

COUNCIL ASSESSMENT REPORT

Panel Reference	2018STH005
DA Number	T2017-051
LGA	Hilltops Council
Proposed Development	Emergency Services Facility for NSW Rural Fire Service involving: <ul style="list-style-type: none"> ▫ Fire control centre and regional office building ▫ Stores shed accommodating storage as well as parking for up to 4 trucks ▫ Hot fire training ground and shelter building ▫ Communications tower (30m high) ▫ Access road and parking area for 46 cars (includes 2 accessible spaces) and 3 trucks ▫ Overflow parking area for approximately 11 cars) ▫ Water tanks (4 in-ground and 2 above ground) ▫ Fire Hydrant assembly with associated booster, pump and 2 storage tanks ▫ Associated earthworks and utility services ▫ Future Fire Brigade Station
Street Address	4559 Burley Griffin Way CUNNINGAR
Applicant/Owner	Darren Hession, Public Works Advisory on behalf of Rural Fire Service
Date of DA lodgement	24 November 2017
Number of Submissions	One
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 7 of State and Regional Development SEPP (formerly Schedule 4A of the EP&A Act))	Section 5 – Crown Development over \$5 million Capital Investment value \$7,189,400
List of all relevant s4.15(1)(a) (formerly s79C(1)(a)) matters	<ul style="list-style-type: none"> • relevant environmental planning instruments <ul style="list-style-type: none"> ▫ State Environmental Planning Policy (State and Regional Development) 2011 ▫ State Environmental Planning Policy (Infrastructure) 2007 ▫ State Environmental Planning Policy No 55—Remediation of Land ▫ State Environmental Planning Policy No 64—Advertising and Signage ▫ State Environmental Planning Policy (Rural Lands) 2008 ▫ Harden Local Environmental Plan 2011 • proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority <ul style="list-style-type: none"> ▫ Draft SEPP Primary Production and Rural Development • relevant development control plan <ul style="list-style-type: none"> ▫ nil • relevant planning agreement that has been entered into under section 7.4 (formerly section 93F), or any draft planning agreement that a developer has offered to enter into under section 7.4 <ul style="list-style-type: none"> ▫ nil • Harden Contributions Plan for Other Developments • Goldenfields Water Developer Charges Policy • relevant regulations e.g. EP& A Regs 92, 93, 94, 94A, 288

List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Statement of Environmental Effects – February 2018 • Plans - Overall site and Locality Plans A.01 20.10.17 Rev 8 <ul style="list-style-type: none"> - Part Site Plan – A.02 – 20.10.17 Rev 9 - Site Elevations – A.03 – 20.10.17 Rev 5 - Site Elevations & Typical Section – A.04 – 21.10.17 Rev 4 - Landscape Plan – LD-01 05.04.18 Rev 2 - Site Lighting and Plan Detail - Survey Plan - Preliminary Treatment Train Plan and detail - Public Works Advisory Letter Additional Information 19.02.18 - Public Works Advisory's Approval of Conditions – 18.04.18
Report prepared by	Lorena Blacklock – Senior Strategic Planner – Hilltops Council
Report date	28 March 2018

Summary of s4.15 (formerly s79C) matters

Have all recommendations in relation to relevant **s4.15** matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Yes

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

**Not
Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24 formerly S94EF)?
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

**Not
Applicable**

Conditions

Have draft conditions been provided to the applicant for comment?
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Yes

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Overview of Report

1.0 Executive Summary

This application relates to land at Lot 7017 DP1301321 No. 4559 Burley Griffin Way, Cunningar and seeks approval for an *Emergency Services Facility* incorporating:

- Fire control centre and regional office building
- Stores shed accommodating storage as well as parking for up to 4 trucks
- Hot fire training ground and shelter building
- Communications tower (30m high)
- Access road and parking area for 46 cars (includes 2 accessible spaces) and 3 trucks
- Overflow parking area for approximately 11 cars)
- Water tanks (4 in-ground and 2 above ground)
- Fire Hydrant assembly with associated booster, pump and 2 storage tanks
- Associated earthworks and utility services.

The development application is a Crown Development under Division 4.6 of Part 4 of the *Environmental Planning and Assessment Act 1979* and the consent authority is the Joint Regional Planning Panel (Southern) as it meets the criteria under Schedule 7 of the *State Environmental Planning Policy (State and Regional Development) 2011* (formerly Schedule 4A of the *Environmental Planning and Assessment Act 1979*) for Regional Development being "*development with a Capital Investment Value (CIV) over \$5 million lodged by or on behalf of the Crown*".

The land is also a crown reserve that is managed by Hilltops Council and is subject to the *Harden Shire Council Plan of Management for Community Land*. The proposal can be accommodated under the existing Plan of Management for the land which maintains the purpose of the reserve for a racecourse and airfield while allowing for a lease or licence to be granted for the proposed use.

The land is zoned RU1 Primary Production under the *Harden Local Environmental Plan 2011* and the proposal is permissible by virtue of the *State Environmental Planning Policy (Infrastructure) 2008* and the main issues raised in the assessment relate to:

- Water quality including groundwater
- Stormwater management
- Visual impact
- Aircraft safety
- Servicing
- Traffic and Parking
- Road safety relating to Burley Griffin Way

The application was referred to the NSW Roads and Maritime Service (RMS) and also to the Commonwealth Civil Aviation Safety Authority (CASA) for advice on impacts on road safety related to Burley Griffin Way and aircraft safety related to the Harden Airfield located adjacent to the proposed development, respectively.

The required utility services can be provided to the development and extension of the existing sewer and water mains will be required. Vehicular access can be provided via the exiting access road which must be upgraded to a public access road standard and the intersection with Burley Griffin Way designed and constructed in accordance with the NSW Roads and Maritime Services RMS requirements. The potential impacts relating to groundwater and surface water quality have been addressed by removing the use of fire fighting foam from the training area and the design of a stormwater system that captures and treats the surface water to remove oils, grits and

hydrocarbons. The potential impacts on the aircraft safety of users of the adjoining airfield can be addressed through suitable markings and lighting beacon on the proposed communications tower. As well as notification to Air services and CASA to update the various procedural guides and mapping for tall structures.

Potential noise impacts from the operation of the facility have largely been controlled through the operation hours and enclosure of noise emitting equipment. The potential visual impacts of the proposal from adjoining homesteads and also drivers on the 100km/hr section of Burley Griffin Way has been managed through landscape screening with advanced stock and the relocation of the hot fire training facility to reduce visibility from the road. Potential noise, environmental and traffic impacts during construction have been mitigated through requirements for construction management plan and construction hours.

The application was the subject of one submission received during the public exhibition period for the development application. This submission raised issues concerning visual impact and management of stormwater. These matters have been addressed through additional landscape screening of the development and suitable design of stormwater to ensure an increase in discharge does not occur off the site and it is not directed onto the adjoining agricultural property. The following advice was received from the submitter

"Thankyou for the email confirming the requests in my submission regarding runoff water and landscaping including, planting of a sufficient number of various sized trees and shrubs will be addressed and included in the development on the western side and the southern side."

Conditions enforcing the arrangements and requirements in place to mitigate the potential impacts and manage the development into the future have been recommended. The recommended conditions have been provided to the applicant for approval. The application is a "Crown Development" under Section 4.32 (formerly section 88) of the Act and as such, Section 4.33 (formerly section 89) of the Act requires that conditions cannot be imposed on a consent for a Crown development without the approval of the applicant or Minister. The applicant provided their advice and objected to the conditions that related to costs being borne by them. Cost related conditions have been reviewed and rephrased to require the works to be done. The negotiation regarding costs attributable to each party can then occur outside the DA process. The Applicant has subsequently agreed to the revised draft conditions

The report has been prepared for the Southern Joint Regional Planning Panel as the consent authority as required under the SEPP (State and Regional Development) 2011. This SEPP identifies crown development with a value over \$5 million as regional development and with a value of over \$7 million, this development application qualifies for determination by the Panel.

The assessment identifies that the proposed development satisfies the objectives and controls of the *Harden Local Environmental Plan 2011* and the applicable SEPPs. The site is considered suitable for the proposed development and the potential adverse impacts during and post construction have either been removed or can be mitigated. Subject to the receipt of owner's consent (NSW Crown Lands), the development application is recommended to the Southern Joint Regional Planning Panel for approval subject to the conditions in Appendix 1, and subject to the receipt of evidence of the landowner's consent.

2.0 Development Description

2.1 Description of Proposal

The subject application seeks approval the construction of an Emergency Services facility incorporating:

- Fire control centre and regional office building
- Stores shed accommodating storage as well as parking for up to 4 trucks
- Hot fire training ground and shelter building
- Communications tower (30m high)
- Access road and parking area for 46 cars (includes 2 accessible spaces) and 3 trucks
- Overflow parking area for approximately 11 cars)
- Water tanks (4 in-ground and 2 above ground)
- Fire Hydrant assembly and associated booster, pump and 2 storage tanks
- Associated earthworks and utility services.

The proposed development will also involve the removal of two trees to provide access to the development site. The following Site plan in Figure 1 shows the components of the proposal including a future proposed fire brigade station. Figures 2-5 show the elevations of the proposed buildings and structures.

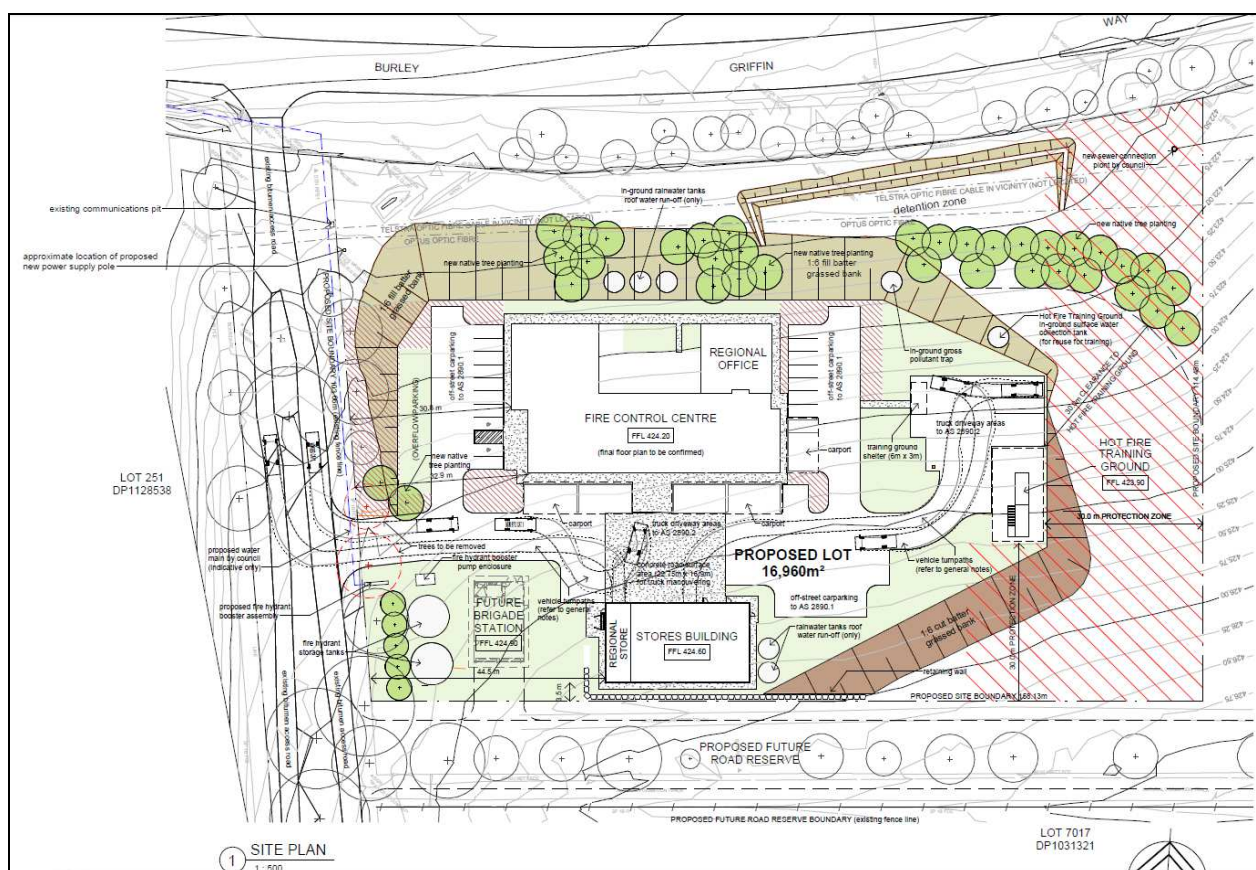


Figure 1 - Site Plan of Proposed Development

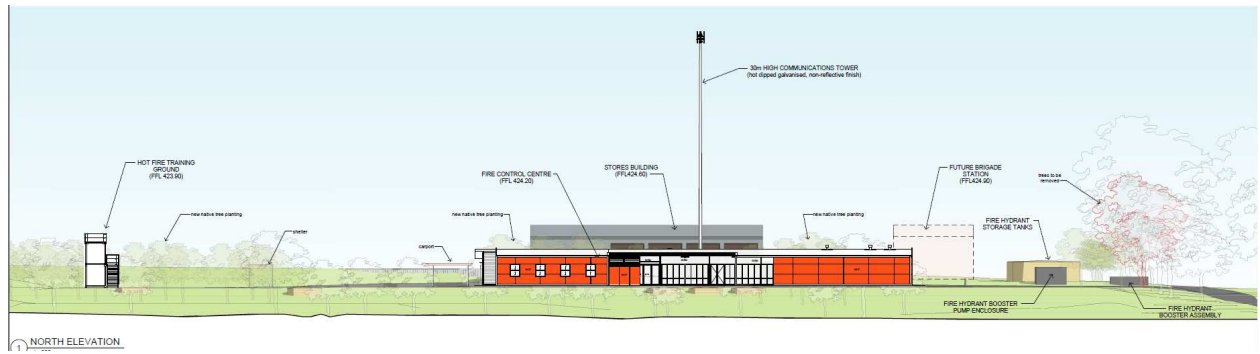


Figure 2 - North Elevation (View from Burley Griffin Way)



Figure 3 - West Elevation

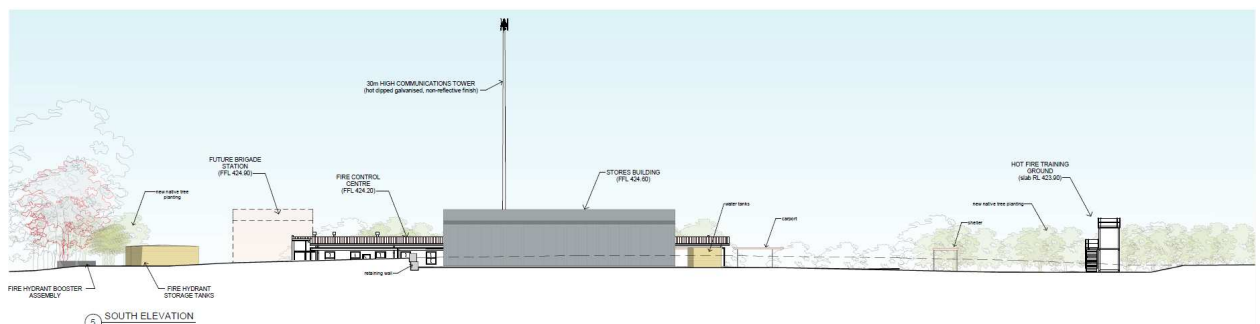


Figure 4 - South Elevation (View from Racecourse track and future proposed road)

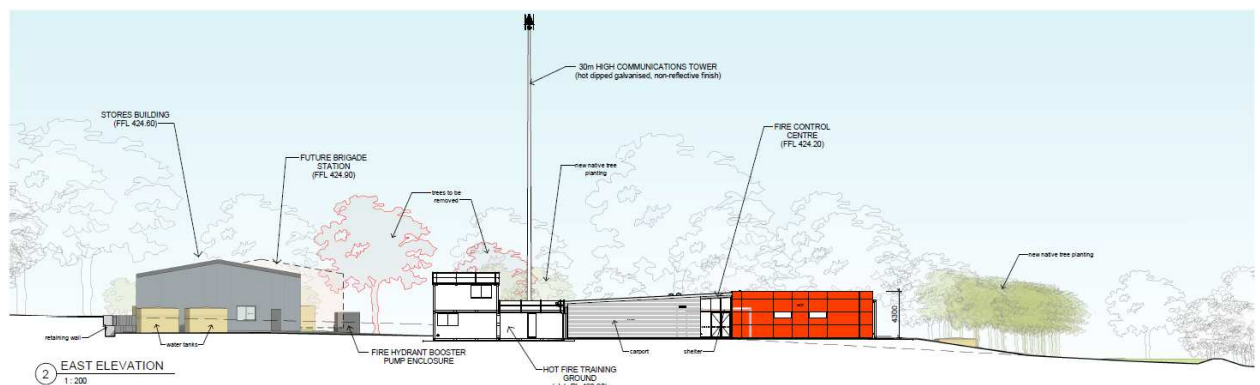


Figure 5 - East Elevation

The applicant's Statement of Environmental Effects documents the purpose, need and design for the development:

"The facility is designed to accommodate both the regional administrative operations and the South West Slopes operational services. The facility will contain the required emergency operational base including advanced telecommunications requirements and training and seminar capabilities.

The Harden site was selected due to the location being centrally located within the South West Slopes operational zone serviced by the Fire Control Centre. The addition of the regional office within the facility will assist in the control of operational emergencies. The addition of the Hot Fire Training Facility will also benefit the local operations in RFS and other outside emergency operations within the region.

The new facility will replace the existing Fire Control Centre in Harden and the Regional Office in Young. These facilities are ageing and do not currently meet the current or short-term storage requirements for the facilities, and do not meet long-term service requirements with no capacity for future expansion. The proposed development provides an opportunity to co-locate the Fire Control Centre and the Regional Office in the same location, thus providing efficiencies in RFS service to the area."

In terms of the operational aspects of the proposed development the Statement of Environmental Effects explains that:

"The regional office and training ground will generally operate 9am to 5pm Monday to Friday. However, the fire control centre, storage sheds and brigade station could operate outside of these hours during emergencies.

The regional office will employ about 15 fulltime staff during the week. During special events such as training days and/or conferences, patronage of the site may increase to up to 75 people. The frequency of special events is as follows:

- Use of the fire control centre for major emergency Incidents - 1 event per year up to 50 people for the duration of the event.*
- Local Training – on average 1 day per month with approximately 20 people.*
- Regional Training – 1 day per 6 months with approximately 40 people.*
- Local Conference events – 1 Day per month with approximately 20 people.*
- Regional Conference events – 1 Day per 6 months with approximately 60 people.*

The fire station, which will be constructed at a later date, will provide emergency response to the Hilltop region of NSW. Currently volunteer fire fighters respond to approximately 2 emergencies per week (averaged over 12 months)."

The applicant's SEE further describes the operational aspects in terms of potential noise impacts as follows:

"Most administration requirements for the operation of the South West Slope Fire Control Centre and Regional Office West will be undertaken during daylight hours with negligible impacts to the surrounding land users. Similarly, most training activities will be undertaken during the daytime.

Night time activities at the site would include call-outs and after-hours deliveries, generally in response to emergency situations.

After hours deliveries will be infrequent and largely only occur during emergency response activities. Any such deliveries are expected to cause minimal impacts on the amenity of the surrounding environment.

It is estimated that the night time call-outs will be an average of 2 calls per month, between the hours of 6pm and 8am. There is the potential for operational noise associated with night time call outs to exceed the amenity criteria, however this is

expected to occur on relatively rare occasions and all feasible mitigation measures will be implemented to minimise noise impacts from these activities.

Site management procedures should include noise management for night time activities, namely call-outs and deliveries. During night time activities, noise should be kept to a minimum. This may include preparing fire appliances within the garages and the use of sirens and restocking of trucks at night only when required, and undertaking activities during daytime hours as much as possible unless expressly required."

The following extract from the applicant's SEE explains the management of the stormwater on the site which also includes the construction of an earth bunded area at the low point in the north eastern portion of the development site.

"An onsite drainage system will collect stormwater runoff from the impervious areas of the site.

The proposed stormwater system for the development will be setup in 3 parts, as follows:

- 1. One system will capture the various roof areas and direct the runoff to rainwater tanks for onsite reuse. The actual estimated usage is to be determined in conjunction with a hydraulic consultant. The overflow from these tanks is to be directed to the detention zone.*
- 2. The ground water for the site, excluding the hot fire training ground, is to drain to a piped network which will discharge via a Gross Pollutant Trap (GPT) to an above ground detention zone.*
 - a. The GPT is to be sized to be able to satisfactorily treat the ground level hardstand area for sediment, oils and hydrocarbons.*
 - b. A preliminary catchment analysis indicates that the contributing catchment for the development area of the site only is in the region of 0.8120ha with a fraction impervious of 0.74. The predeveloped flow is in the region of 0.093m³/s for the 10% AEP event and 0.22m³/s for the 1% AEP event. To ensure that the developed runoff does not exceed these values a detention zone is proposed to be constructed by way of a constructed bund, sized with a storage capacity of some 117m³. This will include controlled discharge via a 300 diameter pipe to give a post development discharge flow of 0.090m³/s & 0.107m³/s for the 10% & 1 % AEP events respectively. This is below the current predeveloped flows.*
- 3. Council has noted that the culvert under the highway may have to be upgraded. If this is currently undersized that may be the case; however, through the use of the detention zone it is anticipated that this development will not increase the loading on this culvert."*

The proposed plans show the development in the context of a future proposed subdivision which will excise the development site from the remainder of Lot 7017 and include a future road to the south providing access to future lots proposed on the northern side of the racecourse and to the east of the development site. The application does not include the subdivision of the land, nor does it necessarily rely on a subdivision for its operation. As such the subdivision aspects are not included in the assessment of the application and will be subject to a future application, should it be pursued. Accordingly, the future brigade station is treated the same and is not included in the assessment.

2.2 Land Owners' Consent

As at the time of writing this report, the applicant has yet to provide evidence of the owner's consent for the lodgement of the development application. There is a process required to be undertaken to gain land owners consent from the NSW Crown Lands. This process was commenced late last year and is progressing. The application cannot be determined until such consent is provided.

3.0 Background

3.1 Site and Locality Description

The site is located in Cunningar which is the locality immediately east of Harden and has frontage to Burley Griffin Way. To the north of the site is the Main Southern Railway and Cunningham Plains Creek. This context is shown in Figures 6-7. Refer also to Appendix 2 for site photos.



