

## COUNCIL ASSESSMENT REPORT

|                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Panel Reference</b>                                                                              | 2018SWT004                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>DA Number</b>                                                                                    | X/163/2018                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>LGA</b>                                                                                          | Blue Mountains                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Proposed Development</b>                                                                         | Demolition of existing buildings, earthworks, construction of new place of public worship, visitor accommodation, cafe, ancillary buildings, landscaping works and car parking                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Street Address</b>                                                                               | 119 Cliff Drive & 34 Violet Street KATOOMBA NSW 2780                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Applicant/Owner</b>                                                                              | Katoomba Christian Convention Ltd                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Date of DA lodgement</b>                                                                         | 23 February 2018                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Number of Submissions</b>                                                                        | <b>13</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Recommendation</b>                                                                               | That the Development Application 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 on 119 Cliff Drive & 34 Violet Street, KATOOMBA be determined in accordance with s4.16 of the Environmental Planning and Assessment Act, by the refusing of consent.                                                                                                                                                                                                                                                                                                                        |
| <b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)</b> | Capital investment value in excess of \$30,000,000                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>List of all relevant s4.15(1)(a) matters</b>                                                     | <ul style="list-style-type: none"> <li>• State Environmental Planning Policy No. 44 - Koala Habitat Protection</li> <li>• State Environmental Planning Policy No. 55 - Remediation of Land</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011</li> <li>• Sydney Regional Environmental Planning Policy 20: Hawkesbury-Nepean River</li> <li>• Local Environmental Plan 2015 (LEP 2015)</li> <li>• LEP 2015 Draft Amendment 3</li> <li>• Development Control Plan 2015 (DCP 2015)</li> <li>• DCP 2015 Draft Amendment 2</li> </ul> |
| <b>List all documents submitted with this report for the Panel's consideration</b>                  | <ul style="list-style-type: none"> <li>• Site analysis plan</li> <li>• Architectural plans</li> <li>• Staging plan</li> <li>• Site survey</li> <li>• Landscape plan</li> <li>• Concept stormwater drainage plan</li> <li>• MUSIC model</li> <li>• Statement of environmental effects</li> <li>• Clause 4.6 variation request</li> <li>• Schedule of external finishes</li> <li>• Statement of heritage impact</li> <li>• Bushfire risk assessment report</li> <li>• BCA and Accessibility report</li> <li>• Ecological (flora and fauna) assessment report</li> <li>• Tree assessment report</li> <li>• Geotechnical assessment report</li> <li>• Quantity surveyors report</li> <li>• Traffic report</li> </ul>               |

|                           |                                                                                                                                                                                                                                                                                                                                   |
|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                           | <ul style="list-style-type: none"> <li>• Visual impact assessment</li> <li>• Waste management plan</li> <li>• Vegetation management plan</li> <li>• Noise impact assessment</li> <li>• Operational plan of management</li> </ul> <p>See Attachment 1 of assessment report for a detailed list of the submitted documentation.</p> |
| <b>Report prepared by</b> | Brian Mercer, Senior Assessment Planner                                                                                                                                                                                                                                                                                           |
| <b>Report date</b>        | 22 November 2018                                                                                                                                                                                                                                                                                                                  |

#### Summary of s4.15 matters

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

#### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

#### Clause 4.6 Exceptions to development standards

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

#### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

#### Conditions

Have draft conditions been provided to the applicant for comment? **No**

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



ITEM No. 1  
SWCPP No. 2018SWT004

**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**

**Reason for report** Capital investment value in excess of \$30,000,000

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RECOMMENDATION</b> | That the Development Application 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 on 119 Cliff Drive & 34 Violet Street, KATOOMBA be determined in accordance with s4.16 of the <i>Environmental Planning and Assessment Act</i> , by the refusing of consent. |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Reasons for refusal**

1. A bush fire safety authority has not been issued by the NSW Rural Fire Service (RFS).
2. Tourist and visitor accommodation on 41 Violet St is a prohibited use, which extends to the use of this site for car parking ancillary to stand-alone tourist and visitor accommodation use on 119 Cliff Drive. As a consequence the development does not provide adequate parking on 119 Cliff Dr for the stand alone use of the tourist and visitor accommodation component.
3. The application does not include land relied upon to service the development (41 Violet St).
4. The Council cannot be satisfied the development complies with Sydney Regional Planning Policy No. 20 – Hawkesbury Nepean River with regard to the protection of environmentally sensitive areas, cultural heritage, and flora and fauna.
5. The Council cannot be satisfied the development complies with 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 under Planning for Bushfire Protection 2006 (PBP), with regard to the retention and enhancement of bushland on the site.
6. The Council cannot be satisfied the development can comply with LEP 2015 clauses 6.1(1), 6.1(2), 6.1(3) and 6.1(6)-(8), with regard to impact on LEP 2015 Schedule 6 significant vegetation communities on the site.
7. In considering the provisions in LEP 2015 cl.6.4(4) the Council cannot be satisfied the development in the mapped Protected Areas can comply with cl.6.4(3) and that the objectives in cl.6.4(1) can be met.

8. *The proposal does not demonstrate that existing native vegetation communities and habitat within the site will be protected, or that soil stability and visual screening of the development can be adequately achieved.*
9. *The building heights do not comply with the height controls under LEP 2015 and LEP 2015 Draft Amendment 3.*
10. *The Council cannot be satisfied there are sufficient environmental planning grounds to justify contravening the development standards for building height under LEP 2015 cl.4.6.*
11. *The Council cannot be satisfied building scale and character is appropriate for the bushland character and setting of the site.*
12. *When the requirements of PBP are applied on the site, the new buildings will be significantly exposed, particularly the auditorium, to Cliff Dr and to public places to the east and north-east and to the Blue Mountains National Park. 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.*
13. *The proposed development does not comply with a building site coverage of a maximum 400m<sup>2</sup> in DCP 2015 Part B2.4 C12 and maximum 15% in Precinct Control C8 in Draft Amendment 2 to DCP 2015.*
14. *The Council cannot be satisfied there are sufficient planning grounds to justify contravening the development control for building site coverage when the extent of vegetation removal arising from the additional site cover and associated asset protection zone (where not overlapping with adjoining APZs) will be contrary to the relevant Zone objectives in LEP 2015 and Precinct objectives in LEP 2015 Draft Amendment 3.*
15. *The 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 National Park, which is a heritage conservation area, as a consequence of vegetation removal by the application of PBP for either an infill or new development.*
16. *The application contains insufficient traffic management information for the RFS, Roads, Maritime Services (RMS) and Council to be satisfied the capacity of the surrounding public road infrastructure is adequate to accommodate the evacuation of the proposed development, and of the impact on local roads and surrounding existing infrastructure during 'peak' times for the site and Scenic World.*
17. *Non-compliance with the building height control, building site cover control, and parking rate provision indicate an over-development of the site.*
18. *The application contains insufficient information in regard to:*
  - a) *Parking arrangements*
  - b) *Excavation site management*
  - c) *Stormwater management*
  - d) *Vegetation management*
  - e) *Landscaping*
  - f) *Development staging*
  - g) *User group reciprocal arrangements*
  - h) *Camping area operation*
  - i) *Caretaker accommodation arrangements*
  - j) *Garbage collection access*

**Disclosure**

Disclosure of any political donation and/or gift - No

**Declaration of interest**

Nil



**Report author/s**

Brian Mercer, Senior Planner



Alex Williams, Executive Principal - Planning

**Report authoriser**

Kim Barrett, Manager Development and Planning Services

**Report date**

22 November 2018

**PART 1****Report summary****PART 2****Development proposal****PART 3****Council assessment****3.1 Overview****3.2 Discussion of issues****3.3 Evaluation****PART 4****Attachments**

## PART 1: Report summary

### Summary

The following is a summary of the core issues in the application:

- The application as currently proposed is not supported by the NSW Rural Fire Service as infill development. Substantial modification of the proposal is required before a bush fire safety authority can be issued.
- The RFS has categorised the development as a new whole-of-site special fire protection purpose development requiring compliance with Planning for bushfire Protection 2006 (PBP 2006) Section 4.2.7, not as an infill development as proposed. 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 development will therefore require substantial modification to comply with PBP Section 4.2.7. Substantial modifications cannot be considered under the current application.
- A substantial redesign of the development would require the withdrawal of the current application and submission of a new application. This is consistent with the NSW Department of Planning's *Development Assessment – Best Practice Guide for Councils, March 2017*. Page 9 of the Practice Guide states:

*Applications that are not capable of being assessed and determined on the information submitted at lodgment are likely to have resource implications for assessments, workloads and morale. Issues and concerns regarding design and compliance should be resolved as far as practical during the pre-lodgment stage. Where DAs are deemed deficient following lodgment, the applicant should be encouraged to withdraw the application, it should be rejected or it should be determined on the information before council.*

- Most of the core issues were identified in a Land Use Advice in 2017 prior to the submission of the development application. Council therefore would not agree to accept amendments to the current application under cl.55 of the Environmental Planning and Assessment Regulation 2000 where the redesign amendments are substantial.
- Negotiations to resolve the issues the RFS, RMS and Council is likely to be lengthy due to the complexities and should occur outside the development application process. The outcomes of this process will inform a new application for later lodgment.
- Permissibility of the use of the car park on 41 Violet Street to service accommodation (as an independent use) on 119 Cliff Drive has not been demonstrated.
- The Council cannot be satisfied the development can meet LEP 2015 and DCP 2015 provisions for retention and enhancement of bushland, protection of Significant vegetation, visibility of development on the Escarpment, and visibility from the Blue Mountains National Park, as a consequence of the extent and density of vegetation removal for an asset protection zone for infill or new development.
- The Council cannot be satisfied the variations sought to the building height and building site cover can be supported, as a consequence of the extent and density of vegetation removal for an asset protection zone and the resultant visibility of the development.
- The flora and fauna report does not contain sufficient information.
- There is significant inconsistency between the Tree Removal Plan (TRP), the Bushfire Report and the Vegetation Management Plan (VMP).
- The dining hall building does not achieve adequate modulation, setback and screening from the street, and its asset protection zone will impact on significant vegetation.
- The front boundary setbacks of Eco Chalet 1 and the Café due not comply with DCP 2015 and DCP

## Summary

2015 Draft Amendment 3 Controls.

- The consequences of the development indicate over-development of the site. It is noted the smaller development approved in X/541/2010 provided an acceptable balance of development scale, character, asset protection zones, vegetation removal and visibility on the Escarpment.
- A combination of a reduction in building height, reduced asset protection zone and increased setback from Cliff Drive and Violet Street appear necessary to achieve compliance with the Protected Area provisions and objectives and DCP controls.
- Information requested in Council's letters dated 22 March 2018 and 22 June 2018 has not been provided.
- The application as currently proposed therefore cannot be supported.

## PART 2: Development proposal

|                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Applicant</b>          | Katoomba Christian Convention Ltd                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Land owner</b>         | Katoomba Christian Convention Ltd                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Location</b>           | 119 Cliff Drive & 34 Violet Street, KATOOMBA NSW 2780                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Lot &amp; DP</b>       | L 5 DP 222736, L 4 Sec. S2 DP 2060                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Date lodged</b>        | 1 March 2018                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Value of works</b>     | \$63,590,257.00                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Proposal in detail</b> | <p>The development proposal seeks approval for the following works at 119 Cliff Dr:</p> <ul style="list-style-type: none"><li>• Demolition of the existing auditorium and construction of a new 3,500 seat auditorium to be used as a place of public worship</li><li>• Removal of 673 trees for buildings and asset protection zones (58.78% of trees across the site)</li><li>• Site excavation for the new buildings</li><li>• A new bookshop building to replace the existing bookshop building. The building will also include new toilet facilities</li><li>• Seven new breakout spaces/meeting rooms, ancillary to the auditorium</li><li>• A new reception building with store rooms</li><li>• Demolition of the existing 200 seat dining hall and construction of a new dining hall with 500 seat capacity, kitchen; laundry, storage, reception and administration space, fronting Violet Street</li><li>• A new café fronting Violet Street with indoor / outdoor seating area of approximately 240m<sup>2</sup></li><li>• Demolition of the existing accommodation and amenities buildings and construction of new accommodation buildings comprising six Eco Lodges (with 56 accommodation suites each lodge) and three Eco Chalets (18 accommodation suites each), having a total number of 390 beds</li><li>• New internal access roads and car parking areas</li><li>• Landscaping</li><li>• Construction in 3 stages</li><li>• Independent use of the auditorium, accommodation and dining hall by other user groups</li><li>• Continued operation of the camping area</li></ul> |

The development proposal seeks approval for the following works at 34 Violet St:

- Driveway (road) linking the western part of 119 Cliff Dr to Violet St.

The application does not include 41 Violet St which also forms part of the KCC site.

**Departure or variation to a development standard**

The applicant has lodged a request to vary the development standard for building height. This is addressed at Part 3.3 below.

---

**Supporting documentation**

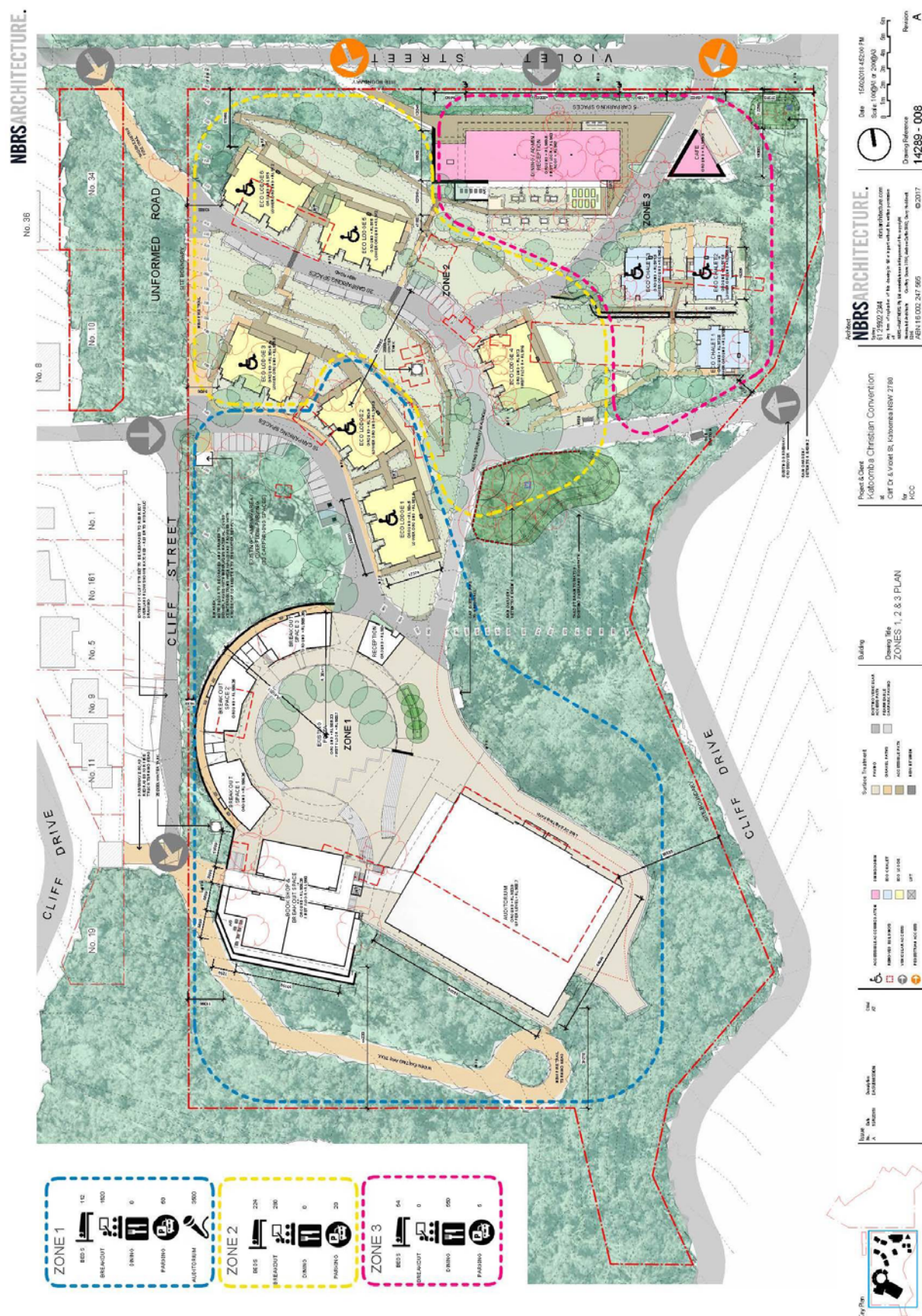
The application is supported by the following plans and documents:

- o Site analysis plan
- o Architectural plans
- o Staging plan
- o Site survey
- o Landscape plan
- o Concept stormwater drainage plan
- o MUSIC model
- o Statement of environmental effects
- o Clause 4.6 variation request
- o Schedule of external finishes
- o Statement of heritage impact
- o Bushfire risk assessment report
- o BCA and Accessibility report
- o Ecological (flora and fauna) assessment report
- o Tree assessment report
- o Geotechnical assessment report
- o Quantity surveyors report
- o Traffic report
- o Visual impact assessment
- o Waste management plan
- o Vegetation management plan
- o Noise impact assessment
- o Operational plan of management

Attachment 1 to this Report contains a detailed list of the submitted documentation.

