolition and/or excavation work.
Dilapidation Report – Braemar	33.	<p>To ensure the proposed works do not adversely impact the heritage fabric of <i>Braemar</i> (Heritage Item SP022) a dilapidation report for the building is to be prepared by a suitably qualified heritage / building consultant. The report is to be submitted to the consent authority prior to the issue of a Construction Certificate.</p>
Traffic and Pedestrian Management Plan	34.	<p>To ensure the safe and efficient operation of the site during construction, a Traffic and Pedestrian Management Plan for each component of the works is to be submitted to and approved by Council, prior to the commencement of works.</p>
Demolition and Construction Management Plan	35.	<p>In order to minimise impacts of the demolition and construction works on access to and from the surrounding properties, car parking areas and roads, a Demolition and Construction Management Plan (DCMP) shall be submitted to and approved by the Council prior to the commencement of any work.</p> <p>In order to appropriately address potential impacts of the works on surrounding properties, the developer is to undertake consultation and</p>

liaison with owners and tenants of surrounding properties, and the Springwood Chamber of Commerce, in the development of this Management Plan.

The Plan is to address, but not be limited to, the following matters:

- a. Hours and days of work in accordance with this consent.
- b. Appropriate staging of the works to minimise impacts on surrounding properties.
- c. The minimisation of loss of car parking space availability.
- d. The provision of regular notification to the public, the surrounding property owners and tenants and the Springwood Chamber of Commerce of the progress and staging of the works during the demolition and construction phases. This notification is to include direct written notification, display via a publicly accessible notice board and notification through the local media.
- e. Proposed Temporary Traffic Management Plans at each stage of the works, particularly in relation to safe traffic circulation to and from the IGA site.
- f. Maintenance of pedestrian and vehicle access
- g. Proposed delivery/loading/storage and contractor parking locations. These locations are to be contained wholly within the development site.
- h. Construction vehicle access
- i. Location of site sheds toilets and other construction amenities.
- j. The structure to be demolished and all its components shall be maintained in a stable and safe condition at all stages of the demolition work. Temporary bracing, guys, shoring or any combination of these, shall be added for stability where necessary.
- k. 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. Severe weather changes refer primarily to the localised high winds. In these circumstances loose debris can become airborne, particularly if it is in sheet form.
- l. The site shall be secured at all times against the unauthorised entry of persons or vehicles.
- m. A dilapidation report on the Macquarie Road and David Road footpaths, carriageways and drainage systems within the site frontages. The report is to include photographs and a plan locating any existing failures.

Assessment and approval fees will be charged in accordance with Council's Fees and Charges

Notification to the Council of commencement of Works

36. At least 2 days prior to commencement of demolition or construction associated with the development, written notice of the intention to commence is to be provided to Blue Mountains City Council in accordance with the Environmental Planning and Assessment Regulation.

Preconstruction meeting	37. Prior to commencement of work, a preconstruction meeting is to be held with Council's Supervising Engineer in relation to works within Council's roads.
Insurance	38. All contractors working in Council's roads must be covered for workers compensation and public liability insurance to the amount of \$10 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Written evidence of this insurance shall be supplied to Council's supervising engineer at the pre-construction meeting
Installation of sediment and erosion controls	39. Sediment and erosion controls are to be installed in accordance with the approved Sediment and Erosion Control Plan prior to the commencement of works.
Installation of pedestrian and traffic controls	40. All pedestrian and traffic controls are to be installed in accordance with the approved Pedestrian and Traffic Management Plan prior to the commencement of works.
Hoardings and fencing and associated TMP etc	41. Prior to the commencement of construction, to minimise the impacts of onsite works on the adjacent uses and ensure the protection of the public, fences and/or hoardings are to be provided on all sides of the site to the requirements of NSW Workcover Authority. These fences and/or hoardings are to be in accordance with the Council's Policy for Temporary Fencing (Hoardings)/ Barrier Systems dated 24 March 2009, Work Cover requirements and other relevant Australian Standards and Statutes. Prior to the erection of any hoarding or fencing within the road reserve, the applicant is to obtain an approval under the Roads Act from the Council in accordance with Council's Policy (Temporary Fencing (Hoardings)/ barrier systems). Application fees and On Going Use fees are applicable.
Conservation and protection of trees <i>Prior to work commencing</i>	42. In order to conserve and maintain established streetscape and other canopy trees, Tree Protection Zones (TPZ) must be provided around all trees to be retained on the site in a manner consistent with the Australian Standard 4970-2009 for the Protection of Trees on Development Sites. The TPZ shall encompass the maximum possible area around the dripline of the canopy, but must be located at a distance of no less than 2.5 metres from the base of the trees. An inspection of these structures must be arranged with the Principal Certifying Authority (PCA) or a qualified arborist is to provide verification to the determining authority that the structures have been correctly installed prior to the commencement of site works. The barriers must be maintained in good order during the construction process. Within the TPZ, the PCA is to ensure that there is: <ul style="list-style-type: none"> a. No excavation, trenching or soil removal carried beyond those works indicated on approved plans, without the prior written consent of Council.

