

Enclosure

**(Report to Council
Meeting of 13 May 2008)**

**For Meeting of
3 June 2008**

File No: X/28/2008
Address: 30A Ross Crescent
Town: Blaxland

ITEM NO: 11

SUBJECT: DEVELOPMENT APPLICATION NO. X/28/2008 FOR A DWELLING ON LOT 244 DP 714269, 30A ROSS CRESCENT, BLAXLAND.

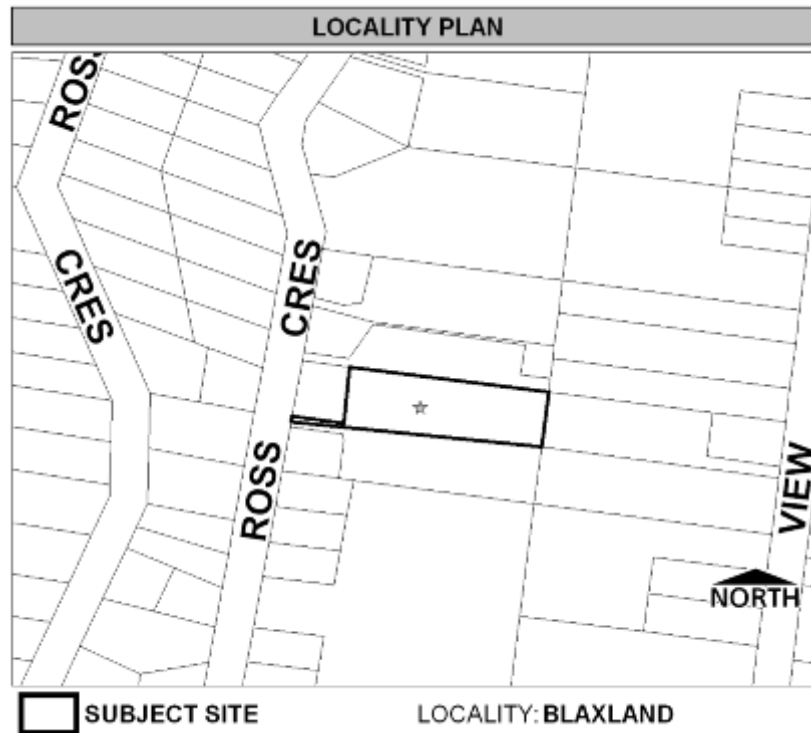
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Recommendation:

That the Development Application No. X/28/2008 for a dwelling on Lot 244 DP 714269, 30A Ross Crescent, Blaxland be determined pursuant to S.80 of the Environmental Planning and Assessment Act 1979 by the granting of consent subject to conditions shown in Attachment 1 to this report.

Report by Group Manager, Environmental and Customer Services:

Reason for report	The application proposes building work encroaching into an Environmental Protection – Private zone and therefore the determination of the application is outside Council staff delegations.
Applicant	Mr P H Eichorn and Mrs J L Eichorn
Owner	Mr P H Eichorn and Mrs J L Eichorn
Application lodged	14 January 2008
Property address	30A Ross Crescent, Blaxland



Site description

The subject property is located on the eastern side of Ross Crescent, Blaxland and is comprised of one allotment having a total area of approximately 3422m².

Local Environmental Plan (LEP) 2005 applies to the property and the front 22.62% of the property is zoned Living – Bushland Conservation zone and the rear 77.38% is zoned Environmental Protection (EP)-Private zone.

The significant majority of the Living Bushland Conservation portion of the lot is also designated as a Protected Area – Slope Constraint Area.

The property is currently vacant and unimproved except for a concrete sealed “battle axe” handle access driveway.

The subject property contains a rock ledge, approximately 40m from the common western boundary running across the allotment in a north – south direction. Areas below this point are not readily accessible. The site slopes from the rock ledge rising toward the west for approximately 16 metres at a slope of approximately 1:4.5 and then continues to rise at a reduced rate of approximately 1:10 for the remainder of the site to the western boundary

Proposal

It is proposed to construct a dwelling consisting of a family/meals room, 3 bedrooms, study, storeroom, kitchen, laundry, bathroom and ensuite. A roofed attached timber deck 3.6m wide is proposed for the full width of the dwelling.