Figure 6 - Location of Subject Site (coloured green) - source <https://maps.six.nsw.gov.au/>)

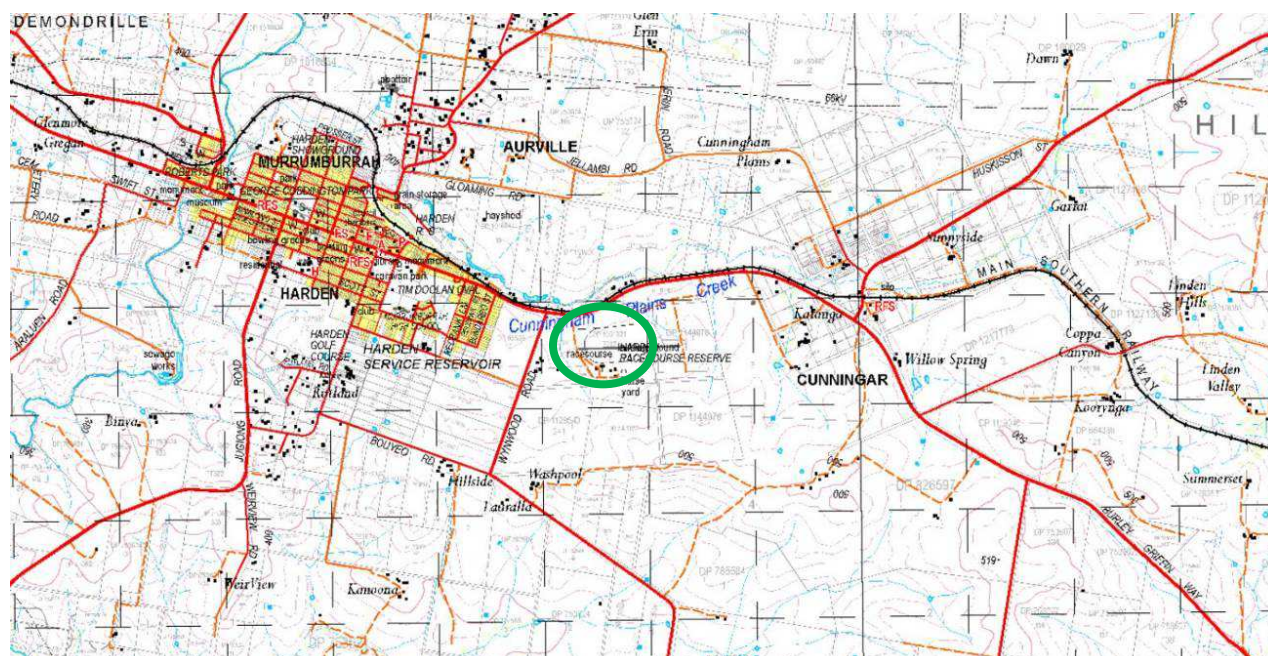


Figure 7 - Site Context with Harden Murrumburrah (Source: Topographic map <https://maps.six.nsw.gov.au/>)

The subject site is identified as Lot 7017 DP 1301321 and is known as 4559 Burley Griffin Way, Cunningar. It is also a crown reserve (R85737). Hilltops Council is the Crown Reserve Trust Manager and the land is used for aviation and a racecourse. The land is included in the Harden Community Land Plan of Management.

The reserve is a large parcel of land with an area of 40.52ha containing a racecourse with associated buildings, an airstrip, fenced land used for cattle grazing, an access road and a number of small billboard signs facing Burley Griffin Way. The access road has a light bitumen seal and is lined with mature eucalypt trees with several positioned within an unformed central median. It provides access to the airstrip and the racecourse, including to the buildings and horse yards at the southern portion of the lot. The aerial photo in Figure 8 shows the current development on the site.



Figure 8 - Aerial of 4559 Burley Griffin Way Cunningar (R85737) – Proposed Fire Control centre Development Site edged in red (indicative)

The proposed development will be located on the north western portion of the subject land, which is proposed to be subdivided in the future. This portion which will be referred to as the "development site" has an area of approximately 1.55 hectares and is shown edged in red on Figure 8.

The development site has a gradual and relatively even 4.5% (1 in 22) slope from south to north with the lowest point in the north eastern portion adjacent to Burley Griffin Way. The development site also has two underground fibre optic cables traversing the northern part of the site and approximately parallel to Burley Griffin Way.

Surrounding development is predominately rural with large predominantly cleared lots, some homesteads, farm buildings and dams. A small dam is adjacent to the north eastern boundary adjoining Burley Griffin Way.

3.2 Development History

Development on the site consists of a racecourse and airstrip. The Harden racecourse consists of a track with associated fencing, buildings, tracks, landscaping and access road. This facility is used for the annual Harden Picnic Races. The airfield is managed by Council and is an unsealed dirt strip that runs east west through the racecourse. It is used by small light planes that are mainly engaged in crop dusting.

4.0 Assessment

4.1 Council Policies, Procedures and Codes to Which the Matter Relates

The following Council policies, procedure and codes are relevant for this application:

- Harden Local Environmental Plan 2011
- Harden Shire Council Plan of Management for Community Land
- Pesticide Use Notification Policy & Plan for Outdoor Public Places
- Harden Backflow Prevention Policy

4.2 Harden Local Environmental Plan 2011

The following assessment under the Harden LEP 2011 addresses the clauses that are relevant to the land and the proposed development.

Part 1 Preliminary

Cl 1.2 Aims of the Plan

The proposed development is considered consistent with the aims of the plan as it will:

- not impact on diversity of sustainable primary industry production
- not create a land use conflict with surrounding primary production areas
- properly manage impacts on soil, water and vegetation during and after the development
- not impact upon areas of high scenic value, recreational value, nature conservation or areas of archaeological or heritage significance
- provide opportunity for the relocation and development of Rural Fire service's operations in the Harden area and the associated employment and economic opportunities.

Cl 1.4 Definitions

The proposed development is defined as an:

"emergency services facility [which] *means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.*"

An **emergency services organisation** includes the NSW Rural Fire Service.

Cl 1.9A Suspension of covenants, agreement and instruments

The subject land is a Crown Reserve R85737 for Racecourse and aviation purposes. This clause does not suspend any covenants imposed by Council or any prescribed instruments within the meaning of section 183A of the *Crown Lands Act 1989*. No restrictions on use or covenants that prevent the proposed development have been identified. No prescribed instruments have been identified as preventing the proposed development being:

- a condition to which a recording under section 36 (4) (a) relates which involves the erection of a building within a specified time and the option for the Minister to repurchase the land
- a condition to which a recording under section 37 (2) (a) relates which are conditions of sale
- a condition to which a recording under section 38 (a) relates, which restricts the transfer of the land.

Part 2 Permitted or Prohibited Development

Cl 2.1 Land Use Zones

The subject land is zoned RU1 Primary Production.

Cl 2.3 Zone objective and Land Use Table

Under this clause the consent authority must have regard to the objectives of the zone when determining the development application. The proposed development is not necessarily encouraging sustainable and diverse primary industry, however it is considered that it does encourage the development of a non-agricultural land use (being the fire control centre) that is compatible with the character of this area. The area in which the development is proposed includes the non-agricultural uses of a racecourse and airfield. The proposed development will not generate land use conflict by way of being sensitive to noise, generating excessive noise, it will manage impacts including traffic generation and stormwater runoff in an appropriate manner and also considers visual impact in terms of providing necessary landscaping to mitigate driver distraction and rural views. As such it is considered consistent with the relevant objectives of the zone.

Whilst the proposal is considered consistent with the relevant objectives, the proposal, defined as an "emergency services facility" is a use that is not listed in the Harden LEP as "Permitted without consent" or "Permitted with consent". This means the use is Prohibited under the LEP. The State Environmental Planning Policy (Infrastructure) then takes precedence in terms of the permissibility of this land use. Refer to assessment below.

Part 3 Exempt and Complying Development

Not relevant as development is not exempt or complying development

Part 4 Principle Development Standards

Clauses 4.1, 4.1AA, 4.2, 4.2A and 4.6 are not relevant as the proposal does not include subdivision, the erection of dwelling houses or the contravention of a development standard.

Part 5 Miscellaneous Provisions

Clauses 5.1, 5.2, 5.3 are not relevant as the proposal is not on land that is reserved for acquisition under this LEP, nor land that is reclassifies or located near zone boundaries.

Clauses 5.4, 5.8, 5.10 and 5.11 are not relevant as the proposal does not include any of the miscellaneous uses, the conversion of fire alarms, bushfire hazard reduction work or involve heritage items, archaeological sites or Aboriginal places of heritage significance.

Part 6 Additional Local Provisions

Cl 6.1 Earthworks

This clause specifies when development consent is required for earthworks and the matters for consideration. The proposed development includes earthworks that are ancillary and as such, this clause does not strictly apply. The matters for consideration have been addressed.

- (a) *the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*
The earthworks include measures to manage the detention and capture of stormwater from the site and its disposal to the current infrastructure on Burley Griffin Way. The applicant has stated that it is intended to capture and reuse as much stormwater on site as possible. Any consent issued will include a stormwater condition to ensure that post development flows are not more than the predevelopment flows
- (b) *the effect of the proposed development on the likely future use or redevelopment of the land,*
The earthworks will be contained within the development site and will not adversely impact the future options for the development and use of the land.
- (c) *the quality of the fill or the soil to be excavated, or both,*
The earthworks do not involve the import of fill. The cut and fill will be from the site and based on the site inspection and information from the applicant Environmental Consultant, there is no evidence to suggest the soil is contaminated.
- (d) *the effect of the proposed development on the existing and likely amenity of adjoining properties,*
Conditions relating to the management of dust and erosion during the construction period will be included on any consent issued to ensure that the amenity of the adjoining properties is not affected. The earthworks are not expected to generate any other effects that will adversely impact the amenity of the adjoining properties.
- (e) *the source of any fill material and the destination of any excavated material,*
The earthworks on the site for the proposal will achieve a cut and fill balance and as such there will be no import or export of fill material to and from the site
- (f) *the likelihood of disturbing relics,*
The search of the AHIMS database did not reveal the presence of any aboriginal site or aboriginal places of heritage significance on the site. The development site is part of the Crown Reserve which has historically been used for racecourse and airfield. The development site in more recent times has been used for grazing and is fenced off from the adjoining racecourse and airfield. Given these uses it is unlikely that relics are present, however a precautionary condition outlining the requirements of a find is recommended, should consent be granted.
- (g) *the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*
Cunningham Plains Creek is located on the northern side of Burly Griffin Way and is the receiver of stormwater from the site when it is discharged to the culvert on Burley Griffin Way. The earthworks will be suitably landscaped upon completion and erosion and sedimentation controls will be in place and enforced through conditions of consent to limit any water quality impacts on this watercourse.

CI 6.2 *Biodiversity Protection*

This clause does not apply as the subject land is not identified as "Significant Vegetation" on the Natural Resources Biodiversity Map.

CI 6.3 *Riparian Land and Watercourses*

This clause does not apply as the subject land is not within a watercourse or within 40m of the top of the bank of any watercourse identified on the Natural Resources Water Map

Cl 6.4 Groundwater Vulnerability

The objective of this clause is to maintain the hydrological functions of key groundwater systems and to protect vulnerable groundwater resources from contamination as a result of inappropriate development. This clause applies to the land as it is identified as "Groundwater Vulnerability" on the Natural resources Water Map.

The following matters are required to be considered before determining a development application.

- (a) *any potential adverse impacts the proposed development may have on the characteristics of the groundwater present in the area, and*

The proposed development has been amended to avoid adverse impact on groundwater. This includes the removal of the use of fire fighting foam on the hot fire training ground and the use of gross pollutant trap (GPT) that can treat oil, grit, sediment and hydrocarbons from the car parking areas. Council's Environmental Health Officer has reviewed these aspects and advises that the information provided by Calare Civil in their letter which confirms that the carpark runoff will be satisfactorily treated via being drained into a gross pollutant trap that will treat or remove oil, grit, sediment and hydrocarbons and therefore the potential impact on groundwater and the creek to which the storm water will drain will be minimal.

- (b) *any risk of groundwater contamination from the proposed development, including from on-site storage or disposal of solid or liquid waste and chemicals, and*

The proposal includes a storage shed which will be used to store materials, fuel and chemicals associated with fire fighting. The applicant has advised that any hazardous or potentially contaminating materials to be stored onsite such as fuel for the fire engine, generator or lawnmower will be of a similar nature and quantity to those used in a domestic setting. Council's Environmental Health Officer has reviewed the potential risk and advised that minimal impact on groundwater or soil is anticipated for such stored materials. It will however be recommended for a condition of consent to be included requiring for fuel to be stored within a suitably constructed bunded area in case of spillage or leaks. This aspect will be conditioned on any consent issued for the proposal.

- (c) *any cumulative impacts the proposed development may have on groundwater, including impacts on nearby groundwater extraction for a potable water supply or stock water supply, and*

No groundwater extraction is proposed and it is not envisaged that the proposal will result in cumulative impacts on groundwater. It is noted that the proposal will harvest stormwater from the site for use, however, it is considered that the relatively small area of the site in comparison to the area mapped as ground water vulnerable in this area will mean that any impacts on the recharge rates will be minimal.

- (d) *any adverse effect on groundwater dependent ecosystems.*

A review of the Bureau of Meteorology data for groundwater dependent ecosystems (GDEs) revealed that there are not terrestrial or aquatic groundwater dependent ecosystems located on the development site. There are terrestrial GDEs located south of the site and north of Cunningham Plains Creek (Figures 9-10) and Aquatic GDEs along Cunningham Plains Creek. It is not expected that the development by way of construction, operation and harvesting of stormwater will adversely impact on these areas given the relatively small scale of the site and works in comparison to the catchment area.

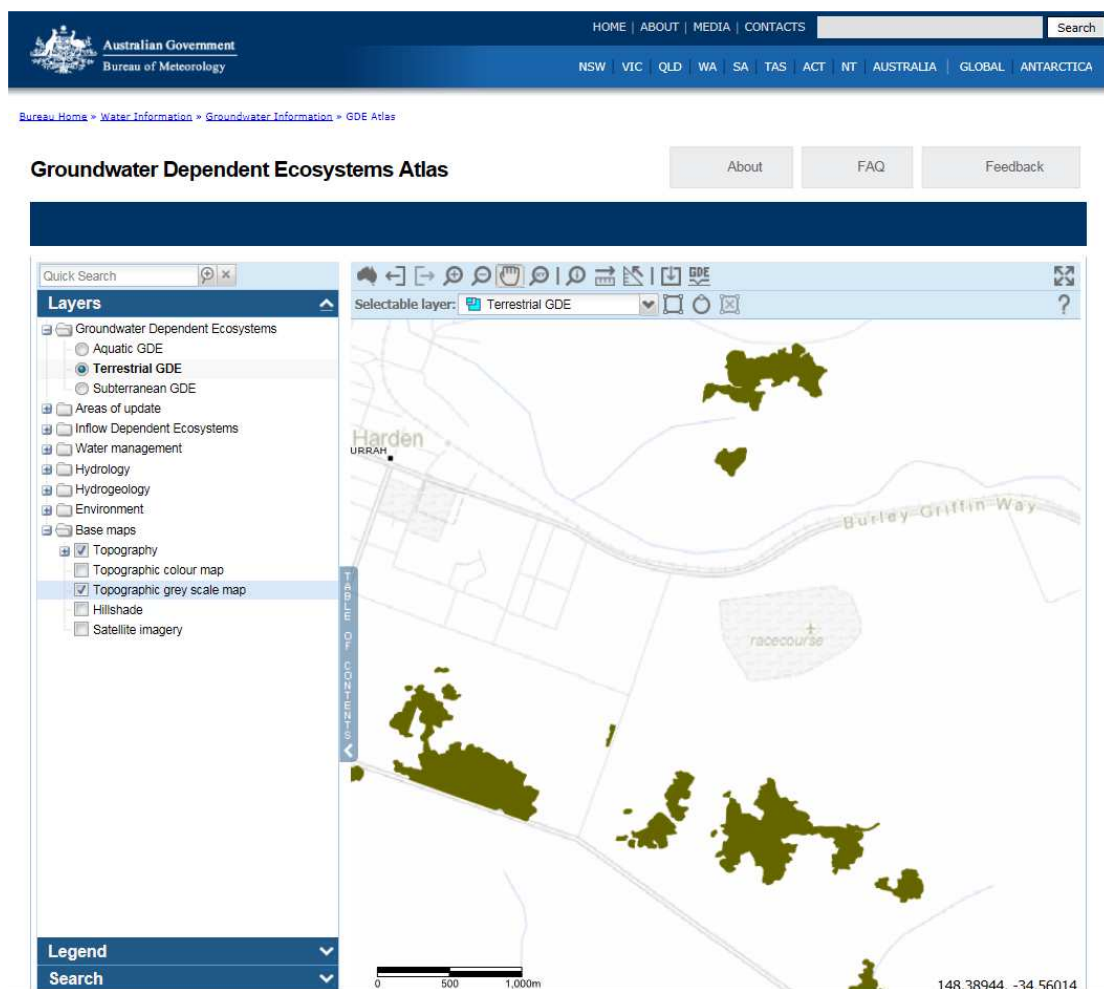


Figure 9 - Terrestrial Groundwater Dependent Ecosystem (GDE) - Source: Bureau of Meteorology

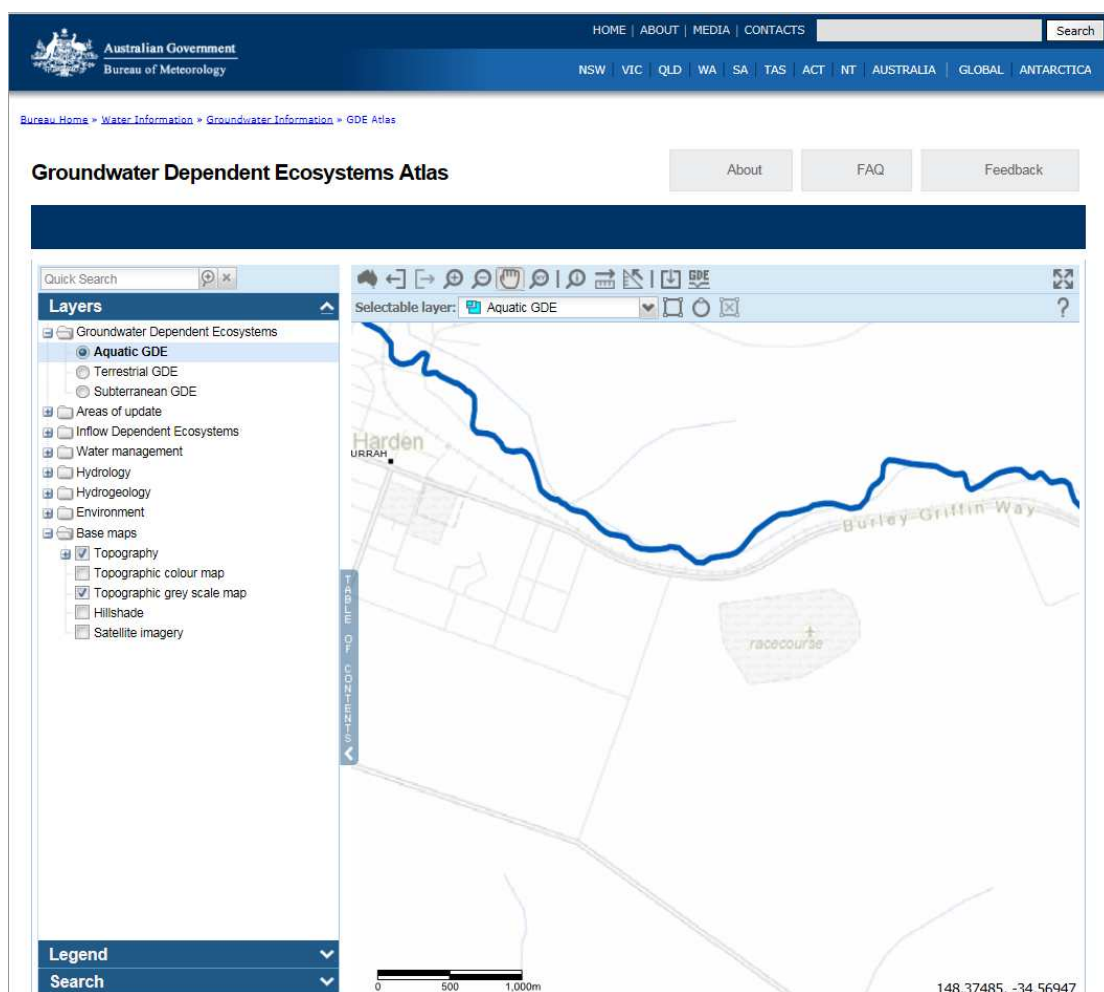


Figure 10 - Aquatic Groundwater Dependent Ecosystem - Source: Bureau of Meteorology

If consent is to be granted the consent authority must be satisfied of the following matters:

- (a) the development is designed, sited and will be managed to avoid any adverse environmental impact, or*
- (b) if that impact cannot be avoided, and having taken into consideration feasible alternatives, the proposed design, construction and operational management of the development will mitigate and minimise those impacts to a satisfactory extent.*

The development site does not contain any groundwater dependent ecosystems. While the amount stormwater infiltration will be reduced slightly by the capture and reuse of rainwater from the roofed areas of the development, the scale of this compared to the catchment is considered minor. The development has also been designed to include gross pollutant traps (GPT) that can treat any oil, grit, sediment and hydrocarbons that may come from the sealed training, car parking and manoeuvring areas of the site. This measure will protect the groundwater from these contaminants. Further, the proposed development has been amended to remove the use of fire fighting foam on the fire training area and therefore removes this potential adverse environmental impact.

CI 6.5 Flood Planning

This clause does not apply as the land is not shown as "Flood planning area" on the Flood Planning map, nor is it at or below the flood planning level, being the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

CI 6.6 Salinity

This clause does not apply as the land is not shown as "Dryland Salinity" on the Natural Resources Land Map.

CI 6.7 Highly erodible soils

This clause does not apply as the land is not shown as "High Soil Erodibility" on the Natural Resources Land Map.

CI 6.8 Essential Services

This clause does not apply to the land as it is zoned RU1 Primary Production.

4.3 Plan of Management for Community Land

The land is classified as community land under the *Local Government Act 1993* and is subject to the *Harden Shire Council Plan of Management for Community Land*. This includes a specific plan for the Harden Airfield and Racecourse. The core objectives of this plan are:

"To promote, encourage, and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and wider public:

- a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and*
- b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).*
- c) To encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities, and*
- d) To provide small aircraft landing and takeoff facilities, and*
- e) To provide a racecourse facility for use by local Picnic Race Club and associated equine recreational facilities."*

The Plan of Management anticipates the future use of the land and buildings and details that the primary use is for aircraft landing and takeoff facilities and active recreation involving organised equestrian sports or the playing of outdoor games, however Council will permit the erection of structures and buildings complementary to the use of the land.

It also authorises the lease, licence or grant of any other estate for a number of purposes including:

"the provision of ... facilities and carrying out of activities, appropriate to the current and future needs within the local community and of the wider public in relation to any of the following:

...

- b) the physical, cultural, social and intellectual welfare of persons including but not limited to, maternity welfare centres, infant welfare centres, kindergartens, nurseries, childcare centres ... surf life saving clubs, restaurants or refreshment kiosks,..."*

A fire control centre for the NSW Rural Fire Service fits within these parameters being a facility that is appropriate to the current and future needs of the community and is required for the physical welfare and safety of the community in the event of fire, accidents and disasters. The development is also located on land that will not impact upon the use of the community land for airfield and racecourse purposes. Fire fighting facilities are often collocated with larger airfields and this development could be considered complementary to the airfield in this instance.

It is considered that the Plan of Management does not prevent the proposed development, nor does it does not require amendment to allow for the development or the granting of lease, licence or grant over the land for the purposes, should Council wish to do so.