- b. No storage of goods or materials
- c. No parking or operation of vehicles
- d. No dumping of refuse or stockpiling of waste
- e. No chemical run-off (including concrete wash, paint wash etc.)

Any encroachment into the TPZ that becomes necessary as site works progress must be reviewed by a qualified arborist and be acceptable to the determining authority before being carried out.

D. During Demolition and Construction Works

Site management

During Works

43. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:
 - a. Site and building works (including the delivery of materials to and from the property) shall be carried out Monday to Friday between 7am-6pm and on Saturdays between 8am-1pm, excluding Sundays and public holidays, or during Festival/Special events including Springwood Foundation Day, Vietnam Veterans Day, Anzac Day and Remembrance Day.
 - b. Alteration to these hours may be possible for safety reasons or where proposed works are not audible outside the development site, but only on the written approval of Council.
 - c. 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.
 - d. Building operations such as brickcutting, washing tools, concreting and bricklaying shall be undertaken on the building block. The pollutants from these building operations shall be contained on site.
 - e. Builders waste generated under this consent (including felled trees, tree stumps and other vegetation) must not be burnt or buried on site. All waste must be contained and removed to an approved Waste Disposal Depot or in the case of vegetation, with the exception of environmental and declared noxious weeds, mulched for re-use on site.

Implement vibration controls

44. The approved Vibration Management Plan is to be implemented for the duration of the works.

Canopy / root pruning

45. Pruning (and subsequent aftercare) of tree canopy and roots required and approved or subsequently deemed necessary by an appropriately qualified arborist, shall be undertaken in accordance with the Australian Standard 4373-2007 Pruning of Amenity Trees, and the Australian Standard 4970-2009 for the Protection of Trees on Development Sites.

Accidental damage to trees and other vegetation to be retained

46. If, in the course of approved construction or excavation works, any tree proposed for retention suffers accidental damage to the primary root zone, trunk, crown or major branching, the tree(s) shall be treated as

soon as it is practicable, or within 48 hours (whichever is the lesser) by an Arborist or a qualified horticulturalist.

If repair work is attempted and fails, or is impracticable, additional vegetation removal may be undertaken only following Council notification. Replacement planting of additional advanced to super-advanced landscape species, characteristic of the locality, or of the same species as the damaged tree, is a requirement should this situation arise. Where alternative species are proposed the selection must be approved by the Determining Authority.

Inspections of engineering works in Council Roads

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

The inspections are to be carried out by the Council's Engineer, and inspection fees will be payable in accordance with Council's current schedule of fees & charges. The Council's Engineer will require a minimum of 48 hours notice to conduct an inspection.

These stages are:

- a. Pre construction meeting.
- b. Roads, driveways, and car parks
- c. After set out (prior to any excavation)
- d. Determine impacts on street trees
Laying and compaction of subgrade
Compaction of roadbase or placing reinforcement for concrete works
During sealing of pavements
Final – all disturbed areas revegetated.
- e. Kerb construction
- f. After set out (prior to any excavation)
Laying and compaction of subgrade
Placement of stringline
During placement of kerb
Compaction of roadbase to existing road
During sealing of pavements
Final – all disturbed areas revegetated.
- g. Pedestrian pathways
- h. After set out (prior to any excavation)
After boxing out of pathway
Final – all disturbed areas revegetated.
- i. Stormwater Drainage
- j. After set out (prior to any excavation)
After installation of pits and pipes, prior to backfilling
Final – all disturbed areas revegetated
- k. Final inspection of completed development.

Maintenance of sediment and erosion controls

48. Sediment and erosion controls are to be maintained in accordance with the approved Sediment and Erosion Control Plan for the duration of works.