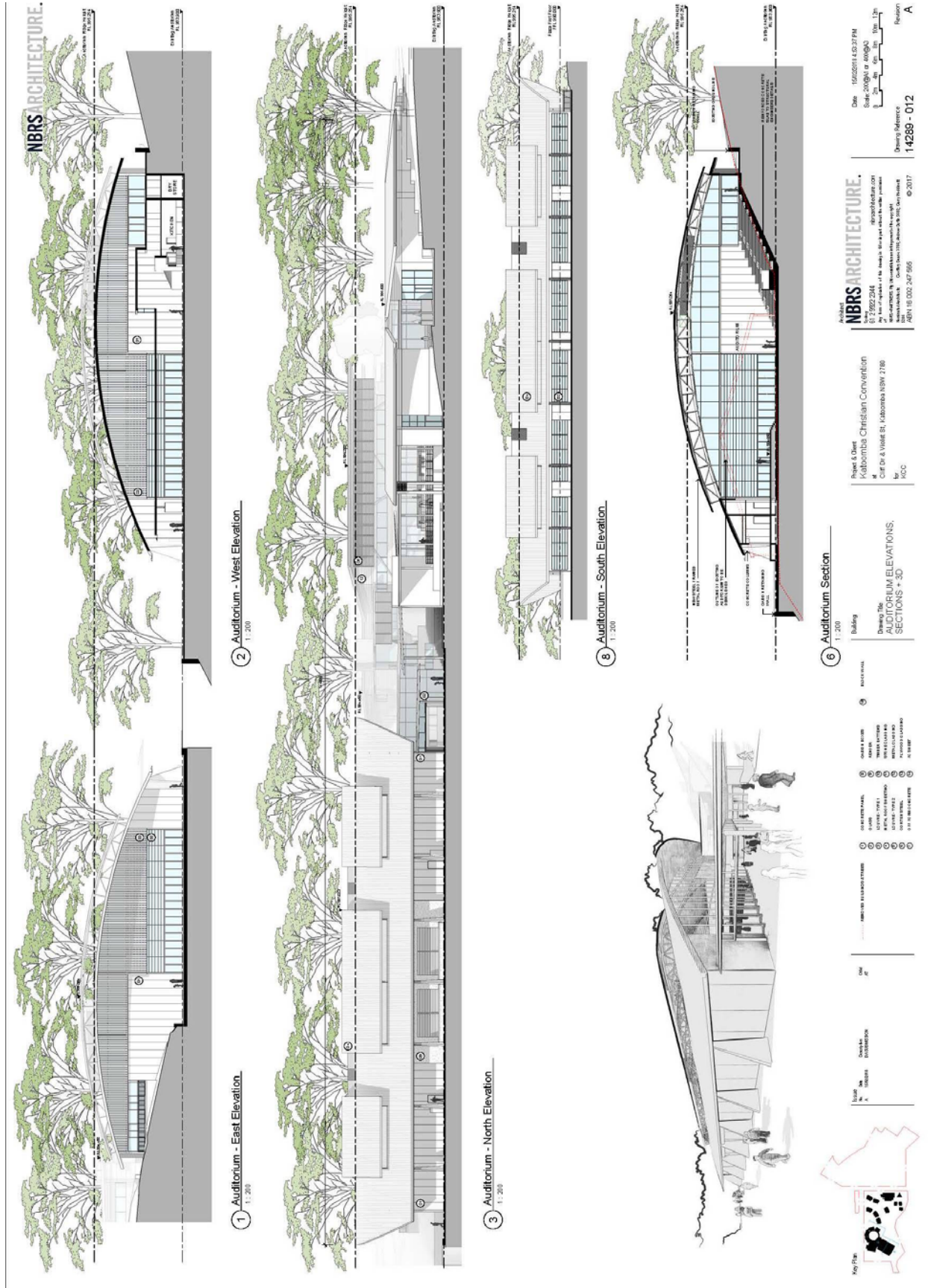


## Site plan





# Elevation plans



[illegible]

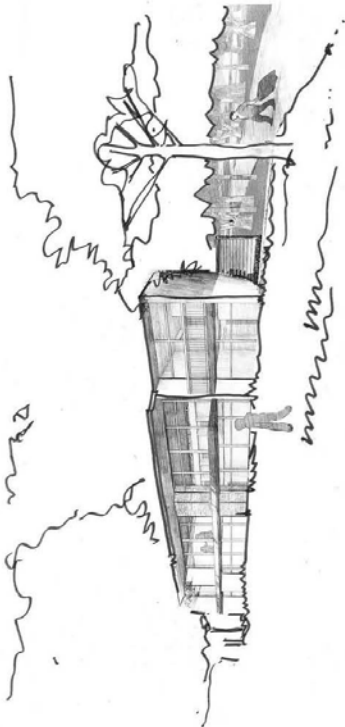
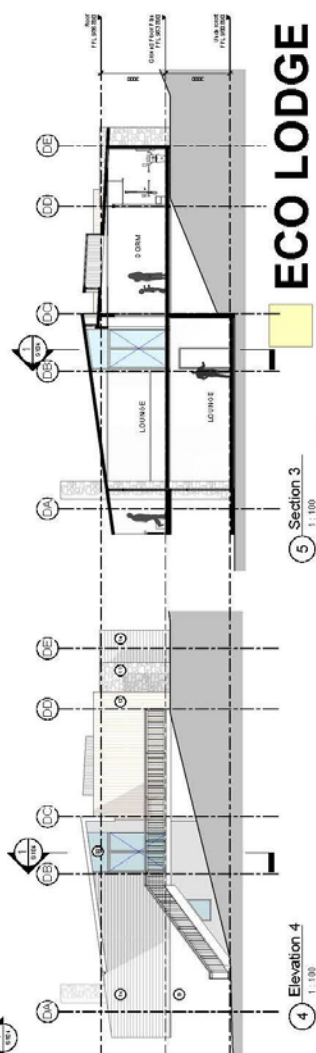
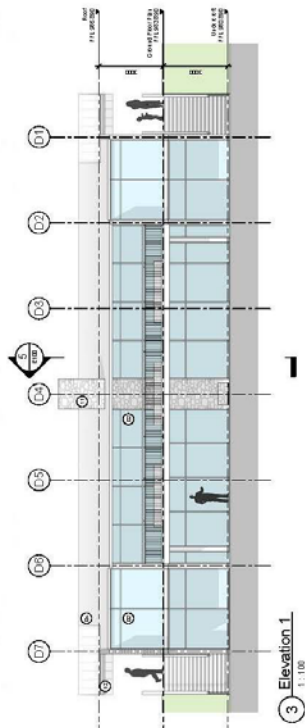
Project & Client  
Katoomba Christian Convention  
at  
Cliff Dr & Violet St, Katoomba NSW 2780  
for  
KCC

Building  
Drawing Title  
ADMIN & DINING ELEVATION,  
SECTIONS + 3D

[illegible]

| Author          | Year | Sample Size | Study Design         |
|-----------------|------|-------------|----------------------|
| 1. Smith et al. | 2015 | 1,200       | Retrospective Cohort |
| 2. Jones et al. | 2016 | 850         | Case-Control         |
| 3. Brown et al. | 2017 | 2,100       | Prospective Cohort   |
| 4. White et al. | 2018 | 950         | Case-Control         |
| 5. Black et al. | 2019 | 1,500       | Retrospective Cohort |





| Symbol | Area     | Description | Material |
|--------|----------|-------------|----------|
| 1      | Concrete | Concrete    | Concrete |
| 2      | Brick    | Brick       | Brick    |
| 3      | Timber   | Timber      | Timber   |
| 4      | Roof     | Roof        | Roof     |
| 5      | Ground   | Ground      | Ground   |

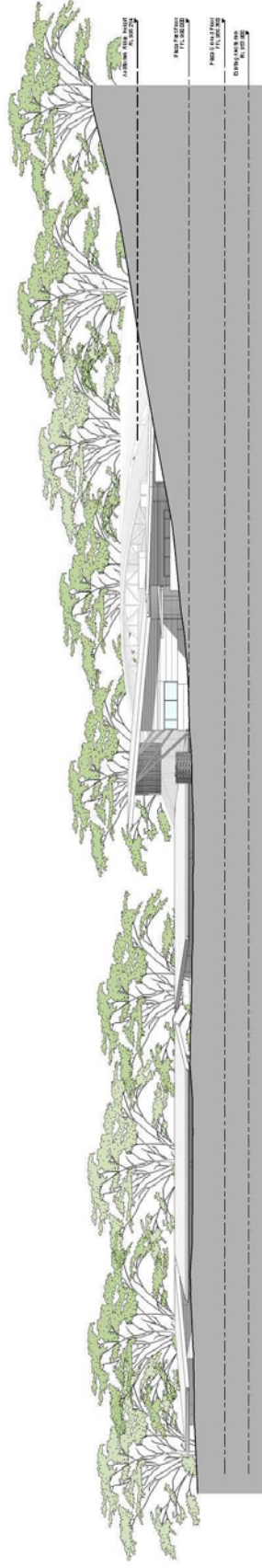
Project & Client  
Kalamunda Christian Convention  
4  
Cnr Dr & Vines St, Kalamunda NSW 2788  
For  
KCC

Building  
ECO LODGE PLANS - ELEVATIONS

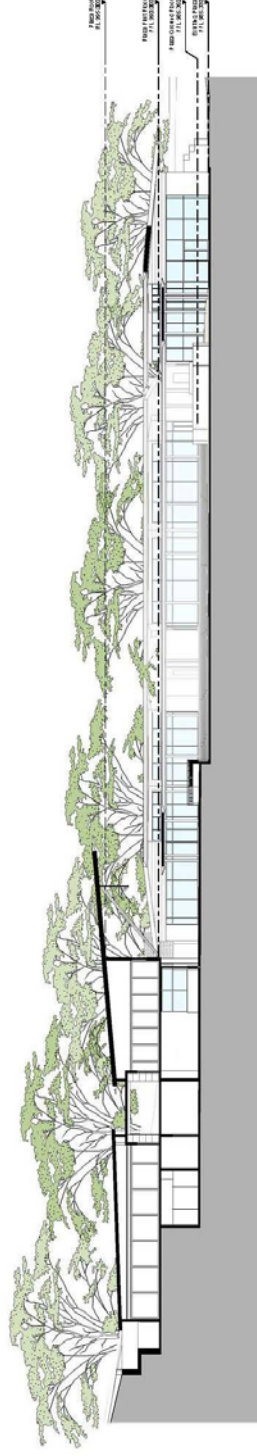
Drawing Title  
ECO LODGE PLANS - ELEVATIONS

Architect  
NBRSARCHITECTURE.  
61 7582 2344  
nrs@nrsarchitect.com.au  
100% of the fees for the design and construction of the building are payable by the client.  
NBRSARCHITECTURE Pty Ltd  
ABN 18 002 247 595

Date - 16/02/2017 6:02:39 PM  
Scale - 1:100 (A1) or 2:100 (A2)  
Drawing Reference  
14289 - E100  
Revision  
A



1 Plaza - Cliff Street Elevation  
1 : 200



3 Plaza Section 1-201

## PART 3: Council assessment

### 3.1 Overview and summary of issues

|                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Location</b>                                       | 119 Cliff Drive & 34 Violet Street, KATOOMBA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Lot &amp; DP</b>                                   | L 5 DP 222736, L 4 Sec. S2 DP 2060                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Zoning</b>                                         | RE2 Private Recreation (119 Cliff Dr)<br>E4 Environmental Living (34 Violet St)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Characterisation of use</b>                        | Place of public worship<br>Function centre (when independently used by outside user groups)<br>Visitor and tourist accommodation<br>Restaurant or café<br>Camping ground<br>Road                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Permissibility</b>                                 | The proposed development is permissible with consent in Zone RE2<br>The proposed road is permissible with consent in Zone E4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Existing use rights</b>                            | The proposed development does not rely on existing use rights                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Type of development</b>                            | Integrated (Rural Fires Act 1993)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Applicable environmental planning instrument/s</b> | <ul style="list-style-type: none"> <li>o State Environmental Planning Policy No. 44 – Koala Habitat Protection</li> <li>o State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>o State Environmental Planning Policy (Infrastructure) 2007</li> <li>o State Environmental Planning Policy (State and Regional Development) 2011</li> <li>o State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011</li> <li>o Sydney Regional Environmental Planning Policy 20: Hawkesbury-Nepean River</li> <li>o Local Environmental Plan 2015 (LEP 2015)</li> <li>o LEP 2015 Draft Amendment 3</li> <li>o Development Control Plan 2015 (DCP 2015)</li> <li>o DCP 2015 Draft Amendment 2</li> </ul> |
| <b>Bushfire prone land</b>                            | The property is mapped as bushfire prone                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Heritage item or</b>                               | The property is not listed as a heritage item or place of Aboriginal significance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

|                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>conservation area</b>             | The site is in close proximity to five heritage items and adjoins the Jamison Valley heritage conservation area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Potentially contaminated land</b> | The land is not listed on the Council's potentially contaminated land register and none of the activities that may cause contamination, listed in Table 1 of Planning NSW's Managing Land Contamination Planning Guidelines, are being or are known to have been carried out on the site.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Site description</b>              | <p>The subject site is known as Katoomba Christian Convention at 119 Cliff Drive and 34 Violet St and consists of two allotments of land having a total area of approximately 5.4ha. The site has road frontages at all boundaries which include Violet St, Cliff St and Cliff Drive. The site is located along the southern escarpment of Katoomba, approximately 2km to the south west of the Katoomba Town Centre.</p> <p>Existing development comprises a place of public worship containing a main 2,300 seat auditorium, 10 meeting rooms, tourist accommodation, toilet/shower buildings, a dining hall, camping ground and a caretakers dwelling. Footpaths, driveways, parking areas and outbuildings within the site, service the development. Whilst the existing development extends across the site, there is a concentration of development to the site's northern and central southern portions. Existing native vegetation has been retained across much of the site, with this vegetation largely located to the site's eastern and southern most portions along the street frontages with Cliff Drive. The land generally falls from the south west to the north east, with some areas having slopes in excess of 20 per cent.</p> <p>Directly north of the site is 41 Violet St, which is also owned and operated by Katoomba Christian Convention. This site contains a large car park and a number of accommodation buildings which service the principal development on 119 Cliff Drive. Whilst 41 Violet St is party to the proposed development it is not included in the application. Existing development to the east and west consists of single dwelling residential development. Development to the north-east is characterised by commercial operations being the Scenic World tourist centre and the Church Missionary Society.</p> <p>The boundaries of the Blue Mountains National Park are located within 40m of the site to the east, west and south. The development is currently well screened from Cliff Dr, Violet St and the National Park by the existing bushland vegetation within the site.</p> |





### **Development history / background**

Katoomba Christian Convention (KCC) has operated from the site since the 1950s. KCC is an interdenominational ministry providing Bible preaching to Christians. The bible preaching and study activities held on the site are known as 'Conventions' but would be defined as a 'place of public worship' or 'function centre'. The present auditorium was constructed in 1957 and extended in 1987. Further expansion on the site occurred in the 1990s. 41 Violet St was acquired in the early 1990s and contains the development's primary parking facility.

Deferred development consent X/541/2010 was granted on 13 December 2011 for the demolition and reconstruction of a book store, meeting rooms, administration / reception office and dining hall, generally concentrated in the western area of the site around the existing plaza. The development did not include reconstruction of the auditorium. Condition 88 of the consent limited conventions to a maximum attendee capacity of 3000 people on any day, except for two (2) conventions that may exceed this attendee capacity in any one year. The deferred matters were not satisfied within the 5 year period and the consent lapsed on 13 December 2016.

Development consent X/819/2011 was granted on 26 June 2012 for the upgrading up the car park on 41 Violet St to contain a total of 682 parking spaces, suitable for servicing the development capacity on 119 Cliff Drive. The consent has been secured by commencement of geotechnical works however the car park has not progressed to completion. The consent was modified on 6 January 2017 to increase the number of parking spaces to 684.



Land use advice O/2686/2016 was provided by Council on 6 March 2017 for a concept proposal similar to the current proposal in X/163/2018. The issues evident in the current proposal and forming the recommended reasons for refusal, were raised in the land use advice.

The site has a long history of noise, traffic and parking issues particularly during larger conventions and events, as the use has intensified on the site over time. Customers Service Requests are periodically received by Council from local residents in relation to these issues. Whilst KCC has worked cooperatively to address neighbour concerns the issues are not fully resolved and remain ongoing.

**City-wide infrastructure contribution**

The City-Wide Infrastructure Contributions Plan applies to the site.

**Referral authorities**

Referrals were made to the following authorities:

- o NSW Rural Fire Service
- o Roads and Maritime Services
- o Water NSW

Relevant comments have been included in this Report.

**Notification period**

The application was notified to adjoining owners and published in the local paper for the period 12 March 2018 to 11 April 2018 (28 days).

**Number of submissions**

13 submissions were received.

**Summary of issues raised**

- o Issues raised:
- o Over development of site
- o Noise – amplified music, voices, traffic movement
- o Traffic
- o Inadequate parking / overflow parking
- o Separate commercial use of site
- o Poor directional signage
- o Bushfire risk, difficult evacuation
- o Excessive building height
- o Visibility on escarpment and from National Park; scenic values impact
- o Light spillage
- o Dust nuisance from traffic on unsealed Cliff St
- o Flora and fauna impacts, vegetation clearing
- o Geotechnical instability
- o Stormwater drainage

These issues are discussed in detail in this Report.

### **Summary of assessment issues**

Key issues in the assessment are:

- o Permissibility of parking on 41 Violet St for separate commercial tourist and visitor accommodation use on 119 Cliff Drive
- o Bushfire
- o Traffic
- o Parking
- o Noise
- o Building height
- o Building site cover
- o Building location and scale
- o Building and site character
- o Site excavation
- o Stormwater management
- o Vegetation removal for asset protection zones
- o Visual impact of development from public places and National Park arising from vegetation removal, building height and building location
- o Impact on threatened flora and fauna species, and significant vegetation communities
- o Heritage impact

Variation to Policy

- o Building height
- o Site coverage

These issues are discussed in the 'Discussion of Issues' section and at other relevant parts in this Report.

### **Assessment actions**

#### **23 February 2018**

Development application X/163/2018 received by Council

#### **1 March 2018**

Recorded lodgement date of application

#### **12 March – 11 April 2018**

Application notified

#### **22 March 2018**

Preliminary assessment / stop-the-clock letter sent to applicant requesting further information. Information due date 27 April 2018

**26 March 2018**

Water NSW concurrence received. A copy is here in Attachment 3

**31 March 2018**

Easter Saturday location visit to observe Easter Convention traffic conditions

**12 April 2018**

Letter received from RMS requesting additional traffic information. A copy is here in Attachment 2

**18 April 2018**

Site inspection with applicant, applicant's consultants and Council planning staff

**3 May 2018**

Site inspection with applicant and Council environmental staff

**31 May 2018**

Site inspection with applicant, applicant's consultants, RFS and Council planning and environmental staff

**1 June 2018**

Letter from RFS advising proposal not supported as infill development; significant redesign required; emergency evacuation details required. A copy is here in Attachment 4

**22 June 2018**

Comprehensive issues letter sent to applicant – withdrawal of application requested. A copy is here in Attachment 5

**23 July 2018**

Sydney Western City Planning Panel briefing meeting

**16 August 2018**

Phone conference between Council and applicant to discuss key issues

**27 August 2018**

Meeting held at RFS office with Council staff and applicant. RFS position reaffirmed

**4 September 2018**

Letter from RFS confirming their position that the proposal is not supported as infill development, and that significant redesign is required. A copy is here in Attachment 4

**10 September 2018**

Letter to applicant confirming Council's position that the development as proposed cannot be supported and recommending the application be withdrawn. Requested date for withdrawal - 24 September 2018. It was confirmed that Council would be very willing to further discuss amended design concepts for the site in preparation for a new development application. A copy is here in Attachment 5

**25 September 2018**

Application not withdrawn, responses to RFS, RMS and Council requests for further information not received. Report commenced for 4 December 2018 SWCP Panel meeting.

**1 November 2018**

Letter received from applicant declining to withdraw application and seeking deferment of determination pending further negotiations.



## 3.2 Discussion of issues

### Discussion of Issues

The following issues are determinative for the application

#### 1. Bushfire

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. This has been confirmed in correspondence from the RFS dated 1 June 2018 (attached at Attachment 4). A subsequent meeting was held with the RFS, Council and the applicant on 27 August 2018 where the RFS again confirmed their position. This position is reconfirmed in the RFS letter dated 4 September 2018 (also provided at Attachment 4).

In addition, the RFS requires a report that addresses emergency evacuation and the capacity of the surrounding public road infrastructure to accommodate the evacuation of the proposed development. This is particularly relevant when peak visitation to the site coincides with peak visitation of the adjacent Scenic World during holiday periods.

