ITEM No. **1 – REPORT ADDENDUM**

REPORT: **DEVELOPMENT APPLICATION No. X/163/2018 for the demolition of existing buildings, earthworks, construction of new place of public worship, visitor accommodation, cafe, ancillary buildings, landscaping works and car parking at 119 Cliff Drive & 34 Violet Street KATOOMBA NSW 2780**

Receipt of late information

The following information was received by Council from the applicant on 1 November 2018, 14 November and 15 November 2018 and could not be incorporated into the assessment report:

1. Letter of response dated 14 November 2018 to Council's letter dated 22 June 2018 and a number of annexures.
2. Letter of response dated 19 October 2018 from the applicant's drainage engineer to the stormwater drainage matters at Items 6 and 7 of Council's letter dated 22 June 2018.
3. Letter dated 29 October 2018 requesting further negotiation with RFS and Council on bushfire issues.
4. Nine letters of support to the development from local business operators.

A copy of this correspondence is attached to this addendum report.

In summary,

- KCC disputes the RFS's position that the development cannot be categorised as infill development under Planning for bushfire protection.
- KCC requests determination of the application be deferred pending further negotiations with Council and the RFS and the submission of the additional information requested in Council's letter dated 22 June 2018.
- The submitted stormwater drainage information is currently being assessed, however based on a preliminary review of the correspondence it is considered that the other information provided does not alter the assessment of all determinative matters as contained within the SWCPP assessment report.

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14 November 2018

The General Manager
Blue Mountains City Council
Locked Bag 1005
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Attention: Brian Mercer (Development Assessment Officer)

Copy to: Nika Fomin (Manager, Planning and Environment Services)
Adam Small (Development Assessment and Planning Officer)

Regarding: Development Application X/163/2018 for Katoomba Christian Convention, 119 Cliff Drive and 34 Violet Street, Katoomba NSW 2780

Dear Brian

This letter has been prepared by Katoomba Christian Convention (KCC), DFP Planning, NBRS Architecture and Travers Bushfire and Ecology in response to Council's letters of 22 June 2018. The detailed responses in the attached table also include input from other specialist consultants.

The purpose of this letter is to:

1. Provide responses to the issues raised by Council in the table attached which also includes identification of several areas where KCC is committing to provide additional information to assist Council in its assessment of the proposal.
2. Demonstrate that each of the issues raised in Council's letter is able to be addressed and resolved. On this basis Council's request that the DA be withdrawn is not reasonable.
3. Request that Council defer referral of the development application to the Planning Panel to allow sufficient time for further discussions with RFS to occur and additional information (as noted in the attached table) to be prepared.

Continuation of existing approved development

The proposed development provides KCC with an opportunity to not only upgrade its facilities in order to provide enhanced amenity for clients, it also provides the opportunity to improve bushfire protection outcomes, not only for the assets on the site but also for visitors and staff.

We would like to think that all stakeholders, including KCC, RFS and Council have a common goal in relation to the outcomes for this site. It is acknowledged that there might be some ecological impacts as a result of undertaking bushfire protection works however, it is KCC's aim to minimize any impacts to maintain what has been well managed over the past 70 years to retain the ecological and landscape elements that provide the site with a high level of amenity. As responsible custodians of this site, KCC has undertaken an outstanding role in protecting its ecological and landscape values. This has been undertaken within the constraints of funding to enhance the site's natural attributes.

However for KCC to continue to operate effectively on this site there must be a long term landscape vision which takes into consideration how KCC's objectives can be achieved in the context of Council's planning controls.

It is therefore important that Council recognise that KCC has occupied this site for over 70 years and seeks to continue its operation to respect the biodiversity values of the site with a diverse ecological base and a well-managed environmental landscape.

Therefore given Council's stated opinion that they cannot be satisfied the development can comply with the LEP and DCP in relation to biodiversity and natural resource controls, KCC seeks recognition that this site has the capability to provide development opportunities whilst retaining those values in a measured and meaningful manner.

Consideration of bushfire affectation

KCC appreciates that before a decision with respect to the extent of works required in order to address the bushfire affectation of the site can be made, a number of issues need to be resolved including;

- The classification of the proposed development as infill development and the need for a bushfire safety authority.
- Clarity in regard to vegetation communities on site.
- Clarity in regard to tree retention such that it affects biodiversity, heritage and visual amenity.
- Clarity from the RFS in relation to trees that are able to be retained within an APZ Inner Protection Area (IPA).

Following resolution of these issues, KCC will be better placed to consider what, if any revisions to the current proposal might be required in order to provide an outcome that is more acceptable to all stakeholders, and one which results in reduced tree loss and provides for greater areas of existing vegetation within the site to be conserved and excluded from construction and asset protection zone (APZ) impacts.

KCC is aware of the importance of the planning controls which seek to retain and enhance the ecological integrity and bushland character of the Blue Mountains, however there is a need for Council to apply a degree of flexibility in this particular instance, particularly given the contribution KCC makes to the community and has done so from this site for over 70 years.

KCC seeks Council's support in negotiating a better bushfire protection outcome with the RFS to enable as many native trees to be retained on site as possible.

Economic, social and recreation benefits

The proposed development represents a significant investment of $63M which will have 'knock on' effects to both the local and regional economies . In addition, the proposal has positive social and recreational benefits for visitors to the Blue Mountains.

The development will generate construction jobs and ongoing jobs for the local economy. In the longer term, the improved KCC facility will attract visitors to the area and these visitors will contribute to the local economy. In this way KCC will make a positive contribution to the local tourism economy in the Blue Mountains, which is a primary economic driver for the area. KCC's development aspirations are connected with and responsive to a significant number of local, regional and state strategies for increasing overnight visitation to the area.

KCC's activities also have strong social, community and recreation benefits. KCC events provide inspiration and training that encourages attendees to contribute to their various communities across NSW, interstate and overseas. Schools, not for profit organisations, arts, recreation and various other community and church groups all benefit from being able to utilise KCC's venue. During their stay, visitors are encouraged to engage with local attractions, services and volunteering. KCC's facilities also provide support to local emergency services when needed and the site is a recognised Evacuation Centre, as part of the Blue Mountains Local Emergency Management Plan. Furthermore KCC has strong environmental and indigenous values, is actively engaged with local business and community networks and supports many local events with donations and services.

Summary of Responses

The additional information provided with this letter demonstrates that the determinative issues as detailed in Council's letter of 22 June 2018 can be addressed.

KCC has expended significant time and effort into a development proposal which will meet KCC needs into the future.

Further, it is not clear whether Council and/or RFS fully appreciate the operations at the site and the intent of the proposal. The current proposal does not result in a significant intensification of the site. Instead, it provides for an upgrading of facilities to suit current and projected needs for essentially the same annual event / programs for the current 3,000 attendees. The proposal is a modest development for the site that will suit KCC needs for the next 50-80 years.

However, not all proposed works will be able to be undertaken simultaneously. KCC relies on donations in order to fund development works and therefore the proposed development will occur over a number of years as and when funds become available. Therefore, there is the opportunity to undertake vegetation removal and replanting in a progressive way such that the impacts of these activities will be less significant.

The response to each of the issues raised in the Council letter is summarised below:

- Based on the type and extent of the proposed works, it is considered that the proposed development can be classified as "infill" development. A robust case has been put forward in KCCs letter dated 29 October 2018 to justify why the proposed development constitutes infill development. Classification of the proposed development as infill development will have significant position consequences in terms of allowing additional native trees to be retained on site. This point alone will alleviate many of Council's concerns particularly in relation to:
  - Retention and enhancement of bushland
  - Preserving sensitive vegetation
  - Reducing impacts to slope constraint area,
  - Reducing impacts to escarpment area
  - Mitigating visual impacts
- A better bushfire protection outcome can be demonstrated including buildings constructed in accordance with AS 3959.
- If required, KCC is open to considering design changes within the context of the current DA that would be acceptable to Council in accordance with Clause 55 of the EP&A Regulation.
- Further assessment of site coverage has been undertaken. The exception to the building site cover control is considered acceptable in the context of the development site and potential impacts.
- Further visual analysis is proposed once the extent of additional trees to be retained has been quantified.
- Site evacuation in the event of an emergency and traffic impacts have been carefully considered by KCC. The traffic report is being updated to include an assessment of traffic in an evacuation.
- Council's stormwater drainage concerns have been addressed.
- An aboriginal due diligence assessment into the identified aboriginal sites will be provided.

The way forward

In view of the above and having regard to the attached responses, KCC requests that:

1. Council reconsider its position with respect to this application. The responses to the issues raised by Council, particularly the determinative issues, demonstrates that each issue can be successfully resolved.
2. Council defer the referral of the development application to the Planning Panel in order to allow sufficient time for continued negotiation/discussion with the RFS and further consultant input.

KCC looks forward to working with Council to ensure a successful outcome for the proposed development.

Yours sincerely

Shelley Taylor

Operations Manager

Attachments

A list of attachments connected with this letter for Council consideration is provided here:

Analysis Table Responding to BMCC's Letter 22 June 2018
Further Information on KCC's Economic, Social and Recreation Benefits
Letter from J. Wyndham Prince 19 October 2018
NBRS Site Area Map
NBRS Plaza Elevations
Support Letter Aboriginal Cultural Resource Centre
Support Letter Blue Mountains Accommodation and Tourism Association
Support Letter Blue Mountains Economic Enterprise
Support Letter Church Missionary Society
Support Letter Destination Sydney Surrounds North
Support Letter Fairmont Resort
Support Letter Fantastic Aussie Tours
Support Letter Scenic World
Support Letter Ultra-Trail Australia
TTPP 2017 v 2018 Graph
TTPP Easter 2018 Data

Along with the relevant letter and information previously sent to BMCC and RFS on 29 Oct 2018:

Letter to BMCC and RFS
Further Information for RFS and BMCC Consideration
Analysis of KCC's Existing Site Visitation 2017

Analysis Table Responding to BMCC's Letter 22 June 2018

BMCC ISSUE	ANALYSIS
A. DETERMINATIVE MATTERS	
1. Bush fire protection The development has been designed as an infill special fire protection purpose development to Planning for Bushfire Protection 2006 (PBP) Section 4.2.5. However the RFS has classified the development as a new whole-of-site special fire protection purpose development requiring compliance with PBP Section 4.2.7. The required asset protection zones will be 100m or greater which in this case cannot be contained wholly within the boundaries of the site. The RFS indicates the development will need to be substantially modified to comply with PBP Section 4.2.7. In addition, the RFS requires a report that addresses the capacity of the surrounding public road infrastructure to accommodate the evacuation of the proposed development. In the absence of a bush fire safety authority for the development as currently proposed the consent authority (Sydney West Planning Panel) is prevented under s.4.47(2) of the Environmental Planning and Assessment Act 1979 from granting development consent. A substantial modification of the development as suggested by the RFS could not be considered as the same development and therefore would require the withdrawal of the current application and the submission of a new proposal which addresses these matters. While this is a stand-alone determinative matter, there is also significant interplay between the bush fire management measures and environmental impact on the site. This is addressed at Item A2 below.	This determinative matter can be resolved in the context of the current application. A comprehensive response to the bushfire matters has been provided to Council in KCCs letter dated 29 October 2018. That letter requested RFS to reconsider its opinion with respect to the classification of the proposed development. In essence, the letter set out the reasons why the proposed development should be classified as infill development (as opposed to new development). In accordance with the provisions of Planning for Bushfire Protection 2006, a special fire protection purpose (SFPP) which is infill development is not integrated development for the purposes of Section 4.46 (previously Section 91) of the Environmental Planning and Assessment Act 1979 (EP&A Act). On this basis, a bushfire safety authority from the Commissioner of the Rural Fire Service (issued under Section 100B of the Rural Fires Act 1997) is not required. Notwithstanding, in accordance with Section 4.14 of the EP&A Act (previously Section 79BA), consultation with RFS is required in relation to any development undertaken on bushfire prone land. The responses to matters raised in Council's letters which are addressed in this table have been prepared on the basis that the development is classified as infill development. KCC agrees with Council's position that there is significant interplay between bushfire management measures and environmental impact and for that reason KCC requests Council to quantitatively and qualitatively determine the current defendable space needs for KCC given their existing rights, responsibilities and the capacity of the site to accommodate events attended by up to 3,000 attendees. The reluctance of Council and RFS to engage with KCC in relation to this matter has created an impasse which has resulted in KCC being hampered from implementing basic bushfire protection in the form of adequate defendable space. In contrast to this impasse, KCC has been working proactively with the local RFS staff and their consultants to determine their most basic hazard reduction needs using existing powers available such as the 10/50 Rule, hazard reduction certificates and maintenance of the existing managed areas. Whilst this is not an ideal way to handle bushfire management measures it is nonetheless the only available pathway given Council's and RFS's apparent inflexibility in relation to this issue. **Further responses** KCC has operated in Katoomba since 1903 and from the current site at Violet Street Katoomba since early 1953. The auditorium, accommodation huts, dining hall and a lodge date back to the late 1950s. The RFS position on infill development is incorrect. KCC's consultants have confirmed that the development can be considered infill. If the RFS maintains their incorrect position, they essentially sterilise the site from development. As a result of the development being classified as infill development: • APZs can be reduced. • Additional native trees can be retained. • Strict compliance with PBP Section 4.2.7 is not mandatory. No substantial modifications to the current design are necessary in order to meet the relevant standards relating to infill development. Any amendments to the current proposal that might be required would be able to be considered by Council in accordance with Clause 55 of the Environmental Planning and Assessment Regulation 2000. The proposed development provides KCC with an opportunity to not only upgrade its facilities in order to provide enhanced amenity for clients, it also provides the opportunity to improve bushfire protection outcomes, not only for the assets on the site but also for visitors and staff. In order to address this issue, it is important to acknowledge a number of existing site characteristics which would be improved if the new development proceeded including:

BMCC ISSUE	ANALYSIS
	• Use of the site at the moment is largely unrestricted – potential to have 3000 people on site every day during peak bushfire season. • Existing buildings have very little bushfire resistance (i.e. not constructed to AS 3959). The other significant factor which does not appear to have been appreciated completely, is that the works for which development consent is being sought will occur over the course of a number of years. The timing of the works will be dependent on donations and grants and therefore it could be many years before full redevelopment is achieved. Because not all works will occur simultaneously, there is the opportunity to undertake vegetation removal and replanting in a progressive way such that the impacts of these activities will be less significant. A traffic assessment for evacuation purposes will be prepared. In terms of bushfire, KCC is in the unique position in that it can communicate directly with each of the delegates for the large KCC or CMS events in advance and provide updates as to the availability of the site for use. The direct communication KCC has can prevent people coming to the site at all on a dangerous day, assuming some advance notice of bushfire or catastrophic fire rated days is provided to KCC. Further, attendees to KCC are not isolated (compared to other uses in the vicinity). Therefore, if evacuation was required, it could be organised quickly and efficiently. KCC is keen to work with Council and RFS to achieve an outcome for the site that, as far as practicable, meets everyone's objectives. It is requested that Council and RFS meet with KCC within the context of the current application in relation to these issues.
2. Environmental Protection - Vegetation **2a. Retention and enhancement of bushland** Relevant Local Environment Plan 2015 and Development Control Plan 2015 and Precinct provisions require development that retains and enhances the ecological integrity and bushland character of the Blue Mountains. These provisions also require that development balances the conservation of the natural environment with the protection of life and property from bushfire. The combined design, layout and scale of the development, combined with the extensive vegetation removal required to implement asset protection zones (whether for infill or new development) and the exceedances in site cover and insufficient pervious area retention (discussed at Item A6 and B9 below), result in insufficient bushland areas of the site being conserved and enhanced, particularly in environmentally sensitive areas in the north, east and south of the site. Council therefore cannot be satisfied the development can comply with the clause 1.2(2) aims of LEP 2015, Blue Mountains Development Control Plan 2015 Part C1.1 Biodiversity & Natural Resources controls C1 - C4, and Draft Precinct controls (LEP 2015 Amendment 2 and DCP 2015 Amendment 3) for either an infill or new development.	This determinative matter can be resolved in the context of the current application. KCC is aware of the importance of the planning controls which seek to retain and enhance the ecological integrity and bushland character of the Blue Mountains, however there is a need for Council to apply a degree of flexibility in this particular instance, particularly given the contribution KCC makes to the community and has done so from this site for over 70 years. Indeed KCC also seeks to reflect the appropriate balance by conserving elements of the natural environment whilst also protecting life and property from bushfire. In doing so KCC was guided by the previous consent issued by Council in relation to a similar development. This acceptable balance was enunciated in clear terms by Council via the vegetation management plan that was approved as part of that consent. We would like to think that all stakeholders, including KCC, RFS and Council have a common goal in relation to the outcomes for this site. It is acknowledged that there might be some ecological impacts as a result of undertaking bushfire protection works however, it is KCC's aim to minimize any impacts to maintain what has been well managed over the past 70 years to retain the ecological and landscape elements that provide the site with a high level of amenity. As responsible custodians of this site, KCC has undertaken an outstanding role in protecting its ecological and landscape values. This has been undertaken within the constraints of funding to enhance the site's natural attributes. However for KCC to continue to operate effectively on this site there must be a long term landscape vision which takes into consideration how KCC's objectives can be achieved in the context of Council's planning controls. It is important that Council's assessment recognise that KCC has occupied this site for over 70 years and seeks to continue its operation to respect the biodiversity values of the site with a diverse ecological base and a well-managed environmental landscape. Therefore given Council's stated opinion that they cannot be satisfied the development can comply with the LEP and DCP in relation to biodiversity and natural resource controls, KCC seeks recognition that this site has the capability to provide development opportunities whilst retaining those values in a measured and meaningful manner.

BMCC ISSUE	ANALYSIS
	KCC appreciates that before a decision with respect to the extent of works required in order to address the bushfire affectation of the site can be made, a number of issues need to be resolved including; • The classification of the proposed development as infill development and the need for a bushfire safety authority. • Clarity in regard to vegetation communities on site. • Clarity in regard to tree retention such that it affects biodiversity, heritage and visual amenity. • Clarity from the RFS in relation to trees that are able to be retained within an APZ Inner Protection Area (IPA). Following resolution of these issues, KCC will be better placed to consider what, if any revisions to the current proposal might be required in order to provide an outcome that is more acceptable to all stakeholders, and one which results in reduced tree loss and provides for greater areas of existing vegetation within the site to be conserved and excluded from construction and asset protection zone (APZ) impacts. A basis of moving forward is to prepare an APZ that addresses the current effective protection required for the existing facilities on the site. This plan can then be compared to the APZs that would be required for the proposed development (as infill development) and the extent of impacts from both a quantitative and qualitative perspective can be evaluated and assessed. Arising from this some amendments to the current proposal might be necessary in order to achieve enhanced biodiversity protection and provide adequate protection for threatened species habitat and conserve environmentally sensitive land, whilst maintaining visual screening of existing and new development. **Further responses** Reclassification of the proposed development as infill development will allow for increased retention of native vegetation and workable APZs. It is KCC's objective to retain as much native vegetation as practical. Furthermore, it is considered that 'better bushfire protection outcome' measures will be able to be negotiated with the RFS to ensure that the development a balance in terms of conservation of the natural environment and the protection of life and property from bushfire. RFS also has a responsibility to promote protection of the environment as noted in Objective 3(d) of the Rural Fires Act: *3 Objects of Act* *The objects of this Act are to provide:* ..... *(d) for the protection of the environment by requiring certain activities referred to in paragraphs (a)–(c1) to be carried out having regard to the principles of ecologically sustainable development described in section 6 (2) of the Protection of the Environment Administration Act 1991.*
2b. Significant vegetation During site inspections, tree species and associated vegetation consistent with, or transitional to, the following LEP 2015 Schedule 6 significant vegetation communities was observed in the north and east of the site within the vicinity of the proposed dining / administration hall, gabion retaining wall and asset protection zones: • 2(13) *Eucalyptus radiata – ssp. radiata – Eucalyptus piperita* Open-forest • 2(7) *Eucalyptus oreades* Open-forest/Tall Open-forest With respect to the potential of the proposal to adversely impact upon significant vegetation communities, LEP 2015 clauses 6.1(1), 6.1(2), 6.1(3) and 6.1(6) - (8) have not been addressed in the submitted information. Further information would be required to validate the location of significant vegetation communities (including consideration of Blue Mountains Escarpment Complex) on the site and any buffers required for their protection relative to	This determinative matter can be resolved in the context of the current application. In regard to significant vegetation communities on the site our consultants have revisited the site and have confirmed that there are no listed communities. There are several examples of specific trees onsite as suggested by Council but their association with a listed community relies on more than the presence of singular elements. The associated factors include the presence of sub-canopy species that mimic those of listed communities. In both areas defined by Council i.e. the north and the east, those elements are not present. A more definitive response will be provided to Council. A recent site inspection identified the presence of *E. oreades* responding to the wetter conditions within a moist gully caused by stormwater issues, however, this is not a significant vegetation type as per BMCC LEP.

BMCC ISSUE	ANALYSIS
the development footprint and demonstrate compliance with the applicable 6.1 sub-clauses. It is expected that an alternative dining / administration building footprint and reduced APZ extents will be required. Council therefore cannot be satisfied the development as currently proposed can comply with LEP 2015 clauses 6.1(1), 6.1(2), 6.1(3) and 6.1(6)-(8).	
2c. Asset protection zones Proposed Asset Protection Zones (APZs) are identified to extend over the majority of the site to all but the southern site boundary. The submitted bushfire report identifies the APZs as Inner Protection Areas, with the exception of a band along the eastern boundary identified as an Outer Protection Area. As described at item 1 above, the RFS has now confirmed that the development cannot be considered as infill. Therefore, these nominated APZs will need to be extended, would all be required to be IPAs to comply, and would likely need to extend beyond the boundaries of the site. Notwithstanding (and presuming the APZs could be achieved on the site), these areas overlap with land mapped by Council as Protected Area - Slope Constraint Area, Protected Area – Escarpment Area, and land identified as containing significant vegetation communities, threatened species habitat and indigenous vegetation that effectively surround and screen the existing development at the site. The submitted *Vegetation Management Plan* (VMP) (discussed at Item B17 below), has not addressed vegetation removal / management actions required to achieve the necessary reduced fuel loads for the APZ implementation. With respect to LEP 2015 cl. 6.12 Protected Area – Escarpment Area, the provision of the required asset protection zones (whether for infill or new development) and the retention of vegetation to provide adequate screening to address the relevant provisions of this clause, are incompatible. The existing interconnecting tree canopy cover and shrub cover of the affected bushland would need to be substantially reduced to achieve a 15% tree canopy cover and 20% tree and shrub cover compatible with the APZ requirements of the NSW Rural Fire Service *Planning for Bushfire Protection (2006)* guidelines and *APZ standards* document. With consideration of the extent and nature of APZs required, combined with the aspect, elevation changes and visibility of the site from a range of public and private locations, it is considered that the proposal is unable to meet the objectives of clause 6.12 of LEP 2015. With respect to LEP 2015 cl.6.4, PBP Section 4.2.7 will extend the asset protection zones further into the Protected Area – Slope Constraint Area shown on the LEP 2015 Natural Resources – Land Map. Much of the Protected Area in the additional APZ area contains slopes in excess of 20%. In considering the provisions in LEP 2015 cl.6.4(4) the Council cannot be satisfied the asset protection zones in these areas can comply with cl.6.4(3) and that the objectives in cl.6.4(1) can be met. Therefore, considering the requirements of the RFS and the combination of mapped protected areas on the site, the development does not provide for an acceptable and practical application of required APZs. The proposal does not demonstrate that existing native vegetation communities and habitat within the site will be protected, or that soil stability and visually screening of the development can be adequately achieved.	This determinative matter can be resolved in the context of the current application. In essence Council's view on tree loss whilst correct in its general overview is not correct based on its liberal interpretation of the RFS published ambiguities. In this regard there is a significant disparity between their published documents i.e. PBP(2006) and Standards for APZ's (2006) in relation to the RFS specifications for tree retention in an APZ. The disparity occurs because the RFS permits trees to have a 2m separation between their canopies in the IPA component of the APZ. Equally the RFS also then state that the tree canopy should be less than 20% of site coverage. Clearly both outcomes cannot be achieved and the way in which this issue is best addressed is by what occurs on the ground (below the trees). In this regard, Council has failed to take advice on this matter from the RFS and assumed a position that is not supported by the RFS as can be demonstrated at other developments in the Blue Mountains LGA. This incompatibility is not an issue with the RFS as their position is very clear and it can be clarified upon the production of revised tree loss / retention plan. KCC will submit a revised tree plan in the near future. **Further responses** KCC intends to comply with cl 6.12, cl.6.4(3) and confirm that the development is consistent with the objectives in cl.6.4(1). In our view strict compliance with PBP Section 4.2.7 is not required. Furthermore, it is considered that "better bushfire protection outcome" measures are able to be negotiated with the RFS to ensure that a balance between conservation of the natural environment and protection of life and property from bushfire is achieved.
3. Visibility on the Escarpment The footprints of the new auditorium and Eco Chalet 1 are located substantially within the Protected Area – Escarpment Area shown on Scenic and Landscape Values Map to LEP 2015. A building height control of 5.5m applies under LEP 2015 and LEP 2015 Draft Amendment 3 over this part of the site. The proposed height of the auditorium is 12.9m. Based on the information provided, it is reasonable to assume that the development will largely be screened from the south-west and west by the height of the ridgeline, and will not protrude above the tree canopy and into the skyline when viewed from these directions. However, to the east and southeast, there are significant view lines to and from the site to the World Heritage National Park and surrounding public places. The presence of these view lines was confirmed during site inspections through gaps in the existing tree canopy. It is noted that consideration of the visibility of the proposed new development has been addressed within the submitted Visual Impact Assessment. However, this statement has made a number of incorrect assumptions in relation to the	This determinative matter can be resolved in the context of the current application. KCC intends to comply with cl 6.12, cl.6.4(3) and confirm that the development is consistent with the objectives in cl.6.4(1). In our view strict compliance with PBP Section 4.2.7 is not required. The Visual Impact Assessment once the extent of vegetation removal is agreed. The updated Visual Impact Assessment will also include analysis of impacts when viewed from the east and south east of the site, focusing on locations where there are gaps in the existing canopy. Further detail regarding required vegetation removal will be provided and the impact of this will also be addressed. **Further responses**