Maintenance of pedestrian and traffic controls	49.	All pedestrian and traffic controls are to be maintained in accordance with the approved Pedestrian and Traffic Management Plan for the duration of works.
Noise mitigation - construction	50.	The development shall be constructed with the aim of achieving the construction noise management levels detailed in the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures shall be implemented.
Demolition of Buildings generally	51.	The demolition work is to be supervised by a competent person with due regard to safe working practices and in accordance with the requirements of the NSW WorkCover Authority; Such work is to be carried out in accordance with the Occupational Health & Safety Regulations, 2001, and Australian Standard 2601 – 1991.
Demolition of Buildings containing asbestos cement	52.	The applicant is to notify Council and adjoining residents, in writing, at least ten (10) working days prior to demolition commencing, of their intention to commence demolition works. In the case of adjoining residents, such notification is to be a clearly written note, on at least note pad size paper, giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately to the rear of the demolition site.
Disposal of Asbestos	53.	All asbestos material, including asbestos cement, is to be disposed of to an approved waste management facility licensed to receive asbestos.
Display of signage	54.	The developer will display appropriate asbestos/demolition signage prior to and during demolition works.
Dust control	55.	<p>The techniques adopted for stripping out and for demolition are to minimise the release of dust into the atmosphere.</p> <ul style="list-style-type: none"> + Before commencing work, any existing accumulations of dust are to be collected, placed in suitable containers and removed. Selection of appropriate collection techniques, such as vacuuming or hosing down, shall take account of the nature of the dust and the type of hazard it presents (eg., explosive, respiratory etc). + Dust generated during stripping or during the breaking down of the building fabric to removable sized pieces shall be kept damp until it is removed from the site or can be otherwise contained. The use of excess water for this purpose is to be avoided. <p>It should be borne in mind, that in certain environments and under certain stimuli, deposits of combustible dust on beams, machinery and other surfaces may be subject to flash fires, and suspensions of combustible dusts in the air can cause them to explode violently (see NFPA Handbook).</p>
Removal of material	56.	All demolished material and excess spoil from the site shall be disposed

		of at a location and in a manner approved of by Council.
Plans on site	57.	Copies of the stamped and approved plans, development consent, Roads Act approvals and the construction certificate are to be on the site at all times.
Maintenance of Sediment and Erosion Controls	58.	Sediment and erosion controls are to be maintained in accordance with the approved Soil & Water Management Plan for the duration of the works, and until all disturbed areas are stabilised to the satisfaction of the Principal Certifying Authority.
Survey Report	59.	To ensure that the building does not encroach on the approved building footprint and is located within the boundaries of the property, a survey report by a registered Land Surveyor must be provided to the Principal Certifying Authority prior to the work proceeding beyond: <ul style="list-style-type: none"> a. slab formwork. b. foundation walls. c. walls and completed eaves/gutter/fascia/gable.
Archaeology – Historical Archaeological Sites	60.	In the event that substantial, intact historical cultural fabric or deposits (particularly during the excavation / disturbance within the Braemar forecourt and garden area) are encountered during any phase of the project, work must cease within a five metre radius and a consulting historical archaeologist contacted for advice. It is likely that consultation with the Heritage Office, Department of Planning will also be required.

E. Prior to Issue of Occupation Certificate

Consolidation of Lots	61.	To ensure that the overall development is integrated, and compliance with relevant fire safety requirements, written evidence of the consolidation of Lot A DP335970 and Lot 1 DP181124 is to be submitted to the certifying authority prior to the issue of any Occupation Certificate.
Implementation of Landscape Plan	62.	All works shown on the approved detailed landscape plan, including seating, retaining and other wall construction, tree removal, planting, pruning, mulching and weed control shall be undertaken prior to occupation. Healthy and vigorous plants, consistent with the composition and installed in accordance with the approved landscape plan are to be inspected by the Principal Certifying Authority prior to the Final Occupation Certificate.
Fire safety upgrading - occupation	63.	The fire safety upgrading works identified in this consent at condition 14 (Fire safety upgrading) are to be completed to the satisfaction of the Principal Certifying Authority (PCA) prior to the issue of an Occupation Certificate. Advisory note: Fire safety upgrades of the existing building are imposed in accordance with Clause 94 of the Environmental Planning and Assessment Regulation 2000.
Noise mitigation	64.	Prior to occupation of the development, the in-situ equipment shall be