The proposed deck and its roof cover will encroach into the EP-Private zone by up to a maximum of 3.6m. The footprint area of deck and roof cover proposed in the EP-Private zone is less than 10m².

The private recreation area, including a clothes line and stormwater water tank with overflow dispersal system / dispersal area is also proposed to be located within the EP-Private zone.

A copy of the plans showing the site area and extent of the development proposed are provided in Attachment 2 to this report.

Development controls

Local Environmental Plan 2005

Zones

Living-Bushland Conservation zone (22.62%)

Environmental Protection-Private zone (77.38%)

Protected Area

Slope Constraint Area (21.9%)

Better Living Development Control Plan.

Notification

The application was initially notified to adjoining property owners on 1 February 2008 for a period of 14 days. At the conclusion of that notification period, one (1) submission had been received, not objecting to the proposed development, but seeking clarification regarding aspects of it. At the request of the Council the proposal was revised to extract the predominant structure from within the Environment Protection Zone and renotified from 13 March 2008 for a further period of 14 days.

As a result of the second notification 2 submissions were received. The issues raised in the submissions can be summarised as follows:

- The siting of the building outside the Environment Protection Zone will cause a loss of value on adjoining properties;
- The proposed siting is inconsistent with other adjoining buildings;
- The reduced building setback will have amenity impacts on the adjoining properties.

Assessment issues

Statutory considerations

Development of land zoned as Environmental Protection-Private.

Development of land designated as Protected Area-Slope Constraint Area.

Development on bushfire-prone land.
 Front building setback
 Impacts on adjoining properties