Commented [ER1]: Not sure I get what you mean by this

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management of site vegetation. These included the assumption that significant areas of vegetation would (and could) be retained across the site and that existing vegetation adjoining Cliff Drive and to the south of the auditorium would be retained. It seems likely that the tree removal plan, which proposes the retention of greater than 15% of canopy trees in key areas (e.g. Tile 8; below auditorium) has been prepared on the basis of this scenario. When the requirements of PBP Section 4.2.7 are applied on the site, the new buildings will be significantly exposed, particularly the auditorium, to Cliff Drive and public places to the east and northeast and to the National Park. This will occur as a consequence of the tree canopy cover reduction (up to 85%) and the minimum canopy separation (2m) requirements in Appendix A2.2 of PBP. The height of the auditorium above the 5.5m height limit, combined with its overall length and width, will further increase the visible prominence of its built form above the tree canopy when viewed from these directions. The above statement reflects the expected impacts of the requirements identified in the most recent correspondence from the RFS. However, it is also important to clarify that the length and nature of asset protection zones shown in Schedule 1 of the submitted Bushfire Protection Assessment report (prepared by Travers and dated 22 February 2018), for an infill development, would in Council's opinion also result in critical loss of screening of the buildings through vegetation loss to meet Appendix A2.2 requirements. Council therefore cannot be satisfied the development can comply with the Protected Area provisions in LEP 2015 cl.6.12(3) and that the objectives in cl.6.12(1) can be met, for either an infill or new development to PBP.	The location of the auditorium has been considered in the context of ameliorating impacts on nearby residents particularly in terms of visual and acoustic impacts. The auditorium will not present any adverse visual impact due to: • Retention of taller screening trees directly around the Auditorium will be prioritized. • Roof form being modulated and colour matches tree canopy colour. In this regard the Auditorium will be a recessive element in the landscape and significantly • Less visually dominant than Scenic World which is positioned on the edge of the escarpment and in contrasting colours. • Scenic World's visibility/presence will still dominate this area. Building height is addressed in detail in the SEE and Appendix 9 - Clause 4.6 written variation.
4. Heritage Impact As noted at Items A2 & A3 above, applying the inner protection zones in PBP Section 4.2.7 will significantly expose the new buildings, particularly the auditorium, to Cliff Drive and public places to the east and north-east and to the Blue Mountains National Park. The site is adjacent the Jamison Valley Heritage Conservation Area (Item No. K007), which contains areas of the Blue Mountains National Park. LEP 2015 cl. 5.10(5)(c) applies to land in the vicinity of land within a heritage conservation area and to the assessment of the effect on heritage significance. The recommendations in the Statement of Heritage Impact by NBRS Architecture dated 5 September 2017 for vegetation retention are based on the Tree Retention and Removal Plan prepared by Travers Bushfire & Ecology. These recommendations cannot be achieved when the requirements of PBP Section 4.2.7 are applied on the site. Council cannot be satisfied the objective in LEP 2015 cl. 5.10(1)(b) can be met in terms of setting and views in relation to the heritage conservation area, as a consequence of vegetation removal by the application of PBP Section 4.2.7.	This determinative matter can be resolved in the context of the current application. KCC contends that the proposed development is consistent with the objectives of cl. 5.10(1)(b) even having regard to the provisions of Clause 4.2.7 of PBP 2006. KCC intends to preserve as much vegetation as possible directly along Cliff Drive east of the auditorium and retention of the taller denser trees which provide good screening will be prioritised. There are no changes proposed to the curtilage of the heritage items in the vicinity of the site as the proposed works are confined within the existing site boundaries, which are set back from the items and conservation area. The proposed development has been assessed as having acceptable heritage impacts for the following reasons: • The site is heavily vegetated, with the sloping topography screening views from the site to the heritage items in the vicinity, which are included in the Conservation Area. • The building forms are generally low scale with the auditorium extension responding to the sloping topography protecting views to and from the ridgeline of the Conservation Area southeast of the site. • The construction of the Ecochalets along the northeast portion of the site is acceptable as the bulk and scale of the new buildings when viewed from Violet Street are reduced to the floating roof forms due to the sloping topography. Some trees will be retained along the site boundary, providing a further a visual barrier to the site. • The use of natural materials is complementary to the character of the surrounding environment. Views to the new development will be obscured by trees along the site boundary, retaining the visual setting of the Conservation Area to the east. It is also considered that the development will not visually dominate the heritage items or the Conservation Area, as the scale of the new development is consistent with residential development in the vicinity as well as being set back from the site boundaries. The proposed development will also retain vegetation screening along the site boundaries which will ensure that the bushland character of the streetscapes will be retained. Whilst some trees will be required to be removed to facilitate the proposed works, the new works will not visually dominate the heritage items in the vicinity or the conservation area.
5. Building height	This determinative matter can be resolved in the context of the current application.

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LEP 2015 currently applies a 5.5m building height limit across the site. An 8m height limit within the Escarpment Area is permitted in certain circumstances in LEP cl. 4.3A(3). Draft Amendment 3 to LEP 2015 permits a maximum building height of 10m across the site where the building that exceeds the maximum height limit is not visible from Cliff Drive or any public place. As a consequence of vegetation removal by the application of PBP Section 4.2.7 Council cannot be satisfied infill or new development is able to demonstrate an exception to the development standard for building height is justified under LEP 2015 cl. 4.3A and cl. 4.6(3) and under Draft Amendment 3 LEP 2015 cl. 4.3A(9). Council cannot be satisfied the development can comply with the Protected Area provisions in LEP 2015 cl. 6.12(3) and that the objectives in cl. 6.12(1) can be met, for an infill or new development.	KCC intends to comply with cl 6.12, cl.6.4(3) and confirm that the development is consistent with the objectives in cl.6.4(1). In our view strict compliance with PBP Section 4.2.7 is not required. Further visual analysis by DFP will be undertaken. However, in the interim, the following should be noted: • The proposed auditorium and plaza buildings exceed 8m in height however they do not protrude above the adjoining tree canopy or the ridgeline when viewed from the north and east - i.e. they will not "pop up" over the escarpment horizon line. All buildings other than the plaza and auditorium buildings present as either 1 or 2 storeys and are entirely consistent in height and proportions with the residential dwellings and much less intensive than Scenic World buildings which have much greater presence, and in particular the 4 storey carpark structure associated with Scenic World. • The height poles clearly demonstrate that the proposed buildings, including the Auditorium, will sit below the ridgeline and taller canopy trees when viewed from all of the main vantage points to the site. • Notwithstanding the assertion that the auditorium will become more visible as a result of the bushfire protection works is unfounded as the retention of taller canopy trees that perform a screening function around the development can be prioritized to minimise and disrupt any views to the site. • The plaza works which were approved under the previous DA also featured similar height exceedances and were also an IPA APZ to be provided. Council's revised position in relation to this item is questioned given the precedence set by the earlier approval. • The materials and finishes of the roofs blend with the colour of the surrounding landscape and vegetation and have been modulated to prevent the development from being an identifiable singular building form but rather will merge with surrounding tree canopy forms. • The eco lodge, eco chalets and dining hall have all been stepped with the topography and any breaches for these structures are very minimal and only for very small portions of their total footprint.
6. Building site cover The building site cover control currently applying to the site is a maximum 400m² in DCP 2015 Part B2.4 C12. Precinct Control C8 in Draft Amendment 2 to DCP 2015 increases this to a maximum 15% site cover. The maximum permitted building site cover under the Draft control is 8,238.75m² for a land area of 54,925m². The application does not provide a calculation for the existing building site cover but the new development site cover considerably exceeds the existing development. The application seeks approval for a site cover of 9,383m² which exceeds the current permitted maximum by 8,983m² and the Draft control by 1,144.25m². The relevant objectives of the Draft LEP 2015 Precinct Controls are *to minimise and mitigate the impact of development as viewed from any public place, including but not limited to Echo Point* and *to protect the amenity of adjacent residential areas.* Council considers the extent of vegetation removal arising from the additional 1,144.25m² site cover and associated asset protection zone (where not overlapping with adjoining APZs) will be contrary to the Precinct objectives. The building footprints and associated asset protection zones arising from the additional site cover will have the effect of additional vegetation removal on a site that relies heavily on vegetation retention to meet the Precinct and Escarpment Area objectives for limiting visibility of the development from outside the site. Council therefore cannot be satisfied an exception to the building site cover control can be justified and supported in the circumstance.	This determinative matter can be resolved in the context of the current application. The most recent version of the draft DCP available on Council's website indicates that the maximum site coverage control for the site will be 20%. Is Council able to confirm this? The total area of the KCC site is 54,925m² and proposed site coverage is 9,383m². This represents a site coverage of 17% which is consistent with the information submitted with the development application and the current version of the draft DCP. Summary of areas: • Site Area: 54,925sqm • Existing Site Coverage: 3,550sqm • Proposed Site Coverage: 9,383sqm • Proposed Impervious Area: 22,315sqm • Proposed Impervious Area minus gravel plaza: 20,815sqm The 400sq.m site coverage control referred to in the DCP does not reflect the existing development and use of the site nor is it appropriate for such a large site. The DCP control clearly aimed at smaller sites which are developed for residential purposes. The minimum allotment size for subdivision purposes that applies to the site (under BMLEP 2015) is 1,200m². Therefore, the site could (in theory) be subdivided into 45 lots. If each of these lots was developed to its maximum site cover, a total of 18,000m² of site coverage could result. The site coverage of the proposed development is almost 50% of the site coverage that could occur in this scenario. Furthermore, approximately 1,500m² of the plaza (which has been included within the site coverage calculation) is gravel with formal tree plantings. This area could arguably be considered to be both pervious and landscaped area and excluded from the site coverage calculations. The objective of Council's current DCP for site coverage is to limit the extent of development and ensure the retention of pervious areas that aide stormwater management. Stormwater Quality Control C9 seeks to ensure the quality of surface or groundwater is not reduced in the short or long term, all single dwelling or dual occupancy developments

Commented [ER2]: See comment below

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	that exceed the maximum site coverage or that have less than the minimum pervious area provisions in Part B2.4 of the DCP, are to provide one of the following measures: (a) a rain garden or bio-retention system with the filter surface area sized to be at least 2% of the total proposed increase in impervious area, or (b) a stormwater treatment train certified by the NSW Water's (formerly Sydney Catchment Authority) Small Scale Stormwater Quality Model (s3qm) that demonstrates the achievement of a neutral or beneficial effect on water quality (NorBE), or (c) an alternative solution with equivalent stormwater quality treatment performance outcomes designed and certified by a suitably qualified person and that demonstrates the achievement of NorBE. It also appears that Council is linking the site coverage control to the issues of visual impacts. The objective of the site coverage control to ensure the retention of pervious area to aid stormwater management has been achieved as evidenced by the Water NSW concurrence to the proposal. Furthermore, the development as proposed will not result in adverse impacts in terms of stormwater management (and will in fact result in an improved outcome in terms of water quality (as evidenced by the Water NSW concurrence to the proposal) and therefore, the non-compliance in terms of the quantum of impervious area provided will not result in adverse impacts on the natural environment. As demonstrated in the visual impact assessment, the development as proposed will not extend beyond the treed ridgeline which forms a backdrop to the buildings when viewed from the east and north. Therefore, the proposed development is consistent with the precinct objective relating to the site coverage controls. It should also be noted that substantial areas of the site will remain vegetated and new landscaping works and tree planting will be undertaken. The siting of buildings has prioritized retention of the most valuable assets on the site.
7. Dining hall Concern is raised at the scale and height of the dining hall / admin/ reception component of the development, its close proximity and dominant presentation to Violet Street, and minimal landscape screening (further discussed below). The asset protection zone required around this building will extend into an unmapped area of Scheduled Vegetation west of the building. Despite the level of vegetation removal currently proposed to affect the APZ along the Violet Street road frontage, it is still unlikely to comply with APZ requirements of the NSW Rural Fire Service *Planning for Bushfire Protection (2006)* guidelines and *APZ standards* document, as minimum canopy separation distances do not appear to be achieved. Additional vegetation removal will further compromise the ability of existing endemic vegetation to reduce the visual impact of the development. The draft DCP 2015 precinct controls require *all buildings to be distributed throughout the site so as to minimise the impact when viewed from any given point, either internally or externally (C5), development is to provide articulation and modulation in order to minimise the bulk of buildings (C12) and development is to provide landscaping along the street frontages that is reflective of landscape character and existing endemic vegetation along Cliff Drive and Violet Street (C14).* Council understands the building is intended to provide an identifiable site entry address and the centralisation of facilities in the one building. However the draft Precinct controls may be better addressed by a reduction in the scale of the building to a reception / admin facility, and relocation of the dining facility component internally within the site as approved in DA X/541/2010 (where Eco Lodge 1 is now proposed). It is noted the new dining hall has a floor area and seating capacity considerably greater than the approved dining hall in X/541/2010, yet both service the same number of conference attendees (up to 3,500). The capacity of the dining hall appears greater than necessary to support independent use of the accommodation component. There appears to be scope to reduce the size of the new dining hall to approximate the size of the previously approved hall.	This determinative matter can be resolved in the context of the current application. As previously noted, our consultants have revisited the site and have confirmed that there are no listed communities. There are several examples of specific trees onsite as suggested by Council but their association with a listed community relies on more than the presence of singular elements. The associated factors include the presence of sub-canopy species that mimic those of listed communities. In both areas defined by Council i.e. the north and the east, those elements are not present. A more definitive response will be provided to Council. A recent site inspection identified the presence of *E. oreades* responding to the wetter conditions within a moist gully caused by stormwater issues, however, this is not a significant vegetation type as per BMCC LEP. **Further responses** For the purposes of alleviating some of Council's concerns in relation to the bulk and scale of the building and its proximity and dominant presentation to Violet St, KCC is open to considering design changes within the context of the current application, including the location and scale of the dining hall. KCC notes that the dining hall needs to be able to cater for a large number of people, including those accommodated onsite and day visitors. It is important to many of KCC's existing clients to be able to all eat together in the one place. Currently to achieve this, KCC has been providing dining in half of the existing auditorium at times which is undesirable for guests and is labour intensive for KCC. Furthermore when multiple groups stay onsite, to accommodate the needs of the various users, KCC needs the ability to create separated dining areas, as it is very important for different groups to have their own private dining areas. This is due the nature of the business with groups coming for a private retreat and also for child safety purposes in order to reduce groups intermingling. Therefore an adequate amount of dining space is required to be able to achieve separated dining areas.
8. Permissibility of parking on 41 Violet St to service accommodation component	This determinative matter is resolved.