occupation	tested by a qualified acoustic consultant certifying that the objectives in the "Noise mitigation – general" condition have been met.
Light spillage - occupation	65. Prior to occupation of the development, all external lighting, including signage, shall be tested by a qualified lighting consultant and a report produced certifying that the requirements in the "Light spillage – general" condition have been met.
Works as Executed plans	66. Prior the issue of the Preliminary Final Inspection Report by the Council's Engineer and prior to the issue of an Occupation Certificate, a Works as Executed Plan of all engineering works in Council's roads, together with an engineer's certification confirming that all works have been constructed in accordance with the approved plans and specifications, shall be submitted to and approved by the Council. The Works as Executed Plan is to be prepared by a Registered Surveyor
Repair of damage	67. The applicant shall repair or reconstruct all damage in the road reserve caused by construction activity associated with development work as required by the Council's Supervising Engineer prior to release of an Occupation Certificate.
Restore disturbed areas	68. All disturbed areas associated with development work are to be restored and stabilised to the Council's satisfaction prior to release of an Occupation Certificate.
Certification of works in Macquarie and David Roads	69. Prior to the issue of an Occupation Certificate, a certificate shall be obtained from the Council's Engineer to verify that all works in Macquarie and David Roads have been completed in accordance with the approved plan and to Council's satisfaction.
Completion of engineering works within the site	70. Prior to the issue of an Occupation Certificate, all engineering works within the development site are to be completed to the satisfaction of the Council's Assets Branch.

F. Operation and Ongoing Use

Occupation Certificate	71. The building shall not be used or occupied prior to the issue of an Occupation Certificate in accordance with Sections 109H and 109M of the Environmental Planning and Assessment Act 1979.
Car park and Loading Areas operation	72. To ensure safe operation of the car park and delivery areas, vehicle operation is to be carried out as follows: <ul style="list-style-type: none"> a. All vehicles are required to enter and leave the site in a forward direction. b. The maximum size of delivery and service vehicles visiting the site and using the Macquarie Road entry is to be restricted to a 8.8m MRV AS2890.2/2002 c. The maximum size of vehicles visiting the site and using the eastern driveway off David Road is to be restricted to the B99 standard car AS 2890.1/2004

-
- d. The maximum size of vehicles visiting the site and using the western driveway off David Road is to be restricted to 8.8m MRV AS2890.2/2002, except for the delivery vehicles to the adjoining IGA supermarket site (Lot 1 DP880313).
 - e. Arrival and departure of service vehicles from the loading areas of the development site is to be managed to ensure that only 1 vehicle is visiting the loading areas/site at any one time. Vehicles are not to queue/park in the adjoining streets.

Modification of Development Consent applying to the IGA Supermarket

73. Pursuant to section 80A 1(b) of the Environmental Planning and Assessment Act 1979, the development consent issued by the Council on 21 December 1972 for the site of the present IGA Supermarket (Lot 22 DP 597588) is to be modified to include the following condition:

- Delivery vehicles (to a maximum length of 19.5 metres) are permitted to access the IGA Supermarket (Lot 22 DP 597588) from the adjoining Council car park (Lot A DP 335970) and to egress the site via Raymond Road between 6:00am to 7:30am, Monday to Friday subject to a licence or easement being in place to permit access over the Council car park.

A notice of modification of a development consent as referred to in section 80A (5) of the Act, shall include the information prescribed by clause 97 (Modification or surrender of development consent or existing use right) of the Environmental Planning and Assessment Regulation 2000, including:

- a. the name and address of the person by whom the notice is given,
- b. the address, and formal particulars of title, of the land to which the consent or right relates,
- c. a description of the development consent or existing use right to be modified or surrendered,
- d. particulars as to whether the consent or right is to be modified (including details of the modification),
- e. if the applicant is not the owner of the land, a statement signed by the owner of the land to the effect that the owner consents to the modification or surrender of the consent or right.

Access via the Council car park (Lot A DP 335970) shall not occur unless and until the consent is modified and the necessary license or easement is in place.

Access through Lot A DP 335970 to Supermarket Site (Lot 22 DP 597588)

74. To ensure the legal and safe manoeuvrability of delivery vehicles associated with the supermarket site, a licence is to be in place to provide access to heavy vehicles to a 19.5 metre limit over Lot A DP 335970 from David Road to the supermarket site (Lot 22 DP 597588). The licence is to allow vehicle movements as described above from 6:00am to 7:30am, Monday to Friday, for a period of five (5) years. The commencement of this five (5) year period is to take effect upon provision of evidence to the satisfaction of Council (as the consent authority) of the granting of an appropriate licence.