1. Local Environmental Plan 2005

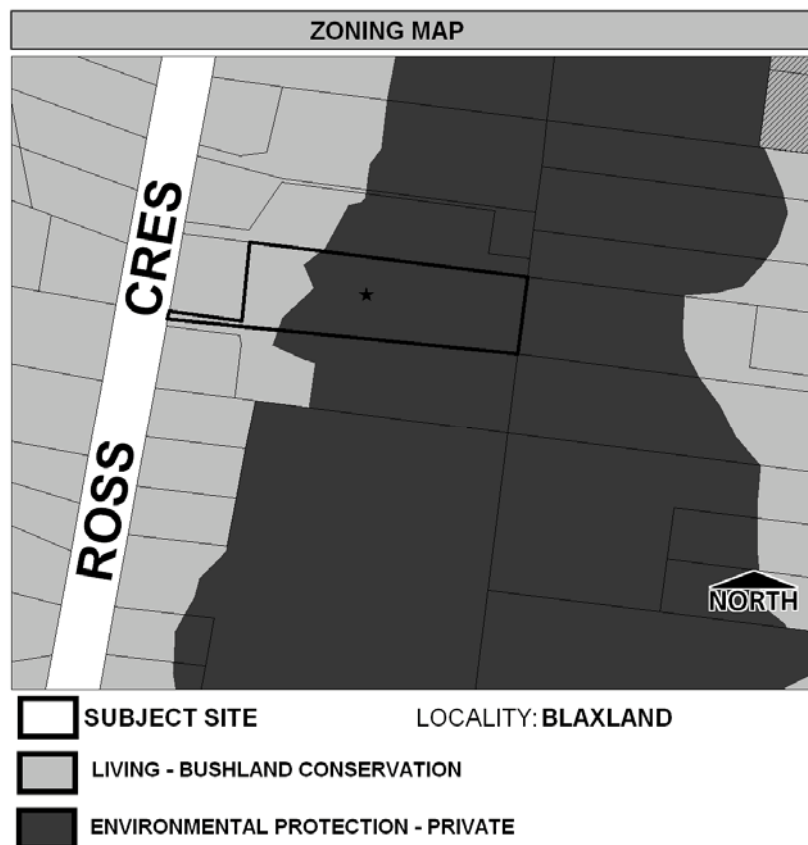
Compliance Table

Clause	Standard	Proposed	Compliance
24	Living-Bushland Conservation zone objectives	The proposal complies with the objectives	Yes
30	Environmental Protection-Private zone objectives	The proposal complies with the objectives. Refer to section 2 below for further information.	Yes
32 and 34	Permissibility	In the Living-Bushland Conservation zone both a dwelling house and development ancillary to a dwelling house are permissible with Council consent. In the EP-Private zone development ancillary to a dwelling house is permissible with Council consent but a dwelling house is prohibited. Furthermore, Clause 34 of LEP 2005 permits development to extend by up to 10 metres into the Environmental Protection-Private zone where the development complies with the objectives of the zone.	Yes
44	Environmental impact	The proposal will have no significant adverse impact on significant vegetation communities, the hydrological aspect of the locality or the natural rock ledge on the property.	Yes
45	Protected Area – Slope Constraint	The proposal is partially located on land designated as Protected Area-Slope Constraint Area. However the development complies with the relevant provisions of Clause 45. Refer to section 3 below for further information.	Yes
56	Stormwater management	The proposal includes the provision of rainwater tanks to collect stormwater. Overflow from the tanks will be directed to a dispersal area located within the EP-Private zone.	Yes
60	Character and landscape	The proposed development is consistent with the established character of the streetscape.	Yes

Clause	Standard	Proposed	Compliance
Sch. 2	Maximum building height of 8m and maximum eave height of 6.5m	The proposal has a maximum building height of 6.3m and a maximum eave height of 4.8m.	Yes
Sch. 2	Building setback	The front setback is 9 metres from the rear boundary of the lot in front in the case of a “battle axe” lot.	Yes
Sch. 2	Site coverage	The proposed building site coverage is approximately 210m ² . The total site coverage permitted is 400m ²	Yes
Sh.2	Width across site	The proposal width across the site is 52 percent. The width permitted is 80 per cent.	Yes
78	Bushfire protection	The NSW Rural Fire Service was consulted in relation to the development. Refer to section 4 below for further information.	

2. Development of land zoned as Environmental Protection - Private

The front portion of the property (for a depth ranging from 14.5 metres to 27.5 metres from the western boundary) is zoned Living - Bushland Conservation under LEP 2005 and remains undeveloped.



The rear section of the property is zoned EP-Private and the majority of this area is undeveloped and in its natural bushland state.

The proposed deck and roof cover would extend a maximum of up to 3.6 metres onto that part of the property zoned EP-Private. As the deck is ancillary to the dwelling, it is permissible in accordance with the land use matrix in Clause 32 of LEP 2005 in both the Living-Bushland Conservation and EP-Private zones with the consent of the Council.

Furthermore, even if the deck was characterised as part of the dwelling, rather than being development ancillary to a dwelling house, Clause 34 of the LEP provides that the building may extend by up to 10 metres into the EP-Private zone providing it complies with the objectives of that zone.

Clause 30 of LEP 2005 sets out the objectives for the EP-Private zone as follows:

- “(a) To protect land that is environmentally sensitive or has high scenic value from development, where that land is privately owned or is not intended to be used as public open space;*
- (b) To encourage land restoration works on disturbed bushland areas;*
- (c) To allow bush fire hazard reduction that is in a form consistent with the protection of natural ecological values;*
- (d) To restrict development on part of land that is inappropriate by reason of physical characteristics or high bush fire hazard, but only where less restricted development is allowed by this plan elsewhere on the land due to its different zoning;*
- (e) To contribute to the maintenance of bio-diversity in the Blue Mountains;*
- (f) To allow for low impact nature-based recreational activities that are consistent with the protection of the land’s natural ecological significance.”*

Objectives (a), (c) and (e) are relevant to this proposal.

The land considered to be environmentally sensitive is the EP-Private zone on the property. There will be no significant adverse affects on the EP-Private zoned land with the proposed minor encroachment being confined to a small number of support poles and footings for the deck. Furthermore, while the private recreation area for the dwelling and the asset protection zone (APZ) will extend further into the EP zone, such impacts are likely to be minor.

The applicant has proposed selective vegetation removal for the inner protection area component of the APZ, and the nominated removal is considered to be in keeping with the above objectives.

