

4 March 2013

Development, Health & Customer Services

Reference: X/900/2011

Panel Secretariat
Joint Regional Planning Panel (Sydney West Region)
GPO Box 3415
SYDNEY NSW 2001
Attention Ruth Paton

Dear Ms Paton,

Project: a fire brigade station for NSW Rural Fire Service

Property: Crown Reserve 751647 (Part), 117-121 Shipley Road, BLACKHEATH

I refer to your email of 1 March 2013 inviting the Council's response to a Rural Fire Service (RFS) letter dated 8 February 2013. The RFS letter provided comments in relation to the Council's draft conditions of consent for the subject application.

It should be noted that the Council has no record of receiving or registering the RFS letter or amended plans for the proposal. The RFS letter was first received by the Council as an attachment to your email. The amended plans alluded to in the RFS letter have only been provided to the Council today.

The following is the Council's response to the RFS comments on the draft conditions of consent:

Condition	RFS comments	Council response
Deferred commencement conditions		
1. Detailed Stormwater Management Plan (SWMP)	The requirement of the concurrence authority that this condition be complied with prior to the consent being operational is noted. However, it is maintained that the detailed nature of the SMP required is a matter that can and should be satisfied as an operational condition during the detailed design stage of the development.	The submission of a detailed stormwater management plan (SWMP) is required as a deferred in accordance with condition 10 of the Sydney Catchment Authority's (SCA's) concurrence. The Council sought clarification from the SCA after receiving their concurrence. The SCA confirmed that as the submitted plan was hand drawn, with no drawing number or author's name and included the incorrect wastewater treatment system, the provision of a properly drafted and detailed SWMP was required as a deferred commencement matter.

2. Geotechnical Investigation	<p>Additional geotechnical is not required as NSW have carried out both field and lab geotechnical investigations. The report has been presented to Council and SCA.</p> <p>SCA have not asked for this condition.</p> <p>The condition should be deleted. It should not be a deferred commencement condition.</p>	<p>Geotechnical information was submitted in an addendum dated 23 April 2013 to the Water Cycle Management Study. At section 3.2 of the addendum, soil depths, types and hydraulic conductivity are described based upon geotechnical fieldwork carried out by NSW Public Works.</p> <p>The SCA reviewed the information included in the addendum and considered the results to be contradictory.</p> <p>A complete report detailing locations and number of tests has not been provided to the Council. It is considered relevant to understand whether the testing was located at the proposed sites for the bio-retention and wastewater systems.</p> <p>The requirement for geotechnical investigation to be a deferred commencement matter is to permit it to inform the detailed SWMP required in deferred commencement condition 1.</p> <p>The resolution of this condition is not considered onerous based upon the statements in the addendum of 23 April 2012</p>
3. and 4. Design and Certification of SWMP	<p>These conditions should not be a deferred commencement condition. It is a matter that can be addressed in the detail design of the stormwater management system.</p>	<p>The outcomes detailed in condition 3 and the certification required by condition 4 are included as deferred commencement conditions as they inform the detailed SWMP required to satisfy deferred commencement condition 1.</p>
5. Transfer of Crown Road reserve to Council	<p>NSW RFS cannot agree to this condition because it does not have the power to implement the condition. This is a matter between Council and the Department of Primary Industries.</p> <p>In any event this should not be a deferred commencement condition as it is not fundamental to the consent and it can be implemented during the construction process or following.</p>	<p>Dalton Place is a Crown Road reserve and the proposal relies upon the construction of a vehicle access from Shipley Road to and onto the site via Dalton Place.</p> <p>In accordance with the Crown Lands NSW Circular 2009/19 'Dealing with Applications to Construct Crown Roads' 30 March 2009, an applicant wishing to undertake works on a Crown public road that are not of a minor repair nature is required to obtain the local council's concurrence to the ownership of the road being transferred to the council, in terms of section 151 of the Roads Act 1993.</p>

		<p>The works required in Dalton Place to provide vehicle access to the site are not considered to be of a minor repair nature, and therefore the transfer of the road reserve to the Council is considered to be fundamental to the proposal and appropriate to be included as a deferred commencement condition. If the Council was not willing to have the road reserve transferred to the Council, or the transfer was to fail, the proposal could not proceed in its current form and an alternate access would need to be provided.</p> <p>The Council is willing to permit the road reserve to be transferred to the Council. The process to transfer the road reserve is not considered onerous. It only requires the RFS to submit a written request to the Council for the transfer to proceed, and payment of the relevant Council and Crown Lands fees.</p> <p>It is also noted that the Council's Development Control Plan 31 (DCP 31) 'Public Infrastructure Works in Subdivisions and Developments' requires the transfer of Crown roads to the Council be a deferred commencement provision.</p>
6. Consolidation of Lots 204 and 205	<p>NSW RFS cannot agree to this condition because it does not have the power to implement the condition. This is a matter for the Department of Primary Industries.</p> <p>In any event this should not be a deferred commencement condition as it is not fundamental to the consent and can be implemented during the construction process or following.</p>	<p>The consolidation of allotments that are encompassed by a development proposal is a good practice.</p> <p>The two allotments are integrated by the physical design of the proposed development, with the proposed building and hard stand areas extending across both lots. As such it is considered reasonable and appropriate that the allotments be consolidated to reflect this integration.</p> <p>Additionally, the consolidation will ensure that the allotments cannot be sold off separately, excising an essential part of the development, such as vehicle access, parking, stormwater management systems from the building, or isolation of the wastewater treatment system on an undersized parcel of land.</p>