Commented [ER3]: There are no stated objectives in the DCP relating to the site coverage controls. The DCP includes a 'character statement' which is centred around visual impacts. Suggest previous wording as per my earlier draft be reinstated. Notwithstanding, I agree that s/w management and water quality are important issues and these should also be stated.

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The Traffic Impact Assessment report in Part 4.1 incorrectly calculates the required number of parking spaces for the new tourist and visitor accommodation component as 46 spaces. Reference to Table 1 to Part E2.2.2 of DCP 2015 indicates the tourist and visitor accommodation component requires in the order of 108 parking spaces to service its capacity. This is calculated at a rate of 1 space per 4 beds for the dormitory component (72 spaces for the 36 x 8 bed dormitories) and 1 space per accommodation suite for the eco lodge component (36 spaces for the 36 eco lodge suites). However only 36 formalised spaces are proposed in the vicinity of the new accommodation buildings (and it is unclear if these are fully available to the accommodation component). The new accommodation would appear to rely on the car park on 41 Violet St to meet the parking shortfall on 119 Cliff Drive. This arrangement is satisfactory where the use of the accommodation is ancillary to the place of public worship use. However the accommodation component also operates independently at other times as described at 4.2.2 of the SoEE. This issue is raised due to the provision in LEP 2015 Schedule 1(5) which enables tourist and visitor accommodation as an additional use on 119 Cliff Drive but not on 41 Violet St where it remains a prohibited use. In this case parking ancillary to the independent use can occur only on the site where the additional use provision applies.	The use of 41 Violet Street by KCC as a car park is permitted in separate development consent DA X/819/2011. The independent accommodation use of the site does not rely on car parking at 41 Violet Street – see table at section 4.1 of the Transport Impact Assessment. When the site is to be used for the dominant purpose of a place of public worship, the accommodation use is a servient and ancillary use, which in that circumstance makes the use of the car park at 41 Violet Street permissible. KCCs traffic consultant has assessed the parking requirement associated with on site accommodation based on DCP Part E Section 2.2.2 for eco-tourist facilities, whereas Council contends that the calculation should be made based upon on a combination of back packers' accommodations and eco-tourist facilities. The DCP parking rate for back packers accommodation is much higher than eco-tourist facilities, and hence increases the parking requirement from 46 to 108 spaces. ***eco-tourist facility*** means a building or place that: (a) provides temporary or short-term accommodation to visitors on a commercial basis, and (b) is located in or adjacent to an area with special ecological or cultural features, and (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact. It may include facilities that are used to provide information or education to visitors and to exhibit or display items. ***backpackers' accommodation*** means a building or place that: (a) provides temporary or short-term accommodation on a commercial basis, and (b) has shared facilities, such as a communal bathroom, kitchen or laundry, and (c) provides accommodation on a bed or dormitory-style basis (rather than by room). It would appear that there is a difference of opinion as how the accommodation will function. The dorms are more appropriately defined as 'eco-tourist facilities' than as 'back packer' use. The groups of people staying at KCC usually arrive by bus and/or share cars when staying at the site which further reduces parking needs. Groups are typically schools, church and community groups. The traffic report had assumed a minor use of 41 Violet for parking (overflow) for the eco villages. Any minor overflow is likely to only occur during a major event at which time the site would be functioning as a place of public worship and the use of 41 Violet street would be permitted. Overflow car parking can also occur on the camping ground area when it is needed. This can be achieved around the existing trees without causing any adverse environmental impacts. KCC management regularly closes the campground when it is needed for large private group or event needs, including for the purpose of carparking, access, privacy or child safety reasons. The campground only operates independently when it is not needed for large private group or event needs. In summary, KCC considers that the overall car parking numbers are appropriate for the proposed development.
B. OTHER MATTERS Additional information is requested in regard to the following matters. This information is required on the basis that the Determinative Matters are successfully resolved.	
1. Traffic management The Traffic Impact Assessment does not address the evacuation capacity of the road network in a bush fire event. The RFS requires a report that addresses the capacity of the surrounding public road infrastructure to accommodate the	This matter can be resolved within the context of the current DA. KCC can confirm that the traffic report is being updated to include an assessment of traffic in an evacuation and a response to the RMS issues in letter dated 12 April 2018.

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evacuation of the proposed development. This report should particularly focus on the effect of 'peak' times for the site and Scenic World over the Christmas and Easter periods on the surrounding existing infrastructure. The RMS also requires additional Traffic Report information in their letter dated 12 April 2018. The RFS and RMS matters should be addressed in a revised version of the Traffic Report by The Transport Planning Partnership.	KCCs traffic consultant has advised that report would not consider KCC in isolation but would address all users who might potentially be affected in the case of evacuation. An updated traffic report will be provided under separate cover following resolution of issues relating to the classification of the development. KCC is of the view that the RMS does not fully appreciate the extent of the existing conferences and functions on the site and their comments reflect this misunderstanding. As part of a response to the issues raised by RMS, a more detailed description of existing activities on site will be provided.
2. Vehicle access The previous approval X/541/2010 did not include 34 Violet Street. The current proposal includes widening the fire trail across this property and the unformed Cliff Street. Historically the KCC has leased this section of the road which is fenced off and has the appearance of private property. For the use of Cliff Street to be formalised in this way, it will need to be closed and purchased, otherwise it will have to be constructed as public road to Council's specifications. 34 Violet Street is zoned E4 and would be sterilised if the fire trail were approved in its proposed location. This is not the best use of this lot. The fire trail should be relocated into the road reserve and designed in accordance with *Planning for Bushfire Protection 2006* and to the requirements of the RFS.	This matter can be resolved within the context of the current DA. KCC is willing to liaise with Council on this matter as the RFS has advised that they do not require the fire trail to be as extensive as was planned.
3. Parking As noted at Item B2 above, the parking provision for the accommodation component is underestimated when the accommodation operates as an independent use and cannot legally rely on the parking area on 41 Violet Street. A breakdown of the proposed parking (location and number of spaces) is required for each proposed land use, as requested in Council's letter dated 22 March 2018. This will demonstrate parking demand can be met for the areas of the site operating independent uses. The Operational Plan of Management indicates there are 25 to 56 volunteers present at KCC conventions, as well as paid staff and delegates (number unclear). The parking calculations in the Transport Impact Assessment need to include parking arrangements for these people during the larger conventions.	This matter can be resolved within the context of the current DA. See comments in B2 above also. TTPP's latest traffic report was issued in January 2018, which could be updated to address the requirement Council's letter dated 22 March 2018. Volunteer delegate numbers have been included in previous traffic studies for KCCs Katoomba Easter Convention within the numbers of delegates and paid staff.
4. Café parking The café operates during KCC events and independently as described at 4.2.3 of the SoEE. Council's 22 March 2018 letter requested Parking location and directional details for patrons and staff of the café between events (when the main carpark on 41 Violet St may be closed). The café has a gross floor area of 135m² with an outdoor seating area of 105m² containing seating for 36 patrons. Reference to DCP 2015 Part E2.2.2 would indicate a minimum of 36 parking spaces are required for the combined indoor and outdoor seating areas.	This matter can be resolved within the context of the current DA. KCC can clarify that there will be no independent use of the café. Patrons of the café would be those who are on site for the conference and therefore no demand for additional car parking will be generated.
5. Parking geometry The Traffic Report contains turning path diagrams for a 7.5 metre long waste collection vehicle, however the Waste Management Plan does not refer to any vehicle and has very little information about ongoing waste collection. Given the sporadic but large nature of the events, it is likely that a very large truck will have to collect waste from one or more skips inside the site. The applicant should provide details from their contractor or turning path diagrams for a heavy rigid vehicle (12.5 metres long) to access the waste storage area. The turning path diagram for access to the loading dock off Violet Street (adjacent to the Administration area) seems to show the truck reversing in from Violet Street. This is not desirable in a new development. Forward access and egress would be required. The modification of the development to meet RFS and LEP/ DCP requirements will change these arrangements.	This matter can be resolved within the context of the current DA. The waste management plan is being updated to detail the number and type of service vehicles that will be used for waste collection on major event days. The traffic report will also be updated to reflect the swept paths for the required vehicles to indicate that they can enter and exit in a forward direction. TTPP prepared the swept path assessment based on a medium rigid vehicle for waste collection at various locations based on discussion with KCC. Council's issues could be addressed with details from current waste contractor. Furthermore, TTPP assessed the swept path of a heavy rigid vehicle accessing the back of the auditorium for waste collection. TTPP could update the report based on KCC's revised design in which internal roads are accessible by heavy rigid vehicles without no reverse movements.
6. Stormwater drainage	This matter has been resolved.

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There are some anomalies or matters which require clarification in the Stormwater Assessment Report. Given the scale of the development, more detailed stormwater management plans should also be provided. • The RAFTS inputs in Appendix B are illegible, particularly for the developed case. • The Rainfall Data (Table A.2) are given for 50% and 2% AEP events, however the detention basin performance summary (Table 4.2) refers to the 20% and 1% AEP event. • The MUSIC model parameters (areas) in Tables B.1 and B.2 do not seem to add up. • The Stage 3 bio-retention basin discharges into a different catchment. Detention should be provided for this catchment. The Stormwater Assessment Report submitted for the carpark (XM/819/2011 - J. Wyndham Prince Ref. 110298 dated 27 September 2016) indicates that the Violet Street stormwater system may not have sufficient capacity at present. • All the modelling should treat Stage 3 separately. The Stage 1 detention basin cannot compensate for the increased impervious area in Stage 3. • It is noted that no rainwater retention and re-use is proposed. This will increase the overall volume of runoff entering the downstream receiving environment. Part 3.2 of the Vegetation management Plan requires "demonstration that changes to the hydrology of the receiving waters have been assessed and there is no detrimental impact on discharge volumes and channel velocities". Without re-use of roofwater, it is not clear that this requirement can be achieved. Confirmation should be provided for DA assessment, as this into something which should be conditioned without the applicant's knowledge. • Sections through the basins should be provided (with dimensions and levels). Top water levels should be indicated as well as realistic embankment extents. The geotechnical engineer should comment on the embankment in the slope constraint area and how the basins generally fit in with good hillside practice. It is most likely that for ecological reasons the basins will have to be unlined and this must also be addressed. The Stage 3 raingarden is in an area where there are trees and which slopes up from the road. The plans should demonstrate that there is sufficient area for the basin and its appearance from the public domain. • The stormwater plan shows a headwall and tail-out drain for discharge from the OSD/ raingarden basin. This is not consistent with Part 3.2 of the Vegetation Management Plan which requires the discharge point to be at "…a stable section of the stream…". Clarification should be provided, since the VMP does show the basins, but the reference to a stream in Part 3.2 is confusing.	Refer to attached *Letter from J. Wyndham Prince 19 October 2018.*
7. Location of bio-retention basin Whilst the proposed location of bio-retention basin 1 is located in a low elevation within the site capable of receiving the design stormwater flows, the suggested location will impact upon numerous mature *E. radiata* trees that are representative of the LEP 2015 Schedule 6 significant vegetation community 2(13) *Eucalyptus radiata – ssp. radiata – Eucalyptus piperita* Open-forest. The impact upon these trees has not been addressed in the submitted Tree Report. Bio-retention basin(s) required for the development are to be designed and located in a manner that demonstrates avoidance of adverse impacts to indigenous vegetation and *E. radiata* significant vegetation. Where an impact cannot be avoided, impacts are to be minimised and mitigated to the greatest extent possible. A revised stormwater treatment concept is required to demonstrate avoidance of impact by maximising source control treatments closer to the impervious surfaces being treated and investigating all feasible opportunities to locate stormwater treatment devices within existing cleared and built areas. Supporting information is required to demonstrate that the proposed location(s) are most appropriate in avoiding environmental impacts.	This matter has been resolved. Refer to attached *Letter from J. Wyndham Prince 19 October 2018.* As previously advised, there are no BMCC Scheduled Vegetation communities on the site. In regard to avoidance KCC will seek to reflect those values in its revised tree loss plan and amended site plan.
8. Fire trail and service road/gabion wall The fire trail proposed south of the auditorium dissects bushland has been identified as habitat for the threatened Eastern Pygmy Possum (*Cercatetus nanus*) which has been recorded on and adjacent to the site. The design of the development must avoid unnecessary impacts to the identified habitat. The necessity of the fire trail requires clarification.	This matter can be resolved within the context of the current DA. KCC is willing to liaise with Council on this matter as the RFS has advised that they do not require the fire trail to be as extensive as was planned.