The stormwater dispersal area will take overflow from the rainwater tank harvesting system and must be controlled so that pollutants, erosive and concentrated water flows are removed. In this context it is therefore considered that the proposed stormwater dispersal method for the dwelling additions will not have a significant adverse impact on the EP-Private land.

The application has been reviewed by the Council’s environmental officers and it was concluded that the potential impacts of the development have been mitigated to an acceptable level, subject to the imposition of conditions. These have been included in the draft conditions at Attachment 1.

3. Development of land designated as Protected Area – Slope Constraint Area (PA-SCA)

Almost the entire site is slope constrained in some way. Areas beyond the proposed housing site are over 33 per cent and unsuitable for construction. It should be noted that if the rear portion of the property had not been zoned EP-Private, it is likely it would also have been designated as Protected Area-Slope Constraint Area based on the Council’s mapping information which indicates slopes of 33% or greater for this land.

The objectives of the Protected Area-Slope Constraint Area are:

- “(a) to restrict development of land that has contiguous areas of slope greater than 20 percent or physical characteristics that render the land inappropriate for development, and*
- (b) to ensure that development on land that has contiguous areas of slope greater than 20 percent is designed and sited to minimise vegetation clearing and soil disturbance, and*
- (c) to encourage the retention, restoration and maintenance of disturbed native vegetation on steep land.”*

The proposed dwelling is to be constructed within that part of the site having a slope of between 1 in 5 and 1 in 3. The design of the dwelling and deck has responded to the physical characteristics of the site by providing a split level flooring on a framed floor supported by post and beam construction.

This is considered an effective way of reducing height, bulk and site disturbance. The deck construction has been designed to minimise the number of posts for support of the structure thereby keeping impacts to a minimum.

In addition the outlining the objectives for the Protected Area-Slope Constraint Area, Clause 45 of LEP 2005 imposes other restrictions on development on land designated as Slope Constraint Area. These matters include the retention of vegetation outside the area required for development, impacts on stormwater and the location of development outside the Protected Area unless no other practicable alternative is available. Having regard to the zoning and other constraints affecting the site it is considered that the proposed development complies with the relevant provisions of LEP 2005.

4. Development on bushfire-prone land

The subject property is designated as bushfire-prone land on the Council’s bushfire-prone land maps. Accordingly, the application was referred to the New South Wales Rural Fire Service (RFS) for their comments as required by section 79BA of the Environmental Planning and Assessment Act.

The initial application sought to locate the dwelling almost entirely within the EP zone. The RFS advised of their conditional support of the proposal subject to the resiting of the dwelling 9 metres from the western boundary and the inclusion of a management plan for part of the EP-Private zone on the property as an Asset Protection Zone, consisting of an ‘Inner Protection Area’ (IPA) for a distance of 20m from the dwelling.

The creation of the Asset Protection Zone will require the removal of approximately 5 trees within the IPA. This level of vegetation removal/retention will provide adequate canopy separation and fuel reduction while not adversely impacting on the ecological values in a significant way.

5. Front building setback

No undercover parking area has been proposed by the application, however the use of the hard stand area at the end of the existing concrete drive between the proposed dwelling site and the common boundary with the road frontage allotment would be the preferred location for a carport from a site disturbance perspective due to slope and environmental constraints. The parking area within the front building setback is likely to serve as an informal parking area by providing a level, paved surface with retained areas. There is no proposal as part of this development application to construct a carport or similar structure; however it would be reasonable to assume that such a structure may be the subject of a future development application.

If a carport or similar structure was proposed for this location in the future, the variation to the front building setback would be assessed on its merits. The car park may have some impact on the adjoining property to the west however it is considered that a carport or similar structure, if well designed, could be constructed to maintain the amenity and established character of the surrounding area.

6. Impacts on adjoining properties

The initial application put forward by the applicant proposed that the dwelling be constructed almost entirely within the EP zone and a further 10.5 metres to the east away from the road frontage allotments. Due to concerns raised by the RFS in regard to the provision of adequate resistance to bush fire attack, and the Council's concern regarding the impacts on the EP zone, the applicant was requested to revise the location of the dwelling to be at minimum setbacks from the street frontage allotment to the west.