4.4 Pesticide Use Notification Policy & Plan for Outdoor Public Places

This policy applies to Crown Reserves but does not raise any issues for the proposed development.

4.5 Harden Backflow Prevention Policy

This policy applies in Harden and requires the installation of appropriate backflow prevention devices on water meters (larger than 25mm) together with requirements for the devices and their location on the separate hydrant and sprinkler fire services on non-residential properties. Conditions of consent with these requirements are recommended to be included in any consent issued for the proposal.

5.0 Section 4.15 (formerly 79C) Matters for Consideration

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 4.15 of the EP&A Act:

5.1 Environmental Planning Instruments

5.1.1 State Environmental Planning Policy (State and Regional Development) 2011

This Policy applies to the land and the development and aims to identify state and regionally significant development. Clause 20 identifies Regionally Significant development by reference to Schedule 7 – Regionally Significant Development. The proposed development with its Capital Investment Value of \$7,189,400 exceeds the threshold of \$5 million for Crown Development and as such is Regionally Significant Development.

This means that the consent authority is the Joint Regional Planning Panel.

5.1.2 State Environmental Planning Policy No.55 – Remediation of Land

Clause 7(1) prescribes that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. A site inspection was conducted on 24 January 2018. The development site does not contain any structure (aside from some signage) and is used for grazing cattle. A review of available aerial photographs and records did not indicate any previous potentially contaminating activities on the site. The applicant supplied a letter from Envirowest Consulting dated 16 February 2018 confirming the contamination risk for the site as existing is considered low, and therefore no further site contamination assessments are requested.

5.1.3 State Environmental Planning Policy (Infrastructure) 2007

The Divisions of this policy that are relevant for this development relate to the permissibility of Emergency Services Facilities, Electricity network, development near rail corridors and traffic generating development in the vicinity of classified roads.

Subdivision 2 Development likely to affect an electricity transmission or distribution network

Clause 45 applies where the development

- penetrates ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
- carried out within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or
- carried out immediately adjacent to an electricity substation, or
- carried out within 5m of an exposed overhead electricity power line,

The proposed development will require power to be connected however does not meet the criteria above.

Division 6 Emergency services facilities and bush fire hazard reduction

Clause 47 applies to development involving Emergency Services Facilities. This clause allows for Development for the purpose of an emergency services facility to be carried out with consent in the RU1 zone and overrides the Harden LEP 2011. Refer also to the assessment under the LEP.

Subdivision 2 Development in gas pipeline corridors

Clause 55 applies to development adjacent to a gas pipeline corridor. This clause does not apply as the land is not within 20m of a gas pipeline corridor.

Division 12 Parks and other public reserves

This division applies to this land as it is a Crown Reserve. Clause 65 allows for development to be carried out without consent if the development is for the purposes of implementing a Plan of Management (PoM) adopted for the land. This development does not constitute the implementation of the Plan of management". The proposal is able to be carried out with development consent and appropriate leases issued in accordance with the PoM.

Division 15 Railways

Clause 85 deals with development adjacent to rail corridors. The site is separated from the rail corridor by Burley Griffin Way. The proposal will not have an adverse effect on rail safety and as such no referral to the rail authority is required.

Clause 87 deals with the impact of rail noise or vibration on non-rail development. The proposed development is not included in the sensitive uses that require special consideration under this clause.

Division 17 Roads and traffic

Clause 101 deals with development with frontage to a classified road. As Burley Griffin Way is a classified road and the development site has frontage to this road, this clause applies to the proposed development.

This clause requires the consent authority to be satisfied of the following matters.

- (a) *where practicable, vehicular access to the land is provided by a road other than the classified road,*

Vehicular access to the development site will be provided via the existing access from Burley Griffin Way. The existing access will be upgraded to a public access road standard as required by the Roads and Maritime Service. Refer also to RMS comments later in this report.

- (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
- (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*

The design of the access and vehicles accessing the land has been assessed by RMS, together with the nature of the RFS emergency services facility. Subject to conditions on the design of the intersection, access road and driveway to the development and the screening of the hotfire training ground to prevent distraction of drivers, the proposal will not adversely affect the safety, efficiency and ongoing operation of Burley Griffin Way. Refer also to RMS comments later in this report.

- (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The development is not a sensitive use and suitable glazing has been provided within the office areas to achieve an appropriate noise level for working conditions.

5.1.4 State Environmental Planning Policy No 64—Advertising and Signage

The applicant has not proposed any signage other than one building identification sign, which can meet the exempt provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. This has also been

raised in the applicant's Statement of Environmental Effects. No further assessment under this SEPP is warranted.

5.1.5 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

This code includes building identification signs up to 2.5m² in area. The proposed signage can meet the exempt requirements of the SEPP and therefore is not considered in the assessment of the application. The applicant has detailed this in their Statement of Environmental Effects.

5.1.6 State Environmental Planning Policy (Rural Lands) 2008

This SEPP applies to the land, however, the development is not for a dwelling or subdivision and therefore there are no relevant matters for consideration under this SEPP.

5.1.7 Other SEPPs

The following SEPPs apply to the land but are not relevant for this development:

State Environmental Planning Policy No 21—Caravan Parks

State Environmental Planning Policy No 30—Intensive Agriculture

State Environmental Planning Policy No 33—Hazardous and Offensive Development

State Environmental Planning Policy No 36—Manufactured Home Estates

State Environmental Planning Policy No 50—Canal Estate Development

State Environmental Planning Policy No 62—Sustainable Aquaculture

State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development

State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007

5.2 Draft Environmental Planning Instruments

The following draft Environmental Planning Instruments apply to the proposal.

Primary Production and Rural Development SEPP

It is noted that there is not a complete draft instrument with the proposed wording for the new SEPP and in its absence the Explanation of Intended Effect has been reviewed for the purpose of this assessment. There are no additional matters that are relevant to review from the changes that are anticipated by the Draft SEPP as the proposal does not involve subdivision, aquaculture, intensive livestock, irrigation corporation work or artificial water bodies.

Remediation of Land SEPP review

This draft SEPP was not on exhibition at the time of lodgement of this application and is therefore not considered.

5.3 Development Control Plans

There are no Development Control Plans applying to the land.

5.4 Planning Agreements

There are no planning agreements applicable to the proposed development.

5.5 Regulations

Matters specified under the EP&A Regulations 2000 have been considered in the assessment of this application.

5.6 Likely impacts of the Development, including Environmental Impacts on both the Natural and Build Environments, and Social and Economic Impacts in the Locality

The likely impacts of the proposed development have been assessed under the relevant headings below.

5.6.1 Context and setting

The development site is located in Cunningar which is outside the urban area of Harden, and on the crown reserve that contains the Harden Racecourse and airfield. The surrounding area is rural in nature with scattered homesteads and rural sheds and buildings. The proposal will present as a complex of relatively large single storey buildings and the visual and scenic impacts are proposed to be mitigated by landscaping around the site and the buildings. Additional landscaping will be required to complete the screening to limit visual impact on the adjoining property to the south west of the site. The proposed use is considered compatible with the uses on the site as well as the rural uses in the vicinity.

5.6.2 Access, transport and traffic

The proposal being some distance from the urban area of Harden will create a reliance on motor vehicles to access and work at the site. There are limited public transport options in the area to reduce this dependency. The impacts on traffic safety and traffic generation impacts on the classified road, Burley Griffin Way, have been assessed by the RMS and are acceptable subject to conditions of consent. Refer to RMS Comments later in this report.

The proposal has also provided suitable parking on site for the traffic that will be generated. It is noted that there is an additional grassed parking area that will accommodate approximately 11 cars that can cater for overflow in the event of a large conference or the like. Accessible parking has also been provided for 2 vehicles close to the entrance of the building.

The construction management plan that will be required for the development will also manage parking and traffic associated during the construction phase.

5.6.3 Public domain

The proposed development is located on a crown reserve that contains a racecourse. The recreational opportunities for the racecourse and the land will not be reduced by this proposal. The development site is located within an area that has been used for grazing and not recreational uses. There is adequate land still within the reserve to accommodate activities related to the racecourse and airfield. The proposal will benefit the uses by upgrading the access road from Burley Griffin Way.

5.6.4 Utilities

Utilities to service the development are available, but will need to be extended to the site. This aspect will be conditioned to ensure the development is appropriately serviced with water, sewerage and electricity.

5.6.5 Heritage

There are no heritage items on the site or in the vicinity. A search of the Aboriginal Heritage Information Management System (AHIMS) has not identified any aboriginal sites or places in or near the site. A condition highlighting the requirements of an unexpected find will be included in any consent issued, to ensure any items of aboriginal significance that may be discovered during the excavation and earthworks for the development are protected.

5.6.6 Other land resources

The proposal is unlikely to adversely affect mineral and extractive resources, water supply catchments or productive agricultural land. While the land is being used for grazing, its location adjoining the racecourse and airfield does affect its long term use for this purpose.

5.6.7 Water

The proposal includes the installation of a number water tanks to collect roof water and will also be connected to the reticulated potable water supply. The applicant has not detailed the use of water saving devices within the building. The proposal includes the collection and treatment of stormwater from the carparking, driveways and training area of the site, prior to its discharge into the stormwater system and into Cunningham Plains Creek. The use of gross pollutant traps and onsite detention will limit any adverse impact on the quality and quantity of surface runoff from the site.

Refer also to the assessment under the LEP for groundwater vulnerable land.

5.6.8 Soils

The site has not been identified as steep or unstable land, affected by salinity, acidity or contaminates. The construction and earthworks associated with the development has potential to cause soil erosion and sedimentation of waterways. A construction management plan together with an Erosion and Sedimentation Control plan will be required prior to the commencement of any works on the site. Conditions to this effect together with a condition requiring the installation of erosion and sedimentation control measures to be installed prior to work commencing are recommended to be included in any consent issued.

5.6.9 Air and microclimate

The development is unlikely to affect air quality or microclimate conditions of the site or immediate area. The use of the site will not involve the release of emissions other than that emitted from the vehicles using the site.

5.6.10 Flora and Fauna

The proposed development is unlikely to impact on the maintenance of biodiversity, as there are no critical habitats, threatened species and the like identified on the land. The land has been used for grazing for many years and additional landscaping is proposed for the site which will compensate for the removal of trees for the access driveway and that required for the construction of the access road from Burley Griffin Way. The trees to be removed are not endemic to the area.

5.6.11 Waste

The proposed development was amended to remove the use of fire fighting foam on the training area and as such this removes the need to collect and treat this liquid waste. The proposed development will generate waste consistent with an office and plant depot, noting that there is no maintenance work on vehicles proposed. There is suitable area on site for the provision of a waste collection receptacle and the access can accommodate a medium rigid waste collection vehicle. A condition requiring the provision of screened waste area is recommended for any consent issued.

5.6.12 Energy

The proposed buildings are subject to Section J of the Building Code of Australia and will incorporate measures to conserve energy and be energy efficient.

5.6.13 Noise and vibration

The development has the potential to generate noise impacts due to the construction of the facility, the use of pumps and generators and the noise associated with delivery vehicles. These impacts can be mitigated through construction hours, use of sound proof enclosures and operational hours.

Conditions are recommended to be included in any consent. Refer also to Environmental Health Officer's comments later in this report.

5.6.14 Natural hazards

The site is not identified as bushfire prone on the Bushfire Prone land map, nor is the land identified as flood liable or at risk of subsidence. Given the location of the site adjoining unmanaged grasslands there is potential grassfire risk associated with the land to the east and west of the site. The site has suitable areas within to maintain asset protection areas to mitigate this risk.

5.6.15 Technological hazards

The site does not have evidence of land contamination. Refer to assessment under SEPP 55 and comments from Environmental Health Officer.

5.6.16 Safety, security and crime prevention

The Crime Prevention Through Environmental Design (CPTED) principles are relevant in this assessment.

- *Surveillance*

The proposed development is located outside the urban area of Harden and as such does not have the benefit of regular natural surveillance. While the site is visible from Burley Griffin Way, the 100km speed zone and distance from the road limits the opportunity for natural surveillance particularly outside normal business hours. Landscaping is proposed and a balance between its purpose for screening and enabling natural surveillance is required. There are suitable spacing and gaps provided on the Burley Griffin Way frontage.

Lighting, including sensor lighting is proposed on and around the buildings which will also assist in surveillance of the building. There will also be street lighting provided as part of the upgrade of the access road to a public road standard, which will aid in surveillance.

- *Access Control*

No access control has been proposed for the site, however, there is existing stock fencing around three sides of the development site. The RMS have required the site to be fenced to prevent unauthorised vehicular and pedestrian access directly from the site to Burley Griffin Way. The site has the potential for unauthorised access to the car parking areas outside hours and as such a condition requiring access control in the form of a gate or the like to mitigate this risk, is recommended.

- *Territorial Reinforcement*

Territorial reinforcement has been achieved through the use of earthworks identifying the extent of the development, the fencing and landscaping of the proposed development. This together with the requirement for fencing of the perimeter will clearly identify the public space of the access road and the development site.

- *Space Management*

The management of the site in terms of cleanliness and maintenance is expected to be done in accordance with the NSW Rural Fire Service standards and policies. No additional conditions or requirements are considered warranted for this proposal to ensure the space is appropriately utilised and well cared for.

5.6.17 Social impacts in the locality

The proposed development will have a positive social impact by providing a facility that will contribute to the safety of the community.

5.6.18 Economic impact in the locality

The proposed development will generate employment opportunities during construction as well as a permanent employment sources for the 15 staff that will occupy the centre on a regular basis.

5.6.19 Site design and internal design

The proposed development design is considered sensitive to environmental conditions and site attributes. Suitable landscaping has been proposed and can be accommodated on the site together with the required parking and manoeuvring areas. The buildings and works are clear of any easements and services and the applicant has provided a report (Metro Building Consultancy) that the buildings can comply with the Building Code of Australia.

5.6.20 Construction

The impacts during construction have been considered in the items above and will be mitigated through conditions limiting construction hours and requiring the preparation and implementation of construction management plans and the like.

5.6.21 Cumulative impacts

No cumulative impacts have been identified that would have the potential to act in unison to cause time or space crowded effects or nibbling or synergistic effects.

5.7 *Suitability of the site for the Development*

5.7.1 Does the proposal fit in the locality?

The proposal is located on the outskirts of Harden and provides a complementary use to the existing airfield and racecourse on the site. It is considered compatible with the surrounding rural uses and there are suitable services available for development.

5.7.2 Are the site attributes conducive to development?

The site is generally considered to be suitable for the proposed development subject to conditions regarding provision of car parking to reduce traffic impact on the surrounding neighbourhood.

The proposed built form suitably addresses the physical constraints of the site.

5.8 *Submissions*

See part 7 of this report for public submissions. There were no general terms of approval required from public authorities. However the application was referred to the RMS under the Infrastructure SEPP and also to Civil Aviation Safety Authority (CASA) to consider aircraft safety. Refer to Part 6 of this report.

5.9 The Public Interest

The proposed is considered to be generally in the public interest and will provide a valuable service to the public. The proposal is considered consistent with the Plan of Management for the land and no amendments are required for the proposed use or development.

5.9.1 Federal Policy Interests

The subject site contains an airfield which is located approximately 200m from the development site. This airfield is not a registered Aerodrome for the purpose of the Civil Aviation Safety Regulation; however a review of potential impacts on the operations of the airfield and aircraft safety was undertaken. The proposed development includes the erection of a 30m tall telecommunications tower which has potential to impact on the Obstacle Limitation Surface (OLS) for the airfield. The Airfield does not have an official mapped OLS. Using the Civil Aviation Advisory Publication (CAAP 92A-1(0) *Guidelines on aerodromes intended only for small aeroplanes conducting RPT Operations* – October 2000, it was determined that the OLS was approximately 42m where the telecommunications tower was proposed. The following also apply:

- Advisory Circular 139-08(0) – Reporting of Tall Structures.
- CASR 1998 139.360 Notices of Obstacles.
- Manual of Standards Part 139 – Aerodromes, Section 8.10: Obstacle Markings, Sub-Section 8.10.2.6 – Masts, Poles and Towers.

The application was referred to the Commonwealth Civil Aviation Safety Authority (CASA) for advice and confirmation of requirements for reporting tall structures and aircraft safety. Conditions are recommended to ensure the tower is marked and lit appropriately and the reporting requirements for tall structures are fulfilled. Refer also to Part 6 of this report for CASA's advice.

5.9.2 State Government Policy Interests

The South East and Tablelands Regional Plan 2036, which was released in 2017, is the State Government's guide to land use planning priorities and decisions over the next 20 years. It is an overarching framework to guide more detailed land use plans, development proposals and infrastructure funding decisions. This is a broad plan, that covers numerous aspects such as transport, tourism, agriculture, economic growth, housing, energy, minerals, biodiversity, climate change, water resources, health, education, infrastructure, etc. Many of the identified goals and directions, are not pertinent to this application, although there are some relevant directions, at a broader scale.

These include:

- Direction 8 – protect important agricultural land. This land is not mapped as being biophysical strategic agricultural land, nor is any of the adjoining or adjacent land, and the erection of an emergency services facility for RFS on the lot is unlikely to impact in this regard. Land use conflict has been discussed in depth above and is considered acceptable.
- Direction 12 Promote business activities in urban centres. This proposal is located on the outskirts of Harden and this location provides for good access to Burley Griffin Way and for the South West Slopes RFS control area.
- Direction 18 – Secure water resources. This aims to ensure sustainable water supplies are secured for agriculture and housing and that new development minimise impacts on water catchments including downstream impacts and groundwater sources. This aspect has been assessed above and it is noted that there is unlikely to be an adverse impact on water quality and supply and that the land is not mapped as groundwater vulnerable land.

6.0 Referrals

The development application was referred internally to seek conditions and advice on Building Surveying, Environmental Health and Engineering aspects of the proposal. The development application was also referred to the NSW Road and Maritime Service (RMS) and the Commonwealth Civil Aviation Safety Authority (CASA). Details of their responses are included in the following sections of this report.

As a Crown development, the draft conditions of consent have been referred to the applicant for their approval as required by Section 89 (1)(b) of the *Environmental Planning and Assessment Act 1979*. Their response will need to be considered by the Panel.

6.1 Internal Referrals

6.1.1 Manager Building and Compliance

No building objections are raised regarding the proposed development.

The development is considered to meet the criteria for a Class 5 development (office building and associated ancillary structures).

Recommended conditions:

Cut and Fill

1. *The applicant shall ensure that any cut or fill on site is appropriately graded, drained and vegetation commenced.*
2. *Any graded land that slopes toward a neighbouring property:*
 - a) *shall incorporate dish or surface drains to divert water away from the neighbouring property and to a sump; and*
 - b) *shall have such drains and sumps piped and connected to the approved disposal system;*
3. *Retaining walls greater than 1 metre in height shall be designed by a suitably qualified practising and insured Structural Engineer. The design shall be submitted to and permission to proceed granted by Council prior to work commencing.*

Erosion Control

- 4 *Erosion and sedimentation control measures shall be implemented on the site prior to work commencing (see Fact Sheet 9 for details).*
5. *Appropriate erosion and sedimentation controls shall be implemented before earthworks and construction commence, and maintained during construction as required, to prevent material moving off-site.*
6. *A Management Program incorporating all sediment and erosion control measures (eg cleaning of sediment traps, fences, basin and maintenance of vegetative cover) is to be initiated at the commencement of the development and maintained throughout the project.*
7. *A plan for the adequate control of erosion and sedimentation during the construction phase, shall be submitted to, and approved by Council, prior to work commencing.*

Trees

8. *Any trees not approved for removal shall be protected from damage during construction. This includes protection from compaction of the ground within the root zone, damage to the trunk or crown of the tree.*

Occupation Certificate

- 9 *A final Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an occupation certificate, the Principal Certifying Authority must be satisfied that the requirements of section 109H of the Environmental Planning and Assessment Act 1979 have been satisfied.*

NOTE: When all work as indicated on the approved plans/specifications is completed, the applicant shall notify the PCA to arrange for the issue of a final Occupation Certificate.

Inspection/Certification

- 10 *Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate shall:*

- a) appoint a Principal Certifying Authority and notify Council of the appointment (if Council is not appointed), and*
- b) notify Council of their intention to commence the site works (at least 2 days' notice is required).*

11. *The Principal Certifying Authority (PCA) must determine when inspections and compliance certificates are required. Where Young Shire Council is nominated as the PCA, the following stages must be inspected and passed prior to the subsequent stages of construction. Twenty-four (24) hours' notice shall be given to Council to allow scheduling of the inspection.*

NOTE: Where inspections are requested and the work is either incomplete or not started, or unsatisfactory thus requiring an additional inspection, such reinspections will be charged to the applicant at the rate as outlined in the Fees and Charges section of Council's current Management Plan per additional inspection. This will be deducted from the security deposit (where held) or paid prior to the inspection being carried out.

- a) Site inspection when all sediment and erosion controls are in place ready to commence work. At this time the condition of Council's footpath, kerb and gutter, nature strip, road reserve will be assessed;*
- b) After excavation for, and prior to the placement of, any footings, and prior to pouring any in-situ reinforced concrete building element;*
- c) Prior to backfilling or covering any stormwater drainage and connections to point of discharge;*
- d) All driveway, footpath or nature strip crossing as applied for pursuant to this consent;*

NOTE: Specific application to Council's Operations Group is required for such works.

- e) After all building work has been completed and prior to any occupation certificate being issued in relation to the building.*

Comment

Conditions relating to construction certificates have been amended to conform to the crown development legislation.

6.1.2 Environmental Health Officer

Councils Environmental Health Officer reviewed the application and provided the following advice:

"Proposal to use fire fighting foam Forexpan onsite"

As noted in my email sent 31/1/18 requesting further information, the Statement of Environmental Effects (SEE) states that class A Forexpan fire fighting foam will be used onsite for training purposes and used foam will be contained in a designated bunded area and drained to a collection tank to settle before being pumped to sewer. The material safety data sheet (MSDS) for Forexpan states under the heading of environmental precautions (clause 6.2) to prevent entry to sewers and public waters, to notify authorities if liquid enters sewers or public waters, and to avoid release to the environment. This is because of known environmental effects, including having the potential to change ecological processes such as nutrient cycling and soil filtration rates, and in freshwater ecosystems Class A foams are known to adversely affect fish and aquatic invertebrates (Reference: The Victorian Naturalist Research Report Volume 122 (3) 2005). Councils engineering staff, including liquid trade waste officer, have confirmed that Forexpan cannot be discharged to Councils sewerage system.

In addition, the fire fighting foam cannot be discharged to the stormwater drainage system because of its known impacts on the aquatic and terrestrial environment, and Councils engineering staff have confirmed that the stormwater drainage system for the site will discharge into Cunningham Plains Creek located downhill to the north of the site.

The site has been identified as being groundwater vulnerable in Harden LEP 2011, as detailed in clause 4.2 of the SEE.

...

There is potential for the used Forexpan to contaminate soil and the groundwater if the product is not handled appropriately onsite, or stored onsite via a suitable method prior to disposal offsite. Therefore in effort to confirm that use of the fire fighting foam on site will have no impact on the environment (including the soil, groundwater and Cunningham's Plain Creek) it has been requested for the applicant to provide details confirming how the fire fighting foam will be prevented from entry to or contamination of the natural environment in the hot training area and the designated bunded area and collection tank.