Expiration of Licence agreement for access from Lot A DP 335970 to supermarket site (Lot 22 DP597588)	<p>75. To clarify the operational period of the licence agreement outlined in the above condition, the licence agreement will cease upon:</p> <ol style="list-style-type: none"> Expiration of the five (5) year period; or The earlier provision of written notice to Council by the applicant, confirming the licence has been revoked, terminated or expired and that this fact has been notified to Payless as lessee (or current lessee of the site) of the supermarket, whichever occurs first.
Easement for Access from Lot A DP 335970 to supermarket site (Lot 22 DP 597588) beyond period of licence agreement	<p>76. Access for heavy vehicles from David Road, over Lot A DP335970 to the supermarket site (Lot 22 DP597588), beyond the period of the licence agreement will only be permitted by the registration of an easement. The following would be required before this access could occur:</p> <ol style="list-style-type: none"> Provision of evidence to the satisfaction of Council as the consent authority, of registration of an easement benefiting Lot 22 DP597588 and burdening Lot A DP335970 for the movement of heavy vehicles from David Road, through Lot A DP335970 to the supermarket site (Lot A DP335970); Confirmation in writing from Council (as the consent authority) that the evidence provided is satisfactory.
Operational Management Plan	<p>77. An Operational Management Plan is to be submitted to and approved by Council as the consent authority. The Operational Management Plan is to include, but not be limited to:</p> <ol style="list-style-type: none"> <u>Hours of operation:</u> The operating hours of the site specified in the Plan shall be set between the hours of 8am to midnight, daily. Nominated hours are to be set having regard to the need not to exceed noise requirements identified in the Noise Mitigation – General condition. The hours of operation may be varied by the consent authority. <u>Operation after 8pm:</u> To ensure adjoining residents are not adversely impacted by the operation of the site, the Operational Management Plan is to outline measures to ameliorate the impacts of traffic and noise associated with functions are held on the site, particularly events / functions which conclude after 8pm; <u>Security measures:</u> <ol style="list-style-type: none"> Crime prevention measures within the undercroft parking area; Access to different areas of the building should staggered closing times be proposed; <u>Noise:</u> Recommendations from the supplementary acoustic report submitted in accordance with the 'Noise Mitigation – General' condition. The Operational Management Plan is to be reviewed after a period of twelve (12) months from the date of granting consent (or further review periods specified in writing by the consent authority) and the Plan may include additional measures to reduce adverse impacts.
Advertising Signage	<p>78. To protect the visual amenity of the neighbourhood and the city, an</p>

application for advertising signs must be made to and approved by Council prior to erection.

**Final Inspection of Kitchen /
Food Preparation Areas**

79. Council is to be contacted at least 48 hours prior to the operation of the premises, to arrange for a final inspection of the kitchen and food preparation areas within the building.

Attachment 2 - Plans

Attachment 3 – Rural Fire Service: Recommended Conditions

x/423/2012

All communications to be addressed to:

Blue Mountains FCC Office
Cnr Bathurst Rd & Valley Rd
Katoomba NSW 2780

Blue Mountains FCC Office
PO Box 600
Katoomba NSW 2780

Telephone: 4784 7444

Facsimile: 4784 7461

e-mail: bluemountains.fcc@rfs.nsw.gov.au



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



Your Ref: X/423/2012
Our Ref: ADM0065E 2169
DA12070684006 JN

ATTENTION: Brian Mercer

Trim No.	
Rec'd Records	- 2 AUG 2012 DMCC
REFER	B Mercer
REMITTANCE	REC No.

25 July 2012

Dear Brian

Land Use Application for 1/181124 104 Macquarie Road Springwood 2777

I refer to your letter dated 4 July 2012 seeking advice regarding bush fire protection for the above Land Use Application in accordance with Section 79BA of the 'Environmental Planning and Assessment Act 1979'.

The Service provides the following recommended conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

1. At the commencement of building works and in perpetuity the property around the asset shall be managed as follows:

The entire property to be managed as an 'Inner Protection Area' as outlined within Section 4.1.3 and Appendix 2 in Planning for Bushfire Protection 2006 as well as the RFS Standards for Asset Protection Zones (available electronically at www.rfs.nsw.gov.au).