The revised application was renotified for 14 days from 13 March 2008. As a result of the notification, two submissions were received. The issues raised in the submissions received can be summarised as follows:

- The proposal would impact on current amenity enjoyed;
- The proposal would lessen real estate value by impacting on view available;
- The proposal could be resited further away from the common boundary further into bushland like on the adjoining sites and the precedent set by those sites.

In response to the issues raised it is contended as follows:

- The position of the dwelling was relocated in a westerly direction closer to the common boundary at the request of the Council to minimise site impacts on the Protected Environmental Area, to keep away from the steeper portions of the site and to achieve adequate protection for the building against bush fires. This relocation reduced the impact of the required Asset Protection Zones on the environment and was considered to be more site responsive;
- Whilst the relocation had increased impacts on the adjoining property to the west, these impacts are considered within acceptable criteria and significantly reduced potential impacts on the environment.

- The impact on the residential value has not been established however it is noted that there will be some impact on the current bush outlook enjoyed by the adjoining properties to the west. Whilst locating the development further east would reduce amenity impacts for those properties fronting Ross Crescent, the extension of the asset protection zone and defensible space further into the Environmental Protection zone would have a greater impact on the constrained areas of the site and the environment.

Conclusion

The proposal dwelling and attached deck are proposed to be located on land identified as Protected Area-Slope Constraint Area under LEP 2005, with the deck protruding up to approximately 3.6 metres on land within the Environmental Protection-Private zone.

The application and supporting documentation demonstrates that the proposed development complies with the relevant objectives of LEP 2005 and is consistent with development in the locality.

The building and the associated stormwater dispersal area will be located to minimise environmental impacts.

It is recommended the development application be approved subject to the conditions shown in Attachment 1.

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Attachment 1 – Proposed conditions of development consent

- | | |
|---------------------------------------|---|
| Confirmation of relevant plans | 1. To confirm and clarify the terms of consent, the development shall be carried out in accordance with the plans prepared by Country Kit Homes, Job Reference “Custom”, sheets numbered 1-4 dated 24 August 2008 and accompanying supportive documentation, except as otherwise provided or modified by the conditions of this consent. |
| Period of development consent | 2. Physical commencement of construction is required within a two (2) year period from the date on which the consent becomes operational pursuant to s.95 (Lapsing of Consent) of the <i>Environmental Planning and Assessment Act 1979</i> . This period may only be extended by a period of one (1) year in accordance with s.95A of the Act. |
| Sydney Water Stamping of plans | <p>3. The approved plans must be submitted to a Sydney Water Quick Check agent or Water Servicing Coordinator to determine whether the development will affect any Sydney Water Asset’s sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.</p> <p>Please refer to the web site www.sydneywater.com.au for:</p> <ul style="list-style-type: none"> ▪ Quick Check agent details – see Building Developing and Plumbing then Quick Check; and ▪ Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building Developing and Plumbing then Building and Renovating <p>or telephone 13 20 92.</p> <p>A copy of the stamped plans or other documentary evidence from Sydney Water’s accredited agent demonstrating that the plans have been stamped by them is to be submitted to the Principal Certifying Authority prior to construction commencing.</p> |
| Building Code of Australia | 4. All building work must be carried out in accordance with the provisions of the Building Code of Australia. |
| Survey report | 5. To ensure that the building does not encroach on the minimum required setbacks and is located within the boundaries of the property, a <i>survey report by a</i> registered Land Surveyor must be provided to the Principal Certifying Authority prior to the work proceeding beyond footing excavation. |

Erosion & sediment controls

6. To preserve the unique environment of the Blue Mountains and to contain soil and sediment on the property, controls in accordance with Council's *Better Living* Development Control Plan are to be implemented prior to clearing of the site vegetation and the commencement of site works. This will include:
 - a) The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment; and
 - b) To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres.

Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.