In addition, because the fire fighting foam cannot be discharged to Councils sewerage system, and it cannot be discharged to the stormwater drainage system, it has also been requested for the applicant to provide details regarding how the used foam will be removed from site and disposed of, and to provide construction specifications for the proposed designated bunded area and collection tank as mentioned in clause 5.3.2 of the SEE.

Stormwater treatment and disposal

Council's engineers have advised that the stormwater drainage system for the site will discharge into Cunningham's Plain Creek located downhill to the north of the site. The applicant has advised in the SEE that an onsite stormwater drainage system will collect stormwater runoff from the impervious areas of the site (approximately 5070m²), and the stormwater will be treated by a gross pollutant trap and oil separators to remove litter, debris and hydrocarbons before it is discharged to a bio detention basin. The applicant has advised that the bio detention system will remove sediment before stormwater is discharged to a dish drain between the northern boundary and Burley Griffin Way. Councils engineering staff will be assessing the proposed stormwater treatment and disposal system to determine its suitability and it is anticipated that they may request for additional information to be provided for the proposed system (including construction specifications) so that Council engineering staff can confirm that the system will eliminate any risk of hydrocarbons, litter or debris in

stormwater and surface water discharge from contaminating Cunningham's Plain Creek.

Potential impact on Cunningham's Plain Creek

There will be a substantial amount of earthworks being undertaken onsite during the construction phase and if the earthworks are not managed correctly there is potential for sediment to contaminate Cunningham's Plain Creek via surface water runoff. The applicant has advised in the SEE that a Construction Environmental Management Plan will be prepared for the development and will incorporate a Waste Management Plan and Erosion and Sediment Control Plan.

An erosion and sedimentation management condition has been recommended for inclusion in the conditions of consent in effort to minimise erosion onsite and potential impact on Cunningham's Plain Creek. It has also been recommended for a copy of the Construction Environmental Management Plan to be provided to Council for assessment prior to any works commencing onsite, and for all works onsite to be undertaken in accordance with the Construction Environmental Management Plan once it has been reviewed and approved by Council.

The potential impacts of the fire fighting foam proposed for use onsite have been discussed previously in this document.

There is also potential for surface water runoff and stormwater to contaminate the creek and groundwater if the stormwater and runoff is not adequately treated onsite prior to being discharged to Councils stormwater drainage system which Councils engineers have advised will discharge into the creek. Please refer to "Stormwater treatment and disposal" above for further information.

Potential impact on groundwater

As detailed above, the site has been identified as being groundwater vulnerable in Harden LEP 2011.

Potential impacts of Forexpan fire fighting foam on groundwater have been discussed previously in this document.

The applicant has advised that any hazardous or potentially contaminating materials to be stored onsite such as fuel for the fire engine, generator or lawnmower will be of a similar nature and quantity to those used in a domestic setting. Minimal impact on groundwater or soil is anticipated for such stored materials. It will however be recommended for a condition of consent to be included requiring for fuel to be stored within a suitably constructed bunded area in case of spillage or leaks.

The applicant has advised in the SEE that an onsite stormwater drainage system will collect and treat surface and stormwater runoff from the impervious areas of the site (approximately 5070m²), however it is not clear how hydrocarbons and other contaminants (ie from fire trucks and other vehicles being driven and parked onsite) will be managed to prevent potential impact on groundwater due to their potential to soak into the ground prior to entering the surface and stormwater treatment system. Will concrete hardstands be provided for vehicle parking areas to mitigate this risk? Or is the potential for groundwater contamination via such an avenue anticipated to be negligible?

Potential noise Impacts

Clause 3.3 of the SEE states that the office and training ground will generally operate 9am – 5pm Monday – Friday, however the fire control centre, storage sheds, and brigade station may operate outside of these hours during emergencies and the fire station will provide emergency response to the Hilltops region. It has been estimated by the applicant that volunteer fire fighters currently respond to approximately 2 emergencies per week (averaged over 12 months).

The nearest sensitive receivers are a residence approximately 350 metres northwest of the site, a residence approximately 450 metres southeast of the site, and a residence approximately 800 metres west of the site.

The noise impact of the development is anticipated to be minimal, with most noise occurring during working hours or during daylight hours for events and training days held on weekends.

The proposed development would have the potential to cause noise impacts at any stage of the night, should an emergency arise. However, this is considered acceptable considering the vehicle movements would be in direct correlation with an emergency and it would be in the nearby residents' best interest to know if there is an emergency. The applicant has advised that site management procedures would include mitigation measures to minimise noise impacts from night time emergency callouts and other such activities, such as preparing fire appliances within the garages and use of sirens only when required.

Noise, and to a lesser extent vibration, would occur during the construction period and this can be mitigated through conditions regulating hours of construction. No extensive vibration is envisaged during operation.

Waste Management and Construction Management plans proposed

The applicant has advised in the SEE that a Construction Environmental Management Plan will be prepared for the development, and will incorporate an emergency response plan in case of a pollution event, a complaints handling procedure, a Waste Management Plan and a Sediment Control Plan. It has been recommended for a condition of consent to be included requiring for a copy of the Construction Environmental Management Plan to be provided to Council for assessment prior to any works commencing onsite.

Rainwater Supply

The applicant has advised that rainwater will be harvested from buildings onsite and stored in two 20,000 litre above ground tanks and three 20,000 litre in ground tanks, and the water will be used onsite for use on the hot fire training ground and for landscape maintenance. The buildings will be supplied with mains water for use and consumption by staff and attendees, however it will be recommended for a condition of consent to be included stating that rainwater is not to be used for public consumption without first compiling a drinking water Quality Assurance Program (QAP) in compliance with the Public Health Act 2010 and Public Health Regulation 2012 and forwarding a copy to NSW Health and Hilltops Council.

Air Quality

The development is not anticipated to adversely affect air quality and microclimate with respect to existing air quality or pollution.

Food Act Matters

It has been confirmed that the Fire Control Centre kitchen will be classed as a large office kitchen which is not being used for commercial or retail purposes, therefore the requirements of the Food Act 2003 do not apply. "

Comment

Following this advice, the applicant supplied further information and removed the use of Forexpan fire fighting foam. The review of the additional information was provided.

"While Forexpan fire fighting foam is no longer proposed to be used on site, and fire training will be conducted onsite using water only. Darren from Public Works did advise that the use of Forexpan may be reconsidered at a later date via retrofit of a suitable bunded area to capture it, after determining a suitable containment, storage and disposal method for the used foam. Therefore it might be worthwhile including a condition of consent advising that Forexpan shall not be used on site without obtaining further approvals from Council.

Once the potential impact of vehicular contaminants such as hydrocarbons on the groundwater table has been assessed after determining the depth to groundwater, it may also be worthwhile including a condition of consent requiring for truck/vehicle parking areas to be concrete paving drained to the stormwater disposal system in effort to mitigate the risk of hydrocarbons and other vehicular contaminants from entering the groundwater system via soaking into the ground in parking areas.

Contamination risk

I am satisfied with the conclusions made by Envirowest Consulting in their letter dated 16 February 2018 confirming the contamination risk for the site as existing is considered low, and therefore no further site contamination assessments are requested. It is recommended for a signed copy of the letter to be provided by Envirowest Consulting.

Part site plan A.02 shows that the internal roads and carparks will be bitumen sealed, and I am satisfied with the information provided by Calare Civil in their letter which confirms that the carpark runoff will be satisfactorily treated via being drained into a gross pollutant trap that will treat or remove oil, grit, sediment and hydrocarbons and therefore the potential impact on groundwater and the creek to which the storm water will drain will be minimal.

Conditions

The following conditions are recommended for inclusion in the consent for the DA:

1. A copy of the Construction Environmental Management Plan incorporating an emergency response plan in case of a pollution event, a complaints handling procedure, a Waste Management Plan and a Sediment Control Plan shall be provided to Council for assessment prior to any works commencing onsite, and all works onsite shall be undertaken in accordance with the Construction Environmental Management Plan once it has been reviewed and approved by Council.
2. Erosion and sedimentation controls must be in place prior to the commencement of site works and maintained throughout construction activities until the site is landscaped and/or suitably revegetated. The controls shall be in accordance with the Erosion and Sediment Control Plan to be provided to and approved by Council prior to construction commencing.
3. All building rubbish and debris, including that which can be windblown, shall be contained on site in a suitable container for disposal at a lawful waste facility. The container shall be erected on the development site prior to work commencing and shall be maintained for the term of the construction to the completion of the development.
4. Any excess soil and unsuitable excavated materials shall be classified and transported offsite for disposal to a licenced landfill site.
5. The carrying out of any work shall be done in such a manner as to not to interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke vapour, steam, soot, ash, waste water, waste products or grit, oil or otherwise.
6. The generator shall be housed in a sound-proofed enclosure.
7. Fuel shall be stored onsite within a suitably constructed bunded area in case of spillage or leaks.
8. Rainwater is not to be used for public consumption without first compiling a drinking water Quality Assurance Program (QAP) in compliance with the Public Health Act 2010 and Public Health Regulation 2012 and forwarding a copy to NSW Health and Hilltops Council.
9. All pumps onsite shall be housed in sound-proofed enclosures, including the diesel pump that will be used to boost the pressure of the water supply for the onsite hydrants. "

6.1.3 Engineering Delivery and Engineering Services Referrals

Engineering advice was sought from Council's Engineering Delivery and Engineering Services Sections for advice on water and sewer, stormwater, roads, traffic and facilities aspects of the proposed development. The following advice was provided:

Stormwater

"The proposed development site is located between Burley Griffin Way and existing Harden Racecourse and slopes gradually towards the Burley Griffin Way. The proposed development includes construction of RFS related buildings, roadways, carparks, stormwater drainage, infrastructure and utility services.

The stormwater quantity will be increased by rises of impervious areas as a result of development has the potential to growth stormwater flows from the site during storm events. The proposed development increases the total impervious area of the existing site and therefore may increase the discharge rate to the downstream culvert.

To achieve a natural water balance which seeks to approximate the pre-development site conditions to maintain existing conditions as well as controlling erosion and sediment removal. Accordingly, temporary stormwater detention is required by calculating one year, five year and hundred year ARI one-hour discharge as part of the development on each site. This is the method adopted by the RFS development and hence no need to increase the capacity of the culvert under Burley Griffin Way.

Conditions are recommended to ensure that the post development flows do not exceed the predevelopment flows and to ensure that the detailed design of the stormwater management system is approved by Council prior to work commencing.

All stormwater from the site must be trapped and piped to the Burley Griffin Way stormwater system via an on-site detention system to limit the discharge from the site to the pre-development rate for a 1 in 10 year recurrence interval storm event. In addition, a check is to be undertaken to ensure that the 1 in 100 year ARI flow rate has a safe "escape route" when the minor system fails.

The RFS storm water management system is acceptable and they have provided on site detention system for their initial plans. But before construction commences for the development, the detailed designs and drawings for the storm water management system are to be submitted to Council for approval.

Landscaping in the vicinity of infrastructure - It is better to avoid trees with invasive root system closer to the storm water or sewer pipes."

Comment:

The relevant aspects have been included as recommended conditions of consent.

Roads and Traffic

The following road design requirements were supplied by Council's Engineering Services section for the access road and provide the detail referenced in the RMS condition relating to the upgrade of the access from Burley Griffin Way.

"Design Principles

The road design should be in accordance with the relevant Austroads "Guide to Road Design" and relevant RMS supplements.

Design speed

The design speed for the access road is 60km/h.

Design Vehicle

The design vehicle is the B-Double (AS2890.1) and to be able to turn within the carriage way.

Road Width

Lane Width = 3.5m, shoulder width = 1m, carriageway width = 9.0m and Minimum reserve width = 20m

Horizontal Alignment

Horizontal alignment shall be in accordance with the Austroads Guide to road design Part 3. The minimum horizontal sight distance required at any point along the road is twice the stopping distance for the spot speed relevant at that point.

Gradients and Vertical Alignment

The desirable maximum longitudinal gradient on the road is 12% and the minimum longitudinal gradient based on drainage requirements is 0.4%. The maximum permissible change of gradient without requiring vertical curve shall be 0.8%. The controlling factor in the design of vertical curves is the provision of adequate site distance. General minimum site distance is twice the stopping distance for the design speed.

Crossfall

The desirable crossfall for the carriageway is 3% and maximum crossfall should not be exceeded 6% in super elevations.

Intersection

The design for the intersection of the RFS driveway and Access Road shall complies with Austroads Part 4A unsignalised intersections and guide to Traffic Engineering Practice. The minimum turning radius must be 12.5m. For the intersection, the site distance available between a vehicle leaving the lot and a vehicle approaching on the access road should desirable be the Safe Intersection Site Distance (SISD) appropriate. This distance is numerically equal to the general minimum sight distance for the design speed.

Street Lighting

The provision and detailed design of street lighting installations are to be in accordance with guide to Traffic Engineering Practice – Part 12 Roadway Lighting-Austroads and AS1158 Public Lighting Code – Standards Association of Australia.

Pavement Design

Pavement design shall comply with the Austroads Guide to pavement Technology – Part 2, pavement Structural design having consideration of the traffic loadings, design vehicle and CBR of the existing subgrade. Where subgrade materials have a design CBR of less than three, these materials may be stabilising in situ or replaced using a blanket course to the satisfaction of the Engineer. Minimum CBR for the Sub-Base Course is 40% and Base Course is 80%.

Sealing

The surface of the Base Course shall be primer-sealed in accordance with Bituminous Surfacing volume 1, sprayed Works (Austroads) prior to application of wearing course. Bitumen emulsion in accordance with AS 1160 shall be uniformly and evenly sprayed on to the existing surface at a rate determined by design. Aggregates used for chip sealing shall be in accordance with the Australian Standard AS 2758.

Road markings and signage

Road markings and signage must be in accordance with the RMS manual of uniform traffic control devices as amended from the time to time."

Comment:

Refer also to the discussion further in this report under External Referrals for amendments made to these recommended requirements.

Water and Sewer

Water and sewer services are available in the vicinity of the site and the mains need to be extended to connect to the development site. Council is currently undertaking some design work on these extensions and the provision of a sewerage pump station. The following specific advice for the protection of the sewage and water quality has been provided.

"The sewage system is designed to accept wastewater of domestic nature only. There is no possible way I can consider Forexpan to be discharged into the sewerage system as it has the potential to kill the treatment process or severely affect it.

So we will not accept any such discharge into our sewage treatment and collection system. If identified, it will be reported to EPA as unauthorised discharge as well as recouping all the expenses it may cause to reinstate the sewage system back to normal.

...

Council refuse the Forexpan entering the sewer due to the following considerations

- 1. MSDS 6.2 states Do not discharge to sewer or Public Waters. Avoid release to the environment*
- 2. The pH is slightly alkaline 9.5 (7.0 – 9) guidelines*
- 3. Council obligations to workers health and safety*
- 4. Council currently has reuse from there Harden Plant.*
- 5. The Harden treatment plant is an aging facility that currently struggles to keep within the EPA licence Guidelines.*
- 6. The new sewer extension will be a dead end and around 1klm from the town. Any discharge from the foam would possible sit stagnate (noted the facility may output 4,200litres per day from ablutions). There would be no flow to help foam break prior to the town limits. This may cause release of toxic gas: hydrogen sulphide.*
- 7. Previous advice given by Director of Infrastructure and Director of Sustainable Growth in the initial planning stage.*

I also acknowledge that this fire fighting foam does not contain PFAS"

Comment:

The applicant has since amended the proposal to remove the use of Forexpan on the site and the following further advice has been provided.

"The updated documentation states the RFS are not using any chemicals on site but due to the nature of their activities and under AS/NZS 3500.1 I would treat this site as a High Hazard.

As the proposed plans re water connection and the meter/pipe size are still being finalised, the comments below do not include any allowance for internal individual or zone protection.

Backflow prevention

A RPZD must be installed at the meter provided for drinking water.

The device(s) should be fitted by a licensed plumber as per manufactures instructions and in accordance with AS/3500.1. An installation and commissioning certificate must be provided to Council within seven (7) days of installation. The back flow device should be fitted prior to construction works on site.

The device installed must have the correct watermark and comply with AS/NZS2845 and AS/NZS 3500

The backflow device should not be buried in the ground or pit and be easily assessable for testing. There must be 300mm between a reduced pressure zone device's relief port and the ground.

The appropriate device(s) should be installed on the outlet side of all master water meters (s) located at the property boundary ensuring there are no connections between the master water meter and the device.

Back Flow Fire Services

Fire services must have a testable double check detector assembly installed on the connection

Where there is a booster assembly installed, the device must be fitted upstream of the booster assembly with no off takes in between the double check detector assembly and the booster assembly

The double check detector assembly must be installed as close to the property boundary as possible, with a constant minimum differential pressure of 20kPa.

Backflow prevention devices must be fitted prior to works commencing on site, including earthworks."

Comment:

These aspects have been included as conditions

Harden Airfield Facility

Council's Engineering Delivery Section provided the following advice on impacts on the aircraft landing strip adjoining the development site.

"Hilltops Council maintain an "Aircraft Landing Area" on the outskirts of Harden township which is a gravel strip located within a racecourse. This strip has been used by both light private and agricultural aircraft for many years.

The local Rural Fire Service has recently applied for approval to build a new headquarters on land adjacent to the airstrip. Included in this development is a 30-metre high radio tower that will be located 230-metres from the strip.

.. This proposal has been referred to CASA for confirmation of requirements.

Having worked in the aviation industry for nearly 28-years prior to joining local government I am familiar with CASA and Airservices web sites and publications. As this strip is not registered, towered or controlled, the only requirements I can find that may be of significance are the following:

- 1. Advisory Circular 139-08(0) – Reporting of Tall Structures.*
- 2. CASR 1998 139.360 Notices of Obstacles.*
- 3. Manual of Standards Part 139 – Aerodromes, Section 8.10: Obstacle Markings, Sub-Section 8.10.2.6 – Masts, Poles and Towers.*

8.10.2.6 Masts, poles and towers must be marked in contrasting bands with the darker colour at the top, as shown in Figure 8.10 3. The bands must be perpendicular to the longest dimension and have a width approximately 1/7 of the longest dimension or 30 m, whichever is less.

The only requirements I can find would be to:

- 1. Ensure Airservices update En-route Supplement Australia for the aircraft landing area,*
- 2. Complete and submit the "Tall Structure Report Form" and*
- 3. Ensure the radio tower is coloured as detailed above to assist visibility to airmen.*

...

The information from CASA has been received (refer to CASA comments) regarding radio tower for proposed RFS headquarters at Harden racecourse. It appears that while alternate marking of the tower, would meet current requirements, there is a possibility the tower could cause an obstruction to low flying aircraft or helicopters after dark.

I would recommend having the tower lit at night in some way in addition to alternate marking – such as a red light at the apex."

Comment:

Refer also to CASA's comments below. The requirements for the tower markings and the lighting beacon have been recommended as conditions of consent.

6.2 External Referrals

6.2.1 Roads and Maritime Service

The application was referred to NSW Roads and Maritime Service (RMS) for comment as required under the Infrastructure SEPP. The following comments and conditions were received.

"From the information provided it is understood that the development proposal is for the development of the South West Slope Fire Control Centre and Regional Office South West for the NSW Rural Fire Service on the subject site. The subject site has frontage to the Burley Griffin Way, which is a classified road, within a 100 km/h speed zone. The Burley Griffin Way is an approved B-Double route.

The proposal is for the construction of a purpose built development to house an emergency services facility on the subject site. The proposed buildings will provide for office facilities and for specialised training, conference activities and coordination of emergency events on the subject site. Access to the proposed development is to be via the existing driveway and intersection with the Burley Griffin Way for the existing racecourse facility on the subject site.

The proposed building is to be located along the frontage of the subject site to the Burley Griffin Way with exposure to the carriageway of Burley Griffin Way. The facility, particularly the Hot Fire Training Ground has the potential to be a distraction to motorists on the Burley Griffin Way. To address this issue the Hot Fire training facility is to be moved to the rear of the site and a screen (such as a landscaped, earthen bund or solid fencing) is to be established within the site to screen the training facility from the view of motorists on the Burley Griffin Way. A Management Plan should also be prepared for the operation of the Hot Fire Training ground to address this issue and advise operators of the facility of the potential for distraction of motorists within a high speed road environment.

Access to the development is to be via the existing driveway an intersection with the Burley Griffin Way for the existing racecourse facility on the subject site. The traffic section of the submitted Statement of Environmental Effects (SEE) refers to the need for a Basic Right Turn (BAR)/Basic Left Turn (BAL) intersection treatment as a minimum at the intersection of the access road with the Burley Griffin Way. The SEE also refers to the need for a Channelised Right Turn (CHR) intersection treatment should training and conferences be taken into account. It is noted that the facility will be regularly used for training purposes. The SEE indicates that the largest vehicle at access the development site is a large rigid truck however vehicles accessing the race course also need to be accommodated.

It is understood that the development includes the subdivision of the subject site to create an allotment for the proposed Rural Fire facility. To provide access to the proposed entrance to the proposed allotments over the existing access roadway to the racecourse from the Burley Griffin Way would require the creation of a right of carriageway or the dedication of the access roadway as a public road. It is understood that the Council preference is for the access roadway to the proposed allotment and the racecourse facility be constructed and dedicated as a public road. Based on the current proposal for the development of the Rural Fire facility and retention of the racecourse facility it would be appropriate to require the construction of the intersection on the Burley Griffin Way as a Channelised Right Turn - Short (CHR(s)) and Auxiliary Left Turn - Short (AUL(s)) intersection treatment.

Further to the proposed development it is understood that the subject site may be subject to a further application for subdivision to create 3 allotments to be used for industrial purposes. The dedication of the access to the racecourse as public road would benefit the further industrial subdivision also. At this stage the

potential industrial uses of the additional allotments are unknown. As a minimum to accommodate the potential traffic generation of the proposed rural fire facility and the future potential industrial uses of the additional allotments plus the existing racecourse related uses of the subject site the intersection of the proposed road with the Burley Griffin Way shall be constructed to provide a Channelised Right Turn (CHR) and Auxiliary Left Turn (AUL) intersection treatment. As the Burley Griffin Way is an approved B-Double route the design vehicles to be a B-Double heavy vehicle.

Roads and Maritime emphasises the need to minimise the impacts of any development on the safety and efficiency of the public road network and to provide safe access between the subject site and the public road network. As the subject site has frontage and access to Burley Griffin Way within a 100 km/h speed zone the following conditions are proposed for road safety reasons.