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A service road is proposed around the east and south side of the auditorium. To construct the service road, a gabion retaining wall and associated fill is proposed to extend approximately 5m east of the existing steep embankment. The design of the development must avoid unnecessary impacts to steep slopes and indigenous vegetation, particularly where this currently provides a visual screen of the existing auditorium when viewed from surrounding public and private view lines.	
9. Pervious area The minimum area to be retained as pervious area in DCP 2015 Part B2.4 C12 is 60% of the allotment area. Precinct Control C9 in Draft Amendment 2 to DCP 2015 increases this to a minimum 70%. Table 7 on page 32 of the Statement of Environmental Effects does not provide a calculation of existing and proposed pervious area. Council's calculation of the pervious area is 20,947m² (scaling from Drawing No. 14289-008 with reference to the Landscape Plan 14289-LDA01-1) which includes the building footprints, plaza, pathways and driveways but excluding the permeable paving to the car parking spaces. This calculation indicates an impervious area of 38% of the land area, and a 62% landscaped area. Any new development proposal would need to provide a minimum 70% pervious area. This would appear achievable through a reduction in building site cover to comply with the Building Site Cover control.	This matter has been resolved. See previous comments in B6 above. The attached NBRS Site Area Map identifies 22,315m² of pervious area (40.6%) or 20,815m² (37.9%) when the gravel plaza is excluded. Summary of areas: • Site Area: 54,925sqm • Existing Site Coverage: 3,550sqm • Proposed Site Coverage: 9,383sqm • Proposed Impervious Area: 22,315sqm • Proposed Impervious Area minus gravel plaza: 20,815sqm
10. Potential aboriginal sites Following the close of the community notification period a customer attended the Council office on 27 April 2018 and raised issues of indigenous significance on the site. Based on the customer's verbal description, this comprises Two unmarked Indigenous graves at 41 Violet Street Katoomba: 1 is located north of the disused swimming pool 1 is north bound of the informal carpark • One archaeological fire pit close to (and possibly within) the boundary of 26-38 Oak Street Katoomba, within 50m of the subject site • Buried animal skeletons purported to be of Indigenous significance • Traditionally, the western portion of 41 Violet Street Katoomba was used for women's business, whilst the eastern side was used for men's business The verbal information has not been followed by a submission in writing or the identity of the customer. Council's search of the NSW Office of Heritage and Environment & Heritage AHIMS Web Service has not shown any Aboriginal sites are places in or near the KCC site, however it is possible there may be Aboriginal sites not recorded on AHIMS. The claims should therefore be investigated with reference to the *Due Diligence Code of Practice for the Protection of Aboriginal Places in New South Wales*, published by NSW Environment, Climate Change and Water to determine whether further investigation and impact assessment is required and an Aboriginal Heritage Impact Permit. Confirmation of the investigation results need to be provided to Council.	This matter can be resolved within the context of the current DA. As requested, claims will be investigated with reference to the *Due Diligence Code of Practice for the Protection of Aboriginal Places in New South Wales* to determine whether further investigation and impact assessment is required and an Aboriginal Heritage Impact Permit. This may involve engaging an aboriginal heritage consultant to provide a due diligence assessment into the potentially identified aboriginal sites. Confirmation of the investigation results will be provided to Council. In addition to the pending due diligence, KCC also considers that an appropriate condition of consent could be imposed which requires OEH to be contacted in accordance with the unexpected finds protocols. A deferred commencement condition requiring the due diligence work to be completed prior to activation of the consent could also be considered.
11. Camping area The present camping area extends into the unformed part of Cliff Street which is zoned E4 Environmental Living. Historically KCC may have leased this section of the road but there is no record of development consent for camping in the unformed road (or elsewhere on the site). Camping ground is a prohibited use in Zone E4 and a case for any existing use right in the road reserve is not addressed in the application. Council's letter of 22 March 2018 requested a plan for the existing / proposed camping area layout including its boundaries, camping site number and configuration, parking arrangement for the 150 campers, and parking arrangement for the 33 overflow parking spaces.	This matter can be resolved within the context of the current DA. KCC can clarify that once all the proposed accommodation is constructed, KCC will not need to operate camping in the existing camping area that is currently provided. As also noted above in B8, this area of the site can be utilised as overflow parking. This can be achieved around the existing trees without causing any adverse environmental impacts. KCC management regularly closes the campground when it is needed for large private group or event needs, including for the purpose of carparking, access, privacy or child safety reasons. The campground only operates independently when it is not needed for large private group or event needs.

BMCC ISSUE	ANALYSIS
The submitted Landscape Plan 14289-LDA01-1 identifies proposed reconfiguration of this area to allow for dual use as a camping area and an overflow carpark. Although improved camping and parking facilities; including access to power and new BBQ facilities are proposed, no detail is elsewhere provided. Council also notes that the RFS have given no indication that they have considered camping as an existing or proposed use of the site. A detailed assessment of all trees within this area has not been undertaken, nor has surface treatment been sufficiently clarified to enable impact of the proposal upon the retained trees to be determined. Additional information is therefore sought on the manner in which all trees in this location are proposed to be managed, as there are both safety and amenity considerations relevant to the area. Additional clarification is also requested for the operation of the camping area: • Whether independent use is proposed in a similar way to the tourist and visitor accommodation. • Whether the continued operation of the camping area in the unformed portion of Cliff St is proposed. • How the area is secured in advance for overflow parking. The location of new amenities (the existing toilets and ancillary structures are to be demolished). • The 33 overflow spaces cannot be factored into the parking calculations when the camping ground is utilised.	The campground is used in various configurations depending on group or event needs. It is rarely filled to maximum capacity, except during KCC's KYCK teenage convention when it is in high demand as a low cost option. Youth groups attend with shared transport and large tents which means that there is space for up to 150 visitors to be accommodated. During Easter and CMS Summer School the campground is utilised by smaller family groups and more campervans, which means that there is less space and so less than 150 people are able to be accommodated. Further detail and clarification about the campground as requested by Council can be provided.
12. Caretaker accommodation arrangements Details are required of on-site caretaker accommodation arrangements following the demolition of the existing approved caretaker's cottage in Zone 2.	This matter has been resolved. KCC haven't had a caretaker living on the site for some time. KCC previously used a small building as caretaker accommodation a long time ago (now used as a staff lunch room next to Wollemi garage), then more recently there was a manager living in Wollemi House (4 years ago). KCC owns 169 Cliff Drive and has used this as Facilities Manager accommodation, also at times KCC has had a manager living at locations on the 41 Violet St site, depending on what best suited KCC's operations at the time. At present KCC's Facilities Manager rents 8 Laurel St, next to KCC's site.
13. Development staging The staging plan for the development is set out at 4.3 of the SoEE. Additional information in relation to the operation of the stages is requested: • Alternative venues for KCC conferences during the Stage 1 construction. Alternatively, will KCC conferences be suspended during this period. • Alternative venues for dining during Stage 2 construction. Alternatively, will dining be suspended during this period. • Site access arrangements to the completed Stage 1 while Stages 2 and 3 are under construction. • The anticipated time frames during and between Stages. • The implementation of the asset protection zones between stages. • Master plan for both staging across both 119 Cliff Drive and 41 Violet Street. • How completed stages can stand alone if successive stages do not proceed.	This matter can be resolved within the context of the current DA. Not all proposed works will be able to be undertaken simultaneously. KCC relies on donations in order to fund development works and therefore the proposed development will occur over a number of years as and when funds become available. The staging is very much dependant of funding. The following matters could be addressed as conditions of consent prior to the issue of a construction certificate or prior to commencement of works for a particular stage: • Site access arrangements to the completed Stage 1 while Stages 2 and 3 are under construction. • The implementation of the asset protection zones between stages. • How completed stages can stand alone if successive stages do not proceed. If alternative venues or temporary arrangement were to be required, KCC would consult Council to determine if any approval were necessary.
14. User groups and reciprocal arrangements The Operational Plan of Management provides some detail around other user groups. Clarification is requested for the use of the component uses (auditorium, accommodation, dining hall, meeting rooms) by other user groups, including reciprocal arrangements with the neighbouring CMS and Scenic World. This would include details of which parts of the site are used and not used by groups, including the neighbouring properties, and any overlapping or sharing of use components if a number of user groups are present at the one time.	This matter can be resolved within the context of the current DA and KCC is working on more information to demonstrate this to Council. KCC intends to provide an updated Operational Plan of Management which will include details relating to the hire arrangements of the site and surrounding sites.

Commented [ST4R3]: I can't find the previous comments... Possible to make this a condition of consent type thing?

Commented [ER5R3]: Not sure you want to restrict yourself to that extent

BMCC ISSUE	ANALYSIS
15. Flora and Fauna Assessment The submitted Flora and Fauna assessment is to be amended to address the following issues: • The flora and fauna assessment is to be in accordance with Council's guideline for Ecological (Flora and Fauna) Assessment available at https://www.bmcc.nsw.gov.au/developmentcontrols-for-land-under-lep-2015/guides – and address the relevant environmental provisions of Blue Mountains LEP 2015 and DCP 2015 • Address the relevant provisions of the Biodiversity Conservation Act, 2016 including offset obligations for any new development application. • Validate the location and identity of significant (scheduled) vegetation communities and buffers required for their protection Identify greater areas of existing vegetation within the site to be preserved and excluded from construction and asset protection zone (APZ) impacts in order to maximise biodiversity protection, provide adequate threatened species habitat protection, conserve environmentally sensitive land and maintain visual screening of existing and new development. To this end, the development is to locate new buildings within existing cleared / disturbed areas and avoid bushland clearing impacts to four general areas of concern: northern slope at dining hall, eastern slope north east of and below auditorium, bio-retention basin 1, southern areas at fire trail. • Provide a species list and quadrat data for the subject development site only (119 Cliff Drive), clearly identifying any information included that relates to adjoining sites. Provide separate plant species lists relative to each identified vegetation community (including significant/scheduled communities) within the subject site. • Provide increased conservation areas for identified threatened species habitat within the site to be excluded from construction and APZ impacts, such as the Eastern Pygmy Possum habitat in the south of the site. • Provide revised threatened species assessments relative to a quantitative assessment of the level of APZ clearing / vegetation modification required to achieve identified IPA/OPA areas. This information has been requested to be provided in a Vegetation Management Plan (VMP). • Assessment and conclusions in the flora and fauna assessment report are to be based on and refer to supporting landscaping, vegetation management and tree retention/assessment information that is consistent with one another.	This matter can be resolved within the context of the current DA and KCC is working on more information to demonstrate this to Council. KCC will provide the requested information and, prior to that, determine the method of ecological assessment required will be confirmed, given the transition to the Biodiversity Conservation Act is almost passed.
16. Tree survey It is noted there is significant inconsistency between the Tree Removal Plan (TRP), the Bushfire Report and the Vegetation management Plan (VMP). For example, the TRP demonstrates a substantial area of 'retained EPP habitat' in an area otherwise identified as an IPA in the Bushfire Report and as a Managed Ecological Zone (MEZ) in the VMP. Such inconsistencies need to be resolved in the preparation of required amended documentation. A number of omissions have also been identified, requiring additional assessment of certain key areas to ensure that accurate and detailed information is presented to inform the preparation of amended Landscape and Vegetation Management Plans (Items 17and 18 below). Areas currently omitted from the tree survey along Cliff Drive and Cliff Street (adjacent to the existing camping area) and the Southern parts of the site where full vegetation conservation was proposed (based on reduced asset protection zone requirements) are to be surveyed and the trees identified and assessed. A significant identification error has also been detected. *Eucalyptus radiata* ssp *radiata*, which has been noted by Council in a number of locations on site, has not been included in the schedule of surveyed trees. This species is considered likely to be indicative of the scheduled vegetation community 2(13) *Eucalyptus radiata – ssp. radiata – Eucalyptus piperita* Open-forest. This omission will necessitate resurveying forested areas to detect areas where this community occurs to enable a more accurate determination of the environmental impact of the development upon Environmentally Sensitive Land (ESL).	This matter has been resolved. There are no inconsistencies as advised by Council. The design and intention of the documentation is quite different. For example a tree plan is indicative of 'what is there now and what trees are proposed to be removed'. It is not a management plan. A Vegetation Management Plan (VMP) advises 'what management will occur' on the site and 'what natural resources' are to be managed and/or protected. The VMP will also propose habitat or refugia enhancement such that the VMP introduces a managed ecological zone (MEZ) in the APZ for that very purpose. As previously advised and in regard to significant vegetation communities on the site, our consultants have revisited the site and confirm there are no listed or BMCC Scheduled Communities. There are several examples of specific trees onsite as suggested by Council but their association with a listed community relies on more than the presence of singular elements. The associated factors include the presence of sub-canopy species that mimic those listed communities. In both areas defined by Council i.e. the north and the east, those elements are not present. Similarly in regard to trees capable of being retained in the APZ (IPA) the assumption with respect to the extent of vegetation removal is incorrect and can be clarified following resolution of the classification of the propose development.