Site management

7. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:
 - a) Site and building works (including the delivery of materials to and from the property) shall be carried out Monday to Friday between 7am-6pm and on Saturdays between 8am-3pm. Alteration to these hours may be possible for safety reasons but only on the approval of Council.
 - b) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - c) Building operations such as brickcutting, washing tools, concreting and bricklaying shall be undertaken on the building block. The pollutants from these building operations shall be contained on site.
 - d) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.

Signage

8. To ensure that the site is easily identifiable for deliveries and provides information on the person responsible for the site, a sign displaying the following information is to be erected:
- + The statement *“Unauthorised access to the site is not permitted”*.
 - + The names of the builder or another person responsible for the site along with an out of hours contact number.
 - + Lot or Street number.

Plans on site

9. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.

Stormwater drainage

10. To control rainwater runoff, roof water shall be connected to stormwater drainage lines discharging to
- a) rainwater tanks having a minimum capacity of 42,000 litres comprising;
 - 22,000 litres for re-use on site; and
 - 20,000 litres bush fire supply.

Overflow to:
 - b) stormwater infiltration trench in accordance with Condition 11 below. Pits shall be located at least 4m from any building or property boundary).

It is recommended that the drainage system be installed at the same time as the footings/slab. It must, however, be operational as soon as the roof is clad.

Stormwater Management

11. Stormwater must not be released from the development as an erosive concentrated surface flow and pollutants must be removed from water leaving the development area prior to it entering the receiving watercourse.

To ensure soil erosion does not occur stormwater runoff from the driveway is to be distributed evenly by a single cross fall design and dispersed across adjacent stable vegetated areas or otherwise effectively dissipated utilising soft-engineering designs compatible with the surrounding natural environment.

An infiltration trench designed by a suitably qualified professional is to be established to capture overflows from the water tanks. Overflows from the infiltration trench are to be distributed evenly to stable vegetated areas located down slope of the trench. The infiltration trench is to be inspected annually to ensure it is in good working order.

Details of the infiltration trench, prepared by a suitably qualified hydraulic or environmental engineer, are to be submitted to and approved by the Principal Certifying Authority prior to construction commencing.

The stormwater drainage system must be inspected by the principle certifying authority and satisfactorily completed prior to issue of the occupation certificate.

**Vegetation
Management
*Asset Protection Zones***

12. The required inner protection zones are to be implemented in a manner that is sensitive to maintaining the stability of the site's steep slope and in a manner that is sensitive to the protection of the receiving river ecosystem on and adjacent to the subject site.

Vegetation modification for the purpose of establishing the inner protection zone must be in accordance with the mitigation measures detailed in the Flora and Fauna Assessment by BCS dated January 2008 (as amended by these conditions) and in addition must:

- a) be the absolute minimum level of disturbance to existing vegetation (ie. slashing, pruning, thinning or removal) required to comply with Planning for Bushfire Protection (2006),
- b) retain elements of all stratum (groundcover/shrub/canopy) of the existing native vegetation community on the site, including the retention of significant canopy or shrub species where such can be incorporated into the establishment of the landscaped area upslope of the main rock ledge,
- c) ensure retained shrub and tree clumps do not form a continuous canopy within the required asset protection zone,
- d) ensure a minimum of fine fuel is retained at ground level whilst still retaining a continuous groundcover across the steep slope,
- e) be undertaken using hand methods without soil disturbance or bare soil left exposed,
- f) involve the pruning of selected limbs (absent of hollows) in preference to complete tree removal,
- g) involve the removal of only those trees absent of hollows (retaining stumps in-situ) as determined during site consultation with Council's Environmental/Landscape Assessment Officer prior to issue of the construction certificate,

- h) all trees to be removed are to be sectionally dismantled, and
- i) be undertaken by a qualified horticulturalist/arborist.

Vegetation Management
Protected Area – Ecological Buffer Area

13. Vegetation Management within a Protected Area - Ecological Buffer Area (located on areas of the site generally east of the main rock ledge) shall be carried out in accordance with the following:

- a) Bush regeneration methods shall be utilised to remove weeds and maintain the health of retained bushland areas within the Protected Area – Ecological Buffer Area. Any areas displaying spontaneous recovery/regeneration are to be protected and their complete recovery facilitated,
- b) locally occurring native plant species are to be selected for any planting within disturbed areas of the Protected Area – Ecological Buffer Area, and
- c) any decision to modify approved vegetation management should only be undertaken in consultation with Council’s Environmental/Landscape Assessment Officer.