Roads and Maritime Services has assessed the Development Application based on the documentation provided and would raise no objection to the development proposal subject to the Consent Authority ensuring that the development is undertaken in accordance with the information submitted as amended by the inclusion of the following as conditions of consent (if approved):-

- 1. Vehicular and pedestrian access directly to the road reserve of the Burley Griffin Way from the subject site is denied. All access shall be via the approved roadway and intersection to the Burley Griffin Way. Appropriate fencing is to be erected and maintained around the perimeter of the development site to deny access directly from the Burley Griffin Way.*
- 2. The proposed "Hot Fire Training Ground" shall be relocated towards the rear of the subject site and landscaping shall be established and maintained to screen the training ground from view from the carriageway of the Burley Griffin Way to minimise distraction to motorists within a high speed environment.*
- 3. The intersection of the access road with the Burley Griffin Way is to be constructed and the roadside maintained so as to provide the required Sight Distance criteria for intersections in accordance with the Austroads Publications as amended by the supplements adopted by Roads and Maritime Services for the posted speed limit. Compliance with this requirement is to be certified by an appropriately qualified person prior to construction of the vehicular access.*
- 4. As a minimum the intersection of the proposed public access road with the Burley Griffin Way is to be constructed as a public road intersection with a Channelised Right Turn - Short (CHR(s)) and Auxiliary Left Turn - Short (AUL(s)) treatment on the Burley Griffin Way in accordance with the Austroads Guide to Road Design as amended by the supplements adopted by Roads and Maritime Services for the posted speed limit. The design vehicle shall be a B-Double heavy vehicle.*
- 5. The proposed public access road shall be constructed as a 2 way public road to Council standards for its entire length from its intersection with the Burley Griffin Way. As the Burley Griffin Way is an approved B-Double route the proposed intersection and new road shall be designed and constructed to accommodate the swept path of a B-Double vehicle.*
- 6. The intersection of the new road with the Burley Griffin Way shall be designed and constructed so that turning are not required to cross to the opposing travel lane in order to perform a turn manoeuvre. Associated line marking and signage is to be installed in accordance with Australian Standards.*

7. *The driveway to the Rural Fire Service facility from the proposed internal public road shall be located at least 50 metres from the road reserve of the Burley Griffin Way. As a minimum the proposed public road shall be sealed from the edge of seal of the carriageway of the Burley Griffin Way to the southern side of the driveway to the development from the new public road. The remaining roadway within the subject site shall be constructed using an all weather surface and treated to minimise dust leaving the subject site.*
8. *The off-street car park layout associated with the proposed development including driveway design and location, internal aisle widths, ramp grades, parking bay dimensions and loading bays are to be in accordance with AS 2890.1-2004 "Off-street car parking" and AS 2890.2-2002 "Off-street commercial vehicle facilities".*
9. *The swept path of the largest vehicles entering and exiting the subject site and manoeuvrability through the site is to be in accordance with AS 2890.2-2002 "Off-street commercial vehicle facilities" and to Councils satisfaction. For road safety reasons the layout of the development and any access driveway shall be designed to allow all vehicles to enter and exit the subject site in a forward direction and not be required to reverse onto the adjoining road reserve.*
10. *The provision of on-site car parking, including disabled parking, associated with the subject development is to be in accordance with Council requirements. All car parking spaces required by the development are to be provided on site and not to be compensated by the on-road parking in the vicinity.*
11. *All activities including, loading and unloading associated with this development are to take place within the subject site.*
12. *Any roadway and intersection to the Burley Griffin Way shall be designed, constructed and maintained so as not to interfere with the capacity of the existing roadside drainage network and to prevent water from proceeding onto, and ponding within, the carriageway of the Burley Griffin Way. If a culvert is to be installed and is to be located within the clear zone of the Burley Griffin Way for the posted speed zone it is to be constructed with a traversable type headwall.*
13. *Suitable drainage treatment is to be implemented within the development site to retard any increased storm water run-off from the development site to the road reserve of the Burley Griffin Way.*
14. *Any damage or disturbance to the road reserve of the Burley Griffin Way is to be restored to match surrounding landform in accordance with Council requirements. Any redundant driveways or gates to the Burley Griffin Way from the subject site are to be removed.*
15. *A management plan to address construction activity access and parking is to be prepared to ensure that suitable provision is available on site for all vehicles associated with the construction of the development to alleviate any need to park within, or load/unload from, the road reserve of the Burley Griffin Way. Appropriate signage and fencing is to be installed and maintained to effect this requirement.*
16. *For works on the Burley Griffin Way the developer is required to enter into a Works Authorisation Deed (WAD) with Roads and Maritime Services before finalising the design or undertaking any construction work within or connecting to the road reserve. The applicant is to contact the Manager Land Use for the South West Region on Ph. 02 6923 6611 for further detail.*

The developer will be required to submit detailed design plans and all relevant additional information including cost estimates and pavement design details for the works, as may be required in the Works Authorisation Deed documentation, for each specific change to the state road network for assessment and approval by Roads and Maritime Services.

- 17. Prior to works commencing within the road reserve the applicant must apply for and obtain approval under Section 138 of the Roads Act, 1993 from the road authority (Council) and concurrence from Roads and Maritime Services. The developer is responsible for all public utility adjustment/relocation works, necessitated by the proposed works and as required by the various public utility authorities and/or their agents.*
- 18. Any works associated with the proposed development shall be at no cost to Roads and Maritime Services.*

The submitted documentation provides limited information in relation to proposed signage. Any advertising signage is to be assessed against and comply with the provisions of State Environmental Planning Policy (SEPP) No. 64 – Advertising and Signage, the Department of Planning’s Transport Corridor Outdoor Advertising and Signage Guidelines (July 2007). As a minimum the following condition should be applied.

- 1) Any signage shall be designed and located so as to comply with the following;*
 - a) the sign display shall not include:*
 - Any flashing lights,*
 - Electronically changeable messages,*
 - Animated display, moving parts or simulated movements.*
 - Complex display that holds motorist’s attention beyond “glance appreciation”,*
 - Display resembling traffic signs or signals, or giving instruction to traffic by using words such as ‘halt’ or ‘stop’;*
 - b) The method and intensity of any illumination of the sign shall not be directed or transmitted in such concentration or intensity to cause distraction or glare to motorists.*
 - c) The permissible level of reflectance of an advertisement is not to exceed the ‘Minimum coefficients of Luminous intensity per unit area for Class 2A’, as set out in Australian Standard AS/NZS 1906.1:2007;*
 - d) Any proposed sign and support structure shall be located a distance greater than the required Stopping Sight Distance (SSD) in accordance with the Austroads Guide to Road Design for the posted speed limit from any intersection or lane merge point,*
 - e) Any proposed sign and support structure shall be located wholly within the confines of the property boundaries and not protrude over any adjoining road reserve.*
 - f) Any proposed sign and support structure to be located within close proximity to a road reserve is required, as a minimum, to comply with the wind loading requirements as specified in AS1170.1 Structural design actions – Permanent, imposed and other actions and AS1170.2 Structural design actions – wind actions.*
 - g) Any proposed sign and support structure shall not obstruct any road regulatory, safety or directional signage in the vicinity,*
 - h) Any proposed sign and support structure shall not pose any risk to the safety of pedestrians or motorists."*

Comment

Amended plans were submitted to address the requirement to relocate the hot fire training ground. RMS provided the following comment on these plans:

"The revised plans show the relocation of the Hot Fire Training Ground towards the rear of the site and the provision of additional plantings between the training facility and the Burley Griffin Way. I note the required 30 metre protection zone which prevents moving of the Training Facility any further to the rear of the site.

In addition to the proposed changes the use of advance trees in the establishment of the landscaping should be required. It may also be appropriate to revise the landscaping plan once the Hot Fire Training ground is constructed as this would allow for an appreciation of the true exposure of the facility to passing motorists.

The revised changes with well-established and maintained landscaping would appear to address the issues that Roads and Maritime Services has raised regarding the potential for distraction of the passing motorist."

The application will include conditions requiring the use of advanced trees and the review of the landscaping to ensure its effectiveness.

Refer also to the Applicant's referral in Section 6.2.3 of this report for amendments made to these conditions.

6.2.2 Civil Aviation Safety Authority (CASA)

The application was referred to CASA for advice on the potential impact on the airfield on site and aircraft safety due to the proposed 30m communications tower. The following advice was received.

"The proposed tower is approximately 230m to the north and not in line with any runway. It will be 30m above ground level and the base of the tower will be approximately 8m below the level of the runway, so the tower top will be 22m above the runway.

Arbitrarily calling the Aerodrome a Code 2 (table 2.1-1 in the MOS Part 139 which you have obviously found), the strip width could be 80m (table 6.2-5 in the MOS Part 139), then referring to table 7.1-1 in the MOS Part 139 the height of the Obstacle Limitation Surface (Transitional) at the site would be $(230m - 40m) \times 20\% = 38m$ above the runway. So the tower would be under the OLS so we wouldn't assess it. Even if the Aerodrome was Registered.

I assume that the runway is not lit. So if the Planning Authority requested a CASA recommendation, CASA would not be requiring lighting of the proposed tower (unless there are unusual circumstances such as low altitude helicopter etc traffic in the area for some reason). However, CASA would recommend that the tower is relatively conspicuous in that it contrasts with the background (for example painted as you have described).

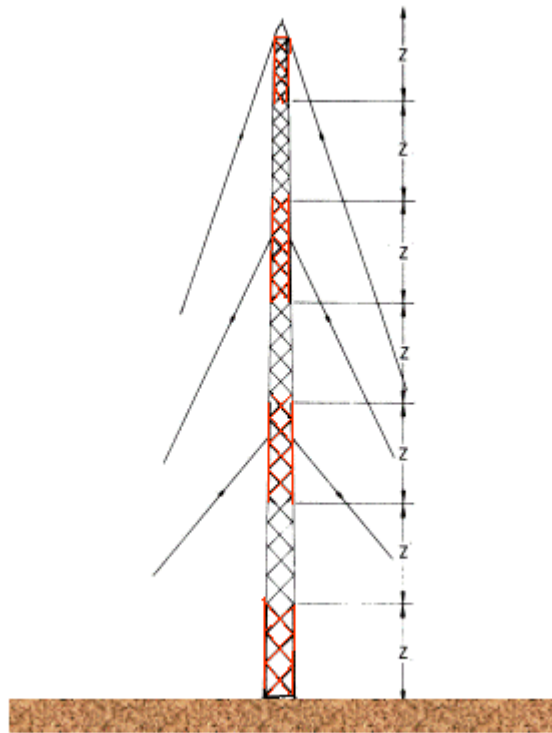
The information on tall structures is held in a central database that is managed by Airservices. vod@airservicesaustralia.com The Reporting of Tall Structures AC is out of date and being revised.

So your requirements in your email below would be satisfactory."*

Comment:

*The requirements in the email referenced above are from Council's Engineering Systems Officer who referred the proposal to CASA and are detailed below:

1. Masts, poles and towers must be marked in contrasting bands with the darker colour at the top, as shown in Figure 8.10 3. The bands must be perpendicular to the longest dimension and have a width approximately 1/7 of the longest dimension or 30 m, whichever is less.



Radio Tower

Figure 11 - Figure 8.10-3: Marking of mast, pole and tower

2. Ensure Airservices update En-route Supplement Australia for the aircraft landing area,
3. Complete and submit the "Tall Structure Report Form" and
4. Ensure the radio tower is coloured as detailed above to assist visibility to airmen.

In addition to these requirements Council's Engineering Systems Officer has also recommended that the communications tower be lit at night in some way to ensure that the risk of the tower causing obstruction to low flying aircraft or helicopters after dark.

It is recommended that these aspects form conditions of consent should the application be approved.

6.2.3 Applicant – Public Works Advisory

As the development is a Crown Development Application, section 4.33 (formerly section 89 of the Act) requires that the applicant must approve any conditions to be imposed on the consent. The draft Conditions of consent were referred to the applicant to seek their approval. The applicant provided the following response in which :

1. conditions involving contributions and developer charges were objected to;
2. requests for cost sharing arrangements for the road and intersection upgrades with Council and RMS are made
3. conditions requiring connection of the site to reticulated water, sewer and power at no cost to Council are objected to;
4. clarification is sought on the requirement for B-Double vehicle design for the road and intersection; and
5. clarification is sought on the pot size for the advanced stock required for the landscape screening.

Comments on the responses objecting or seeking clarification on the conditions is provided under the relevant responses from the applicant and reproduced below.

"...In response to your attachment emailed the 22nd of March 2018, please find below the response in numbered format, to Hilltops Councils DRAFT Conditions of Consent, in relation to the DA Application for RFS, South West Slopes Fire Control Centre and Regional Office West development.

DRAFT Conditions of Consent – T2017-051 – Fire Control Centre

APPROVED DEVELOPMENT

1. APPROVED PLANS

The final DA Submission Site Plans will be submitted with the amended revision/issue and date as listed below;

Drawings prepared by Havenhand Mather Architects Planners			
Drawing No.	Revision /Issue	Name of Plan	Date
A.01	***	Overall Site & Locality Plans	***
A.02	***	Part Site Plan	***
A.03	***	Site Elevations	***
A.04	***	Site Elevations & Typical Section	***
• Statement of Environmental Effects, February 2018			

Council staff comment:

The updated plans including landscaping plan will be inserted.

Condition 1 - update with the updated plans including the landscape plan.

2. DOCUMENTATION TO BE KEPT ONSITE

RFS Response; Agreed

3. COMPLY WITH THE BUILDING CODE OF AUSTRALIA

RFS Response; Agreed

4. NO COST TO RMS

RFS Response; In Discussion with our Consultants and there could be grounds for discussions with RMS for a financial contribution for the intersection upgrades. Investigations reveal that the existing intersection into the site off the RMS road already required a BAL R and short slot L in accordance with Austroads Design Guidelines. RFS would like to discuss this possibility with Hilltops Council.

Council staff comment:

The applicant's response was forwarded to RMS for their position and RMS provided the following response:

"From the response ... it appears that the conditions as proposed by Roads and Maritime Services were generally acceptable to the proponent with the main question raised being the apportionment of costs.

It is understood that the access to the racecourse and airfield has been in existence for a long period of time. The need for the access to be upgraded is due to it now being intended to be shared with this new facilities and a potential future subdivision proposed by Council. The circumstances behind the previous decisions regarding the location and construction of the existing intersection to the racecourse site are unknown however as the access has been in existence for a period of time the standards required at the construction of the intersection and the surrounding road environment would likely have been different. In relation to the required standard of access consideration also needs to be given to the different characteristics of the traffic generation due to the racecourse and airfield verses the proposed fire services development. Characteristics such as of frequency of access, volumes of traffic, types of vehicles, etc to the new facility verses that generated by the existing development on the site need to be taken into consideration.

The development is a new development with no known historical connection to that site. The location of the facility and the need for access to the facility from the Burley Griffin Way was proposed by the proponent. Roads and Maritime Services would not support an access driveway separate to the existing access to the whole site. The standard of the access treatment is required for access to the proposed facility within a high speed road environment for road safety reasons. The reasons for the B-Double access is an issue for Council if it desires B-Double access to the future industrial subdivision.

Roads and Maritime Services was not involved in the decision to locate the facility as proposed. The need for the access at the proposed location is a result of that decision and the standard of the treatment is due the traffic generation of the new and existing development on the site. There is no warrant for a contribution from Roads and Maritime Services towards the intersection."

The cost sharing arrangement and negotiation with Council is outside the Development Application process. The discussion can happen independently between Council in its capacity as the land manager and RFS. The RMS have re-stated their position of not being party to costs required for the intersection and road upgrading works and as such the condition is not proposed to be changed.

Condition 4 – no change.

5. AIRCRAFT SAFETY – TOWER MARKING

RFS Response; Agreed – In addition RFS will install a flashing beacon at the top of the mono pole in accordance with CASA requirements of marking obstacles.

6. CIVIL WORKS

RFS Response, prior to agreeing to this condition we request the opportunity to review the relevant information for Councils Engineering Guidelines for Subdivision Development and easements and design presentation.

Council staff comment:

The guidelines were provided to the applicant.

Condition 6 – no change.

7. WATER MAIN EXTENSION

RFS Response, RFS will not agree to this condition as it was agreed by Council to provide Water service to the site at no cost to the RFS as council meeting prior to merger with Young.

8. SEWER MAIN EXTENSION

RFS Response, as above RFS will not agree to this condition as it was agreed by Council to provide Sewer service to the site at no cost to the RFS as council meeting prior to merger with Young.

Council staff comment:

The extension of the services for water and sewer are required to service the development. The condition can be silent on the question of costs, for the purpose of this consent. It will then be up to Council (as the land manager) and RFS to negotiate arrangements for the costs and obtain the necessary resolutions of Council.

Conditions 7 and 8 to be amended to remove reference to costs.

9. INVASIVE ROOT SPECIES NOT TO BE USED OVER INFRASTRUCTURE

RFS response, agreed our Consultant will provide alternate species as required.

10. VEHICLE MANOEUVRING AND INGRESS AND EGRESS

RFS response, agreed

11. SIGHT DISTANCE

RFS response; agreed

12. INTERSECTION WITH BURLEY GRIFFIN WAY

RFS Response; RFS agrees with the assessment of the intersection upgrade requirements, being a Channelised Right Turn - Short (CHR(s)) and Auxiliary Left Turn - Short (AUL(s)) treatment on the Burley Griffin Way in accordance with the Austroads Guide to Road Design.

The basis for the upgrade is a point of discussion as RFS has received consultant advice that suggests based on the existing usage of the Harden Racecourse site and the heavy vehicle traffic on Burley Griffin Way, the intersection should already have been upgraded to a certain standard (e.g. BAL treatment) and therefore RFS should not be responsible for that cost of the upgrade.

The position of RFS for all road infrastructure upgrades is that the staff and visitors of the RFS development will not be the only members of the community using and benefiting from the proposed infrastructure. There is existing public infrastructure, the Harden Racecourse and Airfield which shares the existing access road as well as the future intention for Council to develop the remaining site. Therefore, RFS should only be paying a proportional fee and will be seeking to enter into a cost share arrangement with Council and potentially RMS in relation to the funding of the intersection and access road upgrades.

Council staff comment:

RMS has advised that it will not be funding works. The intersection has been in existence for a very long time and well before the introduction of the AustRoads Standards. It is not the practice to retrospectively apply current standards on developments already in existence as is the case with the racecourse. The catalyst for an upgrade of the intersection is when development occurs and generates increased traffic. In this case, the fire control will result in increased traffic and which will be regular weekday traffic compared to the existing intermittent weekend traffic associated with the racecourses limited activities. Refer also to the RMS comments under Condition 4. Of note for this condition is the comment:

"...The reasons for the B-Double access is an issue for Council if it desires B-Double access to the future industrial subdivision...."

The industrial subdivision is not certain nor has an application been prepared or approved. As such, it is considered that the minimum design vehicle than can be

justified for this development is the Medium Rigid Vehicle. There is the option for Council to negotiate with the applicant outside the DA process for the B-Double vehicle to be used in the design and the costs for the additional sizing apportioned as part of that process.

In terms of the request for cost sharing, this is also considered outside the scope of the development application process. It is a matter for Council as the land manager, to negotiate with RFS and this will include the proportion required for the B-Double design component, should this be pursued by Council.

Condition 12 – to be amended to state that the minimum design vehicle shall be a Medium Rigid Vehicle.

13. INTERSECTION WITH BURLEY GRIFFIN WAY

RFS Response; RFS agrees with the assessment of the intersection requirements, the intersection of the new public access road with the Burley Griffin Way shall be designed and constructed so that turning vehicles are not required to cross to the opposing travel lane in order to perform a turn manoeuvre. Associated line marking and signage is to be installed in accordance with Australian Standards.

The basis for the upgrade is a point of discussion as RFS has received consultant advice that suggests based on the existing usage of the Harden Racecourse site and the heavy vehicle traffic on Burley Griffin Way, the intersection should already have been upgraded to a certain standard (e.g. BAL treatment) and therefore RFS should not be responsible for that cost of the upgrade.

The position of RFS for all road infrastructure upgrades is that the staff and visitors of the RFS development will not be the only members of the community using and benefiting from the proposed infrastructure. There is existing public infrastructure, the Harden Racecourse and Airfield which shares the existing access road as well as the future intention for Council to develop the remaining site. Therefore, RFS should only be paying a proportional fee and will be seeking to enter into a cost share arrangement with Council and potentially RMS in relation to the funding of the intersection and access road upgrades.

Council staff Comment:

The request for cost sharing is considered outside the scope of the development application process. It is a matter for Council as the land manager, to negotiate with RFS. Refer also to RMS comments on Condition 4.

Condition 13 - No change required.

14. PUBLIC ACCESS ROAD

RFS Response; RFS questions the need for the Public Access Road to require the swept path of a B-Double, as there is no requirement for B-Double vehicles to enter the access road into the RFS site as the maximum vehicle size entering the site on any regular basis is a medium ridged vehicle. If Council requires B-Double Vehicles on the access road that is a requirement above the needs of the RFS development and therefore should not be funded by RFS.

The position of RFS for all road infrastructure upgrades is that the staff and visitors of the RFS development will not be the only members of the community using and benefiting from the proposed infrastructure. There is existing public infrastructure, the Harden Racecourse and Airfield which shares the existing access road as well as the future intention for Council to develop the remaining site. Therefore, RFS should only be paying a proportional fee and will be seeking to enter into a cost share arrangement with Council and potentially RMS in relation to the funding of the intersection and access road upgrades.

Council staff comment:

The request for cost sharing is considered outside the scope of the development application process. It is a matter for Council as the land manager, to negotiate with RFS. Refer also to Comments under Condition 12 above and RMS comments under Condition 4. Given RMS's comments about the B-Double design being an issue for Council, the reference to the B-Double design vehicle will be removed.

Condition 14 – Amended to remove reference to B-Double.

15. PUBLIC ACCESS ROAD

RFS Response; The entrance to the RFS site is located more than the 50m from the road reserve of Burley Griffin Way and therefore RFS has complied with this requirement. Additionally, RFS agrees with the requirements of the conditions that; the road shall be sealed from the edge of seal of the carriageway of the Burley Griffin Way to the southern side of the driveway to the development from the new public road. The remaining roadway within the subject site shall be constructed using an all-weather surface and treated to minimise dust leaving the subject site.

The position of RFS for all road infrastructure upgrades is that the staff and visitors of the RFS development will not be the only members of the community using and benefiting from the proposed infrastructure. There is existing public infrastructure, the Harden Racecourse and Airfield which shares the existing access road as well as the future intention for Council to develop the remaining site. Therefore, RFS should only be paying a proportional fee and will be seeking to enter into a cost share arrangement with Council and potentially RMS in relation to the funding of the intersection and access road upgrades.

Council staff Comment:

The request for cost sharing is considered outside the scope of the development application process. It is a matter for Council as the land manager, to negotiate with RFS. Refer also to RMS comments under Condition 4.

Condition 15 - No change required.

16. DESIGN OF INTERSECTION TO THE BURLEY GRIFFIN WAY

RFS Response; agreed

17. STORMWATER DRAINAGE TREATMENT

RFS Response; agreed

18. CAR PARKING

RFS Response; agreed

19. COUNCIL'S STANDARDS FOR PUBLIC ACCESS ROAD

The following summarises Council's Standards for the construction of the two way public access road which is required the access road length from the intersection with Burley Griffin Way to the intersection of the driveway to the development.

a) Design Principles

The road design shall be in accordance with the relevant Austroads "Guide to Road Design" and relevant RMS supplements.

b) Design speed

The design speed for the access road is 60km/h.

c) Design Vehicle

The design vehicle is the B-Doubles (AS2890.1) and to be able to turn within the carriage way.

RFS Response, AS 2890.2 refers to Vehicle Sweep paths and we assume by B-Double Council / RMS refers to AV (Articulated Vehicles) could you please confirm. Additionally, please refer to previous response for Condition Item 14. PUBLIC ACCESS ROAD RFS, as RFS questions the requirement for the sweep path of B-Double Vehicle as the Site has identified the largest size/type of vehicles entering the facility will be Medium Ridged.