2. The Inner Protection Area (IPA) to comprise of the following:

- minimal fine fuel at ground level;
- vegetation that does not provide a continuous path to the building for the transfer of fire;

- shrubs and trees that do not form a continuous canopy and vegetation is planted/cleared into clumps rather than continuous rows;
- species that retain dead material or deposit excessive quantities of ground fuel area avoided;
- shrubs and trees are pruned or removed so they do not touch or overhang the building (minimum of 2m); and
- vegetation is located far away enough from the building so that plants will not ignite the building by direct flame contact or radiant heat emission.

Water and Utilities

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

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

Access

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

4. To aid in fire fighting activities, unobstructed pedestrian access to the rear of the property shall be provided and is to be maintained at all times.

Evacuation and Emergency Management

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

5. Prepare an emergency management plan for the site consistent with AS3745-2010 'Planning for emergencies in facilities' which incorporates bushfire emergencies.

Landscaping

6. New landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bushfire Protection 2006. In this regard the following landscaping principles are to be incorporated into the development:

- Suitable impervious areas being provided immediately surrounding the building such as courtyards, paths and driveways.
- Grassed areas/ mowed lawns/ or ground cover plantings being provided in close proximity to the building.
- Restrict planting of trees and shrubs in the immediate vicinity of the building which may over time and if not properly maintained come in contact with, or overhang, the building.

- Ensure retained or planted trees and shrubs do not form a continuous stand from the hazard to the asset and will not over time compromise the asset protection zone.

- Select or retain plant species that are of low flammability (low volatile oil levels, high moisture content in leaves and low levels of retained dead material etc) for use within the asset protection zone.

General Advice – consent authority to note

No bushfire construction measures under AS3959-2009 are required as part of the proposed development application given the proposed development is located greater than 100m from the bushfire hazard to the southeast aspect.

For any queries regarding this correspondence please contact John Norris on 4784 7444.

Yours sincerely



David Headley *Headley*
A/District Manager

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

4 July 2012



Development, Health & Customer Services

Reference: X/423/2012

NSW Rural Fire Service
Blue Mountains District
PO Box 600
KATOOMBA NSW 2780

Dear Sir/Madam,

Land use application at Springwood Library, 102-104 Macquarie Road, SPRINGWOOD NSW 2777

In accordance with Council policy and legislative requirements, I seek your comments on a development application for part demolition of existing civic centre building, construction of new civic centre and upgrading of existing library and car park at the above property.

Enclosed is a copy of the plan and associated details. To minimise client delays, I would appreciate your response as soon as possible. In particular Council seeks your comment on:

- Compliance with PBP 2006

Should you require clarification of the proposal, Brian Mercer will be managing the application and may be contacted on 4780 5710.

Yours faithfully,

Laurel Hodgins
Technical Assistant

DA 12070684006

RURAL FIRE SERVICE BLUE MOUNTAINS	
Doc No:	2169
Received:	6 - JUL 2012
Refer to:	CC:
File No:	ADM0065E 2169

Kim Barrett

From: John Norris [John.Norris@rfs.nsw.gov.au]
Sent: Wednesday, 31 October 2012 12:42 PM
To: Kim Barrett
Subject: 104 Macquarie Road Springwood-RFS Asset Protection Zone & Landscaping Conditions

Hi Kim,

As per our telephone discussion this morning in reference to the above mentioned application I am responding to your concerns raised in relation to potential ground stability issues where the existing single row of trees directly adjoining the library were interpreted by BMCC to be removed by RFS conditions relating to the required Asset Protection Zone and Landscaping requirements.

To clarify further I believe from a bushfire management perspective the removal of these trees are not necessary as they **do not form a continuous stand of vegetation to warrant a significant fire threat and are considered to be highly discontinuous in nature** (managed land) to the actual bushfire hazard vegetation to the southeast being over 100m away.

However given the close proximity of the existing trees to the library and the impracticalities of trying to maintain or achieve a 2m separation from the edge of the building, the RFS is willing to from our previous letter of 25/7/12 (Condition 2 Dot Point 5) to relax this requirement to read as follows:

“..... *shrubs and trees are pruned OR removed so that they do not directly touch the building; and.....”

Where option was taken to then prune the trees back from the roofline this would still be considered sufficient to then easily access & maintain fine fuels accumulating on the roof and within roof guttering on a periodic basis to mitigate against likely ember attack.

Hope this assists with your the submission to the Regional Panel.

Best regards.