Vegetation Management
Landscaped Areas

14. Vegetation Management within the landscaped area to be located upslope of the main rock ledge shall be carried out in accordance with the following:

- a) Existing significant native vegetation is to be retained (in accordance with the Vegetation Management Asset Protection Zone condition no. 12) where such can be incorporated into the establishment of the landscaped area, and
- b) Any landscape planting within the curtilage of the dwelling (as defined by the Landscape Plan) shall consist of non-invasive plant species, and
- c) The Landscaping Plan shall be modified to include the following:
 - Delete *Festuca glauca* from the proposed plant selection. Substitute with other indigenous grasses.
- d) Any decision to modify approved vegetation management should only be undertaken in consultation with Council’s Environmental/Landscape Assessment Officer.

Exclusion zone

Prior to work commencing

15. Prior to the commencement of any work on site, including clearing, an exclusion zone must be established and maintained down-slope of the location of the sediment fence shown on the approved Site and Sedimentation Plan by Country Kit Homes to prevent damage to existing vegetation/site features.

This area is to be clearly identified by the placement of a temporary brightly coloured barrier mesh around the perimeter of the area to be protected and the provision of weatherproof signage to indicate that no entry into the zone or removal of the barrier is permitted.

Within this zone, there is to be:

- a) no placement of temporary buildings or stockpiling of material;
- b) no parking or movement of machinery;
- c) no change to the soil grade or level;
- d) no changes to soil aeration or hydrological capacity;
- e) no open cut trenching; and
- f) no spillage/disposal of building chemicals of any description.

An inspection of these barriers must be arranged with the Principal Certifying Authority

- a) prior to the commencement of site works; and
- b) at the first critical mandatory stage inspection.

Protection of site features

Prior to work commencing

16. To preserve the natural site features and limit site disturbance, all natural landscape features including native bushland (comprising trees, shrubs and groundcovers), natural rock outcrops, caves and soil are to remain undisturbed within the exclusion zone.

This does not apply to any trees or vegetation required to be removed as part of any identified Asset Protection Zone to be established and managed in accordance with the Asset Protection Zone condition number 21.

Any vegetation requiring removal shall be immediately mulched or chipped and stockpiled on site to be used for the restoration at the completion of the works.

Bushrock relocation

17. Should any bushrock be removed from the building envelope or logs be removed from the asset protection zone, they should be retained within the site and placed down slope from the dwelling or asset protection zone as appropriate to provide habitat for ground dwelling fauna.

Soil erosion
Prior to work commencing

18. All exposed earthworks and disturbed areas shall have suitable sediment control measures in place **prior** to the commencement of construction to prevent soil erosion and the transport of sediment off the site during rainfall and runoff. The sediment control measures shall be continually monitored and maintained for the duration of construction and for six months after completion. All disturbed areas shall be revegetated in accordance with the Landscape Plan (except as amended by the Vegetation Management Landscaped Area condition number 14) immediately it is possible to do so.

Asset Protection Zone

19. To improve the protection of property in the event of a bushfire, an Asset Protection Zone (APZ) as described in Planning for Bushfire Protection 2006 is required surrounding the development on all elevations and shall consist of:

- East Aspect -
An Inner Protection Area (IPA) of 20m, and
- North, West and South Aspects -
An Inner Protection Area (IPA) from the dwelling to the boundary.

Individual trees may be retained within the IPA. Trees within the IPA must not be continuous and must not overhang the buildings on site. There must be a minimum 2 metre separation between tree canopies.

NOTE: Total clearance of all vegetation is not acceptable.

This work is to be completed prior to the issue of an Occupation Certificate.