Council staff comment:

The requirement for B-Double to turn within the carriageway has been re-assessed and is not required.

Condition 19.c) to be updated to refer to medium rigid vehicles.

- d) **Road Width**
Lane Width = 3.5m, shoulder width = 1m, carriageway width = 9.0m and Minimum reserve width = 20m
- e) **Horizontal Alignment**
Horizontal alignment shall be in accordance with the Austroads Guide to road design Part 3. The minimum horizontal sight distance required at any point along the road is twice the stopping distance for the spot speed relevant at that point.
- f) **Gradients and Vertical Alignment**
The desirable maximum longitudinal gradient on the road is 12% and the minimum longitudinal gradient based on drainage requirements is 0.4%. The maximum permissible change of gradient without requiring vertical curve shall be 0.8%. The controlling factor in the design of vertical curves is the provision of adequate sight distance. General minimum sight distance is twice the stopping distance for the design speed.
- g) **Crossfall**
The desirable crossfall for the carriageway is 3% and maximum crossfall should not be exceeded 6% in super elevations.
- h) **Intersection**
The design for the intersection of the driveway to the development and Access Road shall comply with Austroads Part 4A unsignalised intersections and guide to Traffic Engineering Practice. The minimum turning radius must be 15m. For the intersection, the sight distance available between a vehicle leaving the lot and a vehicle approaching on the access road should be the Safe Intersection Site Distance (SISD) appropriate. This distance is numerically equal to the general minimum sight distance for the design speed.
- i) **Street Lighting**
The provision and detailed design of street lighting installations are to be in accordance with guide to Traffic Engineering Practice – Part 12 Roadway Lighting-Austroads and AS1158 Public Lighting Code – Standards Association of Australia.

RFS Response, RFS is seeking clarification as to the requirement for the implementation of street lighting as there is no existing lighting on any other regional roads in this area.

Council staff comment:

The requirement for street lighting has been reviewed and given there is no need for the intersection to be lit or to provide lighting for pedestrians or roadway fixtures, it will not be required in this case.

Condition 19.i) to be deleted.

- j) **Pavement Design**
Pavement design shall comply with the Austroads Guide to pavement Technology – Part 2, pavement Structural design having consideration of the traffic loadings, design vehicle and CBR of the existing subgrade. Where subgrade materials have a design CBR of less than three, these materials may be stabilising in situ or replaced using a blanket course to the satisfaction of the Engineer. Minimum CBR for the Sub-Base Course is 40% and Base Course is 80%.
- k) **Sealing**
The surface of the Base Course shall be primer-sealed in accordance with Bituminous Surfacing volume 1, sprayed Works (Austroads) prior to application of wearing course. Bitumen emulsion in accordance with AS 1160 shall be uniformly and evenly sprayed on to the existing surface at a rate determined by design. Aggregates used for chip sealing shall be in accordance with the Australian Standard AS 2758.
- l) **Road markings and signage**
Road markings and signage must be in accordance with the RMS manual of uniform traffic control devices as amended from time to time.

RFS Response; Councils requirements for the access road are noted, RFS seeks clarification for item i) Street Lighting, see comments above and item c) Design Vehicle also see comments above.

The position of RFS for all road infrastructure upgrades is that the staff and visitors of the RFS development will not be the only members of the community using and benefiting from the proposed infrastructure. There is existing public infrastructure, the Harden Racecourse and Airfield which shares the existing access road as well as the future intention for Council to develop the remaining site. Therefore, RFS should only be paying a proportional fee and will be seeking to enter into a cost share arrangement with Council and potentially RMS in relation to the funding of the intersection and access road upgrades.

Council staff comment:

The request for cost sharing is considered outside the scope of the development application process. It is a matter for Council as the land manager, to negotiate with RFS.

Condition 19 - No further changes required for condition 19 other than those outlined above for c) and i).

20. RETENTION AND PROTECTION OF TREES ALONG WESTERN BOUNDARY

RFS Response; RFS requires the removal of two existing trees inside the proposed site boundary, to accommodate for the driveway access into the site. Additionally, the Access road upgrades will require the removal of the existing trees in-the centre of the road lanes, therefore we request the wording be amended to the following;

*The trees located along the western boundary of the site (ie adjoining Wynwood) **within the access road reserve along the western fence line** and adjacent to the access road **except the nominated trees for removal** are to be retained in the access road design and shall be protected during construction. Any trees that do not survive within 12 months of completion of works shall be replaced with advanced stock.*

Also, please clarify what is meant by advanced stock? This will enable clarity with specifications.

Council staff comment:

Proposed clarification wording is considered appropriate and achieves the intent. The advanced stock size in this case to enable the plants to become well established and quickly grow, are those with a minimum pot size of 250mm.

Condition 20 is to be updated with applicant's recommended wording and the inclusion of advanced stock being trees with a minimum pot size of 250mm.

PRIOR TO COMMENCEMENT OF WORKS

21. CERTIFICATION OF CROWN BUILDING WORK

RFS Response; RFS agreed

22. DEVELOPMENT CONTRIBUTIONS TO BE PAID

RFS Response; In accordance with Planning Circular D6 - Crown Development Applications and Conditions of Consent, the levying of contributions from Crown developments requires a clear nexus between the developments and the works for which they are collected. As s94A plans collect indirect contributions, in accordance with this guideline they would not be applicable to a Crown development. Therefore, RFS will not be paying development contributions.

Council staff comment:

This condition and the requirements relating to crown development have been reviewed. Refer to Financial section of this report.

Condition 22 will be deleted.

23. SECTION 64 CONTRIBUTIONS – GOLDENFIELDS WATER

RFS Response; The "2016 Developer Charges Guidelines for Water Supply, Sewerage and Stormwater" has been prepared by the former Department of Primary Industries – Water. Section 2.7 of this guideline states that "Crown developments for essential community services (eg. community services) are generally exempt from general developer charges. LWUs may charge these developments only for that portion of the direct connection cost (eg. for a lead-in main) relating to the Crown development. Under section 306 (4) and (5) of the Water Management Act 2000, the Minister for Planning and Infrastructure may make a determination in regard to developer charges levied on Crown developments. Accordingly, general developer charges are not accepted by RFS. Conditions 34 and 35 below address the matter of sewer and water main extensions to the site.

Council staff comment:

The document referenced is a guideline for the preparation of Development Services plans and their associated Developer Charges. The document was used in the review of the Goldenfields Water Developer Charges Policy adopted on 25 August 2016. The Policy makes no reference to exempting crown developments like a fire control centre from the charges, but does reference the *Water Management Act 2000* provision allowing the Minister to make a determination.

Council does not have the authority to vary the requirements for charges under the Goldenfields' Development Servicing Plan or Developer Charges Policy. The condition however can be revised to require a Certificate of Compliance from Goldenfields Water. This allows the RFS the opportunity to negotiate and/or request exemption from the water authority. The appropriate discretion can then be decided by the water authority and the compliance certificate issued. The timing of this certificate can also be changed to be required prior to issuing of Occupation Certificate or equivalent, rather than commencement of works, to allow for the negotiation and exemption process.

Condition 23 to be amended to:

GOLDENFIELDS WATER – CERTIFICATE OF COMPLIANCE

Prior to the issue of an occupation certification or equivalent, evidence shall be submitted to Council that a Certificate of Compliance from Goldenfields Water has been issued in respect to arrangements made for a contribution towards the cost of water management works in accordance with Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000*.

24. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

RFS Response; agreed

25. RMS CONSTRUCTION MANAGEMENT PLAN FOR ACCESS AND PARKING

RFS Response; agreed

26. EROSION AND SEDIMENTATION CONTROL PLAN

RFS Response; agreed

27. EROSION AND SEDIMENTATION IMPLEMENTATION

RFS Response; agreed

28. CONTAINMENT OF BUILDING RUBBISH

RFS Response; agreed

29. PROVIDE WORKERS TOILET FACILITIES

RFS Response; agreed

30. WORKS AUTHORISATION DEED

RFS Response; RFS will seek discussions with Council to understand if Council has the capacity to undertake the Project Management and Construction of the Civil Works either by direct staff or Contractor for the identified Upgrades to the

intersection and Access Road. If Council are willing to Deliver the Civil Works Council will be required to enter a works Authorisation Deed with RMS.

Council staff comment:

Comment noted and no change required to condition

Condition 30 – No changed required.

31. SECTION 138 OF THE ROADS ACT

RFS Response; RFS will seek discussions with Council to understand if Council has the capacity to undertake the Project Management and Construction of the Civil Works either by direct staff or Contractor for the identified Upgrades to the intersection and Access Road. If Council are willing to Deliver the Civil Works Council will be responsible for all public utility adjustment/relocation works, necessitated by the proposed works and as required by the various public utility authorities and/or their agents.

Council staff comment:

Response noted and no change required to condition

Condition 31 - No changed required.

32. STORMWATER DRAINAGE MANAGEMENT SYSTEM DESIGN

RFS Response; agreed

33. TRAFFIC CONTROL PLAN

RFS Response; RFS will seek discussions with Council to understand if Council has the capacity to undertake the Project Management and Construction of the Civil Works either by direct staff or Contractor for the identified Upgrades to the intersection and Access Road. If Council are willing to Deliver the Civil Works Council will be responsible for providing and approving all Traffic Control Plans.

Council staff comment:

Response noted and no change required to condition

Condition 33 - No changed required.

34. WATER MAIN EXTENSION DESIGN PLANS

RFS Response, RFS will not agree to this condition as it was agreed by Council to provide Water service to the site at no cost to the RFS as council meeting prior to merger with Young. Council will provide all design information.

35. SEWER MAIN EXTENSION DESIGN PLANS

RFS Response, RFS will not agree to this condition as it was agreed by Council to provide Sewer service to the site at no cost to the RFS as council meeting prior to merger with Young. Council will provide all design information.

Council staff comment:

Both the water main and sewer main need to be extended to service the development and design plans will need to be approved prior to work commencing, regardless of who is preparing them.

The cost and who prepares the plans can be negotiated between Council, as the land manager, and the RFS. This matter is outside the scope of the development application process. Conditions 34 and 35 are recommended to remain unchanged as the wording does not preclude Council preparing the design plans for the approval process, nor does it suggest any costs to be incurred.

Conditions 34 and 35 are recommended to remain unchanged.

36. CONNECTION TO SEWER MAIN

RFS Response; agreed

37. DOCUMENTATION FOR CIVIL WORKS

RFS Response; RFS will seek discussions with Council to understand if Council has the capacity to undertake the Project Management and Construction of the Civil

Works either by direct staff or Contractor for the identified Upgrades to the intersection and Access Road. If Council are willing to Deliver the Civil Works Council will be responsible for all project documentation.

Council staff comment:

Response noted and no change required to condition.

Condition 37 – No changed required.

38. ROAD OPENING PERMIT

RFS Response; agreed

39. BACKFLOW PREVENTION DEVICE

RFS Response; agreed

40. BACK FLOW PREVENTION ON FIRE SERVICES

RFS Response; agreed

PRIOR TO THE ERECTION OF THE COMMUNICATIONS TOWER

41. AIRCRAFT SAFETY- AIRSERVICES NOTIFICATION

RFS Response; agreed

42. AIRCRAFT SAFETY – TALL STRUCTURES REPORTING

RFS Response; agreed

43. AIRCRAFT SAFETY - COMMUNICATIONS TOWER LIGHTING

RFS Response; agreed

44. AIRCRAFT SAFETY – NOTICE TO REPORTING OFFICER HARDEN AIRFIELD

RFS Response; agreed

DURING CONSTRUCTION

45. CONSTRUCTION HOURS

RFS Response; agreed

46. PLUMBING AND DRAINAGE INSTALLATION REGULATIONS

RFS Response; agreed

47. INSPECTION OF PLUMBING AND DRAINAGE

RFS Response; agreed

48. PROTECTION OF TREES

RFS Response; Agreed, As per Condition 20. please clarify what is meant by advanced stock?

Council staff comment:

Advanced stock will be as per condition 20 and recommended to be included in Condition 48.

Condition 48 to include Advanced stock being trees with a minimum pot size of 250mm.

49. MANAGEMENT OF EROSION AND SEDIMENTATION CONTROL MEASURES

RFS Response; agreed

50. TEMPORARY VEHICLE ACCESS

RFS Response; agreed

51. CUT AND FILL

RFS Response; agreed

52. EXCESS SOIL

RFS Response; agreed

53. PROTECTION OF AMENITY
RFS Response; agreed

54. DISCOVERY OF RELICS
RFS Response; agreed

PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE OR EQUIVALENT

55. OCCUPATION CERTIFICATE OR EQUIVALENT
RFS Response; agreed

56. EASEMENTS
RFS Response; agreed

57. EVIDENCE OF COMPLIANCE – TELECOMMUNICATIONS TOWER
RFS Response; agreed

58. NOISE MITIGATION
RFS Response; agreed

59. BUNDED AREA FOR CONTAINMENT OF HAZARDOUS SUBSTANCES
RFS Response; agreed

60. ACCESS CONTROL
RFS Response; agreed

61. RESTORATION OF DAMAGE RMS ROAD RESERVE
RFS Response; agreed

62. LANDSCAPING
RFS Response; Agreed, As per Condition 20. please clarify what is meant by advanced stock?

Council staff comment:

Advanced stock will be as per condition 20 and recommended to be included in Condition 62.

Condition 62 to include Advanced Stock being trees with a minimum pot size of 250mm.

63. ADDITIONAL LANDSCAPING
RFS Response; Agreed

64. LANDSCAPE SCREENING OF HOT FIRE TRAINING GROUND RMS
RFS Response; Agreed

65. FLOOR LEVEL TO BE 150mm ABOVE YARD GULLY
RFS Response; Agreed

66. INSULATE HEATED AND COLD WATER SERVICE PIPES
RFS Response; Agreed

67. PROVISION OF WASTE ENCLOSURE
RFS Response; Agreed

68. CONNECTION TO ELECTRICITY SUPPLY
RFS Response; Agreed

69. WORKS AS EXECUTED PLANS
RFS Response; RFS will seek discussions with Council to understand if Council has the capacity to undertake the Project Management and Construction of the Civil Works either by direct staff or Contractor for the identified Upgrades to the intersection and Access Road. If Council are willing to Deliver the Civil Works Council will be responsible for all WAE documentation.

Council staff comment:

Response noted and no change required to condition.

Condition 69 unchanged.

70. PRACTICAL COMPLETION

RFS Response; Agreed

71. DEFECTS LIABILITY

RFS Response; Agreed

72. SUBMIT FINAL FIRE SAFETY CERTIFICATE

RFS Response; Agreed

ON-GOING MANAGEMENT OF THE DEVELOPMENT

73. DIRECT ACCESS TO BURLEY GRIFFIN WAY DENIED

RFS Response; Agreed

74. ONSITE CAR PARKING

RFS Response; Agreed

75. LOADING AND UNLOADING

RFS Response; Agreed

76. MAINTAIN CAR PARKING AREAS AND DRIVEWAY SEALS

RFS Response; Agreed

77. CAR PARKING SPACES TO BE KEPT FREE AT ALL TIMES

RFS Response; Agreed

78. VEHICLE INGRESS AND EGRESS

RFS Response; Agreed

79. RAINWATER CONSUMPTION

RFS Response; Agreed

80. MAINTENANCE OF LANDSCAPING

RFS Response; Agreed

81. FIRE FIGHTING FOAM

RFS Response; Agreed

82. SUBMIT ANNUAL FIRE SAFETY STATEMENT

RFS Response; Agreed. ..."

Comment:

The above Council Staff Comments and proposed actions were provided back to the applicant, including the request for

1. Additional landscaping to be extended from the "new native tree & tall screen shrub planting" fronting the access road to around the fire hydrant storage tanks and along the proposed southern site boundary between the tanks and stores building (with appropriate gap for future brigade station access).
2. Additional tree to replace the Peppercorn tree that will be impacted by the proposed water main along the western boundary of the proposed site.

The following advice was received from the applicant:

"Thank you for providing the amended Draft Conditions of Consent for the Harden RFS Development, DA T2017-051.

Public Works Advisory on behalf of NSW RFS, agrees to the amended Draft Conditions of Consent (Updated 12-4-2018) including the identified amendments to the Landscape plan.

Also I would like to note that the resulting costs of the conditions items relating to the Road Infrastructure upgrades will be negotiated as a cost share agreement, between RFS and Hilltops Council. "

The draft conditions in Appendix 1 have been updated to reflect the agreement and include the additional landscaping requirements.

7.0 Public Consultation

The application was notified as advertised development from 4 December 2017 to 18 December 2017. One submission was received during the notification period. The relevant planning matters are assessed below.

Issue 1: Runoff water

The submitter has requested that no runoff water is diverted into paddocks next to development, onto "WYNWOOD"

Comment:

The property Wynwood adjoins Lot 7017 on the southern and western boundaries as shown in Figure 12. This figure also shows the location of the proposed development is adjoining the portion of Wynwood located on the eastern side of Wynwood Road. The access road to the racecourse separates development site from this section of Wynwood. The natural stormwater drainage path for development site is to the north and north east.



Figure 12 - Location of WYNWOOD in relation to Subject Land

The applicant has responded to the request as follows:

"The Stormwater management system for the proposed RFS development site will be designed and constructed in accordance with all relevant legislation, building codes and standards. The design intention will be to retain all stormwater on site via retention basins and landscaped berms to ensure that only minimal stormwater leaves the site and directed into the existing local infrastructure and waterways. Due to the natural slope on the site all stormwater runoff will be directed in a northerly direction away from neighbouring paddocks."

The applicant's proposal for managing stormwater accords with the usual practice of ensuring that stormwater is not directed onto adjoining lands and that post development flows do not exceed pre-development. The recommended conditions of consent (should it be issued) will include the condition to ensure this occurs.

Given the natural drainage path for the development site is directed away from the adjoining Wynwood property, the applicant's design to retain most of the stormwater onsite with minimal leaving the site via existing infrastructure to the north and the

recommendation to include the condition requiring the management of stormwater to ensure it is not directed onto adjoining properties and does not exceed pre development flows, it is considered that the issue has been addressed.

Issue 2: Visual impact and screening

The submitter has requested that a sufficient number of trees and shrubs are grown on the western and southern sides of the development to screen the structures from view.

Comment:

The context of the homestead on Wynwood is shown in Figure 13 below. The applicant has also responded to the request as follows:

"Currently the southern and western boundaries of the site have an established line of native trees thus already creating an screening effect between the neighbouring property and proposed RFS site. The development requires only two (2) smaller trees to be removed to enable access onto the existing access road (identified on the site plan). No additional trees or shrubs will be removed within the proposed site in order to construct the Development."

The applicant has prepared a landscape plan (Figures 14 -15) which includes native trees that will grow to heights ranging from 5-25m tall, located along the western edge of the development site adjoining the access road, together with screening trees and shrubs between 2 – 6m tall. Additional screen planning will be required between the proposed driveway and the southern boundary of the development site to ensure an effective landscape treatment for this boundary. There are existing trees through the median of the access road which also provides some screening of the buildings from the dwellings located on Wynwood.

There is approximately 10m difference in the ground level between the development site and the dwelling located on Wynwood, which aids in reducing the prominence of any buildings on the site and the effectiveness of the use of landscaping as screening. This combined with the proposed landscaping, the additional screen planting that will be required adjoining the future brigade station and recommended condition of consent requiring the maintenance of the landscaping and the use of advanced species is considered to adequately address the submitter's request.



Figure 13 - View of Wynwood from Development site

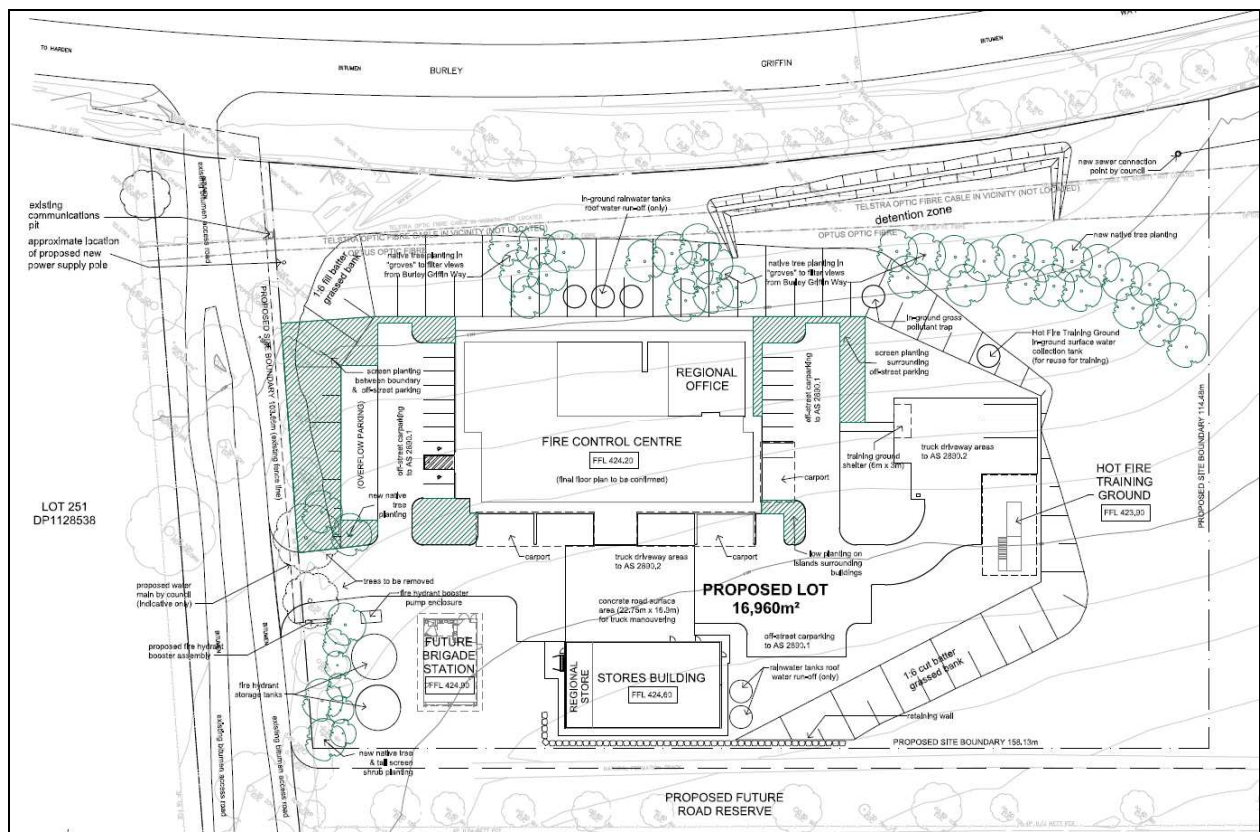


Figure 14 - Landscape Plan – extract

LEGEND



Native tree
planting



Planting - small trees, shrubs
& groundcovers - into
mulched beds

Botanical Name	Common Name	Attributes	Planting Size	Management
Native Tree Planting				
<i>Allocasuarina verticillata</i>	Drooping She-oak	Evergreen trees with broad spreading form; provide visual screen & shade	Tubestock planting into weed free mulched area	Supplementary watering for (minimum of) first two growing seasons.
<i>Eucalyptus blakelyi</i>	Blakely's Red Gum			
<i>Eucalyptus macrorhyncha</i>	Red Stringybark			
<i>Eucalyptus polyanthemos</i>	Red Box			
Screen Planting				
<i>Acacia verniciflua</i>	Varnish Wattle	Evergreen Small Trees & Tall Shrubs	Tubestock to Semi-advanced (5L containers), as appropriate, in mulched beds	Supplementary watering for (minimum of) first two growing seasons.
<i>Acacia vestita</i>	Hairy Wattle			
<i>Callistemon 'Harkness'</i>	Harkness Bottlebrush			
<i>Melaleuca diosmatifolia</i>	Pink Honey-myrtle			
Carpark & Building Curtilage Planting				
<i>Acacia decora</i>	Western Silver Wattle	Evergreen Smaller Shrubs & Groundcover species	Tubestock to Semi-advanced (5L containers), as appropriate, in mulched beds	Install micro-irrigation system for supplementary watering as required.
<i>Correa reflexa</i>	Native Fuchsia			
<i>Grevillea 'Bronze Rambler'</i>				
<i>Grevillea rosmarinifolia</i>	Rosemary Grevillea			
<i>Grevillea lanigera</i>	Woolly Grevillea			

Figure 15 - Landscape Plan Legend and Species list

The submitter was provided with the applicant's response, the assessment of the two proposed requests and recommended conditions relating to stormwater and landscaping. The submitter provided the following response:

"Thankyou for the email confirming the requests in my submission regarding runoff water and landscaping including, planting of a sufficient number of various sized trees and shubs will be addressed and included in the development on the western side and the southern side.