John Norris
Community Safety Officer
NSW Rural Fire Service
Blue Mountains District

Phone: 0247847444
Fax: 0247847461
Mobile: 0414184627
Web: www.rfs.nsw.gov.au

Cnr Valley Road & Bathurst Road Katoomba NSW 2780
PO Box 600 Katoomba NSW 2780

NSW RURAL FIRE SERVICE
...for our community

RFS Disclaimer:

This email message is intended only for the addressee(s) and contains information which may be confidential. If you are not the intended recipient, please notify the sender and delete this email and any copies or links to this email completely and immediately from your system. Views expressed in this message are those of the individual sender, and are not necessarily the views of the NSW Rural Fire Service.

Attachment 4 – Peer Review Report

29 November 2012

Blue Mountains City Council
Locked Bag 1005
Katoomba NSW 2780
By email: council@bmcc.nsw.gov.au

Attn: Ms Kim Barrett

Dear Kim,

**PEER REVIEW OF ASSESSMENT
DEVELOPMENT APPLICATION X/423/2012
SPRINGWOOD CIVIC CENTRE**

As requested by Council, City Plan Strategy and Development Pty Ltd (CPSD) has undertaken an independent peer review of the Council officer's assessment of the subject development application.

SCOPE OF ASSESSMENT

The development involves the demolition of an existing civic building and the construction of a new civic building, upgrading of the existing library and associated car parking at 102-104 Macquarie Road and 106-108 Macquarie Road Springwood.

Council staff have assessed the development application, the report on which is to be referred to the Western Sydney Joint Regional Planning Panel for determination.

Our review has involved:

- An inspection of the site and surrounds;
- Review of the architectural plans, supporting reports and documentation;
- Review of the community submissions and comments from government agencies.
- Review of the Council officers' assessment report (dated 28 & 29 November 2012).

Our peer review does not involve a comprehensive *de novo* assessment of the application, rather, we have reviewed the relevant material and considered whether the assessment undertaken by Council officers is comprehensive, sound and reasonable.

In our report on the peer review Council has requested that we provide our professional opinion on whether:

- The report adequately addresses the relevant heads of consideration under s79C of the Environmental Planning and Assessment Act;

- Submissions have been adequately addressed;
- The recommendation/s made are sound;
- The proposed consent conditions are reasonable and appropriate; and
- There are any other pertinent issues associated with the assessment.

We address each of these points in turn.

1. Does the report adequately address relevant considerations under the Act?

The officer's assessment report is thorough and comprehensively addresses all relevant considerations under Section 79C of the Act. Relevant environmental planning instruments and development control plans have been identified and assessed, together with other specified qualitative considerations under that Section. We note the lack of specific consideration of Clause 32 in the Compliance Table for Local Environmental Plan 2005, however, as the report notes elsewhere, the proposed use is that of a "community building" that is permissible in the zone with consent.

We consider that the assessment of most identified issues is relatively non-contentious and adequately dealt with in the report. We therefore consider it unnecessary to further comment on most issues and will restrict our comments to only a few matters which we believe warrant specific mention. These relate to the adequacy of car parking; the appropriateness of the site planning and building design in the context of local heritage considerations; and the impacts of the proposal on the amenity of adjoining residents.

We will address the latter two issues under the following heading since they were matters raised in submissions. In relation to the issue of car parking adequacy, we accept the justification outlined in the officer's report for the reduction in parking from that required under a strict application of the numerical requirements of the DCP. We agree with the conclusion that the SEPP 1 objection to the development standard in Clause 99 of the BLEP is well founded.

2. Have submissions been adequately addressed?

We have reviewed all submissions made in relation to the application and consider that the officer's report reasonably summarises the substance of most of those submissions.

Some matters raised in submissions were not noted in the summary section of the officer's report. These include stormwater drainage impacts on adjoining rear properties and other impacts such as light spill and litter from the rear car park. Through-site pedestrian access is also requested by one submitter.

Nonetheless, we consider that the officer's report has adequately addressed the substantive issues raised in all submissions.

Issues raised in submissions which we consider warrant some further consideration relate to noise and other amenity impacts associated with vehicle movement and parking on the site, potentially affecting adjoining residential properties.

We consider that the additional traffic movements, additional parking and the elevated parking deck have the potential to affect the amenity of the adjoining residents to the east and south of the site without adequate mitigation measures. These impacts relate to noise, privacy, visual impacts, light spill and overshadowing. We note that conditions have been recommended in an attempt to ameliorate some of these impacts, in the form of noise mitigation, an operational plan of management and tree planting.