BMCC ISSUE	ANALYSIS
17. Vegetation management plan The vegetation management plan is to be amended to ensure consistency with Council's guideline for the preparation of a Vegetation Management Plan available at https://www.bmcc.nsw.gov.au/development-controls-for-land-under-lep-2015/guides. A VMP to support the DA is to provide quantitative information on existing tree canopy cover and extent of vegetation removal necessary to achieve required APZ fuel levels to comply with PBP (2006). Include specific tree retention information within IPAs supported by arboricultural details. The VMP is to demonstrate that an acceptable practical application of required APZs can be achieved that protects existing native vegetation communities and habitat within the site, and also maintains soil and slope stability and visual screening. The amended document must be wholly consistent with all other relevant documentation, including but not limited to stormwater management plans, tree removal plans and landscape plans. Ensure that vegetation retention and management proposed within the APZ will comply with: • LEP 2015 aims clause 1.2(2) • LEP 2015 Protected Area - escarpment clause 6.12 • LEP 2015 Protected area slope constraint clause 6.4 • LEP 2015 Environmental impact clauses 6.1(1), 6.1(2), 6.1(3) and 6.1(6) - (8). • Blue Mountains Development Control Plan 2015 Part C1.1 Biodiversity & Natural Resources controls C1 - C4 • Draft precinct controls (Amendment 2 and Amendment 3 to Blue Mountains Development Control Plan) In the development of the amended VMP, the following matters are to be adequately addressed. • Smaller and more specifically targeted management zones are to be identified within the bushland parts of the site to which the VMP applies. Management of each zone and the constraints, priority works and target condition for each are to be clearly defined. • Each zone is to be classified according to the focus of works, and it is recommended that identifiers used for each of these zones follows logical naming conventions (e.g. Asset Protection Zone (APZ) East, APZ West), or is numerical. In this regard, use of terminology such as *Managed Ecological Zone* (MEZ) in place of APZ is considered unhelpful, as the primary and necessary objective of vegetation management within the vegetated areas involves the implementation and management of the required inner protection area. Whilst ecological outcomes and the sensitive implementation of the APZ is to be adequately addressed within the amended VMP, specific strategies and techniques are to be detailed, particularly but not exclusively in relation to the removal of trees and other vegetation for the purpose of fuel reduction. • The timing of works associated with the achievement of objectives for each zone and the manner in which these are to be integrated into the overall project management is to be identified and detailed. The implementation of tasks addressed within the VMP is to be prioritised according to the staging of site works associated with the proposed development. • Tasks to be identified and detailed include; exclusion zone establishment, primary weed control, tree and other vegetation removal, construction works, secondary and following up weed control and stormwater construction. Vegetation management of features such as the proposed fire trail from Violet Street and the proposed 1m wide access track for APZ maintenance needs to be included, and if the access trail is to be provided, the manner in which it will be constructed and maintained.	This matter can be resolved within the context of the current DA and KCC will work on more information to demonstrate this to Council. KCC will provide the amended plan following discussions with both RFS and BMCC.

BMCC ISSUE	ANALYSIS
Note that the management of vegetation within the asset protection zone between the proposed new auditorium and Cliff Drive will require fine grained detail to ensure that canopy trees are managed to achieve a variety of age classes for long term sustainability of the screening vegetation required in the south and eastern elevations. Detail is to ensure that canopy separation is consistent with but does not exceed the standards for the provision and maintenance of asset protection zones. The forest canopy is essential to assist in the amelioration of the impact of the development when viewed from key vantage points throughout the Katoomba area. • The 'drainage corridor' of the VMP remains a component of the IPA, so the manner in which existing and proposed vegetation within this area is to be managed so as not to result in conflicting between stormwater management and fuel reduction requirements is to be further elucidated. • A work method statement will ultimately need to be provided by a fully qualified and insured tree removal contractor for tree removal on steep land within the APZ, particularly where such lands adjoin roadway areas. The constraints and risks associated with tree removal on steep land needs to be considered in a two stage process: 1. tree removal 2. log and other vegetative waste management.	
18. Landscape Plan The scale of the drawing (1:1000@ A3) is not adequate to demonstrate the level of necessary detail to all areas. It is recommended that following finalisation of the site layout and prior to release of the construction certificate, a series of detailed drawings are presented at a suitable scale (1:100 @ A3), each drawing identifying landscape detail associated with a specific development feature or area. It is noted that the concept landscape plan does not demonstrate a sufficient degree of integration with documents and plans which might be considered to be informative, i.e. tree assessment and removal plans and the vegetation management plan. To address this matter, the applicant should ensure that all relevant and updated information is made available to the landscape designer in the development of amended and detailed plans. The final landscape proposal is to be fully consistent with all other relevant and underpinning documents and plans in relation to the management of existing and proposed landscaped areas. It is also suggested that the new planting is minimised in favour of endemic vegetation retention in all areas.	This matter can be resolved within the context of the current DA and KCC will work on more information to demonstrate this to Council. The landscape plan will be updated following resolution of the classification of the propose development.
19. Council letter 22 March 2018 The matters listed in this letter are reproduced below, with further comments in italics.	
1. The proposed development relies on the car park on Lot 1 DP 1121828 No.41 Violet Street to meet its parking needs and this land is therefore party to the development. The application needs to be formally amended to include Lot 1 DP 1121828 as part of the development site. *The submission of this information is required.*	KCC considers this matter has been appropriately addressed above.
2. Details regarding the permissibility of parking on Lot 1 DP 1121828 for the purposes of servicing the proposed tourist and visitor accommodation component. *This is addressed in more detail at Item A2 "Permissibility of parking on 41 Violet St to service accommodation component", above.*	KCC considers this matter has been appropriately addressed above.
3. Details regarding any ongoing arrangements with Scenic World regarding use of Lot 1 DP 1121828 for parking overflow. *This information remains requested. It was noted that overflow parking from Scenic World was occupying part of the car park at Easter 2018. Part 3.2 of the Operational Plan of Management also refers to use of Scenic World's car park for evening events. Details of this arrangement should also be provided.*	KCC considers this matter has been appropriately addressed above.

BMCC ISSUE	ANALYSIS
4. A breakdown of the proposed parking (location and number of spaces) is required for each proposed land use. *This is addressed in more detail at Items A8, B3, B4 and B11 above.*	KCC considers this matter has been appropriately addressed above.
5. Clarification around the number of beds in the dormitory components of the accommodation buildings. *The numbers have been confirmed with reference to Part 4.2.2 of the SoEE and the floor plans. Further information is no longer required.*	N/A
6. Clarification of the number of accessible accommodation suites in each accommodation building and corresponding number of accessible parking spaces and their locations. Note: It appears the development does not provide a sufficient number of accessible parking spaces within reasonable travel distance to some of the accommodation buildings. *The submission of this information is required.*	KCC's traffic consultant to provide details of accessible parking spaces associated with the accessible rooms.
7. Concern is raised that the number of parking spaces is considerably less than the number required in DCP 2015 Part E2.2.2. It is suggested that parking counts be undertaken for the upcoming Easter 2018 event to compare and confirm the car park occupancy obtained in the Easter 2017 counts. *It is understood from discussion with Kirk Osbourne that further traffic counts were taken at Easter 2018 convention, with this information to be provided.*	KCC considers this matter has been appropriately addressed above.
8. Details of the proposed storage location/s of the 1440m³ of excavated soil and rock referred to on Page 19 of the Statement of Effects and Page 13 of the Waste and Recycling Management Plan, estimated duration on the site prior to reuse or off-site disposal, and sediment control measures. Locations should be suitably selected according to the length of time the stockpiles will remain in place, their visibility from public areas, potential impacts on critical root zones of trees, proximity to drainage paths. *The submission of this information is required.*	An appropriate condition of consent requiring the submission of a construction management plan could be imposed.
9. The calculation for the total proposed impervious area is requested. This needs to include building site cover as well as driveways, pathways and other hardstand areas. This will demonstrate whether or not a minimum pervious area of 60% is achieved to DCP 2015 Part B2.4 and 70% to DCP 2015 Amendment 2. *Council has made its own calculation at Item B9 above. Your calculations should be provided to verify.*	KCC considers this matter has been appropriately addressed above. Summary of areas: • Site Area: 54,925sqm • Existing Site Coverage: 3,550sqm • Proposed Site Coverage: 9,383sqm • Proposed Impervious Area: 22,315sqm • Proposed Impervious Area minus gravel plaza: 20,815sqm
10. A detailed argument to justify the variation to the building site coverage control in DCP 2015 B2.4 and DCP 2015 Amendment 2 is requested. It is noted an additional 2% building site coverage equates to an additional building site coverage of 1144.25m². The argument should demonstrate an equivalent stormwater management outcome to a compliant building site coverage is achieved, with reference to DCP 2015 Part C6.1.4. *Council is unlikely to support a variation to the control in DCP 2015 Amendment 2 for the reasons specified in Item A6 above.*	KCC considers this matter has been appropriately addressed above.
11. A plan for the existing / proposed camping area layout including the boundaries of the camping area, camping site number and configuration, parking arrangement for the 150 campers, and parking arrangement for the 33 overflow parking spaces.	KCC considers this matter has been appropriately addressed above.

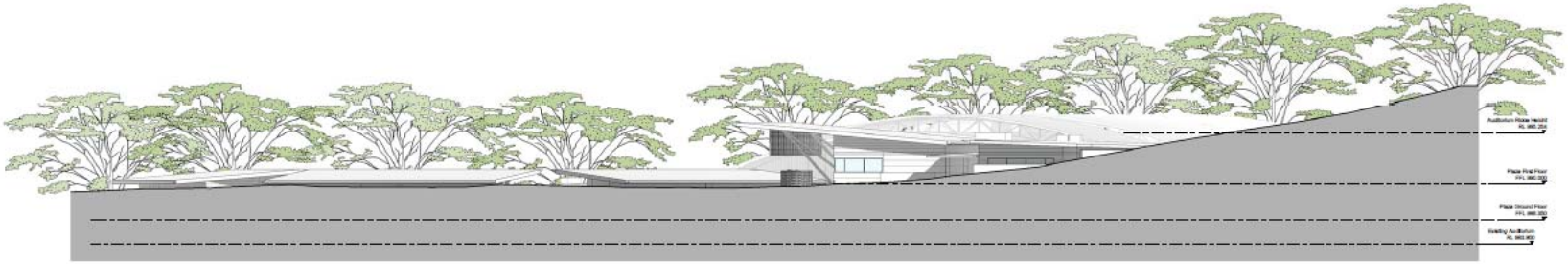
BMCC ISSUE	ANALYSIS
The proposed development reduces the size of the camping area. It is noted the 33 available informal parking spaces referenced in Part 4.1 of the Transport Impact Assessment appear to be pre-development not post-development. Reference should also be made to Item B11 above.	
12. Parking location and directional details for patrons and staff of the café between events (when the main carpark on 41 Violet St may be closed). Note: The café has a gross floor area of 135m² with an outdoor seating area of 105m² with seating for 36 patrons. Reference to DCP 2015 Part E2.2.2 would indicate 36 parking spaces are required. *The submission of this information is required Part 4.1 of the Transport Impact Assessment appears to calculate the parking requirement on the interior floor space of the café however Plan 14289-016 shows there is also outdoor seating.*	KCC considers this matter has been appropriately addressed above.
13. Details of garbage store room or storage arrangements for the café. *The submission of this information is required.*	KCC can confirm that this information will be provided as per Councils request.

AREAS

Site Area:	54,925sqm
Existing Site Coverage :	3,550sqm
Proposed Site Coverage:	9,383sqm
Proposed Impervious Area:	22,315sqm
Proposed Imprevious Area minus gravel plaza :	20,815sqm

1 IMPERVIOUS AREA OVERLAY
1 : 500

NBRS ARCHITECTURE.



1 Plaza - Cliff Street Elevation
1 : 200

3 Plaza Section
1 : 200

Key Plan

Issue
No. Date Description Chkd

Building

Drawing Title
PLAZA ELEVATIONS

Project & Client
Katoomba Christian Convention
at
Cliff Dr & Violet St, Katoomba NSW 2780
for
KCC