The Inner Protection Area is to comprise of the following:

- minimal fine fuels at ground level;
- vegetation that does not provide a continuous path to the building for the transfer of fire;
- shrubs and trees that do not form a continuous canopy and vegetation is planted/cleared into clumps rather than continuous rows;
- species that retain dead material or deposit excessive quantities of ground fuel are avoided;
- shrubs and trees are pruned or removed so they do not touch or overhang within 5 metres of the building; and
- vegetation is located far enough from the building so that plants will not ignite the building by direct flame contact or radiant heat emission.

The Asset Protection Zone is to be maintained on a permanent basis.

Water and utilities

20. Maintain water, electricity and gas supply to comply with section 4.1.3 of Planning for Bush Fire Protection 2006.

Static water supply

21. In recognition of the potentially unreliable reticulated water supply in the locality a minimum 20,000 litre dedicated non-combustible water supply tank shall be provided. The tank shall be of such capacity and provided with a minimum 3kW (5hp) petrol or diesel powered pump and associated fittings including a 38mm storz fitting and ball or gate valve suitable to ensure the system is capable of providing a dedicated water supply to meet the minimum requirements for the sprinkler/drenching bar system over all shuttered windows and doors in the north, east and south elevations (as required by Condition 25) to function continuously for a minimum period of 1 hour.

Static Water Supply marker

22. Obtain a Static Water Supply (SWS) marker from the Blue Mountains NSW Rural Fire Service as part of the District's Static Water Supply Program once the dedicated tank water supply has been installed. The marker once issued is to be:
- fixed in a suitable location so as to be highly visible;
 - positioned adjacent to most appropriate access for the static water supply;
 - fixed facing the roadway on a gatepost, fence or dedicated post, at the right hand side of the entranceway to the Static Water Supply;
 - markers not to be fixed less than 600mm from the ground surface to the base of the sign and not higher than 1200mm from the ground surface to the base of the sign;
 - should be fixed with suitable screws or nails.

RFS personnel access

23. Unrestricted access for fire fighting personnel shall be provided around the property.

Level of construction

24. The building shall be of minimum Level 3 Construction in accordance with AS3959-1999 'Construction of Buildings in Bushfire Prone Areas', except that on the north, south and east aspects the construction shall utilise entirely non-combustible materials. (eg. Steel, masonry

based building materials) and no exposed timber is permitted.

- Window and door units** 25. All window units on the north east and south aspects are to have both the framework and glazing (being toughened glass or equivalent) to be entirely enclosed with a non-combustible shutter.

A sprinkler or drenching bar system is to be provided across the top of all shuttered windows and doors on the north, east and south aspects of the dwelling which is supplied by a minimum 20 000 litre dedicated non-combustible water supply tank in accordance with condition 21.

- Controls are to be accessible to firefighters. Clear operating instructions are to be displayed near the controls;
- Sprays to provide 100 per cent overlap around the protected window/door area;
- Water discharge rates shall be of sufficient pressure to ensure droplet size that allow for high winds that accompany bushfires;
- All exposed piping and sprinkler/drenching bars to be non-combustible.

Design details for the proposed drencher/sprinkler system and water supply tank, including tank capacity, pipe sizes, flow rates, pump details, drencher/spray nozzle locations etc, prepared by a hydraulic engineer or other suitably qualified person, are to be submitted to and approved by the Principal Certifying Authority prior to installation.

- Roofing** 26. Roofing shall have leafless guttering and valleys which are screened to prevent the build up of flammable material. Screening to be installed in such a manner that permits the removal of fine fuel accumulation within roof gutters and valleys. Any materials used shall have a flammability Index not greater than 5 when tested in accordance with AS1530.2. “Methods for Fire Tests on Building materials, components and Structures – Test for Flammability of Materials.”

- Landscaping** 27. Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bush Fire Protection 2006.

- Connection to sewer** 2 Effluent from the development is to be pumped to the
8 reticulated sewer in accordance with the requirements of the Sydney Water Corporation.

Materials & colours

2 To have regard of the amenity of the area, the materials
9 and colours to be used are:

a) External walls: To be advised

b) Roof: To be advised

Any outbuildings or other ancillary structures are to be finished in colours and materials of muted bushland tones and low reflective quality to blend with the surroundings. Any variation to the above materials / colours will require the prior approval of Council.

Attachment 2 – Plans