I ask that as part of the development council remove the existing six peppercorn trees growing right on the racecourse side of our boundary fence these trees are old and are close to the end of there life. I would like a new row of shrubs along the length of the driveway planted 2 metres away from the boundary fence, as the main problem I have with the peppercorn trees is they are over hanging the fence and restricting my access along the fenceline. If the trees are not removed I request council cut the branches off on our side of the trees.

Thankyou for reading my submission."

The submitter has been advised of the following in reference to the additional request:

"In reference to your additional request regarding the peppercorn trees, unfortunately, because they are not located on the development site, they cannot be included as part of the development. However, as mentioned on the phone, the survey of the land shows that the fencing of the land is not along the boundary and the peppercorn trees are located within the boundary of Wynwood, not the Racecourse Reserve land. This means that you are able to prune and/or remove the trees to assist with access to the fenceline. I have attached an extract of the survey plan with the boundary highlighted in yellow for your reference."

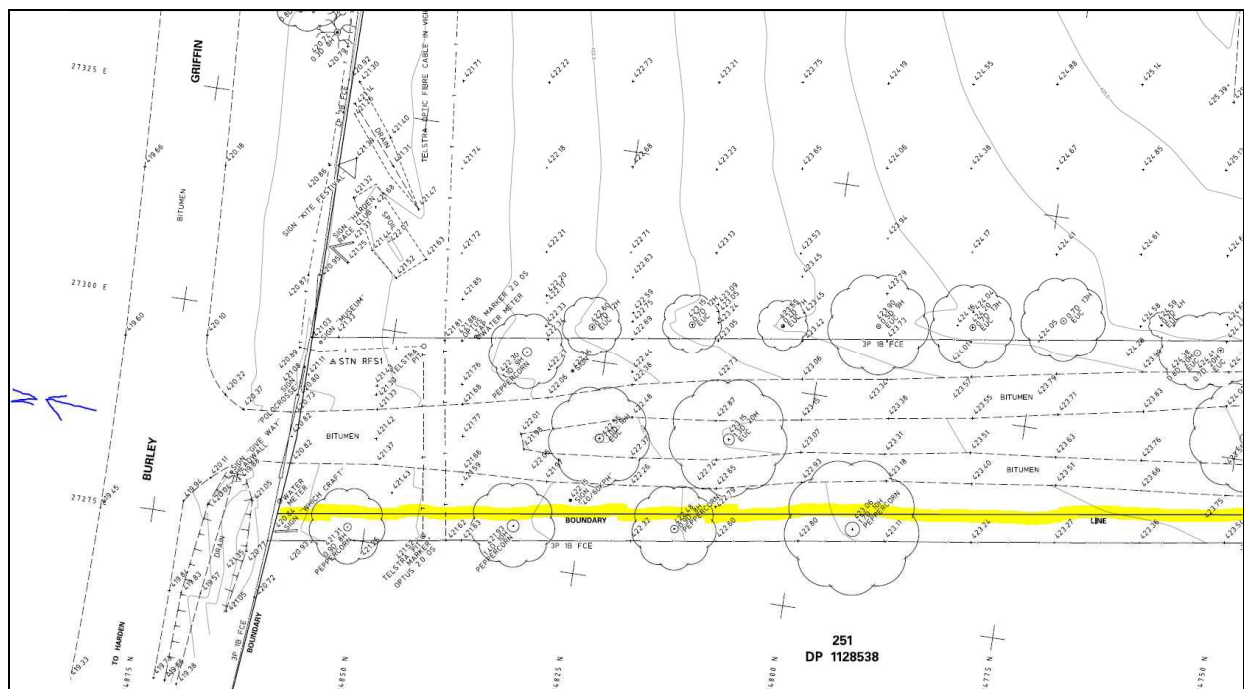


Figure 16 - Extract of Survey plan provided to submitter

8.0 Financial Implications

Development Contributions under Section 94A of the *Environmental Planning and Assessment Act* and Section 64 of the *Local Government Act* have been assessed below.

8.1 Harden Contributions Plans for Other Developments

The *Harden Contributions Plans for Other Developments* applies to the land and the development. Table 1.2 of the plan sets out the contribution rates applying to development. It requires a contribution rate of 1.0% of the cost where the proposed cost of the development is greater than \$500,000. This equates to a contribution of \$71,894 for this development having an estimated cost of \$7,189,400. A condition was recommended to be included to require the payment of the contribution charge in accordance with this plan, however this has been reviewed upon receipt of the applicant's response to the Draft Conditions of consent.

Planning Circular D6 – Crown Development Applications and Conditions of Consent published by the Department of Planning 21 September 1995 applies. It includes guidelines on appropriate conditions for Crown Developments including those for section 94 contributions (now 7.11). It suggests that crown activities providing a public facility lead to significant benefits to the public in terms of essential community services and these activities are not likely to require the provision of public services and amenities in the same way as developments undertaken with a commercial objective. The circular includes a matrix which outlines which section 94 contributions are usually considered appropriate for Crown activities. In this case, the crown activity "Law/Order Services" is the most appropriate fit for the proposed fire control centre. The circular suggests that contributions for Drainage and Upgrading of Local Roads and Local Traffic Management associated with the site entrance are appropriate to include.

The *Harden Contributions Plans for Other Developments* has a Works Schedule that contains three items relating to a Skate Park in Harden and upgrades to two components of Galong Hall. It is difficult to argue that there is direct demand created by the Fire Control Centre development for such works. As such, in this case, being a Crown Development, the imposition of a condition for the payment of contribution is not considered appropriate.

8.2 Goldenfields Water Developer Charges Policy

The Goldenfields Water County Council Developer Charges Policy also applies to the land and the development. This plan levies Developer Charges which consists of an Infrastructure and Augmentation charges.

Goldenfields use the annual volume of water use for non-residential developments is used to determine the Developer Infrastructure Charge. It is unclear from the policy whether augmentation charges are applicable for this development

It is noted that for any connection exclusively for fire fighting purposes there is no developer infrastructure charge payable. This is likely to apply to the hydrant service proposed on the site.

A condition is recommended to be included in any consent issued to require to payment of the applicable developer charges under the Goldenfields Water County Council Developer Charges Policy. The applicant has objected to such a condition and refuses to pay any general developer charges. Subsequently the condition has been amended to require a Certificate of Compliance from Goldenfields Water to be issued in respect to arrangements made for a contribution towards the cost of water management works in accordance with Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000*. This allows for the applicant to seek any exemptions from Goldenfields Water directly and the arrangement is formalised through the Certificate.

9.0 Conclusion

The development application for the construction and establishment of a fire control centre for the NSW Rural Fire Service on Lot 7017 DP1301321 No. 4559 Burley Griffin Way, Cunnigar, has been assessed in accordance with the provisions of the *EP&A Act* with all matters specified under Section 79C(1) having been taken into consideration. The land is zoned RU1 Primary Production under the Harden Local Environmental Plan 2011 and the proposal, which is defined as an "Emergency Services Facility", is permitted with consent on the land under the SEPP (Infrastructure). The land is a crown reserve and is subject to the Harden Shire Council Plan of Management for Community Land. The proposal can be accommodated under the existing Plan of Management for the land and allows for a lease or licence to be granted for the use.

The required utility services can be provided to the development and extension of the existing sewer and water mains will be required. Vehicular access can be provided via the exiting access road which must be upgraded to a public access road standard and the intersection with Burley Griffin Way designed and constructed in accordance with the NSW Roads and Maritime Services RMS requirements. The potential impacts relating to groundwater and surface water quality have been addressed by removing the use of fire fighting foam from the training area and the design of a stormwater system that captures and treats the surface water to remove oils, grits and hydrocarbons. The potential impacts on the aircraft safety of users of the adjoining airfield can be addressed through suitable markings and lighting beacon on the proposed communications tower. As well as notification to Air services and CASA to update the various procedural guides and mapping for tall structures.

Potential noise impacts from the operation of the facility have largely been controlled through the operation hours and enclosure of noise emitting equipment. The potential visual impacts of the proposal from adjoining homesteads and also drivers on the 100km/hr section of Burley Griffin Way has been managed through landscape screening with advanced stock and the relocation of the hot fire training facility to reduce visibility from the road. Potential noise, environmental and traffic impacts during construction have been mitigated through requirements for construction management plan and construction hours.

The application was the subject of one submission received during the public exhibition period for the development application. This submission raised issues concerning visual impact and management of stormwater. These matters have been addressed through additional landscape screening of the development and suitable design of stormwater to ensure an increase in discharge does not occur off the site and it is not directed onto the adjoining agricultural property. The submitter provided the following response:

"Thankyou for the email confirming the requests in my submission regarding runoff water and landscaping including, planting of a sufficient number of various sized trees and shubs will be addressed and included in the development on the western side and the southern side."

Conditions enforcing the arrangements and requirements in place to mitigate the potential impacts and manage the development into the future have been recommended together with conditions also include the payment of contributions under the Harden Contributions Plan for other Development and the Goldenfields Water Developer Charges Policy. The recommended conditions have been provided to the applicant for approval. The application is a "Crown Development" under Section 88 of the Act and as such, Section 89 of the Act requires that conditions cannot be imposed on a consent for a Crown development without the approval of the applicant or Minister. The applicant provided their response to the conditions of consent. The condition relating to contribution charges under Harden's Contribution Plan for Other Development has been removed as it was refused and no justification could be provided for it to remain. The request for clarification relating to landscaping conditions have been provided and agreed upon. The objection to costs associated with the civil works was noted and is outside the scope of the development application process and can be negotiated between Council and the RFS as a land manager and tenant relationship. The Golden Fields Water Developer Charges condition has been amended to require a Certificate of Compliance under the *Water Management Act* which allows for the applicant to seek exemptions directly with Goldenfields Water. The applicant has subsequently agreed to the recommended draft conditions as amended.

The report has been prepared for the Southern Joint Regional Planning Panel as the consent authority as required under the SEPP (State and Regional Development) 2011. This SEPP identifies crown development with a value over \$5 million as regional development and with a value of over \$7 million, this development application qualifies for determination by the Panel.

It is considered that the proposed development generally satisfies the objectives and controls of the Harden Local Environmental Plan 2011 and the applicable SEPPs. The site is considered suitable for the proposed development and the potential adverse impacts during and post construction have either been removed or can be mitigated. The crown development application for the Emergency Services Facility (RFS Fire Control Centre) on Lot 7017 DP1301321 No. 4559 Burley Griffin Way Cunningar, is recommended to the Southern Joint Regional Planning Panel for approval subject to the conditions in Appendix 1 and the receipt of land owners consent.

10.0 Recommendation

That the Southern Joint Regional Planning Panel as the consent authority pursuant to Clause 80(1)(a) and 80(3) of the *Environmental Planning and Assessment Act 1979* grant conditional consent to Development Application No. T2017-051 for an Emergency Services Facility (RFS Fire Control Centre) on Lot 7017 DP1301321 No. 4559 Burley Griffin Way, Cunningar, subject to the receipt of evidence of land owners consent.

APPENDIX 1

DRAFT Conditions of Consent – 2018STH005 - T2017-051 – Fire Control Centre (Emergency Services Facility) – 4559 Burley Griffin Way, Cunningham

Approved by applicant 18 April 2018

APPROVED DEVELOPMENT

1. APPROVED PLANS

The development shall be generally in accordance with the supporting documentation submitted with the development application, including, but not limited to, the following.

Drawings prepared by Havenhand Mather Architects Planners			
Drawing No.	Revision /Issue	Name of Plan	Date
A.01	8 / 04.04.18	Overall Site & Locality Plans	20.10.17
A.02	9 / 04.04.18	Part Site Plan	20.10.17
A.03	5 / 04.04.18	Site Elevations	20.10.17
A.04	4 / 04.04.18	Site Elevations & Typical Section	20.10.17
LD-01	05.04.18	Landscape Plan	05.04.18
• Statement of Environmental Effects, February 2018			

and as modified by any conditions of this consent.

2. DOCUMENTATION TO BE KEPT ONSITE

A copy of the stamped approved plans and documentation must be kept onsite for the duration of site works and be made available upon request to either the Certifying Authority or an officer of the Council.

3. COMPLY WITH THE BUILDING CODE OF AUSTRALIA

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

4. NO COST TO RMS

Any works associated with the proposed development shall be at no cost to Roads and Maritime Services.

5. AIRCRAFT SAFETY – TOWER MARKING

The communications tower must be marked in contrasting bands with the darker colour at the top, as shown in Figure 8.10 3, from Section 8.10: Obstacle Markings of the *CASA Manual of Standards Part 139 – Aerodromes*. The bands must be perpendicular to the longest dimension and have a width approximately 1/7 of the longest dimension or 30 m, whichever is less.

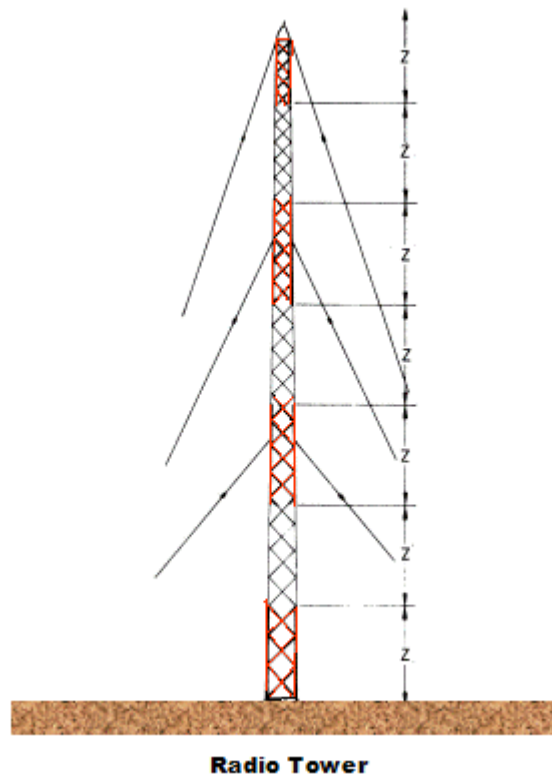


Figure 8.10-3: Marking of mast, pole and tower

6. CIVIL WORKS

All civil works stipulated in this approval shall be carried out and constructed in accordance with Council's Engineering Guidelines for Subdivision and Development, these conditions of consent and relevant approved designs.

All applications and submissions shall be prepared in accordance with Council's Engineering Guidelines for Subdivision and Development. The Developers attention is drawn to Council's Guidelines regarding easements and design presentation.

All design, specifications and construction detailed in these conditions and in Council's Guidelines shall be at full cost to the Developer, unless otherwise stated.

7. WATER MAIN EXTENSION

Council's water main shall be extended to service the development, in accordance with Council's current standard. This work shall be done by Council.

8. SEWER MAIN EXTENSION

Council's sewer main shall be extended to service the development in accordance with Council's current standard. This work shall be done by Council.

9. INVASIVE ROOT SPECIES NOT TO BE USED OVER INFRASTRUCTURE

The landscaping species that are proposed over areas with stormwater drainage, water or sewerage lines shall have non-invasive root systems. The Species *Acacia Buxifolia* (Box leaf Wattle) is not suitable to be planted in areas with these service lines.

DESIGN

10. VEHICLE MANOEUVRING AND INGRESS AND EGRESS

The swept path of the largest vehicles entering and exiting the subject site and manoeuvrability through the site is to be in accordance with AS 2890.2-2002 "Off-street commercial vehicle facilities" and to Councils satisfaction. For road safety reasons the layout of the development and any access driveway shall be designed to allow all vehicles to enter and exit the subject site in a forward direction and not be required to reverse onto the adjoining road reserve.

11. **SIGHT DISTANCE**
The intersection of the access road with the Burley Griffin Way is to be constructed and the roadside maintained so as to provide the required Sight Distance criteria for intersections in accordance with the Austroads Publications as amended by the supplements adopted by Roads and Maritime Services for the posted speed limit. Compliance with this requirement is to be certified by an appropriately qualified person prior to construction of the vehicular access.
12. **INTERSECTION WITH BURLEY GRIFFIN WAY**
As a minimum the intersection of the proposed public access road with the Burley Griffin Way is to be constructed as a public road intersection with a Channelised Right Turn - Short (CHR(s)) and Auxiliary Left Turn - Short (AUL(s)) treatment on the Burley Griffin Way in accordance with the Austroads Guide to Road Design as amended by the supplements adopted by Roads and Maritime Services for the posted speed limit. The minimum size design vehicle shall be a Medium Rigid vehicle.
13. **INTERSECTION WITH BURLEY GRIFFIN WAY**
The intersection of the new public access road with the Burley Griffin Way shall be designed and constructed so that turning vehicles are not required to cross to the opposing travel lane in order to perform a turn manoeuvre. Associated line marking and signage is to be installed in accordance with Australian Standards.
14. **PUBLIC ACCESS ROAD**
The proposed public access road shall be constructed as a 2 way public road to Council standards for its entire length from its intersection with the Burley Griffin Way. The proposed intersection and new road shall be designed and constructed to accommodate, at a minimum, the swept path of a Medium Rigid vehicle.
15. **PUBLIC ACCESS ROAD**
The driveway to the Rural Fire Service facility from the proposed internal public road shall be located at least 50 metres from the road reserve of the Burley Griffin Way. As a minimum the proposed public road shall be sealed from the edge of seal of the carriageway of the Burley Griffin Way to the southern side of the driveway to the development from the new public road. The remaining roadway within the subject site shall be constructed using an all weather surface and treated to minimise dust leaving the subject site.
16. **DESIGN OF INTERSECTION TO THE BURLEY GRIFFIN WAY**
Any roadway and intersection to the Burley Griffin Way shall be designed, constructed and maintained so as not to interfere with the capacity of the existing roadside drainage network and to prevent water from proceeding onto, and ponding within, the carriageway of the Burley Griffin Way. If a culvert is to be installed and is to be located within the clear zone of the Burley Griffin Way for the posted speed zone it is to be constructed with a traversable type headwall.
17. **STORMWATER DRAINAGE TREATMENT**
Suitable drainage treatment is to be implemented within the development site to retard any increased storm water run-off from the development site to the road reserve of the Burley Griffin Way.
18. **CAR PARKING**
The off-street car park layout associated with the proposed development including driveway design and location, internal aisle widths, ramp grades, parking bay dimensions and loading bays are to be in accordance with AS 2890.1-2004 "Off-street car parking" and AS 2890.2-2002 "Off-street commercial vehicle facilities".
19. **COUNCIL'S STANDARDS FOR PUBLIC ACCESS ROAD**
The following summarises Council's Standards for the construction of the two way public access road which is required the access road length from the intersection with Burley Griffin Way to the intersection of the driveway to the development.

- a) Design Principles
The road design shall be in accordance with the relevant Austroads "Guide to Road Design" and relevant RMS supplements.
- b) Design speed
The design speed for the access road is 60km/h.
- c) Design Vehicle
The design vehicle is the Medium Rigid vehicle (AS2890.1) and to be able to turn within the carriage way.
- d) Road Width
Lane Width = 3.5m, shoulder width = 1m, carriageway width = 9.0m and Minimum reserve width = 20m
- e) Horizontal Alignment
Horizontal alignment shall be in accordance with the Austroads Guide to road design Part 3. The minimum horizontal sight distance required at any point along the road is twice the stopping distance for the spot speed relevant at that point.
- f) Gradients and Vertical Alignment
The desirable maximum longitudinal gradient on the road is 12% and the minimum longitudinal gradient based on drainage requirements is 0.4%. The maximum permissible change of gradient without requiring vertical curve shall be 0.8%. The controlling factor in the design of vertical curves is the provision of adequate site distance. General minimum site distance is twice the stopping distance for the design speed.
- g) Crossfall
The desirable crossfall for the carriageway is 3% and maximum crossfall should not be exceeded 6% in super elevations.
- h) Intersection
The design for the intersection of the driveway to the development and Access Road shall comply with Austroads Part 4A unsignalised intersections and guide to Traffic Engineering Practice. The minimum turning radius must be 15m. For the intersection, the site distance available between a vehicle leaving the lot and a vehicle approaching on the access road should desirable be the Safe Intersection Site Distance (SISD) appropriate. This distance is numerically equal to the general minimum sight distance for the design speed.
- i) DELETED
- j) Pavement Design
Pavement design shall comply with the Austroads Guide to pavement Technology – Part 2, pavement Structural design having consideration of the traffic loadings, design vehicle and CBR of the existing subgrade. Where subgrade materials have a design CBR of less than three, these materials may be stabilising in situ or replaced using a blanket course to the satisfaction of the Engineer. Minimum CBR for the Sub-Base Course is 40% and Base Course is 80%.
- k) Sealing
The surface of the Base Course shall be primer-sealed in accordance with Bituminous Surfacing volume 1, sprayed Works (Austroads) prior to application of wearing course. Bitumen emulsion in accordance with AS 1160 shall be uniformly and evenly sprayed on to the existing surface at a rate determined by design. Aggregates used for chip sealing shall be in accordance with the Australian Standard AS 2758.
- l) Road markings and signage

Road markings and signage must be in accordance with the RMS manual of uniform traffic control devices as amended from time to time.

20. **RETENTION AND PROTECTION OF TREES ALONG WESTERN BOUNDARY**
The trees located along the western boundary of the site (ie adjoining Wynwood) within the access road reserve along the western fence line and adjacent to the access road, except the two nominated trees shown on the approved plan for removal, are to be retained in the access road design and shall be protected during construction. Any trees that do not survive within 12 months of completion of works shall be replaced with advanced stock. Advanced stock are required to have a minimum pot size of 250mm.