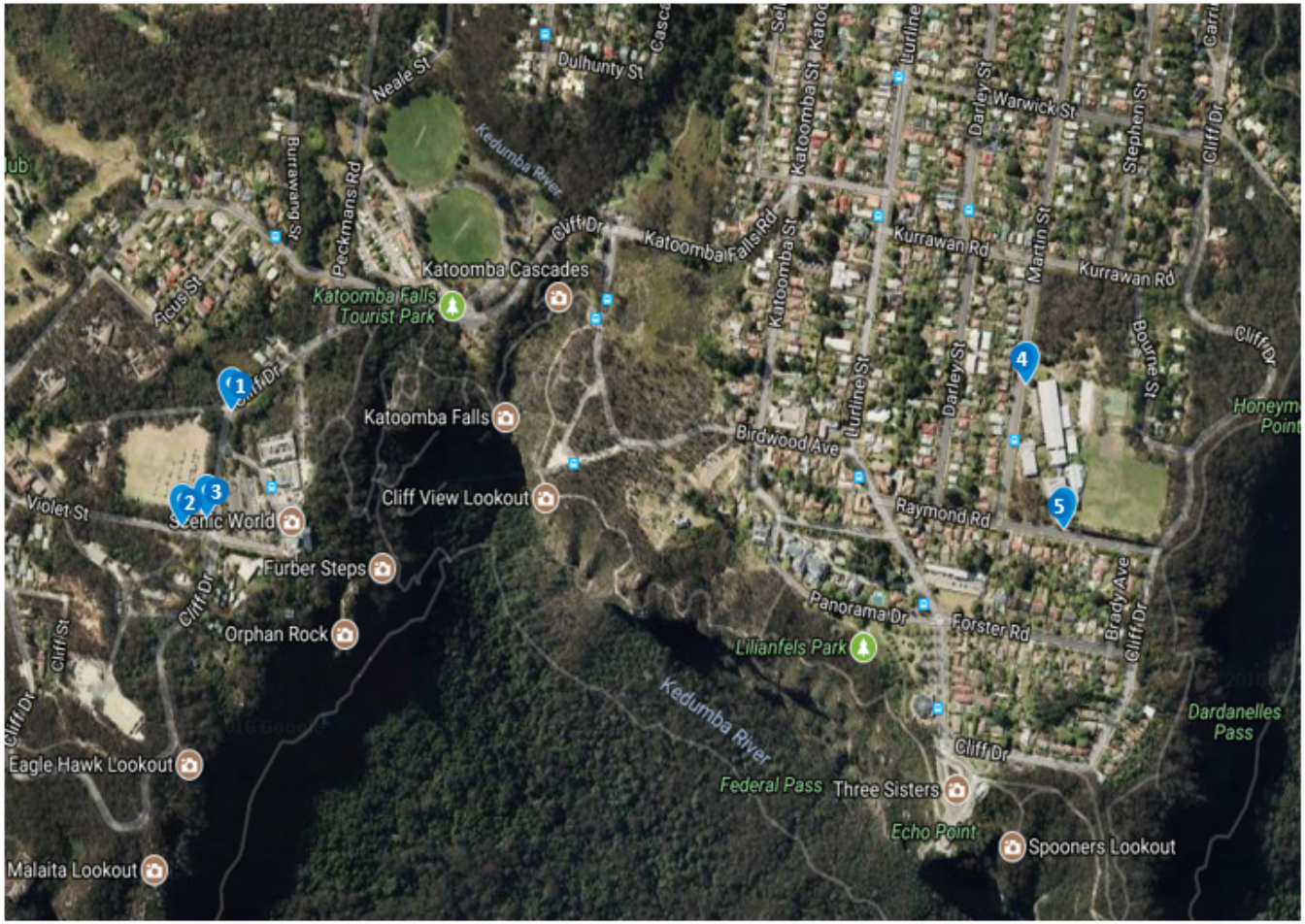
Architect
NBRS ARCHITECTURE.
Sydney
61 2 9922 2344 nbrsarchitecture.com
Any form of replication of this drawing is full or in part without the written permission of NBRS+PARTNERS Pty Ltd constitutes an infringement of the copyright.
Nominated Architects Geoffrey Deane 3780, Andrew Duffin 5902, Harry Kuchlewski 5326
ABN 16 002 247 565 © 2017

Date 5/04/2018 4:30:29 PM
Scale: 200@A1 or 400@A3
0 2m 4m 6m 8m 10m 12m

Drawing Reference
14289 - 026

Revision

Client	TTPP
Date	Saturday, 31st March 2018
Survey Time	07:00-19:00 (12 hours)
Description	Katoomba Vehicle Survey



[Location]

1. KCC Car Park Access
2. SW Car park Access 1
3. SW Car Park Access 2
4. Katoomba High School Gate 1
5. Katoomba High School Gate 2

[Survey date]

Saturday, 31st March 2018

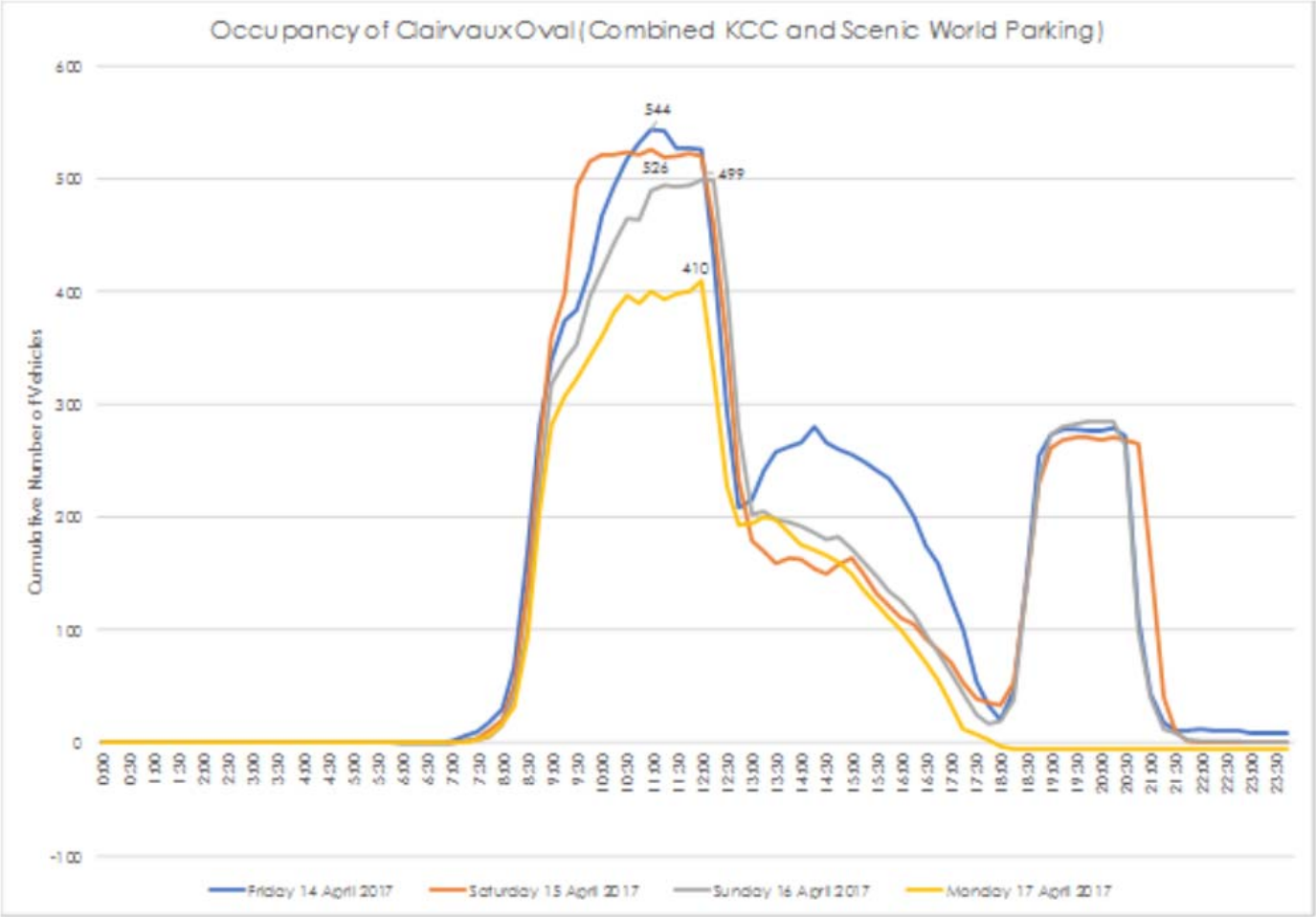
[Before Survey Count]

1. Car Park 1 - 12 Vehicles
2. School Car Park - 1 Vehicle

[After Survey Count]

1. Car Park 1 - 380 Vehicles
2. School Car Park - 1 Vehicle

2017 Data – As presented in the DA Traffic Report



Our Ref: 110298-02-Ltr1_A Response to Council Comments.docx

19 October 2018

NBRS + Partners
Level 3, 4 Glen Street
MILSONS POINT NSW 2061

Attn: Andrew Tripet

Subject: **Katoomba Christian Convention**
Response to Council Stormwater Drainage Comments;
Proposed Auditorium and Associated Dwellings (DA X/163/2018)

Dear Andrew,

J. Wyndham Prince has reviewed the comments received from Blue Mountains City Council in their 22 June 2018 letter regarding the Land Use Application for Katoomba Christian Convention at 119 Cliff Drive Katoomba, NSW 2780 (Council ref X/163/2018).

This letter should be read in conjunction with:

- The Katoomba Christian Convention Proposed Auditorium and Associated Dwellings – Stormwater Assessment report prepared by J. Wyndham Prince 28 August 2017 (JWP ref 110298-02-Rpt1_B).
- Katoomba Christian Convention Main Site Stormwater Management Plans prepared by J. Wyndham Prince 9 November 2017. (Drawings 11029802/DA01 to DA05 revision B).

Specifically, we have reviewed the comments relating to stormwater drainage and the location of the bio-retention basin.

Our response to Council comments is provided below.

Stormwater drainage

- **Council Comment**: The RAFTS inputs in Appendix B are illegible, particularly for the developed case.

  JWP Response: A clearer image of the XP-RAFTS inputs are provided in Appendix A of this letter.

- **Council Comment**: The Rainfall Data (Table A.2) are given for 50% and 2% AEP events, however the detention basin performance summary (Table 4.2) refers to the 20% and 1% AEP event.

  JWP Response: We note that '50% AEP' is a typographical error and should actually be '0.5 EY'. Notwithstanding, this is the standard IFD input into the XP-RAFTS hydrologic model software. Rainfall intensities for the 0.5 EY (2yr ARI) and 2% AEP (50yr ARI) storm events for the 1hr, 12hr and 72hr storms, together with geographical factors are input. XP-RAFTS then uses this data to generate rainfall inputs for all other storm durations.

- **Council Comment**: The MUSIC model parameters (areas) in Tables B.1 and B.2 do not seem to add up.

JWP Response: We have reviewed the MUSIC model input tables, and all areas add up to the total catchment area column. We also note that the MUSIC modelling has been approved by WaterNSW.

- **Council Comment**: The Stage 3 bio-retention basin discharges into a different catchment. Detention should be provided for this catchment. The Stormwater Assessment Report submitted for the carpark (XM/819/2011 - J. Wyndham Prince Ref. 110298 dated 27 September 2016) indicates that the Violet Street stormwater system may not have sufficient capacity at present.

  JWP Response: Comparison node 'Stg2Out' in Table 4.1 of the report considers the development of both Stage 2 and Stage 3. These results confirm that developed conditions peak flows are no greater than existing conditions. While we appreciate that violet streets drainage may be undersized, given that the development has not increased runoff from the site, existing drainage capacity will not be affected by the stage 3 development.

- **Council Comment**: All the modelling should treat Stage 3 separately. The Stage 1 detention basin cannot compensate for the increased impervious area in Stage 3.

  JWP Response: As noted above, developed conditions peak flows are no greater than existing conditions discharge to Violet Street across all stages. Thus an delivery appropriate flow management outcome is provided.

- **Council Comment**: It is noted that no rainwater retention and re-use is proposed. This will increase the overall volume of runoff entering the downstream receiving environment. Part 3.2 of the Vegetation management Plan requires "demonstration that changes to the hydrology of the receiving waters have been assessed and there is no detrimental impact on discharge volumes and channel velocities". Without re-use of roofwater, it is not clear that this requirement can be achieved. Confirmation should be provided for DA assessment, as this into something which should be conditioned without the applicant's knowledge.

- **JWP Response**: Roof water re-use can form part of a revised stormwater strategy suggest an appropriate condition of consent be imposed.

- **Council Comment**: Sections through the basins should be provided (with dimensions and levels). Top water levels should be indicated as well as realistic embankment extents. The geotechnical engineer should comment on the embankment in the slope constraint area and how the basins generally fit in with good hillside practice. It is most likely that for ecological reasons the basins will have to be unlined and this must also be addressed. The Stage 3 raingarden is in an area where there are trees and which slopes up from the road. The plans should demonstrate that there is sufficient area for the basin and its appearance from the public domain.

  JWP Response: The stormwater concept plans prepared for Development Application submission consider the anticipated size of the basins, and high level consideration of batter extents and retaining walls has been given. Table 4.2 in this report provides details of basin performance and top water levels. Further details will be available as part of the CC design.

- **Council Comment**: The stormwater plan shows a headwall and tail-out drain for discharge from the OSD/ raingarden basin. This is not consistent with Part 3.2 of the Vegetation Management Plan which requires the discharge point to be at "…a stable section of the stream…". Clarification should be provided, since the VMP does show the basins, but the reference to a stream in Part 3.2 is confusing.

JWP Response: The final detailed design of the basin outlets will consider the requirements of the VMP.

Location of bio-retention basin

- **Council Comment**: Whilst the proposed location of bio-retention basin 1 is located in a low elevation within the site capable of receiving the design stormwater flows, the suggested location will impact upon numerous mature E. radiata trees that are representative of the LEP 2015 Schedule 6 significant vegetation community 2(13) Eucalyptus radiata – ssp. radiata – Eucalyptus piperita Open-forest. The impact upon these trees has not been addressed in the submitted Tree Report.

  Bio-retention basin(s) required for the development are to be designed and located in a manner that demonstrates avoidance of adverse impacts to indigenous vegetation and E. radiata significant vegetation. Where an impact cannot be avoided, impacts are to be minimised and mitigated to the greatest extent possible.

  A revised stormwater treatment concept is required to demonstrate avoidance of impact by maximising source control treatments closer to the impervious surfaces being treated and investigating all feasible opportunities to locate stormwater treatment devices within existing cleared and built areas. Supporting information is required to demonstrate that the proposed location(s) are most appropriate in avoiding environmental impacts.

  JWP Response: The location of the bio-retention devices utilises areas which have already been modified, and therefore we see that the impact of these centralised devices will result in a reduced environmental impact when compared with the disturbance of additional area required to provide 'at source' management.

We trust that this information provides Council with the necessary information to support the DA from a stormwater management perspective.