In their 4 September 2018 letter the RFS confirms the development does not achieve a better bush fire protection outcome:

*There is a proposed intensification of the existing use of the site, including a net increase in accommodation occupancy of 170 people, a dining hall occupancy increase from 200 to 500 people, and the auditorium capacity increase to 3,500 people.*

*This intensification of use is without an increase in bush fire protection measures. The accommodation buildings as modelled as being exposed to greater than 10kW/m<sup>2</sup> (outside of SFPP requirements), and the auditorium being exposed to Bushfire Attack level – Flame Zone conditions from the vegetation. This essentially puts an increased number of people within an unacceptable risk to what currently exists on site.*

The RFS has provided advice that the accommodation must be sited to a maximum radiant heat exposure of no greater than 10kW/m<sup>2</sup>, and the auditorium must be sited to a maximum radiant heat exposure of no greater than 29kW/m<sup>2</sup>, with an adequate defendable space. This will require substantial redesign of the 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 2 below.

This was communicated to the applicant in Council's letter dated 22 June 2018, and reconfirmed in Council's letter dated 10 September 2018 that followed a meeting held with the RFS and the applicant on 27 August 2018.

#### 2. Environmental Protection - Vegetation

## Discussion of Issues

### a. Retention and enhancement of bushland

Local Environment Plan 2015 and Development Control Plan 2015 and Draft Precinct provisions (Proposed under Draft Amendment 3 to LEP 2015 and the associated amendment to DCP 2015) require development that retains and enhances the ecological integrity and bushland character of the Blue Mountains. These provisions are at LEP 2015 cl.1.2 (Aims of Plan), LEP 2015 cl.2.3 (Zone objectives), LEP 2015 cl.6.1 (Impact on environmentally sensitive land), LEP 2015 Draft Amendment 3 Precinct Controls), DCP 2015 Part C (Environmental Management) and DCP 2015 Draft Amendment 2 (Precinct Controls). Relevant 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 under PBP Section 4.2.5 or new development under PBP Section 4.2.7) and the exceedances in site cover and insufficient pervious area retention (discussed at Items 6 and 17 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 was communicated to the applicant in Council's letter dated 22 June 2018.

### b. 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 is necessary 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 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. This was communicated to the applicant in Council's letter dated 22 June 2018. The requested information has not been received at the time of writing.

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).

### c. 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

## Discussion of Issues

*Vegetation Management Plan* (VMP) (discussed at Item 25 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 visual screening of the development can be adequately achieved.

This was communicated to the applicant in Council's letter dated 22 June 2018.

### 3. Visibility on the Escarpment

The footprints of the new auditorium and Eco Chalets 1 & 2 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. The Eco Chalets have heights of 5.8m and 7.4m.

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 south-east, 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.

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 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, shown on the SULE Assessment Plan in Schedule 2 of the Tree Assessment Report prepared by Travers Bushfire & Ecology and dated 22 February 2018) 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 north-east 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 Attachment 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 correspondences

## Discussion of Issues

from the RFS dated 1 June 2018 and 4 September 2018. 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 – Escarpment Area provisions in LEP 2015 cl.6.12(3) and that the Escarpment Area objectives in cl.6.12(1) can be met, for either an infill or new development to PBP.

This was communicated to the applicant in Council's letter dated 22 June 2018.

### 4. Heritage Impact

The site is located close to the Scenic Railway and Environ (K003), Katoomba Landslide (K004), Orphan Rock (K015), Scenic Skyway (K016), and Katoomba Coal Mine (K045). The site is also adjacent the Jamison Valley Heritage Conservation Area (Item No. K007), which contains areas of the Blue Mountains National Park. As noted at Items 2 & 3 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 Part 7.1 of the Statement of Heritage Impact by NBR 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 was communicated to the applicant in Council's letter dated 22 June 2018.

### 5. Building height

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 4.2.5 or 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.

This was communicated to the applicant in Council's letter dated 22 June 2018.

### 6. Building site cover

The building site cover control currently applying to the site is a maximum 400m<sup>2</sup> 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 8,238.75m<sup>2</sup> for a land area of 54,925m<sup>2</sup>.

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

## Discussion of Issues

9,383m<sup>2</sup> which exceeds the current permitted maximum by 8,983m<sup>2</sup> and the Draft control by 1,144.25m<sup>2</sup>. 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 may reasonably vary the current site cover control to a development site cover consistent with the Draft control where the objectives of the Draft Precinct Controls are met.

Council considers the extent of vegetation removal arising from the additional 1,144.25m<sup>2</sup> 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 was communicated to the applicant in Council's letter dated 22 June 2018.

### 7. Building scale and character

The site character is defined by its bushland setting and the discrete form and siting of existing buildings. The proposed development introduces larger, taller buildings located close to the boundaries of Cliff Dr and Violet St. Substantial removal of bushland is required to accommodate the building footprints and the asset protection zones. The outcome will be high visibility of built form and reduction in bushland setting.

#### 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 St, and minimal landscape screening (discussed below at Item 26). The building has an unmodulated length of approx 60m presenting to the street, a height of 8.9m, a setback of 12.9m from the street, and is on elevated ground above the street. This building does not fit harmoniously in this location and does not minimize visual impact on the natural setting. This part of the development does not meet DCP 2015 Part F2.1 Objectives O2 and O3 which are:

*O2. To retain and enhance the unique qualities of neighbourhood character and context, by responding to existing features and elements of desired future character.*

*O3. To ensure that the operation of commercial and retail enterprises minimises impact on the amenity of adjoining and nearby residential land uses.*

The development does not comply with Control 2 of F2.1:

*C2. New commercial and retail development, including additions and alterations, is to minimise bulk and scale and utilise design elements such as articulation to limit visual intrusion.*

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 RFS's PBP 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 Dining hall / administration / reception 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



## Discussion of Issues

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 a similar number of conference attendees. 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.

### Auditorium

Concern is raised at the scale of the Auditorium which will be visible from public places and the National Park due to its height and elevated position and the extent of vegetation removal required to meet the asset protection zone provisions in PBP Section 2.4.7, as discussed above at Items 2c, 3 and 5.

The location and height of the Auditorium, and the removal of screening vegetation for asset protection zones will result in visibility of this building from public places and the National Park.

Whilst the form and scale of the Auditorium is a necessary product of its function, its height does not meet the LEP height controls and objectives of the Zone and Protected Areas.

These issues were communicated to the applicant in Council's letter dated 22 June 2018.

### **8. Permissibility of parking on 41 Violet St to service accommodation component**

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.

This was communicated to the applicant in Council's letter dated 22 June 2018.

Further, despite the tourist and visitor accommodation proposed for 119 Cliff Dr relying on 41 Violet St for parking, 41 Violet St does not form part of the development application, as communicated in Council's letters dated 22 March 2018 and 22 June 2018.

### **Other matters requiring further information**

Additional information was requested in Council's letter dated 22 June 2018 in regard to the following matters. This information is required on the basis that the determinative matters are successfully resolved.

### **9. 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 evacuation of the proposed development. This report should particularly focus on the effect

## Discussion of Issues

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 as outlined 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.

This was communicated to the applicant in Council's letter dated 22 June 2018. A copy of the RMS letter dated 12 April 2018 was provided earlier to the applicant, on 13 April 2018.

### 10. Vehicle access

The previous consent X/541/2010 did not include 34 Violet St. The current proposal includes widening the fire trail across this property and the unformed Cliff St. Historically 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 St 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 was communicated to the applicant in Council's letter dated 22 June 2018.

### 11. Parking

The application is supported by a Traffic Impact Assessment (TIA) which includes an assessment for car parking for both sites, 119 Cliff Dr and 41 Violet St.

As noted at Item 8 above, the parking provision for the accommodation component is under-estimated when the accommodation operates as an independent use and cannot legally rely on the parking area on 41 Violet St.

A breakdown of the proposed parking (location and number of spaces) is required for each proposed land use, which was initially requested in Council's letter dated 22 March 2018. This will need to 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 do not include parking arrangements for these people during the larger conventions.

#### Existing Development

The existing development contains a principal parking area located on 41 Violet Street. According to the TIA, this has an informal parking capacity of approximately 684 vehicles. Formalised reconstruction of the car park was approved in X/819/2011 on 26 June 2012, however the works have not proceeded. A further 159 spaces are spread across the two sites located mainly adjacent the accommodation buildings and camping area. The camping area can accommodate parking for 33 vehicles when not in use for camping.

41 Violet Street has the benefit of an existing development consent for the upgrading of the oval to a formalised car park with 684 spaces (DA X/819/2011). The construction of the car park has not commenced however minor works have been undertaken to secure the consent from lapsing. An easement has been registered over 41 Violet Street for the benefit of 119 Cliff Drive to legally secure use of the car park on 41 Violet Street for the approved use on 119 Cliff Drive.

#### Proposed Development

Reference to the parking rates in DCP 2015 Part E2.2.2 Table 1 indicate the following number of parking

## Discussion of Issues

spaces are required:

| Use                                     | Capacity                                                                                                     | DCP rate                            | Number of required spaces |
|-----------------------------------------|--------------------------------------------------------------------------------------------------------------|-------------------------------------|---------------------------|
| Auditorium<br>(place of public worship) | 3500 seats                                                                                                   | 1 space per 4 seats, or             | 875                       |
|                                         | or (whichever is the greater)                                                                                |                                     |                           |
|                                         | 2760m <sup>2</sup> GFA<br>(measured by Council, excludes deliveries areas)                                   | 1 space per 10m <sup>2</sup> GFA    | 276m <sup>2</sup>         |
| Dormitories                             | 36 x 8 beds = 288 beds                                                                                       | 1 space per 4 beds                  | 72                        |
| Eco Lodge accommodation suites          | 6 x 6 suites = 36 suites                                                                                     | 1 space per accommodation suite     | 36                        |
| Café                                    | 240m <sup>2</sup> GFA<br>(measured in Trapeze, includes outdoor seating area shown on Drawing No. 14289-016) | 15 spaces per 100m <sup>2</sup> GFA | 36                        |
| <b>TOTAL</b>                            |                                                                                                              |                                     | 1019                      |

Council considers a reasonable minimum number of required parking spaces is 875 (i.e. to meet the auditorium capacity). During conventions the accommodation at 119 Cliff Drive and 41 Violet St are occupied by guests attending conventions in the auditorium. The completed oval car park will provide 684 spaces, and the existing accommodation on 41 Violet Street has 53 spaces, providing a total of 737 spaces. The development therefore has a shortfall of 138 spaces.

The Traffic Impact Assessment (TIA) at 4.1 of the Report argues that a lower number of parking spaces is justified, for the following reasons:

- Family nature of the Easter Event means that vehicle occupancy (i.e. number of people arriving in the same car) is high;
- The operation of designated shuttle bus services between the site and Katoomba railway station and other off site accommodation facilities; and
- Multi-purpose trips involving patrons attending the auditorium, cafe and/or overnight accommodation, and therefore reducing the overall parking demand on site.

Similar reasoning was accepted in the previous application X/541/2010 approved on 13 December 2011(which has since lapsed).

## Discussion of Issues

It was noted that Scenic World had quarantined approximately 25% of the carpark at 41 Violet St for their own overflow parking in 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 regarding the ongoing arrangements with Scenic World regarding use of the carpark were requested in Council's letters 22 March 2018 and 22 June 2018, which has not been provided to at the time of writing. In the absence of this information the Council cannot be satisfied the development meets the objectives and controls in DCP 2015 Part E2.

### 12. Café parking

The café has a gross floor area of 135m<sup>2</sup> with an outdoor seating area of 105m<sup>2</sup> having a combined seating capacity for a total of 240 patrons (assuming 1m<sup>2</sup> per person, as per Table D1.13 of the BCA). Reference to DCP 2015 Part E2.2.2 would indicate a minimum of 36 parking spaces (calculated at 15 spaces per 100m<sup>2</sup>) are required for the combined indoor and outdoor seating areas.

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). In the absence of the requested information the Council cannot be satisfied adequate off-street parking is available for the café when it operates as a stand alone use.

### 13. 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.

This was communicated to the applicant in Council's letter dated 22 June 2018. In the absence of the requested information the Council cannot be satisfied adequate access is provided.

The modification of the development to meet RFS and LEP/ DCP requirements will change these arrangements.

### 14. Stormwater drainage

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 are also required.

- 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.

## Discussion of Issues

- 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.

This was communicated to the applicant in Council’s letter dated 22 June 2018. In the absence of the requested information the Council cannot be satisfied the development complies with LEP 2015 cl.6.9 and DCP 2015 Part C6.

### 15. 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 was communicated to the applicant in Council’s letter dated 22 June 2018. In the absence of the requested information the Council cannot be satisfied the development complies with LEP 2015 cl.6.9 and DCP 2015 Part C6.

### 16. 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 was communicated to the applicant in Council’s letter dated 22 June 2018. In the absence of the requested information the Council cannot be satisfied the development complies with LEP 2015 cl.6.1 and DCP 2015 Part C1.



## Discussion of Issues

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.

This was communicated to the applicant in Council's letter dated 22 June 2018. The Council cannot be satisfied the development complies with LEP 2015 cl.6.4 and cl.6.14.

### 17. 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 20,947m<sup>2</sup> (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 under DCP 2015 Draft Amendment 2. This would appear achievable through a reduction in building site cover to comply with the Building Site Cover control.

This was communicated to the applicant in Council's letter dated 22 June 2018. The modification of the development to meet RFS and LEP/ DCP requirements will change this arrangement.

### 18. Potential aboriginal sites

Council's search of the NSW Office of Heritage and Environment & Heritage AHIMS Web Service has not shown any Aboriginal sites or places in or near the KCC site, however it is possible there may be Aboriginal sites not recorded on AHIMS. Investigations should be undertaken 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 whether an Aboriginal Heritage Impact Permit is required. Confirmation of the investigation results need to be provided to Council.

This was communicated to the applicant in Council's letter dated 22 June 2018. In the absence of the requested information the Council cannot give consideration to LEP 2015 cl.5.10(8).

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.

### 19. 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.

## Discussion of Issues

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.

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.

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 required 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.

This was communicated to the applicant in Council's letter dated 22 June 2018. In the absence of the requested information the Council cannot properly assess this part of the development.

### 20. 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 was communicated to the applicant in Council's letter dated 22 June 2018. In the absence of the requested information the Council cannot properly assess this matter.

### 21. 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 has been 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 was communicated to the applicant in Council's letter dated 22 June 2018. In the absence of the requested information the Council cannot properly assess this aspect of the development.

### 22. 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

## Discussion of Issues

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 was communicated to the applicant in Council's letter dated 22 June 2018. In the absence of the requested information the Council cannot properly assess this aspect of the development

### 23. Flora and Fauna Assessment

The submitted Flora and Fauna assessment requires amendment 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/development-controls-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 was communicated to the applicant in Council's letter dated 22 June 2018. In the absence of the requested information the Council cannot be satisfied the development complies with LEP 2015 cl.6.1 and DCP 2015 Part C.

### 24. 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

## Discussion of Issues

ensure that accurate and detailed information is presented to inform the preparation of amended Landscape and Vegetation Management Plans (Items 25 and 26 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 was communicated to the applicant in Council's letter dated 22 June 2018. In the absence of the requested information the Council cannot be satisfied the development complies with LEP 2015 cl.6.1 and DCP 2015 Part C.

### 25. Vegetation management plan

The Vegetation Management Plan (VMP) requires amendment 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

## Discussion of Issues

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.

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.

This was communicated to the applicant in Council's letter dated 22 June 2018. In the absence of the requested information the Council cannot be satisfied the development complies with LEP 2015 cl.6.1 and DCP 2015 Part C.

## 26. 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 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.

## Discussion of Issues

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 minimized in favour of endemic vegetation retention in all areas.

This was communicated to the applicant in Council's letter dated 22 June 2018. In the absence of the requested information the Council cannot be satisfied the development complies with LEP 2015 cl.6.17 and DCP 2015 Part C3.

## 3.3 Evaluation

The application has been assessed in accordance with *s4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act)*. Only those provisions relevant to the proposed development have been addressed.

| SEPP 44 – Koala Habitat Protection |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                |
|------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Standard                           | Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Compliance Y/N |
| Koala Habitat                      | <p>The provisions of the SEPP apply to land being identified in an EPI as being either potential Koala habitat or core Koala habitat or, pursuant to clause 6, where the site has an area of more than 1 hectare. The subject site has an area of approximately 5.4 hectares.</p> <p>The Flora and Fauna study included in the application has assessed the site for potential or core Koala habitat. No Koala food tree species have been identified on the site and accordingly, the Site does not represent 'potential' koala habitat as defined in the SEPP.</p> | Y              |

| SEPP 55 – Remediation of Land                                                                      |                                                                                                                                                                                                                                                                                           |  |
|----------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Consideration has been given to whether the land is contaminated, as required by cl.7 of the SEPP. |                                                                                                                                                                                                                                                                                           |  |
| Potentially contaminated land                                                                      | The land is not listed on the Council's potentially contaminated land register and none of the activities that may cause contamination, listed in Table 1 of Planning NSW's Managing Land Contamination Planning Guidelines, are being or are known to have been carried out on the site. |  |

| SEPP (Infrastructure)          |                                                                                                                                                                                     |                |
|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Standard                       | Discussion                                                                                                                                                                          | Compliance Y/N |
| Traffic generating development | The proposed development has 200 or more motor vehicle movements per hour, as indicated in Figure 2.6 of the Transport Impact Assessment report submitted with the application. The | N              |



| <b>SEPP (Infrastructure)</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                   |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| Standard                     | Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Compliance<br>Y/N |
|                              | <p>development is therefore traffic generating development under clause 104 of the SEPP. The application was referred to Roads and Maritime Services (RMS) and their response letter dated 12 April 2018 provides the following comments:</p> <ol style="list-style-type: none"> <li>1. The Traffic Report does not address the combined future and existing traffic impacts. The modelling needs to take into account the increased traffic impacts from the entire development with the existing conditions (not just Easter events).</li> <li>2. A traffic assignment diagram is to be included. This should show which intersections of the Great Western Highway are impacted by the proposed development and identify if there is a need for improvements at these intersections. These intersections should also be modelled.</li> <li>3. SIDRA input and output data for both existing conditions and proposed conditions are required. For any further investigation of this proposal SIDRA files should be supplied.</li> <li>4. The report indicates a yearly event that attracts a large number of additional traffic. This event should be addressed as a Special Event in line with the Guide to Traffic and Transport Management for Special Events to be approved under Local Traffic Committee, separate to this Development Application approval</li> </ol> <p>The RMS request for additional information (provided here at Attachment 2) was referred by Council to the applicant on 13 April 2018. The requested information had not been provided at the time of writing.</p> |                   |

| <b>SEPP (State and Regional Development)</b> |                                                                                                                                                                                                                                                                                                                                         |                   |
|----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| Standard                                     | Discussion                                                                                                                                                                                                                                                                                                                              | Compliance<br>Y/N |
| Regional development                         | <p>The proposed development has a capital investment of more than \$30 million and is therefore regionally significant development under clause 20(1) and Schedule 7 of the SEPP. Pursuant to section 4.5(b) of the Environmental Planning and Assessment Act 1979 the consent authority is the Sydney Western City Planning Panel.</p> | Y                 |

| <b>SEPP (Sydney Drinking Water Catchment)</b> |
|-----------------------------------------------|
|-----------------------------------------------|

| Standard                                          | Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Compliance Y/N |
|---------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Impact of development on drinking water catchment | <p>The site is located in the catchment to Warragamba Dam. State Environmental Planning Policy (Sydney Drinking Water Catchments) 2011 therefore applies to the site. The SEPP requires Council to be satisfied that a proposed development located within the Sydney drinking water catchment will have a neutral or beneficial effect on water quality otherwise consent must not be granted.</p> <p>The application was referred to Water NSW which has issued its concurrence for the development. The conditions in the concurrence can be reasonably met by the development. A copy of the concurrence has been provided to the applicant and is attached here at Attachment 3.</p> | Y              |

| Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                |
|--------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Standard                                                           | Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Compliance Y/N |
| Impact of development on drinking water sub catchment              | SREP 20 applies to land within the Blue Mountains LGA and contains various provisions aimed at protecting the environment of the Hawkesbury-Nepean River system. The land is located in the Cox's River subcatchment of the river system. The development has been assessed against the planning considerations as set out in Clause 5 and 6 of SREP 20, with particular consideration of the consequence of vegetation removal by the application of PBP Section 4.2.7.                                                                                                                                                                                                                                  |                |
| cl.5 General planning considerations                               | <p>Consideration has been given to the matters (a) to (d).</p> <p>It is considered the application does not demonstrate the aims of the Policy are met due to insufficient stormwater drainage information, and as a consequence of vegetation removal by the application of PBP. Additional stormwater information was requested in Council's letter 22 June 2018 but has not been provided to at the time of writing.</p> <p>Feasible alternatives to the development as currently proposed would appear available to better meet the recommended strategies in clause 6 (below). These require further investigation by the applicant in a future development application for an amended proposal.</p> | N              |
| cl.6 Specific planning policies and recommended strategies.        | (1) Total catchment management<br>The application has been referred to Water NSW which has issued concurrence under SEPP Sydney Drinking Water Catchment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Y              |
|                                                                    | (2) Environmentally sensitive areas                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | N              |

| Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                   |
|--------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| Standard                                                           | Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Compliance<br>Y/N |
|                                                                    | <p>Environmentally sensitive areas relevant to the site are the escarpment, Blue Mountains National Park, significant flora and fauna habitat.</p> <p>The application does not contain sufficient information in regard to stormwater drainage for Council to be satisfied the development meets Strategies (b) and (c) in regard to protection of water quality and direct and indirect impacts on the National Park. This issue was brought to the attention of the applicant in Council's letter dated 22 June 2018.</p> <p>As a consequence of vegetation removal by the application of PBP Section 4.2.7 the Council cannot be satisfied the development meets Strategy (e) which is to include adequate buffer zones to the National Park.</p> |                   |
|                                                                    | <p>(3) Water quality</p> <p>Additional stormwater drainage information was requested in Council's letter dated 22 June 2018 but has not been provided. Council cannot be satisfied the policy and strategies are met in the absence of the information.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | N                 |
|                                                                    | <p>(4) Water quantity</p> <p>Additional stormwater drainage information was requested in Council's letter dated 22 June 2018 but has not been provided. Council cannot be satisfied the policy and strategies are met in the absence of the information.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | N                 |
|                                                                    | <p>(5) Cultural heritage</p> <p>Additional aboriginal heritage information was requested in Council's letter dated 22 June 2018 but was not provided. Council cannot be satisfied the policy and strategies are met in the absence of the information.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | N                 |
|                                                                    | Policies (7) to (12) are not relevant to the site.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | NA                |

#### Local Environmental Plan 2015 [LEP2015] – s4.15(1)(a)(i)

The proposed development has been assessed against the provisions of LEP 2015 with significant points identified and discussed below.

| Part 1 Preliminary |          |            |                   |
|--------------------|----------|------------|-------------------|
| Clause             | Standard | Discussion | Compliance<br>Y/N |

| Part 1 Preliminary |                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                |
|--------------------|-----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Clause             | Standard                                            | Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Compliance Y/N |
| 1.2                | Aims of Plan                                        | <p>The application does not adequately demonstrate the aims of the Plan are met, in particular the following:</p> <p>(a) to maintain the unique identity and values of the “City within a World Heritage National Park”,</p> <p>(d) to ensure that development does not result in adverse impacts on the values of the Greater Blue Mountains World Heritage Area,</p> <p>(e) to conserve and enhance, for current and future generations, the ecological integrity, environmental heritage and environmental significance of the Blue Mountains,</p> <p>(h) to prescribe limits to urban development having regard to the potential impacts of development on the natural environment and the provision, capacity and management of infrastructure,</p> <p>(i) to limit exposure to bush fire hazards and to ensure that development of bush fire prone land incorporates effective measures that protect human life, property and highly valued environmental and other assets from bush fire, without unacceptable environmental impacts.</p> <p>The failure of the application to meet these aims is articulated through assessment against specific clauses which relate to environmental protection (including that of the Blue Mountains World Heritage Area), impacts of over development and exposure to bush fire threat.</p> | N              |
| 1.9A               | Suspension of covenants, agreements and instruments | A title search shows the land is burdened by easements for drainage, access and parking. The easements for access and parking were imposed by Council and cannot be set aside.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | -              |

| Part 2 Permitted or prohibited development |                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                |
|--------------------------------------------|---------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Clause                                     | Standard                                    | Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Compliance Y/N |
| Land Use Table                             | Permissibility -<br>Place of public worship | <p>The primary use is categorised as <i>place of public worship</i>.</p> <p><i>Place of public worship</i> is defined in the Dictionary to the LEP as meaning a <i>building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training</i>.</p> <p><i>Place of public worship</i> is permitted with development consent in Zone RE2 Private</p> | Y              |

| Part 2 Permitted or prohibited development |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                |
|--------------------------------------------|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Clause                                     | Standard                          | Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Compliance Y/N |
|                                            |                                   | <p>Recreation.</p> <p>The primary use is centred at the auditorium. The development includes other component uses ancillary or incidental to the primary use, including reception, administration offices, meeting rooms, bookshop, café, kitchen / dining hall, accommodation buildings, camping ground and car parks.</p> <p>Four component uses operate independently between the operational periods of <i>place of public worship</i> use. The accommodation buildings, dining hall and auditorium (as a function centre) are available for use by outside groups, such as schools and not-for-profit groups. The café operates for the general public on a daily basis.</p> <p>The café and accommodation components are separately categorised as <i>restaurants or cafés</i> and <i>tourist and visitor accommodation</i>.</p> |                |
|                                            | Function centre                   | <p>The application nominates the auditorium is available for use by outside religious, not-for-profit and school groups. When the auditorium is not used as a place of public worship the use falls within the definition of function centre.</p> <p><i>Function centre</i> is permissible with development consent in Zone RE2 Private Recreation.</p> <p>Function centre is defined as meaning <i>a building or place used for the holding of events, functions, conferences and the like, and includes conventions centres, exhibition centres and reception centres, but does not include an entertainment facility.</i></p>                                                                                                                                                                                                       | Y              |
|                                            | Restaurants and café              | <p><i>Restaurant or café</i> is permissible with development consent in Zone RE2 Private Recreation.</p> <p><i>Restaurant or café</i> is defined as meaning <i>a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                        | Y              |
|                                            | Tourist and visitor accommodation | <p><i>Tourist and visitor accommodation</i> is a prohibited use in the Zone, however it is listed as an additional permitted use in Schedule 1 of the LEP for 119 Cliff Drive (Lot 5 DP 222736).</p> <p><i>Tourist accommodation</i> is defined as meaning <i>a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:</i></p> <ul style="list-style-type: none"> <li>(a) <i>backpackers' accommodation,</i></li> <li>(b) <i>bed and breakfast accommodation,</i></li> <li>(c) <i>farm stay accommodation,</i></li> <li>(d) <i>hotel or motel accommodation,</i></li> </ul>                                                                                                                                                                                   | Y              |

| Part 2 Permitted or prohibited development |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                |
|--------------------------------------------|------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Clause                                     | Standard                           | Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Compliance Y/N |
|                                            |                                    | <p>(e) serviced apartments, but does not include:</p> <p>(f) camping grounds, or</p> <p>(g) caravan parks, or</p> <p>(h) eco-tourist facilities.</p>                                                                                                                                                                                                                                                                                                                                           |                |
|                                            |                                    | <p>The additional use of <i>tourist and visitor accommodation</i> does not extend to 41 Violet Street where it is a prohibited use.</p> <p>Parking for the tourist and visitor accommodation on 119 Cliff Drive</p>                                                                                                                                                                                                                                                                            | N              |
|                                            | Camping ground                     | <p>The application indicates the existing camping ground will be retained. Camping ground is permissible with development consent in Zone RE2 Private Recreation.</p> <p><i>Camping ground is defined as meaning an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.</i></p> | Y              |
|                                            | Road                               | Road is permissible with development consent in Zone E4 Environmental Living.                                                                                                                                                                                                                                                                                                                                                                                                                  | Y              |
| 2.3                                        | Zone objectives RE2 (119 Cliff Dr) | <p>The development meets the following objectives of the zone:</p> <ul style="list-style-type: none"> <li>To enable land to be used for private open space or recreational purposes.</li> <li>To provide a range of recreational settings and activities and compatible land uses.</li> <li>To encourage the development of land in a manner that meets the private recreational needs of the community.</li> </ul>                                                                            | Y              |
|                                            |                                    | <p>The development does not adequately demonstrate the following objective is met:</p> <ul style="list-style-type: none"> <li>To protect and enhance the natural environment for recreational purposes.</li> </ul>                                                                                                                                                                                                                                                                             | N              |
|                                            | Zone objectives E4 (34 Violet St)  | There are no objectives relevant to the proposed road.                                                                                                                                                                                                                                                                                                                                                                                                                                         | Y              |

| Part 4 Principal development standards |                      |                                                                                  |                     |
|----------------------------------------|----------------------|----------------------------------------------------------------------------------|---------------------|
| Building                               |                      |                                                                                  |                     |
| 4.3                                    | Height of buildings  | The majority of the proposed buildings exceed the 5.5m height limit, as follows: | N, variation sought |
|                                        | Reference to the HOB | <p>Auditorium 12.9m</p> <p>Bookshop 9.9m</p>                                     |                     |



| Part 4 Principal development standards |                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |   |
|----------------------------------------|--------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
|                                        | map indicates a maximum building height of 5.5m applies across the entire site | <p>Breakout Rooms 1-3 – 6.35m<br/> Plaza Reception 7.5m<br/> Dining Hall 8.9m<br/> Eco Lodge 1 – 6.8m<br/> Eco Lodge 2 – 8.9m<br/> Eco Lodge 4 – 6.1m<br/> Eco Lodge 5 – 5.7m<br/> Eco Chalet 1 – 5.8m<br/> Eco Chalet 2 – 7.4m<br/> Eco Chalet 3 – 7.6m</p> <p>The application seeks a variation to the development standard under cl. 4.3A. The assessment under cl.4.6 below concludes the proposed variation cannot be supported by Council.</p> <p>Amendment 3 to the LEP proposes to increase the height limit. This is addressed under the LEP 2015 Amendment 3 considerations, below.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |   |
| 4.3A                                   | Exceptions to the maximum floor space ratio and building height                | <p>This clause applies to buildings on the part of the site within the Protected Area – Escarpment Area. It is noted the Protected Area on the LEP 2015 <i>Scenic Landscape Values Map</i> is wider than the area coloured pink on Map 3 of the applicant's Environmental Constraints LEP 2015 Plan, as shown under cl.6.12, below.</p> <p>The proposed Auditorium, Eco Chalet 1 and Eco Chalet 2 are located in or partly in the Protected Area. The Auditorium exceeds the 8m height limit by 4.9m. Therefore, the proposal does not meet the numeric limit allowed under the exceptions clause as detailed in cl 4.3(3)(f).</p> <p>Notwithstanding, and with consideration for the merit issues, information provided in the application, including the Visual Impact Assessment (VIA), has not demonstrated the provisions of cl.4.3A(3) can be satisfied. Further, the extent of clearing assumed in the VIA is not compliant with the extent required under Planning for Bushfire Protection (PBP) and the applicant's own Bushfire Threat Assessment. The visual impact of the Auditorium is likely to be substantially greater than described in the VIA.</p> <p>The Council therefore cannot be satisfied the development meets the provisions in subclause (3), which provide that the building:</p> <p><i>(a) will not protrude above the existing tree canopy of vegetation adjacent to the building, and</i><br/> <i>(b) will not protrude above adjacent buildings, and</i><br/> <i>(c) incorporates a design that responds to the topography of the site and does not result in a visually prominent built form, and</i><br/> <i>(d) does not visually break the level of the skyline by protruding above the ridgeline within or behind the site, and</i><br/> <i>(e) incorporates external surfaces that help blend structures into the natural environment, and</i><br/> <i>(f) has a height of no more than 8 metres.</i></p> | N |

| Part 4 Principal development standards                     |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |    |
|------------------------------------------------------------|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
|                                                            |                                   | <p>This is a consequence of vegetation removal by the application of PBP Section 4.2.7 to achieve vegetation reduction to 15% tree canopy cover and 20% tree and shrub cover. In particular,</p> <p>(b) The Auditorium will protrude above the height of adjacent buildings on the site,</p> <p>(c) The size of the Auditorium results in a visually dominant built form, visible from outside the site, and</p> <p>(f) The auditorium has a height of more than 8m.</p>                                                                                       |    |
| 4.4                                                        | Floor space ratio                 | A floor space ratio control does not apply to the site.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | NA |
| 4.4A                                                       | Site coverage and landscaped area | The clause applies only to land in Zones E3 and E4. There are no buildings proposed in the E4 zone (34 Violet St)                                                                                                                                                                                                                                                                                                                                                                                                                                              | NA |
| 4.4B                                                       | Principal development area        | The clause applies only to land in Zones E3 and E4. The portion of land in Zone E4 has an area of less than 4,000m <sup>2</sup> . A principal development area is not required.                                                                                                                                                                                                                                                                                                                                                                                | NA |
| Exceptions to development standards (cl.4.6) – Exception 1 |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |    |
| <b>Exception requested</b>                                 |                                   | The applicant has requested a variation to the development standard for building height.                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |    |
| <b>Exclusions</b>                                          |                                   | The development standard is not one of those excluded under 4.6(6) or 4.6(8).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |    |
| <b>Area of non-compliance</b>                              |                                   | Clause 4.3 – Building height 5.5m                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |    |
| <b>Nature and extent of non-compliance</b>                 |                                   | The non-compliance applies to 13 buildings of the proposed 16. The heights of these 13 buildings vary from 5.7m (3.6%) to 12.9m (135%). The relevant buildings and heights are listed in cl.4.3 above.                                                                                                                                                                                                                                                                                                                                                         |    |
| <b>Objectives of the standard</b>                          |                                   | <p>The stated objectives in cl. 4.3 Height of buildings are:</p> <p>(1)(a) to ensure that the bulk of development is not excessive and relates well to the local context,</p> <p>(b) to protect privacy and the use of private open space in new development or on adjoining land,</p> <p>(c) to nominate heights that will provide a transition in built form and land use intensity,</p> <p>(d) to ensure an appropriate height transition between new buildings and heritage items.</p> <p>Objectives (a), (b) and (c) are relevant to the development.</p> |    |
| <b>Justification</b>                                       |                                   | <p><u>Whether compliance with the standard is unreasonable or unnecessary</u></p> <p>Compliance with the standard is unreasonable for 9 buildings by virtue of the certain and imminent finalisation of Draft Amendment 3 to LEP 2015 which</p>                                                                                                                                                                                                                                                                                                                |    |

## Part 4 Principal development standards

|                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                   | <p>increases the building height to 8m for the part of the site accommodating these buildings (i.e. the part of the site outside the Protected Area – Escarpment Area). These buildings will comply with the 8m building height control.</p> <p>Compliance with the standard is necessary to ensure the new building is not visible when vegetation is removed to achieve the asset protection zone required in PBP.</p> <p>Compliance with the standard for the Dining hall, Eco Lodge 1 and Eco Lodge 2 is considered reasonable and necessary given the proximity to these buildings to Cliff Dr and Violet St, the LEP objectives for minimising visibility from public places and location of Eco Lodge and Eco Lodge 2 in the Protected Area – Escarpment Area.</p> <p><u>Whether there are sufficient environmental planning grounds to justify contravention of the standard</u></p> <p>Environmental planning grounds are not sufficient to justify a variation to the extent sought. In particular, the extent of the asset protection zones required to meet Planning for Bushfire Protection (PBP) Section 4.2.5 or Section 4.2.7 will remove much of the vegetation necessary for screening of the buildings from Cliff Dr and the National Park. Compliance with the height control will reduce visibility of the buildings.</p> <p><u>Whether objectives of the standard are met</u></p> <p>Objective (1)(a) of cl.4.3 is not met due to the extent of the asset protection zones required to meet PBP Section 4.2.5 or Section 4.2.7 which will render the development highly visible on the escarpment, from the streets, from the World Heritage National Park and from a number of prominent lookouts and viewing platforms within the visual catchment of the escarpment.</p> |
| <b>Other considerations</b>                                       | <p>Other considerations in deciding whether concurrence should be granted (in accordance with subclause (5)).</p> <p>Does non-compliance with the development standard raise any matter of significance for State or regional environmental planning? No</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Public benefit</b>                                             | <p>Is there a public benefit in maintaining the planning controls adopted by the environmental planning instrument? Yes</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Supported</b>                                                  | <p>No</p> <p>The development does not meet Objective (1)(b) of cl.4.6 which is <i>to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</i> A better outcome would be achieved by reduction in building height to comply with the control, given the extent of the asset protection zones required to meet PBP Section 4.2.5 or Section 4.2.7, and the prominent location of the site on the edge of the World Heritage Area.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Exceptions to development standards (cl.4.6) – Exception 2</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Exception requested</b>                                        | <p>The applicant has requested a variation to the development standard allowing an exception to height of buildings in a Protected Area – Escarpment Area.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

## Part 4 Principal development standards

|                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Exclusions</b>                          | The development standard is not one of those excluded under 4.6(6) or 4.6(8).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Area of non-compliance</b>              | Clause 4.3A(3)(f) – Building height up to 8m subject to meeting the provisions in cl.4.3A(3)(a) to (e)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Nature and extent of non-compliance</b> | The non-compliance applies to the Auditorium located in the Protected Area – Escarpment Area. This building has a height of 12.9m (which represents a non-compliance of 61%).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Objectives of the standard</b>          | (1) To provide exceptions to the maximum height of buildings on certain land.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Justification</b>                       | <p><u>Whether compliance with the standard is unreasonable or unnecessary.</u></p> <p>Compliance with the standard is unreasonable by virtue of the certain and imminent finalisation of Draft Amendment 3 to LEP 2015 which retains the 5.5m height limit and introduces new Clause 4.3A(9) which allows an exception to 10m. However the building exceeds the Draft control by 2.9m (29%)</p> <p>The standard is necessary to ensure development meets the Protected Area objectives in cl.6.12.</p> <p>Compliance with the standard is necessary to ensure the new buildings are not visible when vegetation is removed to achieve the asset protection zone required in PBP.</p> |
|                                            | <p><u>Whether there are sufficient environmental planning grounds to justify contravention of the standard.</u></p> <p>Environmental planning grounds are not sufficient to justify a variation to the extent sought.</p> <p>The extent of the asset protection zones required to meet PBP Section 4.2.7 will remove much of the vegetation necessary for screening of the buildings from Cliff Dr and the National Park. As a consequence the development cannot meet the provisions in LEP 2015 cl.4.3A(3)(a), (b) and (c) and LEP 2015 Draft Amendment 3 cl.4.3A(9)(a).</p>                                                                                                       |
|                                            | <p><u>Whether objectives of the standard are met.</u></p> <p>Objective (a) is not met due to the extent of the asset protection zones required to meet PBP Section 4.2.7 which will render the development highly visible on the escarpment, from the street and from the National Park.</p>                                                                                                                                                                                                                                                                                                                                                                                         |
|                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Other considerations</b>                | <p>Other considerations in deciding whether concurrence should be granted (in accordance with subclause (5)).</p> <p>Does non-compliance with the development standard raise any matter of significance for State or regional environmental planning?</p> <p>Yes – the development will be visible from the National Park which is in a World Heritage Area.</p>                                                                                                                                                                                                                                                                                                                     |
| <b>Public benefit</b>                      | Is there a public benefit in maintaining the planning controls adopted by the environmental planning instrument? Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