		<p>The consolidation provides an efficient and sound planning outcome.</p> <p>Whilst the NSW RFS does not own the land, they are the applicant and have the benefit of the consent. It is the responsibility of the RFS to resolve this matter with the Department of Primary Industries.</p> <p>As the proposal is a Crown development, the Council is willing to agree to the amendment the draft consent such that the consolidation of the two allotments is completed prior to the commencement of works on the site.</p>
Operational conditions		
1. Confirmation of relevant plans	This list of plans should be amended to refer to the amended plans	<p>The Council received a set of amended plans on 4 March 2013.</p> <p>The plans have been reviewed and it is noted that the amendments are minor and do not alter the Council's assessment of the proposal. As the proposal reduces the size of the building, it is considered that re-notification is not warranted.</p> <p>The Council accepts the amendment of this condition to reflect the most recent amended plans provided by the applicant.</p>
16. Internal pavement	It is submitted that the requirement to kerb and seal all access driveways is excessive to needs and that a formed but unsealed access is appropriate for the needs of the development and represents an overdesign.	<p>This matter is largely addressed in section 6.1 of the Council's assessment report.</p> <p>As the site is to accommodate heavy vehicles and their manoeuvres within the site, an unsealed surface is not considered suitable. An unsealed compacted roadbase surface will deteriorate more quickly than a sealed pavement, and sediment laden runoff is likely to adversely impact the long-term functioning of the water quality control devices. Similarly, kerbing or wheel stops will be required to minimise the risk of vehicles impacting the bio-retention trenches adjacent to the car parking areas.</p> <p>The requirement for asphalt sealing of the internal pavement represents a concession in standards of construction applied to the works undertaken most recently at the</p>

		<p>Valley Heights and Faulconbridge RFS stations.</p> <p>It is also considered to be in the public interest that the works are completed to a reasonable standard and quality that will not create an ongoing maintenance burden on the community, as the Council will become the asset owner.</p> <p>The Council has offered to make a contribution to the construction costs to meet the required standards. To date, this offer has not been pursued by the RFS.</p>
<p>25. Works required in Council's Road Reserve (including Dalton Place)</p>	<p>It is considered that the sealed construction of Dalton Place is not justified based on the nature of the development. This will add significantly to the costs of the development.</p> <p>Council has been advised that the largest vehicle garaged at the brigade station is a Category 7 water tanker. This vehicle has a length of 6.2m and is therefore a Small Rigid Vehicle. The requirement for access to be designed for a HRV is excessive and an overdesign. Given the frequency of use of the site by the SRV (outside of emergency situations) any very irregular large vehicle entering or exiting the site by crossing over the centre line is acceptable on traffic grounds.</p>	<p>The Council's DCP 31 requires minimum standards for road construction that are to come into the Council's ownership and maintenance responsibility. As the gradient of the access construction in Dalton Place is steeper than 10%, DCP31 requires that the access be sealed and include a minimum 150mm DGB20 pavement on an approved subgrade. The standard of work specified in DCP 31 are to ensure the development can be appropriately accessed, and that the Council does not inherit assets that become a maintenance burden.</p> <p>As noted above, the Council has offered to make a contribution to the construction costs to meet the required standards. To date, this offer has not been pursued by the RFS.</p> <p>Due to the limited sight distance along Shipley Road from Dalton Place, widening of the Shipley Road shoulder or splaying the access to widen it at the Shipley Road carriageway to minimise the risk of vehicles tracking onto the wrong side of the road is considered essential for traffic safety. This is even more so the case for those occasions where large vehicles may enter Shipley Road in an emergency, potentially with visibility limited by smoke and concerned residents attempting to drive along Shipley Road.</p> <p>The traffic report submitted with development application indicated that an</p>

		<p>8.8m rigid vehicle (medium rigid vehicle) was considered to be representative of vehicles accessing the site. Whilst the application now proposes only SRVs to be garaged at the site, there is considerable likelihood that larger vehicles could utilize the site in emergencies. In the circumstances it is considered reasonable to amend the reference to HRV to refer to MRV.</p>
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Please call me on 47 80 5733 if you wish to discuss these matters.

Your assistance in quoting the reference number on the top of this letter in all dealings with Council would be appreciated.

Yours faithfully,



Paul Koen
Executive Principal Environmental & Engineering Services