We consider that these conditions will go some way towards addressing the impacts, however we believe that additional conditions are warranted.

Our main concern relates to noise. We are concerned that the applicant's acoustic report has not adequately addressed some relevant issues. Specifically we note that it is based on the assumption that there will be no access to the rear car park from Macquarie Street, the identification of the rear of 100 Macquarie Street as being commercial when according to a submitter it contains residential accommodation, and the lack of attention to noise generated by the proposed elevated car park, including those associated with patrons' arrivals and departures (conversations, door shutting, engine starting, potential wheel 'squealing' depending on floor surface etc).

To address these matters we recommend new and amended conditions, which are outlined under the next heading.

We consider the issue raised by some submitters, of the appropriateness of the site planning and building design in the local heritage context, to be an important one. Some submitters object to the architectural design and some would prefer a building design more reflective of the existing historical form of the locality. Whilst we understand and appreciate these sentiments we nonetheless accept the conclusions reached by Council's officers and its heritage advisor on the appropriateness of the proposed design.

Civic buildings are often of a 'grander scale' than their surrounds and since this site has accommodated civic uses for some time we consider a civic building of the proposed scale to be appropriate for the site.

We also consider that building design within a heritage setting should not, by necessity, seek to replicate building design from its surrounds. Although needing to be sympathetic to its context, it is reasonable and appropriate in our view for the design to be contemporary, reflecting its own time and function, as part of the evolving history of the place. Whilst accepting that community views on the architectural aesthetics may differ, the proposed design philosophy clearly adopts the contemporary rather than the deviatory approach and as such is, in our view, reasonable.

We finally note a submission in relation to the car parking spaces along the eastern boundary towards the front of the site. It expresses concerns relating to heritage and streetscape impacts associated with these spaces. Some suggestions about these spaces were also made by Council's heritage advisor. We note however that the submission refers to 6 spaces and that the amended architectural plan shows only 5 spaces, with the deletion of the front-most space. However the amended landscape plan still shows 6 spaces. To overcome this anomaly, a further annotation 'in red' should be included on the landscape plan showing the deletion of the front space and replacement by appropriate landscaping (up to the front boundary). This at least in part addresses the issue raised by the submitter. We consider that an even better outcome might include the deletion of the next car space along this boundary to further improve the

streetscape presentation and to further avoid potential conflicts associated with vehicles reversing out of the space in relatively close proximity to the Macquarie Road entrance. However, we do not consider this to be a determinative issue and we do not provide a firm recommendation to delete the extra space without having fully examined its implications in terms of car parking, traffic and operational management. We therefore leave it only as a matter for Council's consideration.

3. Are the recommendations sound?

We consider that the officer's recommendation of conditional approval of the application is appropriate and sound.

4. Are conditions of consent reasonable and appropriate?

We consider that the recommended conditions of consent are reasonable and appropriate in that they:

- Are within the scope of Section 80A of the Act;
- Reflect assessment issues outlined in the officer's report;
- Address recommendations requested by internal specialists; and
- Generally address relevant matters raised in submissions, were appropriate, subject to our earlier comments.

However, we recommend the following additional conditions to address the matters we raised under the previous heading:

Condition 7

Include at the end of that condition:

A supplementary acoustic report is to be submitted to the satisfaction of the council that addresses vehicular noise associated with the eastern driveway as approved in this consent and with patron and vehicular noise (conversations, door shutting, vehicle starting, pavement surfaces etc) as it affects adjoining residential receivers. Specific design and management recommendations to minimise identified adverse noise impacts are to be included in the report. All recommendations are to be implemented.

Condition 77

(d) Recommendations from the supplementary acoustic report submitted in accordance with condition 7.

5. Are there any other pertinent issues?

Prior to completing this report, we advised Council staff of some procedural matters arising from our preliminary review of the assessment report. Whilst these matters do not affect our review of the merits of the application, they have lead to some minor changes to the officer's assessment report which we consider now appropriately address statutory requirements.

We trust this report satisfies your requirements, however please do not hesitate to contact the undersigned should you require any further information or clarification.

Yours Sincerely,

CITY PLAN STRATEGY AND DEVELOPMENT PTY LTD

A handwritten signature in black ink, appearing to read 'DR', with a long horizontal flourish extending to the right.

David Ryan
Executive Director