#### Part 4 Principal development standards

|           |                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Supported | <p>No</p> <p>The development does not meet Objective (1)(b) of cl.4.6 which is <i>to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</i> A better outcome would be achieved by reduction in building height to comply with the control, given the extent of the asset protection zones required to meet PBP Section 4.2.5 or Section 4.2.7.</p> |
|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

#### Part 5 Miscellaneous provisions

| Clause             | Standard                                                              | Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Compliance Y/N |
|--------------------|-----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| 5.3                | Development near zone boundaries                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | NA             |
| 5.4                | Controls relating to miscellaneous permissible uses                   | The proposed development does not include any of the listed uses.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | NA             |
| 5.8                | Conversion of fire alarms                                             | All existing buildings are to be demolished and rebuilt.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | NA             |
| 5.10<br>Schedule 5 | Heritage conservation                                                 | <p>The site is located close to a number of heritage items and to the Jamison Valley Heritage Conservation Area 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 requires assessment of the effect on heritage significance.</p> <p>Visibility of the development from the Conservation Area is of concern following vegetation removal to comply with the asset protection zone requirements of PBP. See Discussion of Issues – 4 Heritage Impact above for further discussion.</p> | N              |
| 5.10(8)            | Aboriginal places of heritage significance                            | A search of the AHIMS register on the OEH website shows no aboriginal sites or places on or within 50m of the land.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Y              |
|                    |                                                                       | It is possible the site may contain Aboriginal sites not recorded on AHIMS. See Part 3.2 Discussion of Issues – 18 Potential Aboriginal Sites above.                                                                                                                                                                                                                                                                                                                                                                                                                                                  | N              |
| 5.12               | Infrastructure development and use of existing buildings of the Crown |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | NA             |
| 5.13               | Eco-tourist facilities                                                | The buildings referred to as Eco Lodges and Eco Chalets in the application do not meet the criteria for eco-tourist facilities under this clause. These                                                                                                                                                                                                                                                                                                                                                                                                                                               | NA             |

| Part 5 Miscellaneous provisions |          |                                                                     |                |
|---------------------------------|----------|---------------------------------------------------------------------|----------------|
| Clause                          | Standard | Discussion                                                          | Compliance Y/N |
|                                 |          | building are categorised <i>tourist and visitor accommodation</i> . |                |

| Part 6 Additional local provisions |                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                |
|------------------------------------|-------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Clause                             | Standard                                                    | Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Compliance Y/N |
| Impact on natural environment      |                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                |
| 6.1                                | (1) Impact on environmentally sensitive land                | <p>The site <i>contains environmentally sensitive land</i> as defined in the LEP Dictionary, in particular:</p> <p>(b) land identified as “Protected area—Slope constraint area” on the Natural Resources—Land Map that has a slope exceeding 20%,</p> <p>(e) land on which any significant vegetation community is located and land that is within 60 metres of any such community.</p> <p>The proposed development does not meet the objectives of the clause for the protection of environmentally sensitive land, due to the extent of the proposed development across the site and the extent of the asset protection zones required to meet Planning for Bushfire Protection Section 4.2.5 or Section 4.2.7 to protect that development. In particular, the development does not meet Clause 6.1 Objective (a) for <i>conserving significant native vegetation communities and protecting the ecological processes necessary for the continued existence of those communities</i> or Objective (c) <i>restricting development on steeply sloping land</i>.</p> | N              |
|                                    | (2) Impact of development on environmentally sensitive land | <p>Due to the extent of the proposed development across the site, and the extent of the asset protection zones required to meet PBP Section 4.2.5 or Section 4.2.7 to protect that development, the Council cannot be satisfied that:</p> <p>(a) the natural, scenic, scientific and historical values of the “City within a World Heritage National Park” that are relevant to the development will be maintained, and</p> <p>(b) the development will be managed to protect the natural environment and maintain the ecological integrity and environmental significance of the Blue Mountains, and</p> <p>(e) if the development will be located on bush fire prone land, the exposure to bush fire hazard will be limited and any bush fire protection measures employed to protect human life, property and other assets are responsive to the environmental values</p>                                                                                                                                                                                         | N              |



| Part 6 Additional local provisions |                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                |
|------------------------------------|------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Clause                             | Standard                                             | Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Compliance Y/N |
|                                    |                                                      | of the land.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                |
|                                    | (3) Development near Blue Mountains National Park    | <p>The site is located in close proximity to the boundaries of the Blue Mountains National Park. Due to the extent of the proposed development across the site, and the extent of the asset protection zones required to meet PBP Section 4.2.5 or Section 4.2.7 to protect that development, the Council cannot be satisfied the development incorporates effective measures to avoid, minimise or mitigate any adverse environmental impact on the land in the National Park.</p> <p>See Part 3.2 Discussion of Issues – 3 Visibility on the Escarpment above for further discussion.</p>                                                                                                                                                                                                                                                                                                                                                                                                      | N              |
|                                    | 6) Other development                                 | <p>Due to the extent of the proposed development across the site, and the extent of the asset protection zones required to meet PBP Section 4.2.5 or Section 4.2.7 to protect that development, the Council cannot be satisfied that the development, including any clearing required for an asset protection zone, is to be designed, sited and managed to avoid any adverse environmental impact on any of the following:</p> <p>(a) significant vegetation communities.</p> <p>It is possible to reduce the scale of the development and contain the development on suitable parts of the site to minimise adverse impact. The Council therefore cannot be satisfied that no practicable alternative is available in relation to the design, type and site coverage of the proposed development (including any measures required to protect life and property from the threat of bush fire) and the suitability of the physical characteristics of the land for the proposed development.</p> | N              |
| 6.2                                | Assessment of certain environmentally sensitive land | The application does not include any information to demonstrate that certain land is not environmentally sensitive land.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | N              |
| 6.3                                | Terrestrial biodiversity                             | The land is not identified as Fauna Corridor on the Natural Resources – Biodiversity Map.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | NA             |
| 6.4                                | Protected Area – slope constraint area               | <p>Due to the extent of the proposed development across the site, and the extent of the asset protection zones required to meet PBP Section 4.2.5 or Section 4.2.7 to protect that development, the Council cannot be satisfied:</p> <p>(a) all existing native vegetation situated outside any part of the land required for the development will be retained and appropriate measures will be incorporated to facilitate the maintenance of such vegetation, and</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | N              |

| Part 6 Additional local provisions |                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                |
|------------------------------------|--------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Clause                             | Standard                                         | Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Compliance Y/N |
|                                    |                                                  | <p>(b) the development will incorporate measures to regenerate any native vegetation that has been cleared from land to which this clause applies that does not form part of the site of any existing or proposed development, and</p> <p>(d) a geotechnical report prepared by a suitably qualified person demonstrates that the soil characteristics and structural elements of the land are suitable for the proposed development, and</p> <p>(e) the development cannot practicably be located on land other than the land to which this clause applies.</p> <p>The Council therefore cannot be satisfied the Protected Area objectives in subclause (1) are met.</p> |                |
| 6.5                                | Protected Area – landslide risk                  | The land is not identified as Protected Area on the Natural Resources – Land Map.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | NA             |
| 6.6                                | Protected Area – vegetation constraint area      | The land is not identified as Protected Area on the Natural Resources – Biodiversity Map.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | NA             |
| 6.7                                | Protected area – ecological buffer area          | The land is not identified as Protected Area on the Natural Resources – Biodiversity Map.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | NA             |
| 6.8                                | Protected area – riparian lands and watercourses | The land is not identified as Protected Area on the Riparian Lands and Watercourses Map.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | NA             |
| 6.9                                | Stormwater management                            | <p>The application does not contain sufficient information on stormwater drainage. Additional information was requested in Council's letter dated 22 June 2018.</p> <p>In the absence of this information the Council cannot be satisfied the development complies with the provisions in subclause (2) and that the objectives in subclause (1) are met.</p> <p>See Part 3.2 Discussion of Issues – 14 Stormwater drainage and 15 Location of bio-retention basin above for further discussion.</p>                                                                                                                                                                      | N              |
| 6.10                               | Flood Planning                                   | The land is not identified on the Flood Liable Land Map.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | NA             |
| 6.12                               | Protected area – escarpment                      | The Protected Area affects 27.1% of the site, along its eastern boundary. It is noted the Protected Area on the LEP 2015 <i>Scenic Landscape Values Map</i> is approx. 5.8m wider than as represented in pink on Map 3 of the applicant's Environmental Constraints LEP 2015 Plan.                                                                                                                                                                                                                                                                                                                                                                                        | N              |

## Part 6 Additional local provisions

| Clause | Standard | Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Compliance<br>Y/N |
|--------|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
|        |          |  <p><i>Map 3 Environmental Constraints LEP 2015 Plan</i></p>  <p><i>LEP 2015 Scenic Landscape Values Map<br/>overlayed on aerial map</i></p> <p>The Auditorium, Eco Chalet 1 and Eco Chalet 2 are located within or partly within the Protected Area.</p> <p>Due to the extent of the proposed development across the site, and the extent of clearing of native vegetation for the asset protection zones required to meet PBP Section 4.2.5 or Section 4.2.7 to protect that development, the Council cannot be satisfied</p> <p>(a) the development will not have any adverse impact on the ecological or scenic values of the escarpment system, and</p> <p>(b) all existing native vegetation situated outside the land required for the development will be retained and appropriate measures will be incorporated to facilitate the maintenance of such vegetation, and</p> <p>(c) the development will incorporate measures to regenerate any native vegetation that has been cleared from land to which this clause applies that does not form part of the site of any existing or proposed development, and</p> |                   |

| Part 6 Additional local provisions |                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                |
|------------------------------------|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Clause                             | Standard                            | Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Compliance Y/N |
|                                    |                                     | <p>(d) the development will be designed and sited to respond sympathetically to the land form of which it will form a part, and</p> <p>(e) no part of the development will protrude above any adjacent buildings or the existing vegetation canopy surrounding the site area, and</p> <p>(f) the development will not visually disrupt the skyline by protruding above the ridgeline within or behind the site.</p> <p>The Council therefore cannot be satisfied the Protected Area objectives in subclause (1) are met.</p> <p>See part 3.2 Discussion of Issues – 3 Visibility on the Escarpment above for further discussion.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                |
| 6.13                               | Protected area – land between towns | The land is not identified on the Scenic and Landscape Values Map.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | NA             |
| 6.14                               | Earthworks                          | <p>The extent of the new development and the slope of the site will require substantial earthworks to accommodate the new buildings. In particular, the platform for the new auditorium requires up 3m excavation to the west over an area of more than 1000m<sup>2</sup>, and up to 6m filling to the east which extends into the Protected Area – Slope Constraint Area. Considerable excavation works are also necessary to accommodate the new dining hall, and the bookshop / break out space building. The extent of cut and fill is considered excessive and not responsive to the particular constraints of the site.</p> <p>Details were requested in Council's letter dated 22 March 2018 of the proposed storage location/s of the 1440m<sup>3</sup> 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.</p> <p>Suitable locations need to be 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.</p> <p>Consideration has been given to the matters in subclause (3). Due to the excessive nature of the proposed cut and fill, and due to the absence of the additional information requested on 22 March 2018, the Council cannot be satisfied the objectives in subclause (1) can be met.</p> | N              |
| 6.15                               | Bush rock removal                   | The development does not require the removal of bush rock.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Y              |

| Part 6 Additional local provisions |                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                |
|------------------------------------|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Clause                             | Standard                                 | Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Compliance Y/N |
| Impact on built environment        |                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                |
| 6.17                               | Consideration of character and landscape | This clause applies only to residential development on land in a residential zone or environmental protection zone.                                                                                                                                                                                                                                                                                                                                        | NA             |
| 6.18                               | Period housing area                      | The site is not identified as a Period Housing Area on the Built Character Map.                                                                                                                                                                                                                                                                                                                                                                            | NA             |
| 6.19                               | Design excellence                        | The site is not identified on the Built Character Map.                                                                                                                                                                                                                                                                                                                                                                                                     | NA             |
| 6.20                               | Active street frontages                  | The site is not identified on the Active Street Frontages Map.                                                                                                                                                                                                                                                                                                                                                                                             | NA             |
| 6.21                               | Sustainable resource management          | The development does include roofwater / rainwater collection tanks for water reuse, nor does it address any other sustainable development practices identified in this clause. The application's BCA & Access Compliance Review indicates the Café, Dining & administration, Eco Chalets do not meet the deemed-to-satisfy energy efficiency provisions in Part J of the Building Code of Australia. These buildings will require a performance solution. | N              |
| 6.23                               | Essential Services                       | The site has all required infrastructure listed in subclause (1) that are necessary to service the development.                                                                                                                                                                                                                                                                                                                                            | Y              |

| Proposed planning instruments – s4.15(1)(a)(ii)           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The following draft planning proposals apply to the site. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Amendment 3 to LEP 2015 – Strategic Tourist Sites</b>  | <p>The draft has received a Gateway determination and has been the subject of a public exhibition process. It is currently with the NSW Department of Planning awaiting finalisation. The draft amendment is therefore considered to be certain and imminent.</p> <p>The purpose of the new controls is to ensure future development takes into consideration the sensitivity of the location in relation to the important areas of environmental and cultural value, while also acknowledging the current use of the site and the tourist nature of the surrounding. The controls consider bulk and scale, settings, views, architectural treatments, commercial signage and residential amenity.</p> |
| Height                                                    | Amendment 3 changes the Height of building from 5.5m across the whole site to 8m, and 5.5m in the Escarpment Area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

Proposed planning instruments – s4.15(1)(a)(ii)



**Extract from HOB\_003B (I = 8m; D = 5.5m)**

Exceptions to the maximum floor space ratio and height of buildings

New clause 4.3A(9)

Amendment 3 proposes a new Clause which states the following:

*Development consent may be granted to the erection of a building on land identified as 119 Cliff Drive, Katoomba being Lot 5 DP222736, within “Katoomba Precinct RE2-SP3-KA20” on the Built Character Map, that exceeds the maximum height shown for the land on the Height of Buildings Map if consent authority is satisfied that the:*

- (a) *part of the building that exceeds the maximum height shown on the Height of Buildings Map is not visible from Cliff Drive or any public place; and*
- (b) *building has a height of no more than 10 metres.*

(a) Comment

The Visual Impact Assessment (VIA) has not demonstrated that cl.4.3A(9) can be met. Further the VIA has not considered the full extent of vegetation removal required by PBP for the asset protection zones.

Due to the extent of the proposed development across the site, and the extent of the asset protection zones required to meet PBP Section 4.2.5 or Section 4.2.7 to protect that development, the Council cannot be satisfied the buildings above a height of 8m, and above a height of 5.5m within the Protected Area – Escarpment Area, will not visible from Cliff Dr or any public place.

*Public place* is defined in the Local Government Act as meaning:

- (a) a public reserve, public bathing reserve, public baths or public swimming pool, or

### Proposed planning instruments – s4.15(1)(a)(ii)

|                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                         | <p>(b) a public road, public bridge, public wharf or public road-ferry, or</p> <p>(c) a Crown reserve comprising land reserved for future public requirements, or</p> <p>(d) public land or Crown land that is not:</p> <p>(i) a Crown reserve (other than a Crown reserve that is a public place because of paragraph (a), (b) or (c)), or</p> <p>(ii) a common, or</p> <p>(iii) land subject to the Trustees of Schools of Arts Enabling Act 1902, or</p> <p>(iv) land that has been sold or leased or lawfully contracted to be sold or leased, or</p> <p>(e) land that is declared by the regulations to be a public place for the purposes of this definition.</p> <p><u>(b) Comment</u></p> <p>The Auditorium has a height of 12.9m.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p>Part 7.6 Precinct controls</p> <p>New Clause 20 - Katoomba Precinct RE2/SP3-KA20</p> | <p><i>The objectives for development on land identified as “Katoomba Precinct RE2/SP3-KA20” on the Built Character Map are as follows:</i></p> <p><i>20 a) To minimise and mitigate the impact of development on land in Zone E2 Environmental Conservation and E1 National Park and Nature Reserves</i></p> <p><i>b) To minimise and mitigate the impact of development as viewed from any public place, including but not limited to Echo Point.</i></p> <p><i>c) To protect the amenity of adjacent residential areas.</i></p> <p><i>d) To maintain existing pedestrian access between the Scenic World site and existing walking tracks in the adjoining National Park.</i></p> <p>The Visual Impact Assessment (VIA) has not demonstrated that Objective (20)(b) can be met. Further the VIA has not considered the full extent of vegetation removal required by PBP for the asset protection zones.</p> <p>The development is unable to meet Objectives (a) and (b) due to the extent of the proposed development across the site, and the extent of the asset protection zones required to meet PBP Section 4.2.5 or Section 4.2.7 to protect that development, and due to the location and height of several buildings.</p> |

### Development Control Plan 2015 – s4.15(1)(a)(iii)

The proposed development has been assessed against the provisions of the Development Control Plan 2015 with significant points of consideration identified and discussed in the table below.