If you have and queries in relation to this matter or require further clarification, please do not hesitate to contact me on 4720 3340 or email me at dcromton@jwprince.com.au

Regards,

J. WYNDHAM PRINCE

DAVID CROMPTON

Manager – Stormwater and Environment Group

Blue Mountains Aboriginal Culture & Resource Centre (ACRC)
An Aboriginal Corporation
ABN 72 778 150 873
ICN 2827

14 Oak Street
Katoomba NSW 2780

P.O. Box 334
KATOOMBA NSW 2780

2 Nov 2018

To whom it may concern

On behalf of the Aboriginal Cultural Resource Centre (ACRC), I am writing to support our neighbour Katoomba Christian Convention (KCC) with their Development Application for the improvement of their buildings.

KCC's facilities are a great resource for schools, community, not for profit and social outreach groups, including our various ACRC programs and initiatives. KCC and ACRC wish to further our relationship and the combined delivery of services to the Blue Mountains community, for the better of all stakeholders.

KCC's buildings date back to the 1950's and need updating to ensure that all community have access to appropriate facilities and services that they deserve. We strongly encourage BMCC and RFS to work proactively with KCC to find a positive way forward.

Yours sincerely
Wayne Cornish
W Cornish

Manager ***Email:***
manager@acrc.org.au
(02) 4782 6569
0447 983 275

blue mountains
Accommodation & Tourism Association

7th November 2018

Subject: KCC Development Katoomba

On behalf of Blue Mountains Accommodation and Tourism Association (BMATA), I am writing to support KCC's Development in Katoomba.

It is our understanding that KCC is in discussion with RFS and BMCC but the DA is recommended for refusal. Our request would be instead of refusal to allow a further consultation process to have all parties come together to achieve an outcome that is good for KCC and the region.

I'm writing in support of KCC's application for the following reasons:

- Tourism is the primary economic driver of this region, and BMATA strongly supports quality businesses and further growth in this sector.
- The various activities that occur on site at is a valuable opportunity of young people for employment in this region, and a great drawcard for the Blue Mountains tourism brand broadly.
- The site has a long history of providing events and activities and needs upgrading to continue these into the future, additional products would only further enhance what the site and region can offer visitors.
- It is not only KCC events but many community events that need the site to operate all that add valuable revenue to our economy.

BMATA is the industry led, tourism focussed, and membership based, Local Tourism Organisation (LTO) for the Blue Mountains Local Government Area. Comprising individuals and businesses, who share an active interest in the promotion of a sustainable tourism industry in the Blue Mountains.

Two of the key goals and objectives identified in the Tourism Destination Management Plan for the Blue Mountains are to provide outstanding experiences for visitors, and, subsequently, increase overnight visitor expenditure.

KCC's business assists the whole region achieving this goal and since operating has added value to the region. The flow on effect of the tourism dollar to the local economy is universally recognised. The activities held at their property and supporting marketing do assist in increasing length of stay in the area. Please don't hesitate to contact us if you require any additional information regarding our support.

With best regards, Jason Cronshaw

Jason Cronshaw, President

www.bmata.com.au | Po box 150 Katoomba NSW 2780 | ABN: 33 234 506 135

blue mountains ECONOMIC ENTERPRISE
bmEE

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5 Nov 2018

To Whom It May Concern,

Re: Development Application X/163/2018 for Katoomba Christian Convention, 119 Cliff Drive and 34 Violet Street, Katoomba NSW 2780

I write this to support in principle the modification of and additions to the Katoomba Christian Convention site in Katoomba to facilitate the modernisation and improvement of their facilities.

Whilst we are not qualified to comment on the specifics of the particular design of their application, we understand that the intention is to provide a comfortable and safe facility for the thousands of attendees that they currently accommodate for events. These events currently add significantly to the local economy and this economic benefit, we believe, should be encouraged.

Visitors to the venue enjoy a fantastic natural setting and improvements to the facilities at KCC would further enhance the visitor experience. Our region needs high standard facilities to increase visitor numbers in line with the local Destination Management Plan.

We believe that as part of the current proposal the KCC Katoomba site will need 7 more full time permanent staff, along with further casual staff and contracted services. Creating more jobs locally is very important as currently 57% of employed persons who live in the Blue Mountains leave the area each day for work.

By way of background, Blue Mountains Economic Enterprise (BMEE) is the peak economic development agency in the Blue Mountains. One of our strategic pillars is World Heritage Industry Development which includes tourism. The conference and convention segment is an important part of the visitor economy and improving the Katoomba Christian Convention facility will assist in its growth.

BMEE supports this initiative, as it aligns with our strategic priorities in the area of tourism, namely to attract visitors and assist with the development of this industry in line with our region's competitive advantages: many visitors to the Blue Mountains for a conference or convention will return for other activities.

Please do not hesitate to contact me if you require further information.

Bernard Fehon OAM
Chief Executive Officer
Blue Mountains Economic Enterprise

CMS

The Rev Canon Malcolm Richards. General Secretary
Ph: (02) 9264 6731 mrichards@cms.org.au

09/11/2018

Ref: CMS NSWACT 7/2018

To Whom it May Concern

Re: Katoomba Christian Conference Development Application

As a resident and neighbour of long-standing, the Church Missionary Society (CMS), we bring to your attention our support for the Katoomba Christian Convention (KCC) development application.

As you would be aware, CMS has had a long history in Katoomba and has operated its Conference Centre in Violet Street, Katoomba, in its present form, since January 1962. We accommodate 100 people (in a mix of bunk rooms and ensuite rooms). We conduct a major conference called CMS Summer School in January each year and then provide for public and private conferences as well as school and college programs throughout the year. The Annual CMS Summer School in January draws around 2,000 delegates and 1,400 children per day to Katoomba for the seven (7) day program. In addition, our Youth and Children's ministry team conducts three (3) camps (Camp MMM and Camp Milimani) each year where there are around 400 children at each event. Being an iconic feature in the Blue Mountains, it is a permanent reminder of the mission work of CMS.

For us to successfully conduct our events, we are heavily reliant upon the facilities at KCC, even though the infrastructure is aging and in need of replacement. The auditorium, Clairvaux oval and accommodation facilities at Hartley, Clairvaux, Mountain Camp, the Lodge and Kedumba are used to capacity. From within the local Blue Mountains Community we engage services from businesses in Katoomba and Leura, including Fantastic Aussie Tours, Hertz Leura, Katoomba Fine Flowers, YHA and Blue Mountains Getaways. We also have community engagement agreements with local schools. Although we do not measure the expenditure by our attendees, we are confident that local businesses and the Blue Mountains community may well benefit from CMS events and camps. As good citizens of the mountains community, in our modest way, we draw many people to this wonderful location.

From an operational and logistics perspective, we are proactive with our planning and preparations. We consult widely, engaging with the NSW Police, Rural Fire Service and Fire & Rescue. Through this close liaison, we have improved relationships and have confidence in our emergency plans to the extent that should an emergency arise, we are well prepared. All our plans are shared and socialised with KCC, so that we can all work together in times of crisis. We take personal safety seriously and it should be noted that we have a 'back-to-base' fire monitoring system (addressable panel) with either thermal or smoke detectors in each room and defibrillator at our conference centre.

In principle, CMS is not against the DA proposal and believe that it would be a positive improvement and a benefit to the community. We respectfully ask that all parties work with KCC to find a way forward, so that the KCC DA not be refused or withdrawn

Yours Faithfully,

Malcolm Richards

MALCOLM RICHARDS
The Reverend Canon
General Secretary, CMS NSW & ACT

Church Missionary Society NSW & ACT Limited
Level 5, 51 Druitt Street, Sydney NSW 2000
PO Box 21326, World Square NSW 2002 Australia
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cms.org.au/nswact

Destination
Sydney Surrounds North

12th November 2018

Letter of Support: Katoomba Christian Convention

Dear Shelley,

Thank you for taking the time to share with Destination Sydney Surrounds North (DSSN) your future plans for Katoomba Christian Convention (KCC).

DSSN is one of six Destination Networks established in New South Wales as a result of the NSW Government's review of Regional Tourism Organisations in 2016. The primary responsibility of DSSN is to drive the growth of the Visitor Economy in the region to help achieve the NSW Government's goal of doubling overnight visitor expenditure for the state between 2009 and 2020.

A key milestone for DSSN was the release of the Destination Management Plan (DMP), which is a document that highlights key factors that focus on increasing the visitor economy in our region. Upon reviewing your future plans, we believe your project aligns with several areas in our DMP, as stated below:

- Gaps in Region
    - Lack of Accommodation
    - No Large Conference Facility
    - No Large Event Space
- Product Development
    - Accommodation: Build high quality/five star hotels with conferencing facilities
    - Events and Conference infrastructure: New venues to accommodate larger conferences, festivals, concerts and events

With the plans you have presented DSSN, we believe this project will go towards filling some of these gaps in the region and boost the Visitor Economy.

Kind regards

Glenn Caldwell
General Manager
Destination Sydney Surrounds North
e: glenn.caldwell@dssn.com.au
m: 0408 567 088

FAIRMONT
RESORT & SPA
BLUE MOUNTAINS

2nd November 2018

To whom it may concern

On behalf of the Fairmont Resort, I am writing to support Katoomba Christian Convention's Development Application for the improvement of their aging infrastructure.

Katoomba Christian Convention (KCC) is a quiet achiever, bringing many 'Christian tourist' visitors to the Blue Mountains for over 100 years. This activity strongly contributes to the local economy and overnight visitation to the region, which is a key goal of Destination NSW. KCC's infrastructure is important to the local area in that other regionally significant events such Ultra-Trail Australia also rely upon use of these facilities. The Fairmont Resort and many other local businesses rely upon events such as these for economic outcomes. Please also consider that Tourism is the 2nd largest industry sector for employment in the Blue Mountains Region.

The KCC facility and infrastructure clearly needs updating, and we strongly encourage BMCC and RFS to work with KCC proactively to find a positive way forward.

Kind Regards,

Scott O'Neile

General Manager Fairmont Resort & Spa

PH: 02 4785 0000
E: scott.oneile@fairmontresort.com.au

Fantastic AUSSIE TOURS

91 Barton St Katoomba NSW 2780
Po Box 133 Katoomba NSW

Phone (02) 4780 0700
Fax (02) 4782 7925

1st November 2018

To Whom It May Concern

This letter is to offer support to KCC for their development application in Katoomba.

We have been providing coach services for both KCC and Church Missionary Society, the neighbouring property for over 3 decades. This includes both adults and children on a wide range of not only their own programmes but the wider educational sector, community and private corporations.

We have never had any serious issues with access, parking or movements of large vehicles to access the site which means we can easily move hundreds of participants on selected days on and off the site. KCC is a unique property in the Blue Mountains and provides employment benefits to the local community as well as providing a wide range of economic input to the community for every event held.

Any improvements and expansion of the site would only improve not only the site but the wider tourism industry in general which is currently needed within the Blue Mountains and would be a real shame to potentially loose this to any other region.

I encourage you please to work with KCC to at least work on a suitable plan to enable a development that is suitable to all rather than simply refusing the overall development.

Please call me at any stage if you require any additional information.

Regards,

Jason S Cronshaw

Jason Cronshaw
Managing Director

SCENIC WORLD
BLUE MOUNTAINS AUSTRALIA

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8 Nov 2018

To whom it may concern

On behalf of Scenic World, I am writing to support KCC with their Development Application for the updating and improvement of their old buildings.

Scenic World and KCC have been working together effectively in providing facilities for the Ultra-Trail Australia (UTA) event. UTA is supported by Destination NSW and is an iconic event for the region. KCC's facilities are of vitally importance for UTA, along with fulfilling KCC's own event needs. These activities are a great contribution towards Destination NSW's goals of growing domestic and international overnight visitation in the region. Tourism and job creation is important for the local area economy.

KCC's facilities have a strong community benefit - with schools, not for profit, arts, recreation and various community and church groups utilising the venue. KCC's facilities also provide support to local emergency response when needed. For example, during the Oct 2013 bushfires, KCC were able to contribute significant assistance to RFS and emergency services. KCC provided accommodation, dining and their auditorium was utilised for a very large community meeting. Improvement of KCC's accommodation and event space will therefore also improve our local emergency response capacity.

Scenic World and KCC actively work together to ensure that traffic management and emergency planning considers the other party to improve local amenity and minimise risk to both businesses and we will continue to do so into the future.

I urge BMCC and RFS to further consult and work proactively with KCC to achieve a positive outcome. Improved KCC facilities will further local and regional economic outcomes, along with significant social and community benefit.

Yours sincerely

Anthea Hammon
Managing Director

AROCSPORT
Adventure Racing Outdoor Challenges

Monday October 29th 2018

To whom it may concern,

As an annual hirer of Katoomba Christian Convention's facilities, we would like to lend our full support to their current development application. Our annual event, Ultra-Trail Australia, the world's third largest trail race, utilises approximately 95% of the entire KCC facility and considering the aging nature of the infrastructure, we are fully supportive of any initiative to upgrade and modernise the site.

As a flagship event with DNSW, we are very aware of DNSW goals to increase visitation to the region. We view the proposed upgrades to the conference facilities as not only beneficial to the longevity of our own event, but also as an excellent way to attract other groups and businesses to hold events in the area and bring significant economic benefits and increased visitation to the Blue Mountains.

We are hopeful that the DA will not be refused or withdrawn and would encourage all relevant parties to work together with KCC to find a solution.

Sincerely,

Tom Landon-Smith

Race Director, Ultra-Trail Australia

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