PRIOR TO COMMENCEMENT OF WORKS

21. **CERTIFICATION OF CROWN BUILDING WORK**
The building work cannot be commenced unless the building work is certified by or on behalf of the Crown to comply with the technical provisions of the State's building laws in force as at:
(a) the date of the invitation for tenders to carry out the Crown building work, or
(b) in the absence of tenders, the date on which the Crown building work commences
22. **DELETED**
23. **AMENDED AND RELOCATED TO PRIOR TO OCCUPATION CERTIFICATE SECTION (after condition 72.)**
24. **CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**
A copy of the Construction Environmental Management Plan incorporating an emergency response plan in case of a pollution event, a complaints handling procedure, a Waste Management Plan and a Sediment Control Plan shall be provided to Council for assessment prior to any works commencing onsite, and all works onsite shall be undertaken in accordance with the Construction Environmental Management Plan once it has been reviewed and approved by Council.
25. **RMS CONSTRUCTION MANAGEMENT PLAN FOR ACCESS AND PARKING**
A management plan to address construction activity access and parking is to be prepared to ensure that suitable provision is available on site for all vehicles associated with the construction of the development to alleviate any need to park within, or load/unload from, the road reserve of the Burley Griffin Way. Appropriate signage and fencing is to be installed and maintained to effect this requirement.
26. **EROSION AND SEDIMENTATION CONTROL PLAN**
A plan for the adequate control of erosion and sedimentation during the construction phase, shall be submitted to, and approved by Council, prior to work commencing.
27. **EROSION AND SEDIMENTATION IMPLEMENTATION**
Erosion and sedimentation controls must be implemented on site prior to the commencement of site works and maintained throughout construction activities until the site is landscaped and/or suitably revegetated. The controls shall be in accordance with the Erosion and Sediment Control Plan to be provided to and approved by Council prior to construction commencing.
28. **CONTAINMENT OF BUILDING RUBBISH**
All building rubbish and debris, including that which can be windblown, shall be contained on site in a suitable container for disposal at a lawful waste facility. The container shall be erected on the development site prior to work commencing and shall be maintained for the term of the construction to the completion of the development.
29. **PROVIDE WORKERS TOILET FACILITIES**

Adequate toilet facilities for workers must be provided at or in the vicinity of the work site.

30. WORKS AUTHORISATION DEED

For works on the Burley Griffin Way the developer is required to enter into a Works Authorisation Deed (WAD) with Roads and Maritime Services before finalising the design or undertaking any construction work within or connecting to the road reserve. The applicant is to contact the Manager Land Use for the South West Region on Ph. 02 6923 6611 for further detail.

The developer will be required to submit detailed design plans and all relevant additional information including cost estimates and pavement design details for the works, as may be required in the Works Authorisation Deed documentation, for each specific change to the state road network for assessment and approval by Roads and Maritime Services.

31. SECTION 138 OF THE ROADS ACT

Prior to works commencing within the road reserve the applicant must apply for and obtain approval under Section 138 of the *Roads Act, 1993* from the road authority (Council) and concurrence from Roads and Maritime Services. The developer is responsible for all public utility adjustment/relocation works, necessitated by the proposed works and as required by the various public utility authorities and/or their agents.

32. STORMWATER DRAINAGE MANAGEMENT SYSTEM DESIGN

Prior to any work commencing the detailed design of the stormwater management system is to be submitted to and approved by Council. The design must:

- a) collect and treat all stormwater generated by the proposed development.
- b) ensure all stormwater from the site must be trapped and piped to the Burley Griffin Way stormwater system via an on-site detention system to limit the discharge from the site to the pre-development rate for a 1 in 10 year recurrence interval storm event
- c) incorporate Gross Pollutant Trap (GPT) that will remove oil, grit, soil, hydrocarbons and other contaminants from the carparking and sealed surfaces of the development.
- d) limit the discharge from the site to the pre-development rate for a 1 in 10 year recurrence interval storm event.
- e) ensure that the 1 in 100 year ARI flow rate has a safe "escape route" when the minor system fails
- f) address hydraulic requirements, discharge details, pipe sizes, pit details and major flow escape paths and WAE details.
- g) incorporate an escape path for overland flow of water, in the event of a major rainfall event. The escape paths shall be properly constructed overflow channels for flood relief for the 1% ARI and shall be located .

33. TRAFFIC CONTROL PLAN

A Traffic Control Plan (TCP) shall be prepared and submitted to Council for approval, prior to any works on the road reserve commencing. An accredited person shall develop the TCP, and it shall contain their Certification Number and the date of issue. TCPs shall be implemented to ensure a safe worksite for contractors and the public.

34. WATER MAIN EXTENSION DESIGN PLANS

Design plans for the water main extension shall be submitted to Council and approved prior to the work commencing. The design is to be in accordance with Council's current standard.

35. SEWER MAIN EXTENSION DESIGN PLANS

Design plans for the sewer main extension shall be submitted to Council and approved, prior to the work commencing. The design is to be in accordance with Council's current standard.

36. CONNECTION TO SEWER MAIN

The licensed plumber or drainer shall, prior to works proceeding for the erection of the buildings, ensure that a minimum surfeit of 1200mm exists between the invert of the sewer mains connection and the overflow relief gully. Should this be unable to be achieved a reflux valve and owners' indemnity shall be required.

37. DOCUMENTATION FOR CIVIL WORKS

The developer shall forward the following documentation and plans to Council for approval, prior to undertaking civil works for this development, on public road reserves and for the access road:

- (a) road design plans (as detailed in the further conditions of this consent);
- (b) Environmental Management Plan/s (EMP) in both written and drawn forms to indicate to Council procedures and checkpoints;
- (c) Project Quality Plan/s (PQP) in both written and drawn forms to indicate to Council the control procedures and checkpoints;
- (d) Construction Procedures Plan/s (CPP) in both written and drawn forms to indicate to Council the control procedures and checkpoints;
- (e) Project Safety Management Plans (PSMP) in both written and drawn forms to indicate to Council the control procedures and checkpoints;
- (f) Any other documentation required by relevant statutory authorities.

38. ROAD OPENING PERMIT

Any construction works, including accesses, footpaths, or the like on public roads dedicated in the name of Hilltops Council or under the control of the New South Wales Roads and Traffic Authority or Crown road reserves, require a road opening permit which will detail Council specifications for the proposed works. (Application form attached).

39. BACKFLOW PREVENTION DEVICE

A Reduced Pressure Zone Device (RPZD) device shall be installed for each water service connected to council main. It must be installed immediately after the meter provided for drinking water.

The device(s) shall be fitted by a licensed plumber as per manufacturer's instructions and in accordance with AS/3500.1. An installation and commissioning certificate must be provided to Council within seven (7) days of installation. The back flow device shall be fitted prior to construction works on site.

The device installed must have the correct watermark and comply with AS/NZS2845 and AS/NZS 3500.

The backflow device should not be buried in the ground or pit and be easily assessable for testing. There must be 300mm between a reduced pressure zone device's relief port and the ground.

The appropriate device(s) shall be installed on the outlet side of all master water meter(s) located at the property boundary ensuring there are no connections between the master water meter and the device.

40. BACK FLOW PREVENTION ON FIRE SERVICES

Fire services must have a testable double check detector assembly installed on the connection.

The device(s) shall be fitted by a licensed plumber as per manufacturer's instructions and in accordance with AS/3500.1. An installation and commissioning certificate must be provided to Council within seven (7) days of installation. The back flow device shall be fitted prior to construction works on site

The device installed must have the correct watermark and comply with AS/NZS2845 and AS/NZS 3500.

Where there is a booster assembly installed, the device must be fitted upstream of the booster assembly with no off takes in between the double check detector assembly and the booster assembly.

The double check detector assembly must be installed as close to the property boundary as possible, with a constant minimum differential pressure of 20kPa.

PRIOR TO THE ERECTION OF THE COMMUNICATIONS TOWER

41. AIRCRAFT SAFETY- AIRSERVICES NOTIFICATION

Prior to the erection of the communications tower the person with the benefit of this consent shall advise Airservices to update En-route Supplement Australia for the aircraft landing area with the details for the communications tower,

42. AIRCRAFT SAFETY – TALL STRUCTURES REPORTING

Prior to the erection of the communications tower the person with the benefit of this consent shall complete and submit the “Tall Structure Report Form” as required in the *CASA Advisory Circular 139-08(0) – Reporting of Tall Structures*, noting that this circular is currently being revised and the information on tall structures is now held in a central database that is managed by Airservices. Contact: vod@airservicesaustralia.com

43. AIRCRAFT SAFETY - COMMUNICATIONS TOWER LIGHTING

The communications tower is to be lit at night with an obstacle warning light to mitigate the risk of the tower causing obstruction to low flying aircraft or helicopters after dark. Such lighting is to comply with the relevant Civil Aviation Safety Authority (CASA) requirements and *Manual of Standards Part 139 – Aerodromes*.

44. AIRCRAFT SAFETY – NOTICE TO REPORTING OFFICER HARDEN AIRFIELD

Upon the erection of the communications tower, evidence of compliance with the aircraft safety conditions of this consent and notice of the erection of the tower shall be supplied to Peter Hearne, the Reporting Officer for Harden Airfield at Hilltops Council.

DURING CONSTRUCTION

45. CONSTRUCTION HOURS

Work on the project shall be limited to the following hours:

- (i) Monday to Friday - 7:00 am to 6:00 pm
- (ii) Saturday - 8:00 am to 5:00 pm
- (iii) No work to be carried out on Sunday/Public Holidays, without the prior consent of Council.

46. PLUMBING AND DRAINAGE INSTALLATION REGULATIONS

Plumbing and drainage work must be carried out in accordance with the requirements of the *Local Government (General) Regulation 2005*, the *Plumbing and Drainage Act 2011* and Regulations under that Act and with the Plumbing Code of Australia. Such work must be carried out by a person licensed by the NSW Department of Fair Trading.

This is a mandatory condition under the provisions of the Local Government (General) Regulation 2005.

47. INSPECTION OF PLUMBING AND DRAINAGE

To ensure compliance with the inspection requirements of Plumbing and Drainage Regulation 2012 the Plumbing and Drainage must be inspected by Council at the relevant stages of construction in accordance with Council's inspection schedule.

48. PROTECTION OF TREES

Any trees not approved for removal shall be protected from damage during construction. This includes protection from compaction of the ground within the root zone, damage to the trunk or crown of the tree. This includes the trees located along the western boundary of the site adjoining the Wynwood property. Any tree that dies within 12 month of the completion of works are to be replaced with advanced stock. Advanced stock are trees with a minimum pot size of 250mm.

49. MANAGEMENT OF EROSION AND SEDIMENTATION CONTROL MEASURES

A Management Program incorporating all sediment and erosion control measures (eg cleaning of sediment traps, fences, basin and maintenance of vegetative cover) is to be initiated at the commencement of the development and maintained throughout the project.

50. TEMPORARY VEHICLE ACCESS

Temporary vehicle access to the site must be stabilised to prevent the tracking of sediment onto the roads. Soil, earth, mud or similar materials must be removed from the roadway by sweeping, shovelling, or a means other than washing, on a daily basis or as required. Soil washings from wheels must be collected and disposed of in a manner that does not pollute waters.

51. CUT AND FILL

The applicant shall ensure that any cut or fill on site is appropriately graded, drained and vegetation commenced.

Any graded land that slopes toward a neighbouring property:

- shall incorporate dish or surface drains to divert water away from the neighbouring property and to a sump; and
- shall have such drains and sumps piped and connected to the approved disposal system;

Retaining walls greater than 1 metre in height shall be designed by a suitably qualified practising and insured Structural Engineer. The design shall be submitted to and permission to proceed granted by Council prior to work commencing.

52. EXCESS SOIL

Any excess soil and unsuitable excavated materials shall be classified and transported offsite for disposal to a licenced landfill site.

53. PROTECTION OF AMENITY

The carrying out of any work shall be done in such a manner as to not to interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke vapour, steam, soot, ash, waste water, waste products or grit, oil or otherwise.

54. DISCOVERY OF RELICS

Pursuant to Section 140 of the *Heritage Act, 1977*, should any relics or artefacts be discovered during the course of giving effect to this consent then all works on the site shall cease until such time as an archaeological assessment has been undertaken by a suitably qualified archaeological assessor and a determination made of the relevance of the item/s and the conservation of same.

PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE OR EQUIVALENT

55. OCCUPATION CERTIFICATE OR EQUIVALENT

A final Occupation Certificate or equivalent documentation must be issued by a suitably qualified building professional, prior to occupation or use of the development. In issuing an occupation certificate or equivalent, the building professional must be satisfied that the requirements of State's building laws and this development consent have been met.

56. EASEMENTS

Easements shall be provided over all services (water, sewer, drainage, power, etc) to the satisfaction of the relevant authority, wherever Council deems necessary to allow unrestricted access to the services.

57. EVIDENCE OF COMPLIANCE – TELECOMMUNICATIONS TOWER

Prior to the issue of an occupation certification or equivalent, evidence of compliance with the aircraft safety conditions of this consent shall be supplied to Council.

58. NOISE MITIGATION

All pumps and generators onsite shall be housed in sound-proofed enclosures, including the diesel pump that will be used to boost the pressure of the water supply for the onsite hydrants.

59. BUNDED AREA FOR CONTAINMENT OF HAZARDOUS SUBSTANCES

Fuel shall be stored onsite within a suitably constructed bunded area in case of spillage or leaks.

60. ACCESS CONTROL

Appropriate fencing is to be erected and maintained around the perimeter of the development site to prevent vehicular and pedestrian access directly from the Burley Griffin Way.

In addition to the fencing required around the perimeter of the development site, suitable access control, such as a gate, shall be installed to prevent unauthorised access to the site outside normal operational hours. Any gate installed must be recessed to allow for a medium rigid vehicle to pull in without obstructing the public access road.

61. RESTORATION OF DAMAGE RMS ROAD RESERVE

Any damage or disturbance to the road reserve of the Burley Griffin Way is to be restored to match surrounding landform in accordance with Council requirements. Any redundant driveways or gates to the Burley Griffin Way from the subject site are to be removed.

62. LANDSCAPING

Landscaping shall be installed using advanced stock (minimum pot size of 250mm), in accordance with the approved landscape plan and where modified by conditions of consent, prior to the issue of an occupation certificate or equivalent.

63. ADDITIONAL LANDSCAPING

Landscaping in addition to that shown on the landscape plan shall be provided as follows:

- a) Additional screen planting shall be planted between the proposed driveway and the southern boundary to ensure the development is effectively screened from the adjoining property Wynwood.
- b) Additional landscaping to be extended from the "*new native tree & tall screen shrub planting*" fronting the access road to around the fire hydrant storage tanks and along the proposed southern site boundary between the tanks and stores building (with appropriate gap for future brigade station access).
- c) An additional tree to replace the Peppercorn tree that will be impacted by the proposed water main along the western boundary of the proposed development site.

64. LANDSCAPE SCREENING OF HOT FIRE TRAINING GROUND RMS

The proposed "Hot Fire Training Ground" shall have landscaping established and maintained to screen the training ground from view from the carriageway of the Burley Griffin Way to minimise distraction to motorists within the high speed environment.

65. FLOOR LEVEL TO BE 150mm ABOVE YARD GULLY

To ensure any sewage surcharges occur outside the building and to prevent surface water from entering the sewerage system, The floor level of areas with fixtures

connected to sewer must be at least 150mm above overflow level of the yard gully and surface water must be prevented from entering the yard gully.

66. INSULATE HEATED AND COLD WATER SERVICE PIPES

Heated and cold water service pipes installed in the following areas of the building must be insulated in accordance with the requirements of AS 3500: Plumbing and Drainage:

- (a) unheated roof spaces
- (b) locations near windows, ventilators and external doors where cold draughts are likely to occur
- (c) locations in contact with cold surfaces such as metal roof and external metal cladding materials.

67. PROVISION OF WASTE ENCLOSURE

A suitably screened waste enclosure area is to be provided on site in a location to allow for the storage of waste bins, sufficient for the development, and the servicing by a waste/recycling collection vehicle.

68. CONNECTION TO ELECTRICITY SUPPLY

Written confirmation shall be submitted to Council from Essential Energy, stating that power has been provided to the development

69. WORKS AS EXECUTED PLANS

After completion of the civil works (public access road, extension of water main and sewer main, connection to water and sewer mains and stormwater drainage system), and prior to the issue of an Occupation Certificate, the person with the benefit of this consent shall submit to Council a set of final works as executed plans showing all civil works carried out on the site and the location of all services, shall be submitted to Council, prior to the release of the occupation certificate or equivalent.

After completion of the stormwater drainage works, prior to the issue of an Occupation Certificate, the applicant shall submit to Council a detailed Works As Executed (WAE) plan.

70. PRACTICAL COMPLETION

The Civil works shall be subject to stage inspections and when Council agrees that practical completion has been achieved, the works shall be placed in a defects liability period of twelve months.

71. DEFECTS LIABILITY

A Defects Liability Period of twelve (12) months shall commence on the Date of the Release of the Final Plan of Subdivision or date of Practical Completion of Works as advised by Council in writing.

As soon as possible after Practical Completion, the Developer shall rectify any defects or omissions in the work under the Development Application existing at Practical Completion.

At any time prior to the fourteenth day after the expiration of the Defects Liability Period, Council may direct the Developer to rectify any omission or defect in the work that exists at Practical Completion or becomes apparent prior to the expiration of the Defects Liability Period. The direction shall identify the omission or defect and state a date by which the Developer shall complete rectification. The direction may provide that in respect of the work of rectification there shall be a separate Defects Liability Period of a stated duration not exceeding twelve (12) months. The separate Defects Liability Period shall commence on the date the Developer completes the work of rectification. This Clause shall apply in respect of the work of rectification and the Defects Liability Period for that work

If it is necessary for the Developer to carry out rectification, the Developer shall do so at times and in a manner that causes as little inconvenience to the public as is reasonably possible.

A bond or bank guarantee shall be lodged with Council as security for completion of the work, to be released on completion of the Defects Liability Period. This bond will be determined by the nature of the works, but shall be the greater of \$5000.00 or 5% of the cost of the work.

72. SUBMIT FINAL FIRE SAFETY CERTIFICATE

At the completion of building works, a Final Fire Safety Certificate detailing each essential fire safety measure provided in the building must be issued by the owner and must be submitted to Council. Copies the certificate must also be given to the Fire Commissioner and be prominently displayed in the building.

Condition 23 Amended and relocated

GOLDENFIELDS WATER – CERTIFICATE OF COMPLIANCE

Prior to the issue of an occupation certification or equivalent, evidence shall be submitted to Council that a Certificate of Compliance from Goldenfields Water has been issued in respect to arrangements made for a contribution towards the cost of water management works in accordance with Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000*.

ON-GOING MANAGEMENT OF THE DEVELOPMENT

73. DIRECT ACCESS TO BURLEY GRIFFIN WAY DENIED

Vehicular and pedestrian access directly to the road reserve of the Burley Griffin Way from the subject site is denied. All access shall be via the approved roadway and intersection to the Burley Griffin Way. Appropriate fencing is to be erected and maintained around the perimeter of the development site to deny access directly from the Burley Griffin Way.

74. ONSITE CAR PARKING

The provision of on-site car parking, including disabled parking, associated with the subject development is to be in accordance with AS 2890.1 and AS2890.6. All car parking spaces required by the development are to be provided on site and not to be compensated by the on-road parking in the vicinity. All trafficable areas on site (parking and manoeuvring areas) shall be sealed (concrete, bitumen or pavers) and line marked.

75. LOADING AND UNLOADING

All activities including, loading and unloading associated with this development are to take place within the subject site. Any afterhours deliveries are to be kept to a minimum to avoid noise impact to adjoining properties.

76. MAINTAIN CAR PARKING AREAS AND DRIVEWAY SEALS

All sealed car parking areas, loading bays, manoeuvring areas and driveways must be maintained in a trafficable condition.

77. CAR PARKING SPACES TO BE KEPT FREE AT ALL TIMES

All car parking spaces, loading and unloading areas, vehicle manoeuvring and driveway areas must not be used for the storage of any goods or materials and must be available for their intended use at all times.

78. VEHICLE INGRESS AND EGRESS

All vehicles must enter and leave the site in a forward direction.

79. RAINWATER CONSUMPTION

Rainwater is not to be used for public consumption without first compiling a drinking water Quality Assurance Program (QAP) in compliance with the *Public Health Act 2010* and *Public Health Regulation 2012* and forwarding a copy to NSW Health and Hilltops Council.

80. MAINTENANCE OF LANDSCAPING

All landscaping approved shall be maintained and any plants that do not survive shall be replaced.

81. FIRE FIGHTING FOAM
Fire fighting foam, including Forexpan, shall not be used on the fire training ground.
82. SUBMIT ANNUAL FIRE SAFETY STATEMENT
Each year, the owner of the building must submit to Council an Annual Fire Safety Statement for the building. The Annual Fire Safety Statement must address each Essential Fire Safety Measure in the building.

Reasons for Conditions

1. To ensure the proposed development:
 - (a) achieves the objectives of the *Environmental Planning and Assessment Act*;
 - (b) complies with the provisions of all relevant Environmental Planning instruments;
 - (c) is consistent with the aims and objectives of Council's Codes and Policies.
2. To ensure that the relevant public authorities and the water supply authority have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities.
3. To meet the increased demand for public amenities and services attributable to the development in accordance with Section 7.11 (formerly section 94) of the *Environmental Planning and Assessment Act*, 1979 and Section 64 *Local Government Act 1993*.
4. To ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.
5. To minimise any potential adverse environmental, social or economic impacts of the proposed development.
6. To ensure that all traffic, carparking and access requirements arising from the development are addressed.
7. To ensure the development does not conflict with the public interest, including aircraft safety.
8. To ensure compliance with the Building Code of Australia, to enable the achievement and maintenance of acceptable standards of structural sufficiency, safety, health and amenity, for the benefit of the community now and in the future.

Advice

SIGNAGE ADVICE

- 1) Any signage shall be designed and located so as to comply with the following;
 - a) the sign display shall not include:
 - ☐ Any flashing lights,
 - ☐ Electronically changeable messages,
 - ☐ Animated display, moving parts or simulated movements.
 - ☐ Complex display that holds motorist's attention beyond "glance appreciation",
 - ☐ Display resembling traffic signs or signals, or giving instruction to traffic by using words such as 'halt' or 'stop';
 - b) The method and intensity of any illumination of the sign shall not be directed or transmitted in such concentration or intensity to cause distraction or glare to motorists.

- c) The permissible level of reflectance of an advertisement is not to exceed the 'Minimum coefficients of Luminous intensity per unit area for Class 2A', as set out in Australian Standard AS/NZS 1906.1:2007;
- d) Any proposed sign and support structure shall be located a distance greater than the required Stopping Sight Distance (SSD) in accordance with the Austroads Guide to Road Design for the posted speed limit from any intersection or lane merge point,
- e) Any proposed sign and support structure shall be located wholly within the confines of the property boundaries and not protrude over any adjoining road reserve.
- f) Any proposed sign and support structure to be located within close proximity to a road reserve is required, as a minimum, to comply with the wind loading requirements as specified in AS1170.1 Structural design actions – Permanent, imposed and other actions and AS1170.2 Structural design actions – wind actions.
- g) Any proposed sign and support structure shall not obstruct any road regulatory, safety or directional signage in the vicinity,
- h) Any proposed sign and support structure shall not pose any risk to the safety of pedestrians or motorists.

APPENDIX 2

Site Inspection Photos