| Part B Context, site analysis and design |                           |            |                |
|------------------------------------------|---------------------------|------------|----------------|
| Clause                                   | Standard                  | Discussion | Compliance Y/N |
| B1                                       | Site and context analysis | Considered | Y              |
| B2                                       | Building envelope         |            |                |



| Part B Context, site analysis and design |                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                |
|------------------------------------------|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Clause                                   | Standard                             | Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Compliance Y/N |
|                                          | B2.3.1 Building setbacks             | <p>A minimum setback of 8m applies to land not within a Precinct, in C13.</p> <p>Eco Chalet 1 has a setback of 5.568m from Cliff Dr which does not comply. The outdoor seating area of the Café has a setback of 7.4m from Violet St which does not comply. The application does not seek an exception to the setbacks in B2.3.4. Table 7 of the Statement of Environmental Effects states incorrectly that the development complies.</p>                                                                                                                                                                                                                                                                                      | N              |
|                                          | B2.4 Site coverage and pervious area | <p><b>Site coverage</b></p> <p>The site is not located in a Precinct. The maximum permitted building site coverage for the site is therefore 400m<sup>2</sup> for a land area of 5.4925ha, in C12.</p> <p>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 9,383m<sup>2</sup> which exceeds the current permitted maximum by 8,983m<sup>2</sup> and the DCP 2015 Draft Amendment 2 control of 15% by 1,144.25m<sup>2</sup>.</p>                                                                                                                        | N              |
|                                          |                                      | <p><b>Pervious area</b></p> <p>The minimum area to be retained as pervious area in C12 is 60% of the allotment area. Table 7 of the Statement of Environmental Effects does not provide a calculation of existing and proposed pervious area.</p> <p>Council's calculation of the pervious area of the new development is 20,947m<sup>2</sup> (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% pervious / landscaped area. The development therefore complies.</p> | Y              |

| Part C Environmental management |                                    |                                                                                                   |                |
|---------------------------------|------------------------------------|---------------------------------------------------------------------------------------------------|----------------|
| Clause                          | Standard                           | Discussion                                                                                        | Compliance Y/N |
| C1                              | Biodiversity and Natural resources | The Council cannot be satisfied Objectives O1 to O3 and Controls C1 to C7 are met. See discussion | N              |

| Part C Environmental management |                                                      |                                                                                                                                                                                                                                                                                                                           |                |
|---------------------------------|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Clause                          | Standard                                             | Discussion                                                                                                                                                                                                                                                                                                                | Compliance Y/N |
|                                 |                                                      | above at Part 3.2 Discussion of Issues – Item 23 Flora and fauna assessment.                                                                                                                                                                                                                                              |                |
| C2                              | Bushland and weed management                         | The Council cannot be satisfied Objectives O1 to O7 and Controls C1 to C6 are met. See discussion above at Part 3.2 Discussion of Issues – Item 1 Bushfire and Item 2c Asset protection zones.                                                                                                                            | N              |
|                                 | C2.1.1 Environmentally sensitive land                | The Council cannot be satisfied C1, C2 and C4 are met. See discussion above at Part 3.2 Discussion of Issues – Item 2 Environmental Protection – Vegetation and Item 23 Flora and fauna assessment.                                                                                                                       | N              |
|                                 | C2.1.2 Land containing high quality remnant bushland | The Council cannot be satisfied C1 is met. See discussion above at Part 3.2 Discussion of Issues – Item 2 Environmental Protection – Vegetation and Item 23 Flora and fauna assessment.                                                                                                                                   | N              |
| C3                              | Landscaping                                          | The landscape plan is deficient in a number of areas. See discussion above at Part 3.2 Discussion of Issues – Item 26 Landscape plan.                                                                                                                                                                                     | N              |
| C4                              | Bushfire                                             | The Council cannot be satisfied Objectives O1 to O9 in C4.3 are met. See discussion above at Part 3.2 Discussion of Issues – Item 1 Bushfire and Item 2c Asset protection zones.                                                                                                                                          | N              |
| C5                              | Tree and vegetation preservation                     | The Council cannot be satisfied Objectives O1 to O3 in C5.1 are met. See discussion above at Part 3.2 Discussion of Issues – Item 24 Tree survey and Item 25 Vegetation management plan.                                                                                                                                  | N              |
| C6                              | Water management                                     | The Council cannot be satisfied Objectives O1 to O8 in C6.1.1 are met and that the development meets the controls in C6.1.4 for Water Sensitive Urban design or Large Scale Development. See discussion above at Part 3.2 Discussion of Issues – Item 14 Stormwater drainage and Item 15 Location of bio-detention basin. | N              |

| Part D Heritage management |          |                                                                                                                                                    |                |
|----------------------------|----------|----------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Clause                     | Standard | Discussion                                                                                                                                         | Compliance Y/N |
| D1                         | Heritage | The Council cannot be satisfied Objective O1 in D1.5 Development in the Vicinity of Heritage Items or Conservation Areas is met. See discussion at | N              |

| Part D Heritage management |          |                                                                                                                               |                |
|----------------------------|----------|-------------------------------------------------------------------------------------------------------------------------------|----------------|
| Clause                     | Standard | Discussion                                                                                                                    | Compliance Y/N |
|                            |          | LEP 2015 cl.5.10, and above at Part 3.2 Discussion of Issues – Item 4 Heritage Impact and Item 18 Potential aboriginal sites. |                |

| Part E Site development and management |                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                |
|----------------------------------------|------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Clause                                 | Standard                                       | Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Compliance Y/N |
| E1                                     | Services                                       | The site has all necessary services, including legal access, sewer, town water, electricity and telephone.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Y              |
| E2                                     | Traffic, parking and access                    | <p>Additional information is required before the Council can be satisfied Objectives O1 to O6 in E2.1 and the controls in E2.2 are met.</p> <p>See discussion at LEP 2015 cl.5.10, and at Part 3.2 Discussion of Issues – Item 9 Traffic management, Item 10 Vehicle access, Item 11 Parking and Item 12 Café parking, above.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | N              |
| E3                                     | Accessibility, adaptability and housing choice | <p>The application contains an Access report that addresses access for people with a disability to all buildings, common areas, paths of travel and car parking within the development, against the deemed-to-satisfy requirements of the Building Code of Australia.</p> <p>Part 2.7 of the Access report indicates a total of 3 accessible accommodation suites (sole occupancy units) per Eco Lodge and 1 accessible accommodation suite per Eco Chalet, a total of 12 accommodation suites. This meets the requirement in Table D3.1 of the Building Code of Australia of a minimum 4 accessible sole-occupancy units.</p> <p>The Master Site Plan shows only 1 accessible parking space, located west of Eco Lodge 1. This number of spaces is inadequate for the number of accessible accommodation suites and likely to be non-compliant with Table D3.5 of the Building Code of Australia.</p> <p>Council's letter dated 22 March 2018 requested clarification of the number of accessible accommodation suites in each accommodation building and corresponding number of accessible parking spaces and their locations. In the absence of this information Council cannot be satisfied the development meets Objective O1 and the control in C1 of E3.1.</p> | N              |

| Part E Site development and management |                         |                                                                                                                                                                                                                                                                                                                                                           |                |
|----------------------------------------|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Clause                                 | Standard                | Discussion                                                                                                                                                                                                                                                                                                                                                | Compliance Y/N |
| E4                                     | Site management         | The existing buildings contain materials likely to contain asbestos. Special handling, storage transportation and disposal arrangements will be necessary. The development is able to meet the relevant Objectives and Controls.                                                                                                                          | Y              |
| E5                                     | Safety and security     | The Council can be satisfied the development meets the principles of crime prevention through environmental design required in E5.1 and as outlined in Part 6.2.12 of the Statement of Environmental Effects.                                                                                                                                             | Y              |
| E5.3                                   | Design of food premises | The Café and Dining hall part of the development have been assessed by the Council's Environmental Health Officer as satisfactory. The development meets or can meet the relevant objectives and controls for food safety standards in E5.3.                                                                                                              | Y              |
| E6                                     | Waste management        | The application contains a Waste and Recycling Management Plan addressing demolition and construction waste, operational waste generation rates and operational management of the development.<br><br>The development provides two dedicated waste storage areas. Waste can be effectively managed on the site in accordance with the controls in E6.4.3. | Y              |
|                                        |                         | Insufficient information has been provided on garbage truck access and manoeuvrability for collection. See Part 3.2 Discussion of Issues – Item 13 Parking geometry above for further discussion.                                                                                                                                                         | N              |
|                                        |                         | The Council cannot be satisfied the management of excavation waste meets the controls in E6.2. See comments at LEP 2015 cl.6.14 above re management of excavated waste.                                                                                                                                                                                   | N              |

| Part F Specific development types |                                   |                                                                     |                |
|-----------------------------------|-----------------------------------|---------------------------------------------------------------------|----------------|
| Clause                            | Standard                          | Discussion                                                          | Compliance Y/N |
| Retail and commercial development |                                   |                                                                     |                |
| F2.1                              | Building design and site planning | This Part applies to the proposed Auditorium, Café and Dining hall. | N              |

| Part F Specific development types |                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                |
|-----------------------------------|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Clause                            | Standard                      | Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Compliance Y/N |
|                                   |                               | <p>The Café and Dining hall are elevated above Violet St and are also visible from Cliff Dr. Concern is raised at the scale of the buildings, dominant form and limited landscape screening. This part of the development does not meet Objective O3 and Control C2.</p> <p>The location and height of the Auditorium, and the removal of screening vegetation for asset protection zones will result in visibility of this building from public places and the National Park.</p> <p>See Part 3.2 Discussion of Issues – Item 7 Building scale and character for further discussion, above.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                |
| F2.2                              | Parking and access            | See Part 3.2 Discussion of Issues – Item 10 Vehicle access, Item 12 Café parking and Item 13 Parking geometry for further discussion, above.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | N              |
| F2.3                              | Landscaping for parking areas | Adequate landscape screening cannot be achieved for the driveway and parking area within the 8m setback of the dining hall. The Landscape Plan indicates landscaping in this area is minimal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | N              |
| F2.4                              | Amenity                       | <p>Residential premises adjoin the site to the west and east and will be potentially impacted by noise from the new development. The application includes a Noise Impact Assessment prepared by an acoustic consultant. The report finds the location has a low background noise level and that the noise sources likely to impact neighbours are mechanical plant and amplified speech and music from the Auditorium. Acoustic attenuation measures in the construction of the building, including mechanical plant, are recommended which will limit predicted noise levels to acceptable levels. Operational noise management measures are also recommended.</p> <p>The Noise Impact Assessment has been assessed by the Council's Environmental Health Officer as satisfactory.</p> <p>Operational noise and odour from the Café and Dining hall are unlikely to impact significantly on the amenity of adjoining properties due to distance. Suitable management practices can be employed if necessary to moderate any potential impacts.</p> <p>The application also includes an Operational Plan</p> | Y              |

| Part F Specific development types |                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                |
|-----------------------------------|----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Clause                            | Standard                                                                         | Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Compliance Y/N |
|                                   |                                                                                  | of Management for the site which indicates 10.00pm closing times for conventions and events, monitoring and 24/7 contact details for residents in the event of noise or other issues.                                                                                                                                                                                                                                                                          |                |
| Tourist Development               |                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                |
| F4.1                              | General objectives                                                               | <p>The development does not meet Objectives O5 which is to <i>ensure that adequate parking is provided for guests and staff, and these parking areas do not detract from streetscape amenity and character of the locality</i>, in terms of the number of parking spaces provided for the number of beds and accommodation suites on 119 Cliff Dr.</p> <p>See Part 3.2 Discussion of Issues – Item 8 Permissibility of parking and Item 11 Parking, above.</p> | N              |
| F4.3                              | Hotel or Motel Accommodation, Serviced Apartments and Backpacker's Accommodation |                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                |
| F4.3.1                            | Site planning and building design                                                | The buildings exceed the LEP building height controls, which contributes to excessive bulk and scale, which is required by C2 to be minimised.                                                                                                                                                                                                                                                                                                                 | N              |
| F4.3.2                            | Building articulation and separation                                             | Adequate separation of buildings and articulation is provided.                                                                                                                                                                                                                                                                                                                                                                                                 | Y              |
| F4.3.3                            | Site requirements and services                                                   | The development meets or is able to meet the requirements for services in C1 and C2.                                                                                                                                                                                                                                                                                                                                                                           | Y              |
| F4.3.4                            | Parking and access                                                               | <p>The development does not provide sufficient on-site car parking on 119 Cliff Dr to service the number of beds and accommodation suites.</p> <p>See Part 3.2 Discussion of Issues – Item 8 Permissibility of parking and Item 11 Parking, above.</p>                                                                                                                                                                                                         | N              |
| F4.3.5                            | Landscaping                                                                      | <p>The landscape plan has been assessed by the Council's Landscape Assessment Officer and found to be deficient in number of key areas.</p> <p>See Part 3.2 Discussion of Issues – Item 26 Landscaping, above.</p>                                                                                                                                                                                                                                             | N              |
| F4.3.6                            | Visual privacy                                                                   | The buildings are significant distance from neighbouring residential premises and will not impact on visual privacy.                                                                                                                                                                                                                                                                                                                                           | Y              |
| F4.3.7                            | Acoustic privacy                                                                 | The buildings are significant distance from                                                                                                                                                                                                                                                                                                                                                                                                                    | Y              |

| Part F Specific development types |                 |                                                                                                                                                                                                                                                                |                |
|-----------------------------------|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Clause                            | Standard        | Discussion                                                                                                                                                                                                                                                     | Compliance Y/N |
|                                   |                 | neighbouring residential premises and will not impact on acoustic privacy.                                                                                                                                                                                     |                |
| F4.3.8                            | Sunlight access | The buildings are significant distance from neighbouring residential premises and will not impact on solar access.                                                                                                                                             | Y              |
|                                   |                 | Solar access to accommodation suites is not specifically addressed in the application. The BCA report indicates the Eco Chalets do not meet the Deemed to satisfy Provisions of Part J of the BCA (Energy Efficiency) and will require a performance solution. | N              |
| F4.3.9                            | Views           | The buildings are a significant distance from neighbouring residential premises and will not impact unreasonably on views and outlook.                                                                                                                         | Y              |

## DCP 2015 Draft Amendment 2

| DCP 2015 Draft Amendment 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                       |                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Part G5.20 Katoomba Precinct RE2/SP3-KA20—Violet Street Precinct                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                       |                |
| Clause                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Standard                                                                                                                                              | Discussion                                                                                                                                                                                                                                                                                                            | Compliance Y/N |
| <p>Introductory text to Katoomba Precinct RE2/SP3-KA20—Violet Street Precinct:</p> <p><i>Recreational and tourism related activities have long been established within this precinct, which is located on the edge of the escarpment and world heritage listed national park, well outside the Katoomba town centre. The precinct provides employment and business opportunities which complement the town centres and provide increased variety for recreation and tourism related land uses. The precinct is also adjoined by residential development and the Katoomba golf course.</i></p> <p><i>Future development must take into consideration the sensitivity of the location in relation to the exceptionally important areas of environmental and cultural value. Consideration of bulk and scale, settings, views, architectural treatments, commercial signage and residential amenity are paramount.</i></p> <p><i>Reference should be made to the precinct objectives in clause 7.6(20) of LEP 2015.</i></p> |                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                       |                |
| C1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.6(20) of LEP 2015. | The development is unable to meet Precinct Objectives 7.6(20)(a) and (b) due to the extent of the proposed development across the site, and the extent of the asset protection zones required to meet PBP Section 4.2.5 or Section 4.2.7 to protect that development, and due to the height of some of the buildings. | N              |
| C2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | The height of a building is not to exceed the maximum height of building set by clause 4.3 of                                                         | The buildings exceed the 5.5m and 8m height limit and will be visible from Cliff Dr and public places, due the extent of vegetation removal required to                                                                                                                                                               | N              |



**DCP 2015 Draft Amendment 2****Part G5.20 Katoomba Precinct RE2/SP3-KA20—Violet Street Precinct**

| Clause | Standard                                                                                                                                                                                                                                                                        | Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Compliance Y/N |
|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
|        | LEP 2015 and the accompanying Height of Buildings Map.                                                                                                                                                                                                                          | achieve the asset protection zone requirements in PBP Section 4.2.5 or Section 4.2.7.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                |
| C3     | The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying Floor Space Ratio Map.                                                                                                                 | A floor space ratio control does not apply to the site.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | NA             |
| C4     | Buildings and other structures located on land identified as having Scenic Landscape Value on the Scenic Landscape Value Map are to be landscaped so as to minimise the visual impact from any public place, Reserve or National Park, including but not limited to Echo Point. | The Auditorium, Eco Chalet 1 and Eco Chalet 2 are located within or partly within the part of the site identified as having Scenic Landscape Value. Due to the extent of the proposed development across the site, and the extent of clearing of native vegetation for the asset protection zones required to meet PBP Section 4.2.5 or Section 4.2.7 to protect that development, the necessary landscape density to minimise visual impact from public places, the National Park and Echo Point cannot be achieved.                                                                                | N              |
| C5     | All buildings on 119 Cliff Drive, Katoomba are to be distributed throughout the site so as to minimise the impact when viewed from any given point, either internally or externally.                                                                                            | Buildings are located close to the eastern and northern land boundaries which does not minimise their visual impact, particularly given their height which exceeds the height controls, and the extent of clearing of native vegetation for the asset protection zones required to meet PBP Section 4.2.5 or Section 4.2.7 to protect that development.                                                                                                                                                                                                                                              | N              |
| C6     | The existing bushland character of the precinct is to be retained and enhanced.                                                                                                                                                                                                 | <p>The existing bushland character cannot be retained or enhanced due the dispersal of buildings across the site and the extent of clearing of native vegetation to all land boundaries for the asset protection zones required to meet PBP Section 4.2.5 or Section 4.2.7 to protect that development.</p> <p>Further, the dominating built forms of buildings presenting to Violet St are not consistent with a bushland character. In particular, the Dining hall building has a length of approx. 60m presenting to the street, with a height of 8.9m and a setback from Violet St of 12.9m.</p> | N              |
| C7     | The minimum setback for any new development, from any road reserve is 8.0m.                                                                                                                                                                                                     | Eco Chalet 1 has a setback of 5.568m from Cliff Dr which does not comply. The Café outdoor dining area has a setback of 7.4m from Violet St which                                                                                                                                                                                                                                                                                                                                                                                                                                                    | N              |

**DCP 2015 Draft Amendment 2****Part G5.20 Katoomba Precinct RE2/SP3-KA20—Violet Street Precinct**

| Clause | Standard                                                                                                                                                                                                                   | Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Compliance Y/N |
|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
|        |                                                                                                                                                                                                                            | does not comply. The application does not seek an exception to the setbacks. Table 8 of the Statement of Environmental Effects states incorrectly that the development complies.                                                                                                                                                                                                                                                                                                                                                                              |                |
| C8     | The maximum building site coverage for land at 41 Violet Street, Katoomba and land at 119 Cliff Drive is 15%.                                                                                                              | <p>The application seeks approval for a site cover of 9,383m<sup>2</sup> which exceeds the Draft control by 2% or 1,144.25m<sup>2</sup>.</p> <p>The additional building site coverage, and the additional asset protection zone (where not overlapping with the APZ of other buildings) will increase visibility of the development from public places and the National Park.</p>                                                                                                                                                                             | N              |
| C9     | The minimum area to be retained as soft pervious or landscaped (excluding hard surfaces) on land at 41 Violet Street and 119 Cliff Drive, Katoomba is 70% of the total allotment area.                                     | The application does not include landscaped area calculations. Council's calculation of the pervious area of the new development is 20,947m <sup>2</sup> (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% pervious / landscaped area. The proposal does not comply with the minimum required 70%. | N              |
| C10    | The minimum area to be retained as soft pervious or landscaped area (excluding hard surfaces) on land at 2 Violet Street, Katoomba (Scenic World) is 10% of that part of the site not zoned E2 Environmental Conservation. | Not applicable to 119 Cliff Drive.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | NA             |
| C11    | The minimum area to be retained as soft pervious or landscaped (excluding hard surfaces) on land at 4-12 Violet Street, Katoomba is 60% of the total allotment area.                                                       | Not applicable to 119 Cliff Drive.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | NA             |
| C12    | Development is to provide articulation and building modulation in order to minimise the bulk of buildings.                                                                                                                 | <p>Non-compliance with the building height control does not assist in meeting this control.</p> <p>The Dining hall presents as a uniform building mass of approx. 60m length to the Violet St frontage.</p>                                                                                                                                                                                                                                                                                                                                                   | N              |

**DCP 2015 Draft Amendment 2****Part G5.20 Katoomba Precinct RE2/SP3-KA20—Violet Street Precinct**

| Clause | Standard                                                                                                                                                                                                                                                           | Discussion                                                                                                                                                                                                                                                                                                                                                                                                                             | Compliance Y/N |
|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| C13    | Development must consider amenity impact on the adjoining residential dwellings and include reasonable measures to mitigate impacts.                                                                                                                               | The main impacts on adjoining residential premises are traffic, overflow parking and operational noise. Noise is satisfactorily addressed in the Noise Impact Assessment. Traffic and parking require further information and are as yet unresolved.                                                                                                                                                                                   | N              |
| C14    | Development is to provide landscaping along the street frontages that is reflective of landscape character and existing endemic vegetation communities along Cliff Dr and Violet Street.                                                                           | The Landscaping Plan shows no landscaping to the Cliff Drive frontage and assumes the existing bushland will be retained. However most of the existing native vegetation along the site frontage will be removed for the asset protection zones required to meet PBP Section 4.2.5 or Section 4.2.7. The proposed landscaping along the Violet St frontage is minimal due to the minimal boundary setback of the dining hall driveway. | N              |
| C15    | Car parking is to be integrated with landscaped areas such that it is well screened from the public domain. Parking areas should be located so as to not to adversely impact upon streetscape, pedestrian circulation, building character and residential amenity. | The parking spaces along the northern side of the dining hall cannot be well screened due to the minimal building setback and minimal landscaping.<br><br>Whilst not nominated as part of this application the parking area at 41 Violet St, which the proposed development relies upon, is not well screened from the public domain.                                                                                                  | N              |

**Planning Agreement – s4.15(1)(a)(iia)**

There are no planning agreements that apply to the proposed development or the subject site.

**Regulations – s4.15(1)(a)(iv)**

The *Environmental Planning and Assessment Regulation*, provides controls and regulations that relate to the management of the proposed development. These requirements are inherent in the assessment processes undertaken for the proposal.

**Fire safety and other considerations**

| Standard           | Discussion                                                                                                    | Compliance Y/N |
|--------------------|---------------------------------------------------------------------------------------------------------------|----------------|
| <b>Fire safety</b> | All existing buildings are proposed to be demolished. Clauses 93 and 94 of the Regulation are not applicable. | NA             |

**Likely impacts – s4.15(1)(b)**

### Likely impacts on the natural and built environment

#### Discussion

The development as currently proposed will have an unacceptable adverse impact on the natural and built environment.

- **Vegetation removal and management**, as a consequence of the application of asset protection zones to PBP for bushfire protection and non-compliance with building site coverage controls
- **Heritage**, as a consequence of visibility from the heritage conservation area
- **Character and amenity**, as a consequence of built form, height, location and loss of bushland
- **Access and traffic**, as a consequence of conflicts with neighbouring uses at peak times
- **Visibility on the escarpment**, as a consequence of vegetation removal for asset protection zones to PBP for bushfire protection; and building height, site coverage and location
- **Parking**, as a consequence of a shortfall of on-site parking and overflow into the streets.

Refer to the relevant Part 3.2 Discussions of Issues above.

### Likely social impacts

#### Discussion

The improvement of the existing facilities on the site is likely to have a positive social effect as the facility meets a number of local and on-local community needs.

### Likely economic impacts

#### Discussion

The improvement of the existing facilities on the site is likely to have a neutral or positive economic effect.

### Suitability of the site for the development – s4.15(1)(c)

#### Site suitability

The site is not suitable for the scale of development proposed, due to bushfire risk, the presence of scheduled vegetation communities, land with steep slopes >20%, parking capacity, the location on the edge of the escarpment and high visibility from public places and the National Park. A reduced scale of development and greater setbacks from the eastern and northern boundaries are required.

### Submissions – s4.15(1)(d)

#### Notification and / or exhibition

Consultation was undertaken in accordance with the requirements of Part H (Public Participation) of Blue Mountains Development Control Plan 2015 and the requirements under the Environmental Planning and Assessment Regulations.

## Submissions – s4.15(1)(d)

### Notification and / or exhibition

| <b>Notification</b> |                                                                       | <p>The application was advertised in the Blue Mountains Gazette for 28 days from 12 March 2018 until 11 April 2018. Written notification was also sent to adjoining and nearby properties. 13 submissions were received. The issues raised are listed below and have been addressed in this report.</p> <p>Redacted copies of the submissions were provided to the applicant with an invitation to respond. A response has not been received to at the time of writing.</p> |
|---------------------|-----------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Issue               |                                                                       | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 1.                  | Over development of site                                              | The non-compliance with building height and building site coverage controls, and vegetation removal, are addressed in this Report.                                                                                                                                                                                                                                                                                                                                          |
| 2.                  | Noise – amplified music, voices, traffic movement                     | The application contains a Noise Impact Assessment. See DCP 2015 Part F2.4 discussion, above.                                                                                                                                                                                                                                                                                                                                                                               |
| 3.                  | Traffic                                                               | Additional traffic information has been requested by RMS, RFS and Council.                                                                                                                                                                                                                                                                                                                                                                                                  |
| 4.                  | Inadequate parking / overflow parking                                 | The development does not comply with the DCP 2015 controls for parking provision. Further information from the applicant is required.                                                                                                                                                                                                                                                                                                                                       |
| 5.                  | Separate commercial use of site                                       | Zone RE2 permits stand-alone refreshment room and tourist accommodation use.                                                                                                                                                                                                                                                                                                                                                                                                |
| 6.                  | Poor directional signage                                              | This issue appears to relate to confusing or inadequate directional signage at the perimeter of the site to direct visitors to the correct locations. Further information is required from the applicant on new directional signage for the new development.                                                                                                                                                                                                                |
| 7.                  | Bushfire risk, difficult evacuation                                   | See Part 3.2 Discussion of Issues – Item 1 Bushfire and Item 9 Traffic Management, above.                                                                                                                                                                                                                                                                                                                                                                                   |
| 8.                  | Excessive building height                                             | See Part 3.2 Discussion of Issues – Item 5 Building height and Item 7 Building scale, above.                                                                                                                                                                                                                                                                                                                                                                                |
| 9.                  | Visibility on escarpment and from National Park; scenic values impact | See Part 3.2 Discussion of Issues – Item 3 Visibility on the Escarpment, above.                                                                                                                                                                                                                                                                                                                                                                                             |
| 10.                 | Light spillage                                                        | The development operates in the evening and requires external lighting. Security lighting is also proposed. The application contains no details on management of light spillage, other than the Operational Plan of Management which states that lights will be switched off at 11.00pm. This issue can be effectively managed by appropriate placement and shielding of lighting.                                                                                          |
| 11.                 | Dust nuisance from traffic on unsealed Cliff St                       | The road is under the care and control of Council. The new development will not significantly increase existing                                                                                                                                                                                                                                                                                                                                                             |

**Submissions – s4.15(1)(d)****Notification and / or exhibition**

|     |                                              |                                                                                                                                                                                                                                                                                                                                                                    |
|-----|----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     |                                              | road traffic in Cliff St which provides access to service areas.                                                                                                                                                                                                                                                                                                   |
| 12. | Flora and fauna impacts, vegetation clearing | See relevant Discussion of Issues below.                                                                                                                                                                                                                                                                                                                           |
| 13. | Geotechnical instability                     | The application contains a Geotechnical Assessment Report which addresses site classification to AS2870, excavation, foundation design, site preparation, site suitability and recommendations. The submission raises concerns about impacts on ground stability beyond the site. The applicant has not responded to the submission issues at the time of writing. |
| 14. | Stormwater drainage                          | See part 3.2 Discussion of Issues – Item 14 Stormwater drainage and Item 15 Location of bio-retention basin, above.                                                                                                                                                                                                                                                |

**Public interest – s4.15(1)(e)**

|                        |                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Public interest</b> | <p>The proposed development is considered to be not in the public interest for the following reasons:</p> <ul style="list-style-type: none"><li>o Bushfire evacuation risk unresolved</li><li>o Visibility from public places and the National Park</li><li>o Adverse impact on bushland and scheduled vegetation communities</li><li>o Traffic conflicts and parking overflow at peak times unresolved</li></ul> |
|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## PART 4: Appendices

### Attachment 1 – Submitted documentation

| Document                                    | Prepared by:      | Drawing / Document No | Issue | Date        |
|---------------------------------------------|-------------------|-----------------------|-------|-------------|
| Plan cover sheet                            | NBRS Architecture | 14289-000             | A     | Feb 2018    |
| Locality plan                               | NBRS Architecture | 14289-001             | A     | 15 Feb 2018 |
| Site analysis                               | NBRS Architecture | 14289-002             | A     | 15 Feb 2018 |
| Environmental Constraints LEP 2015          | NBRS Architecture | 14289-003             | A     | 15 Feb 2018 |
| Existing conditions                         | NBRS Architecture | 14289-004             | A     | 15 Feb 2018 |
| Existing conditions photos                  | NBRS Architecture | 14289-005             | A     | 15 Feb 2018 |
| Master plan                                 | NBRS Architecture | 14289-006             | A     | 15 Feb 2018 |
| Master plan –staging plan                   | NBRS Architecture | 14289-007             | A     | 15 Feb 2018 |
| Zones 1, 2 & 3 Plan                         | NBRS Architecture | 14289-008             | A     | 15 Feb 2018 |
| Zone 1 Auditorium & Plaza Ground Plan       | NBRS Architecture | 14289-009             | A     | 15 Feb 2018 |
| Zone 1 Auditorium & Plaza Level 1 Plan      | NBRS Architecture | 14289-010             | A     | 15 Feb 2018 |
| Zone 1 Auditorium & Plaza Roof Plan         | NBRS Architecture | 14289-011             | A     | 15 Feb 2018 |
| Auditorium Elevations Sections & 3D         | NBRS Architecture | 14289-012             | A     | 15 Feb 2018 |
| Zone 2 Eco Lodge 4, 5 & 6 Lower Ground Plan | NBRS Architecture | 14289-013             | A     | 15 Feb 2018 |
| Zone 2 Eco Lodge 4, 5 & 6 Ground Plan       | NBRS Architecture | 14289-014             | A     | 15 Feb 2018 |
| Zone 2 Eco Lodge 4, 5 & 6 Roof Plan         | NBRS Architecture | 14289-015             | A     | 15 Feb 2018 |
| Zone 3 Admin & Café Ground Plan             | NBRS Architecture | 14289-016             | A     | 15 Feb 2018 |
| Zone 3 Dining Floor Plan                    | NBRS Architecture | 14289-017             | A     | 15 Feb 2018 |
| Zone 3 Eco Chalet 1, 2 & 3 Ground Plan      | NBRS Architecture | 14289-018             | A     | 15 Feb 2018 |
| Zone 3 Eco Chalet 1, 2 & 3 Roof Plan        | NBRS Architecture | 14289-019             | 1     | 1 Aug 2017  |
| Admin & Dining Elevation, Sections, & 3D    | NBRS Architecture | 14289-020             | A     | 15 Feb 2018 |
| Site Section & Elevation                    | NBRS Architecture | 14289-021             | A     | 15 Feb 2018 |
| Materials schedule                          | NBRS Architecture | 14289-022             | A     | 15 Feb 2018 |
| Violet St View Study – original photo       | NBRS Architecture | 14289-023             | A     | 15 Feb 2018 |
| Violet St View Study Photo Montage          | NBRS Architecture | 14289-024             | A     | 15 Feb 2018 |
| Plaza View Study                            | NBRS Architecture | 14289-025             | A     | 15 Feb 2018 |
| Plaza Elevations                            | NBRS Architecture | 14289-026             | -     | 2017        |

| Document                                                 | Prepared by:                   | Drawing / Document No                                        | Issue | Date         |
|----------------------------------------------------------|--------------------------------|--------------------------------------------------------------|-------|--------------|
| Eco Lodge Plans & Elevations                             | NBRS Architecture              | 14289 E100                                                   | A     | 15 Feb 2017  |
| BCA and Access Review Report                             | NBRS Architecture Compliance   | 14289                                                        | -     | 8 Feb 2018   |
| Bushfire Hazard Assessment Report                        | Travers Bushfire & Ecology     | A16026B                                                      | -     | 22 Feb 2018  |
| Clause 4.6 Variation request                             | DFP Planning                   | 9469B                                                        | -     | 22 Feb 2018  |
| Flora and Fauna Assessment                               | Travers Bushfire & Ecology     | A16026F                                                      | -     | Feb 2018     |
| Geotechnical Assessment Report                           | STS Geological                 | 18/0171                                                      |       | Jan 2018     |
| Landscape Plans                                          | NBRS Architecture              | 14289-LA01-1<br>14289-LA02-1<br>14289-LA03-1<br>14289-LA04-1 | 1     | 15 Nov 2017  |
| Noise Impact Assessment Report                           | Acoustic Logic                 | 20170489.1                                                   | 1     | 24 Oct 2017  |
| Operational Plan of Management                           | KCC                            | -                                                            | A     | Nov 2017     |
| Site survey report                                       | Landscape Surveys              | Sheets 1 to 8 of 8                                           | A     | 23 Aug 2017  |
| Survey auditorium                                        | Landscape Surveys              | -                                                            | -     | 1 Aug 2017   |
| Transport Impact Assessment Part A                       | Transport Planning Partnership | 15024                                                        | V02   | 19 Jan 2018  |
| Transport Impact Assessment Part B                       | Transport Planning Partnership | N3172                                                        | -     | -            |
| Transport Impact Assessment Part D – Swept Path Analysis | Transport Planning Partnership | 15024                                                        | A     | 18 Jan 2018  |
| Quantity Surveyors Report                                | Slattery                       | 16974                                                        | -     | 27 Sept 2017 |
| Statement of Environmental Effects                       | DFP Planning                   | 9469B                                                        | -     | 22 Feb 2018  |
| Statement of Heritage Impact                             | NBRS Architecture Heritage     | -                                                            | -     | 5 Sept 2017  |
| Stormwater Assessment Report & MUSIC model               | J Wyndham Prince               | 110298-02-Rpt1-B                                             | -     | 28 Aug 2017  |
| Tree Assessment Report                                   | Travers Bushfire & Ecology     | A16026T2                                                     | -     | 22 Feb 2018  |
| Vegetation Management Plan                               | Travers Bushfire & Ecology     | A16026V                                                      | -     | 22 Feb 2018  |
| Visual Impact Assessment                                 | DFP Planning                   | 9469D                                                        | 2     | 21 Feb 2018  |
| Waste Management Plan                                    | ME Tech                        | EP80-RP01                                                    |       | 9 Feb 2018   |





Transport  
Roads & Maritime  
Services

12 April 2018

Our Reference: SYD18/00453/01 (A22839672)  
Council Ref: X/163/2018

The Acting General Manager  
Blue Mountains City Council,  
Locked Bag 1005,  
Katoomba. NSW, 2780.

Attention: Mr Brian Mercer

Dear Sir/Madam

**Katoomba Christian Convention Centre at 119 Cliff Drive & 34 Violet Street KATOOMBA.**

Reference is made to Council's letter dated 8 March 2018, regarding the abovementioned Application which was referred to Roads and Maritime Services (Roads and Maritime) for comment.

Roads and Maritime acknowledges receipt of the application for the development of the Katoomba Christian Convention Centre and advises that in order for the matter to be suitably assessed the following information is required:

- The Traffic Report does not address the combined future and existing traffic impacts. The modelling needs to take into account the increased traffic impacts from the entire development with the existing conditions (not just Easter events).
- A traffic assignment diagram is to be included. This should show which intersections of the Great Western Highway are impacted by the proposed development and identify if there is a need for improvements at these intersections. These intersections should also be modelled.
- SIDRA input and output data for both existing conditions and proposed conditions are required. For any further investigation of this proposal SIDRA files should be supplied
- The report indicates a yearly event that attracts a large number of additional traffic. This event should be addressed as a Special Event in line with the Guide to Traffic and Transport Management for Special Events to be approved under Local Traffic Committee, separate to this Development Application approval.

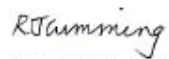
**Roads and Maritime Services**

27-31 Argyle Street, Parramatta NSW 2150 |  
PO Box 973 Parramatta NSW 2150 |

[www.rms.nsw.gov.au](http://www.rms.nsw.gov.au) | 13 22 13

Roads and Maritime will undertake a further assessment upon receipt of the information above. Any inquiries in relation to this Application can be directed to Mr Chris King on 0419 484 667 or [development.sydney@rms.nsw.gov.au](mailto:development.sydney@rms.nsw.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'R. Cumming'.

**Rachel Cumming**  
**Senior Land Use Assessment Coordinator**  
**North West Precinct**

## Attachment 3 – Water NSW concurrence



PO Box 323, Penrith NSW 2751  
Level 4, 2-8 Station Street  
Penrith NSW 2750  
www.waternsw.com.au  
ABN 21 147 934 787

26 March 2018

Our Ref: 18044-a1  
Your Ref: X/163/2018

Brian Mercer  
Senior Planner  
Blue Mountains City Council  
Locked Bag 1005  
KATOOMBA 2780

Dear Mr Mercer

**Subject: Sydney Drinking Water Catchment SEPP**  
**DA No X/163/2018; Lot 5 DP 222736, Lot 4 DP 2060; 119 Cliff Drive, Katoomba**

I refer to your letter received 9 March 2018 requesting the concurrence of Water NSW under Clause 11 of State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 (the SEPP) with a proposal for staged redevelopment of the Katoomba Christian Convention site.

The subject property, which has been inspected by Water NSW, is located within the Warragamba catchment, which forms part of Sydney's water supply.

The following documents have been considered in the assessment of the application:

- a Statement of Environmental Effects prepared by DFP Planning Consultants (dated February 2018)
- a Geotechnical Assessment by STS GeoEnvironmental (dated January 2018)
- Site Plans, including a Master Plan, prepared by NBRS Architecture (dated 15 February 2018), and
- a Stormwater Assessment Report incorporating a MUSIC stormwater quality model and a Soil and Water Management Plan prepared by J. Wyndham Prince (dated 28 August 2017).

It is noted that the development is proposed to be staged as follows:

- Stage-1 consisting of the Auditorium, reception, book shop and breakout spaces, Plaza, existing fire trail upgrade, new internal road and car parking area, overflow parking, and two 2-storey eco-lodges,
- Stage-2 consisting of the remaining four 2-storey eco-lodges, new internal road, and car parking areas, and
- Stage-3 consisting of dining/administration building, café, three 2-story eco-chalets and internal road and carparking.

Based on Water NSW's site inspection and the information provided, the proposed development has been assessed by Water NSW as being able to achieve a neutral or beneficial effect on water quality provided appropriate conditions are included in any development consent and are subsequently implemented.

If, after receipt of this letter, revisions are made to any of the DA plans, Council does not need to refer the plans to Water NSW if the revisions do not impact on water quality. Council is requested to amend the relevant Water NSW's condition/s to reference the revised plans, and notify the assessing officer by email.



Water NSW concurs with Council granting consent to the application, subject to the following conditions:

#### **General**

1. The site layout and staging of the development shall be as outlined in the Statement of Environmental Effects prepared by DFP Planning Consultants (dated February 2018) and as shown on the Master Plan prepared by NBR Architecture (Dwg. Ref. 14289-006; Rev A; dated 15/02/2018). No revisions to site layout or staging of the development that may impact on water quality, shall be permitted without the agreement of Water NSW.

*Reason for Condition 1 - Water NSW has based its assessment under State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 on this version of the development.*

#### **Access Way and Internal Roads**

2. The access way and internal roads shall be located and constructed as shown on the Master Plan (Dwg. Ref. 14289-006; Rev A; dated 15/02/2018) prepared by NBR Architecture, but with the following specifications and requirements:
  - be sealed and otherwise constructed in accordance with Council's engineering standards
  - incorporate appropriate crossfall with runoff to be collected via a series of pits and pipes and directed to various water quality treatment measures detailed in the following conditions, and
  - incorporate inlet filters on all inlet pits.
3. All stormwater structures and drainage works associated with the proposed internal roads shall be wholly included in the road reserve or within suitably defined easements.

*Reason for Conditions 2 & 3 – To ensure that the proposed internal roads and associated infrastructure will have a sustainable neutral or beneficial impact on water quality during the operational phase of the development.*

#### **Stormwater Management**

4. All stormwater management measures as specified in the Stormwater Assessment Report (dated 28 August 2017) and shown on the Proposed Development Layout Plan (Plan No. 11029802/DA03; Rev A; dated 27/10/2017) both prepared by J. Wyndham Prince shall be implemented, in particular as elaborated or varied in the following conditions.
5. Raingardens shall be designed and located as per the Stormwater Assessment Report (dated 28 August 2017) and shown on the Proposed Development Layout Plan (Plan No. 11029802/DA03; Rev A; dated 27/10/2017) and Typical Raingarden Details Plan (Plan No. 11029802/DA04; Rev A; dated 27/10/2017), all prepared by J. Wyndham Prince to capture and treat all runoff from the majority of the proposed development. The raingardens shall incorporate the following specifications and requirements:
  - be designed consistent with Adoption Guidelines for Stormwater Biofiltration Systems Version 2 (Payne *et al*, 2015, Melbourne, CRC for Water Sensitive Cities)
  - a minimum surface area and filter areas:
    - 150 square metres for the **Stage 1** Raingarden
    - 84 square metres for the **Stage 3** Raingarden
  - each raingarden shall also meet the following specifications
    - an extended detention depth of 300 mm

- a filter depth (excluding transition layers) of 500 mm above the underdrain
  - a filter media consisting of a clean sandy loam with a certified median particle diameter of 0.5 mm, a maximum orthophosphate concentration of 40 mg/kg and a maximum total nitrogen concentration of 400 mg/kg
  - be planted with appropriate deep-rooted, moisture-tolerant vegetation protected by rock mulch (grass and turf is not appropriate vegetation and organic mulch is not suitable)
- for the **Stage 1 Raingarden**, discharge and overflow shall be directed to a tailout drain via discharge control pit and for the **Stage 3 Raingarden**, discharge and overflow shall be directed to the Council stormwater system via discharge control pit and discharges shall not cause erosion
  - be accessible from internal roads by machinery to facilitate cleaning, monitoring and maintenance of the structures
  - be permanently protected from vehicular damage by bollards, fences, castellated kerbs or similar structures, with a sign to be erected to advise of its nature and purpose in water quality management, and
  - be protected by sediment and erosion control measures during any construction and post-construction phase until the ground surface is revegetated or stabilised.
6. No changes to stormwater treatment and management that will impact on water quality, shall be permitted without the agreement of Water NSW.
  7. A suitably qualified stormwater consultant or engineer shall certify in writing to Water NSW and Council **prior to the issuance of any Occupation Certificate for that stage of the development** that all stormwater management structures have been installed as per these conditions of consent and are in a functional state.
  8. An Operational Environmental Management Plan (OEMP) shall be prepared in consultation with Water NSW by a person with knowledge and experience in the preparation of such plans. The OEMP shall be prepared **prior to the issuance of any Occupation Certificate for that stage of the development** and may be updated from the previous stage and shall include but not be limited to:
    - details on the location, description and function of stormwater management structures such as pits, pipes, inlet filters, raingardens, onsite detention basin, rainwater tanks, and any other stormwater structures and drainage works
    - an identification of the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management structures, including the frequency of such activities
    - the identification of the individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and
    - checklists for recording inspections and maintenance activities.
  9. All stormwater treatment devices shall be monitored, maintained and managed as per the Operational Environmental Management Plan referred in Condition 8 above.

*Reason for Conditions 4 to 9 – To ensure that the stormwater quality management measures and structures for the proposed development have a sustainable neutral or beneficial impact on water quality over the longer term.*

#### **Construction Activities**

10. A final Soil and Water Management Plan shall be prepared for all works proposed or required for each **stage** of the development by a person with knowledge and



experience in the preparation of such plans. Each Plan shall meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004) manual - the "Blue Book". The Plan shall be prepared prior to the issuance of a Construction Certificate for that stage of the development, and shall be to the satisfaction of Council.

11. The Plan shall be implemented for each stage of the development and effective erosion and sediment controls shall be installed prior to any construction activity including earthworks for site access. The controls shall prevent sediment or polluted water leaving the construction site or entering any natural drainage lines or stormwater drain and shall be regularly maintained and retained until works have been completed and groundcover established.

*Reason for Conditions 10 & 11 – To manage adverse environmental and water quality impacts during the construction phase of the development so as to minimise the risk of erosion, sedimentation and pollution within or from the site during this phase.*

Under Clause 11 of the SEPP, Council must provide Water NSW with a copy of its determination of the application within 10 days of the determination.

If you wish to discuss this matter further please contact Nicole Wallwood on 9865 2503.

Yours sincerely



**MALCOLM HUGHES**  
**Manager Catchment Protection**

## Attachment 4 – RFS correspondences



**NSW RURAL FIRE SERVICE**



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

Your reference: X/163/2018  
Our reference: D18/881

1 June 2018

**Attention:** Brian Mercer

Dear Sir/Madam,

### **Integrated Development Application – Lot 5 DP 222736, 119 Cliff Drive & 34 Violet Street Katoomba 2780**

Reference is made to Council's correspondence dated 1 March 2018 seeking general terms of approval for the above application for integrated development in accordance with Section 4.47 of the *Environmental Planning and Assessment Act 1979*.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the following reports for the bush fire threat assessment of the proposal:

- Bush fire hazard report prepared by Travers bushfire and ecology dated 22 February 2018 (Ref: A16026B).

In addition to this report, the following associated documentation have also been received in relation to this development:

- Architectural plans prepared by NBRS Architecture dated 15 February 2018 (Ref 14289 – 001/025, Revision A)
- Katoomba Christian Convention Transport Impact Assessment prepared by The Transport Planning Partnership dated 19 January 2018 (Ref: 15024)

The following non-compliances with *Planning for Bush Fire Protection 2006* (PBP 2006) have been identified:

- Classification of the development as an infill Special Fire Protection Purpose within the Bush fire consultant's report
  - The proposed development has been assessed by the bush fire consultant as an infill type development under the Special Fire Protection Purpose (SFPP) conditions as given in PBP 2006.
  - The proposed development involves the demolition of all existing buildings on site, with the construction of new buildings to be in similar footprints, along with several new buildings to be constructed on site, including a proposed increase in size and capacity of the accommodation and facilities.

**Postal address**

NSW Rural Fire Service  
Planning and Environment Services  
Locked Bag 17  
GRANVILLE NSW 2141

T 1300 NSW RFS  
F (02) 8741 5433  
E [records@rfs.nsw.gov.au](mailto:records@rfs.nsw.gov.au)  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)

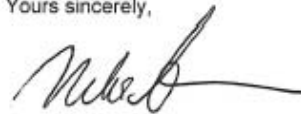


- Section 4.2.5 of PBP 2006 states that *"In circumstances where alterations or additions to existing SFPP's facilities are proposed, the RFS requires an appropriate combination of bush fire protection measures and compliance with the intent and performance criteria of each measure within section 4.3.5"*. Due to the demolition of the existing buildings on the site, the proposed works cannot be considered 'additions and/or alterations' to the existing development. As such, the NSW RFS does not consider the proposed development of the site as 'infill'.
- Due to this circumstance, new buildings on the site must comply with the intent of measures and performance criteria given in Section 4.2.7 of PBP 2006 for SFPP development.
- The Traffic Impact Assessment does not address the evacuation capacity of the surrounding existing public road network.
- The report provided by The Transport Planning Partnership does not address the ability and capacity of the existing road network for proposed development for an emergency evacuation of the facility at maximum occupancy.
- Given that the location of the site is nearby to the Scenic World tourist attraction, neighbouring residential areas, and the increased number of occupants at the proposed development, a report that addresses the capacity of the surrounding public road infrastructure to accommodate the evacuation of the proposed development is required. 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.

Given the identified issues, the proposed development will need to be substantially modified to comply with the intent of measures, performance criteria, and the specific provisions for SFPP's under section 4.2.7 of PBP 2006. Blue Mountains City Council may wish to determine the application on this basis.

If you have any queries regarding this advice, please contact Adam Small, Development Assessment and Planning Officer, on 1300 NSW RFS.

Yours sincerely,



Nika Fomin  
Manager, Planning and Environment Services (East)





## NSW RURAL FIRE SERVICE



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

Your reference: X/163/2018  
Our reference: D18/881

4 September 2018

**Attention:** Kim Barrett & Brian Mercer

Dear Sir/Madam,

### **Integrated Development Application – Lot 5 DP 222736, 119 Cliff Drive & 34 Violet Street Katoomba 2780**

Further to the meeting on 27 August 2018, the NSW RFS reiterates its concerns regarding the development proposal as detailed in our correspondence dated 1 June 2018:

- The NSW RFS does not consider the proposed development to be classified as an 'infill' Special Fire Protection Purpose (SFPP) development, as defined in *Planning for Bush Fire Protection 2006* (PBP 2006).
- The proposed development is cannot be classified as 'additions and alterations' as it involves the demolition of most structures on the site, with a substantial increase in the number of buildings or replacement building footprints.
- The proposed development does not achieve a better bush fire protection outcome.
  - There is a proposed intensification of the existing use of the site, including a net increase in accommodation occupancy of 170 people, a dining hall occupancy increase from 200 to 500 people, and the auditorium capacity increase to 3,500 people.
  - This intensification of use is without an increase in bush fire protection measures. The accommodation buildings are modelled as being exposed to greater than 10kW/m<sup>2</sup> (outside of SFPP requirements), and the auditorium being exposed to Bushfire Attack Level - Flame Zone conditions from the vegetation. This essentially puts an increased number of people within an unacceptable risk to what currently exists on the site.

Furthermore, the concern regarding the capacity of the surrounding existing public road network, which was not discussed at the meeting, remains outstanding. As stated in our correspondence dated 1 June 2018:

- The Traffic Impact Assessment does not address the capacity of the surrounding existing public road network.
  - The report provided by The Transport Planning Partnership does not address the ability and capacity of the existing road network for the proposed development for an emergency evacuation of the facility at maximum occupancy.

Postal address  
NSW Rural Fire Service  
Planning and Environment Services  
Locked Bag 17  
GRANVILLE NSW 2141

T 1300 NSW RFS  
F (02) 8741 5433  
E [records@rfs.nsw.gov.au](mailto:records@rfs.nsw.gov.au)  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)



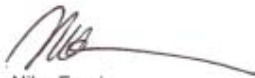
- Given the location of the site nearby to the Scenic World tourist attraction, neighbouring residential areas, and the increased number of occupants at the proposed development, a report that addresses the capacity of the surrounding public road infrastructure to accommodate the evacuation of the proposed development is required. 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.

As requested by the applicants in the meeting, the following design principles are considered fundamental to achieve a suite of bush fire protection measures and build risk contingency for the proposed development:

- Proposed accommodation must be sited to a maximum radiant heat exposure of no greater than  $10\text{kW/m}^2$ .
- The proposed auditorium must be sited to a maximum radiant heat exposure of no greater than  $29\text{kW/m}^2$ , with an adequate defensible space.
- A detailed Emergency and Evacuation plan is to be provided.
  - A potential compensatory condition that may be considered by the applicant could be the adoption of an emergency and evacuation plan, which details that there be no occupation of the premises for any scheduled event on days when a Total Fire Ban is in force, days of forecast Extreme or Catastrophic Fire Danger, or when directed by the NSW RFS. The recent operational activity in New South Wales bears testimony for the unpredictability of bush fire events occurring outside of the anticipated bush fire season.
- Address the concerns as to the potential need to evacuate large numbers of people from the meeting hall at the same time as local residents and surrounding developments, particularly during peak visitation times.

If you have any queries regarding this advice, please contact Adam Small, Development Assessment and Planning Officer, on 1300 NSW RFS.

Yours sincerely,



Nika Fomin  
Manager  
Planning and Environment Services (East)

## Attachment 5 – Council correspondences



22 March 2018

Development & Customer Services

Reference: X/163/2018

Katoomba Christian Convention Ltd  
PO Box 156  
BURWOOD NSW 1805

Dear Sir/Madam,

**Land use application for KCC at 119 Cliff Drive & 34 Violet Street, KATOOMBA NSW 2780**

I refer to your development application 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 the above property.

A preliminary assessment of your application has been completed and the following matters require your attention:

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.
2. Details regarding the permissibility of parking on Lot 1 DP 1121828 for the purposes of servicing the proposed tourist and visitor accommodation component.
3. Details regarding any ongoing arrangements with Scenic World regarding use of Lot 1 DP 1121828 for parking overflow.
4. A breakdown of the proposed parking (location and number of spaces) is required for each proposed land use.
5. Clarification around the number of beds in the dormitory components of the accommodation buildings.
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.
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.
8. Details of the proposed storage location/s of the 1440m<sup>3</sup> 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.



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.
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 1144.25m<sup>2</sup>. 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.
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.
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 135m<sup>2</sup> with an outdoor seating area of 105m<sup>2</sup> with seating for 36 patrons. Reference to DCP 2015 Part E2.2.2 would indicate 36 parking spaces are required.
13. Details of garbage store room or storage arrangements for the café.

Your assistance in providing this information to Council by close of business on **Friday 27 April 2018** is requested. If you cannot meet this time frame, please advise Council. In the interim, Council will continue to assess your application and you will be advised in writing if further information is required with respect to any other issues.

In terms of the legislative time frames for the assessment of this application, you are advised that the "clock" will be stopped from the date of this letter in accordance with clauses 54 and 112 of the *Environmental Planning and Assessment Regulation 2000*. The assessment period for this application will not continue until such time as:

- the above information is submitted to the Council, or
- the Council is advised by you that this information will not be submitted, in which case the application will be determined on the basis of the information presently before the Council.

Information may be uploaded through the Objective Connect site, posted to Council or emailed to [council@bmcc.nsw.gov.au](mailto:council@bmcc.nsw.gov.au).

Any general enquiries regarding your application should be directed to Brian Mercer on 4780 5000 during business hours Monday to Friday.

Yours faithfully,



Brian Mercer  
Development Assessment Officer.



Development & Customer Services  
Reference: X/163/2018

22 June 2018

Katoomba Christian Convention Ltd  
PO Box 156  
BURWOOD NSW 1805

Attn: Jonathan Dykes

Dear Mr Dykes,

**Land Use Application for Katoomba Christian Convention**  
**119 Cliff Drive, KATOOMBA NSW 2780**

I refer to your application for a place of public worship (comprising auditorium and breakout spaces / meeting rooms), visitor accommodation, café, dining hall, car parking and ancillary uses for Katoomba Christian Convention.

This letter is further to Council's letter dated 22 March 2018 and follows a further assessment of your application since that date. This assessment includes the issues raised in correspondence received from Roads and Maritime Services (RMS), NSW Rural Fire Service (RFS) and submissions received from community notification. Copies of these have been provided earlier via the Council's Objective Connect drop box.

As you would be aware, a site inspection was also held on 31 May 2018, which was attended by a representative from the RFS, Council staff and your consultants from DFP planning.

The assessment undertaken to date identifies a number of determinative matters. These are listed below. Due to the scale of the changes required to resolve these issues, it is considered that the application should be withdrawn.

Following withdrawal, if Council is to support the redevelopment of the property, the identified determinative issues should be resolved prior to the lodgement of a new application.. To aid preparation of a new application, the list of determinative issues is followed by a list of other matters also requiring further attention.

#### **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.

## **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.

### **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 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.

### 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 south-east, 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 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 north-east 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.

#### **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 NBR 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.

## 5. Building height

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.

## 6. Building site cover

The building site cover control currently applying to the site is a maximum 400m<sup>2</sup> 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 8,238.75m<sup>2</sup> for a land area of 54,925m<sup>2</sup>.

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 9,383m<sup>2</sup> which exceeds the current permitted maximum by 8,983m<sup>2</sup> and the Draft control by 1,144.25m<sup>2</sup>. 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 1,144.25m<sup>2</sup> 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.

## 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.

#### **8. Permissibility of parking on 41 Violet St to service accommodation component**

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.

### **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 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.

## **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.

## **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.

## **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 135m<sup>2</sup> with an outdoor seating area of 105m<sup>2</sup> 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.

## **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.

#### 6. Stormwater drainage

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.

#### 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.

#### 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 (*Cercartetus 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.

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 20,947m<sup>2</sup> (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.

#### 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.

#### 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.

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.

#### 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.

#### 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.

#### 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.

#### 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/development-controls-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.

#### 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 17 and 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).

## 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.

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.

#### 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.*

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.*

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.*

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.*

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.*

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.*

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.*

8. Details of the proposed storage location/s of the 1440m<sup>3</sup> 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.*

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.*

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 1144.25m<sup>2</sup>. 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.*

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.

*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 135m<sup>2</sup> with an outdoor seating area of 105m<sup>2</sup> 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.*

13. Details of garbage store room or storage arrangements for the café.

*The submission of this information is required.*

#### C. SUMMARY AND RECOMMENDATIONS

1. The application as currently proposed is not supported by the NSW Rural Fire Service as infill development. Substantial modification of the proposal is required before a bush fire safety authority can be issued.
  2. A substantial modification of the development would require the withdrawal of the current application and submission of a new application. Council would not agree to accept amendments to the current application under cl.55 of the Environmental Planning and Assessment Regulation 2000 where the amendments are substantial.
  3. As a consequence of the extent and density of vegetation removal for an asset protection zone for infill or new development, Council cannot be satisfied the development can meet LEP 2015 and DCP 2015 provisions for retention and enhancement of bushland, protection of Significant vegetation, visibility of development on the Escarpment, and visibility from the Blue Mountains National Park.
  4. As a consequence of the extent and density of vegetation removal for an asset protection zone and the resultant visibility of the development the Council cannot be satisfied the variations sought to the building height and building site cover can be supported.
  5. The dining hall building does not achieve adequate modulation and screening from the street, and its asset protection zone will impact on significant vegetation.
  6. Permissibility of the use of the car park on 41 Violet Street to service accommodation (as an independent use) on 119 Cliff Drive has not been demonstrated.
-

7. These matters are determinative and must be satisfactorily resolved before a development consent can be granted. As the resolution of the matters will require substantial modification, Council requests the withdrawal of the application.
8. Many of the determinative issues were identified in the Council's Land Use Advice O/2686/2016 dated 6 March 2017.
9. The consequences of the new proposal indicate over development of the site. It is noted the development approved via X/541/2010 provided an acceptable balance of development scale, asset protection zones, vegetation removal and visibility on the Escarpment.
10. A combination of a reduction in building height, reduced asset protection zone and increased setback from Cliff Drive appears necessary to achieve compliance with the Protected Area provisions and objectives.
11. Any new application should address the additional information matters listed in Part B of this letter.

A meeting with Council staff can be arranged if you would like to discuss the identified matters. Please contact the undersigned on 4780 5952 for the necessary arrangements.

Yours faithfully,



Brian Mercer  
Development Assessment Officer